

Auckland Council Regional Coastal Plan



Auckland Regional Council

Regional Coastal Plan for Auckland

This Regional Coastal Plan was prepared by the Auckland Regional Council under section 64 and the First Schedule to the Resource Management Act 1991.

The Auckland Regional Council adopted the Regional Coastal Plan for Auckland on 8 June 2004.

DATED at Auckland this 8 day of June 2004.

SIGNED by the **AUCKLAND REGIONAL COUNCIL** by the affixing of its common seal in the presence of

G. J. Bull.

Gwen Bull JP (Chairperson)

E. G. Hutchinson

Ewen Hutchinson (Director Secretariat)



The Minister of Conservation approved the Regional Coastal Plan for Auckland by signing it in accordance with clause 19 of the First Schedule to the Resource Management Act 1991.

Chris Carter

Hon Chris Carter (Minister of Conservation)

DATED 5 August 2004

The Regional Coastal Plan for Auckland became operative on 8 day of October 2004.

NOTATION ESTABLISHES NEW AQUACULTURE MANAGEMENT AREA

This notation to the Auckland Regional Plan: Coastal (ARP:C) establishes the date upon which a new Aquaculture Management Area (AMA) is created in the southern Kaipara harbour.

New Aquaculture Management Area

On 19 March 2008 the Ministry of Fisheries issued marine farming permit MF/905 to Biomarine Limited. The type of farming permitted and area affected is the same as that in coastal permits 25564 and 25565 (previously approved by the Environment Court and the Minister of Conservation). Section 44 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (the ARA) requires the Auckland Regional Council to note on the ARP:C the details of this determination. From the date of this notation the relevant area of the previously established 'interim AMA' becomes an AMA.

The details of the determination are:-

Approved Area – 76 hectares (approximately)

Species able to be farmed – Pacific Oysters (*Crassostrea gigas*)

Location of Approved Area – The area situated 3.1 kilometres south west of Orongo Point, Southern Kaipara Harbour and defined by the coordinates shown in coastal permits 25564 and 25565, being:-

Approximate Map Reference NZMS 260 Q09:

Corner Point 1	26 29595 E	65 29049 N
Corner Point 2	26 29305 E	65 28628 N
Corner Point 3	26 28079 E	65 29472 N
Corner Point 4	26 28369 E	65 29893 N

Latitude and Longitude

Corner Point 1	36° 25'56.917" S	174° 19'42.087" E
Corner Point 2	36° 26'10.722" S	174° 19'30.727" E
Corner Point 3	36° 25'44.000" S	174° 18' 41.000" E
Corner Point 4	36° 25'30.196" S	174° 18'52.361" E

Date of Notation;– Thursday 10th April 2008

NOTES ON THE VARIATIONS

The Auckland Regional Plan: Coastal is subject to Variations 1 – 6. Where a provision is affected by these Variations, the provision appears in shaded text. Struck out shaded text indicates provisions deleted by Variations 2 – 6, while underlined shaded text indicates a provision inserted by Variations 2 – 6.

The Variations make amendments to Chapters 1, 2, 10, 11, 20, 22 and 32, the Definitions, Schedule 9 and Appendix 1 of the plan text.

The Variations also make amendments to the Plan Maps. Variation 1 adds a new Map Series 5, and Variations 2 – 6 add Aquaculture Management Areas to Map Series 1.

Where a Plan provision is affected by Variation(s), it has not been made operative, and reference must be made as well to the provisions of the Auckland Transitional Regional Coastal Plan until the Variation(s) is resolved.

Plan Annotation for Variation 1

Chapters 10, 20 and 32 have been varied by Variation 1 to this Plan. The variation is shown by way of shading.

The Plan has been annotated to show individual points of relief sought in appeals lodged with the Environment Court. While every attempt has been made to include all points of appeal it is recommended that Auckland Regional Council officers are contacted if there is any clarification needed.

The appeals are annotated in the following manner: the Environment Court number which includes the year the appeal was lodged (e.g. E412/04), and the individual point of relief allocated by the ARC (e.g. E412/04/32), followed by the appellant's/appellants' name/s. (e.g. E412/04/32 Air, Land and Water Limited).

Appeals that relate to whole chapters are listed at the beginning of the relevant chapter.

The appeal annotations within chapters are shown in bold and within square brackets []. If an appeal relates to a whole section or sub-section of a chapter (e.g. 4.1 or 4.1.3) the annotation is shown at the beginning of the section or sub-section, immediately below the relevant heading. If an appeal relates to a paragraph or provision (objective, policy, rule or other method) the appeal is noted at the end of the paragraph or provision.

Auckland Regional Plan: Coastal Variations, Plan Changes and Other Amendments

As at 31 December 2011

Variations	Subject	Status
Variation 1	Stormwater and wastewater network discharges [consistency with provisions of Regional Plan: Air Land Water]	Awaiting resolution of appeals
Variation 2	Aquaculture provisions	On-hold while a new aquaculture policy framework is prepared
Variation 3	Aquaculture Management Areas – Kaipara	Withdrawn
Variation 4	Aquaculture Management Areas – Mahurangi Harbour and Kawau Island	On-hold while a new aquaculture policy framework is prepared
Variation 5	Aquaculture Management Areas – Great Barrier Island	On-hold while a new aquaculture policy framework is prepared
Variation 6	Aquaculture Management Areas – Waiheke Island and Wairoa Bay / Clevedon	On-hold while a new aquaculture policy framework is prepared
Plan Change	Subject	Status
Plan Change 1	Coastal Mooring Management Areas – Rakino Island [Private Plan Change]	Operative 10 March 2008
Plan Change 2	Coastal Occupation Charging	Withdrawn 19 December 2011
Plan Change 3	Wynyard Quarter	Operative 19 October 2011
Plan Change 4	Mangrove Management	Operative 7 March 2011
Plan Notation	Subject	Status
Aquaculture Management Area (AMA)	Interim AMA becomes AMA – Southern Kaipara (Biomarine Limited oyster farm)	Notation added 10 April 2008
Plan Amendment Subject	Status	
New Zealand Coastal Policy Statement 2010 Policy 29	Removal of Restricted Coastal Activities (RCAs) and references to RCAs in the Auckland Regional Plan: Coastal.	Changes made 1 March 2011

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Introduction – 1

1.1 PLAN OUTLINE

1.1.1 Need to Prepare a Regional Coastal Plan

Section 64(1) of the Resource Management Act 1991 (RMA) requires the Auckland Regional Council (ARC) to prepare a regional coastal plan for the coastal marine area of the region, in the manner set out in the First Schedule of the Act.

1.1.2 Plan Purpose

The purpose of this Plan is to provide a framework to promote the integrated and sustainable management of Auckland’s coastal environment. One of the functions of the ARC stated in section 30 of the RMA is the control of the Region’s coastal marine area, in conjunction with the Minister of Conservation.

Section 63(2) of the RMA states that the purpose of the preparation, implementation and administration of regional coastal plans is to assist a regional council, in conjunction with the Minister of Conservation, to achieve the purpose of this Act in relation to the coastal marine area of the region.

The coastal environment is an integral feature of living in the Auckland Region. It is dynamic, diverse and maintained by a complex web of physical and ecological processes. This Plan aims to provide a management framework for a range of environments including shallow sheltered estuarine systems bordered by intense urban and commercial development, high energy east and west coast beaches, the areas surrounding the Hauraki Gulf Islands, and all the coastal marine area out to the 12 mile territorial limit. Recreational pursuits and most other activities and uses of the coastal marine area are concentrated in a narrow band on either side of the Mean High Water Springs boundary. For effective management of the coastal environment, it is essential that ARC and territorial authority management and administration functions be integrated across this line.

Sections 12, 14 and 15 of the RMA restrict certain activities in the coastal marine area unless expressly allowed by a rule in a regional coastal plan or a resource consent. This Plan contains objectives, policies and methods including rules, which establish

the framework within which certain uses are permitted and proposals for development can be assessed. The Plan provides certainty for existing and potential users of the coastal marine area by the provision of these rules.

1.2 AREAS TO WHICH THE PLAN APPLIES

1.2.1 Coastal Marine Area

Section 64(1) of the RMA states that a regional coastal plan must be prepared for the coastal marine area of a region. Under section 2(1) of the RMA the coastal marine area is defined as:

“the foreshore, seabed, and coastal water, and the air space above the water -

- (a) Of which the seaward boundary is the outer limits of the territorial sea:
- (b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
 - (i) One kilometre upstream from the mouth of the river; or
 - (ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.”

The Mean High Water Springs boundary has not been surveyed for the Auckland Region as it has a dynamic and varying location. The coastal marine area of the Region is shown in Figure 1.1, with Mean High Water Springs shown as an indicative line only. Where the line crosses a river mouth the coastal marine area boundary has been defined by agreement between the ARC, Department of Conservation (DOC) and the appropriate territorial authority. Boundaries of the coastal marine area at river mouths are detailed in Schedule 7. The Definitions section of this Plan provides a definition of Mean High Water Springs.

1.2.2 Coastal Environment

Section 64(2) of the RMA permits the incorporation of a regional coastal plan within a more extensive regional plan "where it is considered appropriate in order to promote the integrated management of a coastal marine area and any related part of the coastal environment". The ARC has chosen to follow this course, which will allow the integration of this regional plan with other regional plans to be prepared in the future. Accordingly, the Proposed Auckland Regional Plan: Coastal (the Plan) is a regional plan which incorporates the Auckland Regional Coastal Plan (i.e. those parts of this document which relate to the coastal marine area) and which also covers related parts of the coastal environment.

The "coastal environment" is undefined in the RMA, but the Planning Tribunal has previously defined it under the Town and Country Planning Act 1977 as:

"an environment in which the coast is a significant element or part."

The Auckland Regional Policy Statement notes that the coastal environment varies from place to place, depending on natural and physical characteristics. For the purposes of the Regional Policy Statement (and this Plan) it is defined as including three distinct, but interrelated parts:

- coastal marine area;
- active coastal zone;
- landward component.

The criteria for determining the landward boundary of the coastal environment are contained in Policy 7.4.1 of the Auckland Regional Policy Statement.

Policy 7.4.1 states:

"In determining the extent of the coastal environment of the Auckland Region, the following areas and features shall be taken into consideration:

- (i) any vegetation or habitat adjacent to, or connected with, the coastal marine area (CMA) which derives its intrinsic character

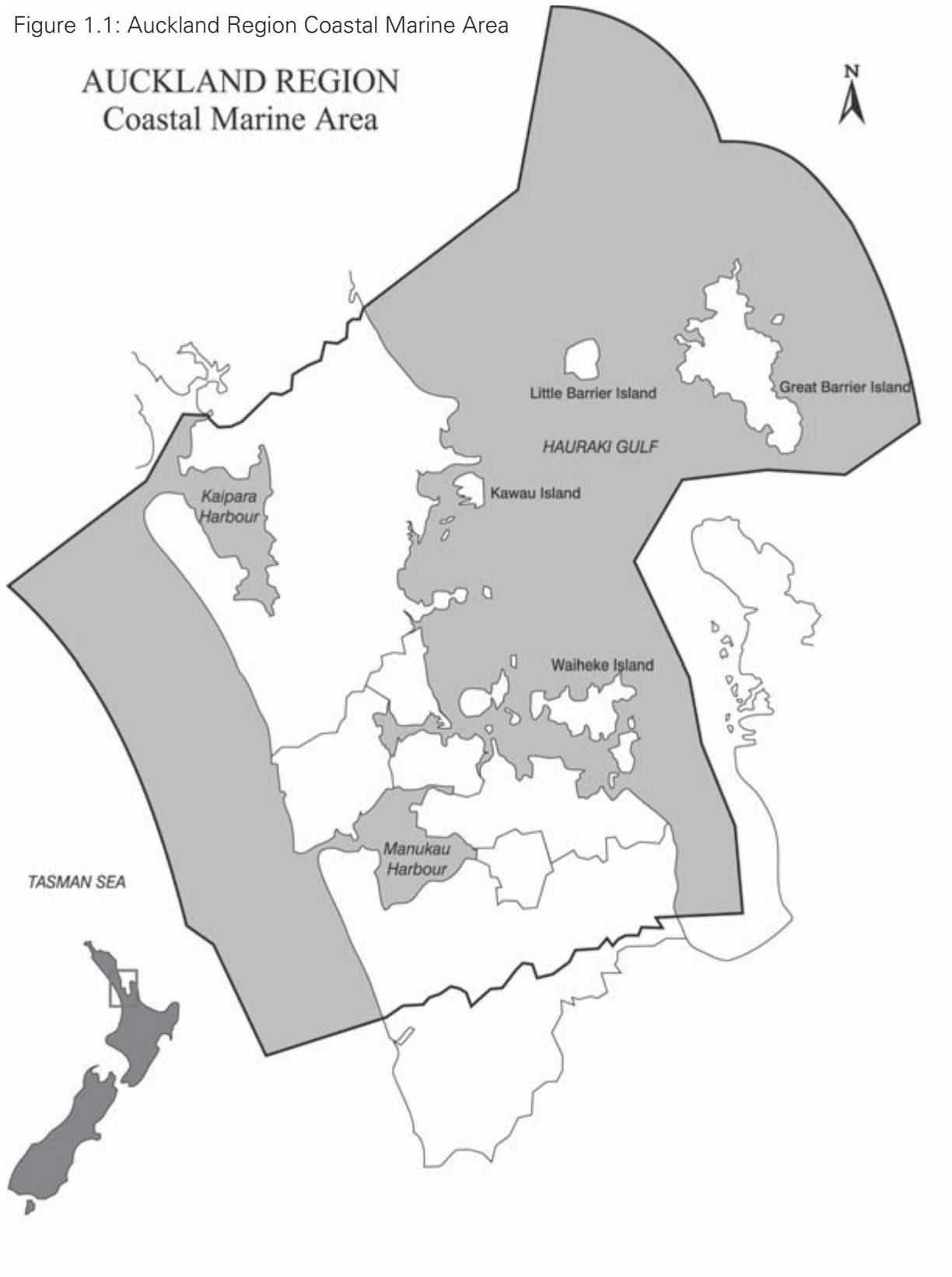
from a coastal location or which contributes to the natural character of the coastal environment;

- (ii) any landform adjacent to the coastal marine area which is presently being formed or modified by processes of coastal erosion or deposition;
- (iii) any feature or collection of features, either natural or physical, that derives its intrinsic character from a coastal location and which substantially contributes to the visual quality or amenity value of the coast;
- (iv) any site, building, place or area of cultural heritage value adjacent to, or connected with, the coastal marine area which derives its heritage value from a coastal location;
- (v) areas of Significant Natural Heritage listed in Appendix B and Outstanding and Regionally Significant Landscape Areas shown on Map series 2 which are adjacent to the coastal marine area;
- (vi) any land adjacent to the coast from which surface drainage may flow directly to the coastal marine area;
- (vii) any land adjacent to the coast which is affected by, or could be affected by, coastal flooding and other identified coastal hazards;
- (viii) any land adjacent to the coast where activities may take place which have a direct physical connection with, or impact on, the coastal marine area;
- (ix) the coastal marine area."

Method 7.4.2 states that:

"Local authorities will include provisions in their plans which recognise the coastal environment of their areas in a manner consistent with the factors in Policy 7.4.1."

Figure 1.1: Auckland Region Coastal Marine Area



1.2.3 How the Plan Provisions Apply to Both the Coastal Environment and the Coastal Marine Area

The provisions of this Plan (objectives, policies, rules and other methods) have an effect in several different ways. Where the objectives and policies deal exclusively with the coastal marine area they comprise part of the regional coastal plan and provide guidance to the ARC, applicants and the public on how applications for coastal permits within the coastal marine area will be assessed. Where the objectives and policies affect land in the coastal environment above Mean High Water Springs they form part of a wider regional environment plan. Such objectives and policies have four functions and effects:

- a they provide a set of objectives and policies that enable the ARC to assess applications for coastal permits that affect both the coastal marine area and the landward component of the coastal environment;
- b they provide the ARC with guidance on the discharge of its functions under section 30 of the RMA;
- c they may provide guidance to territorial authorities, applicants and the public on how some aspects of applications for land use and subdivision consents affecting land in the coastal environment above Mean High Water Springs should be assessed;
- d they indicate how the district plans prepared by the territorial authorities should treat the landward component of the coastal environment, thus ensuring appropriate and integrated management of the total coastal environment.

The 'Other Methods' sections of the Plan clearly indicate how, in the case of territorial authorities, district plans can be integrated with the provisions of the regional coastal plan.

The rules in this Plan relate only to the coastal marine area, and not to the landward component of the coastal environment.

1.3 THE RESOURCE MANAGEMENT ACT 1991

The RMA is the statute under which this Plan has been prepared. The cornerstone of the Act is Part II, Purpose and Principles. All section references below are to sections in the RMA.

1.3.1 Section 5 of the RMA

Section 5 (1) states the purpose of the RMA, which is:

“to promote the sustainable management of natural and physical resources.”

Section 5 (2) defines “sustainable management” to mean:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment. ”

Incorporated in the structure and contents of the Plan are all the components required for the promotion of sustainable management. The words “sustainable management” do not appear in the objectives or policies of the Plan, but the concept of sustainable management is inherent in the Plan's structure and cross links made within it.

Part III: Values identifies the values of natural and physical resources of the coastal environment. It contains objectives and policies to protect those values, so as to promote sustainable management.

Part IV: Use and Development addresses subdivision, use and development which may occur in the coastal marine area. This Plan recognises that demand will occur for subdivision, use and development of the coastal marine area, and this Part provides for appropriate subdivision, use and development, thus enabling people and communities to provide for their social, economic, and cultural well being and for their health and safety. The objectives and policies dealing with each “use or development” of the coastal marine area seek to avoid, remedy, or mitigate adverse effects on the environment.

Cross references are made between Part IV: Use and Development and Part III: Values, thus linking these two key parts of this document together.

1.3.2 Section 6 of the RMA

Section 6 states the following matters of national importance that the ARC must recognise and provide for in managing the use, development and protection of the natural and physical resources of the coastal marine area.

- “(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) The protection of areas of significant indigenous vegetation and significant habitats of significant fauna;
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”

These matters have been recognised and provided for in the Plan. Part III: Values identifies the values

of natural and physical resources. These values are recognised and provided for in the objectives, policies, rules and other methods throughout the Plan.

1.3.3 Section 7 of the RMA

Section 7 states the following other matters that the ARC must have particular regard to when managing the use, development, and protection of the coastal marine area.

- “(a) Kaitiakitanga;
- (b) The efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity value;
- (d) Intrinsic values of ecosystems;
- (e) Recognition and protection of heritage values of sites, buildings, places or areas;
- (f) Maintenance and enhancement of the quality of the environment;
- (g) Any finite characteristics of natural and physical resources;
- (h) The protection of the habitat of trout and salmon.”

Particular regard has been had to these matters in the development of the Plan, which contains a number of objectives, policies, rules and other methods to give effect to section 7.

1.3.4 Section 8 of the RMA

The RMA requires the ARC to take into account the principles of the Treaty of Waitangi. Section 8 states:

“ In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

Customary rights, responsibilities and intimate relationships of Tangata Whenua with the natural and physical resources of the Auckland Region have been developed over several centuries. Courts have found that the exercise of Kawanatanga by the Crown under Article I of the Treaty of Waitangi is qualified or limited by the Tino Rangatiratanga of Tangata Whenua guaranteed under Article II. The management of natural and physical resources of the Auckland Region has not always been in accordance with the Treaty, and has resulted in Treaty claims seeking to restore the health of ancestral taonga and to have the Rangatiratanga and Kaitiakitanga of Tangata Whenua formally recognised and respected eg. Manukau Harbour Claim of 1985. Claims relevant to the sustainable management of natural and physical resources of the Region continue to be heard by the Waitangi Tribunal and other Courts, or are the subject of direct negotiation between the Crown and Tangata Whenua.

While it may not be possible to remedy such matters through resource management processes, it is important that decisions under the RMA recognise that this process is occurring. In relation to Crown land in the coastal marine area, the New Zealand Coastal Policy Statement requires the special Treaty relationship between the Crown and Tangata Whenua to be recognised and facilitated. This Plan addresses Treaty requirements, primarily by recognising the special status of Tangata Whenua and providing for their direct involvement in managing their ancestral taonga.

The Tangata Whenua of the Auckland Region have been consulted throughout the development of the Plan. Part III: Values includes a chapter on Tangata Whenua values and also objectives and policies which seek involvement of Tangata Whenua in the sustainable management of the natural and physical resources of the coastal marine area.

Tikapa Moana and Te Moananui a Toi are recognised by Tangata Whenua as names for the Hauraki Gulf.

1.4 HOW THE PLAN PROMOTES SUSTAINABLE MANAGEMENT OF THE COASTAL ENVIRONMENT

The purpose of the RMA is to promote the sustainable management of natural and physical resources. This

is set out in section 5 of the Act. The purpose of this Plan is to promote the sustainable management of the natural and physical resources of the coastal environment in the Auckland Region, with a particular emphasis on the coastal marine area. This means the ARC, through the provisions of this Plan, will manage the use, development, and protection of the natural and physical resources of the coastal marine area (and advocate the sustainable management of that part of the coastal environment above Mean High Water Springs) in a way, or at rate, which will enable the people and communities of the Auckland Region to provide for their social, economic, and cultural wellbeing and for their health and safety while:

- a Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b Safeguarding the life supporting capacity of air water, soil, and ecosystems; and
- c Avoiding, remedying or mitigating any adverse effects of activities on the environment.

The RMA defines the 'environment' in a manner which means that the adverse effects of activities must be considered not only in terms of natural and physical resources, but also in terms of people and communities and the social, economic, aesthetic and cultural conditions affecting those people and communities. Furthermore, there needs to be consideration of the amenity values which people place on aspects of the natural and physical world. Thus the environment is defined in both physical and social terms.

Achieving the promotion of sustainable management, as required by section 5, therefore requires the integration of the environmental, social and cultural aspects of the environment. To ensure that the natural and physical resources of the Auckland Region are managed in an integrated and sustainable manner, the provisions of the Plan provide for the preservation or protection of particular values, whilst allowing people to provide for their social, economic, and cultural wellbeing. To achieve this the Regional Plan: Coastal is structured as set out in Section 1.5 below.

1.5 PLAN STRUCTURE

1.5.1 Overview

This Plan is divided into two volumes. Volume 1 contains the text of the Plan and Volume 2 contains the Plan Maps that accompany the text. Figure 1.2 shows the general structure of the Plan.

VOLUME 1

1.5.2 Part I: Introduction (Chapter 1)

This part provides the introduction and background to the Plan. The purpose of the Plan as well as the legislative and policy framework within which the Plan has been developed is noted, and the structure of the Plan is explained.

1.5.3 Part II: Management Areas (Chapter 2)

The Plan has divided the management of the coastal marine area into eleven Management Areas. These provide for the undertaking of particular activities or the preservation or protection of certain values. The Management Areas are:

- Ports Management Areas (2.2)
- Other Port Facilities Management Areas (2.2.1)
- Airport Management Area (2.3)
- Defence Management Area (2.4)
- Marina Management Areas (2.5)
- Mooring Management Areas (2.6)
- Aquaculture Management Areas (2.7)
- Special Activity Areas (2.8)
- Coastal Protection Areas (2.9)
- Tangata Whenua Management Areas (2.10)
- General Management Areas. (2.11)

A description of these areas is set out in Part II: Management Areas and Areas of Significant Conservation Value and they are shown on the Plan Maps. The specific provisions (objectives, policies, and rules) relating to activities within these management areas are contained in Part III: Values, Part IV: Use and Development and Part V: Consent Processing.

1.5.4 Part III: Values (Chapters 3 to 9)

The provisions of section 5 (Purpose of the Act) have been set out above. Sections 6, 7, and 8 of the RMA specify particular matters that are to be considered when achieving the promotion of sustainable management (s 5). Section 6 contains those matters which are of national importance, and which must be recognised and provided for in the decisions of the ARC. Section 7 contains other matters which the ARC must have particular regard to, and section 8 requires the ARC to take into account the principles of the Treaty of Waitangi. Sections 6 and 7 represent a mixture of biophysical, cultural, spiritual and social considerations and all contain to some extent judgements as to what is 'appropriate', 'outstanding', or 'significant' and the human values which underlie such matters. These are all implemented in the Plan by way of the Values which are set out in Part III: Values of the Plan. They are:

- Natural Character (Chapter 3)
- Landscape (Chapter 4)
- Natural Features and Ecosystems (Chapter 5)
- Coastal Matters of Significance to Tangata Whenua (Chapter 6)
- Public Access (Chapter 7)
- Cultural Heritage (Chapter 8)
- Subdivision, Use and Development (Chapter 9)

An examination of each of these values is necessary to ensure that the natural and physical resources of the coastal marine area and coastal environment are managed in accordance with the principle of sustainable management. However none of these considerations is an object in its own right, and its relative importance is determined by a consideration of all the factors set out in sections 6 and 7 of the Act and relative to the purpose of the RMA as set out in section 5.

The chapters in Part III: Values do not contain rules, but objectives and policies against which proposed activities provided for in Part IV: Use & Development will be assessed.

1.5.5 Part IV: Use and Development (Chapters 10 to 35)

Part IV: Use and Development of the Plan sets out the provisions (objectives, policies and rules) relating

to use and development within the coastal marine area. These chapters state the rules pertaining to activities such as recreational pursuits, building a wharf, reclaiming the seabed, or the discharge of contaminants. They are:

- General (Chapter 10)
- Activities (Chapter 11)
- Structures (Chapter 12)
- Reclamation/Drainage (Chapter 13)
- Disturbance I: Extraction (Chapter 14)
- Disturbance II: Dredging (Chapter 15)
- Disturbance III: Other Disturbance (Chapter 16)
- Disposal and Deposition (Chapter 17)
- Planting and Introduction of Plants (Chapter 18)
- Taking, Using, Damming and Diverting Water (Chapter 19)
- Discharges of Contaminants (Chapter 20)
- Natural Coastal Hazards (Chapter 21)
- Aquaculture (Chapter 22)
- Marinas (Chapter 23)
- Moorings (Chapter 24)
- Ports: Overview and General Provisions (Chapter 25)
- Other Port Facility Management Areas (Chapter 25A)
- Port Management Areas 1A and 1B (Chapter 26)
- Port Management Area 1C (Chapter 27)
- Port Management Area 2 (Chapter 28)
- Port Management Area 3 (Chapter 29)
- Port Management Areas 4A, 4B, and 4C (Chapter 30)
- Port Management Area 5 (Chapter 31)
- Airport Management Area (Chapter 32)
- Defence (Chapter 33)
- Signs (Chapter 34)
- Noise (Chapter 35)

If a rule determines that an activity is either controlled, discretionary, or a non-complying activity, then a coastal permit is required. The relevant objectives and policies of Part III: Values and the objectives, policies and rules of Part IV: Use and Development must be considered in determining whether any proposal promotes the sustainable management of the coastal environment. No application may be made for a prohibited activity.

The Plan also includes objectives, policies and (other) methods which relate to that part of the coastal environment landward of Mean High Water Springs.

They are included in order to better achieve integrated management across the Mean High Water Springs boundary. These provisions give guidance to territorial authorities in drafting the district plan, other plans or strategies and assessing land use consent applications to ensure consistency in management across local authority boundaries.

The combination of the provisions of Part II: Management Areas, Part III: Values, Part IV: Use and Development and Part IV: Consent Processing will promote the sustainable management of the coastal environment, with particular emphasis on the coastal marine area, thereby achieving the purpose of the Act.

1.5.6 Part V: Consent Processing (Chapters 36 to 38)

This part outlines the consent processing procedure for a coastal permit application. It also includes conditions of approval, including financial contributions (see Chapter 38: Provisions for Obtaining Environmental Benefits which sets out provisions for obtaining environmental benefits where there are unavoidable adverse effects on the environment from use and development).

1.5.7 Part VI: Monitoring and Review (Chapters 39 and 40)

This part sets out the monitoring the ARC intends to undertake and the circumstances under which the Plan will be reviewed. This part is in fulfilment of section 67 of the RMA which requires the ARC to state, in any regional plan it prepares, the procedures to be used to review and monitor the effectiveness of the plan as a means of achieving its objectives and policies.

1.5.8 Part VII: Additional Matters (Chapters 41 to 43)

This part details the additional matters to achieve the Plan's objectives and policies. Cross boundary issues are outlined. The licensing function of the ARC as well as fees and charges relating to coastal consent processing are detailed. Other matters discussed include by-laws and the transfer of power, coastal tendering, and rents and royalties.

Regional plan: coastal – structure

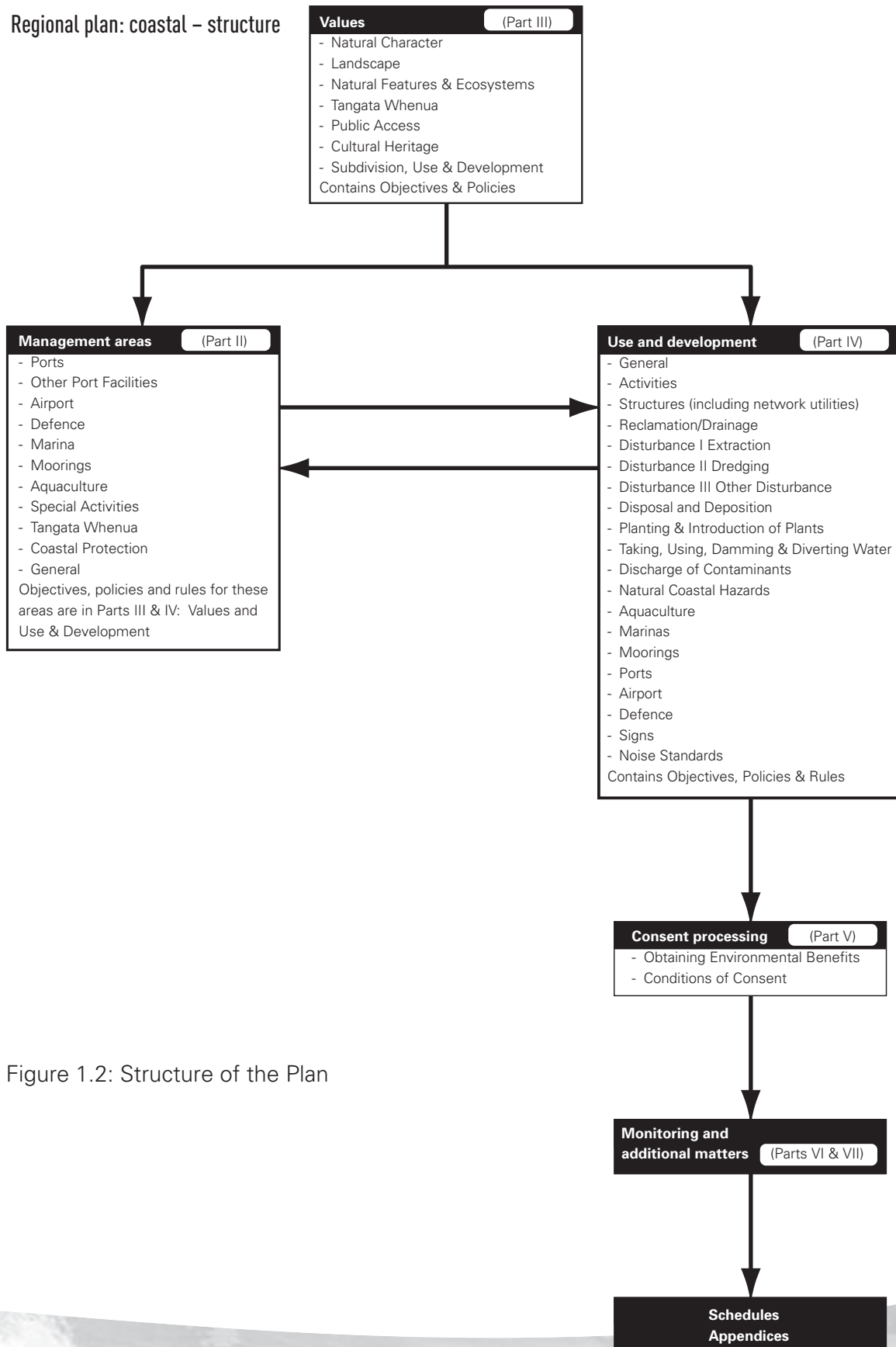


Figure 1.2: Structure of the Plan

1.5.9 Schedules

The schedules, listed below contain information that is required to be taken into account throughout the Plan:

Schedule 1	Cultural Heritage Sites for Preservation
Schedule 2	Cultural Heritage Sites for Protection
Schedule 3	Coastal Protection Areas
Schedule 4	Areas of Significant Conservation Value (required by the Minister of Conservation to be included in the Plan)
Schedule 5	Mooring Management Areas
Schedule 6	Areas in the coastal marine area administered by the Department of Conservation
Schedule 7	Coastal Marine Area
Schedule 8	Boundaries of Port Management Areas
Schedule 9	Aquaculture Management Area Coordinates

1.5.10 Appendices

Appendix A:	Marine Protected Areas
Appendix B:	ARC policies relevant to the Regional Plan: Coastal (Fisheries and Future of the Hauraki Gulf).
Appendix C:	RMA Fourth Schedule: Assessment of effects on the environment.
Appendix E:	Landscape Values and Assessment
Appendix F:	Resource Management (Marine Pollution) Regulations 1998
Appendix G:	Auckland International Airport Specification for Obstacle Limitation Surfaces
Appendix H:	Auckland International Airport Requirements for Runway End Protection Areas.
Appendix I:	Maritime Safety Authority Guidelines on Applications for Coastal Permits Relating to Marine Farming.
Appendix J:	Urban design criteria for new developments in the coastal marine area

Appendix K: Comprehensive Coastal Management Plans

1.5.11 Definitions

This section defines certain terms used in this document which are not defined in the RMA. Where terms are defined in the RMA they shall have the same meaning in this Plan.

VOLUME 2

1.5.12 Auckland Regional Plan: Coastal – Maps

Volume 2 contains the maps which accompany the text and identify the coastal marine area of the Auckland region. The maps show:

The coastal marine area
 River mouth boundaries
 General Management Area
 Coastal Protection Areas
 Port Management Areas
 Other Port Facility Management Areas
 Airport Management Area
 Defence Management Areas
 Defence Exercise Areas
 Marina Management Areas
 Mooring Management Areas
 Aquaculture Management Areas
 Special Activity Areas
 Tangata Whenua Management Areas
 Areas of Regionally Significant and Outstanding Landscape Value
 Cultural Heritage Sites
 Areas of Significant Conservation Value
 Settling Zones, Outer Zones and Impact Monitoring Sites
 Areas adjacent to the coastal marine area administered by the Department of Conservation
 Hauraki Gulf Marine Park

The maps also show information of a general nature including:

View shafts in the Port Management Area 1C
 Airport height restrictions
 Some prohibited anchorage

Location of some network utilities such as gas and telecommunication lines crossing the coastal marine area.

1.6 POLICY FRAMEWORK

As well as providing the legislative framework for the development of this Plan through the purposes and principles of the Act, the RMA provides for a framework of statutory policy statements and plans to guide and regulate the management of the coastal environment. The Auckland Regional Plan: Coastal fits within the hierarchy as shown in Figure 1.3.

1.6.1 New Zealand Coastal Policy Statement

Pursuant to section 55, this Plan shall not be inconsistent with the New Zealand Coastal Policy Statement issued by the Minister of Conservation and gazetted on 5 May 1994. The purpose of a New Zealand Coastal Policy Statement, as stated in section 56, is:

“to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.”

The policies set out in the New Zealand Coastal Policy Statement cover the entire coastal environment and have provided a framework for the development of this Plan.

1.6.1.1 Hauraki Gulf Marine Park Act 2000

Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 must be treated as a New Zealand Coastal Policy Statement issued under the RMA, for the coastal environment of the Hauraki Gulf. Section 7 recognises the interrelationship between the Hauraki Gulf, its islands, and catchments as a matter of national significance. Section 8 sets out objectives for the management of the Hauraki Gulf, its islands, and catchments.

1.6.2 Auckland Regional Policy Statement

The Auckland Regional Policy Statement became

operative on 31 August 1999. The purpose of the Regional Policy Statement, pursuant to section 59 of the RMA, is:

“to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.”

This Plan has been prepared in light of the Auckland Regional Policy Statement and shall not be inconsistent. Chapter 7 of the Auckland Regional Policy Statement contains provisions relating to the coastal environment. The provisions of Chapter 7 and other relevant Auckland Regional Policy Statement chapters have been given effect in the objectives, policies, rules and other methods of this Plan.

1.6.3 Transitional Regional Coastal Plan

Pursuant to section 370 of the RMA, instruments that were in force within the coastal marine area immediately prior to 1 October 1991 (the date of commencement of the RMA) are deemed to constitute the ‘transitional’ regional coastal plan.

In the Auckland region the following such instruments constitute the transitional regional coastal plan:

- Waitemata Harbour Maritime Planning Scheme, prepared under the Town and Country Planning Act 1977
- Manukau Harbour Maritime Planning Scheme, prepared under the Town and Country Planning Act 1977
- District Schemes, prepared under the Town and Country Planning Act 1977
- Determinations of the Ministry of Fisheries under Section 4(4) of the Marine Farming Act 1971.

The ‘transitional’ regional coastal plan will cease to be operative in the Region when this Proposed Auckland Regional Plan: Coastal becomes operative.

1.6.4 Bylaws

There are two major statutory mechanisms for managing activities within the coastal marine area. These are regional rules in the regional plan, and bylaws. Regional rules are made pursuant to the RMA, whereas bylaws are made pursuant to other legislation, including the Local Government Act 1974 and the Local Government Act 2002.

The ARC is proposing to use a combination of these mechanisms to manage activities within the coastal marine area. Regional rules will be adopted (as part of this Plan) where there may be potential adverse environmental effects resulting from activities or use of the coastal marine area. Day to day matters such as human behaviour, fires, animals, vehicles on beaches, and navigation and safety will be dealt with by bylaws. Accordingly the rules in this Plan may not directly address these day to day matters in detail.

Territorial authorities in the Auckland Region have extended the boundaries of their districts to Mean Low Water Springs for the purposes of administering bylaws (except Franklin District Council which has only extended its east coast boundary, and Auckland City Council which has not altered its boundaries). This enables them to take an integrated approach to the administration of their own bylaws within the coastal margin, by providing them with the ability to enact and enforce any bylaw provisions in the coastal marine area down to Mean Low Water Springs.

1.6.5 Other Regional Plans

Section 63 provides for the preparation, implementation and administration of other regional plans. An example is a regional plan dealing with the issues relating to the control of the beds of lakes and rivers, as set out in section 13 of RMA. Other regional plans may be prepared in respect of any aspect of any function which the ARC is responsible for and may, if appropriate, be integrated with this Plan.

Section 66 (2)(d) RMA requires that in preparing this Plan regard has to be had to the extent to which it is consistent with the Auckland Regional Policy Statement and regional plans or regional policy statements and plans of adjacent regional councils. Section 67(2)(c) requires that this Plan shall not

be inconsistent with the Auckland Regional Policy Statement or any other regional plan for the Auckland Region.

1.6.6 District Plans

Seven territorial local authorities about the coastal marine area of the Auckland Region: Rodney District, North Shore City, Waitakere City, Auckland City, Manukau City, Papakura District and Franklin District Councils. These territorial local authorities have responsibilities for resource management landward of the line of Mean High Water Springs, including land use control. Provisions have been included in this Plan that require territorial authorities to consider the integrated management of the coastal environment and the possible effects of activities across the line of Mean High Water Springs. District plans must not be inconsistent with the New Zealand Coastal Policy Statement or the Auckland Regional Policy Statement. There is a need for consistency in approach between this Plan and district plans.

1.6.7 Iwi Planning Documents

Section 66 (2)(c)(ii) requires the ARC, in preparing this Plan, to have regard to relevant planning documents recognised by affected Iwi. Significant adverse effects on ancestral taonga can occur as a result of the granting of resource consents. Consistent with the requirements of the RMA and the New Zealand Coastal Policy Statement, and to facilitate the assessment of effects on relationships with ancestral taonga, it is important that regard be had to Iwi planning documents in consent assessment processes.

1.6.8 Conservation Management Strategy (CMS)

The Department of Conservation (DOC) has responsibilities under the Conservation Act 1987 to prepare a Conservation Management Strategy (CMS) for the Auckland Conservancy. The purpose of the CMS is to establish objectives for the integrated management of natural and historical resources managed by DOC and to implement policies prepared under section 17B of the Conservation Act. The CMS covers all land, marine areas, and historic resources

administered by DOC, as well as all aspects of the Department’s work. It also indicates desired outcomes for the protection of natural and historic values not directly managed by the Department, such as lands administered by other agencies or in private ownership.

Section 66(2)(c)(i) requires the ARC, in preparing this Plan, to have regard to any management plans and strategies prepared under other Acts. Information contained in the CMS has been used in the preparation of this Plan and regard has been had to reflecting the provisions of the CMS where these are consistent with the purpose of the RMA. This is particularly relevant in terms of the Coastal Protection Areas and Marine Protected Areas shown on the Plan Maps.

1.7 OTHER STATUTES

While the RMA is the statute under which objectives, policies and rules are stated in this Plan for the management of the natural and physical resources of Auckland’s coastal marine area, several other statutes also play an important role. In preparing this Plan it has been recognised that other legislation may affect activities occurring in the coastal marine area. Readers of this document should therefore be aware

that in addition to the requirements of this Plan, it may be necessary to obtain approvals pursuant to other legislation. This other legislation may allow activities that would otherwise not be permitted activities by this Plan.

The major statutes that could affect use and development in the coastal marine area of the Auckland Region are listed below.

- Auckland Metropolitan Drainage Act 1960
- Biosecurity Act 1993
- Building Act 1991
- Burial and Cremation Act 1964
- Conservation Act 1987
- Crown Minerals Act 1991
- Customs Act 1966
- Defence Act 1990
- Electricity Act 1992
- Foreshore and Seabed Endowment Revesting Act 1991
- Fisheries Act 1983
- Fisheries Act 1996
- Hauraki Gulf Marine Park Act 2000
- Hazardous Substances and New Organisms Act 1996
- Historic Places Act 1993
- Litter Act 1979

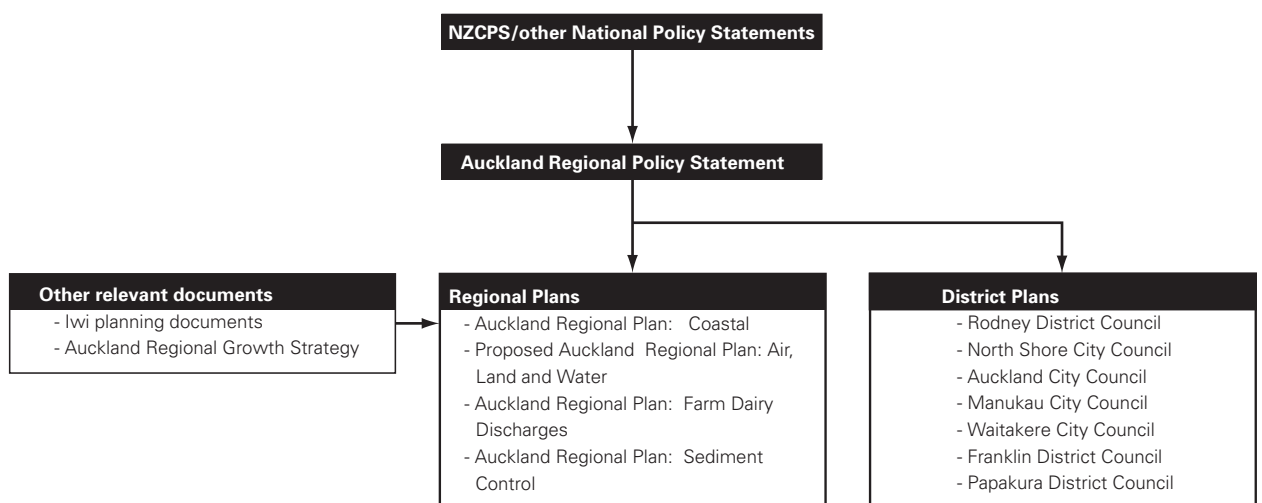


Figure 1.3: Resource Management Act 1991 – Policy-Planning Framework

Local Government Acts 1974 and 2002
 Maori Fisheries Act 1989
 Marine Farming Act 1971
 Marine Mammals Protection Act 1978
 Marine Reserves Act 1971
 Maritime Transport Act 1994
 Port Companies Act 1988
 Reserves Act 1977
 Submarine Cables and Pipelines Protection Act 1996
 Te Ture Whenua Maori Act 1993
 Te Uri O Hau Claims Settlement Act 2002
 Treaty of Waitangi Act 1975
 Treaty of Waitangi (Fisheries Claims) Settlement Act 1992
 Wildlife Act 1953

Compliance with any other relevant legislation is also required.

1.7.1 Fisheries

In respect of fisheries, section 30(2) RMA states that the functions of the regional council do not apply to the control of the harvesting or enhancement of populations of aquatic organisms, where the purpose of that control is to conserve, enhance, protect, allocate, or manage any fishery controlled by the Fisheries Act 1983. Section 12 also removes the control of the Regional Council in respect of disturbance or damage to the foreshore or seabed where this activity is undertaken for the purpose of lawfully harvesting any plant or animal. However the ARC is concerned that there is a need to ensure the integrated management of fisheries and natural and physical resources and has adopted a policy on fisheries advocacy and the sustainable management of fishing activities. This is included in Appendix B of the Plan.

1.7.2 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 encompasses the coastal marine area on the east coast of the Auckland Region and the Waikato Region (refer to Plan Map Series 7). The purpose of this Act is to integrate the management of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments which together comprise the Hauraki

Gulf Marine Park, and to establish objectives that recognise the historic, traditional, cultural and spiritual relationship of tangata whenua with the Hauraki Gulf and its islands.

1.7.3 Te Uri o Hau Claims Settlement Act 2002

Pursuant to Section 63 of the Te Uri o Hau Claims Settlement Act 2002, the Auckland Council is required to attach information to all regional policy statements, regional coastal plans, other regional plans and proposed plans recording specific statutory acknowledgment areas. A "Statutory Acknowledgment" is the Crown's acknowledgment of statements made by Te Uri o Hau of the particular cultural, spiritual, historic and traditional association of Te Uri o Hau with statutory areas, the texts of which are set out in Schedules 5 to 10 of the Act.

The purpose of this statement is for public information only and is neither part of this Plan nor subject to the provisions of the First Schedule to the Resource Management Act 1991.

1.8 ADMINISTRATIVE FRAMEWORK

1.8.1 Statutory Agencies

Management of the natural and physical resources of the coastal environment is, pursuant to the RMA, primarily the responsibility of regional councils and territorial local authorities in conjunction with the Minister of Conservation. However various other statutes and administrative agencies play an important role in regulation and management of the coastal environment. Statutes relevant to the coastal marine area are listed in Section 1.7. The administrative roles of agencies in the coastal environment are shown generally in Figure 1.4 and described below.

1.8.2 Minister of Conservation

The New Zealand Coastal Policy Statement prepared and recommended by the Minister of Conservation, became operative in 1994.

The Minister has also provided a schedule of Areas of Significant Conservation Value (ASCVs) within the Auckland coastal marine area. These are outlined in Schedule 4 and notated on Plan Map Series 1 in Volume 2.

The Minister is required by section 64(3) of the RMA to give approval to the portion of this Plan pertaining to the coastal marine area.

The Minister may also initiate a coastal tendering process for specified parts of the coastal marine area, in accordance with Part VII of the RMA.

1.8.3 Department of Conservation (DOC)

The Department of Conservation is responsible for administering a number of statutes relevant to the coastal environment including the Conservation Act 1987, the Reserves Act 1977, the Marine Reserves Act 1971, the Marine Mammals Protection Act 1978, the Wildlife Act 1953 and the Foreshore and Seabed Endowment Revesting Act 1991. The Department of Conservation is also able to advocate for the conservation of natural and historic resources generally.

1.8.4 Minister for the Environment

The functions of the Minister for the Environment in the coastal environment, pursuant to section 24 of the RMA, include the monitoring of the effect and implementation of the RMA and the 'call-in' powers for projects of national significance. The Minister for the Environment may also promulgate the making of regulations under section 43 of the RMA, in relation to environmental standards on a range of matters, including contaminants, water quality, level, or flow.

1.8.5 Ministry of Fisheries (MoF)

The major statutory responsibility of the Ministry of Fisheries in the coastal environment is to manage fisheries and fishery resources. It is also responsible for compliance monitoring of marine farming leases and licences issued under the Marine Farming Act 1971. Currently new aquaculture ventures require a

consent under the RMA, and also a fisheries permit from the Ministry.

The Ministry of Fisheries is also responsible, under the Biosecurity Act 1993, for controlling the deliberate or accidental importation of foreign organisms into New Zealand, including via the ballast water of ocean-going vessels.

1.8.6 Maritime Safety Authority

The Maritime Safety Authority (MSA) is responsible, pursuant to the Maritime Transport Act 1994, for promoting a safe maritime environment and for providing effective marine pollution prevention and an effective marine pollution response system.

An application for a coastal permit under section 395(1) or (1A) of the RMA must be forwarded to the MSA, acting under delegated authority from the Minister of Transport. As directed by Policy 3.2.9 of the New Zealand Coastal Policy Statement, the MSA is required to be notified of new structures and works in the coastal marine area at the time consent is granted. This requirement is reflected in the rules of this Plan.

The MSA is responsible for the administration of the marine protection standards and requirements of the Maritime Transport Act 1994 in New Zealand marine waters. The MSA also has responsibility for issuing permits authorising the dumping of waste under section 262 of the Maritime Transport Act 1994 and enforcing discharge requirements beyond the Territorial Sea (12 nautical mile and within the Exclusive Economic Zone (200 nautical miles).

The MSA has responsibilities for recreational navigation safety standards under Part 91 of the maritime rules where regional council navigation safety bylaws do not apply.

The Maritime Transport Act 1994 requires that the MSA co-ordinate the preparation and approval of oil spill contingency plans by regional councils. The MSA is responsible for oil spill cleanups outside the coastal marine area and for oil spill cleanups within the coastal marine area that exceed the regional council's capability to respond.

1.8.7 National Topo/Hydro Authority at LINZ

Land Information New Zealand (LINZ) is responsible for policy and regulation relating to hydrographic matters. The National Topo/Hydro Authority produces navigational charts of New Zealand and other services, issues notices to mariners relating to hydrographic and navigation matters and issues long-range navigation warnings.

1.8.8 Ministry of Commerce

The Ministry of Commerce is responsible for the allocation and management of minerals in the coastal marine area, pursuant to the Crown Minerals Act 1991. Minerals programmes may be prepared for individual mineral resources, thus forming the basis for future allocation and for the Crown's financial return. Under the Crown Minerals Act sand, shingle, and shell are considered minerals, but in the coastal marine area the Ministry of Commerce has discretion over preparation of a minerals programme. At this stage it is unlikely that a minerals programme will be prepared. In the meantime, the management of these resources will remain with the ARC under the RMA.

1.8.9 Auckland Regional Council

Pursuant to section 30 (1)(d) of the RMA, the ARC has a variety of functions in respect of the coastal marine area, in conjunction with the Minister of Conservation. These functions include control of:

- (i) Land and associated natural and physical resources
- (ii) The occupation of space on foreshore and seabed of the Crown or vested in the regional council, and extraction of any natural material from such areas
- (iii) The taking, use, damming and diversion of water
- (iv) Discharge of contaminants into or onto foreshore and seabed, air or water and discharges of water into water
- (v) Any actual or potential effects of the use, development or protection of the foreshore or

seabed, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances

- (vi) The emission of noise and the mitigation of the effects of noise
- (vii) Activities in relation to the surface of the water.

Pursuant to the Building Act 1991 the ARC is responsible for the issuing of building permits for structures located in the coastal marine area.

1.8.10 Territorial Authorities

Territorial authorities have limited responsibilities within the coastal marine area associated with the administration of Local Government Act and Harbours Act bylaws which deal with day to day management of some foreshore areas, e.g. dog control.

The major responsibility territorial authorities have within the coastal environment is the area landward of the Mean High Water Springs coastal marine area boundary. Pursuant to section 31 of the RMA they are responsible for managing the effects of use, development, or protection of land and associated natural and physical resources, including control to avoid or mitigate natural hazards. Territorial authorities also control subdivision of land, the emission of noise, and the actual or potential effects of activities on the surface of water in rivers and lakes. District plans are prepared to assist the territorial authorities in carrying out these functions. District plans are not to be inconsistent with the New Zealand Coastal Policy Statement, regional policy statement or any regional plans.

1.8.11 Cross Boundary Issues

Mean High Water Springs is the administrative boundary which divides management responsibility within the coastal environment. Land below Mean High Water Springs is the responsibility of the ARC, while land above it is that of the territorial authorities.

Other regional councils about the ARC's boundaries to the north and south; on the Pakiri coast, in the Kaipara Harbour, through the Firth of Thames and on the Awhitu Peninsula. This poses jurisdictional issues related to the management of natural and physical resources. Subdivision, use and development on either side of regional boundaries can affect the values and functioning of the natural and physical environment on the other side. Other agencies also have statutory responsibilities for the management of natural and physical resources in the coastal marine area under other legislation.

Integration of management responsibilities, across all jurisdictional boundary lines, is important in order to promote sustainable management. (Cross-boundary issues and administrative procedures for their resolution are discussed in Part VII: Chapter 43: Cross-Boundary Issues.

1.9 INTERNATIONAL OBLIGATIONS

New Zealand is a signatory to a range of international treaties. Several of these relate to the coastal environment. For these international treaties to have any legal and practical effect they must be ratified by the New Zealand Government and incorporated into domestic legislation such as the RMA. The following treaties have been ratified and given effect to by legislation in New Zealand, such as the RMA, and relate to or affect the coastal environment.

- Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter, 1972 (London Convention)
- International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Convention).

These international treaties have been incorporated into New Zealand statute by the enactment of the Maritime Transport Act 1994 and the Resource Management (Marine Pollution Regulations) 1998.

The following treaties have yet to be incorporated into New Zealand legislation:

- Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971 (Ramsar Convention)
- Convention for the Protection of World Cultural and Natural Heritage, 1972
- United Nations Convention on the Law of the Sea, 1982
- Convention for the Protection of Natural Resources and Environment in the South Pacific Region by Dumping, 1986
- Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986
- Basel Convention on the control of Transboundary Movements of Hazardous Wastes and their disposal, 1987 (Basel Convention)
- United Nations Convention on Biological Diversity, 1992
- United Nations Framework Convention on Climate Change, 1992
- United Nations Conference on Environment and Development: Agenda 21: Chapter 17 (Protection of oceans, all kinds of sea including enclosed and semi-enclosed seas, coastal areas and the protection, rational use and development of their living resources), 1992
- Rio Declaration on Environment and Development, 1992.

1.10 OWNERSHIP OF THE COASTAL MARINE AREA

Most of the foreshore and seabed in the coastal marine area is land of the Crown. Prior to 1991 all statutes referred to Mean High Water Mark. Accordingly some coastal properties subdivided before that time had their boundaries at this mark. This includes esplanade reserves and marginal strips created prior to 1991. Generally it is only on those properties adjoining the Manukau Harbour which were subdivided prior to this date, that the boundary is set at Mean High Water Springs. Since 1991 all new titles have Mean High Water Springs boundaries.

Where property boundaries extend down to the Mean High Water mark the owner has rights of access, and the public access provisions of this Plan do not apply. This is noted in the Plan where relevant. However all other rules specified in the Plan apply to the portion of the property in the coastal marine area in the same way that District Plan rules apply to that part of the property above Mean High Water Springs.

Where coastal land is proposed to be subdivided, and the property title extends below Mean High Water Springs, section 237A of RMA requires that the area below Mean High Water Springs be shown on the survey plan as vesting with the Crown.

Mean High Water Springs is only an administrative boundary between the Auckland Regional Plan: Coastal and the District Plans and is not related to property boundaries. This administrative boundary has been stipulated by the RMA. As set out in clause 1.2.1 of the Plan, Mean High Water Springs has not been surveyed as it has a dynamic and varying location. While Mean High Water Springs can and will move (e.g. by erosion or accretion) this does not affect, in most cases, the boundaries of individual properties. This means that a greater or lesser part of the property may be within the coastal marine area.

Tangata Whenua hold that their customary rights and responsibilities over their ancestral taonga have never been extinguished, and consider a significant issue to be the Crown's exercise of presumptive ownership, management and control over such taonga e.g. minerals, water and land in the coastal marine area. Treaty claims pertaining to the ownership of resources is a matter which cannot be resolved under the RMA.

ARC recognises that Tangata Whenua have a historic, traditional, cultural and spiritual relationship with the Hauraki Gulf, its islands, catchments, foreshore and seabed and that the natural, historic and physical resources (including kaimoana), islands, catchments, foreshore and seabed of the Hauraki Gulf are considered to be taonga by Tangata Whenua.

1.11 CATEGORIES OF ACTIVITIES

The rules within this Plan determine the category of any particular activity and whether a coastal permit (resource consent) is required before the activity may

be undertaken. No coastal permit is required for an activity which is specified as a permitted activity. A coastal permit is required for any activity specified in this Plan as a controlled, restricted discretionary, or discretionary, or for any activity that does not comply with the provisions of this Plan (ie, a non-complying activity). The Plan also specifies prohibited activities, for which no application can be made.

1.11.1 Permitted Activities

No resource consent is required, however any conditions that are specified must be complied with. Subject to such compliance, the activity can be carried out as of right.

1.11.2 Controlled Activities

A resource consent is required. In relation to controlled activities this Plan states the standards and terms with which the activity must comply, and the matters over which the ARC will exercise control.

The ARC cannot refuse consent for a controlled activity which meets the standards and terms set out in the Plan. However conditions may be imposed in respect of the matters over which the ARC exercises control. If it does not meet the standards and terms the activity becomes either discretionary or non-complying, as specified in the Plan.

1.11.3 Discretionary (including Restricted Discretionary) Activities

A resource consent is required, and the ARC may grant or refuse consent. In some instances the ARC has specified standards and terms, and restricted its discretion to particular matters. These are called restricted discretionary activities. Other discretionary activities are those listed as such, in respect of which the ARC has retained full discretion.

1.11.4 Non-complying Activities

A resource consent is required, and the ARC may grant or refuse consent. The activity is non-complying if it is not a permitted, controlled, or discretionary

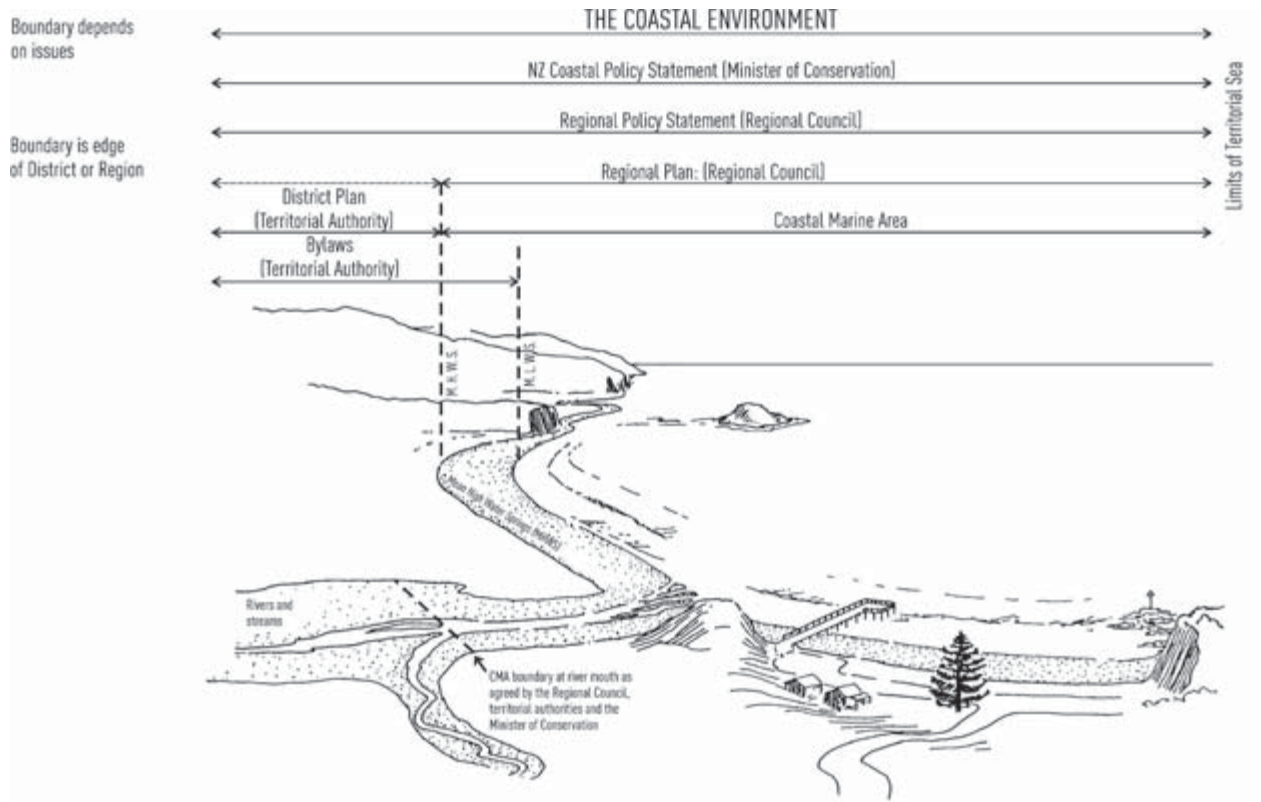


Figure 1.4: Administrative jurisdictions

(including limited) activity, and it is not listed as a prohibited activity. It will also be a non-complying activity (unless otherwise stated) if it contravenes any rule in this Plan. A full assessment is conducted and discretion exercised by the ARC as to whether or not a resource consent is granted.

1.11.5 Prohibited Activities

No application may be made to undertake an activity that is listed as a prohibited activity.

1.12 APPLICATIONS FOR CONSENT

Sections 12, 14, and 15 of the RMA provide respectively for restrictions on the use of the coastal marine area, restrictions relating to water, and discharges of contaminants into environment.

Section 12 has three distinct parts:

- Section 12(1) states that certain works may be undertaken only if this Plan allows them to occur, or if a resource consent is obtained;
- Section 12(2) requires an occupation consent to be obtained if any use or development occupies space in the coastal marine area, as defined by section 12(4);
- Section 12(3) requires a resource consent for any activity which contravenes a rule in this Plan.

Resource consents may be required under any one or a combination of the three subsections outlined in the previous paragraph. However only one application needs to be lodged addressing each of the various components of section 12. Sections 14 and 15 may also be relevant depending upon the application. If consent is granted one coastal permit will be issued

which will clearly reflect the relevant provisions of the Act.

1.13 NOTIFICATION OR OBTAINING THE WRITTEN APPROVAL OF AFFECTED PERSONS FOR COASTAL PERMIT APPLICATIONS

Pursuant to sections 93 and 94 of the RMA when the ARC has received a coastal permit application it must decide if notification is required.

No resource consent is required for permitted activities and accordingly no notification to, or approval from, other persons is necessary.

Applications for controlled or restricted discretionary activities will not be publicly notified, unless in the opinion of the ARC there are special circumstances justifying notification. However in some cases specific rules require the written approval of affected persons. These are noted in the relevant parts of each chapter in Part IV: Use and Development.

Applications for discretionary and non-complying activities will be publicly notified for submissions, unless the ARC is satisfied that the adverse effects on the environment of the activity for which consent is sought would be minor, and written approval has been

obtained from every person who, in the opinion of the ARC, may be adversely affected by the granting of the resource consent.

Shaded text indicates variations 1 – 6

Management Areas and Areas of Significant Conservation Value – 2

2.1 INTRODUCTION

For the purpose of promoting sustainable management, this Plan has divided the coastal marine area into a number of Management Areas. Areas of Significant Conservation Value are also included as required by the Minister of Conservation.

The Management Areas are:

- Ports;
- Other Port Facility;
- Airport;
- Defence;
- Marina;
- Moorings;
- Aquaculture;
- Special Activity Areas;
- Coastal Protection Areas;
- Tangata Whenua;
- General.

The Ports, Other Port Facility, Airport, Defence, Marina, Moorings, Aquaculture and Special Activity Areas primarily provide for these activities. The provisions relating to these areas are generally contained within specific chapters, that is they are designed to be as 'stand alone' as possible. The primary purpose of the Coastal Protection Areas and Tangata Whenua Management Area is to 'protect' significant natural resources and to recognise and provide for the special relationship that Tangata Whenua have with certain parts of the coastal marine area, respectively.

Other activities may also occur in specific management areas where they do not affect the functioning of the area for its primary purpose. An example is recreational activities covered by section 12(3) of the RMA. Many of these activities occur within specific management areas with no detriment to their primary function. Accordingly the provisions of the plan apply generally to all of the coastal marine area unless otherwise specified in the individual chapters.

Areas of Significant Conservation Value are explained in 2.12. These areas are also mapped in Volume 2 of the Plan.

2.2 PORT MANAGEMENT AREAS

There are five Port Management Areas, some of which are divided into discrete geographical areas, including:

- 1A Bledisloe Terminal to Fergusson Container Terminal;
- 1B Onehunga Wharf;
- 1C Marsden, Captain Cook and Queens Wharf (excluding the south western edge);
- 2A South western edge of Queens Wharf; Hobson Wharf to a boundary east of Wynyard Wharf, the Viaduct Harbour to North Wharf;
- 2B Marine industry area on the western edge of Wynyard Quarter (Wynyard Point and the Western Reclamation) south of and including the slipways on Hamer Street;
- 3 Princes Wharf;
- 4A Remaining edge of Wynyard Point including Wynyard Wharf;
- 4B Gabador Place, Tamaki River;
- 4C LPG Terminal – Papakura Channel;
- 5 Devonport Wharf.

These major commercial ports and wharves are all located in the Waitemata and Manukau Harbours. They are key facilities in the region, providing transport links and supporting industrial and commercial activities. Port activities within these areas include navigation, anchoring, mooring or manoeuvring of vessels, as well as cargo and passenger interchange facilities. The Port Management Areas play an important economic role in the regional and national economy, generating employment and income.

The rules relating to the port management areas are contained in Chapters 25 to 31 of Part IV: Use & Development.

2.2.1 Other Port Facility Management Areas

The Other Port Facility Management Areas define four wharf facilities and one vehicular landing used principally for passenger ferry services and small scale cargo services. Wharves in these Management

Areas comprise Birkenhead Wharf, Northcote Wharf, Victoria Wharf, Orakei Wharf and Half Moon Bay Vehicular Landing. Each specific Other Port Facility Management Area will be defined by the existing structure of the wharf or vehicular landing (including gangways and fenders) and waterspace as shown in Plan Map Series 2.

The purpose of the Other Port Facility Management Areas is to provide for the continued operation and development of these wharves, and to ensure that they are compatible with the use, character and environmental quality of the surrounding land and marine areas.

2.3 AUCKLAND AIRPORT MANAGEMENT AREA

The water area surrounding Auckland Airport has been identified as the Auckland Airport Management Area. This management area recognises the national and regional strategic importance of Auckland Airport and provides for activities and structures which occur below Mean High Water Springs that are associated with its efficient operation. Use and development within this area which would conflict with the efficient or safe operation of the Airport is restricted.

While the Auckland Airport Management Area facilitates the safe and efficient operation of the airport, it also recognises the important ecological and geological values within this area. Use and development associated with the operation of the airport has to ensure that any adverse effects on these values are avoided, remedied or mitigated.

The objectives, policies and rules relating to this Management Area are contained in Chapter 32 of Part IV: Use and Development.

2.4 DEFENCE MANAGEMENT AND EXERCISE AREAS

Certain areas within the coastal marine area used by the New Zealand Defence Force have been identified as Defence Management and Exercise Areas. The purpose of these areas is to recognise the presence of Defence establishments or special operating areas. The only Defence Management Area is the HMNZ Naval Base at Devonport. Other areas used by Defence for training or operational purposes

are identified as Defence Exercise Areas. Parts of the coastal marine area adjacent to some Defence establishments are prohibited anchorage areas under other legislation and these are also shown for information purposes on the Plan Maps in Volume 2.

Policies relating to Defence Management and Exercise Areas are contained in Chapter 33: Defence of Part IV: Use and Development.

2.5 MARINA MANAGEMENT AREAS

Marina Management Areas define those parts of the coastal marine area which are used primarily for the activities and structures associated with existing marinas. Where possible the boundaries follow established structures such as outer breakwaters or the most seaward limit of marina pontoons. The purpose of the Marina Management Areas is to recognise the physical resource of the existing marinas and to allow them to continue to operate efficiently.

For those marinas which have a resource consent for expansion beyond their current geographic limits, the respective Marina Management Area includes any such authorised expansion.

The rules relating to Marina Management Areas are contained in Chapter 23: Marinas of Part IV: Use and Development. Within Marina Management Areas many of the day to day activities associated with the operation and maintenance of marina facilities are permitted activities.

2.6 MOORING MANAGEMENT AREAS

Mooring Management Areas have been defined within the coastal marine area. Within these areas swing moorings are permitted activities (subject to conditions), and pile moorings require a consent (restricted discretion). The day to day management of moorings within these areas will continue to be controlled by bylaws under the Local Government Act 1974 or other relevant legislation.

The purpose of the Mooring Management Areas is to encourage the concentration of moorings within defined areas for management purposes and to ensure efficient use is made of the coastal marine area.

Shaded text indicates variations 1 – 6

The rules relating to Mooring Management Areas are contained in Chapter 24: Moorings of Part IV: Use and Development.

2.7 AQUACULTURE MANAGEMENT AREAS

Aquaculture Management Areas define those parts of the coastal marine area which are used primarily for the activities and structures associated with aquaculture. The purpose of Aquaculture Management Areas is to provide for the effective and efficient functioning of aquaculture activities within defined locations and to ensure efficient use is made of the coastal marine area. Aquaculture Management Areas recognise existing aquaculture activities and provide for appropriate future expansion of aquaculture in the Auckland Region. Aquaculture activities located outside Aquaculture Management Areas are prohibited.

Aquaculture Management Areas are defined in Map Series 1 of the Plan Maps. The objectives, policies and rules relating to Aquaculture Management Areas are contained in Chapter 22: Aquaculture of Part IV: Use and Development.

2.8 SPECIAL ACTIVITY AREAS

There are five areas in the Waitemata Harbour (Upper Tamaki River, Lower Tamaki River, Whau River, Henderson Creek, Orakei Basin) that have been identified to allow organised events to occur. When a special event is planned, the organisers may request 'exclusive use' of the Management Area. However outside these times, the Special Activity Areas will be available for use by the public. Permanent structures which affect the ability of the Special Activity Area to operate will generally not be permitted within these areas.

The main purposes of the Special Activity Areas are to:

- a allow for temporary exclusive use; and
- b maintain areas suitable for boating events, free of structures and moorings.

While these areas are particularly suited for some activities, eg. rowing, or water skiing, any special

event which meets certain conditions may apply for temporary exclusive use of a Special Activity Area. The rules relating to the Special Activity Areas are contained in Chapter 11: Activities of Part IV: Use and Development. Chapter 12: Structures may also need to be considered.

2.9 COASTAL PROTECTION AREAS

2.9.1 Areas that are of regional, national or international significance due to their ecological, landform or geological values are defined as Coastal Protection Areas. There are two types of Coastal Protection Areas, 1 and 2, which reflect the different values, size and the degree of vulnerability of the significant areas and sites. Objectives, policies and rules are stated for both types of Coastal Protection Area in Part III: Values and Part IV: Use and Development. The purpose of the Coastal Protection Areas is to give effect to the requirements of sections 6 (a), (b) and (c) of the RMA by;

- a Preserving the natural character of the coastal marine environment (including the coastal marine area) and the protection of them from inappropriate subdivision, use and development;
- b The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- c The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

in recognition of their contribution to the natural character and heritage of the Auckland Region. At the same time, it is recognised that some activities and structures continue to exist within these areas.

The ARC will, as and when appropriate, review the Coastal Protection Areas shown on the Plan Maps and listed in Schedule 3. The introduction to Schedule 3 explains the purpose of the schedule and the schedule itself describes the significance and type of values to be protected by the Coastal Protection Areas. Any amendments would be based on the presence of these types of values and will be made following procedures described in Chapter 40: Review of and Changes to the Plan.

2.9.2 Coastal Protection Areas 1

Coastal Protection Areas 1 include those areas which, due to their physical form, scale or inherent values, are considered to be the most vulnerable to any adverse effects of inappropriate subdivision, use and development. These areas include regionally or nationally rare habitat types, such as saline herbfields, as well as the best examples of saltmarshes and mangroves in the Auckland Region. Some ecological areas form part of an ecotone (sequence) of coastal vegetation which extends from significant native vegetation on the land into saline vegetation and intertidal and subtidal seaweed communities. Where areas in the coastal marine area have been identified as part of such an ecotone, they are included in the Coastal Protection Area 1.

Parts of the Auckland coastal marine area are of national and international significance as a seasonal home to tens of thousands of migratory wading birds from the arctic and sub-arctic and from the South Island, as well as a permanent home to many more birds. The Manukau and Kaipara Harbours and the Firth of Thames are the most important roosting and feeding areas, but other harbours and estuaries form part of a regional network of feeding and roosting sites. Other birds, both threatened and endangered and more commonplace, breed and roost in sand dunes and areas of coastal vegetation above Mean High Water Springs and feed in the adjacent coastal marine area. Coastal Protection Area 1 status has been given to the key areas of unconsolidated shell and sand within the harbours and estuaries used for roosting purposes and to those parts of the foreshore adjoining known bird nesting areas above Mean High Water Springs.

The Coastal Protection Area 1 also includes those regionally, nationally and internationally significant landforms and geological sites (natural features) which are considered to be vulnerable to damage or destruction because of their small size, their location or the balance of biological and physical processes which lead to their formation. Due to their vulnerable nature, the Plan provides for the protection of areas identified as Coastal Protection Area 1 by avoiding the actual and potential adverse effects of activities on these areas.

2.9.3 Coastal Protection Areas 2

These areas are of regional, national or international significance which do not warrant a Coastal Protection Area 1 identification as they are generally more robust. However many areas still require more protection than that accorded under a general management area as their physical form or inherent values make it more difficult to avoid, remedy or mitigate any adverse effects on the environment of which they form part. Coastal Protection Areas 2 include the main intertidal banks of the region's harbours and estuaries, which are the key feeding grounds for international and national migratory wading birds. Often these areas surround the high tide roosts contained within a Coastal Protection Area 1. Coastal Protection Area 2 also includes areas of the foreshore which form part of a wider habitat for coastal birds, such as at Pakiri Beach.

Areas of mangroves which are of regional importance because of their size and degree of intactness, or areas of rare or uncommon coastal vegetation such as saltmarshes, have been given Coastal Protection Area 2 status. In many cases areas of saltmarsh and small areas of herbfields grow in association with mangroves to form a regionally significant saline vegetation community.

Larger landforms and geological sites, such as South Kaipara Head and the Orakei Basin Tuff Ring and Explosion Crater, are included in Coastal Protection Area 2 in recognition of the robustness associated with their size.

Relatively little is known about the values of subtidal areas within the coastal marine area of the Auckland Region, compared with the intertidal and coastal margin areas. Subtidal areas which are known to contain a rich diversity of species and habitats or which are considered to be good examples of the variety of habitat types found within the Auckland Region are included in Coastal Protection Area 2. An example of one such area is the Upper Waitemata Harbour. Other smaller subtidal areas range from soft intertidal flats through to rocky shores and shore platforms. Several Coastal Protection Areas 2 adjoin land held in public ownership by the Department of Conservation or as regional parks by the ARC.

Shaded text indicates variations 1 – 6

Many of the individual biological and physical values identified above come together in the estuaries and smaller harbours of the region. For these reasons most of these areas are included as Coastal Protection Areas.

The Plan provides for the protection of areas given Coastal Protection Area 2 status by protecting the values identified in these areas.

2.9.4 Areas notated above Mean High Water Springs

Many Coastal Protection Areas contain biological and physical values and processes which cross the boundary of Mean High Water Springs. Some ecological areas are part of an ecotone (sequence) of coastal vegetation, where birds and other animals move between terrestrial or freshwater habitats and the coastal marine area to feed or breed. Landforms and geological sites may extend from subtidal areas across the foreshore and into the backshore or coastal cliffs. Where Coastal Protection Areas within the coastal marine area adjoin or are functionally linked to areas of biological and physical value above Mean High Water Springs, the land areas are notated in the Plan Maps in order to better achieve integrated management. This notation is to inform users of the Plan of the links between terrestrial and marine values and to assist in the administration of the provisions as they apply to the coastal marine area. All rules relating to the subdivision, use and development within the Coastal Protection Areas apply only to the coastal marine area. Control of the effects of the use of land within the areas notated on the Plan Maps above Mean High Water Springs is through the provisions of the relevant district plan, or other management plans where the land is designated. Refer to Other Methods (5.6) in Chapter 5 Natural Features and Ecosystems.

Further information on the values of each Coastal Protection Area is contained in Schedule 3. Objectives and policies relating to Coastal Protection Areas are contained in Part III: Values; Chapter 5 Natural Features and Ecosystems, while rules relating to activities within Coastal Protection Areas are contained in Part IV: Use and Development.

2.10 TANGATA WHENUA MANAGEMENT AREAS

Two areas in the Manukau Harbour have been identified as Tangata Whenua Management Areas. These are:

- Whatapaka Creek
- Pukaki-Waiokauri Creek

2.10.1 Whatapaka Creek

Whatapaka Creek is located on the southern shore of the Manukau Harbour adjacent to Whatapaka Marae. In 1985 the Waitangi Tribunal recommended that the creek be reserved for the exclusive use of the Hapu of Whatapaka. An application to the Maori Land Court by Whatapaka Marae resulted in the establishment in 1992 of Whatapaka Creek as a Maori Reservation under the Maori Affairs Act 1953, (now Te Ture Whenua Maori Act 1993) for the purpose, *inter alia* of a place of significance for the common use and benefit of Whatapaka Marae.

2.10.2 Pukaki-Waiokauri Creek

The Pukaki-Waiokauri Creek is located on the northern shore of the Manukau Harbour. The Waitangi Tribunal has recommended that the creek be reserved for the exclusive use of the Pukaki Marae. As with Whatapaka Creek, the creek was the subject of a Waitangi Tribunal recommendation and an application to the Maori Land Court resulted in the establishment in 1992 of Pukaki-Waiokauri Creek as a Maori Reservation for the purpose, *inter alia* of a place of significance for the common use and benefit of the Hapu of Te Akitai and Te Ahiwaru o Waiohau.

The local Tangata Whenua are Kaitiaki of the lands in question, and have maintained the natural and ecological values over several centuries, despite significant development pressures over the last century. These Tangata Whenua Management Areas recognise this, and the customary rights, responsibilities, and relationships of the Tangata Whenua with their ancestral taonga.

Had these areas not been identified as Tangata Whenua Management Areas, they would have been Coastal Protection Area 2s. The provisions which apply to Coastal Protection Area 2 areas shall also apply to the Tangata Whenua Management Areas, unless otherwise stated. These provisions do not affect the provisions already established under the Te Ture Whenua Maori Act 1993.

2.11 GENERAL MANAGEMENT AREA

The General Management Area is all of the rest of the coastal marine area which is not within one of the specific management areas. It is by far the largest management area.

The rules relating to the General Management Area are contained throughout Part IV: Use and Development. The chapters in Part IV contain objectives, policies and rules with which any application for subdivision, use and development in the coastal marine area must comply.

2.12 AREAS OF SIGNIFICANT CONSERVATION VALUE (ASCV)

The Minister of Conservation has identified sixty two areas and sites within the coastal marine area as Areas of Significant Conservation Value. These areas are described in Schedule 4 and identified on the Plan Maps in Volume 2. Most of the harbours and estuaries on the east coast of the region and the Manukau and Kaipara Harbours on the west coast have been identified as Areas of Significant Conservation Value. This reflects the high biological productivity of these areas, and their role as nursery and feeding areas for fish and birds. Smaller Areas of Significant Conservation Value have also been identified within the larger areas. These are sites of national and international importance for breeding, feeding and roosting by birds, and areas containing threatened ecosystems, plants or animal species, or nationally significant landforms and geological features. Some Areas of Significant Conservation Value have been identified because of their national historical or cultural significance. A number of Areas of Significant Conservation Value are also protected areas under other legislation such as the Marine Reserves Act 1971 and the Conservation Act 1987.

Smaller Areas of Significant Conservation Value that have been identified for their ecological and landform values are included in Coastal Protection Area 1 or Coastal Protection Area 2, depending on their values and vulnerability to adverse effects of subdivision, use and development. Those Areas of Significant Conservation Value that have been identified for their historical or cultural significance are included in the Cultural Heritage Schedules 1 and 2. The remaining Areas of Significant Conservation Value not included in the Coastal Protection Areas are protected through the general provisions of the Plan.

Natural Character – 3

3.1 INTRODUCTION

The natural character of the coastal environment of the Auckland Region is complex and variable. Much of the original character of the region's coast has been modified by human activity, by Maori over the past 1,000 years, and more substantially by 150 years of European settlement. Even those parts of the coast considered to have a high degree of natural character have been subject to some modification. Despite the impacts of human activities, much of the region's coastal environment has significant natural character.

While perception of natural character may be unique to each individual, there are many elements and features which are commonly agreed to be important components of natural character in the coastal environment. These include the dynamic functioning of physical coastal processes and the presence of indigenous vegetation along the coastal edge, unmodified coastal landforms (eg, cliffs and sandy beaches), clean water which provides a healthy environment populated by shellfish, fish and other marine organisms, and coastal landscapes and sea views where there are no human structures. The topography and composition of the seabed and the range and diversity of marine species and ecosystems which exist in the subtidal areas means that these areas also have an important natural character, although this character is not visible or accessible to a large number of people. The importance of protecting all of these elements and features is recognised in the policies of the New Zealand Coastal Policy Statement.

Parts of the region's coastal environment have been subject to considerable modification arising from subdivision, use and development. In such areas reclamation and erosion protection works may have altered physical coastal processes and changed the shape of the shoreline. Residential, commercial and industrial buildings may adjoin water areas, and wharves, jetties, marinas, groynes, roads and bridges may occupy parts of the coastal edge. Original indigenous vegetation cover, landforms and landscapes may have been modified or destroyed by the development of urban Auckland. Dredging, extraction and the deposition of material on the seabed means that the natural character of subtidal areas has also been modified. Nonetheless, regardless of such use and development, elements

of natural character may remain which are worthy of recognition and protection.

Section 6(a) of the RMA requires, as a matter of national importance, the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use, and development. Although there is no legislative definition of natural character, Chapter 1 of the New Zealand Coastal Policy Statement sets out a number of national priorities for its preservation. These priorities relate to:

- a the effects of subdivision, use and development;
- and the protection of:
 - b significant indigenous vegetation and significant habitats of indigenous fauna;
 - c landscapes, seascapes and landforms which are essential or important elements of natural character;
 - d characteristics of special spiritual, historical or cultural significance to Maori;
 - e significant places or areas of historic or cultural significance;
 - f the integrity, functioning and resilience of the coastal environment in terms of its natural values and physical processes;
 - g the restoration and rehabilitation of the natural character of the coastal environment;

by avoiding or remedying any actual or potential adverse effects of activities on the environment (Policies 1.1.1 to 1.1.5).

These national directives are recognised in the policies of this Regional Plan. Particular policies relating to the protection of the elements and features which contribute to the natural character of the coastal environment are contained in the other chapters of Part III. As the protection of these features from inappropriate subdivision, use and development is required by sections 6 and 7 of the RMA, these policies ensure that the natural character of Auckland's coastal environment is protected.

3.2 ISSUE

3.2.1 The coastal environment has a variety of natural and physical values which give it a unique natural character. However the natural character of the coast can be progressively modified through the adverse individual and cumulative effects of inappropriate subdivision, use and development, both within the coastal marine area and on the adjacent land in the coastal environment.

3.3 OBJECTIVES

3.3.1 To preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision, use and development.

3.3.2 To preserve the natural character of the coastal environment by encouraging appropriate subdivision, use and development above Mean High Water Springs to locate in appropriate areas of the coastal environment.

3.4 POLICIES

3.4.1 The natural character of the coastal environment shall be preserved and protected from inappropriate subdivision, use, and development by avoiding where practicable, remedying or mitigating the adverse effects of subdivision, use and development on the qualities, elements and features which contribute to the natural character of the coastal environment, including those areas characterised by modification and development.

3.4.2 In assessing the actual or potential effects of subdivision, use and development on natural character particular regard shall be had to:

- a preserving the natural character of the coastal marine area in Coastal Protection Areas 1 and 2;
- b preserving the natural character of the coastal marine area in Outstanding and Regionally Significant Landscape Areas, where these areas are predominantly natural;

- c avoiding, where practicable, adverse effects on natural character values in other areas of the coastal marine area which are predominantly in their natural state and which have a high natural character;
- d protecting appropriate remaining elements of natural character in those areas characterised by modification and development.

3.4.3 In assessing the actual or potential adverse effects of subdivision, use and development, including cumulative adverse effects, on the natural character of the coastal environment particular regard shall be had to the relevant policies in Chapters 4, 5, 6, and 8, in recognition of the role that landscape, natural features, ecosystems, and certain cultural and historical areas and sites make to natural character.

3.4.4 When subdivision, use and development in the coastal marine area gives rise to actual or potential adverse effects on the natural character of the coastal environment, where appropriate these effects shall be remedied or mitigated by restoration or rehabilitation of the natural character of the coastal environment.

In determining whether any adverse effects on natural character can be remedied or mitigated by restoration or rehabilitation, and if so, the level and extent of restoration and rehabilitation that is to be carried out, regard shall be had to:

- a the extent to which the qualities and features of natural character in the area of the proposed subdivision, use and development will be adversely affected and the ability to restore or rehabilitate natural character in the area subject to the proposal; or
- b where restoration or rehabilitation is not practicable in the area subject to the proposal, the potential to mitigate any adverse effects by the rehabilitation or restoration of natural character in another area of the coastal environment; and
- c where restoration plantings are carried out, preference shall be given to the use of indigenous species with a further preference for local genetic stock.

3.5 RULES

All rules relating to the preservation of the natural character of the coastal environment are contained in Part IV: Use and Development and Part V: Consent Processing.

3.6 OTHER METHODS

3.6.1 District plans and other relevant land management documents such as reserve management plans, coastal management strategies and conservation management strategies should include appropriate provisions to protect from inappropriate subdivision, use and development, those qualities, elements and features located above Mean High Water Springs, where they contribute to the natural character of the coastal environment, particularly in:

- a Areas adjoining the Coastal Protection Areas and Outstanding or Regionally Significant Landscape Areas identified in this Plan; and
- b Areas having elements of natural character which provide an important contribution to the identity and character of the Auckland Region's coastal environment.

3.6.2 The ARC will support the creation of esplanade reserves, esplanade strips and access strips when land adjoining the coast is subdivided, in such locations where they will contribute to the protection of conservation values and natural character of the coastal environment.

3.7 PRINCIPAL REASONS FOR ADOPTING

3.7.1 Objective 3.3.1, Policies 3.4.1 to 3.4.4

The objectives and policies give effect to Chapter 1 of the New Zealand Coastal Policy Statement which states national priorities for the preservation of natural character and how these should be achieved.

3.7.2 Objective 3.3.2, Method 3.6.1

Objective 3.3.2 and Method 3.6.1 recognise that the preservation of natural character involves protection from inappropriate subdivision, use, and development on land as well as from inappropriate subdivision, use and development within the coastal marine area. An integrated approach is required in the management of land and water areas to achieve this.

3.7.3 Method 3.6.2

Esplanade reserves, esplanade strips and access strips contribute to the protection of conservation values of the coast and thereby contribute to the preservation of natural character of the coastal environment and its protection from inappropriate subdivision, use and development.

3.8 ANTICIPATED ENVIRONMENTAL RESULTS

3.8.1 The preservation of areas of high natural character in the coastal environment and their protection from inappropriate subdivision, use and development.

3.8.2 The protection from inappropriate subdivision, use and development of the elements and features which significantly contribute to the natural character of other areas in the coastal environment.

Landscape – 4

4.1 INTRODUCTION

Section 6(b) of the RMA requires that provision be made for “the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development”.

The New Zealand Coastal Policy Statement elaborates on this by stating that:

“It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

- (a) landscapes, seascapes and landforms, including
 - iii the collective characteristics which give the coastal environment its natural character including wild and scenic areas” (NZCPS Policy 1.1.3).

It further requires that policy statements and plans “should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection” and should give them appropriate protection (NZCPS Policy 3.1.2).

The dynamic landscapes and seascapes of the coastal environment are among the most important components of natural character. Many areas identified as having outstanding landscape values are also areas of high natural character. The visual and scenic qualities of coastal landscapes and seascapes also contribute to amenity, recreational, and tourism values, and thereby enhance the social and economic wellbeing of the community.

The Auckland Region’s coastal environment has many diverse landscapes, ranging from highly modified urban areas to wild and scenic landscapes. Ongoing development means that some types of landscape are becoming increasingly rare. They are important not only for their scenic qualities but also as representative examples of the landscape heritage of the Region. They contribute to the diversity of landscapes which make the coastal environment of the Auckland Region

distinctive and set it apart from all other parts of New Zealand.

The identification and protection of the region’s coastal landscapes and seascapes is closely linked to the protection of other values. For instance, protecting areas of ecological importance and significant landforms along with the associated physical processes, or protecting areas and features of historic and cultural significance, means that landscapes are maintained or enhanced.

Adverse effects on landscape within the coastal marine area may arise above the surface of the water from the presence of structures, reclamations, marinas and port activities in areas not already developed for such purposes, and from the disturbance of the foreshore. Areas of the seabed may also have value as seascapes due to their unusual topography and ecosystems, or the clarity of the water. These visual aspects may be adversely affected by the inappropriate disturbance of the seabed or the deposition or removal of material which may significantly change the underwater topography and ecology or result in a reduction in water clarity.

However, the greatest adverse effect on the quality of coastal landscapes and seascapes arises from inappropriate subdivision, use, and development of land above Mean High Water Springs. Of particular concern are the inappropriate siting, scale and design of buildings, the construction of roads or access ways across hill faces, resulting in erosion and scarring, the clearance of indigenous vegetation and the establishment of exotic forestry plantations which usually impose straight lines of similar vegetation form on an irregular and curved landscape. Impressions of the coastal landscape and of its value are strongly influenced by such elements of the terrestrial backdrop. The form, scale and intensity of development on land also influences the extent to which development in the coastal marine area can be visually absorbed. At the same time, some structures or other human modifications can contribute to the visual character, amenity values and the heritage of an area, if they are designed and located in an appropriate way.

The control of the effects of land use above Mean High Water Springs, and hence the protection of landscape quality within the coastal environment,

is primarily a territorial authority responsibility. Landscape quality is significantly influenced by the provisions of district plans, and by decisions of territorial authorities on land use. Thus, co-ordination and co-operation between the ARC and territorial authorities is an important requirement for the protection of landscape values in the coastal environment.

4.1.1 Outstanding and Regionally Significant Landscapes of the Auckland Region's Coastline

Much of the coastline of the Auckland Region has been divided into individual landscape units and the landscape values of each unit assessed. Some units of highest landscape quality or landscape sensitivity have been assessed as being either Outstanding or Regionally Significant Landscapes. The methodology used to assess these areas and further information on the landscape assessment reports forming the basis of these classifications is contained in Appendix E of this Plan.

The Outstanding or Regionally Significant Landscapes of the Auckland coastline range from highly natural landscapes to areas of the urban coastline which have been subject to extensive modification. However, the elements, features and patterns which make an urban coastal landscape significant often differ from those which distinguish an Outstanding or Regionally Significant natural landscape.

Outstanding or Regionally Significant urban landscapes include some of the mostly recognisable "icons" of the Auckland Region such as North Head, the Auckland Harbour Bridge and Tamaki Drive. Although the coastal marine area itself is often in a relatively natural state, the area along and above Mean High Water Springs is usually substantially modified with a mix of residential, commercial, transport or recreational uses, interspersed with areas of open space and native and exotic vegetation. Although urbanised, these areas may have significant visual appeal arising from the mix of urban and natural elements, features and patterns. While there may be areas within each landscape unit, where individual features such as a wharf, seawall or reclamation do not rate as being visually significant, the overall value of the landscape unit is sufficiently high for

the coastline to be rated as Regionally Significant or Outstanding.

In the non-urban parts of the Auckland coastline, the elements, features and patterns which contribute to the area's landscape value are normally characterised by high levels of naturalness. This naturalness may range from relatively un-modified coastlines where there are few or no human structures and extensive areas of native vegetation, through to areas of rural land. Although in rural areas the landscape has usually been modified by primary production activities, it has particular elements, features or patterns which mean that its quality and visual appeal is still significant. These elements, features and patterns may include the presence of visually prominent ridgelines or pockets of indigenous vegetation.

The policies of this Plan recognise the diversity of urban and non-urban landscapes and the fact that each may have particular landscape qualities and sensitivities that mean they are visually outstanding or regionally significant. The focus of the policies is on the protection of the elements, features and patterns which give the landscape its quality, although these elements and features vary depending on the landscape unit. Development is not precluded from areas with a Regionally Significant Landscape rating where the development is consistent with the landscape values. Additional information on the landscape values of the Auckland Region's coastline are found in the worksheets forming part of the regional landscape assessment reports explained in more detail in Appendix E. Users of this Plan are encouraged to refer to these landscape assessment reports for guidance.

Not all parts of the coastline of the Auckland Region have been subject to the level of landscape assessment. Those coastlines still to be visually assessed include a number of offshore islands, particularly those in the Hauraki Gulf. Details of the present landscape assessment coverage are contained in Appendix E.

4.2 ISSUE

4.2.1 The quality, diversity and dynamic nature of landscapes is an important value of the coastal environment. It contributes to the unique identity of

the Auckland Region and to the use and enjoyment of the coast by people. Landscape quality and diversity can be progressively degraded through adverse individual and cumulative effects of inappropriate subdivision, use and development, both within the coastal marine area and on the adjacent land in the coastal environment.

4.3 OBJECTIVES

4.3.1 To protect Outstanding Landscapes, and the key elements, features and patterns of Regionally Significant Landscapes (as identified in the Plan Maps) from inappropriate subdivision, use and development in the coastal environment.

4.3.2 To maintain and enhance the diversity, integrity and landscape quality of the coastal environment.

4.4 POLICIES

4.4.1

- a Subdivision, use and development in the coastal marine area shall be considered inappropriate where it would result in significant adverse effects on the landscape quality, aesthetic value and landscape sensitivity of those areas identified in this Plan as Outstanding Landscapes of the coastal environment.
- b In assessing the significance of such adverse effects, particular regard will be had to ensuring that the visual integrity of the landscape in its entirety (including the unit's possible role within a wider sequence of coastline) is protected and its value as an outstanding landscape is maintained.

4.4.2

- a Subdivision, use and development in the coastal marine area shall be considered inappropriate where it would result in significant adverse effects on those key elements, features and patterns which contribute positively to the landscape quality, aesthetic value and landscape sensitivity of those areas identified in the Plan as being Regionally Significant Landscapes of the coastal environment.

- b In assessing the significance of such adverse effects, particular regard will be had to ensuring that those landscape elements, features and patterns which contribute to the visual integrity of the landscape unit and its value as a Regionally Significant Landscape are protected.

4.4.3 In those areas of the coastal environment not identified in this Plan as Outstanding or Regionally Significant Landscapes, any subdivision, use and development in the coastal marine area shall be of a scale, design and location, and undertaken in a manner which avoids, where practicable, remedies or mitigates adverse effects on key landscape elements, features and patterns.

4.4.4 In assessing the effects of subdivision, use and development in the coastal marine area adjacent to metropolitan Auckland and coastal settlements in the region, the contribution made by the built environment to the quality, diversity and amenity value of urban coastal landscapes shall be recognised and this quality, diversity and amenity value shall be maintained as far as practicable.

4.4.5 In assessing the effects of subdivision, use and development, including cumulative effects in the coastal marine area on landscape values, particular regard shall be had to:

- a ensuring where practicable that it is of a scale, location and design which encourages its integration with the type and intensity of development in the adjacent areas of the coastal marine area and with the pattern of subdivision, use, and development above Mean High Water Springs;
- b maintaining and where practicable enhancing visual links between the coastal marine area and adjacent land;
- c maintaining and where practicable, enhancing appropriate vegetation patterns and in particular, areas of indigenous vegetation both within the coastal marine area and on land;
- d maintaining as far as practicable natural variations in the topography of the foreshore;

- e maintaining the topography of the seabed in areas which are significant representative examples of sub-tidal landforms of the Auckland Region, or which are visually significant geological features;
- f ensuring structures are designed and constructed in a manner consistent with Chapter 12: Policy 12.4.3.
- g the contribution of existing structures and activities to the landscape character of the coastal environment.

4.4.6 In assessing the effects of subdivision, use and development in the coastal marine area, regard shall be had to other relevant landscape matters such as design guidelines prepared for land above Mean High Water Springs.

4.5 RULES

All rules relating to the protection of landscape values are contained in Part IV: Use and Development and Part V: Consent Processing.

4.6 OTHER METHODS

4.6.1 In recognition that the landscape values of the coastal environment have a landward and a seaward component which are inextricably linked, the ARC will work with DOC and other agencies to ensure that appropriate and consistent provisions to protect the quality and diversity of landscapes in the coastal environment are included in regional plans, district plans and other land management documents such as reserve management plans, coastal management strategies and conservation management strategies.

4.6.2 The ARC will encourage district plans and other relevant land management documents to contain provisions which give protection to Outstanding and Regionally Significant Landscapes above Mean High Water Springs consistent with that given to those landscapes and seascapes within the coastal marine area.

4.6.3 Where Outstanding and Regionally Significant Landscapes are located wholly or partly above Mean High Water Springs and within areas of territorial

authority jurisdiction, activities which require a resource consent should take into account the information contained in the landscape assessment studies discussed in Appendix E.

4.6.4 The ARC will support joint initiatives, where appropriate, between DOC, other relevant groups and itself to develop appropriate design guidelines or other similar non-statutory mechanisms to provide public information and education on the protection of landscape values.

4.6.5 The ARC will support the use of esplanade reserves and strips by territorial authorities in order to restore, maintain and protect the landscape values of the coastal environment.

4.6.6 In recognition of the importance of views from the water to the land, the ARC will introduce into this Plan by means of plan changes appropriate sight line provisions consistent with those in the relevant district plans which relate to the protection of views to the Region's volcanoes and other significant features.

4.7 PRINCIPAL REASONS FOR ADOPTING

4.7.1 Objectives 4.3.1, 4.3.2, Policies 4.4.1 to 4.4.3, and 4.4.5

Policies 4.4.1, 4.4.2 and 4.4.3 establish a hierarchy of protection of landscapes and seascapes in the coastal marine area. The hierarchy follows that established by section 6(b) of the RMA and Policies 1.1.3(a) and (iii) and 3.1.2 of the New Zealand Coastal Policy Statement. The level of protection afforded each landscape reflects its overall quality, its sensitivity to subdivision, use and development, and the degree to which it is rare or representative of the diversity of landscape types in the Region.

Outstanding Landscapes have the highest landscape quality and are the most sensitive to adverse effects from inappropriate subdivision, use and development. They are usually areas of highest natural character in the Region. Regionally Significant Landscapes are sensitive to subdivision, use and development, but this may be accommodated provided that the elements, features and patterns which determine the landscape quality are protected. In the remaining areas of

the coastal marine area the ability to accommodate subdivision, use and development while protecting landscape quality is determined by appropriate controls on the scale, location and design of such development and method of construction. Policy 4.4.5 provides guidance on particular matters to be addressed in assessing the visual impacts of subdivision, use and development.

4.7.2 Policy 4.4.4

Policy 4.4.4 recognises the landscape values associated with urban development. Although these landscapes are different from the more natural landscapes of the coastal environment they provide a unique contribution to the character and identity of Auckland. There is a need to maintain the quality, diversity and amenity value of these urban coastal landscapes.

4.7.3 Policy 4.4.6, Methods 4.6.1 to 4.6.4 and 4.6.6

The most significant impact on the landscape quality of the coastal environment is the pattern of subdivision, use, and development on land above Mean High Water Springs. Protection of landscape quality requires an integrated and consistent approach between the provisions of district plans and other relevant land management documents and this Plan. Provision of esplanade reserves and strips is one mechanism to protect the landscape quality of the coastal edge.

4.7.4 Method 4.6.5

District Plans presently contain provisions identifying and protecting volcanic sight lines. These are being reviewed and updated. Once this work is completed it

will need to be incorporated in this Plan as these sight lines cross areas of the coastal marine area. Future work may also identify the need to protect sight lines to other significant features, such as the Auckland War Memorial Museum.

4.8 ANTICIPATED ENVIRONMENTAL RESULTS

4.8.1 The protection of Outstanding Landscapes of the coastal environment

4.8.2 The maintenance of the key elements, features and patterns of Regionally Significant Landscapes of the coastal environment.

4.8.3 The maintenance of the diversity, integrity and landscape quality of the coastal environment.

Natural Features and Ecosystems – 5

5.1 INTRODUCTION

5.1.1 Natural Features

Section 6(b) of the RMA requires that this Plan recognise and provide for “the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development”. The New Zealand Coastal Policy Statement elaborates on this:

“It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

- (a) landscapes, seascapes and landforms, including:
 - i significant representative examples of each landform which provide the variety in each region;
 - ii visually or scientifically significant geological features;
 - iii the collective characteristics which give the coastal environment its natural character including wild and scenic areas” (NZCPS Policy 1.1.3).

In this Plan significant landforms and geological sites are defined as natural features. They record, and are formed by, past and present geological and geomorphological processes and give the coastal environment of the Auckland Region its unique physical form and identity. Natural features contribute to an understanding of the geological history of New Zealand, the development of the landforms and the evolution of native plants and animals. Geological sites may be of scientific and educational interest as mineral or fossil localities, or have structural, geological or sedimentary significance. Many natural features are records of, or are actively undergoing, geomorphological processes. Natural features may be associated with particular ecological and habitat

values. They are also of visual importance, being key elements in the coastal landscape and seascape, and contribute to the recreational and amenity values of the coast.

Natural features can be damaged or destroyed by a range of activities. In the past many volcanic landforms have been lost to quarrying. The removal of basalt, scoria, limestone, sand and certain minerals from various sites continues in the region. Other activities such as reclamation, the construction of retaining walls on cliff faces, the building of sea walls and other coastal protection works, and the inappropriate location of coastal structures may damage or destroy landforms, geological sites and the processes that form them. Alteration to dune stability by planting inappropriate vegetation, trampling, use of motor vehicles, vandalism, or changes in sediment supply, may modify the physical processes of dynamic beach systems. Natural features are also constantly subject to change from natural erosion or depositional processes along the coast.

There are relatively few natural features presently recorded as being wholly within the coastal marine area. Many natural features, especially geological sites, are located in coastal cliff exposures or form part of a sequence of reef, shore platform and coastal cliff, which means that natural features cross Mean High Water Springs. In these instances their management and protection is a shared responsibility between the ARC and territorial authorities.

5.1.2 Ecosystems

Section 6(c) of the RMA requires that provision be made for “the protection of areas of significant indigenous vegetation and the significant habitats of indigenous fauna”. Section 7 requires that particular regard be had to:

- “(d) Intrinsic values of ecosystems
- (f) Maintenance and enhancement of the quality of the environment”.

Policy 1.1.2 of the New Zealand Coastal Policy Statement describes the methods by which areas of significant indigenous vegetation and the significant habitats of indigenous fauna can be protected, while Policy 1.1.4 identifies national priorities “for the preservation of natural character of the coastal environment” [by protecting] “the integrity, functioning, and resilience of the coastal environment” with reference to a number of matters. These matters are reflected in the policies of this chapter.

Auckland’s coastal environment presents a varied terrain both above and below the surface of the water, and this is reflected in the wide variety of habitats that are found. Ecosystems found along the coast are influenced by a number of environmental gradients. These gradients include the difference in wave action in exposed versus sheltered waters, the differences created by geology and substrate including particle size, the different water temperatures of each coast, and variable freshwater and tidal influences. The range of habitats created by the combinations of environmental gradients and physical form, in turn support a rich array of terrestrial and marine species. As a consequence Auckland’s coastal ecology has a high species diversity and a wide variety of habitats.

Many of Auckland’s coastal and marine ecosystems have been damaged by a range of land and marine based activities. Activities on land have often had more significant adverse effects on these ecosystems than activities in the coastal marine area itself. Coastal wetlands, especially mangrove habitats, have been lost to farmland development, reclamation, roads and other public utilities, or have been used as rubbish disposal areas. Vegetation clearance in the surrounding catchments has resulted in large volumes of sediment being washed into the coastal marine area. This, coupled with contaminated discharges, has had adverse effects on water quality and sediment in many areas. Other coastal values have been damaged by introduced species such as marram grass, *Spartina* and the Pacific oyster, in some instances resulting in the loss of native species and habitats along parts of the coastline. Further inappropriate subdivision, use, and development will continue to undermine already stressed coastal ecosystems, by decreasing water quality, changing the operation of natural and physical processes, fragmenting habitats, putting pressure on

threatened species, and reducing the ability of coastal ecosystems to support natural species diversity and population numbers.

The continued health of coastal ecosystems is a fundamental prerequisite for maintaining the life-supporting capacity and the quality of the coastal environment. This in turn contributes to use and enjoyment of the coastal environment, thus providing for the cultural, social, and economic wellbeing of people and communities.

Areas of indigenous vegetation, habitats of coastal fauna and natural features classified as being of regional, national or international significance are included in the Coastal Protection Areas. Details on the composition and values of these areas are contained in Part II: Management Areas and in Schedule 3 of the Plan and they are identified on the Plan Maps.

5.2 ISSUES

5.2.1 Coastal and marine ecosystems and natural features such as landforms and geological sites are subject to change, damage or destruction from inappropriate subdivision, use and development, as well as the operation of natural processes. The quality of the coastal environment is fundamentally determined by the presence of a diversity of ecosystems and natural features and by their ability to function as biological and physical systems. This in turn enables people and communities to use and enjoy the coastal environment for a range of social, economic and cultural purposes.

5.2.2 Particular areas in the coastal environment have high natural and physical values of regional, national and international significance. These areas are also vulnerable to the adverse effects of inappropriate subdivision, use and development. Accordingly they require a greater level of protection than the coastal environment generally.

5.2.3 Inappropriate subdivision, use and development which occurs above Mean High Water Springs can have adverse effects on the natural features and ecosystems which occur below Mean

High Water Springs. The protection of the values of these features and ecosystems and the continued operation of ecological and physical processes requires a joint management approach.

5.3 OBJECTIVES

5.3.1 To protect the dynamic functioning of physical coastal processes.

5.3.2 To protect the integrity, functioning and resilience of ecosystems within the coastal environment.

5.3.3 To protect from inappropriate subdivision, use and development and where appropriate, preserve the ecological and physical values and processes of Coastal Protection Areas, in recognition of their intrinsic values, their regional, national and international significance, and their high vulnerability to adverse environmental effects.

5.4 POLICIES

5.4.1 Natural features, areas of indigenous vegetation and coastal habitats of indigenous fauna of international, national or regional significance, having the values, size and degree of vulnerability as detailed in Schedule 3, shall be protected and, where appropriate, preserved, by their inclusion in Coastal Protection Areas 1 or Coastal Protection Areas 2.

5.4.2 The values of, and the ecological and physical processes functioning in, Coastal Protection Areas 1 shall be preserved or protected as appropriate by:

- a avoiding inappropriate subdivision, use and development which will result in more than minor modification of, or damage to, these values and processes, or result in their destruction;
- b ensuring that as far as practicable changes in the size, quality and habitat diversity of these areas arise only from the functioning of natural processes.

5.4.3 The values of, and ecological and physical processes functioning in, Coastal Protection Areas 2 shall be protected by avoiding inappropriate subdivision, use and development which will have significant adverse effects on, or will result in the destruction of, these values and processes.

5.4.4 In those areas not identified in this plan as Coastal Protection Areas 1 and 2, any subdivision, use and development in the coastal marine area shall avoid as far as practicable, remedy or mitigate adverse effects on indigenous vegetation or fauna, their habitats, natural features and ecological and physical processes.

5.4.5 In assessing the effects, including cumulative effects, of subdivision, use and development on natural features and ecosystems throughout the coastal marine area regard shall be had to:

- a protecting the physical integrity of any natural feature, and maintaining any physical or biological processes necessary to ensure the functioning of the natural feature;
- b protecting the identified educational, scientific, amenity, cultural or heritage values of the natural feature and its contribution to the natural character and landscape values of the coastal environment;
- c maintaining the connections between plant communities, to protect the overlapping use of these areas for feeding, breeding, and sheltering of indigenous fauna;
- d minimising the fragmentation of habitats and ensuring any resulting area is of sufficient size to allow it to continue to function as a habitat;
- e maintaining or enhancing water quality to safeguard the life-supporting capacity of ecosystems;
- f maintaining and protecting natural biodiversity, productivity and biotic patterns;

- g maintaining the natural substrate composition by:
 - i avoiding the addition of material not found naturally in the area;
 - ii maintaining natural processes of erosion, movement and deposition of substrate; and
 - iii avoiding disturbance and deposition which would have significant or irreversible effects on the substrate composition.

5.4.6 When subdivision, use and development in the coastal marine area gives rise to actual or potential adverse effects on natural features and coastal and marine ecosystems, where appropriate these effects shall be remedied or mitigated by restoration or rehabilitation of the natural features and coastal and marine ecosystems.

In determining whether any adverse effects on natural features and coastal and marine ecosystems can be remedied or mitigated by restoration or rehabilitation, and if so, the level and extent of restoration or rehabilitation that is to be carried out, regard shall be had to:

- a the extent to which the qualities and features of natural features and coastal and marine ecosystems in the area of the proposed subdivision, use and development will be adversely affected and the ability to restore or rehabilitate natural features and coastal and marine ecosystems in the area subject to the proposal; or
- b where restoration or rehabilitation is not practicable in the area subject to the proposal, the potential to mitigate any adverse effects by the rehabilitation or restoration of natural features and coastal and marine ecosystems within other parts of the coastal marine area; and
- c where restoration plantings are carried out, preference shall be given to the use of indigenous species with a further preference for local genetic stock.

5.4.7 Where any Coastal Protection Area or natural features and habitats in the General Management Area, and any adjoining area on land or any freshwater body above Mean High Water Springs function as an integrated ecological or physical system, any subdivision, use and development in the coastal marine area shall ensure that these links are maintained.

5.5 RULES

All rules relating to the preservation and protection of natural features and ecosystems in the coastal marine area are contained in Part IV: Use and Development and Part V: Consent Processing

5.6 OTHER METHODS

5.6.1 District plans should contain appropriate provisions to ensure the protection of the values of Coastal Protection Areas by:

- a protecting the indigenous vegetation, habitat, fauna, natural features and natural processes that may form part of an area of land associated with a Coastal Protection Area, which is located above Mean High Water Springs;
- b ensuring that any subdivision, use and development in the coastal environment avoids as far as practicable, remedies or mitigates adverse effects on the values of, or the functioning of, natural and physical processes in adjacent Coastal Protection Areas, and on other coastal and marine ecosystems.

5.6.2 This Plan shall facilitate the protection of the significant indigenous vegetation and the significant habitats of indigenous fauna by the identification for information purposes of those areas above Mean High Water Springs which have important functional links to Coastal Protection Areas in the coastal marine area.

5.6.3 The ARC may impose restrictions on public access to and recreational use of those parts of the Coastal Protection Areas used as bird nesting areas

during the breeding season or as main roosting areas during peak migratory periods. Any restrictions shall be imposed by means of bylaws through public notices in newspapers or by the erection of public signs and shall be made in consultation with DOC, the Ministry of Fisheries, relevant territorial authorities and adjoining landowners.

5.6.4 The ARC shall work in conjunction with DOC, the Ministry of Fisheries, territorial authorities, and other relevant agencies and interest groups to progressively identify subtidal areas in the coastal marine area with regionally significant values, and shall incorporate them into the Plan through plan changes.

5.6.5 The ARC will support the establishment of esplanade reserves, esplanade strips and access strips adjacent to Coastal Protection Areas in recognition of their role in the protection of conservation values and, in particular, the maintenance and enhancement of aquatic habitats, to the extent that resulting public access will not have adverse effects on the conservation values.

5.7 PRINCIPAL REASONS FOR ADOPTING

5.7.1 All Objectives and Policies

The objectives and policies give effect to sections 6 and 7 of the RMA and to policies of Chapters 1 and 3 of the New Zealand Coastal Policy Statement. Together these establish detailed requirements to be met in regional plans.

5.7.2 Objectives 5.3.1, 5.3.2, Policies 5.4.4 and 5.4.5

These objectives and policies identify those natural and physical values and processes which contribute to the overall quality of the coastal environment and establish performance standards to be met by any subdivision, use and development.

5.7.3 Objective 5.3.3, Policies 5.4.1 to 5.4.3

This objective and policies give a higher level of protection to certain areas in the coastal marine area in recognition of their regional, national and international significance and their vulnerability. This consequent vulnerability is a reflection of the type of value, the size of any area and its level of robustness to adverse effects.

5.7.4 Policy 5.4.6

This policy gives effect to NZCPS Policy 1.1.5.

5.7.5 Policy 5.4.7 and Methods 5.6.1 and 5.6.2

Many ecological areas and natural features extend across Mean High Water Springs. The maintenance of their values and their ability to function is dependent on the protection of the whole area and the maintenance of the links across Mean High Water Springs. This involves sharing information between different administrative agencies, ensuring compatibility of various administrative documents and protecting these links when assessing proposals for subdivision, use and development in the coastal marine area.

5.7.6 Method 5.6.3

Some recreational activities and the desire of people to have access to and along the coastal marine area can have adverse effects on Coastal Protection Areas. However the type and scale of any effect may vary depending on the time of the year (eg. bird nesting times) and the type of values in each Coastal Protection Area. The use of bylaws to control these people-related activities provides greater flexibility than regional rules in responding to the needs of different geographic areas at various times of the year.

5.7.7 Method 5.6.4

Information on the values of subtidal areas of the coastal marine area is limited. This needs to be obtained through a progressive programme of research, involving a co-ordinated approach among a wide range of agencies and interest groups.

5.7.8 Method 5.6.5

Section 229 of the RMA states the purposes of esplanade reserves and esplanade strips, including their role in contributing to the protection of conservation values. Identification of areas of land adjacent to Coastal Protection Areas as suitable for esplanade reserves and strips is an appropriate method to facilitate the protection of these areas, provided that the resulting public access does not have adverse effects on the conservation values.

5.8 ANTICIPATED ENVIRONMENTAL RESULTS

5.8.1 The protection of significant natural features, areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development.

5.8.2 The protection of areas of indigenous vegetation and habitats of indigenous fauna where this contributes to the values and functioning of ecosystems and to natural character by limiting disturbance only to the extent reasonably necessary to carry out approved activities.

5.8.3 The maintenance and enhancement of the biological and genetic diversity, integrity, form, functioning, and resilience of coastal and marine ecosystems.

5.8.4 Progressive upgrading of information on subtidal areas and its incorporation through appropriate provisions in this Plan.

Nga Take Takutai Tuturu Mo Tangata Whenua – 6: (Coastal Matters of Significance to Tangata Whenua)

6.1 INTRODUCTION

6.1.1 Legislation

Section 6(e) requires recognition and provision for “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”. Section 7(a) requires that particular regard be had to “Kaitiakitanga”, and section 8 that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account.

The New Zealand Coastal Policy Statement elaborates on this by stating that:

“The tangata whenua are the kaitiaki of the coastal environment” (NZCPS General Principle 9).

“It is a national priority to protect the following features which, in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

- (b) characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori” (NZCPS Policy 1.1.3).

The New Zealand Coastal Policy Statement further requires identification and protection of characteristics of special value to Tangata Whenua to be carried out in accordance with tikanga Maori, including consideration of the transfer and/or delegation of powers, functions and duties to Iwi authorities under sections 33 and 34 the RMA (NZCPS Policies 2.1.1, 2.1.2, 2.1.3).

In relation to the Treaty of Waitangi, it states:

“All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the Tangata Whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi)” (NZCPS Policy 4.2.1).

It further requires all persons to observe general guidelines in relation to consultation with Tangata Whenua, to take account of relevant Iwi planning documents, and to incorporate Maori customary

knowledge, when preparing policy statements and plans and considering resource consent applications (NZCPS Policy 4.2.2).

6.1.2 Significance of Coastal Marine Area to Tangata Whenua

The coastal marine area and associated resources comprise some of the most important taonga to Maori. The wellbeing of the coastal marine area and associated resources, and the ability to use, develop and protect such resources according to Maori culture and traditions is fundamental to all aspects of Maori wellbeing. Accordingly it is recognised by Tangata Whenua that while all of the coastal marine area has characteristics of special spiritual, historical, and cultural significance, there are some parts and characteristics that are recognised as having special value to Tangata Whenua. Some Tangata Whenua have chosen to specifically identify parts of the coastal marine area that have characteristics of special value (shown on Map Series 3 Sheet 1 of the Plan Maps), while others have chosen not to identify such areas.

Maori values associated with the coastal marine area of the Auckland Region are based on whakapapa, and stem from long social, economic and cultural associations and experiences with the coastal marine area extending over several centuries.

The coastal marine area, including inland waters, falls within the domain of Tangaroa. As well as the values attributed to it by those who derive benefit from and in turn care for it, the coastal marine area and associated resources have an inherent value of their own as being part of the domain of Tangaroa, having mana atua.

Maori, through whakapapa, see themselves as an intimate part of the natural world and have ancestral obligations as Kaitiaki towards the natural world. Kaitiaki responsibilities and values of Tangata Whenua towards the coastal marine area are reflected and expressed in tikanga or practices developed and maintained over many centuries to maintain the mauri and mana of the resources of Tangaroa. In terms of Maoridom, tikanga determines what activities may occur within the coastal marine area, and if so, how they are to occur.

While an abundance of food is valued for the physical sustenance it provides a tribe, tikanga also places enormous value on the concept of manaakitanga. The ability to provide an abundance of food to guests is a matter of tribal mana and wellbeing. Maori values are also expressed in the importance placed on cultural materials found in the coastal environment, including those used for weaving and dyeing processes. The ability to live and work on coastal lands (eg. marae and papakainga) is also of fundamental importance, facilitating the meeting of Kaitiaki responsibilities and enabling relationships, culture and traditions with ancestral taonga to be nurtured.

Many activities have the potential to adversely affect the relationship of Maori and their culture and traditions with their ancestral water, sites, waahi tapu and other taonga in the coastal marine area. Of particular concern are the discharge of human sewage into the coastal marine area, degradation of water quality, damage to or destruction of waahi tapu, and any action that degrades or depletes marine life, particularly of species gathered and used by Tangata Whenua.

The values of Tangata Whenua towards the coastal marine area and associated resources, and the expression of such values in tribal tikanga and institutions, were confirmed and guaranteed by Te Tiriti o Waitangi signed in 1840. The Crown's subsequent presumptive ownership, management and control of the coastal marine area and associated ancestral taonga is a significant issue to Tangata Whenua. The management of the coastal marine area needs to be undertaken in a way which takes into account the principles of the Treaty of Waitangi and the effects on relevant Treaty claims and/or customary rights of Tangata Whenua.

Tikapa Moana and Te Moananui a Toi are recognised by Tangata Whenua as names for the Hauraki Gulf.

ARC recognises that Tangata Whenua have a historic, traditional, cultural and spiritual relationship with the Hauraki Gulf, its islands, catchments, foreshore and seabed and that the natural, historic and physical resources (including kaimoana), islands, catchments, foreshore and seabed of the Hauraki Gulf are considered to be taonga by Tangata Whenua. ARC recognises that the Treaty of Waitangi must be taken into account in the management of the Hauraki Gulf.

6.2 ISSUE

6.2.1 Subdivision, use and development in the coastal environment can have actual or potential effects on the relationship of Maori and their culture and traditions with their ancestral taonga. Decisions made under the RMA may affect, and be affected by, the customary rights of Tangata Whenua confirmed by the Treaty of Waitangi, and expressed in its principles. The involvement of Tangata Whenua in the sustainable management of characteristics of the coastal environment of special value to Tangata Whenua should therefore be recognised and provided for.

6.3 OBJECTIVES

6.3.1 To recognise that the coastal marine area has characteristics of special spiritual, historical, and cultural significance to Tangata Whenua.

6.3.2 To sustain the mauri of natural and physical resources of the coastal environment, and to enable provision for the social, economic and cultural wellbeing of Maori.

6.4 POLICIES

6.4.1 The relationship of Maori and their culture and traditions with their ancestral taonga will be recognised and provided for by:

- a identifying, evaluating and appropriately protecting in this Plan, in accordance with tikanga Maori, characteristics of special value in the coastal marine area, including waahi tapu, tauranga waka, mahinga mataitai and taonga raranga; and
- b progressively updating this Plan in accordance with Policy 6.4.1(a) as information is made available through the plan change or variation process; and
- c determining, in accordance with tikanga Maori, the means whereby those characteristics of special value which Tangata Whenua choose not to identify in this Plan are to be protected; and

- d avoiding, remedying or mitigating the adverse effects of subdivision, use and development on those natural and physical resources of the coastal marine area which are of special spiritual, historical, and cultural significance to Tangata Whenua, regardless of whether or not they are identified in this plan.

NB: Areas of special value to Tangata Whenua which have been identified to the ARC are shown on the Plan Maps (Map Series 3 Sheet 1). Any application for a resource consent or a plan change proposal which may affect those areas of special value will be referred to the relevant Tangata Whenua, and their concerns taken into account in the assessment of the proposal in accordance with the provisions of the RMA and this Plan.

6.4.2 Where appropriate, the ARC will involve Tangata Whenua in the resource management process where decisions are being made on issues of significance to Tangata Whenua concerning ancestral taonga or tikanga Maori by:

- a taking into account any relevant Iwi planning document recognised by an Iwi authority; and
- b encouraging applicants to consult the appropriate Tangata Whenua prior to submitting any proposal for a plan change or a resource consent application; and
- c consulting the appropriate Tangata Whenua on any proposal for a plan change or any relevant resource consent application; and
- d where Tangata Whenua are an affected party, providing for tikanga Maori and marae hearings where appropriate, and for the use of Maori language in statutory procedures; and
- e providing for tikanga Maori and marae hearings on the request of the applicant, where Tangata Whenua are the applicant; and
- f providing for the appointment of a person with recognised expertise in tikanga Maori to any hearing committee where ancestral taonga or tikanga Maori is a significant issue to Tangata Whenua; and

- g recognising the importance of Maori customary, cultural, or traditional knowledge; and
- h enabling Tangata Whenua to participate in the assessment of the effects of any activities on relationships with ancestral taonga, including access to, or use of, ancestral taonga.

6.4.3 Where appropriate, the ARC will enable the practical expression of Kaitiakitanga by Tangata Whenua in the coastal marine area by:

- a providing for, encouraging and supporting Tangata Whenua initiatives which seek to incorporate tikanga Maori, and where such initiatives are made known to the ARC and are relevant to its RMA functions: and
- b ensuring that adverse effects on areas protected under such initiatives are avoided, remedied or mitigated. These initiatives include rahui, whakatupu and taiapure; and
- c transferring, where appropriate, functions, powers and duties to Iwi authorities in terms of section 33 of the RMA.

This policy applies particularly to characteristics of special value, including waahi tapu, tauranga waka, tauranga ika, mahinga mataitai areas or reserves, and taonga raranga, identified by Tangata Whenua in accordance with tikanga Maori.

6.4.4 In assessing resource consent applications by Tangata Whenua of the locality, the ARC will take into account:

- a the extent to which the application enables provision for the communal social, economic and cultural wellbeing of the Iwi or Hapu;
- b the extent to which the proposal recognises and facilitates the special relationship between the Crown and the Tangata Whenua as established by the Treaty of Waitangi; and
- c the extent to which the applicant has a special relationship with the site or location of the proposed subdivision, use or development.

6.5 RULES

All rules relating to coastal matters of significance to Tangata Whenua are contained in Part IV: Use and Development, and Part V: Consent Processing.

6.6 OTHER METHODS

6.6.1 Those methods stated in Chapter 3 of the Auckland Regional Policy Statement, namely Methods 3.4.2, 3.4.5, 3.4.8, 3.4.11 and 3.4.14.

6.7 PRINCIPAL REASONS FOR ADOPTING

6.7.1 Objectives 6.3.1 and 6.3.2, Policies 6.4.1 – 6.4.4

To address relevant coastal matters of resource management significance to Tangata Whenua, to give effect to the requirements of Part II of the RMA, and to ensure that this Plan is not inconsistent with the provisions of the New Zealand Coastal Policy Statement and the Auckland Regional Policy Statement.

In achieving the purpose of the RMA, section 6(e) requires that the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga be recognised and provided for as a matter of national importance. Section 8 requires that the principles of the Treaty of Waitangi be taken into account in the management of natural and physical resources. Policies of the New Zealand Coastal Policy Statement require characteristics of special value to Tangata Whenua to be identified and protected in accordance with tikanga Maori, including the right of Tangata Whenua not to identify all or any such characteristics.

The objectives and policies of this chapter give effect to these national directives by providing guidance on how these matters will be implemented through the resource consent process set out in this Plan. Policies providing for the involvement of Tangata Whenua in the management of natural and physical resources give effect to recent case law and will help avoid, remedy or mitigate adverse effects on relationships of Tangata Whenua with their ancestral taonga. Such

policies have particular regard to Kaitiakitanga, in accordance with section 7(a) of the RMA.

6.8 ANTICIPATED ENVIRONMENTAL RESULTS

6.8.1 The special Treaty relationship between the Crown and Tangata Whenua is recognised and facilitated.

6.8.2 The relationship of Tangata Whenua and their culture and traditions with their ancestral taonga, including use of and access to these taonga, are recognised and provided for.

6.8.3 Adverse effects of subdivision, use and development on the relationship of Tangata Whenua and their culture and traditions with their ancestral taonga are avoided, remedied, or mitigated.

6.8.4 Appropriate and meaningful consultation is undertaken with Tangata Whenua on all matters of resource management of significance to them.

6.8.5 Involvement of Tangata Whenua in managing their ancestral taonga, including decision making, in accordance with tikanga Maori.

6.8.6 The historic, traditional, cultural and spiritual relationship of Tangata Whenua with the Hauraki Gulf, its islands, catchments, foreshore and seabed is provided for. Those natural, historic and physical resources (including kaimoana), islands, catchments, foreshore and seabed of the Hauraki Gulf with which Tangata Whenua have a historic, traditional, cultural and spiritual relationship are recognised and, where appropriate, enhanced.

Public Access – 7

7.1 INTRODUCTION

Section 6(d) of the RMA requires the maintenance and enhancement of public access to and along the coastal marine area to be recognised and provided for as a matter of national importance.

New Zealand is distinguished by the fact that most of the coastal marine area is land of the Crown, and by the traditional expectation of New Zealanders that land of the Crown in the coastal marine area shall generally be available for free public use and enjoyment. This expectation includes access to the coastal marine area from the land, access along the margin of the coastal marine area, and access within the coastal marine area, both on the surface of the water and below. However some land in the coastal marine area is in private ownership and public access may not be available in such instances.

The coastal marine area of the Auckland Region is an extensive area of public open space, most of which is within easy reach of New Zealand's largest metropolitan area. Access to the coast is important to the local, regional and national communities, for a variety of cultural, recreational, educational, scientific and commercial reasons.

Structures or activities either along the landward edge of the coast, or within the coastal marine area, while often enhancing access, may also result in obstruction or loss of access to, within, or along the coast. For example a jetty or boat ramp may facilitate access to part of the coastal marine area whereas a fence or boatshed may inhibit access along the foreshore.

In some areas, the issue is not so much threat to access as a lack of provision for access. For instance, there may be a need to enhance access from the sea or the land to a coastal reserve that is "locked in" by privately owned land. Conversely, in some areas it may be appropriate to restrict access in order to protect conservation values or public safety.

For a large proportion of the population, access to the coast is from the landward side, and responsibility for the maintenance and enhancement of access lies primarily with territorial authorities. This responsibility is complemented by ARC jurisdiction below Mean High Water Springs so that effective communication and co-ordination between the ARC and territorial

authorities is needed in order to maintain or enhance public access.

7.2 ISSUES

7.2.1 Appropriate subdivision, use and development within the coastal environment may enhance public access to, along or within the coastal marine area.

7.2.2 In some instances it may be necessary to restrict public access to protect ecological or cultural values and for health, safety and security.

7.3 OBJECTIVES

7.3.1 To maintain and enhance public access to, along and within the coastal marine area.

7.3.2 To provide for the restriction of public access in specified circumstances.

7.4 POLICIES

7.4.1 Subdivision, use, development and protection should ensure that public access to, along and within the coastal marine area is maintained or enhanced, except where it is necessary to restrict access in order to:

- a protect areas of significant indigenous vegetation, significant habitats of indigenous fauna or natural features; or
- b protect areas or sites within the coastal marine area identified by the Tangata Whenua as being of special spiritual, cultural and historical significance; or
- c protect significant cultural heritage places and areas identified in the Cultural Heritage Schedules and Plan Maps; or
- d protect public health or safety; or
- e ensure a level of security consistent with the activities being undertaken or the purpose of a resource consent, including a consent under

section 384A of the RMA for Ports of Auckland Ltd to occupy part of the coastal marine area; or

- f provide for exceptional circumstances where there is sufficient reason to justify a restriction of public access, notwithstanding the national importance placed on maintaining public access.

7.4.2 Except as provided in Policy 7.4.1(a) to (f) above, subdivision, use and development which has an adverse effect on public access to, along or within the coastal marine area, should be required to remedy or mitigate that effect.

7.4.3 Except as provided in Policy 7.4.1(a) to (f) above, subdivision use and development should not restrict the reasonable access of Tangata Whenua to sites and areas in the coastal marine area of special spiritual, cultural, or historical significance.

7.5 RULES

All rules relating to public access to, along and within the coastal marine area are contained in Part IV: Use and Development and Part V: Consent Processing.

7.6 OTHER METHODS

7.6.1 The ARC will work in conjunction with territorial authorities, DOC, Tangata Whenua, land owners and other interest groups to ensure that subdivision, use and development on land adjoining the coastal marine area maintains or enhances public access to and along the coastal marine area, having regard to the Policies in 7.4.

7.6.2 The ARC will work in conjunction with DOC, territorial authorities, Tangata Whenua, land owners and other interest groups, to improve public access to, along and within the coastal marine area where:

- a access is restricted, constrained or unavailable; and
- b is desirable that lawful and practical access is enhanced; and
- c it is desirable that access for people with disabilities be provided or enhanced.

7.6.3 The ARC will support the setting aside of esplanade reserves, esplanade strips and access strips on subdivision and development of land adjoining the coast, for the purpose of maintaining and enhancing public access to and along the coastal marine area. Esplanade reserves may also be taken when reclamation occurs. This will be in accordance with the relevant provisions of chapters 7 and 18 of the Auckland Regional Policy Statement.

7.6.4 The ARC will, where necessary, use methods to avoid, remedy or mitigate adverse effects generated from public access being provided to, along and within the coastal marine. Such methods may include:

- a provision of information; and
- b restriction of access; and
- c encouraging community groups or projects; and
- d encouraging the provision of appropriate facilities and services.

7.7 PRINCIPAL REASONS FOR ADOPTING

7.7.1 Objective 7.3.1, Policy 7.4.2 and Other Methods 7.6.1 – 7.6.3

Section 6(d) of the RMA identifies the maintenance and enhancement of public access to and along the coastal marine area as a matter of national importance, that shall be recognised and provided for. These provisions also implement Policies 3.5.2 – 3.5.4 of the New Zealand Coastal Policy Statement.

7.7.2 Objective 7.3.2, Policy 7.4.1 and Other Method 7.6.4

The provision of public access may adversely affect other aspects of the environment. In addition, restrictions on access may be necessary for security reasons, for public health and safety, or in other exceptional circumstances. These circumstances are recognised in Policy 3.5.1 of the New Zealand Coastal Policy Statement.

7.7.3 Policies 7.4.1(b) and 7.4.3

Section 6(e) of the RMA identifies the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance, that shall be recognised and provided for. In addition, Policy 3.5.4 of the New Zealand Coastal Policy Statement requires the identification of the access which Maori people have to sites of cultural value to them, according to tikanga Maori.

7.8 ANTICIPATED ENVIRONMENTAL RESULTS

7.8.1 The maintenance and enhancement of public access to, along and within the coastal marine area without adverse effects on the natural or cultural values of the coastal environment.

NOTE

It is recognised that some parts of the coastal marine area are in private ownership. As such, the owners of these areas have the right to deny public access.

Policy 7.4.1 does not restrict the right of land owners to deny public access to privately owned land, nor does it restrict or impinge on obligations under other legislation.

Cultural Heritage – 8

8.1 INTRODUCTION

Section 7 (e) of the RMA requires that particular regard be had to the recognition and protection of the heritage values of sites, buildings, places or areas.

This chapter deals essentially with European heritage. Heritage values associated with Maori and processes for consultation with Tangata Whenua of the Region are outlined in Chapter 6: Nga Take Takutai Tuturu Mo Tangata Whenua (Coastal Matters of Significance to Tangata Whenua). However, some archaeological sites of Maori origin that are of scientific importance have been included.

The rich resources of the Auckland Region have attracted human settlement for many centuries. Throughout this period the coastal environment has been extensively modified by cultural influences, making cultural heritage an important element in the character of the coastal environment of the Auckland Region.

The cultural heritage associated with the coastal environment has always been of central importance in creating the sense of place that is Auckland. The entire coastal marine area is overlain by a grid of places of cultural and historical importance to both Tangata Whenua and Europeans alike.

The maritime heritage that has developed during this period is reflected in the numerous associations, structures and features that exist today. Auckland's maritime cultural heritage includes archaeological sites, historic places, historic areas, shipwrecks, buildings and structures, as well as natural features and objects of historic and cultural significance. The importance of this heritage is well illustrated by the expression that currently identifies Auckland to the world, that is 'Auckland – City of Sails'.

Many cultural heritage sites, buildings, places or areas in the coastal marine area, or straddling the Mean High Water Springs boundary, are under threat of being compromised or lost through increasing pressure for subdivision, use and development in the Auckland Region.

Research by the ARC into the cultural heritage values of the coastal marine area has resulted in the production of the Maritime Cultural Heritage

Inventory. The sites, buildings, places or areas identified in this research and evaluated as having particular cultural heritage significance to the district, regional or national community have been recorded in the Cultural Heritage Schedules of the Plan. Those included in Schedule 1 for preservation are the sites, buildings, places or areas where modification should not occur and where it is appropriate that change is left to natural forces except where intervention is for the purpose of maintaining intrinsic heritage values. Those included in Schedule 2 for protection are the sites, buildings, places or areas where it is recognised that modification and change may need to occur. Modification for the purpose of maintenance, upgrading or restoration which is undertaken in a manner which still retains the integrity of the site, building, place or area is recognised as generally being acceptable.

The cultural heritage of the coastal environment is not static. It is a resource that is constantly being created, and may be modified by natural processes. The identification and collection of information on cultural heritage is an ongoing process and other structures and/or sites may be proposed for addition in the Cultural Heritage Schedules in the future.

Many of the sites, buildings, places or areas that are included in the Cultural Heritage Schedules of the Plan extend landward of Mean High Water Springs. To achieve the integrated management of these areas they also need to be given appropriate recognition and protection in the relevant district plans.

8.2 ISSUES

8.2.1 Cultural heritage sites, buildings, places or areas in, or associated with the coastal marine area are an important component in the history and identity of the coastal environment of the Auckland Region. Many of them have been, and continue to be, modified, damaged, or destroyed by subdivision, use and development. Accordingly, those places and areas which are an important element in Auckland's and New Zealand's maritime heritage should be preserved or protected. Cultural heritage of significance to Tangata Whenua is required to be identified according to tikanga Maori and shall be provided for in accordance with Chapter 6.

8.2.2 Many of the sites, buildings, places or areas listed in Cultural Heritage Schedules 1 and 2 extend landward of Mean High Water Springs. There is a need to achieve integrated management of these with other relevant bodies and organisations.

8.2.3 Heritage Protection Authorities (as defined in the RMA) cannot issue heritage orders in respect of sites in the coastal marine area as the provisions of the RMA are restricted to sites on land covered by district plans. The Regional Plan: Coastal is therefore the prime means of providing appropriate recognition and protection of the heritage values of sites, buildings, places, or areas located below Mean High Water Springs.

8.3 OBJECTIVES

8.3.1 To preserve and protect significant maritime cultural heritage sites, buildings, places or areas in the coastal environment.

8.3.2 To retain a diverse and representative range of maritime cultural heritage resources in the coastal environment.

8.4 POLICIES

8.4.1 Cultural heritage sites, buildings, places or areas identified for preservation in Cultural Heritage Schedule 1 shall be preserved by avoiding subdivision, use and development which would modify, damage or destroy them.

8.4.2 Any work, structure or activity which is for the purpose of maintaining intrinsic heritage values of a site, building, place or area identified for preservation in Cultural Heritage Schedule 1 shall generally be considered appropriate, and shall be in accordance with the provisions of any Conservation Plan prepared for the site, building, place or area and approved by the ARC.

8.4.3 Cultural heritage places and areas identified for protection in Cultural Heritage Schedule 2 shall be

protected by avoiding, where practicable, remedying, or mitigating the adverse effects of subdivision, use and development which would modify, damage or destroy their heritage values.

8.4.4 In assessing applications for subdivision, use or development which will affect sites, buildings, places and areas listed in Cultural Heritage Schedule 2 regard shall be had to:

- a the intrinsic values of the site, building, place or area, including the relationship that people and communities have with the site, building, place or area, and the extent to which it will be maintained;
- b the integrity of the site, building, place or area, including in the case of a structure its physical appearance, and the extent to which it will be maintained;
- c the extent to which the proposed modifications will maintain or enhance the efficient operation of an operating facility.

8.4.5 Having had regard to Policy 8.4.4, where an application for subdivision, use and development which will affect a site, building, place or area included in Schedule 2 is deemed to be appropriate, provision shall be made for the recording of the site, building, place or area by any or all of the following means;

- a photographic record;
- b written record;
- c identification at or near the site by a plaque, sign, or other method;
- d archaeological investigation and recording.

8.4.6 Subdivision, use and development in the coastal marine area should consider any effect on resources which are recognised as having historical or cultural value, and where practicable should avoid, remedy or mitigate any adverse effects on these resources.

NB. The Maritime Cultural Heritage Inventory is a non-statutory document prepared by the ARC which contains information on a large number of cultural heritage sites, buildings, places and areas in the Auckland region, including those in Cultural Heritage Schedules 1 and 2.

Many of the sites in this inventory are archaeological sites which are subject to the provisions of the Historic Places Act 1993. Authority is required from the New Zealand Historic Places Trust prior to any activity being undertaken which would modify, damage or destroy any archaeological site whether recorded or not.

The Maritime Cultural Heritage Inventory is available at the ARC offices and information on a particular area or site can be provided on request.

8.4.7 Maintenance and repair works on Schedule 2 sites shall be considered appropriate where they are consistent with the provisions of a Conservation Plan approved by the ARC.

8.5 RULES

All rules relating to the preservation and protection of cultural heritage are contained in Part IV: Use and Development and Part V: Consent Processing.

8.6 OTHER METHODS

8.6.1 The ARC will prepare Conservation Plans for Cultural Heritage places and areas in Schedules 1 and 2 and liaise with DOC, territorial authorities and other agencies in order to achieve appropriate protection and integrated management of sites, buildings, places or areas of maritime cultural heritage value in the coastal environment.

8.6.2 The ARC will liaise on, and make submissions to, plans and other relevant documents in order to achieve the appropriate protection and integrated management for sites, buildings, places or areas

of significant maritime cultural heritage value in the coastal environment.

8.6.3 The ARC will develop and maintain the Maritime Cultural Heritage Inventory as a system and resource for promoting the sustainable management of the cultural heritage resources of the coastal environment.

8.6.4 The ARC will encourage a greater public awareness and understanding of cultural heritage resources in the coastal environment to foster community support for their preservation and protection by:

- a providing advice and information on cultural heritage resources in the coastal environment where appropriate; and
- b advocating the conservation of cultural heritage resources in the coastal environment where appropriate; and
- c developing and implementing cultural heritage education programmes where appropriate.

8.7 PRINCIPAL REASONS FOR ADOPTING

8.7.1 Objective 8.3.1, Policies 8.4.1 – 8.4.7

Objective 8.3.1 and Policies 8.4.1, 8.4.3 and 8.4.6 establish a hierarchy of protection for sites, buildings, places or areas which have significant cultural heritage value in the coastal marine area. This recognition and protection of heritage values is in accordance with section 7(e) of the RMA and Policy 3.1.2 of the New Zealand Coastal Policy Statement.

Policy 8.4.1 aims to avoid unnatural interference or modification of sites, buildings, places or areas listed in Schedule 1. Those items listed in this Schedule are those that are not “useable” or not being “used” and where any change occurs, it is as a result of natural forces.

Policies 8.4.4 and 8.4.5 recognise that the sites, buildings, places or areas identified in Cultural Heritage Schedule 2 may be modified for operational, maintenance or restoration purposes. However these policies require that this be done in a manner which retains the integrity of the site, building, place or area, and records in an appropriate manner the site, building, place or area before modification or other changes are undertaken.

8.7.2 Objective 8.3.2, Other Methods 8.6.1 – 8.6.4

Some of the sites, buildings, places or areas of significant maritime cultural heritage value cross the boundary of Mean High Water Springs. Others may be located above Mean High Water Springs but have clear and significant associations with the coastal marine area. Activities above Mean High Water Springs can have an adverse effect on cultural heritage sites either straddling, or in, the Coastal Marine Area. It is important that there is integrated management for these sites which may cross, or be located in separate jurisdictional boundaries. The Other Methods outline the means by which the ARC will seek to ensure that this occurs.

8.8 ANTICIPATED ENVIRONMENTAL RESULTS

8.8.1 The preservation and protection of sites, buildings, places and areas in the coastal marine area which have significant cultural heritage value.

8.8.2 The integrated management of sites, buildings, places and areas which have significant maritime cultural heritage value in the coastal environment.

8.8.3 That the adverse effects of subdivision, use and development on sites, buildings, places and areas recorded in the Maritime Cultural Heritage Inventory are avoided, remedied, or mitigated.

8.8.4 The retention of a diverse and representative range of sites, buildings, places and areas of cultural heritage value in the coastal marine area.

Subdivision, Use and Development – 9

9.1 INTRODUCTION

The purpose of the RMA is to promote sustainable management. This in part means managing the use, development and protection of natural and physical resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

The coastal marine area of the Auckland Region surrounds New Zealand's largest metropolitan area, containing one third of the country's total population. The area includes New Zealand's major port and naval base and is a centre of recreational boating and many other maritime activities. These include water-related industrial and commercial activities, network utilities and recreation. The country's largest airport is located within the Region's coastal environment. Consequently the coastal environment, including the coastal marine area, plays an essential role in the social, economic and cultural wellbeing of both New Zealand generally, and the regional community in particular.

The coastal environment is therefore valued not only for its natural qualities, but also as an environment for the use and development of facilities and infrastructure associated with activities. These include maritime and air transport, industry and commerce. It is also valued and used for a wide range of recreational activities including swimming, fishing, boating and walking and including the works and structures that enhance these activities. Subdivision is also able to be undertaken. However this is assessed by territorial authorities.

The ability to appropriately subdivide, use and develop the coastal marine area will enable people and communities to provide for their social, economic and cultural wellbeing.

9.2 ISSUES

9.2.1 It is necessary to enable people and communities to appropriately subdivide, use and

develop parts of the coastal marine area for activities which either require a location within the area, or utilise the natural and physical resources of the area.

9.2.2 Inappropriate subdivision, use and development of the coastal marine area can result in the unsustainable management of natural and physical resources, having adverse effects on natural character, landscapes, natural features and ecosystems, matters of significance to Tangata Whenua, public access and cultural heritage values.

9.3 OBJECTIVES

9.3.1 To enable appropriate subdivision, use and development in the coastal marine area, recognising that the coastal marine area is a finite resource.

9.3.2 To recognise the national and regional importance of activities which depend upon the use of natural and physical resources of the coastal environment, such as maritime and air transport services, regional infrastructure and other water based industrial, commercial and recreational activities.

9.4 POLICIES

9.4.1 Subdivision, use and development within parts of the coastal marine area shall generally be considered appropriate where that subdivision, use and development depends upon the natural and physical resources of the coastal marine area, and where adverse effects are avoided, remedied or mitigated.

9.4.2 Subdivision, use and development within the Port, Defence, Marina, Mooring, Airport and Special Activity Management Areas, for those purposes, shall be considered appropriate, provided that the subdivision, use and development is consistent with the objectives and policies for those areas.

NB: In addition to this chapter and the other chapters of Part III: Values, the specific provisions relating

to the appropriateness of subdivision, use and development proposals are contained in Part IV: Use and Development and Part V: Consent Processing.

9.5 RULES

All rules relating to subdivision, use and development within the coastal marine area are contained in Part IV: Use and Development and Part V: Consent Processing.

9.6 OTHER METHODS

9.6.1 Where appropriate, the ARC will work in conjunction with territorial authorities, Tangata Whenua, landowners, the Crown, occupiers, and users of the coastal marine area and other interest groups to protect appropriate subdivision, use and development of the coastal marine area from adverse effects of other activities on land adjoining the area.

9.6.2 Where subdivision, use and development extends across the boundary of the coastal marine area onto adjoining land, the ARC will work in conjunction with territorial authorities and other relevant agencies to provide integrated planning, development and management processes for the activity.

9.7 PRINCIPAL REASONS FOR ADOPTING

9.7.1 All objectives and policies

The objectives and policies give effect to section 5 of the RMA, by providing for the sustainable management of the environment and section 3.2 of the New Zealand Coastal Policy Statement which provides a framework for determining appropriate subdivision, use and development of the coastal environment.

9.7.2 Objective 9.3.1

This objective recognises that the coastal marine area is a finite resource, and only appropriate subdivision, use and development should be provided for to ensure the promotion of sustainable management.

9.7.3 Objective 9.3.2, Policy 9.4.2

These provisions recognise the importance of maritime and air transport, commerce and other activities, and the need for them to have a measure of certainty and flexibility.

9.7.4 Policy 9.4.1

This policy takes account of the finite nature of the coastal marine area and the need to protect it from inappropriate or unnecessary subdivision, use and development which may adversely affect the natural and physical resources of the area.

9.7.5 Policies 9.4.1 and 9.4.2

These give effect to Policy 3.2.2 of the New Zealand Coastal Policy Statement which provides that where it is not practicable to avoid adverse effects of subdivision, use and development, they should be remedied or mitigated to the extent practicable. Construction activities may necessarily result in some adverse effects and while these may be for only a temporary duration they should be avoided, remedied or mitigated as far as is reasonably practicable.

9.7.6 NB at the end of the policies

This note clearly indicates that whilst subdivision, use and development is appropriate in certain circumstances, it is the provisions of the Plan as a whole, and not just this chapter that need to be considered.

9.7.7 Other Methods 9.6.1 and 9.6.2

Some land-based activities and the demand for public access to and along the coastal marine area can result in conflict with use and development in the area.

Consultation and co-operation between the ARC and territorial authorities, tangata whenua, landowners, the Crown, occupiers and users of the coastal marine area and other interest groups is necessary to avoid or reduce any such conflicts.

9.8 ANTICIPATED ENVIRONMENTAL RESULTS

9.8.1 The subdivision, use and development of the coastal marine area for appropriate purposes is enabled.

9.8.2 The coastal marine area is used only by those activities which require a marine location, or utilise the natural and physical resources of the area.

9.8.3 Conflicts between activities in the coastal marine area and activities on the adjoining land are avoided, remedied or mitigated.

9.8.4 Adverse effects of subdivision, use and development within the coastal environment are avoided, remedied or mitigated.



Shaded text indicates variations 1 – 6

General – 10

This chapter contains objectives and policies which apply to all subdivision, use and development in the coastal marine area that requires a resource consent.

[Note: Variation 1: see also Whole Plan Appeals at the beginning of the Proposed Auckland Regional Plan: Air, Land and Water (Highlighted to indicate Provisions Appealed) May 2005]

10.1 INTRODUCTION

The Auckland Region has a large metropolitan population, a number of sizeable coastal settlements, and is also a popular tourist area. It also contains a high proportion of New Zealand's population. These factors, in combination with the Region's maritime setting, result in the intensive use of the coastal environment for recreation e.g. fishing, boating, swimming, walking, collection of kaimoana, educational and scientific purposes, commercial activities (e.g. aquaculture, commercial fishing, port activities), passenger ferry transport, and as a receiving environment for discharges from land uses.

Much of the value placed on the coastal marine area, particularly for recreational and cultural activities, is derived from the fact that it is the largest public open space in the Auckland Region and is predominantly land of the Crown. The public have a long held expectation that they have a right to use and enjoy the coastal marine area for a variety of purposes. They place a significant cultural and amenity value on the coastal environment, and this needs to be safeguarded for future generations.

Provision is made for as wide a range of activities as possible in the coastal marine area. This is important in order to enable people and communities to provide for their social, economic, and cultural wellbeing. However, it is acknowledged that in some cases there is a relative lack of understanding of the effects of subdivision, use and development on parts of the coastal environment. Where this is the case, and significant adverse effects may potentially arise, a precautionary approach should be taken when assessing any proposal for subdivision, use or development. This will reduce the risk of significant environmental damage arising from that proposal.

The coastal marine area is a finite resource, and it is recognised that there are competing demands for its use. Some activities and uses of the coastal marine area are important to the regional and national

communities (e.g. the Port, defence and some network utility operations), while others are more of significance to local communities and individuals (e.g. a local boat ramp, or mooring areas). Furthermore, there are many activities undertaken within the coastal marine area which are of greater private than public benefit (e.g. marinas and private jetties). These activities may restrict the public's use and enjoyment of the coastal environment, but at the same time enable various people and groups to provide for their social, economic, and cultural wellbeing.

This chapter sets out objectives and policies, and the rules regarding occupation which generally apply to all subdivision, use and development proposals which require a resource consent. However only those that are relevant to a particular proposal will be considered in the assessment. The Use and Development chapters that follow contain more specific objectives, policies, rules. The provisions of Part III: Values, Part IV: Use and Development, and Part V: Consent Processing, will be used in the assessment of applications for coastal permits.

Tangata Whenua hold that their customary rights and responsibilities over their ancestral taonga have never been extinguished, and consider a significant issue to be the Crown's exercise of presumptive ownership, management and control over such taonga e.g. minerals, water, land in the coastal marine area. Granting of occupation consents does not derogate from any claim which Tangata Whenua have over the foreshore and seabed of the Hauraki Gulf.

10.2 ISSUES

10.2.1 The coastal marine area is used for a range of purposes, including recreational, commercial and educational purposes for scientific study and as a utility. This contributes to people's social, cultural, and economic wellbeing. However, inappropriate subdivision, use and development of the coastal marine area, and the cumulative effects of a large

number of users, can place pressure on the natural and physical resources of the coastal marine area, and detract from its amenity values. Accordingly, in order to sustainably manage the resources of the coastal marine area, it is necessary to ensure that subdivision, use and development is appropriate, and that any adverse effects are avoided, remedied or mitigated.

10.2.2 The coastal marine area is a finite resource and needs to be utilised in an efficient way. How space is allocated in the coastal marine area, and for what purposes, is an important issue.

10.3 OBJECTIVES

10.3.1 To provide for appropriate subdivision, use and development in the coastal marine area, and to protect the coastal marine area from inappropriate subdivision, use and development.

10.3.2 To ensure that efficient use is made of the coastal marine area.

10.3.3 To maintain where appropriate, the open space nature of the coastal environment.

10.4 POLICIES

10.4.1 Subdivision, use and development which maintains or enhances public use and enjoyment of the coastal marine area shall be encouraged except where it is appropriate to restrict the public, having considered the provisions of Chapter 7: Public Access.

10.4.2 Recreation is a significant and important use of the coastal marine area, and any proposal for subdivision, use and development shall have regard to the desirability of maintaining or enhancing recreational use of the coastal marine area while avoiding, remedying or mitigating adverse effects on existing activities.

10.4.3 Subdivision, use and development of the coastal marine area shall be considered more appropriate where the environment has already been highly modified by human activities, or located in areas where development already exists, unless:

- a location elsewhere in the coastal marine area of the Auckland Region would better avoid, remedy, or mitigate significant adverse effects of that subdivision, use and development; or
- b an application brought by Tangata Whenua better provides for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

10.4.4 The positive environmental effects and benefits arising from any proposal for subdivision, use and development shall be taken into account when assessing the overall effects of a proposal.

10.4.5 Any proposal for subdivision, use and development shall be located, designed, constructed or placed to:

- a complement as far as practicable the character of the environment in which it is located; and
- b avoid as far as practicable, remedy or mitigate adverse effects on ecological and physical processes beyond those which are already occurring in the immediate and surrounding area, including any area above Mean High Water Springs; and
- c where practicable, be consistent with relevant resource management strategies of adjoining territorial authorities.

10.4.6 Where practicable, subdivision, use and development shall be undertaken at times of the day, year or tides where this will avoid adverse effects on the coastal environment. Where complete avoidance is not practicable adverse effects shall be remedied or mitigated, particularly effects on:

- a the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding; or
- b recreational use of the coastal marine area; or
- c other established activities located in the coastal environment which are likely to be affected by any proposal.

Shaded text indicates variations 1 – 6

10.4.7 Subdivision and development within Coastal Protection Areas shall generally be considered inappropriate where it will:

- a result in any regular or sustained disturbance of migratory bird roosting, nesting and feeding areas, which noticeably reduces the level of use by them for these purposes, or which makes them permanently abandon these sites; or
- b result in the disturbance of the foreshore and seabed where this would destroy any regionally or nationally rare, threatened or endangered plant community or indigenous marine or terrestrial fauna; or
- c result in a level of modification, or damage to flora and fauna within these areas such that the values for which the Coastal Protection Area is recognised are affected in more than a minor way; or
- d results in the permanent use or occupation of the foreshore and seabed so that the areas become inaccessible to the plants, bird and other fauna presently using the area, to a level or a degree that the value or function of the Coastal Protection Area is significantly reduced; or
- e result in the disturbance, use or occupation of the foreshore and seabed or any change to physical processes that would destroy any recognised natural feature within the area, or result in a level of modification or damage to the natural feature such that the values for which the area or feature is recognised are affected in more than a minor way; or
- f result in a reduction in water quality which would adversely affect the natural ecological functioning of the area; or
- g result in the deposition of material at levels which would adversely affect the natural ecological functioning of the area; or
- h provide or enhance opportunities for access by and establishment of pest species; or
- i be of a type or scale, or be located in a place, which would result in the fragmentation of the

values of the area such that its physical integrity is destroyed.

10.4.8 Any cumulative adverse effects on the environment of new subdivision, use and development in the coastal marine area shall be avoided, remedied, or mitigated, taking into account the extent to which existing subdivision, use and development, either of the same or a different kind to that proposed, already has adverse effects, and the extent to which any new subdivision, use and development will exacerbate such effects.

10.4.9 In addition to Policy 10.4.8 cumulative adverse effects of subdivision, use and development on the values of the Coastal Protection Areas shall be avoided, taking into account:

- a the extent to which existing use and development already, and in combination with any proposal, impacts on the habitat, or impedes the operation of ecological and physical processes; and
- b the extent to which there are similar habitat types within other Coastal Protection Areas in the same harbour or estuary or, where the Coastal Protection Area is located on open coast, within the same vicinity; and
- c whether the viability of habitats of regionally or nationally threatened plants or animals is adversely affected, including the impact on the species population and location.

10.4.10 Occupation of the coastal marine area (in terms of section 12 (2) of the RMA) shall be considered inappropriate unless:

- a occupation is reasonably necessary for the proper functioning of the activity; and
- b adverse effects arising from space proposed to be occupied can be avoided where practicable, remedied or mitigated, having regard to the loss of public access to and along the coastal marine area.

10.4.11 A precautionary approach shall be taken where potentially significant adverse effects, which cannot be fully assessed due to inadequate

information or understanding (particularly where this is due to a lack of scientific or technical knowledge), may arise from a proposal for subdivision, use or development. In assessing any applications the ARC or its agents may impose conditions that will ensure that the effects of the activity are avoided, remedied or mitigated, including, but not limited to, any or all of the following:

- a that consent conditions be reviewed in order to avoid, remedy or mitigate any adverse effects that may be generated by the activity; and
- b that the consent holder be required to regularly monitor the effects of any activity; and
- c that bonds be imposed to ensure that any works or actions required by any consent is undertaken; and
- d that the term of any consent is limited.

10.4.12 In assessing proposals for subdivision, use and development in the coastal marine area, particular regard shall be had to ensuring:

- a the efficient passage of vessels in Port Management Areas, Marina Management Areas, Mooring Management Areas, navigational channels and other areas of the coastal marine area which have recognised high levels of usage by vessels; and
- b the safe passage of vessels throughout the coastal marine area.

10.4.13 Nuisance effects from noise, odour, dust, light, glare, vibration, and traffic shall be avoided, remedied or mitigated by the adoption of the best practicable option where appropriate.

10.4.14 Construction or demolition of any structure or other work shall be undertaken in a manner which avoids, remedies or mitigates adverse effects on the environment.

10.4.15 In assessing the appropriateness of proposals for use and development, regard shall be had to the effects that any proposal may have, or may potentially have, on the activities provided for within the following management areas:

- Port Management Areas;
- Other Port Facility Management Area;
- Auckland Airport Management Area;
- Aquaculture Management Areas;
- Defence Management and Exercise Area;
- Marina Management Area;
- Mooring Management Area;
- Special Activity Management Area; and
- Tangata Whenua Management Areas.

Where a proposal for use and development may have a significant adverse effect on the activities provided for in the particular Management Areas specified above, it shall generally be considered inappropriate.

NB: Coastal Protection Areas are not included here as Policy 10.4.7 covers these areas.

10.4.16 When assessing resource consent applications by stormwater or wastewater network utility operators to occupy and use the CMA, regard shall be had to the strategic importance of stormwater and wastewater networks to the Auckland region; and the operational necessity to locate components of those networks within the CMA.

10.5 RULES

Occupation

The rules relating to occupation are contained in this chapter and also contained in rules for some activities within the specific Use and Development Chapters.

All other rules relating to use and development are contained in Part IV: Use and Development, inclusive and Part V: Consent Processing.

Shaded text indicates variations 1 – 6

Permitted Activities

10.5.1 Occupation where it is specifically provided for as a permitted activity in other Use and Development Chapters of this plan, except where rule 10.5.6 – Restricted Discretionary, applies.

Occupation and Use of the CMA by existing stormwater and wastewater structures operated or managed by a stormwater or wastewater network utility operator.

10.5.2 Notwithstanding Rule 10.5.1 any:

- i existing stormwater or wastewater structure occupying any part of the coastal marine area at 23 October 2001, and any subsequent upgrade to such a structure, that forms part of a stormwater or wastewater network operated or managed by a stormwater or wastewater network utility operator,
- ii submarine telecommunications or submarine power cable located either on or under the seabed or under the foreshore, that occupies any part of the coastal marine area at 23 October 2001 and forms part of a telecommunications or power transmission network operated or managed by a network utility operator,

is a permitted activity in terms of section 12(2) and 12(3) of the RMA, if it complies with all of subject to compliance with the following conditions:

- a The character, intensity, and scale of any adverse effects of the upgraded structure are no more than minor.
- b The structure is located such that it does not cause more than minor erosion, deposition, or disturbance.
- c The structure is maintained in a structurally sound condition.
- d The structure is not redundant, in that it is being used and is physically capable of being used for its required purpose.
- e The structure and/or its location are shown on a plan with the NZMS grid references (seven digit

easting & northing), and by a photograph, both of which are provided to ARC.

f The structure is located such that it does not unduly impede public access to and along the CMA.

g The structure is not located on a coastline identified in this plan as Outstanding Landscape or within a Non-Ecological CPA 1 listed in Table 20.2 of this Plan, or within a Tangata Whenua Management Area shown in the maps to this Plan.

[Variation 1: E505/04/25 and E505/0426 Auckland International Airport Ltd, E501/04/22 and E501/04/23 Federated Farmers of New Zealand (Inc), E498/04/01, E498/04/02, E498/04/03 and E498/04/04 Transit New Zealand]

Note: This rule does not expressly permit an activity that would breach Section 12(1) or Section 15 of the Resource Management Act.

CONTROLLED ACTIVITIES

10.5.3 Occupation by any activity specified as a controlled activity by another rule in this plan.

10.5.3.1 The ARC will have control over the following matters:

- a the spatial and temporal extent of the physical occupation; and
- b the extent to which persons will be excluded from using the structure, or by the activity or from the coastal marine area; and
- c the effect the proposal may have on existing resource consent holders or those able to occupy as of right, within the same locality or the vicinity; and
- d navigation and safety; and
- e the duration of the occupation consent; and
- f monitoring the effects of the occupation.

Restricted Discretionary Activities

10.5.4 Occupation by any activity specified as a restricted discretionary activity by another rule in this plan.

10.5.5 Occupation by any activity where that occupation is not otherwise provided for as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity in this plan.

10.5.6 Occupation by an activity, which would otherwise be permitted or controlled, where the area to be occupied is either wholly or partially already the subject of an existing occupation consent or is within an area occupied by another party for an activity permitted by this plan.

10.5.7 The ARC will restrict the exercise of its discretion under Rules 10.5.4, 10.5.5 and 10.5.6 to the following matters:

- a the spatial and temporal extent of the physical occupation; and
- b the extent to which persons will be excluded from using the structure, or by the activity or from the coastal marine area; and
- c the availability of similar structures or activities nearby which could be utilised for the same or similar purpose or the ability to locate the structure or activity on land outside of the coastal marine area; and
- d the effect the proposal may have on existing resource consent holders of occupation or those able to occupy as of right, within the same locality or the vicinity; and
- e navigation and safety; and
- f the cumulative effects of the occupation; and
- g the duration of the occupation consent; and
- h monitoring the effects of the occupation.

10.5.8 Notwithstanding Rule 10.5.1, any:

- i existing stormwater or wastewater structure occupying any part of the coastal marine area at 23 October 2001, and any subsequent upgrade to such a structure that forms part of a stormwater or wastewater network operated or managed by a stormwater or wastewater network utility operator,
- ii submarine telecommunications or submarine power cable located either on or under the seabed or under the foreshore, that occupies any part of the coastal marine area at 23 October 2001 and forms part of a telecommunications or power transmission network operated or managed by a network utility operator,

that is unable to comply with one or more conditions of Rule 10.5.2 is a restricted discretionary activity.

The ARC will restrict the exercise of its discretion to the matters within conditions (a) to (g) of Rule 10.5.2 that the activity is unable to comply with, together with the following additional matters:

- a The spatial extent of the structure, if that spatial extent has contributed to non-compliance with conditions (b), (c) or (f) of Rule 10.5.2;
- b The character, intensity, and scale of any adverse effects of an upgraded structure;
- c Effects of the structure on amenity values;
- d The cumulative effect of existing structures and any opportunities for combining such structures;
- e Monitoring, reporting and review requirements;
- f The imposition of administrative charges.

Note: The term "stormwater or wastewater network utility operator" has the same meaning as defined in the Auckland Regional Plan: Air, Land and Water.

[Variation 1: E505/04/25 and E505/04/26 Auckland International Airport Ltd, E498/04/05 Transit New Zealand]

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Discretionary Activities

10.5.9 Occupation by any activity specified as a discretionary activity by another rule in this plan.

Non-Complying Activities

10.5.10 Occupation by any activity specified as a non-complying activity by another rule in this plan.

Prohibited Activities

10.5.11 Occupation by any activity specified as a prohibited activity by another rule in this plan.

10.6 OTHER METHODS

10.6.1 The ARC will protect the open space values of the coastal environment by avoiding inappropriate use and development in its coastal regional parks.

10.6.2 Territorial authorities and DOC should protect the open space values of the coastal environment by avoiding inappropriate use and development on esplanade reserves or strips, other coastal reserves, or coastal land within their management or ownership.

10.7 PRINCIPAL REASONS FOR ADOPTING

10.7.1 The Objectives, Policies and Rules

The Plan provides for appropriate subdivision, use and development in the coastal marine area. It does this by expressing objectives, policies, and rules, specific to the activities listed in Part IV: Use and Development, in addition to those in Part III: Values.

However the objectives, policies and rules in this chapter generally apply across all of the activities in Part IV: Use and Development, and set out a number of principles. These include the principles that:

- a the coastal marine area is essentially public estate and should be as freely available for use by the public as possible;

- b recreational use should be enhanced;

- c concentrating activities so as to retain as much of the coastal marine area in its natural state as possible;

- d a precautionary approach should be adopted to use and development where there are potentially significant adverse effects, acknowledging that in some areas there is a relative lack of knowledge about the coastal environment;

- e cumulative adverse effects should be avoided, remedied or mitigated and the scale, design, location, and timing of any proposal are critical to ensuring that any adverse effects on the environment are minimised to the greatest extent practicable.

10.7.2 Objective 10.3.3 and Other Methods

Policy 3.1.3 of the New Zealand Coastal Policy Statement states that plans should recognise the contribution that open space makes to amenity values. The coastal marine area is essentially a large open space, and the provisions of this Plan seek to maintain this. Development within the coastal environment has the potential to adversely affect open space and amenity values. Those agencies who own or administer land within the coastal environment need to ensure that the open space nature of the coastal environment, particularly that close to, or in the coastal marine area, is maintained or enhanced where appropriate.

10.8 ANTICIPATED ENVIRONMENTAL RESULTS

10.8.1 This chapter sets out objectives, policies and rules that need to be considered with all of the specific provisions of the Use and Development chapters that follow. The anticipated environmental results are all of those in the chapters contained in Part IV of this Plan.



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Activities – 11

Section 12(3) of the RMA states no person may carry out any activity in the coastal marine area in a manner that contravenes a rule in this Plan unless it is expressly allowed by a resource consent, or allowed by section 20 (certain existing lawful activities allowed). This chapter only deals with activities covered by section 12(3) and any associated occupation under section 12(2).

Other chapters in this Plan specifically deal with use and development which requires approval under section 12(1) of the RMA, which relates to the undertaking of works, and any associated occupation under section 12 (2). As an example, the erection of a wharf or jetty requires consent pursuant to section 12(1) and is dealt with in Chapter 12: Structures, whereas the use of that wharf or jetty is dealt with by this chapter. The Plan also has separate Use and Development chapters dealing with specific types of use and development such as Aquaculture, and management areas for Marinas, Moorings, Ports, the Airport and Defence. These chapters are generally stand-alone and section 12 (1), (2) and (3) matters are addressed in each chapter.

11.1 INTRODUCTION

A wide range of activities are undertaken within the coastal marine area of the Auckland Region. The major activity covered by this chapter is recreation. Others include commercial activities and educational and scientific study. The chapter permits these activities provided they meet specified conditions and provided they are not dealt with in another chapter of this Plan.

The permitted activity conditions seek to ensure that if there are any adverse effects arising from the activities that they are minor. Accordingly the activities which are permitted are those which result in no permanent modification to, or permanent exclusive use of, the coastal marine area. Where the conditions cannot be met a coastal permit will be required.

Where an activity is not permitted and a coastal permit is required the Plan requires that the activity has a 'functional need' to be undertaken in the coastal marine area, or that it is ancillary to an activity which has such a need, or there is no reasonable or practicable alternative location for the activity. This is to ensure that activities are appropriate and space within the coastal marine area is efficiently allocated. Provision has been made in this Plan for Special Activity Areas and Special Events. Special Activity Areas are specified areas of coastal marine

area (shown on the Plan Maps) set aside for regular organised maritime events including rowing regattas, water skiing events, and speedboat racing. When these areas are not being used for the above activities they are freely available for other activities.

Special Events (defined in the Definitions Section) are organised events which need short term 'exclusive use' of part of the coastal marine area to enable them to be undertaken. These events may occur within the Special Activity Areas as a permitted activity. Outside of these areas Special Events require a coastal permit.

11.2 ISSUES

11.2.1 A wide range of activities are undertaken within the coastal marine area. Many of these have little or no adverse effect, and are provided for as of right. However, individually or cumulatively, activities can adversely affect the environment and the public use of the coastal marine area. These activities need to be managed to ensure that the effects are acceptable.

11.2.2 The efficient use of the coastal marine area is a statutory requirement (section 7 of the RMA) and a desirable objective. Accordingly some activities need to be assessed to ensure that efficient use is being made of the coastal marine area.

11.3 OBJECTIVES

11.3.1 To provide for a wide range of appropriate activities in the coastal marine area.

11.3.2 To ensure that efficient use is made of the coastal marine area.

11.4 POLICIES

11.4.1 Activities in the coastal marine area which are not permitted activities by this chapter shall generally be considered appropriate where:

- a
 - i there is a functional need to undertake the activity in the coastal marine area; or
 - ii they are ancillary to an activity which has a functional need to locate in the coastal marine area; or
 - iii no reasonable or practicable alternative location exists including any location outside of the coastal marine area; or
 - iv the activities are for the cultural and traditional needs of Tangata Whenua; and
- b any landward development associated with the activities in the coastal marine area can be accommodated; and
- c any adverse effects on the environment can be avoided, remedied or mitigated.

11.4.2 Activities shall be avoided where they will modify, other than as provided for in Policy 11.4.4, damage, or destroy a site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

11.4.3 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposed activity (which is the subject of this chapter) in the coastal marine area.

11.4.4 Activities for the purpose of maintaining intrinsic heritage values of a site, building, place or area identified for preservation in Cultural Heritage Schedule 1 shall generally be considered appropriate

11.4.5 Activities which would obstruct or compromise the use of any Special Activity Area for a special event shall be avoided.

11.5 RULES

Permitted Activities

Rule 11.5.1 applies within all management areas, unless it conflicts with an activity listed as a permitted activity within the following management areas – Port, Airport, Defence, Marina, Mooring, Aquaculture or within a Special Activity Area.

Rule 11.5.1 is not intended to restrict people's reasonable enjoyment of the coastal marine area.

District plan requirements (above Mean High Water Springs) and any relevant bylaws or other requirements under other legislation associated with the activity also need to be met in addition to the requirements of this Plan.

11.5.1 Any activity which is not otherwise provided for in any other chapter of this Plan, subject to the following conditions:

- a the activity does not involve the occupation of space in terms of section 12(2) of the RMA; and
- b public access to, along and within the coastal marine area is not permanently restricted; and
- c any disturbance of the foreshore or seabed is able to be remedied by natural processes within 48 hours of the completion of the activity within any Coastal Protection Area 1 and within 7 days in other parts of the coastal marine area; and

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- d any site, building, place or area scheduled for protection or preservation in Cultural Heritage Schedules 1 or 2 shall not be modified, damaged, or destroyed; and
- e the activity complies with the noise conditions set out in Chapter 35: Noise; and
- f the activity does not result in a permitted Special Event in a Special Activity Area permitted under Rule 11.5.2 having to be altered to the extent that it could not be undertaken.

11.5.2 Any Special Event within a Special Activity Area, where the conditions of Rule 11.5.1 are met, other than 11.5.1(a), and the event requires temporary 'exclusive use' of the Special Activity Area for the duration of the event.

NB. Any Special Event proposed to be undertaken within a Special Activity Area, or any other part of the coastal marine area shall in addition to this Plan be subject to the provisions of bylaws administered by the ARC or its agents.

Restricted Discretionary Activities

11.5.3 Any activity which fails to meet one or more of conditions b, e, or f of Rule 11.5.1.

11.5.3.1 The ARC will restrict the exercise of its discretion under Rule 11.5.3 to the following matters:

- a the effects associated with the non-compliance of the particular permitted activity conditions; and
- b the location and spatial extent of the activity; and
- c the duration of the consent; and
- d the monitoring of the consent.

11.5.4 Any Special Event outside of Special Activity Areas, subject to the following standards and terms:

- a the event does not take place in Coastal Protection Areas; and
- b the event shall not modify, damage or destroy any site, building, place or area in Cultural Heritage Schedules 1 and 2;

11.5.4.1 The ARC will restrict the exercise of its discretion under Rule 11.5.4 to the following matters:

- a the impact on other activities undertaken at the location;
- b the location, spatial extent and duration of the activity; and
- c whether there should be public notice of the event; and
- d the level of any disturbance to the foreshore or seabed; and
- e the potential effects of any noise likely to be produced by the Special Event, with reference to Chapter 35 Noise; and
- f the hours of operation; and
- g the duration of the consent; and
- h the monitoring of the consent.

An application for a resource consent under Rules 11.5.3 or 11.5.4 will be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

11.5.5 Any activity which is not a permitted, controlled or restricted discretionary activity, and is not prohibited.

Prohibited Activities

11.5.6 Any activity which would modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

11.6 OTHER METHODS

11.6.1 The ARC may, within 2 years of this Plan becoming operative, and in consultation with territorial authorities, DOC, Tangata Whenua, interest groups and the Maritime Safety Authority, identify recreational areas which are important to the region, and consider appropriate identification and provisions in this Plan.

11.6.2 Territorial authorities should make provision in their district plans for the maintenance and enhancement of the recreational values of the coastal environment, consistent with the policies specified in this chapter.

11.6.3 Bylaws will be used to control matters of nuisance (other than noise) and conduct in the coastal marine area, and navigation and safety.

11.6.4 Special Activity Areas may be identified in this Plan where:

- a a generally clear and unobstructed water space is necessary for activities to continue; and
- b intensive use is made of the area by a variety of different activities, leading to a high potential for conflict between activities; and
- c the use of the area will not conflict with navigation and safety of other users of the coastal marine area; and
- d there will be no adverse effect upon the areas and values listed in Policies 11.4.2 or 11.4.3.

11.7 PRINCIPAL REASONS FOR ADOPTING

11.7.1 Objective 11.3.1, All policies and Rules 11.5.1 and 11.5.2

A wide range of activities are undertaken in the coastal marine area and provision has been made for as many as possible to continue. Individually and cumulatively they are likely to only have a minor adverse effect. Accordingly many activities may be undertaken as of right provided that they can satisfy certain conditions set out in the Plan. Rule 11.5.1 permits activities which do not modify the coastal marine area and applies to all management areas. This means that it is appropriate for example to sail, kayak or swim within the specific purpose management areas. However it only applies to the extent that those activities do not conflict with activities being undertaken with those management areas.

11.7.2 The Objectives, Policies 11.4.1, 11.4.2, 11.4.3, and Rules 11.5.3 and 11.5.5

Where activities do not comply with the above provisions in Rule 11.5.1 they will need to be individually assessed in terms of potential effects on the environment. The assessment of any proposal and the extent to which any adverse effect can be avoided, remedied or mitigated will depend upon a number of factors including its location, area, extent, scale, and intensity of use. Appropriate provisions are necessary to allow these proposals to be assessed.

11.7.3 The Objectives, Policy 11.4.5 and Rules 11.5.1f, 11.5.2 and 11.5.4

In a number of cases areas of water need to be set aside for special events to occur so that conflicts do not occur with other users of the coastal marine area. These include events such as water skiing, rowing, regatta or trial racing. When not being used for special events these areas will be available for general use. Structures which facilitate the use of these areas for

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Special Events are generally considered to be more appropriate, than those other structures which may adversely affect the use of these areas for Special Events. The rules covering structures in Special Activity Areas are found in Chapter 12: Structures.

11.7.4 Policies 11.4.2, 11.4.4 and Rule 11.5.6

The adverse effects of activities on areas and places in the Cultural Heritage Schedule 1 (preservation) will be significant. The Schedule contains those areas and places that should not be modified by human action, except for the purpose of maintaining intrinsic heritage values of a site, building, place or area identified in that Schedule. Therefore activities which could modify (except as above), damage or destroy these places and areas are prohibited.

11.7.5 Objective 11.3.1, Policy 11.4.1, All Rules and All Other Methods

Recreational activities are recognised as a significant and important use of the coastal marine area and wider coastal environment. Accordingly they are generally provided for as permitted activities. This matter is also covered in Chapter 10: General, of Part IV: Use and Development.

11.7.6 Other Method 11.6.3

Bylaws are considered the most appropriate mechanism to regulate conduct and behavioural matters as well as navigation and safety.

11.8 ANTICIPATED ENVIRONMENTAL RESULTS

11.8.1 As many appropriate activities as possible are able to be undertaken within the coastal marine area.

11.8.2 Efficient use is made of the coastal marine area.

11.8.3 The recreational values of the coastal marine area are maintained and enhanced.

11.8.4 The adverse effects of activities on the coastal environment are avoided, remedied, or mitigated.

11.8.5 Conflicts between different activities in the coastal marine area are avoided, remedied or mitigated.



Structures – 12

This chapter contains objectives, policies and rules relating to structures and its provisions apply to all areas of the coastal marine area, except those listed below. Provisions relating to structures in the Port, Marina, Aquaculture and Airport Management Areas and the Devonport Defence Management Area are contained in the separate chapters addressing these areas, unless otherwise specified.

Any application for a structure needs to consider the provisions of this chapter and those matters contained in Part III: Values in relation to the assessment of effects on the environment.

12.1 INTRODUCTION

Section 12(1)(b) of the RMA states that no person may, in the coastal marine area, erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, unless expressly allowed by a rule in a regional coastal plan or a resource consent.

Structures are erected or placed in the coastal marine area in order to enable people and communities to use the coastal marine area for a variety of commercial and recreational activities. Some structures require a location in the coastal marine area, while for other structures a marine location may be desirable, but is not essential. Structures commonly found in the coastal marine area include wharves, jetties, breakwaters, groynes, racks for aquaculture, boat sheds, boat ramps, slipways, seawalls, navigational aids, pipelines, cables, electric lines and bridges.

During the construction phase and afterwards, structures may have adverse environmental effects. For example degradation of natural character, inappropriate alteration of landscape, disruption of ecosystems and physical processes, changes to amenity values, restriction of public access, alteration, damage or destruction of cultural heritage sites, offence to spiritual values, and adverse effects on the relationship of Tangata Whenua with their ancestral taonga. In many cases the most significant adverse effects of structures in the coastal environment arise not from an individual structure, but from the cumulative effect of the presence of a number of structures within a given area. Structures may also have beneficial or positive effects on the environment. For example by providing public access to the coastal marine area where it was previously difficult

or unavailable. In order to promote sustainable management of the coastal marine area, it is important to ensure that any structure is appropriate and that adverse effects are avoided, remedied or mitigated.

Most of the structures in the coastal marine area have links to the land and therefore their construction and maintenance is a management issue requiring an integrated approach between the ARC and territorial authorities. Where in this chapter reference is made to the disturbance of foreshore and seabed associated with a structure being able to be remedied within seven days, this does not include the disturbance of foreshore or seabed arising directly from the displacement of material from the positioning of the structure itself.

12.2 ISSUES

12.2.1 In parts of the coastal marine area of the Auckland Region there are a significant number of structures. This reflects the intensive use made of those coastal marine areas. Furthermore, there continues to be significant pressure for the development of more structures.

12.2.2 Structures enable the use and development of the coastal marine area, and may have a positive benefit to people and communities. However they can also have adverse effects on the coastal environment.

12.3 OBJECTIVE

12.3.1 To provide for appropriate structures in the coastal marine area, while avoiding, remedying, or mitigating adverse effects on the environment.

12.4 POLICIES

12.4.1 Subject to the limitations stated in Policies 12.4.2 to 12.4.14, structures in the coastal marine area shall generally be considered appropriate where:

- a i no reasonable or practicable alternative location exists having regard to the efficient use and development of natural and physical resources; or
- ii the structure is proposed for the cultural and traditional needs of Tangata Whenua;
- b the purpose for which the structure is required cannot reasonably or practicably be accommodated by existing structures in the coastal marine area; and
- c efficient use will be made of the coastal environment by using the minimum area of the coastal marine area necessary for the structure; and
- d the structure will not have a significant adverse effect on the adjoining land.

12.4.2 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposed structure in the coastal marine area.

12.4.3 Structures in the coastal marine area should as far as practicable, be of an appropriate scale, design, colour and location so as to avoid, remedy or mitigate adverse effects on the coastal environment.

12.4.4 Structures for public or multiple use shall be considered more appropriate than the erection of new structures for individual use.

12.4.5 Structures shall be avoided where they will modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy a site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

12.4.6 Any maintenance, repair or restoration of any structure listed in Cultural Heritage Schedules 1 or 2 shall, as far as practicable, be undertaken in a manner and in materials which are consistent with the

style and design of the original structure and do not adversely affect its cultural and historical value.

12.4.7 Structures in any Coastal Protection Area 1 may be considered appropriate if they are:

- a for scientific and research purposes or for public education, and will enhance the understanding and long term protection of the Coastal Protection Area; or
- b for navigation and safety; or
- c for habitat maintenance and enhancement; or
- d structures of benefit to the regional and national community and there are no reasonable or practicable alternatives to their location on land or elsewhere in the coastal marine area.

12.4.8 The extension or alteration of any existing lawful structure in Coastal Protection Areas 1 shall be avoided unless it can be demonstrated that:

- a the existing structure has no significant adverse effect on the values and ecological and physical processes operating in the Coastal Protection Area 1; and
- b the extension or alteration does not involve significant disturbance of foreshore or seabed, clearance of indigenous vegetation, or significantly increase the need to dredge in order to obtain access to the structure from the coastal marine area; and
- c the purpose of the extension cannot practicably be met by a land based alternative.

12.4.9 In assessing a resource consent application for a publicly owned structure in any Coastal Protection Area 1, regard shall be had to whether the structure is of benefit to the wider local community.

12.4.10 Any proposal for coastal protection structures shall demonstrate that:

- a the adjoining landward area, or development in the coastal marine area, is at risk from a coastal hazard; and

- b doing nothing, or abandoning or relocating any landward development or structures, are not practicable options; and
- c the proposed structure is the most appropriate method for remedying or mitigating a natural coastal hazard having regard to the entire area affected or potentially affected by the hazard, and alternative methods including the use of non-structural solutions; and
- d the design, construction and placement of the coastal protection structure will not lead to any of the following effects (either in a temporary, permanent or cumulative manner):
 - i undermining of the foundations at the base of the structure; and
 - ii erosion behind or around the ends of the structure; and
 - iii settlement or loss of foundation material; and
 - iv movement or dislodgement of individual structural components; and
 - v the failure of the coastal protection structure should overtopping by water occur; and
 - vi piping or hydraulic pumping of fine material or backfill; and
 - vii offshore or longshore loss of sediment from the immediate vicinity; and
 - viii any increase in the coastal hazard posed to the coastline in question.
- e the expected effects of sea level rise have been taken into account.

12.4.11 In assessing a resource consent application for coastal protection measures, the ARC will have regard to any relevant coastal management strategy recognised by relevant local authorities.

12.4.12 Structures shall be designed and located taking into account relevant dynamic coastal processes, including the possibility of sea level rise.

The best available estimate of future long-term sea level rise for the locality in question shall be used as a guide in assessing the appropriateness of the proposed location and design of the structure.

12.4.13 New pipelines, cables and electric lines should, wherever practicable, be concentrated in a similar location to existing structures of this type.

12.4.14 Any existing structure, which conflicts with the function of a Special Activity Area shall be encouraged to relocate outside of that area.

12.4.15 Structures should be designed to avoid or minimise, as far as practicable, the need for dredging of the foreshore and seabed as part of their construction, maintenance or daily operation.

12.5 RULES

Structures will require a coastal permit for occupation of the coastal marine area pursuant to section 12(2) of the RMA. Applications will be considered concurrently with the section 12(1) application for the proposed structure. Occupation is addressed in more detail in Chapter 10: General.

Permitted Activities

12.5.1 The maintenance, repair or reconstruction of any existing lawful structure, subject to the following conditions:

- a the structure is not scheduled in Cultural Heritage Schedules 1 or 2; and
- b in Coastal Protection Areas 1 there shall be no disturbance of the foreshore and seabed, and in all other areas adverse effects arising from the disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- c any material deposited in the coastal marine areas is removed as soon as practicable; and
- d any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance of the Foreshore and Seabed; and

- e any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

12.5.2 Removal or demolition of structures, subject to the following conditions:

- a the structure is not located in a Coastal Protection Area 1; and
- b the structure is not scheduled in Cultural Heritage Schedules 1 or 2; and
- c adverse effects arising from disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- d any material deposited in the coastal marine area is removed as soon as practicable; and
- e any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance of Foreshore and Seabed; and
- f any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

12.5.3 Structures erected and placed entirely below the surface of the foreshore and seabed, by methods other than trenching, but not the occupation by those structures, subject to the following conditions:

- a the structure is not located in Coastal Protection Areas 1 or 2; and
- b any disturbance of the foreshore and seabed shall be in accordance with Chapter 16: Disturbance of the Foreshore and Seabed; and
- c the structure shall not be uncovered or moved by normal tidal and sediment movement processes; and
- d written advice is given to the ARC, and the National Topo/Hydro Authority at LINZ at least 7 days prior to the work commencing.

12.5.4 The erection, placement, extension, maintenance, repair or reconstruction of, and the occupation by, navigational aids, subject to the following conditions:

- a in Coastal Protection Areas 1 there shall be no disturbance of the foreshore and seabed, and in all other areas, adverse effects arising from disturbance of the foreshore and seabed shall be able to be remedied within 7 days of the disturbance; and
- b any material deposited in the coastal marine area is removed as soon as practicable; and
- c in respect of the erection, placement, extension and reconstruction, written advice shall be given prior to the work being undertaken to the ARC Harbourmaster, and the National Topo/Hydro Authority at LINZ.

12.5.5 The erection or placement of any temporary structure, and any associated occupation, subject to the following conditions:

- a the temporary structure is not located in Coastal Protection Areas 1; and
- b the temporary structure shall be in place for no longer than 14 days within any 6 month period; and shall be removed upon completion of the event or use for which it was erected; and
- c any adverse effects arising from disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- d public access to and along and within the coastal marine area is not prevented; and
- e the temporary structure shall occupy the minimum area necessary for its purpose; and
- f the temporary structure shall not cause a hazard to navigation; and
- g the ARC is advised in writing of the details of the temporary structure, prior to its erection or placement; and
- h any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance of Foreshore and Seabed; and any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

12.5.6 The maintenance, repair or reconstruction of existing lawful cables placed on or below the surface of the foreshore and seabed, subject to the following conditions:

- a the structure is not located in Coastal Protection Areas 1 or 2; and
- b adverse effects from disturbance of the foreshore and seabed shall be able to be remedied within seven days of the disturbance; and
- c the structure is not scheduled in Cultural Heritage Schedules 1 or 2; and
- d any material deposited in the coastal marine areas is removed as soon as practicable; and
- e any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance of the Foreshore and Seabed; and
- f any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

12.5.7 The minor upgrading of any existing lawful electricity transmission structure, subject to the following conditions:

- a the activity does not modify, damage, or destroy any site, building, place or area scheduled in Cultural Heritage Schedules 1 or 2; and
- b in Coastal Protection Areas 1 there shall be no disturbance of the foreshore and seabed; and
- c in all other areas, except Coastal Protection Areas 1, adverse effects arising from the disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- d any material deposited in the coastal marine areas is removed as soon as practicable; and
- e any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance of the Foreshore and Seabed; and

- f any discharge shall comply with the provisions of Chapter 20: Discharges of Contaminants.

12.5.8 The erection, placement, alteration, extension, maintenance, repair, removal and demolition of maimais, subject to the following conditions:

- a the floor area of the structure shall not exceed 10 square metres; and
- b the structure shall be maintained in a structurally safe condition at all times; and
- c the height of the structure shall not exceed 3 metres above the Mean High Water Springs; and
- d any structure not claimed or tagged under the Wildlife Act 1953 for 2 years consecutively shall be removed from the coastal marine area; and
- e the structure shall not obstruct navigation; and
- f the structure shall be piled; and
- g the structure is not located in Coastal Protection Areas 2b-j, 10b-c, 27c, 30b or 34b; and
- h the structure does not modify, damage, or destroy any site, building, place or area scheduled in Cultural Heritage Schedules 1 or 2; and
- i adverse effects arising from the disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- j any excess building material or excess spoil deposited or generated by the piles in the coastal marine area is removed as soon as practicable; and
- k any removal of vegetation shall be limited to that permitted by Chapter 16: Disturbance of the Foreshore and Seabed; and
- l any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

Controlled Activities

12.5.9 The maintenance, repair or reconstruction of any existing lawful structure which does not comply with Rule 12.5.1 or Rule 12.5.11.

12.5.10 Removal or demolition of structures which do not comply with Rule 12.5.2, provided that the structure is not scheduled in Cultural Heritage Schedules 1 or 2.

12.5.11 The maintenance and repair of any structure listed in Cultural Heritage Schedules 1 or 2, where the work is for the purpose of restoration and repair of any original structure and is carried out in substantially the same manner and design and with similar materials as those originally used.

12.5.12 The erection, placement, alteration, extension or reconstruction of navigational aids which does not comply with Rule 12.5.4.

12.5.13 The erection, placement, alteration or extension of any structure for scientific and research purposes or for public access and education in Coastal Protection Areas 1 or 2 which are also marine protected areas, where such structures are consistent with an approved management plan prepared by the controlling authority for that marine protected area.

12.5.14 Occupation associated with structures erected and placed entirely below the surface of the foreshore and seabed in prohibited anchorage areas. The ARC will have control over the matters specified in Rule 10.5.3.1 a – f.

12.5.15 The ARC will have control over the following matters in Rules 12.5.9 to 12.5.13:

- a adverse effects arising from disturbance of the foreshore and seabed; and
- b adverse effects arising from deposition of material in the coastal marine area; and

- c the removal of indigenous vegetation; and
- d any discharge of contaminants; and
- e the design and external appearance of the structure where:
 - i the proposal is for the maintenance or repair of any structure listed in Cultural Heritage Schedules 1 or 2; or
 - ii the proposal is for the erection, placement, alteration or extension of any other structure for public access and education as provided for by Rule 12.5.13; and
- f the duration of the consent; and
- g monitoring of the consent.

Applications under this rule will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1) (b) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Restricted Discretionary Activities

12.5.16 Structures for scientific research, public access, education and interpretative purposes, in those Coastal Protection Areas 1 and 2 which are not approved marine reserves or marine protected areas.

12.5.16.1 The ARC will restrict the exercise of its discretion under Rule 12.5.16 to the following matters:

- a adverse effects arising from the disturbance of the foreshore and seabed; and
- b adverse effects arising from deposition of material in the coastal marine area; and
- c any removal of indigenous vegetation; and

- d any discharge of contaminants; and
- e the design and external appearance of the structure; and
- f the duration of the consent; and
- g monitoring of the consent.

Applications under Rules 12.5.16 and 12.5.17, will be considered without notification or the need to obtain the written approval of affected persons, in accordance with Section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

12.5.17 Occupation associated with structures erected and placed entirely below the surface of the foreshore and seabed in areas other than prohibited anchorage areas. The ARC will restrict the exercise of its discretion to the matters specified in Rule 10.5.7 a, d, e, f and g.

Discretionary Activities

12.5.18 The erection or placement of any structure, which is not provided for in any other rule contained in this chapter and is not located in Coastal Protection Areas 1.

12.5.19 Any alteration or extension of any existing lawful structure which is not provided for in any other rule in this chapter and is not located in Coastal Protection Areas 1.

12.5.20 The maintenance or repair of any structure listed in Cultural Heritage Schedules 1 or 2 which does not comply with Rule 12.5.11.

12.5.21 Any structure which would modify, damage, or destroy any site, building, place or area scheduled for protection in Cultural Heritage Schedule 2.

Non-Complying Activities

12.5.22 The erection or placement, alteration or extension of any structure which is located in Coastal Protection Areas 1.

12.5.23 Any structure that is not provided for in any other rule contained in this chapter.

Prohibited Activities

12.5.24 Any structure that would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

12.6 OTHER METHODS

12.6.1 The ARC will ensure that applications for structures which cross Mean High Water Springs will be assessed and determined on an integrated basis between itself and the relevant territorial authority. This recognises that many structures provide access to and from the land, or have significant effects on the natural and physical values of the coastal margin.

12.6.2 District plans should include appropriate provisions which:

- a recognise the potential cross-boundary effects of structures and ensure that provision is made for only appropriate structures in the coastal environment.
- b have regard to the objectives, policies and rules of this Plan in determining the appropriateness of structures in the coastal environment.

12.7 PRINCIPAL REASONS FOR ADOPTING

12.7.1 Objective 12.3.1, All Policies and Rules

Within the Auckland coastal marine area, structures are the most common form of use and development subject to the provisions of section 12(1) of the RMA. Both individually and cumulatively structures can have significant adverse environmental effects on the coastal environment, although they can also provide benefits by enabling people and communities to use and enjoy the coast.

Policy 3.2.1 of the New Zealand Coastal Policy Statement requires plans to define the form of subdivision, use and development that would be appropriate in the coastal environment, and where it would be appropriate. The policies and rules of this chapter provide detailed guidance on the form and location of appropriate structures with reference to the matters in sections 6, 7 and 8 of the RMA and other relevant policies of the New Zealand Coastal Policy Statement. Many of the New Zealand Coastal Policy Statement policies are quite specific in their requirements and this is reflected in the policies and rules of this chapter.

12.7.2 Policies 12.4.1 and 12.4.4

These policies recognise that the coastal marine area, and in particular the coastal margins, is a limited resource and that there is competition for space between different users. The coastal marine area is also the largest area of land of the Crown in the Auckland Region. Accordingly, appropriate structures are those which have no reasonable or practicable alternative, or enable Tangata Whenua to implement their special relationship with the coastal marine area consistent with sections 6(e) and 8 of the RMA, or provide for public use and enjoyment in preference to private use.

12.7.3 Policies 12.4.2, 12.4.5 to 12.4.9

These policies give particular protection to areas of special value in the coastal marine area as identified in section 6 and to the general environmental

requirements of section 7 of the RMA, by providing criteria against which appropriate structures will be assessed in terms of specific identified values.

12.7.4 Policies 12.4.10 to 12.4.12

These policies implement a number of specific requirements of the New Zealand Coastal Policy Statement and in particular Policy 3.4.2 relating to sea level rise and Policies, 3.4.1, 3.4.5 and 3.4.6 relating to natural hazards.

12.7.5 Policies 12.4.3, 12.4.13 and 12.4.15

These policies identify additional matters which need to be addressed in assessing the appropriateness of structures. These matters seek to avoid, remedy or mitigate potential adverse effects which could arise from the construction of these structures.

12.7.6 Policy 12.4.14 and Rule 12.5.18

In Chapter 11: Activities areas of water have been set aside for special events to occur, so that conflicts do not occur with other users of the coastal marine area. These include events such as water skiing, rowing, regatta or trial racing. Structures which facilitate the use of these areas for Special Events are considered to be appropriate, whereas other structures, which may adversely affect the use of these areas for Special Events, may be considered inappropriate.

12.7.7 Policy 12.4.11 and Methods 12.6.1 and 12.6.2

Most structures cross the boundary of Mean High Water Springs and have environmental effects on both the coastal marine area and land within the coastal environment. The policy and the methods recognise the need to take account of other management documents relating to coastal land and to ensure that there are consistent management provisions in place between the ARC and the adjacent territorial authority.

12.7.8 All Rules

Section 12(1)(b) of the RMA states that no person may, in the coastal marine area, erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, unless expressly allowed by a rule in a regional coastal plan or a resource consent. This is why rules are the principal method for managing structures in the coastal marine area.

Structures are subject to a hierarchy of control depending on their potential level of adverse environmental effects, including their cumulative effects and the ability to avoid, remedy or mitigate these effects through specified performance conditions, standards and terms. Structures or certain activities relating to structures can have varying adverse effects depending on their location and the level of disturbance associated with the structure. The rules for controlled and restricted discretionary activities identify the particular environmental effects which need to be avoided or remedied or mitigated. Coastal Protection Areas and Cultural Heritage Sites are identified as being areas of particular vulnerability and this is reflected in the higher level of control on structures in these areas. New structures or the addition or alteration of structures can result in the use of additional areas of foreshore and seabed. Therefore such proposals are generally required to be assessed as discretionary activities.

12.8 ANTICIPATED ENVIRONMENTAL RESULTS

12.8.1 Appropriate structures which are sensitive to the environment and avoid, remedy, or mitigate adverse effects.

12.8.2 The avoidance of a proliferation of structures and the efficient use of natural and physical resources.



Reclamation and Drainage – 13

This chapter contains objectives, policies and rules relating to the reclamation and drainage of the foreshore and seabed. It applies to all activities in relation to reclamation and drainage in all management areas in the Plan.

Any application to reclaim or drain the foreshore and seabed needs to consider the relevant chapters of Part IV: Use and Development and those matters contained in Part III: Values in the assessment of effects on the environment.

13.1 INTRODUCTION

Section 12(1)(a) of the RMA states that no person may, in the coastal marine area, reclaim or drain any foreshore or seabed unless expressly allowed by a rule in a regional coastal plan or a resource consent.

Large areas of Auckland's coast have been reclaimed in the past in order to provide land areas adjacent to marinas, develop port and airport areas, construct roads, and for other purposes. Significant portions of the Kaipara and Manukau Harbours have been drained to create farm land. Reclamation and drainage may enhance the economic and social wellbeing of the community by increasing the area of useable land, or by enhancing access to the coast.

Notwithstanding the benefits however, in some situations reclamation and drainage may be inconsistent with the purpose of the RMA. This is because the effects of reclamation and drainage are in most instances irreversible, and the cumulative effects can be significant. Some of the more important effects of reclamation and drainage include loss of coastal habitats and ecosystems and associated adverse effects on fisheries; diminished natural character; changes in tidal velocities and current patterns and alteration of sedimentation processes; modifications, and in some instances loss of public access to the part of the coastal marine area reclaimed or drained; significant adverse effects on the relationships of Tangata Whenua with their ancestral taonga; and the modification, damage or destruction of cultural heritage places, areas, and objects.

While reclamations may have adverse effects on parts of the coastal marine area, they can also affect the coastal environment generally when they extend landward of Mean High Water Springs. This can

result in the loss of wetland and marsh areas above Mean High Water Springs, loss of succession areas and environmental gradients, and the cumulative adverse effects on the natural character of the coastal environment.

Past reclamation and drainage has removed significant areas of the coastal environment, especially in harbours and estuaries. To allow this to continue without a functional need, and without first having full regard to any available alternatives, would be inconsistent with promoting the sustainable management of the coastal environment.

NB: The provisions of this chapter apply to all land in the coastal marine area, including land of the Crown and that in private ownership.

13.2 ISSUE

13.2.1 Reclamation and drainage in the coastal environment have potentially significant and often irreversible adverse effects on the coastal environment. Nonetheless, reclamation and drainage under some circumstances could be considered to be an appropriate method of facilitating specified development options in the coastal environment.

13.3 OBJECTIVES

13.3.1 To avoid inappropriate reclamation or drainage of the coastal environment.

13.3.2 To ensure that where reclamation or drainage of the coastal environment is considered appropriate, the adverse environmental effects on the coastal environment are avoided, remedied, or mitigated.

13.4 POLICIES

13.4.1 Reclamation and drainage in the coastal marine area shall generally be considered inappropriate, unless:

- a they are for either the operational needs of the port in Port Management Areas, or for the intensification of existing or approved marinas within Marina Management Areas, or for port purposes within the Devonport Defence Management Area where they comply with other relevant policies of this Plan; and
- b a method or a land-based site (above Mean High Water Springs) is not practicable; and
- c efficient use will be made of the coastal environment by using the minimum area of the coastal marine area necessary for the reclamation or drainage having regard to the activity proposed to utilise that area; and
- d the reclamation or drainage will have either positive or minor adverse effects including effects on natural character, visual and other amenity, ecology, Maori values, heritage values, water quality and coastal processes, or any adverse effects can be remedied or mitigated to an acceptable level by methods such as appropriate design and location of buildings, landscaping, planting, or other forms of environmental benefits in accordance with Chapter 38: Obtaining Environmental Benefits; and
- e the finished appearance of the reclaimed or drained area, including its size, shape and the materials used, is as far as practicable compatible with the environment in which it is located; and
- f the reclamation or drainage will avoid, as far as practicable, adverse cumulative effects on the coastal environment.

13.4.2 Reclamation and drainage within the coastal marine area shall be avoided where it will:

- a result in more than minor modification of, or damage to, or the destruction of, the values of any Coastal Protection Area 1; or
- b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

13.4.3 The relevant provisions of Part III: Values Chapters 3 to 9 shall be considered in the assessment of any proposal to reclaim or drain the coastal marine area.

13.4.4 Reclamation and drainage should be carried out in such a way as to maintain or enhance public access to and along the coastal marine area (except where the area is already in private title). Public access may be restricted only in accordance with Policy 7.4.1 of Chapter 7: Public Access.

13.4.5 Where appropriate, an esplanade reserve or strip shall be required to be set aside on reclaimed or drained areas of the coastal marine area, for any of the purposes in section 229 of the RMA, while having regard to the policies of Chapter 7 of this Plan. However, the setting aside of an esplanade reserve shall not primarily dictate the size of the reclaimed or drained area.

13.4.6 The need to dispose of dredged material or other waste shall not dictate the need for, or size of, a reclamation. Nonetheless, it is recognised that the disposal of dredged material as fill for an authorised reclamation may be an efficient disposal method and may better avoid, remedy or mitigate adverse environmental effects than other disposal methods.

13.4.7 Materials used in reclamation shall not include contaminants which are likely to, or have the potential to, adversely affect the coastal marine area, unless the reclamation is undertaken in a manner which ensures that any such contaminants are not released into the surrounding environment in volumes or concentrations which are likely to cause more than minor adverse effects.

13.4.8 Any reclamation or drainage in any Coastal Protection Area 2 shall avoid, as far as practicable, the clearance of saline vegetation and the dredging of the foreshore or seabed in its construction and use. Where these effects cannot be avoided, they shall be remedied or mitigated.

13.4.9 Where an application is made to authorise reclamation or drainage of the coastal marine area, in assessing these applications, regard shall be had to:

- a whether the adverse environmental effects of retaining the reclaimed or drained area are likely to be greater than the adverse effects of removal of the reclamation or reinstatement of the drained area; and
- b whether removal of the reclamation or reinstatement of the drained area is practicable; and
- c the objectives, policies and methods of Chapter 16 of this Plan.

13.5 RULES

Restricted Discretionary Activities

13.5.1 Maintenance and repair of lawful reclamations and drainage systems, subject to the following standards and terms:

- a the proposed works shall not be undertaken in any Coastal Protection Area 1 or 2; and
- b the proposed works shall not adversely affect navigation and safety; and
- c the proposed works shall not modify, damage or destroy any place or area protected under the Historic Places Act 1993, or scheduled as a place or area for preservation or protection in Cultural Heritage Schedules 1 or 2.

13.5.1.1 The ARC will restrict the exercise of its discretion under Rule 13.5.1 to the following matters:

- a whether maintenance and repair would have lesser adverse environmental effects than doing nothing, or removing the reclamation or reinstating the drained area; and
- b the effects associated with the methods and materials to be used; and
- c measures to be taken to avoid, remedy or mitigate adverse effects on coastal processes; and
- d any effects on existing public access arrangements; and
- e the duration of the consent; and
- f monitoring of the consent.

An application for a resource consent will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

13.5.2 Reclamation within any Port Management Area, Marina Management Area or the Devonport Defence Management Area.

Non-Complying Activities

13.5.3 Any reclamation or drainage that is not provided for as a restricted discretionary, discretionary, or prohibited activity in any other rule contained in this chapter, or which is not otherwise restricted by Rule 13.5.4.

Prohibited Activities

13.5.4 Any reclamation or drainage in any Coastal Protection Area 1, except:

- a as carried out as part of rehabilitation or remedial works; or
- b where it is required for the safe and efficient operation of State Highway 1 or State Highway 16, in recognition of these as national strategic routes.

13.5.5 Any reclamation or drainage which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

13.6 OTHER METHODS

13.6.1 The ARC will seek to ensure that land of the Crown that is reclaimed or drained remains in public ownership, and available for public use.

13.6.2 The ARC will consult with DOC and the adjoining territorial authorities when assessing any proposed reclamation or drainage of the coastal marine area, in order to ensure the integrated management of the coastal environment.

13.6.3 When dealing with unauthorised reclamation or drainage which crosses the Mean High Water Springs boundary, the ARC will take a joint approach with the relevant territorial authority and DOC. Land Information New Zealand Limited and the Maritime Safety Authority will be informed where appropriate. This recognises that many reclamations may provide access to and from the land, or have significant effects on the natural and physical values of the coastal margin.

13.6.4 District Plans should include appropriate provisions which:

- a recognise the potential cross-boundary effects of reclamations and ensure that provision is made for only appropriate reclamation or drainage in the coastal environment.
- b have regard to the objectives, policies and rules of this Plan in determining the appropriateness of reclamations or drainages in the coastal environment.

13.7 PRINCIPAL REASONS FOR ADOPTING

13.7.1 Objective 13.3.1, Policies 13.4.1 – 13.4.3, 13.4.8, 13.4.9, the first part of Policy 13.4.7, and Rules 13.5.1, 13.5.4 and 13.5.5.

Reclamation and drainage are generally considered to be inconsistent with the purpose of the RMA. This is because their adverse effects are in most instances significant and irreversible, and the cumulative adverse effects are of particular concern. Policy 13.4.7 implements Policy 4.1.4 of the New Zealand Coastal Policy Statement. Policy 13.4.1 fulfils the criteria set out in the New Zealand Coastal Policy Statement S1.1(b)(iii) regarding the permissible locations of reclamations. Policy 13.4.8 implements Policy 1.1.2 of the New Zealand Coastal Policy Statement.

Reclamations have been subject to legislative control since at least the Harbours Act 1878. Under the provisions of the Harbours Act 1950, the Crown was exempt from the provisions of the Act. Such works were mostly carried out by the then Minister of Works and the Minister of Defence. Generally the Crown was not required to gain approval under section 175 of the Harbours Act, but was obliged to undertake the section 178 plan approval process (with occasional exceptions). In 1978 Cabinet issued a directive requiring all Government departments to gain a section 178 Harbours Act approval in relation to reclamations.

Reclamation is not prohibited in Coastal Protection Area 1 adjacent to State Highways 1 and 16, in recognition of national strategic importance of

these routes. Reclamation in these areas would be assessed as a non-complying activity, and be subject to assessment against the policies in Section 13.4.

13.7.2 Objective 13.3.2, Policies 13.4.1, 13.4.6, the second part of Policy 13.4.7, Policy 13.4.9 and Rule 13.5.2.

It is recognised that there may be situations where reclamation or drainage of the coastal marine area is the best alternative for achieving a proposed development, and may be appropriate under certain circumstances, or subject to certain controls and remedies.

13.7.3 Policies, 13.4.4, 13.4.5, and Other Method 13.6.1

Reclamation and drainage have the potential to adversely affect public access to and along, and use and enjoyment of, the coastal marine area.

13.7.4 Rules

Section 12(1)(a) of the RMA states that no person may, in the coastal marine area, reclaim or drain any foreshore or seabed unless expressly allowed by a rule in a regional coastal plan or a resource consent. This is why rules are the principal method for managing reclamation and drainage.

13.7.5 Rule 13.5.2

Reclamation is discretionary only within Port Management, Marina Management and the Defence Management Area at Devonport for several reasons. First, the Port Management Area is a highly modified area where much of the current operations are carried out on reclaimed land. While further reclamations will be considered in terms of their cumulative effects on the environment, reclamations may be one of the more sustainable alternatives available to the port operators. The New Zealand Coastal Policy Statement requires regional coastal plans to recognise defence activities within the coastal marine area. These are

centred on the Defence Management Area at the HMNZ Naval Base (Devonport Naval Base), and it is thus considered appropriate to recognise this in Rule 13.5.2. The Marina Management Areas are those sites where there is an existing or approved marina.

13.7.6 Other Method 13.6.1, Policy 13.4.5

There are purposes other than public access for which esplanade reserves and esplanade strips may be set aside (s229, RMA). However, requiring an esplanade reserve or strip on reclamation or drainage may lead to the reclaimed or drained area being larger than necessary. This method specifically precludes the possibility of this occurring.

Other Method 13.6.1 is closely linked with Policy 13.4.5, giving a clear message that, notwithstanding the provisions of s355 of the RMA, it is not considered appropriate for land of the Crown that is reclaimed or drained to go into private ownership. The vesting of an esplanade reserve provides certainty that such land will remain in public ownership.

13.7.7 Other Method 13.6.2

Once reclamation or drainage has occurred, the holder of a resource consent is required, pursuant to section 245(1) of the RMA, to submit to the consent authority a plan of survey in respect of that land. Territorial authorities are responsible under section 89 of the Act for making decisions on activities proposed to be undertaken on a proposed reclamation, and in terms of section 9 for the management of any additional activities proposed on the surface of authorised reclamations, once constructed. Land of the Crown that has been reclaimed remains land of the Crown unless an application for vesting is made under section 355 of the RMA.

13.7.8 Policy 13.4.9 and Other Methods 13.6.3 and 13.6.4

Section 355A of the RM Amendment Act 1997 enables any person to apply to the ARC under section 88 for a coastal permit for an unlawful reclamation.

This section also states that the consent authority may grant a coastal permit, as if the land were still in the coastal marine area.

Policy 13.4.9 indicates particular matters which the ARC will consider when assessing any application to approve or remove an unlawful reclamation. Method 13.6.4 acknowledges that many reclamations affect both land and water areas in the coastal margin. Any consideration of unlawful reclamations may require a co-ordinated approach among different agencies.

13.8 ANTICIPATED ENVIRONMENTAL RESULTS

13.8.1 The avoidance of reclamation or drainage in the coastal marine area except:

- a within the Port Management Areas, Marina Management Areas or the Devonport Defence Management Area where reclamation has been found to be an appropriate activity in terms of the relevant sections of the RMA, including section 104; or
- b where reclamation or drainage has been demonstrated to be the most appropriate form of development and any adverse effects can be avoided, remedied or mitigated to an acceptable level.

13.8.2 That the adverse effects of unauthorised reclamation or drainage of the coastal marine area are remedied or mitigated to an acceptable level.



Disturbance of Foreshore and Seabed I: Extraction – 14

This chapter contains objectives, policies and rules relating to the extraction of sand, shingle, shell and other natural material in the coastal marine area. It applies to all extraction in all management areas in the Plan. Mineral prospecting and exploration is covered under Chapter 16: Other Disturbance.

Any application for the extraction of sand, shingle, shell and other natural material needs to consider the relevant chapters of Part IV: Use and Development and those matters contained in Part III: Values in the assessment of effects on the environment.

14.1 INTRODUCTION

Section 12(1)(c) and (e) of the RMA state that no person may, in the coastal marine area, destroy, damage or disturb the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, or on plants or animals or their habitat, unless expressly allowed by a rule in a regional coastal plan or a resource consent or unless it is for the purpose of lawfully harvesting any plant or animal. Section 12(2)(b) similarly specifically restricts the removal of sand, shingle, shell, or other natural material. Section 5(2)(a) of the RMA excludes minerals from the requirement of sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

Sand is currently the only mineral extracted from the coastal marine area of the Auckland Region. The sand extracted is used primarily as a fine aggregate in the production of concrete products and structures. Auckland creates significant demand for sand and gravel from the coastal marine area, and the use of such material benefits the regional community and economy. It is likely that demand for this resource will increase in the future.

In addition to sand and gravel, there may be demand in the future to extract other natural materials. For instance, interest has been expressed in ilmenite deposits on the west coast of the Auckland Region.

Depending on the method and location of extraction, potential adverse effects may include the initiation or exacerbation of coastal erosion; the disturbance and

destruction of habitats; the smothering of benthic communities by sedimentation; and impacts on the spiritual values placed on parts of the coast by Tangata Whenua. Extraction may also adversely affect amenity values and conflict with recreational use, if it occurs in high use areas.

The effects of the extraction of other materials would depend on the characteristics of the extracted material, the technique used, and the sensitivity of the extraction environment.

Extraction activities may be sustainable if the scale of the operation is appropriate to the extraction environment. However, where there is limited scientific or technical information available on the potential for significant adverse effects of extraction to occur, it is considered prudent to take a precautionary approach to allowing for extraction, in order to promote the sustainable management of natural and physical resources.

14.2 ISSUE

14.2.1 The coastal marine area is a significant source of sand, and a potential source of shell, shingle and other minerals which benefit the regional community and economy, and potentially the nation. However, extraction of these materials from the coastal marine area may result in adverse environmental effects.

14.3 OBJECTIVE

14.3.1 To provide for the appropriate extraction of sand, shingle, shell and other natural material from the coastal marine area, while avoiding, remedying, or mitigating adverse environmental effects.

14.4 POLICIES

14.4.1 Extraction from the coastal marine area shall be avoided where it will modify, damage or destroy:

- a any Coastal Protection Area 1; or
- b any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

14.4.2 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to extract sand, shingle, shell and other natural material in the coastal marine area.

14.4.3 Proposals for extraction from the coastal marine area shall demonstrate that the activity:

- a will not result in significant adverse changes to bathymetry, foreshore contours, sediment particle size or physical coastal processes; and
- b will not result in significant adverse disturbance to surrounding sediments or significantly increase turbidity, and will avoid significant adverse effects on biota caused by the release of contaminants; and
- c will not be likely to cause or exacerbate coastal erosion either within the coastal marine area or on adjacent coastal land; and
- d will not result in the permanent loss of any habitat of a rare or endangered species; and
- e will avoid significant damage to or destruction of marine flora and fauna, including benthic and

pelagic species of fin fish and shellfish, and will enable re-colonisation by the benthic species present before extraction took place; and

- f will not give rise to significant adverse effects on the recreational and amenity values of the area; and
- g will be undertaken at times of the day or year that will avoid as far as practicable, remedy or mitigate adverse effects on the environment, particularly on:
 - i the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding; and
 - ii stability of coastal features such as dunes and coastal vegetation; and
 - iii recreational use of the coastal marine area; and
 - iv other established activities located in the coastal marine area which are likely to be affected by the extraction; and
- h will not have a significant adverse effect on Tangata Whenua values identified in accordance with Tikanga Maori.

14.4.4 A precautionary approach shall be taken when assessing the location of the extraction activity, the maximum volume to be extracted, and the term of consent, in recognition that the potential adverse effects on the physical coastal system are uncertain, and that it is difficult in many cases to determine an accurate sediment budget.

14.4.5 In assessing applications for extraction, particularly where granting any application would lead to a cumulatively significant increase in the volume extracted from one coastal compartment, account

shall be taken of the extent to which all extraction operations in that coastal compartment are in combination likely to give rise to cumulative adverse effects.

14.4.6 Whenever practicable, any material extracted illegally from the coastal marine area shall be put back where it was taken from, and the area restored as far as practicable to its natural contour and vegetation cover.

14.5 RULES

Permitted Activities

14.5.1 Prospecting in order to assess the suitability of an area for the future extraction of sand, shell, shingle and other natural material, subject to the following conditions:

- a no more than 1 cubic metre of sand, shell, shingle or other natural material may be taken in any 24 hour period; and
- b any drilling device shall not have a head size of greater than 250mm; and
- c any sand, shell, shingle or other natural material shall only be extracted from the General Management Area.

Discretionary Activities

14.5.2 The extraction of sand, shell or other natural material from any Coastal Protection Area 2 for the purposes of beach nourishment where the beach nourishment is to occur within the same nearshore sediment system.

14.5.3 Any prospecting which fails to meet the conditions specified in Rule 14.5.1.

14.5.4 The extraction of sand, shell, shingle or other natural material from any location outside Coastal Protection Areas 1 or 2, except where prohibited under Rule 14.5.7.

Non-Complying Activities

14.5.5 Any extraction that is not provided for as a permitted, discretionary or prohibited activity in any other rule contained in this chapter.

NB: This is likely to include the extraction of sand, shell, shingle or other natural material from any site located within Coastal Protection Areas 2 except as provided for by Rule 14.5.2.

Prohibited Activities

14.5.6 The extraction of sand, shell, shingle or other natural materials, including prospecting, from within any Coastal Protection Area 1.

14.5.7 The extraction of sand, shell, shingle or other natural materials, including prospecting, in a manner which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

14.6 OTHER METHODS

14.6.1 The ARC will encourage the extraction industry to undertake investigations to identify and assess the feasibility of obtaining natural material from potential alternative sources and locations, including sources in deeper water and offshore on the West Coast, where this does not conflict with Policy 14.4.1 or 14.4.2.

14.6.2 In support of Other Method 14.6.1, the ARC will advocate to the Government that a flexible

approach be taken to requiring payment of royalties, to:

- a provide an incentive for extraction from areas where the potential adverse effects are likely to be less significant; and
- b to promote the investigation of alternative sites, particularly sources in deeper water and offshore on the West Coast.

14.6.3 The ARC will seek to ensure effective and efficient monitoring of the environmental effects of extraction activities by:

- a continuing routine monitoring of beach profiles in order to identify long term trends in beach dynamics; and
- b continuing to monitor the impacts of existing operations in order to assess the long term effects of extraction activities on the coastal environment; and
- c coordinating monitoring, as appropriate, to ensure that data collected is complementary and forms part of the regional coastal research programme.

14.6.4 When applications for extraction cross regional boundaries, or the effects of extraction have the potential to impact on the coastal marine area of the adjacent region, the ARC will seek to ensure that a consistent approach is adopted by the consent authorities involved by:

- a requiring a consistent level of information to be provided in support of any application; and
- b making submissions on consent applications, where appropriate; and

- c seeking joint hearings, where appropriate; and
- d ensuring consent conditions are consistent; and
- e ensuring that the implementation and assessment of monitoring is co-ordinated between regions.

14.6.5 The ARC will review the volumes of material extracted by consent holders annually. If 80 percent of the volume authorised to be extracted by any coastal permit has not been extracted in full over the previous 2 years, then the authorised volume may be reviewed. The conditions of consent will specify the matters to be considered in the review.

14.6.6 The ARC will support a strategic planning approach by the extraction industry to assess the potential future demand within the Region for sand, shell, shingle, and mineral resources.

14.7 PRINCIPAL REASONS FOR ADOPTING

14.7.1 Objective 14.3.1 and Policies 14.4.1 – 14.4.4

Although the resources provided by extraction provide social and economic benefits to the Region, extraction has potentially significant adverse environmental effects. The policies identify the effects to be addressed and the areas where extraction should be avoided.

14.7.2 Policy 14.4.5

While the cumulative effects of extraction in the Region at the time this Plan was notified did not appear to be significant, there is a strong possibility that demand for extraction will increase in future, with

the closure of the Waikato River as a source of sand for the Auckland Region. A significant increase in extraction from coastal sand resources in the Auckland Region may have cumulatively significant adverse environmental effects.

14.7.3 Policy 14.4.6

There is a need to discourage, and also to remedy the adverse effects of, the unauthorised extraction of material from the coastal marine area.

14.7.4 Rules

Sections 12(1)(c) and (e), and 12(2)(b) of the RMA prohibit the disturbance of the foreshore and seabed, and the removal any sand, shingle, shell, or other natural material from land of the Crown in the coastal marine area, or land in the coastal marine area vested in the ARC, unless it is expressly allowed by a rule in a regional coastal plan or by a resource consent.

14.7.5 Rule 14.5.1 and Rule 14.5.3

This rule reflects the fact that it is sometimes necessary to take small samples of sand, shell, shingle and other natural material from the coastal marine area in order to determine if the material is suitable for larger scale extraction. Provided it meets certain conditions, such prospecting is not likely to have any adverse effects on the environment.

Because of the potentially significant adverse effects of extraction, in most areas it will be treated as a discretionary activity with the ARC reserving the right

to refuse consent if it is considered that the adverse effects would be unacceptable.

14.7.6 Rules 14.5.2, 14.5.4, 14.5.5, 14.5.6, and 14.5.7

In Coastal Protection Areas 1, and also at buildings, sites, places or areas in Cultural Heritage Schedule 1, the potentially adverse effects of extraction are considered to be so significant as to justify its prohibition. This is consistent with Policy 14.4.4 and Policy 3.3.1 of the New Zealand Coastal Policy Statement, regarding the taking of a precautionary approach towards proposed activities.

14.7.7 Other Methods 14.6.1 – 14.6.3

There is a need to increase knowledge about the adverse effects of extraction, and thus be in a better position to avoid, remedy or mitigate them.

14.7.8 Other Method 14.6.4

There is potential for effects across regional boundaries within the coastal marine area to arise from extraction activities, particularly when it occurs in coastal systems, such as Pakiri-Mangawhai, or the Kaipara Harbour, which straddle regional boundaries.

14.7.9 Other Method 14.6.5

This method is aimed at ensuring that applicants do not apply for greater volumes than are necessary to meet their own needs, and thus potentially preclude access to the resource for other extractors.

14.7.10 Other Method 14.6.6

Gaining an accurate indication of the volume of material that is required by the industry will allow a more accurate assessment to be made of the volume of sand that can be appropriately allocated to applicants. It would also provide important information to promote or require any necessary assessments of alternative sites.

14.8 ANTICIPATED ENVIRONMENTAL RESULTS

14.8.1 The extraction of sand, shell, shingle or other natural material avoids any significant adverse effects on natural coastal processes, including the creation or exacerbation of coastal erosion.

14.8.2 The extraction of sand, shell, shingle or other natural material avoids any significant adverse effects on benthic communities such that re-colonisation is not possible.

14.8.3 The extraction of sand, shell, shingle or other natural material avoids any significant adverse effects on natural and physical processes and sites which are included within Coastal Protection Areas and areas of cultural significance.

14.8.4 The extraction of sand, shell, shingle or other natural material avoids any significant adverse effect on any amenity values of the coastal marine area.

14.8.5 The extraction of sand, shell, shingle or other natural material avoids any significant adverse effect on Tangata Whenua values associated with sites and places of significance to them.



Disturbance of Foreshore and Seabed II: Dredging – 15

This chapter contains objectives, policies and rules relating to the dredging of the foreshore and seabed. It deals with those forms of dredging described in the Introduction below and applies to all management areas in the Plan. Any discharge of contaminants which is consequential to the dredging activity is covered by the provisions of this chapter. That is the provisions of Chapter 20: Discharge of Contaminants do not apply. If structures are required for the dredging activity, reference to the provisions of Chapter 12: Structures is required.

Any application to dredge the foreshore and seabed needs to consider the relevant chapters of Part IV: Use and Development and those matters covered in Part III: Values in the assessment of effects on the environment.

15.1 INTRODUCTION

Sections 12(1)(c) and (e) of the RMA state that no person may in the coastal marine area, destroy, damage or disturb the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, or on plants or animals or their habitat, unless expressly allowed by a rule in a regional coastal plan or a resource consent. Section 15(1)(a) of the RMA states that no person may discharge any contaminant or water into water unless the discharge is expressly allowed by a rule in a regional plan, a resource consent, or regulations.

This chapter deals with disturbance of the foreshore and seabed, and associated discharges of contaminants and water into water, where the prime purpose is to maintain, restore or increase water depths or water flow. This Plan classifies these forms of foreshore and seabed disturbance as dredging. The types of dredging specifically addressed in this chapter are maintenance dredging, capital works dredging, the clearing, cutting or realigning of stream and river mouths, stormwater and land drainage systems and dredging to maintain or restore access to existing structures. Chapter 16 deals with the other forms of disturbance of the foreshore and seabed where the disturbance is generally consequential upon another activity, rather than being for restoring, maintaining or increasing water depths.

Due to the relatively shallow nature of much of the Auckland coastal marine area, the development of new facilities such as marinas and significant new wharves and jetties usually requires capital works

dredging to establish the necessary operational water depths. In the case of the Port of Auckland, the need to accommodate larger ships means that capital works dredging will be required in the future both around the wharves themselves and in the main navigation and approach channels.

The enclosed and often sheltered nature of parts of the Region's main harbours means that much of the sediment released from adjacent land is retained in these areas, resulting in progressive loss of water depths. Hence dredging to maintain or restore water depths is required on an on-going basis around the Ports of Auckland and Onehunga, and within existing marina basins. Maintenance dredging may also be required in various navigation channels in the coastal marine area, and to restore easy and safe access to existing wharves, jetties, boat ramps and other structures, and to retain depths for swing and pile moorings.

In some parts of the Region, the natural movement of sediment along the coast results in the periodic blockage of stream and river mouths, or structures such as stormwater outfalls and pipes and land drainage channels. Dredging to clear, cut or realign these areas may be required to restore water flows or land drainage.

Dredging of parts of the Auckland coastal marine area is therefore necessary for the development and maintenance of commercial, transport and recreational facilities in the coastal marine area, for the effective use of urban and rural land and for the protection of coastal amenity values. These activities are important

contributors to the social and economic wellbeing and the health and safety of the community.

However, dredging of the foreshore and seabed undertaken in an inappropriate manner and in inappropriate locations can have significant adverse environmental effects. Capital works dredging has the potential to cause adverse environmental effects through the removal of areas of the foreshore and seabed not previously dredged. This results in the loss of marine flora and fauna and changes to the topography of the seabed. This in turn can lead to changes in local hydraulics with resultant off-site erosion or deposition. All these changes can lead to a loss of natural character of the coastal marine area. Dredging and associated discharges of contaminants may modify, damage, or destroy cultural heritage places (both Maori and non-Maori), and may also adversely affect the relationship of Tangata Whenua with their ancestral taonga.

During dredging, sediments are discharged into the water column, resulting in decreases in water clarity. Suspended sediment will also settle out from the water column down current. However the monitoring of various maintenance dredging operations in the Auckland coastal marine area in recent years has revealed that the adverse effects of sediment discharges into the water column have generally been temporary and localised in nature. Careful operation of appropriate dredging machinery can limit the amount and extent of sediment charge into the water column and its deposition on the surrounding foreshore and seabed. In assessing the effects of dredging on the coastal marine area, regard should be had to the results of these monitoring programmes.

Maintenance dredging occurs typically in locations such as marinas, the HMNZS Naval Base (Devonport) and working port areas. The nature of these activities, in conjunction with the discharge of contaminated stormwater from adjacent catchments means that the sediments to be dredged have generally higher levels of contaminants than those found elsewhere in the coastal marine area. These contaminants may be present in toxic concentrations at the dredging site, or may be persistent and cumulative toxic chemicals, which become bio-accumulated through the food chain, affecting biota distant from

the site of dredging. Dredging of contaminated sediments means that these contaminants may be distributed further, through the potential deposition of contaminated sediment on adjacent areas, or they may be released directly into the water column. Hence particular attention must be given to the dredging of contaminated sediments to ensure that adverse effects are avoided or minimised to the greatest extent practicable.

The control of stormwater runoff through appropriate land based controls and other territorial authority initiatives may reduce the levels of sediment and other contaminants entering the coastal marine area. The location and design of coastal facilities may minimise the need for dredging. Both of these matters are important considerations in avoiding or mitigating the adverse environmental effects of dredging.

15.2 ISSUES

15.2.1 Dredging is necessary for the maintenance of certain existing activities and for the development of some new activities within the coastal marine area such as ports, marinas, navigational channels for vessel movement, wharves and jetties. Dredging is also sometimes necessary in order to clear, cut or realign stream and river mouths within the coastal marine area and for the operation of land drainage and stormwater systems. These activities may be of local, regional or national importance. However, there are potentially adverse environmental effects associated with dredging activities.

15.2.2 New activities or facilities in the coastal marine area may be able to be designed and located so as to avoid or minimise the need for dredging.

15.3 OBJECTIVES

15.3.1 To provide for appropriate dredging in the coastal marine area, while remedying or mitigating adverse environmental effects.

15.3.2 To minimise, as far as practicable, the need for dredging associated with new development or redevelopment in the coastal marine area.

15.4 POLICIES

15.4.1 Dredging shall be avoided where it will result in more than minor modification of, damage to, or the destruction of the values of any Coastal Protection Area 1 or any Tangata Whenua Management Area; or modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

15.4.2 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to dredge the foreshore and seabed.

15.4.3 The redevelopment of existing navigation channels, wharves, piers and berths, and the development of new facilities should be designed and located so that the need for both capital works and maintenance dredging is either avoided or minimised as far as practicable, where this does not result in additional adverse environmental effects.

15.4.4 Notwithstanding Policy 15.4.3:

- a maintenance dredging shall be recognised as a necessary activity due to the location, design and management of many structures and activities and their surrounding environment;
- b the ARC, when assessing an application for proposed dredging, shall have regard to the social and economic benefits of the proposal necessitating the dredging.

15.4.5 Proposals for dredging shall generally demonstrate that:

- a there are no practicable alternative methods, locations or designs for the activity which would avoid or reduce the need for dredging; and
- b the dredging will be undertaken at times of the day, or year that will avoid, as far as practicable, remedy or mitigate adverse effects on the environment, particularly on:
 - i the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine

and coastal fauna, including bird roosting, nesting and feeding; and

- ii recreational use of the coastal marine area; and
- iii other established activities and structures located in the coastal marine area which are likely to be affected by the dredging; and
- c the dredging will not give rise to more than short duration and localised turbidity, or disturbance to surrounding sediments, and does not result in permanent long term adverse effects on the surrounding environment; and
- d the dredging will avoid significant adverse effects on biota caused by the release of contaminants; and
- e the dredging will not be likely to cause or exacerbate coastal erosion either within the coastal marine area or on adjacent coastal land; and
- f the dredging will not result in the permanent loss of any habitat of a rare or endangered species.

15.4.6 Where appropriate, as part of any consent granted for dredging, the grantee shall be required to:

- a mitigate, as far as practicable, adverse effects of the dredging activity, in particular sediment disturbance and the release of contaminants into the surrounding environment;
- b monitor the dredging activity to a level commensurate with the expected scale of adverse environmental effects, to determine that unacceptable adverse environmental effects are not occurring; and
- c have in place contingency plans to remedy or mitigate any unacceptable adverse effects that may arise from the dredging activity.

15.4.7 The ARC will have regard to information obtained from resource consents granted for similar forms of dredging in the coastal marine area in:

- a assessing the effects of maintenance dredging under Policy 15.4.5; and
- b determining the relevance of all matters listed in Policy 15.4.5; and
- c determining the criteria for any monitoring programme.

15.4.8 The reconstruction of existing stormwater outfalls, and the development of new outfalls should ensure that they are designed and located in such a way as to avoid the likelihood of the outfall becoming blocked from coastal sedimentation processes and the outfall having adverse effects on coastal stability and foreshore ecology.

15.5 RULES

For the purposes of these rules, dredging includes the activity and the effects of dredging including the discharge of contaminants and water into water, pursuant to sections 12(1)(c), 12(1)(e), 12(3) and 15(1)(a) of the RMA.

Permitted Activities

15.5.1 Dredging for the purpose of clearing, cutting or realigning a stream or rivermouth or watercourse used for drainage purposes, or for maintaining or gaining access to an existing lawful structure, subject to the following conditions:

- a the dredging does not take place in Coastal Protection Areas 1 or 2; and
- b the volume of material to be dredged during any one stream, rivermouth or watercourse blockage event, or necessary to maintain or gain access to a structure shall not exceed 50 cubic metres; and
- c the area to be dredged for maintaining or gaining access to an existing lawful structure shall not exceed 30 square metres; and

- d impounded water shall be released in a manner and/or at a time that minimises the potential contamination of the receiving waters of the coastal marine area; and
- e those further conditions specified in Rule 15.5.3.

15.5.2 Dredging for the purpose of clearing the exit of any lawful stormwater outfall or pipe subject to the following conditions:

- a the dredging does not take place in a Coastal Protection Area 1; and
- b any sand or shell sediment excavated shall be deposited on the adjacent foreshore consistent with the conditions in Rule 15.5.3(b); and
- c where any stormwater outfall or pipe discharges into a Port Management or Marina Management Area no material cleared from the outfall or pipe shall be deposited on the adjacent foreshore or seabed; and
- d those further conditions specified in Rule 15.5.3.

15.5.3 The activities in Rules 15.5.1 and 15.5.2 are permitted subject to the following further conditions:

- a there shall be no modification, damage or destruction to any site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedules 1 or 2; and
- b the dredged material shall only be deposited on the adjacent foreshore or seabed:
 - i if it is of the same material to that found on the foreshore or seabed; and
 - ii in a manner consistent with the contours of the foreshore or seabed that does not:
 - a impede public access to and along the coastal marine area;

- b exacerbate coastal erosion of the coastal marine area of adjacent land, and
 - c any litter, or any other material that is likely to give rise to a health hazard or emit an objectionable odour if left on the foreshore shall be removed from the coastal marine area; and
 - d any associated disturbance other than that necessary for the dredging shall be able to be rectified by the operation of natural processes within 7 days; and
 - e all equipment shall be removed from the site on completion of the dredging.
- a whether there are practicable alternatives which would avoid or reduce the need to dredge the foreshore and seabed; and
 - b the effects on the natural and physical values of the area associated with the timing and method of dredging, where this takes place in Coastal Protection Areas 1 and 2; and
 - c the deposition of dredged material where it is proposed to deposit this on the adjacent foreshore and seabed and the restoration of the area upon completion of the work; and
 - d procedures for the dredging of any contaminated sediments; and
 - e the monitoring programme to be undertaken; and
 - f the duration of the consent.

Restricted Discretionary Activities

15.5.4 Dredging for the purpose of clearing, cutting or realigning a stream or rivermouth or water course used for drainage purposes, or for the purpose of maintaining or gaining access to an existing lawful structure in Coastal Protection Areas 2, or in other areas of the coastal marine area, where it does not comply with the conditions of Rule 15.5.1, subject to the following standards and terms:

- a the dredging does not take place in Coastal Protection Areas 1; and
- b the amount of material to be dredged in a Coastal Protection Area 2 shall not exceed 2,000 cubic metres; and
- c the amount of material to be dredged in other areas of the coastal marine area shall not exceed 5,000 cubic metres.

15.5.5 Dredging for the purpose of clearing the exit of any lawful stormwater outfall or pipe in any Coastal Protection Area 1.

15.5.6 The ARC will restrict the exercise of its discretion under Rules 15.5.4 and 15.5.5 to the following matters:

15.5.7 Maintenance Dredging in Port Management Areas 1A, 1B, 1C, 2, 3 and 4A, Marina Management Areas and the Devonport Defence Management Area.

15.5.7.1 The ARC will restrict the exercise of its discretion under Rule 15.5.7 to the following matters:

- a procedures for the dredging of contaminated sediments; and
- b the monitoring programme to be undertaken; and
- c the duration of the consent.

Any application for a resource consent will be considered without notification or the need to obtain the written approval of affected persons, in accordance with Section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

15.5.8 Dredging for the purpose of clearing, cutting or realigning a stream or rivermouth or water course

used for drainage purposes or for the purpose of maintaining or gaining access to an existing lawful structure where:

- a the area to be dredged is in a Coastal Protection Area 1;
- b the amount of material to be dredged in a Coastal Protection Area 2 is greater than 2,000 cubic metres; or
- c the amount of material to be dredged in other areas of the coastal marine area is greater than 5,000 cubic metres.

15.5.9 Maintenance dredging in areas of the coastal marine area not covered by Rule 15.5.7, but not including Coastal Protection Areas 1.

15.5.10 Capital works dredging, except in Coastal Protection Areas 1 and 2.

Non-Complying Activities

15.5.11 Any dredging activity which is not provided for as a restricted discretionary, discretionary or prohibited activity in any other rule contained in this chapter.

Prohibited Activities

15.5.12 Capital works dredging in any Coastal Protection Area 1.

15.5.13 Any dredging which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

15.6 OTHER METHODS

15.6.1 The ARC will encourage the identification and implementation of techniques which will reduce

or eliminate the need for maintenance dredging in the coastal marine area.

15.6.2 Where any dredging proposal is likely to involve the disposal of dredged material within the coastal marine area, the ARC will encourage applicants to apply for the necessary consents for the disposal of dredged material at the same time as any coastal permit application to dredge.

15.6.3 Coastal permit applications made to the ARC both for dredging, and for the disposal of the material dredged will be considered together.

15.6.4 The ARC will encourage applicants for maintenance dredging, or for the clearing, cutting or realignment of stream and river mouths, drainage channels and stormwater outfalls and pipes, or other similar activities to apply for long term consents, covering routine requirements over a number of years, rather than applying for one-off consents only when these are urgently required.

15.6.5 The ARC will ensure that applications for capital works dredging and any associated development will be assessed and determined on an integrated basis between itself and the relevant territorial authority. This is in recognition that capital works dredging may be part of a more comprehensive development proposal.

15.6.6 The ARC will continue to promote appropriate land based controls, to avoid, remedy or mitigate the discharge of silt and contaminants from land based activities, in order to reduce the need to dredge and to improve the quality of dredged material.

15.7 PRINCIPAL REASONS FOR ADOPTING

15.7.1 Objective 15.3.1, Policies 15.4.1, 15.4.2, 15.4.4 to 15.4.6 and 15.4.8, and the Rules

Dredging is often necessary in the Auckland coastal marine area to enable people and communities to provide for their economic and social wellbeing. However it has potentially significant adverse

environmental effects, if undertaken in inappropriate ways and in inappropriate locations. These objectives and policies provide a framework for assessing “appropriateness” in terms of location, form and scale of dredging, with the highest level of protection given to Coastal Protection Areas.

Policies 15.4.1 and 15.4.2 and Rules 15.5.12 and 15.5.13 explicitly implement provisions in Part III: Values.

15.7.2 Objective 15.3.2, Policy 15.4.3, and Other Methods 15.6.1 and 15.6.6.

New design, construction and management techniques, including land management techniques, associated with development of new facilities or the redevelopment of existing facilities may reduce the need to dredge, the amount of material to be dredged and improve the quality of dredged material. As well as making more efficient use of these facilities, less dredging is compatible with the sustainable management of the natural and physical resources of the coastal environment.

15.7.3 Policies 15.4.6(b) and 15.4.7 and Rules 15.5.1 to 15.5.4.

Some parts of the Auckland coastal marine area have been dredged on a regular basis and have generated a considerable amount of environmental data as part of their consent monitoring programmes. This information has formed the basis of the policies and rules which permit certain forms and scales of dredging in various locations. The adverse environmental effects from permitted forms of dredging are expected to be minor and temporary in nature.

15.7.4 Other Methods 15.6.2 and 15.6.3

Dredging necessarily gives rise to a need for disposal of the dredged material, and the connection between

these two activities requires recognition and a co-ordinated approach. The two methods provide for the integrated management of dredging and disposal proposals, where these two activities occur within the coastal marine area and as such are part of the ARC’s jurisdiction.

Disposal is addressed in Chapter 17: Disposal and Deposition. Appropriate cross-references are also made in that chapter (see Other Methods 17.6.1 and 17.6.2).

15.7.5 Other Method 15.6.4

This method has been adopted to ensure firstly that sufficient time is allowed for thoroughly assessing the effects of any dredging proposal, and secondly to ensure certainty for the applicant over a longer time period regarding authorisation to dredge.

15.7.6 Other Method 15.6.5.

This method recognises that capital works dredging may be a component of a larger and more comprehensive development proposal (e.g. a marina). It is important that this is taken into account in the resource consent process to ensure that the project as a whole is carried out in the most efficient and effective manner, and to avoid, remedy or mitigate to the fullest extent practicable, any adverse effects.

15.7.7 All Rules

Sections 12(1)(c) and (e) and 15(1)(a) of the RMA restrict the destruction, damage or disturbance of the foreshore or seabed and the discharge of contaminants or water into water, unless expressly allowed by a rule in a regional coastal plan or a resource consent. These rules provide a hierarchy for assessing the environmental effects of dredging, based on the type of dredging, its scale and its location and the potential to generate significant adverse effects. The most extensive environmental standards

are imposed on dredging in areas of regional, national or international ecological or geological significance and which are the most vulnerable to damage from dredging.

15.7.8 Rules 15.5.12 and 15.5.13

In Coastal Protection Areas 1, and at Cultural Heritage Sites identified for Preservation, the potentially adverse effects of capital works dredging are considered to be so significant as to justify its prohibition. This is consistent with Policy 3.3.1 of the NZ Coastal Policy Statement, regarding the taking of a precautionary approach towards proposed activities.

15.8 ANTICIPATED ENVIRONMENTAL RESULTS

15.8.1 The continuation of necessary dredging activities, so that appropriate activities within the coastal marine area such as ports, marinas, navigational channels, wharves and jetties, are able to be developed and continue to operate. The continuation of dredging activities to clear stream and river mouths, drainage channels and stormwater outfalls to enable the efficient operation of urban and rural land uses.

15.8.2 The potential adverse effects of dredging activities, including sediment redistribution, hydrological changes, and the release of contaminants into the environment are avoided, remedied, or mitigated.

15.8.3 Avoidance of damage from dredging activities to Coastal Protection Areas, places and areas of heritage importance, and those parts of the coastal marine area that have characteristics of special value to Tangata Whenua. [Note: Some Tangata Whenua have chosen to specifically identify parts of the coastal marine area that have characteristics of special value (shown on Map Series 3 Sheet 1 of the Plan Maps), while others have chosen not to identify such areas].

15.8.4 Capital works dredging, which has the greatest potential risk of adverse environmental effects, and its associated development is carried out in a way which minimises adverse effects.



Disturbance of Foreshore and Seabed III: Other than Dredging or Extraction – 16

This chapter contains objectives, policies and rules relating to disturbance of the foreshore and seabed, other than that associated with extraction or dredging. The provisions of this chapter apply to all disturbance activities, except those covered by, or consequential to an activity addressed by another chapter of this Plan, unless otherwise stated. Any discharge of contaminants which is consequential to a disturbance activity provided for in this chapter, is covered by the provisions of this chapter. That is, the provisions of Chapter 20: Discharge of Contaminants do not apply. Chapter 16 applies to all management areas in the Plan. If structures are required for the disturbance activity, reference to Chapter 12: Structures is required.

Any application to disturb the foreshore and seabed needs to consider the relevant chapters of Part IV: Use and Development and the matters contained in Part III: Values in the assessment of effects on the environment.

Disturbance for the purpose of vegetation removal is addressed in this chapter. Disturbance for the purpose of planting in the coastal marine area is addressed in Chapter 18: Planting and Introduction of Plants and disturbance caused by recreational or other activities is addressed in Chapter 11: Activities. For river mouth clearance, cutting and realignment and the clearing of stormwater outfalls, other than vegetation removal, refer to Chapter 15: Dredging.

16.1 INTRODUCTION

Sections 12(1)(c) and (e) of the RMA state that no person may, in the coastal marine area, destroy, damage or disturb the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, or on plants or animals or their habitat, unless expressly allowed by a rule in a regional coastal plan or a resource consent. Section 15(1)(a) of the RMA states that no person may discharge any contaminant or water into water unless the discharge is expressly allowed by a rule in a regional plan, a resource consent or regulations.

This chapter deals with activities that have the potential to destroy, damage or disturb the foreshore or seabed, along with any associated discharge of contaminants. These activities include, but are not limited to, drilling and tunnelling; beach grooming; the removal of Pacific Oyster shells (particularly prevalent in the inner harbour beaches of the Manukau Harbour); the removal of vegetation, including mangrove removal; the disturbance caused by the use of motor vehicles and the grazing of stock in Coastal Protection Areas 1; and the burial on the foreshore of dead marine mammals and other marine fauna.

Many of these activities are carried out to alleviate problems which threaten public safety or wellbeing. Others are designed to enhance the amenity value of the coastal environment, by improving public access to and enjoyment of these areas.

The mangrove (*Avicennia marina subsp. australasica*) is an indigenous species whose existence in New Zealand can be dated some thousands of years before humans inhabited, or even visited, these islands. (Ref ARC. TP325 pg. 13,14)

Mangrove, or Manawa, habitats form an important component of estuarine ecosystems, and play an important role in erosion control and shoreline protection. These values need to be recognised and protected. Mangrove ecosystem values are recognised in many of the Coastal Protection Areas in the ARP:C. Mangroves also contribute to the natural ageing of estuaries and lead to accelerated raising of the seabed and the creation of intertidal flats.

However, over the last 50 years the rate of mangrove colonisation in many estuaries, harbours and rivers has increased substantially in response to human induced changes in the environment. In particular, land use activities have resulted in increased levels of sediment and nutrients entering the coastal environment.

Changes to the coastline, such as reclamations and the building of causeways and culverts, have resulted in changes to waterflow and sediment processes. Other factors, such as climate change, may also play a role.

In some areas mangroves are expanding into other habitats, such as intertidal flats. This may impact on biodiversity values and/or geological features, including in sensitive Coastal Protection Area 1 areas.

In some areas mangrove colonisation is affecting wading bird feeding and roosting areas. Intertidal flats and shellbanks that provide feeding and roosting areas are important for thousands of migratory and New Zealand native and endemic wading birds, including a number of threatened species. In some circumstances the control of mangroves may be necessary to ensure the long-term availability of these areas for wading birds.

Definitive answers are not yet available, but the increase in mangrove habitat will result in replacement of other habitat and their associated values. Mangrove colonisation may also compromise access, navigation, recreation and amenity values. In such cases, particularly where it is in the wider environmental, community or public interest, mangrove removal may be appropriate.

In some cases mangroves need to be removed in order to allow for the provision, maintenance and use of structures, and the functioning of drainage systems including drains and outlets. Infrastructure, such as roads, walkways and drainage systems, and jetties or similar structures may need to locate in or adjacent to the coastal marine area, and mangrove removal may be necessary to allow for their development and maintenance.

The effective long term management of mangrove colonisation requires a reduction in the sediment and nutrient loads entering the estuarine areas, which needs to be addressed through greater integrated management of both catchments and marine receiving environments.

Disturbance activities, including vegetation removal, have potential adverse effects, in particular through degradation of natural character; detracting from, or loss of ecological or geological values; alteration of the landscape; modification, interruption or interference

with physical coastal processes, potentially leading to increased erosion and scouring; damage or destruction of habitat; and temporary decrease in water clarity and quality in the vicinity of works. The disturbance of the foreshore and seabed, or removal of vegetation, including mangroves, may directly or indirectly affect the values of Coastal Protection Areas.

The disturbance of the foreshore and seabed and/or removal of vegetation may directly damage, destroy or modify cultural heritage sites, or areas of importance to Tangata Whenua. Such disturbance can alienate areas traditionally used for gathering kaimoana, and compromise the spiritual essence of the coastal waters and other taonga.

Many of these activities may have components both above and below Mean High Water Springs. A co-ordinated management approach between the ARC and the relevant territorial authority is thus important. However, these activities may be compatible with the sustainable management of the coastal environment, depending on the scale, timing and location of the activity, the sensitivity of the environment, and the values and uses of the coastal marine area.

Where in this chapter reference is made to the disturbance of foreshore and seabed being able to be remedied within seven days, this does not include the disturbance of foreshore or seabed arising directly from the disturbance or displacement of material associated with the erection, or placement of a structure.

16.2 ISSUE

16.2.1 Some disturbance of the foreshore and seabed, including vegetation removal, may be necessary to undertake activities which enhance amenity values, and use and enjoyment of the coastal environment and to enable the provision, maintenance and use of infrastructure. However, these activities may result in adverse environmental effects.

16.2.2 Parts of some estuaries and harbours in the region are experiencing a rapid colonisation by mangroves. This is in response to increased sediment and nutrients entering the coastal marine area. Colonisation may also be a response to changes in coastal processes resulting from activities in the

coastal marine area such as reclamation, causeways and culverts. This expansion can affect the social, cultural, and economic use and value, and may result in reducing biodiversity as other types of habitat are replaced over time by mangroves.

16.2.3 Mangroves are having an adverse affect on some significant wading bird feeding and roosting areas. The ability for birds, including migratory birds, to relocate to other areas, particularly to alternative roosts, is limited. Further mangrove spread may need to be controlled, and in some areas mangroves removed, to ensure that these areas remain available for wading birds.

16.2.4 The effective long term management of sediment and nutrient inputs that result in increased mangrove colonisation require the integrated management and planning of the land, riparian and coastal marine area.

16.3 OBJECTIVE

16.3.1 To provide for appropriate activities, including vegetation removal, which involve the disturbance of the foreshore and seabed, while avoiding, remedying, or mitigating the adverse effects on the coastal environment.

16.4 POLICIES

16.4.1 Any activity other than dredging or extraction (as addressed in Chapters 14 and 15), including vegetation removal, which results in the disturbance of the foreshore and seabed shall be considered inappropriate unless:

- a it can be demonstrated that the disturbance is necessary to:
 - i rehabilitate or restore a coastal ecosystem, or areas identified as having significant geological, ecological or habitat values; or
 - ii maintain or enhance identified cultural heritage sites or areas of significant historic or archaeological value; or

- iii enhance or restore public access to areas used for recreation and to enable water access and navigation in the coastal marine area; or
- iv protect public health and safety; or
- v maintain or improve navigation and safety; or
- vi enable the provision, operation, maintenance and use of lawful structures, infrastructure, such as roads, walkways and/or the efficient functioning of drainage systems, where there is no practicable alternative location outside of the coastal marine area that would achieve a better environmental outcome; or
- vii avoid, remedy or mitigate adverse effects caused by natural processes; or
- viii enable the carrying out of a lawful activity, consistent with the provisions of this chapter; and
- b there is no practicable alternative to disturbance of the foreshore and seabed; and
- c the activity will not result in the permanent loss of any habitat of a threatened, rare or endangered species; and
- d the activity will not have a significant adverse effect on Tangata Whenua values identified in accordance with Tikanga Maori; and
- e the activity will not be likely to result in significant changes to natural coastal processes, or cause or exacerbate coastal erosion either within the coastal marine area or on adjacent coastal land; and
- f the activity will not be likely to result in significant adverse effects on natural character; particularly on natural features or ecosystems; and
- g the disturbance is not likely to lead to cumulative adverse effects, including those from regular or maintenance type disturbance in the same area.

16.4.2 Activities which are considered appropriate under Policy 16.4.1 shall:

- a be undertaken at times of the day or year that will avoid as far as practicable, remedy or mitigate adverse effects on the environment, particularly on:
 - i the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding; and
 - ii stability of coastal features such as dunes and coastal vegetation; and
 - iii recreational use of the coastal marine area; and
 - iv other established activities located in the coastal marine area which are likely to be affected by the disturbance; and
 - v traditional Maori gathering, collection or harvest of kaimoana; and
- b ensure that the foreshore or seabed is, as far as practicable, reinstated in a manner which is in keeping with the natural character and visual amenity of the area; and
- c avoid significant adverse effects on biota caused by the release of contaminants; and
- d where the purpose of the activity is to remove vegetation or Pacific Oyster shell from the coastal marine area;
 - i remove only the number of individual plants necessary or clear the minimum area necessary for the purpose; and
 - ii dispose of the vegetation or shell by an appropriate method or land-based disposal site.

NB: Pacific Oyster shell removal activities need to also comply with the provisions of the Fisheries Act 1996.

16.4.3 Disturbance of the foreshore and seabed, other than dredging or extraction (as addressed in Chapters 14 and 15), shall be avoided where it will:

- a result in more than minor modification of, or damage to, or the destruction of the values of any Coastal Protection Area 1; or
- b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

16.4.4 Mangrove removal within any Coastal Protection Area 1, or Coastal Protection Area 2, shall be avoided where it will threaten the viability or significance of the ecological or geological values identified in Schedule 3 for the Coastal Protection Area.

16.4.5 Mangrove removal within any Coastal Protection Area 1, in addition to the requirements of policy 16.4.4, shall be considered inappropriate unless it is for the purpose of:

- a maintaining or enhancing the geological or ecological values of the Coastal Protection Area where it can be demonstrated that these values are being adversely affected by mangrove colonisation; or
- b maintaining or restoring the open nature of wading bird feeding and roosting areas identified in Table 16.1 or Map Series 8 Sheets 1 to 5; or
- c maintaining the intrinsic heritage, historic and/or archaeological value of a site, place or area scheduled for preservation in Cultural Heritage Schedule 1; or
- d maintaining or enhancing public access, for example through developing boardwalks, consistent with protecting the geological or ecological values of the Coastal Protection Area; or
- e enabling the reasonable operation, maintenance and use of lawful structures, and/or allowing for the efficient functioning of drainage systems; or

- f enabling the provision, maintenance and use of public infrastructure, such as roads, walkways and drainage systems and any associated public health and safety requirements, where there is no practicable alternative location outside of the coastal protection area that would achieve a better environmental outcome.

16.4.6 Mangrove seedling removal is considered appropriate in Coastal Protection Area 1 areas that do not have significant values associated with mangroves recorded in Schedule 3, and that are identified in Table 16.1 or on Map Series 8 Sheets 1 to 5.

16.4.7 Mangrove removal, other than in a Coastal Protection Area 1, may be considered appropriate where, in addition to the criteria in policy 16.4.1 and 16.4.4:

- a mangrove colonisation can be demonstrated to be having an adverse impact on the values of heritage sites, or areas identified as having significant geological, archaeological, ecological or habitat values; or
- b Mangrove colonisation can be shown to be obstructing or interfering with areas of high public amenity or use, for example areas formerly or currently used for recreation, water access and navigation; or
- c Mangrove colonisation is adversely affecting the wading bird feeding and roosting areas identified on the Map Series 8 Sheets 1 to 5; or
- d mangrove colonisation is adversely affecting the operation, maintenance and use of lawful structures, infrastructure, such as roads or walkways, and/or the efficient functioning of drainage systems; or
- e the proposed removal is in the overall public benefit, as opposed to individual or private benefit; or
- f the proposal is in accordance with Policy 16.4.8.

16.4.8 In recognition of the interconnectedness of land and sea, significant disturbance and vegetation removal activities:

- a should be considered within the context of a Comprehensive Coastal Management Plan, and;
- b may be considered more appropriate where they are in accordance with such a plan.

NB: The ARP:C definition of Comprehensive Coastal Management Plan refers to Appendix K that summarises the objective of their production and provides advice on their content and development process.

16.4.9 Any application for mangrove removal shall include an assessment of the ecological value of mangroves affected, including their significance in the context of the wider estuary or area, and demonstrate that the proposed removal will not have a significant adverse effect on ecological values.

16.4.10 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to disturb the foreshore and seabed under this chapter.

16.4.11 The eradication or removal of exotic or introduced plants shall be provided for where:

- a an assessment of the effects and alternatives has been undertaken to determine that such a course of action will have a lesser adverse effect than taking no action; and
- b the method chosen is the most appropriate, having regard to Policy 16.4.3; and
- c there is compliance with any Pest Management Strategies prepared under the Biosecurity Act 1993.

16.4.12 Motor vehicles should avoid using the coastal marine area, except where there are no practicable alternative methods of access, or for emergency or conservation management purposes, provided that the adverse effects on the environment can be avoided where practicable, remedied or mitigated.

16.4.13 Where motor vehicle use of the coastal marine area is necessary, all practical steps should be taken to avoid sensitive ecological and landform areas, including habitats of significant flora and fauna.

16.4.14 The grazing of cattle and stock on the foreshore and in sensitive parts of the coastal marine area, especially coastal protection areas, should generally be avoided.

16.5 RULES

Permitted Activities

16.5.1 Any disturbance of the foreshore or seabed for the purposes of removing litter or marine debris, provided that the disturbance shall not involve the removal of sediment from the foreshore, other than sediment that is reasonably attached to any litter or marine debris.

16.5.2 The removal of vegetation, including mangrove removal, that is necessary to enable the operation, maintenance and use of lawful structures and infrastructure and/or to allow for the functioning of drainage systems, or ensure public health and safety in the use or operation of infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges, subject to the following conditions:

- a the activity does not take place in a Coastal Protection Area 1; and
 - b the total cleared area shall not at any time exceed 30 square metres in Coastal Protection Area 2 areas, or 200 square metres in the General Management Area, and shall be immediately adjacent to the structure or infrastructure or in, or immediately adjacent to, any drainage system; and
 - c all cleared vegetation shall be disposed of outside the coastal marine area; and
 - d the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
 - e any consequential disturbance to the foreshore and seabed shall be able to be remedied by the operation of natural processes within 7 days.
- 16.5.3 The removal of mangrove seedlings, subject to the following conditions:
- a the removal does not take place in a Coastal Protection Area 1 other than those identified as significant wading bird areas, or that do not have values associated with mangroves and that are identified in Table 16.1 or on Map Series 8 Sheets 1 to 5, except where the area lies within a marine reserve; and
 - b the removal does not take place under areas of mature mangrove vegetation; and
 - c the ARC is notified of the proposed time and extent of removal where more than 30 square metres of clearance is proposed, at least three working days prior to the work being undertaken; and
 - d that seedlings are removed by hand or by hand-held non-motorised tools; and
 - e the removal and disposal activities do not involve motor vehicles being taken onto the intertidal area for transporting mangroves or debris; and
 - f the removal will not disturb or damage areas of salt marsh and/or seagrass; and
 - g all cleared vegetation shall be disposed of outside of the coastal marine area; and
 - h the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
 - i the removal does not occur in areas where mangroves are serving to mitigate coastal erosion from wave action.

Table 16.1:
Coastal Protection Area 1 areas that do not have values associated with mangroves

CPA1 No:	Name (Schedule 3 & ARP:C map reference)	Feature / Value:
10 b, c	South Kaipara Head (Map 1 Sheet 3)	Papakanui Dune Field, Kaipara South Head (Kaipara Sand Dunes, Northern Unconsolidated Dune Area, and Papakanui Spit)
11	Oaia Island (Map 1 Sheet 8)	Oaia Island
13 b	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	Muriwai Miocene Fauna, Maori Bay
13 c - f	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	Muriwai Pillow Lavas, Maori Bay
13 g	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	Muriwai, Powell Bay Miocene Fauna
13 h	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	O'Neill Bay Crater
13 j	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	South Te Henga Pillows and Hyaloclastites
13 k	West Coast (Muriwai to Karekare) (Map 1 Sheet 9)	The Gap and Taitomo Cave, Piha & The Gap Volcaniclastic Conglomerate, South Piha
13 l	West Coast (Muriwai to Karekare) (Map 1 Sheet 9)	Mercer Bay Chimney
15 a	Omanawanui (Map 1 Sheet 9)	Marine fauna
15 b	Omanawanui (Map 1 Sheet 9)	Paratutae Wave-Cut Notch
23 b	Ambury (Map 1 Sheet 12)	Kiwi Esplanade Pahoehoe Lava Flow
26 b	Ihumatao (Map 1 Sheets 11, 12)	Ihumatao Pleistocene Buried Fossil Forest
27 b	Puhinui (Map 1 Sheets 12, 13)	Wairoa Island bird roost
28	Takanini Pumicite (Map 1 Sheet 14)	Takanini Pumicite
30 b	Clarkes Beach to Karaka Point (Map 1 Sheet 13)	Shellbanks (bird roost and wading bird feeding ground)
32 b	Waipipi (Map 1 Sheet 16)	Shellbanks (bird roost and wading bird feeding ground)
33	Te Toro Quaternary Sands (Map 1 Sheet 16)	Te Toro Quaternary Sands
34 b	Pollok Spit (Map 1 Sheet 16)	Sand spit (high tide roost)
38 b	Karioitahi (Map 1 Sheet 18)	Karioitahi Quaternary Sands
39 b	Firth of Thames (Map 1 Sheet 19)	Original vegetation grading to kowhai forest fragment
40 h, j	Kawakawa to Matingarahi (Map 1 Sheet 20)	Kawakawa Bay Deformed Chert Beds
43 b	Turanga Creek Estuary (Map 1 Sheet 23)	Shellbanks (bird roost)

CPA1 No:	Name (Schedule 3 & ARP:C map reference)	Feature / Value:
43 f	Turanga Creek Estuary (Map 1 Sheet 23)	Shellbanks (bird roost)
49 b	Tamaki Estuary West (Map 1 Sheet 25)	Point England Accretionary Lapilli (Chalazoidites)
49 c	Tamaki Estuary West (Map 1 Sheet 25)	Sand-shell spit (high tide roost)
50 b	Musick Point (Map 1 Sheet 25)	Musick Point Overthrust
50 c	Musick Point (Map 1 Sheet 25)	Eastern Beach Anticline
51 d	Hobson Bay – Orakei Basin (Map 1 Sheet 30)	Orakei Greensand Miocene Fossil Locality
61 b	North Head to Takapuna (Map 1 Sheet 30)	Narrow Neck Structural Discordance
61 c	North Head to Takapuna (Map 1 Sheet 30)	Belmont Cliffs Fault
61 d	North Head to Takapuna (Map 1 Sheet 30)	Takapuna Chabazite
62 a	Takapuna & Thorne Bay Fossil Forests (Map 1 Sheet 31)	Takapuna Reef Fossil Forest
63	Torbay Stack (Map 1 Sheet 31)	Torbay Stack
65 b	Weiti Estuary (Map 1 Sheet 34)	Weiti River Shell Spits
66 a	Hobbs Bay (Map 1 Sheet 33)	Shore Platform
67 c	Whangaparaoa Peninsula (Map 1 Sheet 33)	Whangaparaoa Head vertically tilted strata
67 d	Whangaparaoa Peninsula (Map 1 Sheet 33)	Point East of Army Bay displaced basalt
68	Whangaparaoa Peninsula Waitemata Group Deformation I (Map 1 Sheet 34)	Miocene Waitemata Group rocks deformation
69	Whangaparaoa Peninsula Waitemata Group Deformation II (Map 1 Sheet 34)	Miocene Waitemata Group rocks deformation
70	Red Beach Miocene Flysch (Map 1 Sheet 34)	Waitemata Group rocks deformation
71	Whangaparaoa Peninsula Waitemata Group Deformation III (Map 1 Sheet 34)	Whangaparaoa Peninsula Waitemata Group deformation
74 a	Waiwera Parnell Grit (Map 1 Sheet 35)	Waiwera Parnell Grit
75 b	Waiwera, Wenderholm & Puhoi (Map 1 Sheet 35)	Intertidal substrates and wave-cut platforms (array of habitats)
76 o	Mahurangi Harbour (Map 1 Sheet 37)	Grants Island Old Hat

CPA1 No:	Name (Schedule 3 & ARP:C map reference)	Feature / Value:
79	Algies Beach Melange (Map 1 Sheet 37)	Exposure of Northland Allocthon and Miocene Waitemata Group rocks
82 c	Tawharanui Peninsula (Map 1 Sheet 36)	Tawharanui Fossiliferous Jurassic rocks
83 b	Whangateau Harbour (Map 1 Sheet 38)	Sandspit (high tide roost & breeding ground for NZ Dotterel)
84 b	Mathesons Bay (Map 1 Sheet 38)	Miocene Reef Corals
88	Slater Point Fossil Sea Stack (Map 1 Sheet 36)	Slater Point Fossil Sea Stack, Kawau Island
89	Kawau Island Pillow Lavas (Map 1 Sheet 36)	Pillow lava tubes
90	Dispute Cove Channelled Flysch (Map 1 Sheet 36)	Dispute Cove Channelled Flysch
91	Beehive Island, Kawau (Map 1 Sheet 36)	Beehive Island, Kawau
92 a - b	Motuketekete island Waitemata Group Miocene Basal Limestone (Map 1 Sheet 36)	Motuketekete Island Waitemata Group Miocene Basal Limestone
97 a	Motuihe Island (Map 1 Sheet 40)	Limestone Point Basal Waitemata Group Sediments
99	Motukaha Island and Fossil Bay (Map 1 Sheet 41)	Fossil Bay Miocene transgressive sequence
100	Blackpool Spilite (Map 1 Sheet 41)	Spilitic pillow lava
109	Horuhoru Island (Map 1 Sheet 42)	Gannet breeding site
112	Onetangi Beach (Map 1 Sheet 41)	Small section of pingao
113	Waiheke island Miocene Macrofauna, Double 'U' Bay (Map 1 Sheet 41)	Miocene macrofauna
117 b, c	Northern Great Barrier island (Map 1 Sheet 45)	Rakitu Island Obsidian Breccia
133 a	The Noises (Map 1 Sheet 32)	Coastal birds
134	Mawhitipana Headland and Foredune (Map 1 Sheet 41)	Pingao

16.5.4 The removal of vegetation, sediment and encrusting organisms from any existing lawful structure, subject to the following conditions:

- a the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
- b any material deposited in the coastal marine area, which is capable of hand retrieval shall be removed as soon as practicable; and
- c any consequential disturbance other than that necessary for the clearance, shall be able to be remedied by the operation of natural processes within 7 days.

16.5.5 The control or eradication of any exotic or introduced plant or animal species where the eradication or removal has been provided for through an approved Pest Management Strategy prepared in accordance with the Biosecurity Act 1993, subject to the following conditions:

- a the eradication or removal is undertaken in accordance with the provisions of the approved Pest Management Strategy, including any provisions relating to the means of removal; and
- b the ARC is provided with a copy of the approved Pest Management Strategy and advised of the commencement and completion date of any proposed works; and
- c where monitoring is required as part of a Pest Management Strategy, the ARC is provided with a copy of the information collected.

16.5.6 The removal of Pacific Oyster shells (other than cultivated Pacific Oysters) from the coastal marine area for any of the purposes in Policy 16.4.1a, subject to the following conditions:

- a only hand held methods shall be used in Coastal Protection Areas 1 and 2; and
- b there shall be no disturbance of other biota in Coastal Protection Areas 1 and 2; and

- c the shell shall not be disposed of in the coastal marine area unless a resource consent has been granted for disposal.

NB: Pacific Oyster shell removal activities need to also comply with the provisions of the Fisheries Act 1996.

The harvesting of cultivated live oysters from a marine farm is addressed in Chapter 22: Aquaculture.

16.5.7 The burial of dead marine mammals and other marine fauna that have been stranded or washed up on the foreshore, and which it is not practicable to remove.

NB: Marine Mammals are protected under the provisions of the Marine Mammals Protection Act 1978, administered by the Department of Conservation.

16.5.8 Any disturbance of the foreshore or seabed, other than dredging or extraction (as addressed in Chapters 14 and 15), which is not covered by another permitted activity rule, subject to the following condition:

- a any disturbance of the foreshore and seabed is able to be remedied by the operation of natural processes within 48 hours of the completion of the activity within any Coastal Protection Area 1 and within 7 days in other parts of the coastal marine area.

NB: Removal of material is addressed by Chapters 11 and 15.

16.5.9 The activities in Rules 16.5.1 to 16.5.8 are permitted subject to the following further conditions:

- a the activity shall not lead to the destabilisation of any sand dune areas or the destruction or removal of any living vegetation, except as provided for in Rules 16.5.2 to 16.5.5 and 16.5.7; and
- b all equipment and materials shall be removed from the site on completion of the operation; and

- c there shall be no modification, damage, or destruction to any site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedule 1 or 2; and
- d the foreshore and seabed shall be reinstated in a manner which is, as far as practicable, in keeping with the pre-existing contour of the foreshore and seabed and the natural character and visual amenity of the area, as soon as is practicable.
- d any drilling device shall not have a head size of greater than 250mm; and
- e any disturbance at a site shall be limited to 5 cubic metres and where practicable the site shall be reinstated to its former condition following the activity.

16.5.10 Disturbances of the foreshore including taking of samples by excavation and drilling, for scientific research or engineering investigations, subject to the following conditions:

- a the activity does not take place in a Coastal Protection Area 1; and
- b no more than 1 cubic metre of sand, shell, shingle or other uncompacted material may be taken or disturbed in any 24 hour period; and
- c no more than 0.2 cubic metre of compact material, including rock and sandstone, may be taken; and
- d any drilling device shall not have a head size of greater than 250mm; and
- e where practicable the site shall be reinstated to its former condition following the activity.

16.5.11 Disturbances of the seabed, including taking samples by excavation and drilling, for scientific research or engineering investigations, subject to the following conditions:

- a the activity does not take place in a Coastal Protection Area 1; and
- b no more than 0.5 cubic metres of sand, shell, shingle or other uncompacted material may be taken in any 24 hour period; and
- c no more than 0.2 cubic metre of compact material, including rock and sandstone may be taken; and

16.5.12 The use of vehicles on existing lawful structures located in the coastal marine area.

NB: The use of vehicles in Coastal Protection Area 1 areas, other than on lawful structures, is subject to Rule 16.5.24.

Controlled Activities

16.5.13 The removal of vegetation, including mangrove removal in Coastal Protection Area 1 areas, that is necessary to enable the operation, maintenance and use of lawful structures and infrastructure and/ or to allow for the functioning of drainage systems, or ensure public health and safety in the use or operation of infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges, subject to the following standards and terms:

- a that the total cleared area shall not at any time exceed 30 square metres and shall be immediately adjacent to the structure or infrastructure or in, or immediately adjacent to, any drainage system.

16.5.13.1 The ARC will have control over the following matters:

- a The method and timing of removal; and
- b The measures required to avoid, remedy or mitigate any adverse effects from the removal activity and disturbance of the foreshore and seabed; and
- c The duration of the consent; and
- d The monitoring of the consent; and
- e The extent of any disturbance or damage to areas of salt marsh and/or seagrass.

16.5.14 The removal of vegetation, including mangrove removal, that is necessary to enable the operation, maintenance and use of lawful structures and infrastructure and/or to allow for the functioning of drainage systems, or to ensure public health and safety in the use or operation of existing infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges, which complies with all the conditions of Rule 16.5.2 other than the area of clearance provided for in Rule 16.5.2 b, subject to the following standards and terms:

- a that the area proposed for removal is demonstrated to be the minimum necessary to enable the proposed activity.

16.5.14.1 The ARC will have control over the following matters:

- a The method and timing of removal; and
- b The area of mangroves that can be removed; and
- c The measures required to avoid, remedy or mitigate any adverse effects from the removal activity and disturbance of the foreshore and seabed; and
- d The duration of the consent; and
- e The monitoring of the consent.
- f The extent of any disturbance or damage to areas of salt marsh and/or seagrass.

16.5.15 Mangrove removal, that is necessary to maintain or restore the open nature of the significant wading bird areas identified in Table 16.1 or on Map Series 8 Sheets 1 to 5, subject to the following standards and terms:

- a that the area proposed for removal is demonstrated to be the minimum necessary to enable the viable use of the area for feeding or roosting by wading birds, and involves a volume, area or length of disturbance less than that 300,000 cubic metres, 10 hectares, or 10,000 metres over the foreshore and seabed.

16.5.15.1 The ARC will have control over the following matters:

- a The method and timing of removal; and
- b The area of vegetation or mangroves that can be removed; and
- c The measures required to avoid, remedy or mitigate any adverse effects from the removal activity and disturbance of the foreshore and seabed; and
- d The duration of the consent; and
- e The monitoring of the consent.

Applications for controlled activities (Rule 16.5.13, 16.5.14 and 6.5.15) shall be considered without public notification pursuant to Section 95A(3)(a) unless the ARC decides there are special circumstances justifying public notification in accordance with Section 95A(4) of the RMA. Limited notification shall be undertaken in accordance with Section 95B of the RMA.

Restricted Discretionary Activities

16.5.16 The removal of Pacific Oyster shells from any location for any of the purposes in Policy 16.4.1a, where such removal fails to comply with conditions a and b of Rule 16.5.6, subject to the following standard and term:

- a the shell shall not be disposed of in the coastal marine area unless a resource consent has been granted for disposal.

16.5.17 Any disturbance of the foreshore or seabed, including excavation, drilling and tunnelling, and the removal of vegetation, including mangrove removal, sediment, or encrusting organisms that is not provided for as a permitted, controlled, discretionary or non-complying activity in any other rule contained in this chapter.

16.5.17.1 The ARC will restrict the exercise of its discretion under Rules 16.5.16 and 16.5.17 to the following matters:

- a the quantity and area of the disturbance, including disturbance associated with the removal of Pacific Oyster shells, or vegetation, with reference to likely environmental effects;
- b navigation and safety matters;_
- c the effect of the disturbance, or vegetation removal on any cultural heritage site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedules 1 or 2;
- d the effect of the disturbance, or vegetation removal, on the ecological or geological values, physical processes, and natural character;
- e the practicable alternatives to the disturbance or vegetation removal activity, including locating or undertaking the activity outside of the coastal marine area;
- f the effect of the disturbance, or vegetation removal, on public access;
- g the relevant conditions of the permitted activity with which the proposed activity fails to comply;
- h the appropriateness of mangrove removal activities in terms of policy 16.4.7 and 16.4.8;
- i the timing and method of the removal or disturbance, and the disposal of any removed material;
- j the measures proposed to avoid, remedy or mitigate any adverse effects from the disturbance or vegetation removal activity;
- k the duration of the resource consent; and
- l monitoring of the resource consent.

NB: The removal of Pacific Oyster shell will need to comply with the relevant Ministry of Fisheries regulations on the removal of shellfish.

The harvesting of cultivated oysters from a marine farm is addressed in Chapter 22: Aquaculture.

Applications under Rule 16.5.16 or 16.5.17 for;

- a the removal of Pacific Oyster shell; or
- b disturbance or vegetation removal activities that are in accordance with a Comprehensive Coastal Management Plan as provided for in policy 16.4.8 (a)

shall be considered without public notification pursuant to Section 95A(3)(a) unless the ARC decides there are special circumstances justifying public notification in accordance with Section 95A(4) of the RMA. Limited notification shall be undertaken in accordance with Section 95B of the RMA.

Discretionary Activities

16.5.18 Disturbance of the foreshore or seabed, or the removal of vegetation, that would be a permitted activity under Rules 16.5.1, 16.5.10 or 16.5.11, but does not meet the conditions.

16.5.19 Disturbance of the foreshore or seabed or the removal of vegetation, including mangrove removal, in the General Management Area that is equal to or greater in volume than 300,000 cubic metres, or over an area equal to or greater than 10 hectares, or extends 10,000 metres or more over the foreshore and seabed.

16.5.20 The removal of vegetation, including mangrove removal, in any Coastal Protection Area 2, other than as provided for in Rule 16.5.2, 16.5.3, 16.5.14 or 16.5.15.

16.5.21 The removal of vegetation, including mangrove removal, in a Coastal Protection Area 1, other than as provided for in Rule 16.5.3, 16.5.13 or 16.5.15, for the purpose of:

- a maintaining or enhancing the geological or ecological values of a Coastal Protection Area where it can be demonstrated that these values are being adversely affected by vegetation, including mangrove colonisation; or
- b maintaining or enhancing public access, consistent with protecting the geological or ecological values of the Coastal Protection Area; or

- c maintaining the intrinsic heritage, historic and/or archaeological value of a site, place or area scheduled for preservation in Cultural Heritage Schedule 1; or
- d enabling the operation, maintenance and use of lawful structures and public infrastructure and/or allowing for the functioning of drainage systems, or to ensure public health and safety in the use or operation of infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges; or
- e providing public infrastructure where there is no practicable alternative location outside of the Coastal Protection Area that would achieve a better environmental outcome.

16.5.22 The remedy, control or eradication of exotic or introduced plant species that are not subject to an approved Pest Management Strategy.

Non Complying Activities

16.5.23 In any Coastal Protection Area 1, the disturbance of the foreshore or seabed and/or the removal or clearance of vegetation, including mangrove removal, that is not provided for as a permitted, controlled, discretionary or prohibited activity in another rule in this chapter.

16.5.24 The use of motor vehicles, except emergency response or conservation management vehicles, or the launching of vessels from any lawful structure, in any Coastal Protection Area 1.

Prohibited Activities

16.5.25 Any disturbance of the foreshore or seabed, other than dredging or extraction (as dealt with in Chapters 14 and 15), which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

16.5.26 The grazing of cattle and stock in any Coastal Protection Area 1.

16.6 OTHER METHODS

16.6.1 The ARC will liaise with DOC, territorial authorities and Ministry of Fisheries to prioritise the areas in the coastal marine area from which *Spartina* should be removed.

16.6.2 The ARC will liaise with Ministry of Fisheries in respect of the removal of Pacific Oyster shell.

16.6.3 The ARC will encourage applicants for the removal of Pacific Oyster shell to apply for long term consents, covering routine maintenance requirements over a number of years, rather than applying for one-off consents on an ad hoc basis.

NB: Other Method 16.6.3 is not intended to apply to marine farming. Applicants for marine farming should refer to Chapter 22: Aquaculture.

16.6.4 Bylaws under the Local Government Act will be used to control the use of motor vehicles in the coastal marine area, in accordance with policies 16.4.1, 16.4.2, 16.4.3, 16.4.12 and 16.4.13.

16.6.5 The ARC will encourage territorial authorities to provide appropriate mechanisms consistent with ARC's policies for managing activities involving the disturbance of the foreshore above Mean High Water Springs.

16.6.6 The ARC will encourage territorial authorities and landowners to manage land use activities, and undertake riparian management, to reduce the level of sediment and nutrients entering the coastal environment in the long term.

16.6.7 The ARC will review the provisions of the Auckland Regional Plan: Sediment Control and relevant provisions of the Proposed Auckland Regional Plan: Air, Land and Water and will promote provisions that will result in a reduction in sediment and nutrient inputs into the coastal marine area. The ARC will also consider the sediment control provisions of District Plans as they are being reviewed and submit on these to promote sediment control.

16.6.8 The ARC will raise public awareness of the issues of sediment and nutrient inputs into the coastal marine area, including the impact on mangrove colonisation, and promote and support activities such

as riparian planting that reduce sediment and nutrients from entering waterways.

16.6.9 The ARC will liaise with territorial authorities, local landowners and Ministry of Fisheries to manage the effects of stock grazing in the coastal marine area.

16.7 PRINCIPAL REASONS FOR ADOPTING

16.7.1 Objective, Policies and Rules

Many activities which are undertaken in the coastal marine area have actual and potential effects on the environment. In order to ensure that sustainable management of natural and physical resources is properly promoted in this Plan, the objectives, policies and rules set out provisions to manage these effects. These provisions are intended to provide for most everyday activities which generally have minor or no adverse effects, and to manage, through more restrictive rules, those which have greater than minor effects or occur in particularly sensitive environments.

16.7.2 Rules

Section 12(1)(c) and (e) of the RMA states that no person may, in the coastal marine area, destroy, damage or disturb the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, or on plants or animals or their habitat, unless expressly allowed by a rule in a regional coastal plan or a resource consent. This is why rules are the principal method for managing “other” disturbance activities, including vegetation removal.

16.7.3 Policies

The policies provide guidance on the circumstances and locations where disturbance activities, including vegetation removal, may be appropriate, or should be avoided, and the matters that will need to be addressed if a resource consent application is made.

16.7.4 Rules 16.5.1 to 16.5.12 (Permitted Activities)

These rules permit a minor level of disturbance, including vegetation removal, to enable activities associated with the reasonable use and management of the CMA, subject to conditions to ensure that any adverse effects will be minor.

Permitting mangrove seedling removal (subject to conditions) in the significant wading bird areas identified in Table 16.1 or the ARP:C Map Series 8 Sheets 1 to 5, enables the control of mangrove spread in these areas to ensure their long term availability for wading birds.

Permitting mangrove seedling removal in Coastal Protection Area 1 areas that have not been identified for significant coastal vegetation values in Schedule 3, subject to conditions, enables the control of mangroves in these areas without having any significant adverse effects on their identified values.

Rule 16.5.12 permits the use of vehicles on existing structures, such as bridges or tunnels, in the coastal marine area, as any adverse effects from vehicle use can be assessed at the time a resource consent is sought to establish the structure.

16.7.5 Rule 16.5.9 (Conditions on Permitted Activities)

These further conditions on permitted activities will ensure, as far as practicable, that their effects will be minor. If any of the conditions are not satisfied, the activity will be assessed through a resource consent process.

16.7.6 Rule 16.5.6 and 16.5.16 (Removal of Pacific Oyster shell)

The removal of Pacific Oyster shells involves disturbance that could potentially have adverse effects, particularly on sensitive Coastal Protection Areas. For this reason Rule 16.5.6 a and b limit the method and level of disturbance that can be undertaken as a permitted activity in Coastal Protection Areas, and Rule 16.5.16 requires a resource consent to enable an assessment of proposals that cannot meet these conditions.

16.7.7 Rule 16.5.13 to 16.5.15 (Controlled Activities)

Enabling a minor level of vegetation or mangrove removal in Coastal Protection Area 1 areas for the operation, maintenance and use of lawful structures, infrastructure and drainage systems, subject to standards and terms, allows for a reasonable level of removal for maintenance and use while ensuring the adverse effects are minor.

The permitted activity limitation of 30 square metres of vegetation clearance in Coastal Protection Area 2 areas, or 200 square metres in the General Management Area, to enable the operation, use or functioning of lawful structures, infrastructure, drainage systems and for health and safety reasons will not always allow for sufficient clearance to achieve the intention of the rule. Allowing for a greater area of removal, subject to demonstrating that it is the minimum area necessary, and with the ARC retaining control over a range of matters, will achieve the intention of providing for reasonable use while ensuring that any adverse effects are minor.

Mangrove spread in the significant wading bird areas identified in Table 16.1 or on the ARP:C Map Series 8 Sheets 1 to 5, in some cases can adversely affect the use of these areas by birds. Allowing for mangrove removal in these areas, with the ARC retaining control over a range of matters, will assist in retaining valued wading bird areas while ensuring that any adverse effects are minor.

16.7.8 Rules 16.5.16 to 16.5.22 (Restricted Discretionary and Discretionary Activities)

Because the effects of many types of disturbance are difficult to predict unless a specific proposal is put forward, most activities which disturb, damage or destroy the foreshore or seabed are treated as restricted discretionary or discretionary activities. This allows consent to be declined if it is considered that the adverse effects would be unacceptable.

Because of the significant effects that can result from restricted discretionary activities that involve the disturbance of large areas, or volumes, of the foreshore or seabed it is appropriate that they default to discretionary activity status and can be assessed as restricted coastal activities.

16.7.9 Rules 16.5.23 and 16.5.24 (Non Complying Activities)

The intention is to generally avoid disturbance, including vegetation removal activities, in Coastal Protection 1 Areas as they have the highest ecological and/or geological values and are the most vulnerable areas. Accordingly any disturbance of the foreshore or seabed, other than in the limited circumstances provided for, will be a non-complying activity.

16.7.10 Rules 16.5.25 and 16.5.26 (Prohibited Activities)

The disturbance of some sites, buildings, places or areas in Cultural Heritage Schedule 1 (preservation), could have significant adverse effects on heritage values and the potential adverse effects justify its prohibition. This is consistent with Policy 3.3.1 of the NZ Coastal Policy Statement, regarding the taking of a precautionary approach towards proposed activities.

The grazing of stock in any Coastal Protection Area 1 will have a significant adverse effect on either the ecological or geological values, or potentially both, from trampling and the grazing of vegetation. The high probability of these effects justifies the prohibition of cattle and stock in Coastal Protection Area 1 areas.

16.7.11 Other Methods 16.6.1, 16.6.2, 16.6.5, 16.6.6 and 16.6.9

Several of the disturbance activities addressed in this chapter have aspects that are the responsibility of other agencies. It is important that the ARC liaise with these agencies on such issues, to ensure that all relevant legislation is complied with, and to promote integrated management between agencies with overlapping responsibilities.

16.7.12 Other Method 16.6.3

This method provides certainty over a longer period of time for applicants seeking to remove Pacific Oyster shell.

16.7.13 Other Methods 16.6.6, 16.6.7 and 16.6.8

These methods identify the actions the ARC will undertake and support in seeking to achieve a long term reduction in the sediment and nutrient inputs entering the coastal marine area. Reducing the level of sediment in the marine environment will, in the long term, influence the rate of mangrove colonisation.

16.7.14 Policies 16.4.12 and 16.4.13, Rule 16.5.24 and Other Method 16.6.4

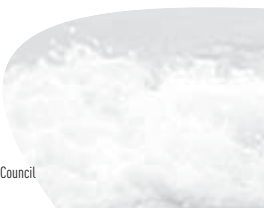
Motor vehicles have traditionally been used in many parts of the coastal marine area for a variety of purposes, including life saving, litter removal, the launching and retrieving of boats, research, and access to parts of the coastal environment that are otherwise inaccessible. However, motor vehicles have potentially significant adverse effects, particularly on sensitive shellfish beds and vegetation, and on roosting and/or nesting birds. For these reasons, it is necessary to regulate the use of vehicles on beaches, while maintaining flexibility regarding the timing, location and extent of restrictions. It is considered that bylaws provide the most effective method to achieve this. It should be noted that territorial authorities have extended the limits of their jurisdiction to Mean Low Water Springs to manage these and other activities, except Franklin District Council which has only extended its east coast boundary, and Auckland City Council which has not altered its boundaries.

16.8.3 The maintenance of the open nature of intertidal flats and shellbanks that provide significant feeding and roosting areas for international migratory and New Zealand native and endemic wading birds, including a number of threatened species.

16.8 ANTICIPATED ENVIRONMENTAL RESULTS

16.8.1 The adverse effects of disturbance, and vegetation removal activities on the natural values of the coastal environment will be avoided, remedied, or mitigated.

16.8.2 The protection of Coastal Protection Areas from the adverse effects of disturbance and vegetation removal activities.



Disposal and Deposition – 17

This chapter contains objectives, policies and rules relating to the disposal and deposition of material on the foreshore and seabed. It applies to all management areas in the Plan. Any discharge of contaminants which is consequential to the disposal and deposition of material is covered by the provisions of this chapter. That is the provisions of Chapter 20: Discharge of Contaminants do not apply. If structures or reclamation and drainage are required as part of the disposal or deposition of material on the foreshore and seabed, reference to Chapter 12: Structures and Chapter 13: Reclamation and Drainage is required.

Any application for the disposal and deposition of material on the foreshore and seabed needs to consider the relevant chapters of Part IV: Use and Development and those matters covered in Part III: Values in the assessment of effects on the environment.

17.1 INTRODUCTION

Section 12(1)(d) of the RMA states that no person may, in the coastal marine area, deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed, unless expressly allowed by a rule in a regional coastal plan or a resource consent. Section 15(1)(a) of the RMA states that no person may discharge any contaminant or water into water unless the discharge is expressly allowed by a rule in a regional plan, a resource consent, or regulations.

In addition, the Resource Management (Marine Pollution) Regulations 1998 contain provisions relating to the dumping of waste or other matter in the coastal marine area. Under Section 4 of these regulations the dumping of specific types of waste or other matter is deemed to be a discretionary activity in regional coastal plans. This regulation has been implemented in the rules of this chapter. A copy of the Resource Management (Marine Pollution) Regulations 1998 is contained in Appendix F of this Plan.

The Marine Pollution Regulations identify the following waste or other matter as being material which may be considered for disposal in the coastal marine area: dredged material, sewage sludge, fish processing waste from an onshore facility, ships and platforms and other man-made structures, inert, inorganic geological material, organic material of natural origin, and bulky items consisting mainly of iron, steel and concrete.

The principal options for the deposition or disposal of material within the coastal marine area are marine disposal and coastal margin disposal. Alternative options include land-based disposal and beneficial re-use of the material. However, there may be technical constraints and potential adverse environmental, social and economic effects associated with alternative options. For instance, if the alternative is land-based disposal, de-watering and flushing of salt may be required. In addition, a large disposal area may be needed, and this may conflict with other land uses. Disposal of highly contaminated material to land is likely to require appropriate containment measures.

To date the disposal of dredged material has been the most significant form of marine disposal in the Auckland coastal marine area. Other forms of deposition have included the deposition of material for beach nourishment purposes. While artificial beach nourishment may remedy the loss of material in some areas, it does not necessarily replace natural beach nourishment.

17.1.1 Disposal of Dredged Material

Dredging of the Auckland coastal marine area is often a necessary activity to enable it to be used for commercial, recreational, defence, transport and access purposes, which have economic and community benefits to the Region (see Chapter 15: Dredging). This dredged material has traditionally been disposed of in other parts of the coastal marine area, including specific disposal sites, such as the

Purakau Channel in the Manukau Harbour, the North Rangitoto site and an area to the north of the Noises in the Hauraki Gulf. Material dredged from various marinas has also been disposed of near those marinas. However disposal of dredged material has also occurred outside of the coastal marine area, beyond the 12 mile limit on a number of occasions since 1993.

Public concern over the disposal of 270,000 m³ of dredged material from the Port of Auckland led to the establishment of the Disposal Options Advisory Group (DOAG) in 1993. That group comprised representatives from a wide range of agencies and interest groups including central and local government, Tangata Whenua, environmental groups, recreational and harbour users groups as well as the Ports of Auckland Ltd, with technical support from the private sector. After considering public submissions, the DOAG made a number of recommendations relating to the disposal of dredged material from the Port of Auckland. In relation to marine disposal DOAG concluded:

“The group considered that, if marine disposal continued, it would recommend disposal move to a site north of Cuvier Island, which was located in more than 100 metres of water.

The consequences of the above conclusions and recommendations are that the technical group gives preference to the following disposal options for the following categories of Port dredgings:

- For highly contaminated dredged material:
 - (i) port reclamation
 - (ii) approved sanitary landfill
- For maintenance dredgings that meet regulatory guidelines:
 - (i) port reclamation
 - (ii) marine disposal in water deeper than 100 metres
- For capital works dredgings:
 - (i) port reclamation
 - (ii) marine disposal in water deeper than 100 metres”

The disposal of the Ports of Auckland Ltd dredgings at the Hauraki Gulf (Noises) Disposal site was the subject of an extensive monitoring programme to ascertain the effects of the disposal on the marine environment. This monitoring programme was reviewed by an independent Technical Review Panel (PCTRP) which reported to the Parliamentary Commissioner for the Environment. Despite concern from some parties over the results of the monitoring programme, the Technical Review Panel generally concluded that “monitoring the disposal site surroundings has to date not identified any adverse effects”.

The DOAG process identified areas of the coastal marine area with particular values or constraints for the disposal of significant quantities of dredged material, before making its recommendations. The policies of this chapter reflect the physical, biological and recreational issues identified by DOAG.

The policies of this chapter also identify areas of particular value or vulnerability in the coastal marine area and require the protection of these environmental values. Although not specifically identified by inclusion in specific management areas, the inner Hauraki Gulf, between metropolitan Auckland and the main Gulf Islands of Rangitoto, Motutapu, Motuihe and Waiheke is of particular public value for recreational and amenity purposes. The disposal of significant quantities of dredged material is therefore encouraged to take place outside of this inner Gulf area.

17.1.2 Effects of Disposal and Deposition of Material in the Coastal Marine Area

Deposition of material in the coastal marine area affects the natural character of the coastal environment, through effects upon coastal processes, water quality, sediment quality and ecology. The type and scale of any effects are related to the amount and type of material to be disposed of, its level of contamination, the method of disposal and the characteristics of the disposal site. The deposition of material within the coastal marine area necessarily involves the smothering or disturbance of a portion of the seabed, along with its associated flora and fauna. However monitoring programmes have shown that

the degree to which benthic fauna are smothered and their ability to recover is related to the amount and rate of deposition of sediment. Disposal of material may also involve the short term discharge of sediments and associated contaminants into the water column during the actual disposal operation. Longer term impacts upon water quality may occur as sediment becomes resuspended from the deposition site or as contaminants leach out. These contaminants may have significant adverse effects upon biota if present in toxic concentrations and, longer term, more widespread effects may occur if they become bio-accumulated through the food chain.

Deposition and associated discharges of contaminants may modify, damage, or destroy cultural heritage places (both Maori and non-Maori), waahi tapu and adversely affect the well being of Tangata Whenua as kaitiaki.

The DOAG process and the monitoring of resource consents for the disposal of dredged material in various parts of the Auckland coastal marine area has provided considerable information on the environmental effects of this type of disposal. The availability of this information is reflected in the provisions of this Plan. However there is less information on the environmental effects associated with the disposal of other forms of material in the coastal marine area.

The disposal of other forms of waste and other matter, such as refuse or fish processing material, is likely to have significant adverse effects on the visual and amenity values of the coastal environment. Depending on the type of waste or other matter, likely adverse effects include the smothering of benthic flora and fauna and the discharge of contaminants into both the water column and foreshore and seabed sediments.

Schedule 3 of the Resource Management (Marine Pollution) Regulations 1998 sets out details of the matters to be considered in any application to dispose of waste or other matter in the coastal marine area and these matters are recognised in the policies and rules of the chapter.

17.2 ISSUES

17.2.1 The disposal of dredged material is necessary when dredging is undertaken. If marine disposal is used there is potential for adverse environmental effects on the coastal marine area associated with the disposal of dredged material.

17.2.2 There may be proposals made for the disposal within the coastal marine area of waste or solid matter other than that produced by dredging activities. Such disposal may also potentially have adverse environmental effects.

17.2.3 There may be proposals made for the deposition of dredged material or solid matter within the coastal marine area for potentially beneficial purposes, such as beach nourishment, fill for reclamations, or habitat enhancement.

17.3 OBJECTIVES

17.3.1 To provide for the appropriate disposal of dredged material within the coastal marine area, while avoiding, remedying or mitigating adverse environmental effects.

17.3.2 To avoid the deposition of organic or contaminated waste and other matter in the coastal marine area, unless it is the best practicable option to promote the sustainable management of natural and physical resources.

17.3.3 To avoid the deposition of inorganic solid waste and other matter in the coastal marine area, except where it is for the purpose of maintaining or enhancing particular values or for appropriate uses, and adverse environmental effects are avoided, remedied, or mitigated.

17.4 POLICIES

17.4.1 The deposition of any waste or other matter in Coastal Protection Areas, Tangata Whenua Management Areas, or any site, building, place or area

listed for preservation in Cultural Heritage Schedule 1 shall be avoided where it will result in more than minor modification of, or damage to, or the destruction of the values contained in these places or areas.

17.4.2 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to deposit any waste or other matter into the coastal marine area.

17.4.3 In assessing proposals for the disposal of dredged material in the Hauraki Gulf and other parts of the Auckland coastal marine area where relevant, regard shall be had to the recommendations of the Disposal Options Advisory Group (DOAG) in terms of:

- a the disposal of significant quantities of dredged material; and
- b the disposal of highly contaminated dredged material.

17.4.4 The marine disposal of waste or other matter with significant levels of contaminants shall be generally be considered inappropriate, unless after undertaking an assessment of waste management options in terms of Part 1 of Schedule 3 of the Marine Pollution Regulations it can be demonstrated that:

- a there is no reasonable and practicable alternative disposal method or site; and
- b disposing of the contaminated waste or other matter in the coastal marine area is the best practicable option having regard to alternative disposal methods or sites; and
- c the contaminants can be satisfactorily contained within the disposal site, or if it is a dispersive site, adverse effects associated with the release of contaminants will be avoided, remedied or mitigated.

17.4.5 The coastal margin disposal of dredged material in any part of the coastal marine area shall be considered inappropriate unless:

- a it is associated with any permitted dredging activity; or

- b it is for the purpose of beach nourishment; or
- c the material to be deposited is appropriate fill for a lawful reclamation, and is in accordance with the provisions of Chapter 13: Reclamation and Drainage; or
- d it is for any other purpose which has environmental, scientific, cultural, amenity or social benefits, and the adverse environment effects of the disposal can be avoided as far as practicable, remedied or mitigated.

17.4.6 The deposition of solid inorganic waste or other matter into the coastal marine area, shall generally be considered inappropriate unless it can be demonstrated that:

- a it is for the purpose of beach nourishment, and the material to be deposited has similar physical characteristics to the sediments at the site; or
- b the material to be deposited is appropriate fill for a lawful reclamation, and is in accordance with the provisions of Chapter 13: Reclamation and Drainage; or
- c it is for any other purpose which has environmental, scientific, cultural, amenity or social benefits and the adverse effects associated with the deposition can be avoided as far as practicable, remedied or mitigated.

17.4.7 The disposal of vessels or platforms or other man-made structures in the coastal marine area shall generally be avoided, unless it can be demonstrated that:

- a there is no reasonable alternative method for the removal of the vessel, platform or structure from the coastal marine area and its subsequent disposal onto land;
- b there will be less environmental effect from disposing of the vessel, platform or structure in the coastal marine area than on land;
- c the proposed disposal site will not interfere with or adversely affect other legitimate users of the coastal marine area;

- d the disposal may be for a purpose which has environmental, scientific, cultural, amenity or social benefits for the community.

17.4.8 The disposal of any waste or other matter in the coastal marine area shall avoid, remedy, or mitigate adverse effects on:

- a characteristics of the coastal marine area of special value to Tangata Whenua, including access to, use and enjoyment of mahinga mataitai, taonga raranga, tauranga ika, tauranga waka, and waahi tapu;
- b relevant initiatives of Tangata Whenua, including rahui, whakatupu and taiapure.

17.4.9 Proposals for the disposal of any waste or other matter into the coastal marine area shall generally demonstrate that:

- a after undertaking an assessment of waste management options in terms of Part 1 of Schedule 3 of the Marine Pollution Regulations there are no reasonable and practicable alternatives to disposal available; and
- b the disposal will be undertaken in a location and at times of the day, or year that will avoid as far as practicable, remedy or mitigate adverse effects on:
 - i the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna; and
 - ii recreational use of the coastal marine area; and
 - iii other established activities located in the coastal marine area which are likely to be affected by the disposal; and
 - iv water quality, including any contributing factors which may lead to or promote algal blooms; and

- c in the case of dredged material, the site is located so as to avoid, as far as practicable, the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters through the action of coastal processes such as waves, tides and other currents, unless the use of a dispersive marine disposal site is the best practicable option given the type of material to be disposed of; and
- d in the case of dredged material, the material is acceptable for disposal in a dispersive environment using acceptable guidelines based on current published material for such disposal, as well as material that has been provided as part of an application being considered; and
- e the disposal will not result in the sustained loss of any habitat of a rare or endangered species.

17.4.10 In assessing any application for the disposal of any waste or other matter in the coastal marine area, particular regard shall be had to:

- a the volume of material to be disposed of; and
- b the degree of contamination of the material; and
- c the physical characteristics (texture, colour, composition) of the material; and
- d the sensitivity of the receiving environment, with particular reference to natural character and ecological values; and
- e the characteristics of the disposal site, with particular reference to the potential for contaminants to be released from the site, and the potential for resuspension of the material; and
- f the disposal technique, including in the case of dredged material, the water content or solidity of the material at the time of disposal; and
- g available alternative disposal techniques, including land-based disposal; and

- h those other matters contained in Schedule 3 of the Marine Pollution Regulations; and
- i how adverse environmental effects will be avoided, remedied, or mitigated.

17.4.11 In assessing the effects of the marine disposal of dredged material under Policies 17.4.9 and 17.4.10 and significant contaminant levels in terms of Policy 17.4.4, regard shall be had to:

- a acceptable guidelines for the disposal of material in the coastal marine area, including the New Zealand Guidelines for Sea Disposal of Waste;
- b information obtained from resource consents granted for the disposal of dredged material in the coastal marine area, including the results of monitoring programmes.

17.5 RULES

Discretionary Activities

17.5.1 The disposal of the following waste or other matter in the coastal marine area:

- a dredged material;
- b sewage sludge;
- c fish processing waste from an onshore facility;
- d vessels and platforms or other man-made structures at sea;
- e inert, inorganic geological material;
- f organic materials of natural origin; or
- g bulky items primarily comprising iron, steel and concrete.

Prohibited Activities

17.5.2 The dumping of waste or other matter which is not provided for as a discretionary activity.

17.6 OTHER METHODS

17.6.1 Coastal permit applications made to the ARC for both the disposal of dredged material, and associated dredging, will be considered together where this best achieves an integrated approach to dealing with the environmental effects of the activities.

17.6.2 The ARC will seek to have input into decisions on disposal methods outside of the coastal marine area of the Auckland Region, if they have the potential to adversely affect the natural and physical resources of the coastal marine area of the Auckland Region.

17.7 PRINCIPAL REASONS FOR ADOPTING

17.7.1 All Objectives, Policies and Rules

The Resource Management (Marine Pollution) Regulations 1998 specify that the disposal of certain types of waste and other matter is a discretionary activity in regional coastal plans. This requirement is reflected in the rules of the chapter and in the references in the objectives and policies to organic, inorganic and contaminated waste and other solid matter. The objectives and policies set out the matters to be considered in any proposal to dispose of or deposit these materials in the Auckland coastal marine area.

17.7.2 Objective 17.3.1, Policies 17.4.3, 17.4.5 and 17.4.11 and Rules 17.5.1 and 17.5.2

Dredged material is the most common matter to be disposed of in the Auckland coastal marine area. Objective 17.3.1 provides for the appropriate disposal of dredged material, while Policy 17.4.5 identifies



where coastal margin disposal of dredged material may be appropriate. The identification of appropriate coastal margin disposal is based on experience gained by the ARC in assessing proposals of this type.

Considerable information exists on the effects of the marine disposal of dredged material, obtained from the monitoring of previous disposal permits. This information provides a useful basis for assessing the environmental effects of new proposals and Policy 17.4.11 acknowledges this.

Policy 17.4.3 recognises the recommendations of the Disposal Options Advisory Group relating to the disposal of dredged material in the Hauraki Gulf. This group provided a vehicle for the public to express its view on the issue of marine disposal of dredged material. While DOAG only focused on the disposal of dredgings in the Gulf, it established a useful process for considering options for the disposal of significant quantities of dredged material, including material which was highly contaminated. Policy 17.4.3 acknowledges that the DOAG recommendations are relevant when considering other similar marine disposal proposals.

17.7.3 Objective 17.3.2 and Policy 17.4.4

There are potential adverse effects from the marine disposal of organic or contaminated waste or other matter which may be significant, depending on the type of waste, the level of contamination and the location and method of disposal. Both the Objective and Policy encourage the disposal of organic waste or waste with significant levels of contaminants outside of the coastal marine area. This is because the adverse environmental effects of the disposal of these wastes are usually able to be better remedied or mitigated by land disposal techniques. However it is recognised that in some circumstances marine disposal may be the most reasonable and practicable alternative and the option which best meets the sustainable management of the natural and physical resources of the coastal environment.

17.7.4 Objective 17.3.3 and Policies 17.4.6 and 17.4.7

It is generally considered inappropriate to deposit material derived from the land into the coastal marine area, unless there are significant benefits adequate to compensate for any adverse effects. This supports the principle that waste derived from land should be deposited on land. The policies identify those circumstances which may warrant the disposal of solid inorganic waste or other matter, including vessels and other man-made structures in the coastal marine area.

17.7.5 Policies 17.4.1, 17.4.2 and 17.4.8

There are certain parts of the coastal marine area which are particularly valuable and vulnerable to the adverse effects of disposal and deposition of material. Policy 17.4.1 specifies the acceptable level of adverse effects in Coastal Protection Areas, while Policy 17.4.2 links the activity of disposal and deposition activities to the Values chapters of the Plan. These provisions link back to Part II of the RMA. Part II also requires that particular regard be had to Tangata Whenua values. Policy 17.4.8 specifically identifies some Tangata Whenua values which may be affected by disposal and deposition in the coastal marine area.

17.7.6 Policies 17.4.9, 17.4.10 and 17.4.11

These policies identify particular values to be protected or environmental effects to be addressed when assessing all discretionary activity permits for the disposal of waste and other matter in the coastal marine area. The matters identified are based both on the ARC's experience in dealing with coastal permits for disposal of material and relevant matters identified in the Resource Management (Marine Pollution) Regulations 1998. Policy 17.4.11 recognises that there is considerable information available on the environmental effects of marine disposal of dredged material in the Auckland coastal marine area, derived from previous proposals. This information is relevant when assessing any new proposals.

17.7.7 Rules

Sections 12(1)(d) and 15(1)(a) of the RMA restrict deposition of material on the foreshore or seabed, and any associated discharges of water and contaminants, unless expressly allowed by a rule in a regional coastal plan or a resource consent. In addition Section 4 of the Resource Management (Marine Pollution) Regulations 1998 specify how regional coastal plans will deal with the disposal of waste and other matter in the coastal marine areas. This is why rules are the principal method for managing disposal and deposition.

17.7.8 The Marine Pollution Regulations specify that certain types of disposal are discretionary activities. Any other types of disposal not covered by Section 4 of the Regulations are prohibited. This is reflected in Rule 17.5.2 of this Plan.

17.7.9 Other Methods 17.6.1 and 17.6.2

These methods recognise the inevitable connection between dredging and the need for disposal of the dredged material. These activities require recognition and a co-ordinated approach, in order to foster consistency between regional councils and adjacent territorial authorities, between adjacent regions within the territorial sea, and between regions and the Maritime Safety Authority within the Exclusive Economic Zone. These methods also reinforce Other Method 15.6.2 of Chapter 15: Dredging.

17.8 ANTICIPATED ENVIRONMENTAL RESULTS

17.8.1 The appropriate disposal of dredged material within the coastal marine area so as to allow for the continued development and maintenance of marine related activities such as ports, marinas, navigational channels, wharves and jetties.

17.8.2 The disposal of waste and other matter in the coastal marine area, in appropriate locations and by appropriate methods.

17.8.3 The protection of the most valuable and vulnerable areas of the coastal marine area from inappropriate disposal of all waste and other matter.

17.8.4 Adverse environmental effects upon the coastal marine area associated with disposal of all waste or other matter, are avoided, remedied, or mitigated.

Planting and Introduction of Plants – 18

This chapter contains objectives, policies and rules relating to the introduction and planting of exotic and introduced plants in the coastal marine area. It applies to all management areas in the Plan.

Any application to introduce or plant exotic or introduced plants needs to consider the relevant chapters of Part IV: Use and Development and the matters contained in Part III: Values in the assessment of effects on the environment.

18.1 INTRODUCTION

Section 12(1)(f) of the RMA states that no person may, in the coastal marine area, introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed, unless expressly allowed by a rule in a regional coastal plan or a resource consent. The RMA does not provide a definition of the term “exotic” or “introduced”. However for the purposes of this Plan these terms, and the term “ecological district” are defined (see Definitions section).

There are currently few species of exotic or introduced plants established in the coastal marine area of the Auckland Region. The most significant exotic plant is the “cord grass” or *Spartina*, of which there are three species, namely *Spartina alterniflora*, *Spartina anglica* and *Spartina x townsendii*. *Spartina alterniflora* is by far the most abundant species and easily spreads by vegetative reproduction. *Spartina* was intentionally introduced to New Zealand over the last century for its ability to aid reclamation and erosion control. Research in the Auckland Region has shown that *Spartina* has increased nearly 20 percent since 1984, covering a total area of 126 hectares in 94 locations. It has significant adverse environmental effects and, once established, its control and eradication is difficult.

Marine plants include planktonic organisms, such as dinoflagellates. These are often harmless, but in certain conditions can produce extremely toxic compounds. If these organisms are ingested by filter feeding molluscs (e.g. oysters and mussels) and these contaminated shellfish are then eaten by humans, poisoning can result. There is also evidence that exotic toxic dinoflagellates can be introduced through the discharge of ballast water. The Biosecurity Act 1993 is the key method of controlling the introduction of plants through the discharge of ballast water. The unintentional or accidental introduction of exotic or

introduced plants in the coastal marine area may occur through a variety of mechanisms:

- a flora which attach themselves to the underside of vessels;
- b unintended spread or release of a farmed plant into the wider coastal marine area, or the introduction of other non-target species with the farmed species; and
- c accidental introduction or transferral through the discharge of ballast water from sea going vessels.

The significance of the effects of the introduction of exotic or introduced plants into the coastal marine area is unknown. However, potential adverse effects may occur to natural character and marine ecology and habitat, principally through competition with and displacement of local, naturally occurring native flora and fauna. This results in loss of, or reduction in species populations, habitat, and diversity. Natural coastal processes and bathymetry may also be altered. Changes to the natural character and physical environment may further adversely affect navigation, recreational use and amenity values.

The presence of exotic or introduced plants may detract from cultural and spiritual values by changing the natural environment to which they relate and by affecting the values of and access to ancestral taonga of Tangata Whenua.

Finally, adverse cumulative effects may arise from the extent, location, and number of incremental changes to the natural and physical environment of the coastal marine area.

Because of its potentially significant adverse environmental effects, the introduction of exotic plants

into the coastal marine area is generally considered to be inconsistent with promoting the sustainable management of natural and physical resources.

The planting of indigenous plants, particularly those sourced from within the same ecological district, may have beneficial effects in terms of habitat protection and enhancement, and/or in enhancing coastal stability and natural features such as dunes which protect subdivision, use or development from coastal hazards.

18.2 ISSUES

18.2.1 Exotic plants can have adverse effects on the ecology and natural processes of the coastal marine area. Often the potential effects of exotic species are unknown. *Spartina* is the most prevalent exotic plant species in the coastal marine area of the Auckland Region. It has an adverse effect on the ecology and natural processes.

18.2.2 Exotic or indigenous plants sourced from outside the same ecological district may be proposed for aquaculture, or for enhancing coastal stability. The introduction of plants for these purposes may be appropriate where any adverse effects on the environment, including any effects on naturally occurring habitats and local indigenous species, are known and can be avoided or remedied. Exotic plants may be the only plants able to be used for avoiding or remedying coastal instability, when appropriate indigenous plant species cannot be sourced.

18.2.3 The use of local indigenous plants that are sourced from within the same ecological district may have beneficial effects in terms of habitat protection and enhancement, or in protecting parts of the coastal environment from natural hazards.

18.3 OBJECTIVES

18.3.1 To avoid adverse effects from the introduction of exotic plant species in the coastal marine area and to remedy or mitigate the adverse effects of exotic plant species that have been introduced.

18.3.2 To ensure that the introduction of indigenous plants that have not been sourced from the same ecological district avoids, remedies, or mitigates adverse effects on the coastal marine area, particularly in respect of local indigenous species, natural character and habitat values.

18.3.3 To encourage the use of local indigenous plants sourced from within the same ecological district, and for any planting to be carried out in a manner which maximises positive effects and avoids, remedies, or mitigates adverse effects.

18.3.4 To enable planting in the coastal environment where it will avoid, remedy or mitigate coastal instability, or enhance the ability of natural features to protect subdivision, use or development.

18.4 POLICIES

18.4.1 The planting, transplanting or introduction of any plant in the coastal marine area shall be avoided where it will:

- a result in more than minor modification of, or damage to, or the destruction of the values of any Coastal Protection Area 1 or Tangata Whenua Management Areas; or
- b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

18.4.2 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to plant or introduce plants into the coastal marine area.

18.4.3 The introduction of exotic plant species into the coastal marine area shall be considered inappropriate unless the actual or potential adverse effects are known and can be avoided or remedied.

18.4.4 The planting, transplanting or introduction of all species of *Spartina* shall be avoided.

18.4.5 The planting of indigenous plants in the coastal marine area which have not been sourced

from the same ecological district shall be considered inappropriate unless it can be demonstrated that:

- a it is not practicable to use local indigenous plants from within the same ecological district; and
- b adverse effects on local indigenous flora in the coastal marine area will be avoided, remedied or mitigated; and
- c any disturbance to the foreshore and seabed will be minimised, and will be consistent with Rule 16.5.7; and
- d the planting will not result in a change to natural coastal processes, unless it is for the purpose of mitigating a coastal hazard; and
- e the planting will not adversely affect from the natural character of the area.

18.4.6 The planting of local indigenous plants in the coastal marine area, sourced from within the same ecological district shall be carried out in such a way as to:

- a enhance any existing communities of indigenous plants; and
- b minimise any disturbance to the foreshore and seabed, consistent with Rule 16.5.7; and
- c avoid any change to natural coastal processes, unless the planting is for the purpose of mitigating a coastal hazard.

18.4.7 Planting for the purpose of avoiding, remedying or mitigating coastal instability or enhancing the ability of natural features to protect subdivision, use or development shall:

- a use local indigenous species sourced from within the same ecological district if practicable; and
- b be planted so as to enhance any existing indigenous vegetation where practicable; and

- c use exotic species only where it is not practicable to use indigenous species and where any actual or potential adverse effects are known and can be avoided, remedied or mitigated.

18.4.8 In assessing the potential cumulative effects of the introduction of indigenous plants sourced outside the same ecological district, regard shall be had to all areas in the coastal marine area where non-local indigenous plants have been introduced, regardless of the species.

18.5 RULES

Discretionary Activities

18.5.1 The introduction or planting of any indigenous plant in the coastal marine area, except as prohibited by Rule 18.5.5.

Non-Complying Activities

18.5.2 The introduction or planting of any plant in the coastal marine area not provided for as discretionary or prohibited activity in any other rule contained in this chapter.

Prohibited Activities

18.5.3 The introduction or planting of *Spartina alterniflora*, *Spartina anglica* or *Spartina x townsendii* in the coastal marine area.

18.5.4 The introduction of any exotic plant in Coastal Protection Areas 1 or 2.

18.5.5 The planting of any plant in a manner which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

18.6 OTHER METHODS

18.6.1 The ARC will monitor the presence and spread of introduced plants in the coastal marine area, especially those areas affected by the exotic plant *Spartina*.

18.6.2 The ARC will liaise with DOC in prioritising the areas in the coastal marine area from which *Spartina* should be removed and also the most effective methods by which it can be removed.

18.6.3 The ARC will investigate developing a Pest Management Strategy under the provisions of the Biosecurity Act 1993 for the eradication and/or control of certain species of plant from the coastal marine area.

18.6.4 The ARC will include in its public education programmes information on the adverse effects of exotic plants on the coastal marine area.

18.6.5 The ARC will liaise with DOC, Tangata Whenua, territorial authorities and landowners and provide information to encourage the propagation and use of locally sourced indigenous plants when planting is either:

- a proposed in the coastal environment for the purpose of avoiding, remedying or mitigating coastal instability or enhancing the ability of natural features to protect subdivision, use or development; or
- b proposed for the purpose of enhancing the habitat of existing flora in the coastal marine area.

NB: The introduction of organisms through ballast water is addressed in Chapter 20: Discharge of Contaminants.

18.7 PRINCIPAL REASONS FOR ADOPTING

18.7.1 Objective 18.3.1, Policies 18.4.1, 18.4.3, 18.4.4, Rules 18.5.3 to 18.5.5 and Other Methods 18.6.1 to 18.6.4.

Effects of exotic species on the coastal marine area are often unknown. Some species that have been introduced have had an adverse effect on coastal character and natural values. For example *Spartina*, which has spread beyond the area of introduction. For these reasons it is appropriate to prohibit the planting or introduction of *Spartina*.

It is appropriate that the introduction of exotic plants be avoided unless all the impacts are known to be acceptable. Because the Coastal Protection Areas 1 and 2 have high natural values that are often vulnerable to the impacts of exotic plants, it is appropriate that the introduction or planting of exotic species in these areas be prohibited.

18.7.2 Objective 18.3.2, Policies 18.4.1 to 18.4.3, 18.4.5, 18.4.6, 18.4.8 and Rules 18.5.1 and 18.5.2

Indigenous plants that are introduced from outside of the same ecological district may have different characteristics than local indigenous species. Where such plants are introduced, it is appropriate that adverse effects on local species be avoided, remedied or mitigated. In assessing the impact of species introduced from a different ecological district it is in the interests of protecting genetic diversity to have regard to all areas where such planting has taken place, and the cumulative effects on natural values.

18.7.3 Objective 18.3.3, Policies 18.4.5 to 18.4.7, Rule 18.5.1 and Other Method 18.6.5

In the interests of protecting genetic diversity and the natural values of the coastal marine area it is appropriate that local indigenous plants be used for planting to enhance habitat or coastal stability. At the same time, it is appropriate to recognise that it is not

always possible to source local indigenous species for planting, and in such cases it may be appropriate to use indigenous species sourced from outside the local area or ecological district.

For the same reasons discussed above, it is appropriate that planting of any species in the coastal marine area be undertaken in a manner which avoids adverse effects on natural values and coastal processes, unless it is for the purpose of avoiding, remedying or mitigating a coastal hazard.

The introduction of plants into the coastal marine area will affect the natural values and natural character. The manner in which any planting is undertaken will also have an effect on these values, and may also affect coastal processes. For these reasons it is appropriate to require a resource consent for this activity so that the effects on the coastal marine area can be assessed.

18.7.4 Objective 18.3.4

This Objective reflects Policy 3.4.3 of the New Zealand Coastal Policy Statement.

18.8 ANTICIPATED ENVIRONMENTAL RESULTS

18.8.1 The protection of the coastal marine area from the introduction of exotic plant species.

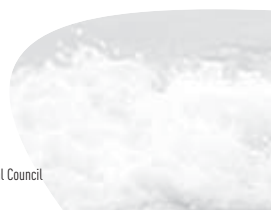
18.8.2 The remedying of areas adversely affected by *Spartina* and the avoidance of the further spreading of *Spartina* by intentional planting or transplanting.

18.8.3 The maintenance of the scientific integrity of indigenous coastal vegetation.

18.8.4 Habitat enhancement by the use of locally sourced indigenous plant species.

18.8.5 The avoidance of any adverse effects from the introduction of plant species sourced from outside the same ecological district into the coastal marine area.

18.8.6 Avoiding, remedying or mitigating coastal instability or enhancing the ability of natural features to protect subdivision, use and development by the use of indigenous species, particularly locally sourced species, in the coastal environment.



Taking, Use, Damming or Diverting Water – 19

This chapter contains objectives, policies and rules relating to the taking, using, damming or diverting of coastal water under Sections 14(1) and (2) of the RMA. The provisions of this chapter apply to all management areas in the Plan. Should the taking, using, damming or diverting of coastal water require consents under Sections 12(1), (2) or (3) of the Act, the relevant chapters of Part IV: Use and Development will also need to be considered. Examples of such chapters include Chapter 11: Activities and Chapter 12: Structures.

Any application for an activity under Sections 14(1) and (2) of the Act also needs to consider the matters contained in Part III: Values in the assessment of effects of the environment.

19.1 INTRODUCTION

Sections 14(3) (d) and (e) of the RMA allow the taking of inner coastal water for an individual's reasonable domestic or recreational needs, provided that the taking has no adverse effect on the environment, or for fire-fighting purposes.

Where the taking, use, damming or diversion of coastal water involves the erection or placement of structures, or the disturbance of foreshore and seabed or other activity, reference should be made to the other relevant chapters of Part IV: Use and Development.

Coastal water can be used for aquaculture, aquariums, industrial purposes, including cooling processes, and by ships for a range of operational needs. Parts of the coastal marine area may also be dammed or impounded, so that water is artificially retained or excluded. In the past dams have been constructed in the coastal marine area for irrigation or flood protection purposes, or in order to create or enhance wildlife habitats. In the future there may be proposals to dam parts of the coastal marine area in order to hold and treat stormwater.

Diversion of coastal water may involve the mixing of water from different parts of the coastal marine area. However the most common example of diverting coastal water in the Auckland Region is the relocation or unblocking of river mouths.

Coastal water is an abundant resource and the taking or use of water from open coastal areas usually has negligible adverse effects, provided that adequate

measures are taken to minimise the intake of marine organisms and fish. However the taking, use and diversion of inner coastal water may have adverse environmental effects, depending on the amount of water taken, the location and timing of any abstraction or diversion, and the structure or methods used to abstract the water. These effects may include changes in water circulation and sedimentation patterns which affect shoreline morphology, and changes in water quality, including the levels of dissolved oxygen, pH, temperature, and visual clarity. These in turn can adversely affect marine ecology. There are also different adverse effects arising from the method of abstraction. The taking and use of coastal water may involve the use of pumps, intake structures, and impoundments, or the disturbance of foreshore and seabed through the construction of diversion channels. The diversion of coastal water which results in the mixing of water from different areas is of particular concern to Tangata Whenua in that it may degrade the mauri of such waters.

Damming or impoundment of water in the coastal marine area may, in addition to the effects listed above, create new types of habitats, and destroy naturally occurring habitats.

In recognition that the potential for adverse effects from the taking, use, damming and diversion of water is largely determined by the location where such activity occurs and the associated methods used, this Plan distinguishes between inner coastal water and open coastal water and identifies these areas on Figure 19.1.

19.2 ISSUE

19.2.1 Water is an abundant resource in the coastal marine area. Adverse effects from taking, use or diverting water may arise where large quantities are taken or diverted, particularly from estuaries, inlets, harbours and embayments. The structures or works associated with the taking, use, damming or diverting of water may also have adverse environmental effects.

19.3 OBJECTIVES

19.3.1 To provide for appropriate taking, use or diversion of water in the coastal marine area while avoiding, remedying, or mitigating adverse effects.

19.3.2 To avoid, as far as practicable, remedy or mitigate the adverse effects from the damming or impoundment of water in the coastal marine area.

19.4 POLICIES

19.4.1 The taking or use of water from the coastal marine area shall be considered appropriate:

- a where this is for the normal operational needs of vessels or for fire-fighting purposes; or
- b in open coastal water areas, provided that all practicable steps are taken to avoid any adverse effects on marine life and the values of any CPA 1 areas.

19.4.2 The taking, use or diversion of inner coastal water shall be considered appropriate where it is of a scale, location, time and method which do not:

- a have significant adverse effects on the natural character of the coastal environment; or
- b result in the abstraction of significant levels of marine organisms; or
- c damage or destroy marine habitats or natural features; or

- d produce significant changes in water levels, current velocity and sediment transport patterns which would increase sedimentation, result in scouring, or change existing dynamic coastal processes; or

- e adversely affect water quality.

19.4.3 The taking, use or diversion of water which involves the erection or placement of a structure or the disturbance of foreshore and seabed at a level which modifies, damages or destroys the recognised values of any Coastal Protection Area 1, or a site, building, place or area listed in Cultural Heritage Schedules 1 or 2, shall be considered inappropriate.

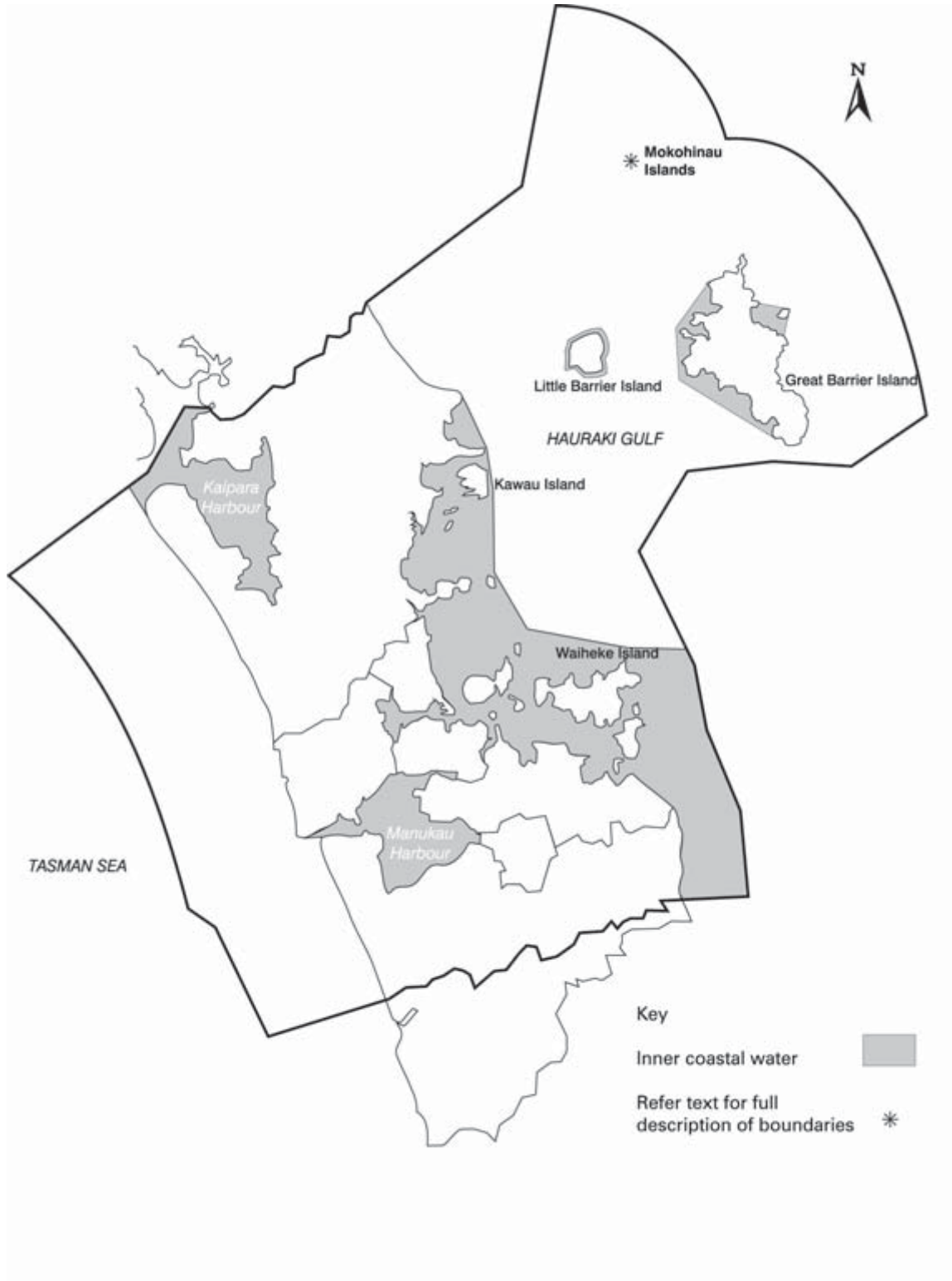
19.4.4 In assessing the method of any taking, use, or diversion of inner or open coastal water, regard shall be had to the objectives, policies and rules of Chapter 12 Structures and Chapter 16 Disturbance III: Other Disturbance.

19.4.5 Damming or impoundment of water in the coastal marine area shall generally be considered inappropriate unless the proposals to dam or impound water can demonstrate that:

- a there is no practicable alternative location on land or other method available, and the work is of public benefit; and
- b there are positive effects on the environment, sufficient to mitigate adverse effects resulting from the damming or impoundment; and
- c no adverse cumulative effect will arise from the scale, location and number of dams or impoundments in the coastal marine area; and
- d adverse effects can be avoided, remedied, or mitigated.

19.4.6 The relevant provisions of Part III: Values, Chapters 3-9 shall be considered in the assessment of any proposal to take, use, dam or divert water in the coastal marine area.

Figure 19:1 Inner Coastal and Open Coastal Water Areas in the Auckland Coastal Marine Area



19.5 RULES

Permitted Activities

19.5.1 The taking or use of inner coastal water and open coastal water for the normal operational needs of vessels and for fire-fighting purposes.

19.5.2 The taking, use, or diversion of open coastal water subject to the following conditions:

- a a screen with a mesh size of no more than 5mm shall be used to avoid the intake of juvenile fish; and
- b the intake velocity shall be such that pelagic fauna are not likely to be ingested in significant quantities; and
- c no structure shall be erected or placed on the foreshore or seabed; and
- d any disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- e there shall be no occupation of space within the coastal marine area, in terms of section 12(2) of the RMA.

19.5.3 The taking, use, or diversion of inner coastal water, including for an individual's reasonable domestic or recreational needs, subject to the following conditions:

- a is not in any Coastal Protection Area 1; and
- b in the case of taking water, involves a screen on the intake structure with a mesh size of not more than 5 mm; and
- c any structure shall comply with the provisions of Chapter 12: Structures; and
- d does not involve the disturbance of foreshore and seabed; and
- e does not involve the clearance of indigenous vegetation in any Coastal Protection Area 2; and

- f does not modify, damage or destroy any site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedules 1 or 2; and
- g does not include the operation of an intake velocity which would be likely to ingest significant amounts of pelagic fauna; and
- h does not occur in a way, or at a rate which affects the overall natural tidal level, flow patterns or velocity in the immediate area.

Discretionary Activities

19.5.4 The taking, use, or diversion of open coastal water, except as allowed by Rules 19.5.1 and 19.5.2.

19.5.5 The taking, use or diversion of inner coastal water except as allowed by Rules 19.5.1 and 19.5.3.

19.5.6 Damming or impoundment of coastal water, except within a Coastal Protection Area 1, including any damming or impoundment for the purpose of the maintenance or enhancement of coastal flora and fauna.

Non-complying Activities

19.5.7 Any activity that is not provided for as a permitted, discretionary or prohibited activity in any other rule contained in this chapter.

Prohibited Activities

19.5.8 Any taking, use, damming, or diversion of coastal water which modifies, other than for the purpose of maintaining intrinsic heritage values, damages, or destroys any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

19.6 OTHER METHODS

19.6.1 The AC will ensure that applications for damming or diverting of inner coastal water will be assessed and determined on an integrated basis

between itself and the relevant territorial authority. This recognises that damming or diverting of inner coastal water may have significant environment effects on land areas within the coastal environment.

19.7 PRINCIPAL REASONS FOR ADOPTING

19.7.1 Objective 19.3.1, Policies 19.4.1.a and 19.4.6, Rules 19.5.1 and 19.5.3

Section 14(d) and (e) of the RMA explicitly allows the taking, use or diversion of coastal water for an individual's reasonable domestic or recreational needs, provided that the taking has no adverse effect on the environment, and for fire-fighting purposes. Policy 5.2.5 of the New Zealand Coastal Policy Statement requires that provision be made for the taking and use of seawater for the normal operation of vessels and for fire-fighting purposes.

19.7.2 Objective 19.3.1, Policy 19.4.1b, Rule 19.5.2

Due to the amount of open coastal water any taking, use or diversion of such water is considered to have little or no adverse effect, provided that appropriate methods are used to screen the intake of water to avoid the in take of juvenile fish.

19.7.3 Objective 19.3.1, Policies 19.4.2 to 19.4.4, Rules 19.5.4 to 19.5.7 and Other Method 19.6.1

The taking, use, or diversion of inner coastal water may have significant adverse effects depending on the amount, location, timing, and method of abstraction or diversion, especially in enclosed estuaries, embayments or harbours. These areas, which are usually subject to the highest tidal ranges, are significant habitats and are more vulnerable to a range of activities than open coastal water areas. Often the most significant adverse effects are produced by the construction of an intake structure or disturbance of foreshore and seabed arising from the construction and operation of a diversion channel.

The taking and diversion of water, is a permitted activity, where appropriate methods are used and where this does not involve structures or major disturbance of foreshore and seabed. This is likely to have only minor and temporary adverse effects. The taking, use, or diversion of inner coastal water involving structures and significant disturbance of the foreshore and seabed may have significant adverse effects and is treated as a discretionary activity to enable the assessment of these effects. Any taking, use, or diversion of open coastal water which involves structures and significant disturbance of the seabed is also treated as a discretionary activity.

19.7.4 Objective 19.3.2, Policy 19.4.5, Rules 19.5.6 and 19.5.8

Damming or impoundment of the coastal marine area can have significant and irreversible adverse effects on the natural character of the coastal environment and on the values of the coastal marine area. It is recognised in Policy 19.4.5 and Rule 19.5.6 that there may be exceptional circumstances where damming or impoundment may have significant public benefits or may assist in habitat protection.

Cultural Heritage Schedule 1 lists the most significant historical and cultural heritage sites or areas. Damming and impoundment of any type or scale in these scheduled areas would irreversibly damage or destroy the values which make these areas important to the Auckland Region and such activities are therefore prohibited.

19.8 ANTICIPATED ENVIRONMENTAL RESULTS

19.8.1 The needs of domestic, recreational, aquaculture, industry and shipping users to take, use, or divert coastal water are satisfied.

19.8.2 Adverse effects on marine life and habitat, water quality, natural character, natural processes and geomorphology, and amenity and landscape values are avoided in sites, buildings, places or areas listed in the Cultural Heritage Schedule 1, and are avoided as far

as extent practicable, remedied or mitigated in Coastal Protection Area 1 and remedied or mitigated where practicable elsewhere.

19.8.3 The environmental benefits from any damming or impoundment of the coastal marine area are sufficient to compensate for any adverse effects on natural and physical values.

INNER COASTAL WATER AREAS IN THE AUCKLAND COASTAL MARINE AREA.

Inner Coastal Water Areas are those areas shown shaded in Figure 19.1 and more particularly described as:

1. Kaipara Harbour

That area of the foreshore and seabed within the Kaipara Harbour which is bounded by the Auckland regional boundary. The seaward boundary of the area shall be the Tasman Sea, and more specifically bounded by a line on NZMS 260 Map Q09 which heads north-west from grid reference 147234 until it meets the Auckland regional boundary.

2. Manukau Harbour

That area of the foreshore and seabed that is within the Manukau Harbour. The seaward limit of the harbour shall be bounded by a line commencing at a point at South Head on the line of Mean High Water Springs due north of Trig Station D2 in Block XIII, Titirangi Survey District and proceeding westerly along a right line to a point on the line of Mean High Water Spring due south of Trig Station R Paratutai in Block VI, Waitakere Survey District.

3. Hauraki Gulf

That area of the foreshore and seabed that is to the west and south of a line commencing 200 metres offshore from the line of Mean High Water Springs from a point on NZMS 260 R09 743454 (Cape Rodney) travelling south-east to a point R09 782355 (Takatu Point), then south south-east to a point R09 800260 (being east of Kawau Island), then generally in a

southerly direction to a point NZMS 260 R10 810110 (being north-east of Tiritiri Matangi Island), south-east to point R10 860000, (being north of the Noises), south-east to point NZMS 260 S10 043954 (being north of Horuhoru Island) and then due east to the eastern boundary of the Auckland coastal marine area.

4. Little Barrier Island

That area of the foreshore and seabed between the line of Mean High Water Springs and a distance of 900 metres offshore in all directions, being all the area identified as Coastal Protection Area 2.

5. Great Barrier Island

i West coast

That area of the foreshore and seabed to the east of a line commencing at a point 200 metres offshore from the line of Mean High Water Springs from a point NZMS 260 S08 & T08 214676 (Miners Head) and travelling south-west to point S08/T08 158574 (being west of Motuhaku Island), south to point S08/T08 158490 (being west of Mahuki Island), and then south-east to point NZMS 260 T09 334372 (being the southern-eastern headland of Cecilia Sudden Bay).

ii East coast

That area of the foreshore and seabed on to the west and south of a line coincident with the proposed Great Barrier Island (Rakitu) Marine Reserve. More specifically being the area delineated by a line commencing at the line of Mean High Water Springs at Whakatautuna Point (NZMS 260 S08/T08 359553) and travelling by a right line in a northerly direction along a bearing of 354o (Magnetic) for a distance of 2.75 nm until it reaches an unnamed 12m high islet south east of Tokawhero Point, and thence another 1.15nm on the same bearing (354o) until a point 0.72 nm north-east of Rakitu Island at latitude 36o5'35"S, longitude 175o31'25"E and thence at a right line on a bearing of 251o (Magnetic) for a distance of 3.9nm to Waikaro Point.

6. Mokohinau Islands

That area of the foreshore and seabed around each island between the line of Mean High Water Springs and a distance of 900 metres offshore in all directions, being all the area identified as Coastal Protection Area 2.



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Discharges of Contaminants – 20

This chapter contains objectives, policies and rules relating to the discharge of contaminants under Section 15 of the RMA. The provisions of the chapter apply to all discharges in all management areas in the Plan, unless specified otherwise. Discharges of contaminants associated with activities controlled by Chapter 14: Extraction, Chapter 15: Dredging, Chapter 17: Disposal and Deposition, Chapter 22: Aquaculture and some discharges associated with Defence activities are addressed in Chapters 15, 17, 22 and 33 respectively.

Any application for a discharge of contaminants under Section 15 needs to consider any relevant chapters of Part IV: Use and Development and the matters contained in Part III: Values in the assessment of effects on the environment.

[Appeals affecting the whole of Variation 1: E493/04/04, E493/04/05, E498/04/06, E498/04/07, E498/04/08 NZ Transport Agency, E505/04/01, E505/04/18, E505/04/19 Auckland International Airport Ltd, E508/04/01, E508/04/43, E508/04/44 Ports of Auckland, E509/04/01, E509/04/03, E509/04/47, E509/04/108 Watercare Services Ltd, E513/04/05 North Shore City Council]

20.1 INTRODUCTION

significance to Tangata Whenua in terms of their traditional use and enjoyment of the coastal marine area.

20.1.1 Discharges to the Coastal Marine Area

Section 15(1) of the RMA states that no person may discharge any contaminant or water into water unless expressly allowed by a rule in a regional plan, a resource consent, or regulations.

The harbour and waterway receiving environments of the Auckland region have been subject to discharges of stormwater and wastewater for many years. These discharges include stormwater run-off from urbanised catchments, overflows of wastewater from existing systems, and disposal of treated wastewater from sewage treatment plants. While this will always continue to be the case to varying degrees, especially for stormwater, there is a growing recognition of a need to improve discharge standards and to reduce the overall levels of contaminants entering the coastal marine area.

Policy 5.1.1 of the New Zealand Coastal Policy Statement states:

“Rules should be made as soon as possible with the object of enhancing water quality in the coastal environment in particular where:

- (a) there is a high public interest in, or use of the water;
- (b) there is a particular Tangata Whenua interest in the water;
- (c) there is a particular value to be maintained or enhanced; or
- (d) there is a direct discharge containing human sewage”.

Rising public expectations in terms of the quality of the environment we live in, and a New Zealand Coastal Policy Statement which emphasises the need to improve water quality and reduce the quantity of wastewater discharged into the coastal marine area, are both key drivers to improving the current situation in the Auckland Region.

The ARC considers that specific guidance is required to define the RPS and Regional Plan: Coastal vision for water quality. Setting Environmental Response Criteria for the urban coastal marine area can assist with providing this guidance.

For Auckland these requirements are particularly significant. As a maritime region it has New Zealand’s highest intensity of public use of the coastal marine area for recreation and the harvesting and consumption of seafood. It is also of particular

Environmental Response Criteria have been developed for sediment quality and water quality. An additional criterion for contact recreation is based on having no

more than two separate events where public health risk advisory notices are issued in any one calendar year as a result of wet weather wastewater network overflows. Criteria have also been developed for aquatic ecosystems, but the associated monitoring methodology needs to be refined prior to these criteria being used to grade or rank sites. Consequently the aquatic ecosystems criteria are not included in this Plan. No criteria are currently proposed for fishing and shellfish gathering, cultural or aesthetic values.

Environmental Response Criteria related to sediment quality utilise the concepts of a “settling zone”, where the majority of contaminants settle; and an “outer zone” where contaminants are more widely dispersed. Maps of the Settling Zones and Outer Zones in Map Series 5 of this Plan show the areas where the sediment quality criteria apply and associated monitoring sites will be located.

The Environmental Response Criteria have been developed using values adopted from existing guidelines. Three values provide a “green, amber and red” approach, analogous to traffic lights. A green signal is an “all clear”, while amber and red values denote increasing levels of contamination, highlighting areas where management approaches designed to prevent or minimise further contamination may be required within a BPO framework. Guidance on the investigations required to implement the “green, amber and red” site categorisation process is described in the ARC Technical Publication 168.

The amber levels for water quality are set at 90% protection and the red levels at 80% protection of aquatic species. At the present time (2004), for dissolved copper, these are 1.3 and 3 µgm-3 respectively. Most commercial laboratories do not routinely detect these levels accurately and/or precisely. It is likely that levels of detection and/or the ANZECC guidelines upon which the Environmental Response Criteria are based will themselves change in the near future, and that this difficulty will be resolved.

The Environmental Response Criteria for sediment will be used as follows:

(a) Areas will be assessed for sediment quality through field monitoring;

(b) The ARC will co-operate with any organisations discharging to degraded areas to identify the most likely sources of contamination. This will involve an assessment of the physical pathways for discharges to contribute to the degraded area (for significant discharges this may require the use of a computerised hydrodynamic model of the harbour – such as the “Hauraki Regional Harbour model”);

(c) Areas not meeting the “green” primary contaminant sediment criteria will have a benthic ecology assessment undertaken and may be further investigated for secondary contaminants, bioavailability, and/or toxicity to determine if there are significant adverse effects likely to be occurring within the receiving environment;

(d) Generally, discharges to settling zones within the urban CMA that have “amber” or “red” levels of sediment contamination should be managed to ensure that contamination of outer zones and the wider harbour does not occur. However, the ARC acknowledges that in some cases the maintenance or reduction of a receiving environment’s contamination status may not be practicable or affordable, or may only be possible over a long period of time;

The Environmental Response Criteria for contact recreation (or indicators of microbiological contamination) and water quality will be used as one set of criteria against which resource consent applications to discharge contaminants will be assessed. Guidelines are provided on when a public health risk advisory notice should be issued for a water recreation area in order to avoid public health risks. Criteria for aquatic ecosystems may be introduced at a later stage by way of a Plan Change following their further refinement and verification.

A balance needs to be achieved between the infrastructure needs of the community and the management of the coastal environment. Central to this is the progressive upgrading of ageing infrastructure and continued advances in stormwater and wastewater disposal technology and methodology.

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Due to the scale of improvement required and the considerable cost involved, it is recognised that a progressive management approach is necessary to enhance the current systems. This will result in both medium and long term reductions in the volume and concentration of contaminants discharged into the coastal marine area. At the same time, a realistic and practical approach needs to be adopted to applications for coastal permits relating to the existing stormwater and wastewater infrastructure.

Discharges into the coastal marine area, which can be controlled by this Plan are primarily point-source discharges. These are mainly urban stormwater, treated sewage, combined sewage overflows or discharges from construction activities and works, and to a lesser extent from vessels. Common discharges include fuel and oil, suspended solids, heavy metals, synthetic and naturally occurring organic compounds, sewage, micro-organisms and litter.

Contaminants alter water and sediment chemistry, adversely affecting water quality and ecology. Water quality is an important determinant of ecological health and the life-supporting capacity of the environment. Contaminants may move up the food chain, potentially adversely affecting fish, birds and other animals, including humans.

Public use of the coastal marine area, particularly for recreation and the harvesting and consumption of seafood, can be adversely affected by poor water quality. People are reluctant to use waters and their surrounds where water quality has been significantly degraded. This adversely affects the amenity value of areas.

The discharge of contaminants into the coastal marine area may have actual or potential adverse effects on a wide range of Tangata Whenua values. These include degradation of areas used for both traditional and commercial purposes, and of associated taonga (eg, fish spawning and feeding grounds, mahinga mataitai). Tangata Whenua are also concerned about the exacerbation of existing Treaty grievances relating to poor water quality, such as the Manukau Harbour Claim. Degradation of water quality may adversely affect tribal resource management initiatives, such as taiapure and rahui.

Adverse economic effects may occur where visual, recreational, productivity and public health aspects of coastal water quality have been degraded. These include adverse effects on recreational uses, and commercial activities such as marine farming and tourist activities.

Individually and cumulatively, discharges of contaminants to water reduce the overall environmental quality in terms of its natural, social, cultural, economic and spiritual value.

In order to promote the sustainable management of natural and physical resources, discharges of contaminants to the coastal marine area need to be minimised as far as practicable, particularly in poorly flushed areas, so as to maintain and preferably enhance water quality.

[Variation 1: E505/04/23 Auckland International Airport Ltd., E508/04/45, E508/04/47, E508/04/49 Ports of Auckland, E509/04/109, E509/04/116 Watercare Services Ltd., E510/04/04, E513/04/14 North Shore City Council, E519/04/03 Auckland City Council/Metrowater]

20.1.2 Definition of Contaminant

In this chapter the terms contaminant, sewage, stormwater and water are used.

“Contaminant” includes any substance (including gases, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar or other substances, energy or heat:

- a when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- b when discharged onto or into land, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged.

Where this term is used in the provisions of this chapter, it covers all discharges of contaminants including sewage, sullage, stormwater, fuel and oil, suspended solids, heavy metals, synthetic and

naturally occurring organic compounds and micro-organisms.

This chapter also contains specific policies and rules which address the discharge of sewage and stormwater. These are in addition to, rather than instead of, the other provisions which use the term “contaminant”.

The provisions relating to sediment quantity are contained in the Regional Plan: Sediment Control.

20.1.3 Marine Pollution Regulations 1998

In addition to the provisions of this Plan there are the Marine Pollution Regulations. The purpose of these Regulations is to enable New Zealand to implement international obligations including MARPOL and the London Dumping Convention. Amendments to the RMA inserted new sections 15A, 15B and 15C which restrict the dumping and discharging of specified substances in the coastal marine area from vessels and off-shore installations (including sewage from vessels). The Regulations ‘override’ the provisions within this Plan and in some cases the RMA prohibits rules being made where there is a regulation.

The Marine Pollution Regulations are included as Appendix F.

The provisions relating to the dumping of waste and other matter in the coastal marine area in terms of Section 4 of the Regulations are included in Chapter 17: Disposal and Deposition.

20.1.4 Maritime Transport Act 1994

The ARC also has a statutory responsibility under the Maritime Transport Act 1994 to conduct a Tier 2 response to marine oil spills that occur within the coastal marine area. A contingency plan is required under that Act which forms the Auckland Region’s component of the New Zealand Marine Oil Spill Response Plan. The purpose of that plan is to promote a planned and co-ordinated response to marine oil spills within the Region and where practicable to assist with the restoration of an oil damaged environment.

20.2 ISSUES

20.2.1 Water and sediment quality is probably the major environmental issue for the Auckland coastal marine area. This is due to a number of reasons including:

- a Water quality and sediment quality and quantity are major components of natural character in the coastal marine area. Contaminants may change the appearance, smell, and life-supporting capacity of marine environments, thereby affecting their viability, and the natural character of the entire coastal marine area.
- b The coastal marine area is a popular area for recreational pursuits, and for commercial use and development. Degraded water quality and sediment quality and quantity can adversely affect the use and enjoyment of the coastal marine area for these purposes.
- c Water quality and sediment quality and quantity are of particular and special importance to Tangata Whenua. The degradation of water can adversely affect the use of the coastal marine area for both traditional and commercial purposes, including the condition of taonga.

20.2.2 There are a number of inputs into the coastal marine area which are known to cause degradation of the water and sediment quality. The interaction of these inputs and their effects on the water and sediment quality on the marine environment is complex and not well understood. Research to date has demonstrated that water and sediment quality and marine ecology are being adversely affected by human activities. It is important to gain a better understanding of these complexities and to identify and prioritise the inputs which cause the most amount of degradation. This will provide the focus for any improvement measures.

20.2.3 Many point-source discharges of contaminants to the coastal marine area arise from existing metropolitan infrastructure. These include those from the public networks of wastewater, stormwater and combined systems and their associated pump stations. The immediate discharge environments for these structures are not all of equivalent environmental significance or sensitivity,

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and there are considerable public costs involved in making significant environmental improvements. Therefore, a comprehensive, integrated series of solutions will need to be developed over time in order to achieve the best overall long-term environmental outcomes. This strategy will prioritise upgrade improvements based on social, environmental, health and economic considerations and generate incremental improvements over time. Resource consent applications for both existing and new public utility infrastructure will need to be made, consistent with this strategy.

20.3 OBJECTIVE

[Variation 1: New objectives on Water and Networks E509/04/117 Watercare Services Ltd]

20.3.1 To maintain appropriate water and sediment quality in the coastal marine area and to enhance water and sediment quality where practicable in the parts of the coastal marine area where water and sediment quality is degraded.

20.3.2 To adopt the best practicable option for avoiding, remedying or mitigating the adverse effects from stormwater and wastewater discharges on the coastal environment.

20.4 POLICIES

[Variation 1: E508/04/48 Ports of Auckland Ltd, E509/04/118 Watercare Services Ltd]

20.4.1 The discharge of contaminants within the coastal marine area shall be avoided where it will result in more than minor modification of, or damage to, or the destruction of:

- a the values of any Coastal Protection Area 1 or Tangata Whenua Management Area; or
- b any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

20.4.2 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to discharge contaminants into the coastal marine area.

20.4.3 Any proposal to discharge contaminants or water into the coastal marine area (unless the discharge is prohibited) shall be considered appropriate only if it can be demonstrated that it is the best practicable option (as defined in s2(1) RMA) in terms of preventing or minimising the adverse effects on the environment having considered whether:

- a it is practicable or appropriate to discharge to land above Mean High Water Springs;
- b there is a community discharge system in place that should be utilised;
- c the volume and level of contamination of the discharge has been minimised to the greatest extent practicable;
- d the receiving environment is able to assimilate the discharged contaminants and water, with any adverse effects being avoided where practicable, remedied or mitigated particularly within:
 - i the areas identified in Tables 8.1 and 8.2 and Map Series 5, Sheets 1-4 (Degraded and Susceptible Areas and Areas of High Ecological Value Susceptible to Degradation) of the Auckland Regional Policy Statement;
 - ii those Coastal Protection Areas, set out in this Plan, which are based upon ecological rather than geological values:
- e the adverse effects on the present and foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in areas where there is:
 - i high recreational use;

- ii relevant initiatives by Tangata Whenua (established under regulations relating to the conservation or management of fisheries) including Taiapure, rahui or Whakatupu areas;
 - iii the collection of fish and shellfish for consumption;
 - iv areas of maintenance dredging.
- f any adverse effects on people or communities have been avoided where practicable, or remedied or mitigated;
- g adverse effects on the present and reasonably foreseeable use of the receiving waters for recreational purposes and the suitability of fish and shellfish for consumption have been avoided, where practicable, or remedied or mitigated;
- h cleaner production methods which would result in the volume and level of contamination of the discharge being minimised, to the greatest extent practicable have been adequately investigated, and where practicable put in place;
- i the discharge after reasonable mixing, does not either by itself or in combination with other discharges, give rise to any or all of the following effects:
- i the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - ii any conspicuous change in the colour or visual clarity;
 - iii any emission of objectionable odour;
 - iv any significant adverse effects on aquatic life;
 - v any significant adverse effects on aesthetics and amenity value.
- j the discharge complies with relevant, appropriate and accepted international or national Codes of Practice and Environmental Guidelines.
- 20.4.4 In addition to the matters set out in Policy 20.4.3, discharges of sewage to the coastal marine area, other than sewage discharges from vessels, shall be avoided unless it can be demonstrated that:
- a the option of disposing of sewage directly into the coastal marine area better meets the purpose of the RMA than disposal onto land; and
 - b there has been consultation with Tangata Whenua in accordance with tikanga Maori and due weight has been given to sections 6, 7 and 8 of the RMA; and
 - c there has been consultation with the affected community in determining the suitability of the treatment and disposal system; and
 - d the location and extent of the mixing zone is such that there is no significant adverse effect on any Coastal Protection Area 1, Tangata Whenua Management Area or the existing or reasonably foreseeable use of the receiving waters for recreation or collection of shellfish for human consumption; and
 - e the adverse effects on the present and reasonably foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in areas where there is:
 - i high recreational use; or
 - ii areas of maintenance dredging; or
 - iii commercial or residential waterfront development.
- NB: The direct discharge of sewage into Tangata Whenua Management Areas is a prohibited activity.

Shaded text indicates variations 1 – 6

20.4.5 The discharge of contaminants which contaminate the foreshore and seabed, into areas that require maintenance dredging, should be avoided as far as practicable, remedied or mitigated.

20.4.6 Where appropriate, provision should be made in locations such as new ports, marinas, and other areas (eg wharves), or at the time of significant upgrading of these facilities, for those vessels using these facilities, to ensure the adequate and convenient collection and appropriate disposal of:

- a sewage from vessels; and
- b rubbish from vessels; and
- c recyclable material including waste oils; and
- d residues from vessel construction and maintenance; and
- e spills from refuelling operations and refuelling equipment.

20.4.7 The direct discharge of litter into the coastal marine area shall be avoided.

20.4.8 The direct discharge of sewage into Tangata Whenua Management Areas shall be avoided.

20.4.9 Where the proposal relates to an unavoidable but intermittent discharge, it may be considered appropriate where:

- a the discharge occurs infrequently; and
- b there are technical and practical difficulties which prevent measures being taken immediately to avoid as far as practicable, remedy, or mitigate the effects of the discharge; and
- c the applicant can demonstrate that there is an appropriate programme in place to upgrade the quality of the infrastructure within a reasonable timeframe to avoid, remedy or mitigate adverse effects.

20.4.10 In all relevant circumstances, appropriate recognition shall be given to the strategic importance of public network infrastructure to enable people

and communities to meet their needs for economic and social wellbeing, while avoiding, remedying or mitigating the adverse effects from stormwater and wastewater discharges on the coastal environment. In particular, the appropriate recognition shall be given to the need to manage the network to take into account the following:

- a the practicability of upgrading the part of the network at issue, taking into consideration the state of the infrastructure and the costs of upgrading options; and
- b public health priorities; and
- c the nature of both the receiving environment and the discharge; and
- d priorities for flooding and inundation protection.

20.4.11 Discharges to the coastal marine area from stormwater and wastewater networks and other sources shall be managed within a BPO framework to:

- a. Prevent or minimise the discharge of the contaminants listed in Tables 20.1.A and 20.1.B;
- b. Prevent or minimise the spread of contamination to outer zones and the wider harbour receiving environment from settling zones where the ERC sediment quality monitoring results equal or exceed the “amber” or “red” values in Table 20.1.A or Table 20.1.B; and
- c. Prevent or minimise the exceedance of the Table 20.1.C “green” water quality parameters after reasonable mixing.

[Variation 1: E505/04/24 Auckland International Airport, E509/04/109, E509/04/111 Watercare Services Ltd, E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E508/04/46, E508/04/49 Ports of Auckland, E510/04/14 North Shore City Council, E513/04/01, E513/04/03, E513/04/04 North Shore City Council, E519/04/02 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.4.12 Territorial authorities should use the 'Triggers for Public Health Risk Advisory Notices' in Table 20.1.D as guidelines for erecting health warning signs at water recreation areas in order to minimise potential adverse effects on public health.

[Variation 1: E505/04/24 Auckland International Airport, E509/04/109, E509/04/111 Watercare Services Ltd, E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E508/04/46, E508/04/49 Ports of Auckland, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/02 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.4.13 Resource consent applicants whose discharges are unable to immediately meet the ERC parameter for contact recreation (Table 20.1.D) should demonstrate the appropriateness of their proposal in a BPO analysis, or alternatively state the timeframe within which they intend to meet the ERC parameter.

[Variation 1: E505/04/24 Auckland International Airport, E509/04/109, E509/04/111 Watercare Services Ltd, E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E508/04/46, E508/04/49 Ports of Auckland, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/02 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.4.14 Resource consent applicants whose discharges are unable to immediately meet the ERC parameter for water quality (Table 20.1.C) should demonstrate the appropriateness of their proposal in a BPO analysis, or alternatively state the timeframe within which they intend to meet the ERC parameter.

[Variation 1: E505/04/24 Auckland International Airport, E509/04/109, E509/04/111 Watercare Services Ltd, E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E508/04/46, E508/04/49 Ports of Auckland, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/02

Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

Note: Under the MoH/MfE Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas, June 2003 ("the MoH/MfE Guidelines") "water recreational areas" should be defined and surveillance and alert action level monitoring should be undertaken for those areas. It is anticipated that territorial authorities will undertake this microbiological monitoring in accordance with the MoH/MfE Guidelines. In addition, the holders of stormwater and wastewater discharge consents may be required to undertake additional microbiological monitoring. The ARC supports the establishment of a Suitability for Recreation Grade, as outlined in the MoH/MfE Guidelines, outside of MUL. The ARC also considers that wastewater networks should be managed so that water recreation areas within the MUL are impacted by no more than two separate events per annum where public health risk advisory notices are issued to warn against contact recreation as a result of wet weather wastewater network overflows.

Explanation: Further guidance is provided to the Environmental Response Criteria approach in ARC Technical Publications "Environmental Targets for the Urban Coastal Marine Area" (TP169) and "Blueprint for monitoring the Auckland Urban Coastal Marine Receiving Environment" (TP168) and "Regional Maps of Settling Zones and Outer Zones" (TP170) and the Regional Discharges Project Marine Receiving Environment Status Report 2003" (TP203).

[Variation 1: E505/04/24 Auckland International Airport, E509/04/109, E509/04/111 Watercare Services Ltd, E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E508/04/46, E508/04/49 Ports of Auckland, E510/04/14 North Shore City Council, E513/04/01, E513/04/03, E513/04/04 North Shore City Council, E519/04/02 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

Shaded text indicates variations 1 – 6

TABLE 20.1 Auckland Regional Urban Coastal Marine Area Environmental Response Criteria

20.1.A Sediment Quality Criteria – Primary contaminants (mg/kg) in surficial sediments (to a depth of 20mm)

Monitoring Method Guideline	Parameter	Red ^{a,b}	Source of Red Value ^c	Amber ^{a,b}	Green ^{a,b}	Source of Amber and Green Values ^c
“Blueprint for environmental monitoring of urban coastal receiving environments” ARC TP 168 ⁱ	Zn	>150	ERL	124-150	<124	ISQG (CCME)
	Cu	>34	ERL	19-34	<19	ISQG (CCME)
	Pb	>50	ISQG ANZECC	30-50	<30	ISQG (CCME)
	HMW PAH ^{d, f}	>1.7	ISQG ANZECC	0.66-1.7	<0.66	TEL

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/21, E505/04/22 Auckland International Airport Ltd, E508/04/46, E508/04/49, E508/04/51 Ports of Auckland, E509/04/109, E509/4/112 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/01 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.1.B Sediment Quality Criteria – Secondary contaminants – toxic organics ^{d, g} (µg/kg) in surficial sediments (to a depth of 20mm)

(may be used when one or more parameters in Table 20.1.A exceed the “green” values).

Monitoring Method Guideline	Parameter	Red ^{a, b}	Amber ^e	Green ^{a, b}	Source of Values ^c
“Blueprint for environmental monitoring of urban coastal receiving environments” ARC TP 168 ⁱ	Chlordane	>2.3	n/a	<2.3	ISQG (CCME)
	p,p-DDD	>3.2	n/a	<3.2	ISQG (CCME)
	p,p'-DDE	>2.1	n/a	<2.1	ISQG (CCME)
	p,p'-DDT	>3.2	n/a	<3.2	ISQG (CCME)
	DDT, total	>3.9	n/a	<3.9	TEL
	Dieldrin	>0.72	n/a	<0.72	ISQG (CCME)
	Lindane	>0.3	n/a	<0.3	ISQG (CCME)
	Total PCB	>24	n/a	<24	ISQG (CCME)

Note on general approach to sediment quality guidelines

Tables 20.1.A and 20.1.B utilise the ANZECC approach and the ANZECC published values, but also utilise other currently available guidelines where the interim values given by ANZECC were inappropriate for the Auckland urban coastal marine area.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/21, E505/04/22 Auckland International Airport Ltd, E508/04/46, E508/04/49, E508/04/51 Ports of Auckland, E509/04/109, E509/04/113 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/01, E519/04/04, Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.1.C Water Quality Criteria – after reasonable mixing

Monitoring Method Guideline	Parameter	Red	Amber	Green	Source of Values
"Blueprint for environmental monitoring of urban coastal receiving environments" ARC TP 168 ⁱ	DOh (% saturation)	<65% or >110%	65-80%	>80% and <110%	ANZECC (2000)
	Total Ammonia ($\mu\text{g L}^{-1}$) at pH 8.0	>1200 ^{AA}	1200-910 ^{BB}	<910	ANZECC (2000)
	Total Copper ($\mu\text{g L}^{-1}$)	>3.0 ^{AA}	3.0-1.3	<1.3	ANZECC (2000)
	Total Zinc ($\mu\text{g L}^{-1}$)	>23 ^{AA}	23-15	<15	ANZECC (2000)

^{AA} > 90% protection ^{BB} > 95% protection

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/21, E505/04/22 Auckland International Airport Ltd, E508/04/46, E508/04/49, E508/04/51 Ports of Auckland, E509/04/109, E509/04/114 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/02, E513/04/04 North Shore City Council, E519/04/01, E519/04/115 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.1.D Contact Recreation Criteria – Triggers for Public Health Risk Advisory Notices

Parameter	Monitoring Method Guideline	Trigger For Beach Closure
Each water recreation area defined by the region's territorial authorities and the ARC (consistent with the Ministry for the Environment and Ministry of Health Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas), is to have no more than two separate events occasioned by wet weather wastewater network overflows, and no events occasioned by dry weather network overflows, (triggered by either the predictive or monitoring method) in any one calendar year where public health risk advisory notices are issued to warn against contact recreation.	Predictive Method: Any wet weather wastewater network sewage overflow event predicted by modelling to cause exceedance of the Action/Red Mode in the MoH/MfE Guidelines.	Predictive Method: The occurrence of the wastewater network sewage overflow event predicted by modelling to cause exceedance of the Action/Red Mode in the MoH/MfE Guidelines.
	Field Monitoring Method: Any exceedance of the MoH/MfE Action/Red Mode in the Guidelines attributable to a wastewater network overflow event.	Field Monitoring Method: When two consecutive single samples (within 24 hours) of Enterococci (no./100ml) exceed the Action/Red Mode in the MoH/MfE Guidelines.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/21, E505/04/22 Auckland International Airport Ltd, E508/04/46, E508/04/49, E508/04/51 Ports of Auckland, E509/04/109, E509/04/115 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/02, E513/04/04 North Shore City Council, E519/04/01, E519/04/05, Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

Shaded text indicates variations 1 – 6

Notes on Contact Recreation Criteria:

- i The long term effects of wastewater network discharges on public health are addressed within the Network Management Plans prepared by wastewater network operators under Policy 5.4.11 of the Regional Plan: Air, Land and Water.
- ii The term “high recreational use beach” is used in the Regional Plan: Coastal. It is analogous with the term “water recreation area” used in the Ministry for the Environment and Ministry of Health Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas (“the MfE/MoH Guidelines”).
- iii The parameter for this criteria denotes the trigger for a public health advisory notice (more commonly known as a beach closure). The criteria are therefore different in their application from the remainder of the Environmental Response Criteria.
- iv The Environmental Response Criteria parameter for contact recreation is not a region wide containment standard to be met in all circumstances. It is a guideline aimed at minimising risks to public health. Alternative system performance outcomes may be justified within a BPO framework.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/21, E505/04/22 Auckland International Airport Ltd, E508/04/46, E508/04/49, E508/04/51 Ports of Auckland, E509/04/109, E509/04/112, E509/04/113, E509/04/114, E509/04/115 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/02, E513/04/04 North Shore City Council, E519/04/01, E519/04/04, E519/04/05, Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

Explanatory Notes for Table 20.1:

- ^a Values are rounded to two significant figures.
- ^b These values are for the total sediment in the Settling Zone. In the Outer Zone, and for metals,

these values are for the sediment mud fraction. For organics in the Outer Zone, values refer to the total sediment, except the concentrations are normalized to organic carbon content.

- ^c Source

ERL = Effects Range Low (Long et al. 1995)

TEL = Threshold Effects Level for Florida
Department of Environmental Protection
(MacDonald 1996)

ISQG-Low = Interim Sediment Quality Guideline-
Low (ANZECC 2000)

ISQG CCME = Interim Sediment Quality
Guideline for Canadian Council of Ministers
for the Environment (CCME 1999).

- ^d The ANZECC (2000) trigger values for toxic organics specify that toxic organic concentrations are normalised to the level of organic carbon. This approach has been applied to the other toxic organics values utilised in this table.

- ^e “Amber” values are not specified for organochlorines because the trends in concentrations for these contaminants are uncertain. Therefore any exceedance of the green values will require an investigation into trends and effects.

- ^f HMW PAH= High molecular weight polyaromatic hydrocarbons. Guidelines for high molecular weight PAH are used because these are better defined than Total PAH, the higher molecular weights are easier to analyse, and they are more relevant for monitoring accumulated combustion derived PAH in stormwater. However, the ARC does not preclude other measures of PAH. For example, low molecular weight PAH which are less persistent and less accumulative, are more relevant for oil spill issues.

- ^g ANZECC (2000) Guidelines for toxic organics, have not been used except those for PAH. The reasons are that ARC considers the Dieldrin value to be inappropriate, there is no Lindane value, and no-effects data should be included in the derivation of guidelines for contaminants that are

present at low concentrations (Diffuse Sources 2001). The consequences are more sensitive guidelines for PAH and guidelines that are lower or of similar sensitivity for organochlorines compared to the ANZECC values. This is appropriate in the Auckland urban coastal marine area given that PAHs are a much more important component of urban and wastewater discharges than organochlorines.

- ^h As an interim measure the ANZECC (2000) water quality guidelines recommend that consideration should be given to using South-East Australian trigger values for dissolved oxygen. The ARC supports the use of these values for the green - amber thresholds until appropriate dissolved oxygen levels have been determined for New Zealand. The dissolve oxygen threshold for the amber - red threshold of 65% was derived using the best professional judgement of an independent scientist (Dr. M Larcombe).
- ⁱ The Technical Publication 168 (TP 168) sets out the ARC's proposed methodology for monitoring Table 20.1 parameters. However, the ARC may accept the use of other scientifically valid and verified monitoring techniques proposed by consent holders or consent applicants.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/21, E505/04/22 Auckland International Airport Ltd, E508/04/46, E508/04/49, E508/04/51 Ports of Auckland, E509/04/109, E509/04/112, E509/04/113, E509/04/114, E509/04/115 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/02, E513/04/04 North Shore City Council, E519/04/01, E519/04/04, E519/04/05, Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.5 RULES

[E498/04/09, E498/04/10 NZ Transport Agency, E505/04/07, E505/04/09, E505/04/20 Auckland International Airport Ltd]

The rules in this chapter shall not apply to any discharges of contaminants which are an integral part (but not a separate activity or action) for which this Plan has made specific provision e.g. Chapter 14: Extraction, and Chapter 15: Dredging.

The rules of this chapter do not control the discharges from aircraft into the airspace of the coastal marine area.

Nothing in these rules prevent the return to the sea of by-catch or undersized fish in compliance with fisheries (or other relevant) legislation.

The discharge of sewage from a ship or offshore installation and discharges made as part of the normal operations of ships or off offshore installations are covered by the Resource Management (Marine Pollution Regulations) 1998 and these regulations are included in Appendix F of this plan.

Rules 20.5.13 and 20.5.16 set out a distinct regime for discharges from stormwater and wastewater networks. Those provisions import Rules from the Regional Plan: Air, Land and Water and so the consent category for stormwater and wastewater network discharges to the CMA is determined by that Plan. Readers will need to refer to a copy of the Regional Plan: Air, Land and Water to use for any stormwater or wastewater network discharges to the CMA.

Permitted Activities

20.5.1 Discharge of any contaminant resulting from the cleaning, anti-fouling or painting of vessels subject to the following conditions:

- a the discharge or escape of contaminant materials or debris onto the foreshore, seabed or into the water shall be collected as far as practicable and removed from the coastal marine area; and
- b any discharge will not, after reasonable mixing, give rise to any or all of the following effects:
 - i the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

Shaded text indicates variations 1 – 6

- ii any conspicuous change in the colour or visual clarity water in the coastal marine area; or
 - iii any emission of objectionable odour; or
 - iv any significant adverse effects on aquatic life, and
- c no discharge of contaminants from this activity shall occur into Coastal Protection Areas 1 listed in Table 20.2A, and Tangata Whenua Management Areas.

NB: the installation of collection devices such as ground covers, netting or other devices to ensure the collection of any contaminant or debris from the operation may be necessary to comply with this rule.

20.5.2 Discharge of dye or tracer material for investigative purposes, subject to the following conditions:

- a notice of the intended discharge shall be given to the ARC and the relevant territorial authority at least 12 hours prior to the discharge occurring; and
- b the dye or tracer shall be of a type that is designed to be used in natural water and shall be used in accordance with manufacturer's recommendations and any relevant and recognised standards and practices.

20.5.3 The discharge of potable water for the purpose of draining pipelines or water reservoirs for inspection, repair or maintenance, subject to the following conditions:

- a the discharge will occur during the upper half of the tide unless the discharge occurs directly into open water without disturbing sediment; and
- b the discharge will, after reasonable mixing, result in a Free Available Chlorine concentration of less than or equal to 13 µg/l in the receiving water.

20.5.4 Discharges into the coastal marine area, which are not covered by another permitted activity rule, subject to the following conditions:

- a the discharge does not contain contaminants that will cause more than minor adverse effects on the receiving waters and the marine environment; and
- b the discharge does not contain human sewage or hazardous substances as defined by the Hazardous Substances & New Organisms Act 1996, and any regulations made under section 75 of that Act; and
- c the discharge will not, after reasonable mixing, give rise to any or all of the following effects:
 - i the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - ii any conspicuous change in the colour or visual clarity of water in the coastal marine area; or
 - iii any emission of objectionable odour; or
 - iv any significant adverse effects on aquatic life, and
- d the discharge does not change the natural temperature of the receiving water, after reasonable mixing by more than 3 degrees Celsius; and
- e the discharge does not involve the disturbance of foreshore and seabed that cannot be remedied by natural processes within 48 hours of the disturbance occurring in any Coastal Protection Area 1, and 7 days in other parts of the coastal marine area; and
- f that public access to and along the coast is not restricted by the volume or movement of the discharge; and

- g the discharge does not modify, damage or destroy any site, building, place or area scheduled for preservation or protection in Cultural Schedules 1 and 2;

NB: This rule includes the discharge of water from the washing down of structures, sullage, and other discharges that will have either no adverse effect, or minor adverse effects on water quality.

Controlled Activities

20.5.5 Discharges of contaminants from the maintenance of existing lawful structures in the coastal marine area, excluding hazardous substances as defined in the Hazardous Substances and New Organisms Act 1996, which are not permitted by Rule 20.5.4, subject to the following standards and terms:

- a the discharge is not into any Coastal Protection Area 1 listed in Table 20.2A; and
- b the discharge will not, in the course of routine operation and after reasonable mixing, give rise to all or any of the following effects:
 - i the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - ii any conspicuous change in the colour or visual clarity water in the coastal marine area; or
 - iii any emission of objectionable odour; or
 - iv any significant adverse effects on aquatic life.

20.5.5.1 The ARC will have control over the following matters under Rule 20.5.5:

- a the volume and level of contamination; and
- b the method of discharge and the effects arising from the method chosen; and
- c the provision of adequate facilities for the collection, treatment, and disposal of any discharge; and

- d the duration of consent; and
- e the monitoring of the consent.

Applications for controlled activities will be considered without notification or the need to obtain the written approval of affected persons, in accordance with Section 94(1)(b) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

20.5.6 Any discharge of contaminants except:

- i the discharge of sewage from vessels; and
- ii discharges authorised by any other rule in this chapter, including any rules in the operative or proposed Auckland Regional Plan: Air, Land and Water listed in Rules 20.5.13 to 20.5.16.

Shaded text indicates variations 1 – 6

Table 20.2: Non-ecological CPA1s.

CPA No.	Location	Feature
13d-f, g, j, l	Muriwai-Karekare	Various erosional, volcanic, sedimentary & fossil features on coastal cliffs & intertidal platforms
15b	Whatipu	Paratutae Wave Cut Notch
26b	Manukau Harbour	Ihumatao Fossil Forest
28	Manukau Harbour	Takanini Pumicite exposure
33	Awhitu Peninsula	Te Toro Quaternary Sands
38b	Awhitu-West Coast	Karioitahi Quaternary Sands
40j	Kawakawa – Matingarahi	Kawakawa Bay Deformed Chert Beds
49b	Tamaki River	Point England Accretionary Lapilli
50b, c	Tamaki River	Musick Point Overthrust & Anticline
61 b-d	North Head to Takapuna	Narrow Neck Structural Discordance, Belmont Cliffs Fault, Takapuna Chabazite
62a	Takapuna and Thorne Bay	Fossil Forests
63	Torbay Bay	Torbay Stack
67c, d	Whangaparaoa Peninsular	Whangaparaoa Head vertically tilted strata and point east of Army Bay displaced basalt
68	Whangaparaoa Peninsular	Waitemata Group Deformation I
69	Whangaparaoa Peninsular	Waitemata Group Deformation II
70	Red Beach	Miocene Flysch
71	Whangaparaoa Peninsular	Waitemata Group Deformation III
74a	Waiwera	Waiwera Parnell Grit
76o	Mahurangi Harbour	Grants Island Old Hat
79	Algies Bay	Algies Beach Melange
82c	Tawharanui	Tawharanui Fossiliferous Jurassic section
84 b	Mathesons Bay	Waitemata Group Exposure & Miocene reef corals
88	Kawau Island	Slater Point Fossil Sea Stack
89	Kawau Island	Kawau Island Pillow Lavas
90	Kawau Island	Dispute Cove Channelled Flysch
92a, b	Motuketekete Island	Waitemata Group Miocene Basal Limestone Exposure
97a	Motuihe Island	Limestone Exposure (Karst)
100	Waiheke Island	Blackpool Spilite
113	Waiheke Island	Miocene Macrofauna, Double 'U' Bay

Table 20.2A: Ecological CPA 1s.

CPA No.	Map Series 1 sheet numbers	Location
2b, c, d, e, f, g, h, i, j	Sheets 2 and 4	Tapora Islands and Estuary
3b, c, d, e, f, g,	Sheets 1, 4, 5	Tauhoa River
4	Sheets 4 and 5	Moturemu Island
6b, c, d	Sheets 4, 5, 6	Jordan's Farm, Oyster Point and Shelly Beach Island
7b	Sheet 7	Kaipara River Mouth
8b, c, d	Sheets 6 and 7	Puharakeke
9b	Sheet 4	Omokoiti
10b, c	Sheet 3	South Kaipara Head
11	Sheet 8	Oaia Island
13c, h, i, k, m	Sheets 8 and 9	West Coast - Muriwai to Karekare
15a	Sheets 9 and 17	Omanawanui
16a	Sheet 9	Huia to Cornwallis
17b	Sheet 10	Big Muddy Creek
21	Sheets 12 and 24	Ann's Creek
22b	Sheets 12 and 24	South East Mangere Inlet
23 b	Sheets 11 and 12	Ambury
27 b, c	Sheets 12 and 13	Puhinui
29 b	Sheet 14	Drury
30 b	Sheets 13 and 15	Clarks Beach to Karaka Point (Ellets Beach / Karaka)
32 b	Sheets 16 and 18	Waipipi
34 b	Sheets 16, 17, 18	Pollok Spit
39 b	Sheet 19	Firth of Thames
40 f, h	Sheets 19 and 20	Kawakawa to Matingarahi (Orere Point and Tawhitokino Beach)
41 b, c, d, e, f, g, h	Sheets 20 and 21	Wairoa River and Estuary
42 b	Sheet 22	Omana
43 b, c, d, e, f, g, h	Sheets 22 and 23	Turanga Creek Estuary (Motukaraka Island, Waikopua Creek and Maungamaungaroa Creek)
45 a	Sheet 24	Pakuranga Creek and Roost
47	Sheets 24 and 25	Tamaki River East Roost
49 c and d	Sheets 24, 25, 40	Tamaki Estuary West
51 c and d	Sheets 25, 30, 40	Hobson Bay - Orakei Basin – Purewa Stream
52 a-b	Sheet 29	Te Tokoroa Reef
53	Sheets 26 and 29	Pollen Island
55 b, c and d	Sheets 26 to 29	Te Atatu - Henderson Creek
56 b	Sheet 27 and 28	Hobsonville Peninsula
60 c, d, e, f, g	Sheets 29 and 30	Shoal Bay - Ngataranga Bay – Tank Farm Explosion Crater
64 b	Sheet 34	Long Bay and Okura Estuary
65 b and c	Sheet 34	Weiti Estuary

Shaded text indicates variations 1 – 6

CPA No.	Map Series 1 sheet numbers	Location
66 a	Sheet 33	Hobbs Bay
67 b	Sheets 32 and 33	Whangaparaoa Peninsula
75 b, d, e, f, g, h	Sheets 35 and 37	Waiwera, Wenderholm, and Puhoi
76 b, c, d, e, f, g, h, i, j, k, l, m, n, p	Sheets 35, 36, 37	Mahurangi Harbour
82 b	Sheets 36 and 38	Tawharanui Peninsula
83 b and c	Sheets 36, 37, 38	Whangateau Harbour
85	Sheet 38	Leigh Reef and Maori Island
86 b	Sheet 38	Goat Island
87 b	Sheets 38 and 39	Pakiri Beach
91	Sheet 36	Beehive Island, Kawau
95	Sheets 30 and 40	Rangitoto and Motutapu
97 b	Sheet 40	Motuihe Island
98	Sheet 41	Crusoe Island (Papakohatu Island)
99	Sheet 41	Motukaha Island and Fossil Bay
102	Sheet 41	Koi Island
104 b, c, d	Sheets 20, 40, 42	Awaawaroa Bay
105 b and c	Sheets 20 and 42	Te Matuku Bay
106	Sheets 20 and 42	Motukahakaha ('Unnamed Islet')
108	Sheet 42	Tarahiki Island
109	Sheet 42	Horuhoru Island
112	Sheets 41 and 42	Onetangi Beach
114 a, b, c	Sheet 43	Mokohinau Islands
116	Sheet 43	Little Barrier Island
117 b, c, d,	Sheets 44 and 45	Northern Great Barrier Island
118	Sheet 47	Awana Stream
119 b	Sheet 47	Kaitoke
120	Sheet 47	Medlands Beach North, Great Barrier (Sugarloaf Creek)
121	Sheet 47	Mitchener Road Creek, Great Barrier (Saltwater Creek)
122 b	Sheet 47	Southern Great Barrier Island
123, 124 and 125	Sheet 47	Shoal Bay Stream, Par Beach South Stream, Par Beach North Stream
126	Sheet 47	Tryphena Stream
127	Sheet 46	Whangaparapara Stream
128	Sheet 46	Mahuki Gannetry
129	Sheet 46	Unnamed Stack, Broken (Pig) Islands
130 b, c, d	Sheets 44 and 46	Port Fitzroy
131 and 132	Sheet 44	Karaka Bay, Motairehe Bay and Swamp
133 a	Sheet 32	The Noises - Maria Island
134	Sheet 41	Mawhitipana Headland And Foredune

Non-Complying Activities

20.5.7 Any discharge to a CPA 1 listed in Table 20.2A that is located outside the Urban Area of:

- i sewage; or
- ii stormwater that first occurs after the date of notification of the Proposed Regional Plan: Air, Land and Water (23 October 2001); or
- iii any other contaminants.

[Variation 1: E501/04/21 Federated Farmers]

Prohibited Activities

20.5.8 The direct discharge of litter into the coastal marine area.

NB: this rule does not apply to litter discharged via stormwater or other outfalls.

20.5.9 The direct discharge of sewage into Tangata Whenua Management Areas.

General Stormwater and Wastewater Discharge Rules

20.5.10 Subject to rule 20.5.11 the following activities undertaken by a stormwater or wastewater network utility operator:

- a The diversion of stormwater;
- b The discharge of stormwater;
- c The discharge of wastewater (via pumping station or network overflows);

shall be assessed under the provisions, standards and terms of Rules 5.5.10 to 5.5.13 inclusive of the Operative or Proposed Auckland Regional Plan: Air, Land and Water as if those rules were rules contained in this chapter. In considering applications for resource consent for those activities, in addition to the policies in this chapter, Policies 5.4.6 – 5.4.15 of the Operative or Proposed Auckland Regional Plan: Air, Land and Water shall apply as if those policies were policies contained in this chapter.

Note: This does not override rule 20.5.9

20.5.11 Any direct discharges of sewage to the coastal marine area that have not passed through soil or a wetland that are undertaken by a stormwater or wastewater network utility operator:

- i within the Urban Area shall be assessed under Rule 5.5.11 of the Operative or Proposed Auckland Regional Plan: Air, Land and Water, and
- ii outside the Urban Area shall be assessed under Rule 5.5.13 of the Operative or Proposed Auckland Regional Plan: Air, Land and Water.

Note: Rule 20.5.11 means that any stormwater or wastewater network discharges by a stormwater or wastewater network utility operator to the CMA within the Urban Area containing sewage are assessed under Rule 5.5.11 of the Auckland Regional Plan: Air, Land and Water (ARP:ALW) as if that rule categorised the activity as a discretionary activity. Similar discharges outside of the Urban Area are assessed under Rule 5.5.13 of the ARP:ALW as non-complying activities. In all cases the relevant policy provisions of the ARP:ALW listed in Rule 20.5.10 apply to those activities.

[Variation 1: E524/04/01 Auckland City Council/ Metrowater]

20.5.12 Subject to Rule 20.5.13, the following activities not provided for by Rules 20.5.10 or 20.5.11:

- (a) The diversion of stormwater;
- (b) The discharge of stormwater;
- (c) The discharge of wastewater (via pumping station or network overflows)

and except for discharges to a CPA1 listed in Table 20.2A that is located outside the Urban Area as provided for by Rule 20.5.7, shall be assessed under the provisions, conditions, standards and terms of Rules 5.5.1 to 5.5.8 or 5.5.19 (if an industrial or trade process) inclusive of the Operative or Proposed Auckland Regional Plan: Air, Land and Water as if those rules were rules contained in this chapter. In considering applications for resource consent for

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those activities, in addition to the policies in this chapter, Policies 5.4.2, 5.4.4, 5.4.5, 5.4.13, 5.4.14, 5.4.15, 5.4.16, 5.4.17 and 5.4.18 of the Operative or Proposed Auckland Regional Plan: Air, Land and Water shall apply as if those policies were policies contained in this chapter.

20.5.13 Any direct discharge of sewage from a wastewater network not provided for by Rule 20.5.11 into the coastal marine area that has not passed through soil or a wetland shall be a discretionary activity. In considering applications for resource consent for those activities, in addition to the policies in this chapter, Policies 5.4.2, 5.4.4, 5.4.5, 5.4.13, 5.4.14 and 5.4.15 of the Operative or Proposed Auckland Regional Plan: Air, Land and Water shall apply as if those policies were policies contained in this chapter.

20.6 OTHER METHODS

[Variation 1: 20.6 E505/04/23 Auckland International Airport Ltd]

20.6.1 The ARC will:

- a develop in consultation with the boating community and boating industry representatives, a comprehensive and practical approach to dealing with sewage and other contaminant discharges from commercial and recreational vessels to the coastal marine area once Government Regulations have been introduced to control the discharge of contaminants from vessels; and
- b encourage practices involving boat maintenance which prevent significant quantities of toxic or otherwise harmful substances from entering the coastal marine area; and
- c encourage practices which will prevent vessels from discharging significant quantities of contaminated bilge water or other contaminants to the coastal marine area; and
- d in conjunction with territorial authorities, promote or otherwise ensure that adequate provision

is made in port developments, at slipways and hardstand or haulout areas for the collection, treatment and appropriate disposal of vessel maintenance and cleaning residues, sewage and other contaminants from vessels, and in marinas sewage and other contaminants from recreational vessels; and

- e in conjunction with local network operators, promote a comprehensive and practical approach for dealing with the discharge of stormwater, wastewater and other contaminants from the existing, and any future upgraded, public network system.

20.6.2 The ARC will lobby central Government to undertake:

- a the imposition and enforcement of effective controls to prevent the introduction of undesirable aquatic species via ballast water discharges and from the hulls of ships and towed structures within New Zealand waters; and
- b active involvement in international efforts to address the ballast water issue and the release of undesirable aquatic species.

20.6.3 The ARC will encourage the seeking of comprehensive discharge consents, rather than dealing with a series of individual consent applications. The ARC will encourage developers of infrastructure improvement programmes, to adopt adaptive environmental management techniques (including catchment management programmes, monitoring programmes, contingency plans, community liaison groups and review procedures) to address information gaps and uncertainties about effects on the marine environment, and to take into account existing demands made on the coastal marine area by communities of people.

20.6.4 The ARC will incorporate into a Regional Plan a degraded and sensitive water management strategy which will specify:

- a a generally higher level of land use control in the catchment; and
- b target environmental standards; and

c monitoring for compliance and achievement.

20.6.5 The ARC shall require appropriately higher margins of protection at sewage pump stations with emergency overflows discharging into any Coastal Protection Area 1 or 2.

20.6.6 The ARC will advise the relevant authorities with responsibilities for health issues when it considers that water and shellfish have been degraded to such an extent that they do not comply with guidelines for swimming, shellfish gathering, or other activities.

20.6.7 Provision should be made by the territorial authorities in district plans for the facilities set out in Policy 20.4.6.

20.6.8 Appropriate land use management practices, including the management of stormwater and the maintenance and enhancement of riparian vegetation should be recognised and promoted by territorial authorities as important ways in which sustainable management of the coastal marine area, and the overall character of the coastal environment can be promoted and achieved.

20.6.9 The ARC will, in conjunction with other interested parties provide for and undertake education programmes to inform the public and businesses of the environmental damage caused by deliberate and accidental discharge of contaminants to the coastal marine area.

Environmental Response Criteria

20.6.10 The ARC will monitor the sediment quality (Tables 20.1.A and 20.1.B) at the ERC sites shown in Map Series 5 as part of its long term baseline monitoring programme for the Auckland Region. Additionally, the ARC may monitor the water quality and aquatic ecology at those sites. The monitoring methodology set out in TP 168 will be used. The results of this monitoring will be reported to the regional community on a regular basis.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/23 Auckland International Airport Ltd, E508/04/46, E508/04/49 Ports of Auckland,

E509/04/109 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/06 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.6.11 The ERC monitoring information will be used by the ARC in resource consent application and environmental education processes to provide a regionally consistent benchmark of the environmental quality of the coastal marine receiving environment, thereby assisting with determining priorities for catchment based investigations and for setting appropriate outcomes for catchment management.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/23 Auckland International Airport Ltd, E508/04/46, E508/04/49 Ports of Auckland, E509/04/109 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/06 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.6.12 Notwithstanding Method 20.6.11, the ARC may alternatively require a discharge resource consent holder to undertake monitoring of some or all of the ERC parameters, and monitoring of benthic ecology where amber sediment quality is exceeded, at appropriate ERC monitoring sites as part of the consent holder's compliance monitoring programme, if such monitoring would be the most effective and efficient means of assessing the environmental effects of the authorised discharge over time. The monitoring methodology set out in TP 168 shall be used.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/23 Auckland International Airport Ltd, E508/04/46, E508/04/49 Ports of Auckland, E509/04/109 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/06 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council,

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Waitakere City Council, Franklin District Council, Rodney District Council]

20.6.13 Should monitoring of the sediment quality criteria at (or near) the monitoring sites shown in Map Series 5 of this Plan identify that the “green” values of the parameters in Table 20.1.A or 20.1.B are exceeded, then the ARC will facilitate an investigation to identify the likely sources of contamination of those areas.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/23 Auckland International Airport Ltd, E508/04/46, E508/04/49 Ports of Auckland, E509/04/109 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/06 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.6.14 The ARC will encourage the region’s territorial authorities to implement the Ministry for the Environment and Ministry of Health “Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas, June 2003”.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/23 Auckland International Airport Ltd, E508/04/46, E508/04/49 Ports of Auckland, E509/04/109 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/06 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.7 PRINCIPAL REASONS FOR ADOPTING

20.7.1 Objectives, Policies, all Rules and Other Methods

Water quality is a major environmental issue in the Auckland coastal marine area. This area is used extensively by people and communities for a wide range of activities including as a place to dispose of

stormwater, sewage and other discharges. It is also important to Tangata Whenua. This Plan seeks to maintain and enhance water and sediment quality at an acceptable level which recognises the importance of the coastal marine area to Auckland’s social, economic and cultural wellbeing, and which sustains its life-supporting capacity for marine ecosystems and community purposes. The ARC also considers that the issue of water quality can be more effectively managed if a comprehensive approach is taken to the discharge of sewage, stormwater, and other contaminants.

The New Zealand Coastal Policy Statement is reasonably explicit on how plans should deal with the discharge of contaminants into the coastal marine area and in particular, the discharge of sewage. The provisions in this chapter incorporate the New Zealand Coastal Policy Statement requirements as relevant to the Auckland Region.

The provisions also recognise the longer-term benefits likely to accrue from an integrated and progressive approach to infrastructure upgrading. The very high costs associated with infrastructural improvements, and the environmental gains anticipated, need to be carefully balanced to ensure the best possible result. This is more likely to arise from an integrated approach than a discharge-by-discharge approach.

20.7.2 Policies 20.4.3, 20.4.4 and 20.4.8

The inappropriate discharge of sewage, particularly into areas which are valued for recreation or food gathering is a cultural affront to all New Zealanders. With a growing population, increasing requirements will be made in the future for recreation and food gathering in parts of the coastal marine area. Accordingly, this Plan has included provisions which ensure that present and potential recreational and food gathering areas will not be affected by sewage discharges.

20.7.3 Objectives, Policies 20.4.1-20.4.4. and 20.4.8 and all Rules

Water quality is of particular and special importance to Tangata Whenua. The discharge of sewage into water is particularly offensive to Maori. Accordingly, water

quality needs to be maintained and, where possible, improved to ensure that the special relationship of Maori and their culture and tradition with water is preserved. It is also identified as a significant issue in the New Zealand Coastal Policy Statement. The provisions of this Plan seek to incorporate the provisions of the New Zealand Coastal Policy Statement, as relevant to the Auckland Region.

20.7.4 Policies 20.4.11 to 20.4.14

The Regional Plan: Coastal contains a wide range of objectives and policies designed to ensure that water and sediment quality in the coastal marine area is either maintained, or enhanced where necessary (e.g. Policy 20.4.1). The Auckland Region Urban Stormwater Management Project Strategy Statement, July 1998 identified the contaminants commonly contained in stormwater and wastewater discharges. The ARC has determined appropriate Environmental Response Criteria in relation to the key contaminants that are indicative of these discharges.

The ARC considers that additional policy guidance is required to ensure that areas within the urban coastal marine area which exceed the Environmental Response Criteria are appropriately managed. A similar approach has been adopted in the Regional Plan: Air, Land and Water in relation to air quality and discharges to air.

[Variation 1: E493/04/04, E493/04/05 NZ Transport Agency, E498/04/07 NZ Transport Agency, E505/04/23 Auckland International Airport Ltd, E508/04/46, E508/04/49 Ports of Auckland, E509/04/109 Watercare Services Ltd, E510/04/14 North Shore City Council, E513/04/01, E513/04/04 North Shore City Council, E519/04/06 Auckland City Council/Metrowater, E521/04/01 Auckland City Council, Metrowater Ltd, North Shore City Council, Waitakere City Council, Franklin District Council, Rodney District Council]

20.7.5 Objectives and Other Method 20.6.1

The discharge of sewage from vessels is now controlled by the Resource Management (Marine Pollution) Regulations. The Plan no longer contains specific policies and rules relating to this issue. Implementation of the Regulations is however an ARC responsibility and Method 20.6.1 recognises the need for the Council to work with relevant boating groups to achieve this. Provision of appropriate on-shore facilities for the collection and disposal of sewage from vessels and other contaminants is a matter to be considered by regional coastal plans and this is recognised in Policy 20.4.6.

20.7.6 Objectives, Policies 20.4.6 and 20.4.7 and Rule 20.5.15

The direct disposal of litter into the coastal marine area is unacceptable. This is also identified as an issue in the New Zealand Coastal Policy Statement.

20.7.7 Policy 20.4.5

Maintenance dredging is recognised by this Plan as necessary, in some cases, to allow the efficient functioning of an existing development. One of the 'difficulties' of maintenance dredging is the release or disturbance of any contaminated sediment. This can be minimised if the discharge of contaminants can, as far as practicable, be avoided from areas that require maintenance dredging.

20.7.8 The Rules

The effect of section 15 of the RMA is that no person may discharge into the coastal marine area, unless expressly allowed by a rule in a regional coastal plan or a resource consent. This is why rules are the principal method for managing the effects of discharges. Furthermore, the New Zealand Coastal Policy Statement, particularly Policy 5.1.1, states that rules

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should be made as soon as possible with the object of enhancing water quality in the coastal environment.

Rules have been established that permit some discharges to occur as of right, subject to certain conditions. Subject to satisfying those conditions, any effects on the environment will be minor. If the conditions cannot be met, or there are potential effects from discharges, the other rules are necessary to ensure that through the resource consent process adverse effects can be avoided, remedied or mitigated. Where the effects of discharges will always be unacceptable they have been prohibited.

20.7.9 Other Method 20.6.2

One of the major threats to water quality is the introduction of undesirable marine organisms through ballast and from hulls of foreign vessels. The RMA has been amended and national regulations will control this form of discharge. The ARC has lobbied and participated in the formulation of the national regulations.

20.7.10 Other Methods 20.6.3 - 20.6.6, 20.6.8 and 20.6.9

All of these Other Methods, particularly 20.6.4, will help ensure that a comprehensive approach to water and sediment quality is taken and that appropriate provisions are put in place recognising that some areas have particularly high values which are vulnerable to change through degraded or contaminated water and sediment.

20.7.11 Other Method 20.6.7

This gives effect to Policy 5.1.7 of the New Zealand Coastal Policy Statement.

20.8 ANTICIPATED ENVIRONMENTAL RESULTS

20.8.1 The maintenance of water and sediment quality in the coastal marine area at a level which

ensures the life-supporting capacity of water and ecosystems.

20.8.2 A progressive improvement in water and sediment quality in areas which are presently degraded.

20.8.3 Maintenance and enhancement of water and sediment quality, recognising and providing for the relationship of Maori in terms of section 6(e) of the RMA.

20.8.4 That having good water and sediment quality enables people and communities to use and enjoy the coastal environment for a wide range of activities, including commercial, recreational and cultural pursuits.



Natural Coastal Hazards – 21

This chapter contains objectives and policies relating to coastal hazards. Should coastal protection measures require consents under Sections 12(1), (2) or (3) of the RMA, the relevant chapters of Part IV of this Plan will need to be considered.

In considering issues relating to coastal hazards anywhere in the coastal marine area, regard needs to be had to the relevant chapters of Part IV: Use and Development and those matters contained in Part III: Values in the assessment of effects on the environment.

21.1 INTRODUCTION

Sections 30(1)(d)(v) and 31(b) of the RMA impose on regional councils and territorial authorities respectively the function of controlling any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards.

Coastal processes are a part of the natural character of the dynamic coastal environment. Natural hazards arise from the interaction of such processes with human use, property, or infrastructure. Within the Auckland Region the primary hazards arising from these interactions include erosion, inundation of low lying areas, land instability, rising mean sea level, and tsunamis. These hazards may occur individually, or combine to create a cumulatively more significant hazard.

Natural coastal hazards can adversely affect the economy and the health, wellbeing and safety of people and communities. They may also adversely affect vegetation and habitat; public access to and along the coastal marine area; visual character; amenity values; recreation; and aspects of coastal heritage, such as historic buildings or structures. Sites and areas of significance to Tangata Whenua, such as waahi tapu, urupa, middens, and other taonga, may also be at risk from natural coastal hazards.

Methods used to remedy or mitigate the loss of existing assets to natural coastal hazards include the construction of engineered structures, planting

of vegetation, and beach nourishment programmes. These approaches are dealt with in Chapter 12: Structures, Chapter 18: Planting and Introduction of Plants, and Chapter 17: Disposal and Deposition. Alternative approaches, which avoid or mitigate the loss potential, include avoiding development in hazard prone areas, relocating endangered structures, and maintaining a buffer between Mean High Water Springs and development (eg, by dune rehabilitation).

While most natural processes which contribute towards coastal hazards originate in the coastal marine area, their adverse effects are usually expressed on the land above Mean High Water Springs, where the regional councils and territorial authorities have joint control. In addition, the processes leading to natural hazards may cross district and/or regional boundaries. The management of natural coastal hazards thus needs to be co-ordinated between the ARC, the territorial authorities within the Auckland Region, and adjoining regional councils. Natural coastal hazards can affect both private and public land in the coastal environment. Consultation with local communities, iwi and relevant interests groups is a component of coastal hazard management.

The sustainable management of the coastal environment with respect to natural hazards should involve consideration of the particular hazard in the wider context (both above and below Mean High Water Springs, and over longer time periods), to ensure appropriate methods are used to avoid or mitigate natural coastal hazards.

21.2 ISSUES

21.2.1 Physical processes in the coastal environment, such as erosion, inundation, land instability, rising mean sea level, and tsunamis, may act to adversely affect human life, property, or other aspects of the environment, causing coastal hazards. There is often a need to avoid, remedy, or mitigate the adverse effects of these hazards.

21.2.2 Inappropriate subdivision, use, and development may cause or exacerbate natural coastal hazards, create new risk, or unnecessarily place human life and property under threat from these hazards.

21.3 OBJECTIVE

21.3.1 To control the use of land in the coastal environment to ensure the adverse effects of natural coastal hazards are avoided or mitigated.

21.4 POLICIES

21.4.1 New subdivision should be located and designed to avoid interference with natural coastal processes, including those natural coastal features, that have a tendency to change or migrate inland as a result of climate and sea-level changes, so that the need for coastal protection measures is avoided.

21.4.2 Where existing subdivision, use, and development in the coastal environment is adversely affected by coastal hazards, including mean sea level rise, further subdivision, use, and development that exacerbates the coastal hazard, or creates a new coastal hazard, should be avoided.

21.4.3 Natural features such as beaches (including sand dunes and longshore bars), mangroves, and wetlands, which may buffer subdivision, use, and development from coastal hazards, shall be protected.

21.4.4 Coastal protection measures should generally use non structural methods, including planting and beach nourishment, rather than structural methods, such as seawalls, which artificially stabilise the coastline, unless it can be demonstrated that a structural solution is the best practicable method for remedying or mitigating the hazard.

21.4.5 Coastal protection measures shall be avoided where they will:

- a result in more than minor modification of, or damage to, or the destruction of the values of any Coastal Protection Area 1 or any Tangata Whenua Management Area; or
- b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

21.4.6 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any coastal protection measures.

21.4.7 Structural coastal protection measures will be assessed in accordance with all relevant policies of Chapter 12: Structures.

21.4.8 In assessing the effect that a rise in mean sea level may have on subdivision, use, development and protection of the coastal environment, the best available estimate of mean sea level rise for the locality in question shall be used.

NB: Refer to Other Method 21.6.6 regarding the best available estimate.

21.5 RULES

This section contains no rules. However, rules pertaining to coastal protection structures, beach nourishment, and planting may be found in Chapters 12: Structures, 17: Deposition, and 18: Planting and Introduction of Plants, respectively.

21.6 OTHER METHODS

21.6.1 The ARC will, in consultation with territorial authorities:

- a develop a regional methodology for the identification of natural coastal hazards, including areas which could be subject to erosion or inundation as a result of mean sea level rise; and
- b maintain a database of identified natural coastal hazard areas; and
- c undertake research on the risks and impacts of natural coastal hazards, particularly those that are regionally significant; and
- d undertake research on methods to avoid, remedy, or mitigate natural coastal hazards.

The ARC will make this information available to territorial authorities and the general public.

21.6.2 The ARC, in consultation with relevant parties, will establish monitoring programmes for natural coastal hazards of regional significance, and make this information available to territorial authorities and the general public.

21.6.3 The ARC will develop and carry out educational strategies aimed at providing the general public with a greater understanding of risks associated with natural coastal hazards, and how these risks are being addressed throughout the Region.

21.6.4 The ARC will encourage the active involvement of local communities in developing and implementing coastal hazards management programmes.

21.6.5 The ARC will support the development of Comprehensive Coastal Management Plans which take an integrated approach to managing hazards which occur within the coastal environment.

21.6.6 The ARC will maintain information on the best available estimate for mean sea level rise, and make this information available to territorial authorities and the general public.

21.6.7 District plans should contain appropriate provisions to implement the policies in this chapter.

21.7 PRINCIPAL REASONS FOR ADOPTING

21.7.1 Objective 21.3.1 and Policies 21.4.1 to 21.4.4

Section 30(1)(d)(v) of the RMA charges regional councils with the control of any actual or potential effects of the use, development, or protection of land in the coastal marine area, including the avoidance or mitigation of natural hazards. The ARC has a similar responsibility above Mean High Water Springs, in conjunction with territorial authorities.

It is considered possible, in some cases, to **remedy** the adverse effects of natural coastal hazards. Hence the inclusion of this word in many of the provisions of this chapter, despite the fact that it does not appear in section 30 of the RMA. For example, beach nourishment may remedy the adverse effects of natural coastal hazards by replacing sediment that has been eroded away.

21.7.2 Policies 21.4.1 – 21.4.3

Experience has shown that inappropriately designed and/or located development in the coastal environment, and poorly designed “solutions” to natural coastal hazards can in fact exacerbate the hazard. Softer solutions have proven both to be more effective, and to better preserve the natural character, landscape, and amenity values of the coastal environment. Policy 21.4.1 also implements Policy 3.3.4 of the New Zealand Coastal Policy Statement, and Policies 21.4.2 and 21.4.3 implement New Zealand Coastal Policy Statement Policies 1.1.4a, 3.4.2, and 3.4.3.

21.7.3 Policy 21.4.4

Experience has shown that unless structural coastal protection measures are carefully considered and well designed, they often worsen the adverse effect of coastal hazards, or simply move the problem to a different location. Structural solutions also have more significant impacts on natural character than “soft” options, such as planting or beach nourishment.

21.7.4 Policies 21.4.5 – 21.4.7

Coastal protection measures have the potential to adversely affect many aspects of the coastal environment. Policies 21.4.5 and 21.4.6 require consideration of those matters identified in sections 6, 7 and 8 of the RMA, while Policy 21.4.7 makes reference to policies in Chapter 12: Structures.

21.7.5 Policy 21.4.8 and Other Method 21.6.6

The New Zealand Coastal Policy Statement (Policies 3.4.2 and 3.4.4) requires regional councils to address the effects of sea level rise on the coastal environment. The Intergovernmental Panel on Climate Change provides estimates of the rise in global mean sea level. However, these are estimates only, and are regularly revised in the light of new research. What is more, the actual degree of change in sea level at any particular location may vary significantly from the global mean, due to local variations in such variables as bathymetry, geology and land stability. Research focusing on New Zealand may provide more relevant estimates than the global mean. Local estimates are also subject to revision in light of research. It is not considered appropriate, therefore, to publish a figure in this Plan, but rather for the ARC to keep and provide information on the best available estimate.

21.7.6 Other Methods 21.6.1 – 21.6.3

While most natural processes which cause coastal hazards originate in the coastal marine area, their adverse effects are usually expressed on the land above Mean High Water Springs, where the regional councils and territorial authorities have joint control. In addition, the processes leading to natural hazards may cross district and/or regional boundaries. The

management of natural coastal hazards thus needs to be co-ordinated between the ARC, the territorial authorities within the Auckland Region, and adjoining regional councils.

21.7.7 Other Methods 21.6.1, 21.6.2 and 21.6.3

The nature of natural coastal processes leads to hazard areas often crossing jurisdictional boundaries. This includes the boundary of Mean High Water Springs, as well as territorial authority boundaries. Because of this, there is a need for a regionally consistent methodology for hazard assessment, and a regionally consistent database and monitoring programme. It is important to improve understanding of coastal natural hazards in order to be able to better manage their effects. These Other Methods implement Auckland Regional Policy Statement Policy 11.4.1-1 for the coastal environment.

Coastal hazards are often caused or made worse through lack of knowledge about the effects of land use. The ARC is unable to control most land use decisions made by people. Education and the provision of information addresses these difficulties.

21.7.8 Other Method 21.6.4

The avoidance, remedying, or mitigation of the adverse effects of coastal hazards is often facilitated by working with those people who are most affected. Such an approach assists people and communities in making better informed decision about the use of their land. It is also likely to yield solutions that are widely accepted.

21.7.9 Other Method 21.6.5

The causes and effects of natural coastal hazards usually span a much wider part of the coastal environment than the specific areas where hazards are of concern to people. This has often caused problems in the past, when remedial measures have caused or worsened a coastal hazard in another part of the coast. The processes operating in the wider context must be taken into account if coastal natural hazards are to be effectively managed.

21.7.10 Other Method 21.6.7

While the ARC and territorial authorities have joint responsibilities for the management of coastal natural hazards, it is recognised that they are most often exacerbated by land use practices. In addition, the adverse effects of natural coastal hazards are most often felt above Mean High Water Springs. These matters need to be dealt with through District Plans, which provide the most comprehensive controls on the use of land above Mean High Water Springs.

21.7.11 No Rules

Human efforts to mitigate the effect of natural hazards are addressed in other chapters of the Plan (eg. beach nourishment in Chapter 17: Deposition, the erection of structures in Chapter 12: Structures, planting in Chapter 18: Planting and Introduction of Plants).

21.8 ANTICIPATED ENVIRONMENTAL RESULTS

21.8.1 The avoidance or mitigation of coastal hazards including erosion, inundation, land instability, and rising mean sea level, by ensuring that subdivision, use, and development in the coastal environment is designed and located with proper regard to the physical coastal processes and geological conditions which exist along the coastline.

21.8.2 Where coastal protection measures are undertaken, that they are designed and located so as to avoid adverse effects on the coastal environment and, in particular, on natural character.

21.8.3 The protection of natural features such as beaches (including sand dunes and longshore bars), mangroves, and wetlands, which may buffer subdivision, use and development from coastal hazards.



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Aquaculture – 22

NOTE: The provisions in this Plan have been drafted based on cabinet and policy papers proposed for the Resource Management (Aquaculture) Amendment Bill as of August 2002. Should any provisions in the proposed legislation change in a way that does not give the ARC jurisdiction to include any of the provisions below an amendment to the variation will be necessary. By the time submissions are heard on this variation it is anticipated that the legislation will have been introduced and there will be a clear mandate for decision-making.

This chapter contains objectives, policies and rules relating to aquaculture. Aquaculture includes the activity itself and any structures and discharges of contaminants associated with it. Rules in this chapter apply to structures and activities in terms of sections 12(1)(b), 12(2) and 12(3) of the RMA, and to discharges of contaminants in terms of section 15 of the RMA. Therefore the provisions of Chapter 12: Structures and Chapter 20: Discharges do not apply. However other chapters may be relevant.

Any application for aquaculture activities needs to consider the relevant chapters of Part IV: Use and Development and the matters contained in Part III: Values, in the assessment of effects on the environment.

22.1 INTRODUCTION

Part I, Clause 2(a) of the Second Schedule of the RMA states that a regional coastal plan may, where appropriate, provide for the recognition of opportunities for aquaculture. Section 68A of the Resource Management Act states that a regional coastal plan may include Aquaculture Management Areas where the provisions of the plan (including the size and location of the area) will avoid, remedy, or mitigate the adverse effects (including the cumulative effects) of aquaculture activities on the environment, including fishing and other uses of the coastal marine area. Outside these areas aquaculture activities are prohibited.

Aquaculture Management Areas have been defined in the Auckland Region to provide for aquaculture. The locations of these Aquaculture Management Areas are identified in Map Series 1 of the Plan Maps and include: Kaipara Harbour, Mahurangi Harbour, Matakana River, Kawau Island, Great Barrier Island, Waiheke Island and Wairoa Bay. Tendering is used to efficiently allocate space within these Aquaculture Management Areas that is not already allocated. The tendering process is detailed in section 22.5 Rules of this Chapter.

Aquaculture involves activities that are regulated by sections 12 and 15 of the RMA. This control extends to such activities as the placement or erection of

structures or other equipment, the disturbance or deposition of matter on the foreshore and seabed, occupation and use of the coastal marine area, and the discharge of contaminants. Those activities are relevant to the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, including spat, or seaweed, for harvest. The rules of this Plan require that, in most cases, these activities or works require resource consent.

Aquaculture usually involves activities which are controlled by sections 12 and 15 of the RMA. These include control over such activities as the placement or erection of structures or other equipment, the disturbance or deposition of matter on the foreshore and seabed, and the occupation and use of the seabed or water in the coastal marine area. Such activities are part of the breeding, collection, cultivation, growing, or harvesting of fin fish, shellfish, marine vegetation or other forms of aquatic life. The rules of this Plan require that in most cases these activities or works require a resource consent. However, the activities of collection, breeding, cultivation, growing or harvesting of fish and shellfish are controlled by Minister of Fisheries under Fisheries legislation.

The ARC, when providing for aquaculture, is required to consider all environmental effects, including the impact of aquaculture on the environment and the use and sustainability of fisheries resources.

The Ministry of Fisheries is required to consider the impact of aquaculture on the access to the fisheries resource.

It is noted that some iwi are pursuing common law and Treaty claims on areas of the foreshore and seabed to recognise Maori customary title to the foreshore and seabed. The ARC recognises that any decision of the Courts and direction from central government with respect to these claims will have to be complied with, insofar as it concerns the Resource Management Act. The outcome of any claim may impact on the management of aquaculture.

The Hauraki Gulf Marine Park Act 2000 encompasses the coastal marine area on the east coast of the Auckland Region and the Waikato Region and is therefore a key piece of legislation for considering aquaculture in this part of the Auckland Region. The purpose of this Act is to integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments which together comprise the Hauraki Gulf Marine Park, and to establish objectives that recognise the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf and its islands.

Aquaculture is an industry of growing social and economic importance in New Zealand, both locally and nationally, and can be a sustainable use of natural and physical resources if it is appropriately located and managed. It is a rapidly expanding industry that provides economic benefits such as employment, as well as social and cultural benefits. ~~particular~~ as farms are often located in the coastal marine area adjoining rural areas where there are few employment opportunities. The presence of aquaculture may also enhance recreational fishing and provide a focus of interest for tourists.

In addition to social and economic benefits, Aquaculture provides an important alternative source of fish and shellfish, which assists in reducing pressure on the natural fish and shellfish stock. It is an industry that is continuing to evolve, developing using methods and species not previously used in aquaculture.

While the benefits of aquaculture are many and varied, it should be recognised that other uses of the coastal marine area, such as recreational boating and

commercial shipping, also provide social and economic benefits. It is necessary to provide for the various activities within the coastal marine area in a way that maximises the benefits they provide.

Aquaculture requires the occupation of coastal space which, for the most part, is currently deemed to be crown owned public space. Coastal space is utilised for a wide variety of activities and has significant values such as natural character, landscape, ecological, cultural and recreational values. In effectively and efficiently providing for aquaculture development in the Auckland Region, competing demands for the use, development and protection of coastal space, and the cumulative effects of the occupation of coastal space on the environment, particularly public access and amenity, need to be carefully considered. In a region with approximately 100,000 recreational vessels and significant commercial fishing and transport demands, and a population that is predicted to double in size over the next fifty years, there is a strong need for the Auckland Region to adopt a framework for managing aquaculture activities that can cope with intensifying pressure on resources within the coastal marine area.

Aquaculture activities can also have adverse effects on the coastal marine area. ~~although the significance of these effects may be able to be avoided, remedied or mitigated by appropriate site selection, choice of farming operation and farm management practices.~~ The adverse effects associated with aquaculture ~~These may include the alteration of natural coastal processes resulting from the location of structures associated with aquaculture; or from the deposition of shell and waste material beneath farms; the smothering, starvation or displacement of marine species living directly beneath aquaculture operations; degradation of natural character, amenity and landscape values; disturbance of the foreshore and seabed wading bird species; and adverse effect to ecology from access to or use of landing areas; impacts on amenity values; degradation of water quality from organic waste and antibiotics; degradation of cultural or heritage values; restriction of public access; and conflicts with other uses of the coastal marine area such as navigation and boat mooring and anchorage areas.~~ However the significance of these effects may be able to be avoided, remedied or mitigated by appropriate site selection, choice of farming operation and farm management practices.

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Land uses above Mean High Water Springs can also have an adverse effect on coastal water quality and influence the ability of an area to sustain aquaculture activities. The Ministry of Health undertakes regular water quality monitoring and can prohibit the further operation of aquaculture if discharges from heavy rainfall cause a risk to human health through the consumption of shellfish from these areas.

The washing down and cleaning of aquatic species in the coastal marine area can also result in the discharge of silt and the deposition of shell and debris. This in turn may result in the discoloration of water and the smothering of benthic organisms. Littering may also occur from associated debris such as wood, shell, and plastics.

Aquaculture requires a high standard of water quality to enable the farmed species to be sold for consumption. However some forms of aquaculture, such as fish farming, which introduce artificial food, antibiotics and high levels of organic waste, can adversely affect water quality.

Aquaculture may adversely affect the relationship of Tangata Whenua with their ancestral taonga, particularly by restricting their access to and use of resources. However Tangata Whenua are increasingly involved in aquaculture because of its potential social, economic, and cultural benefits.

Aquaculture usually involves activities which are undertaken both in the coastal marine area and on adjoining land, as there is often a need for land based access, processing, and waste disposal facilities. Aquaculture is also affected by land uses in the adjoining catchment, which can have an adverse effect on water quality and influence the ability of an area to sustain aquaculture activities. There is therefore a need for co-ordination with territorial authorities in making provision for and considering proposals to establish aquaculture.

There is limited information available on the cumulative effects of aquaculture on marine ecosystems. In these situations, the New Zealand Coastal Policy Statement and the Auckland Regional Policy Statement advocate that a precautionary approach be

adopted to avoid the effects of activities on the coastal environment. This chapter takes a precautionary approach to the provision of aquaculture.

Most aquaculture operations have associated requirements for land based facilities e.g. wharf facilities, processing and disposal of waste, transport and communication links (roading, telephone and power), plant and equipment requirements, moorings and water supply. Approval for these activities where they are located above MHWS is the responsibility of the relevant territorial authority (TA). The ARC is responsible for managing aquaculture activities below MHWS. In order to achieve integrated management, the ARC and the TAs need to ensure that a consistent and co-operative approach to managing aquaculture is adopted.

The importance of integrated management also extends to regional authorities. The Firth of Thames and the Kaipara Harbour are areas of particular importance in terms of integrated management as they are key areas of interest for aquaculture activities and they are marine ecosystems that do not recognise jurisdictional boundaries between Auckland and Waikato and Auckland and Northland respectively. Integration and co-ordination between all agencies with aquaculture responsibilities is important to ensuring a consistent management approach to promote the sustainable management of coastal resources.

The majority of the existing marine farms in the Auckland Region were established prior to the introduction of the RMA under leases or licences granted by the Ministry of Fisheries under the Marine Farming Act 1971. The future proposed amendment to the Resource Management Act on aquaculture will deem leases and licences issued under the Marine Farming Act 1971 to be coastal permits for the purposes of use (section 12(1)) and occupation of coastal space (section 12(2)). Only three resource consents for marine farms have been granted by the ARC under the RMA.

Mussel and oyster farming predominate in the Auckland Region. Oyster farming occurs on intertidal racks in the Mahurangi Harbour, Waiheke Island and

Wairoa Bay and mussel farming occurs on long lines around Great Barrier Island, Waiheke Island and the Firth of Thames. There is also interest in farming other species such as kingfish, seaweed, snapper and seahorses. Provision for the farming of new species and the introduction of innovative technologies is recognised as an important component of providing for aquaculture in the Auckland Region in the future.

Most of the farms in the Auckland Region have been established prior to the introduction of the RMA under leases or licences granted by the Minister of Fisheries under the Marine Farming Act 1971. Oyster farming on intertidal racks is the main type of aquaculture, with the Mahurangi Harbour being the most significantly developed area. Deep water mussel farming on long lines is also undertaken in part of the Region.

Parts of the Hauraki Gulf, including the Mahurangi Harbour, are subject to Gazette Notices issued by the Minister of Fisheries under the provisions of the Marine Farming Act 1971. These Gazette Notices set aside areas as not available for "marine farming leases or licences". The Notices form part of the Transitional Regional Coastal Plan, but the rules of this Plan will replace these Gazette Notices when the Plan becomes operative.

22.2 ISSUES

22.2.1 Aquaculture within the coastal marine area of the Auckland Region is recognised as being an important industry, contributing social, economic, and cultural benefits to the local, regional and national economy. However, there are also other uses of the coastal marine area, such as recreational boating and commercial shipping, which provide a wide range of benefits. While aquaculture is an appropriate industry and should be provided for, there are competing uses, values and cumulative environmental effects, particularly on public access and amenity, that need to be recognised when providing for aquaculture.

22.2.2 Aquaculture can be impacted on by activities on the land, such as urban intensification which can adversely affect water quality, and activities in the water, such as discharges from boating activities. Population growth in the Auckland Region is contributing to the pressure on resources in the coastal marine area. Without integrating the

management of land use and the coastal environment issues such as reverse sensitivity are likely to arise.

22.2.3 Aquaculture requires the occupation of coastal space. The coastal marine area is a finite resource. Space for, and within, Aquaculture Management Areas needs to be appropriately allocated to ensure that efficient use is made of these areas and that the balance of the coastal marine area can be sustainably managed for other subdivision, use, development and protection purposes.

22.2.4 Iwi and hapu have maintained a special association with their ancestral lands, water, sites and waahi tapu, and other taonga. The coastal environment is an important source of kaimoana contributing to the health and wellbeing of Maori. This special relationship must be recognised and provided for.

There is limited information regarding the ecological effects of aquaculture in the coastal environment of the Auckland Region. Aquaculture may cause adverse effects in the water, such as depletion of phytoplankton, zooplankton, and fish eggs, and on the seabed, for example by smothering other organisms. It may also cause remote effects such as altering food availability for birds and fish. Unless a precautionary approach is taken there may be significant adverse effects on the coastal environment.

Aquaculture is an industry of increasing social and economic importance to the local, regional, and national economy. The farming of fish or shellfish also provides an important food resource, and assists in reducing pressure on the natural fish and shellfish stock.

22.2.2 A high standard of water quality and its continued maintenance is necessary to achieve the sustainable management of the coastal marine area and is required for the establishment and carrying out of aquaculture.

22.2.3 Aquaculture is a developing and dynamic industry, where considerable potential exists to cultivate a variety of marine fauna and flora. The effects of farming "new species", or new types of farming methods, are to a significant extent unknown or untested in the Auckland Region.

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22.2.4 The structures associated with aquaculture, and the changes that often result to the foreshore or seabed beneath farmed areas, can detract from the natural character, ecology and landscape quality of the coastal marine area. The space occupied by these structures may also conflict with other users of the area, particularly where farms are located in water which is used intensively for recreational purposes.

22.2.5 The washing down and cleaning of harvested aquatic species in the coastal marine area can have an adverse effect on water and sediment quality, and on the naturally occurring coastal flora and fauna.

22.2.6 The cumulative effect of aquaculture activities, particularly in areas where farms are concentrated, may have the potential to adversely affect recreation, amenity, natural character and ecological values of the coastal marine area.

22.3 OBJECTIVES

22.3.1 To recognise the benefits of both aquaculture and other uses of the coastal marine area and to appropriately provide for the development of aquaculture activities within Aquaculture Management Areas.

22.3.2 To ensure, as far as is practicable, that aquaculture activities can function appropriately within Aquaculture Management Areas by managing other activities that may adversely affect them.

22.3.3 To recognise that there is significant competition for space in the coastal marine area and to ensure the coastal space for, and within, Aquaculture Management Areas is allocated in an efficient and equitable manner.

22.3.4 To protect the relationship of iwi and hapu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga when providing for aquaculture in the coastal marine area.

22.3.5 To take a precautionary approach in determining an appropriate scale and quantity of aquaculture activities, and in determining species to

be farmed, within the Aquaculture Management Areas in the Auckland Region to ensure that the adverse effects (including cumulative effects) on the coastal environment are avoided, remedied or mitigated.

22.3.6 To enable existing aquaculture activities to continue to operate within Aquaculture Management Areas where appropriate.

Explanation

The future proposed amendment to the Resource Management Act on aquaculture deems leases and licences issued under the Marine Farming Act 1971 to be coastal permits for the purposes of use (section 12(1)) and occupation of coastal space (section 12(2)) only. Coastal permit holders for aquaculture activities are required to register their aquaculture operations with the Ministry of Fisheries so they can be recorded on the fish farm register for information purposes. The term of the deemed permits is the balance of the current term plus one renewal of 14 years subject to the total period not exceeding 20 years from the date of translation. Upon expiry lease or licence holders are given a single preferential right of renewal provided that the existing marine farm is within an Aquaculture Management Area.

Marine farm permits issued under Section 67J of the Fisheries Act 1983 shall be deemed registered fish farms by the Ministry of Fisheries and recorded on the fish farm register for information purposes.

Upon the deeming of existing marine farm leases and licences issued under the Marine Farming Act 1971 as coastal permits, an assessment is made of the actual site location to ensure that it aligns with the permit. If the marine farm is causing an adverse effect in its current location, Council may make a decision to move the marine farm. The permit will be amended and the Ministry of Fisheries advised. The Ministry of Fisheries should then update the fish farm register. This will be done within two years of enactment of the aquaculture amendment to the Resource Management Act 1991.

NOTE: These provisions have come directly from the proposed aquaculture amendment to the Resource Management Act.

22.3.1 To provide for appropriate aquaculture in the coastal marine area while avoiding, remedying, or mitigating adverse effects on the coastal environment.

22.4 POLICIES

2.4.1 Aquaculture shall be avoided where it will modify, damage, or destroy:

a any Coastal Protection Area 1 identified on the Plan maps; or

b any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

22.4.3 Notwithstanding Policy 22.4.2 conventional oyster and mussel farming is considered appropriate where the farm:

a is subject to a current lease or licence under the Marine Farming Act 1971; and

b has been established in accordance with the lease or licence; and

e complies with all the terms and conditions of the lease or licence.

(NB: This policy gives particular recognition to existing lawful farms which may seek a coastal permit rather than apply for a extension of term to their lease or licence.)

22.4.4 Aquaculture shall generally be considered inappropriate where it is proposed to be located within;

a significant mooring and anchorage areas or in the recognised routes of travel, or navigation channels which are used to access these areas; and

b areas which have a high recreational use and amenity value; and

e areas which will interfere with public access particularly to highly used areas.

22.4.1 Aquaculture activities shall be considered appropriate only within Aquaculture Management Areas.

22.4.2 Aquaculture Management Areas shall generally be for the primary purpose of carrying out aquaculture activities. Other activities may be appropriate within Aquaculture Management Areas but only to the extent that they do not compromise the primary purpose of the area. (Other appropriate activities shall be considered in terms of Rules 11.5 in Chapter 11: Activities of this Plan).

22.4.3 New subdivision, use and development on land in the coastal environment adjoining Aquaculture Management Areas, shall have regard to the need to maintain water quality in the coastal marine area for aquaculture activities within Aquaculture Management Areas, and any land-based infrastructure which is integral to carrying out aquaculture activities.

22.4.4 Existing consent applications held by the ARC that have been placed on hold by section 150B of the Resource Management Act and which relate to locations within Aquaculture Management Areas will be processed in order of receipt. All other coastal space within Aquaculture Management Areas that is not subject to existing consent applications at the date this variation becomes operative will be allocated by tendering (as outlined in Introduction 22.5.1).

22.4.5 Existing aquaculture activities authorised by a Marine Farming Authorisation or Marine Farming Lease or Licence that are located within an Aquaculture Management Area will have a single preferential right to apply for a new coastal permit for occupation on expiry of the deemed coastal permit and will not be subject to the tendering process.

22.4.6 The development of new aquaculture activities within Aquaculture Management Areas located at Waiheke Island (6A, D-G) and Wairoa Bay (7A) shall be provided for only by the expansion of existing marine farms. The development of aquaculture activities within the Aquaculture Management Area located at Waiheke Island (6C) shall

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only be provided for by the closure of the Aquaculture Management Area located at Waiheke Island (6B).

22.4.7 The development of new aquaculture activities within Aquaculture Management Areas located in the Mahurangi Harbour (2A-J) shall be provided for only by the closure of another existing marine farm of the same or larger size, scale and intensity, except for Aquaculture Management Area 2F which provides for the expansion of an existing marine farm.

22.4.8 A precautionary approach shall be taken in the assessment and management of aquaculture:

- a that ~~which~~ proposes using species or techniques of cultivation which have not been previously farmed ~~tried~~ in the Auckland Region ~~previously~~; and
- b where any actual or potential effects are not fully known.

Note: An adaptive management technique (see Definitions) has been applied in this chapter of the Plan to manage the risk of actual or potential cumulative effects on the environment. (See Policy 22.4.9 below).

22.4.9 The development of aquaculture within Aquaculture Management Areas in the Kaipara Harbour shall be staged to avoid, remedy or mitigate the adverse cumulative environmental effects of aquaculture. The initial allocation shall allow for 50% of each coastal permit for aquaculture activities approved to be developed. Once environmental monitoring demonstrates that there are no significant adverse environmental effects from that 50% of development, a further 25% of the coastal permit shall be entitled to be developed. Once environmental monitoring demonstrates that there are no significant adverse environmental effects from this 75% of development, the final 25% of the coastal permit for aquaculture activities approved shall be entitled to be developed.

Note: Environmental monitoring will be carried out by marine farmers and the ARC.

Note: In accordance with the proposed amendment legislation, aquaculture development can only proceed in areas that either have no “undue adverse effect” (as defined in the Fisheries Act 1983) on commercial fishing, or if they do, then it must be shown that a voluntary agreement has been reached between the prospective marine farmer and those entities that own or hold the long-term commercial harvesting rights in affected fisheries. (See Other Method 22.6.9)

22.4.10 The duration of resource consents for aquaculture activities will be limited to a maximum of 10 years to protect the interests of iwi in Treaty and common law claims to ownership of the foreshore and seabed.

22.4.11 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any discretionary activity ~~any aquaculture~~ proposals to undertake aquaculture activities within Aquaculture Management Areas.

22.4.12 Any proposal for aquaculture activities within an Aquaculture Management Area shall demonstrate that:

- a the aquaculture activity shall be established in accordance with the Maritime Safety Authority’s Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001 (As contained in Appendix I);
- b any discharge of contaminants from the aquaculture activity shall comply with the provisions of Chapter 20: Discharges of Contaminants;
- c adverse effects from the aquaculture activity on the sustainability of marine ecology, including the benthic environment, shall be avoided, remedied or mitigated;
- d all structures relating to the aquaculture activity shall, as far as practicable, be of an appropriate scale, design, colour, and location so as to avoid, remedy or mitigate adverse effects on the coastal environment;

e any disturbance to the foreshore and seabed shall be avoided, remedied or mitigated; and

f any waste or other material resulting from the aquaculture activity shall be appropriately disposed of.

22.4.13 Any application for a coastal permit for aquaculture activities shall be required to demonstrate that any associated land-based activities associated with the marine farm which are to be located in the coastal environment (including access from the water to the land, processing facilities, and waste disposal, including shell) are permitted by the relevant district plan, or that the necessary resource consent applications have been sought or obtained.

22.4.6—Any proposal to farm Pacific Oysters shall demonstrate as far as practicable that the farming operation will not initiate, or exacerbate any existing problems, with their uncontrolled colonisation of surrounding natural areas.

22.4.14 The use of vehicles along the foreshore as the means of attaining access to an area used for aquaculture activities, shall be considered inappropriate unless it can be demonstrated that there are no land or water based alternatives, and that the adverse effects are minor and temporary.

22.4.9—Any discharges to the coastal marine area associated with aquaculture, including waste or wash water, shall ensure after reasonable mixing that the following adverse effects, are avoided as far as practicable:

a the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; and

b any conspicuous change in the colour or visual clarity of the receiving water; and

c any emission of objectionable odour; and

d any significant adverse effects on aquatic life.

22.4.15 The deliberate disposal of shell, racks, or other material associated with aquaculture activities in the coastal marine area shall be avoided.

22.4.13 Aquaculture activities should generally be consolidated within parts of the coastal marine area, particularly in areas where aquaculture activities are established, unless the number of farms or activities located within an area will result in an adverse cumulative effect.

22.4.14 Notwithstanding Policy 21.4.11, new aquaculture or significant expansion of existing aquaculture shall be considered inappropriate in the Mahurangi Harbour.

22.4.15 In assessing the cumulative effects of aquaculture proposals, regard shall be had to:

a the actual or potential effects from existing areas leased or licensed under the Marine Farming Act 1971, regardless of whether these areas have been developed or not, in addition to other development or use of the coastal marine area; and

b whether the cumulative visual impacts from the aquaculture proposal are less, by concentrating development in the same locality as other aquaculture developments rather than having a number of farms scattered throughout a locality or the coastal marine area.

c whether the actual or potential cumulative physical and ecological effects of concentrated aquaculture in any one area can be mitigated through alternative methods or locations in the coastal marine area.

22.5 RULES

22.5.1 Introduction

For rules pertaining to the maintenance and repair of any existing lawful structure, the erection, placement,

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extension, maintenance, repair or reconstruction of navigational aids, or the removal or demolition of structures refer to Chapter 12: Structures.

The ARC will tender the right to apply for a coastal permit to occupy coastal space within Aquaculture Management Areas to carry out aquaculture activities that are not the subject of applications placed on hold by section 150B of the Resource Management Act. No applications for the occupation of space for aquaculture will be received unless that applicant has first obtained the right to apply for a coastal permit by winning a tender through the tender process. The criteria for deciding upon the successful tender will be stated in the tender documents. The provisions for tendering are those contained in section 247E of the Local Government Act 1974.

Following the receipt of an authorisation, the successful tenderer must go through the normal consents process under the RMA whereby the application is dealt with by the ARC under the requirements of the Plan. Authorisations are transferable, upon written notice to the Minister of Conservation and the ARC. Authorisations will have a limited life – from the time that an authorisation is granted up to a specified limit stated in the tender documents.

The ARC will give at least six months notice of its intention to tender an area within an Aquaculture Management Area before the tender documents are issued. Tender documents will contain the block size and location within the Aquaculture Management Area, the term of the resource consent, the lump sum and/or annual payments, and the criteria for deciding upon the tender in addition to value, eg. efficiency of resource use, benefit to local community. Tenders relating to Aquaculture Management Areas subject to an “undue adverse effects” test (as defined in the Fisheries Act 1983) on commercial fisheries shall require that a voluntary agreement be obtained between the applicant and the commercial fishers.

The successful tenderer can lodge an application for resource consent. Any tender money will be returned to the applicant if its application for resource consent is not granted. If the application for resource consent is granted, ARC will retain 50% of the successful tender money (net of administrative costs of the

tender) derived from allocation of space within Aquaculture Management Areas to contribute to the management of the coastal marine area. The remaining 50% will go to the Crown.

Controlled Activities

22.5.2 The alteration of any existing lawful structure within an Aquaculture Management Area necessary for carrying out conventional long line or inter-tidal aquaculture activities for bivalve culture, subject to the following standards and terms:

a the aquaculture activity does not exceed the area for which it is authorised to occupy.

22.5.3 The ARC will have control over the following matters in Rule 22.5.2:

a the condition and maintenance of any structure;

b adverse effects arising from disturbance of the foreshore and seabed;

c adverse effects arising from deposition of material in the coastal marine area;

d methods required to remedy or mitigate adverse effects of the marine farm;

e any discharge of contaminants;

f whether approval has been given for necessary land-based activities;

g navigation and safety matters;

h the duration, monitoring and review of the consent; and

i environmental monitoring.

Applications for resource consent under this rule will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1)(b) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification or written approval.

Restricted Discretionary Activities

22.5.1 Conventional oyster or mussel farms holding a current lease or licence which seek a resource consent (rather than an extension of term to their lease or licence under the Marine Farming Act) subject to the following standards and terms:

- a the farm has a current lease or licence under the Marine Farming Act 1971; and
- b the farm is established in accordance with any lease or licence; and
- c the farm complies with all terms and conditions of any lease or licence under the Marine Farming Act at the time of making a resource consent application under the RMA.

22.5.1.1 The ARC will restrict the exercise of its discretion under Rule 22.5.1 to the following matters:

- a the condition and maintenance of any structures; and
- b the effects of sedimentation or accumulation of organic or inorganic matter associated with the farm; and
- c Policies 22.4.5, 22.4.9 and 22.4.10 of this chapter; and
- d navigation and safety matters; and
- e the duration of the consent; and
- f monitoring of the consent.

An application for a resource consent will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the RMA unless, in the opinion of the ARC, there are special circumstances justifying notification.

22.5.4 To reapply for an expired coastal permit or a deemed coastal permit, for the use of, and occupation of space by any structure necessary for carrying out aquaculture activities within an Aquaculture Management Area shown in Map Series 1 of the

Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area, subject to the following standards and terms:

- a the deemed coastal permit is being renewed for no more than fourteen years, subject to the total period, from the date it became a deemed coastal permit, not exceeding twenty years;
- b the structure complies with all the terms and conditions of the coastal permit or deemed coastal permit;
- c the structure is in the location approved in the coastal permit or deemed coastal permit and it has not been extended or relocated from this location.
- d the owner of the structure shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner.
- e any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate.

22.5.5 The erection, placement, use of, and occupation of space by any structure necessary for carrying out conventional long line aquaculture activities for bivalve culture within an Aquaculture Management Area shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area (excluding that covered by Rule 22.5.4), subject to the following standards and terms:

- a the applicant either:
 - i has an application on hold under section 150B of the Resource Management Act; or
 - ii has obtained the right to apply for a coastal permit to carry out aquaculture activities through the tendering process (as outlined in Introduction 22.5.1);

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- b development of the aquaculture activity has commenced within two years of the approval of the coastal permit, or such other time as stated on the coastal permit, failing either of these the coastal permit shall lapse;
- c the applicant shall include with the application a management plan that details the following:
- i the proposed marine farm site (including surveyed grid references);
 - ii marine farm layout (including number of buoys and lines);
 - iii species to be farmed;
 - iv type and placement of navigational markings and compliance with the Maritime Safety Authority’s Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001;
 - v anticipated development programme in accordance with Policy 22.4.9 regarding staged development);
 - vi methods to be used for the collection and disposal of non-biodegradable material;
 - vii method to be used for harvesting the crop and accessing the farm;
 - viii methods to be used for the disposal of non-saleable crop;
 - ix on-shore facility requirements;
 - x environmental monitoring programme to meet the requirements of staged development;
 - xi nature of operation and operating times;
 - xii additional mooring requirements;
- d the applicant shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner;
- e any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate;
- f any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring development of the aquaculture activities to be undertaken using a staged approach in accordance with Policy 22.4.9 of this chapter.
- 22.5.6** The erection, placement, use of, and occupation of space by any structure necessary for carrying out **conventional inter-tidal aquaculture activities for oysters within an Aquaculture Management Area shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area, (excluding that covered by Rule 22.5.4 and Rule 22.5.7)**, subject to the following standards and terms:
- a the applicant either:
- i has an application on hold under section 150B of the Resource Management Act; or
 - ii has obtained the right to apply for a coastal permit to carry out aquaculture activities through the tendering process (as outlined in Introduction 22.5.1);
- b development of the aquaculture activity has commenced within two years of the approval of the coastal permit, or such other time as stated on the coastal permit, failing either of these the coastal permit shall lapse;
- c the applicant shall include with the application a management plan that details the following:
- i the proposed marine farm site (including surveyed grid references);
 - ii marine farm layout (including number of buoys and lines);
 - iii type and placement of navigational markings and compliance with the Maritime Safety

Authority's Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001;

- iv anticipated development programme in accordance with Policy 22.4.9 regarding staged development);
 - v methods to be used for the collection and disposal of non-biodegradable material;
 - vi method to be used for harvesting the crop and accessing the farm;
 - vii methods to be used for the disposal of non-saleable crop;
 - viii on-shore facility requirements;
 - ix environmental monitoring programme to meet the requirements of staged development;
 - x nature of operation and operating times;
 - xi additional mooring requirements;
- d the applicant shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner;
- e any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate;
- f any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring development of aquaculture activities to be undertaken using a staged approach in accordance with Policy 22.4.9 of this chapter.

22.5.7 The erection, placement, use of, and occupation of space by any structure necessary for carrying out conventional inter-tidal aquaculture activities for oysters within an Aquaculture Management Area in:

- i Mahurangi Harbour 2A-J, or
- ii Waiheke Island 6B and C

as shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area, (excluding that covered by Rule 22.5.4), subject to the following standards and terms:

- a the development of new aquaculture activities within Aquaculture Management Areas 2A-E, 2G-J shall only occur with the closure of an existing marine farm of the same or larger size, scale and intensity, except for Aquaculture Management Area 2F which provides for the expansion of the existing marine farm;

Note: Standards and terms c and d of this Rule do not apply to the expansion of aquaculture activities at 2F;

- b the development of new aquaculture activities within the Aquaculture Management Area 6B shall only occur with the closure of Aquaculture Management Area 6C.
- c the area being applied for is of the same or smaller size, scale and intensity as the area being relinquished;
- d all structures associated with the area being relinquished shall be removed and appropriately disposed of and any consequential disturbance to the foreshore and seabed shall be remedied;
- e the applicant either:
 - i has an application on hold under section 150B of the Resource Management Act; or
 - ii has obtained the right to apply for a coastal permit to carry out aquaculture activities through the tendering process (as outlined in Introduction 22.5.1);

- f development of the aquaculture activity has commenced within two years of the approval of the coastal permit, or such other time as stated

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- on the coastal permit, failing either of these the coastal permit shall lapse;
- g the applicant shall include with the application a management plan that details the following:
- i the proposed marine farm site (including surveyed grid references);
 - ii marine farm layout (including number of buoys and lines);
 - iii type and placement of navigational markings and compliance with the Maritime Safety Authority's Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001;
 - iv anticipated development programme in accordance with Policy 22.4.9 regarding staged development);
 - v methods to be used for the collection and disposal of non-biodegradable material;
 - vi method to be used for harvesting the crop and accessing the farm;
 - vii methods to be used for the disposal of non-saleable crop;
 - viii on-shore facility requirements;
 - ix environmental monitoring programme to meet the requirements of staged development;
 - x nature of operation and operating times;
 - xi additional mooring requirements;
- h the applicant shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner;
- i any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate;
- j any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring development of aquaculture activities to be undertaken using a staged approach in accordance with Policy 22.4.9 of this chapter.
- 22.5.8 The ARC will restrict the exercise of its discretion under Rules 22.5.4 to 22.5.7 to the following matters:
- a navigation and safety, including lighting;
 - b ecological effects;
 - c extent and nature of disturbance to the foreshore and seabed;
 - d whether approval has been given for necessary land-based activities;
 - e monitoring;
 - f duration and review of consent;
 - g methods required to remedy or mitigate any adverse effects of the marine farm;
 - h cumulative effects;
 - i mooring requirements.
- NB: A note shall be added to the resource consent that registration with the Ministry of Fisheries' Register of Fish Farms is compulsory once consent to farm fish aquatic life or seaweed has been obtained.
- If taking and farming of spat requires structures and/or occupation then it will be treated as marine farming in this Variation. If it doesn't require structures and/or occupation then it will be authorised via a spat catching permit granted by Ministry of Fisheries under the Fisheries Act 1996.
- Applications for resource consent under Rules 22.5.4 to 22.5.7 will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the

RMA unless, in the opinion of the ARC, there are special circumstances

Discretionary Activities

22.5.9 The erection and placement of any structure and/or use of and occupation of space necessary for carrying out **aquaculture activities within an Aquaculture Management Area** shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area **that is not provided for in Rules 22.5.2 to 22.5.7, or Rules 22.5.10 – 22.5.14** of this chapter.

22.5.10 The erection and placement of any structure and/or use of and occupation of space necessary for carrying out **aquaculture activities within an Aquaculture Management Area** shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area **which does not meet the standards and terms of Rules 22.5.2 to 22.5.7** of this chapter.

22.5.2 Aquaculture which is not provided for as a Limited Discretionary Activity and which is not a prohibited activity.

Prohibited Activities

22.5.11 The erection and placement of any structure and/or use of and occupation of space necessary for carrying out **aquaculture activities outside an Aquaculture Management Area** shown in Map Series 1 of the Plan Maps.

22.5.12 The erection, placement, use of, and occupation of space by any structure necessary for carrying out **any activity other than aquaculture activities, excluding navigational aids, within an Aquaculture Management Area** shown in Map Series 1 of the Plan Maps.

22.5.13 The erection and placement of any structure and/or use of and occupation of space necessary for carrying out **aquaculture activities within any part of an Aquaculture Management Area** that has been relinquished by Rule 22.5.7 of this chapter.

22.5.3 Aquaculture in any Coastal Protection Area 1.

22.5.4 Aquaculture that would modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

22.6 OTHER METHODS

22.6.1 The ARC will liaise with the Ministry of Fisheries, DOC and the Maritime Safety Authority in respect of farms subject to leases and licences under the Marine Farming Act 1971, and in processing consents for aquaculture.

22.6.2 The ARC will liaise with appropriate representatives of **aquaculture shellfishing** and fishing industry organisations in respect of aquaculture issues.

22.6.3 The ARC will liaise with **Northland Regional Council, Environment Waikato** and territorial authorities to facilitate integrated management of aquaculture activities, particularly in terms of access, waste disposal and land-based facilities.

22.6.3 The ARC will submit on District Plan reviews and plan change applications to ensure the ability to carry out aquaculture activities is not compromised by any proposed subdivision, use and development.

22.6.4 The ARC will consult with the Hauraki Gulf Forum and Environment Waikato to develop a consistent and integrated approach to the management of aquaculture in the Hauraki Gulf Marine Park.

22.6.5 To enable Tangata Whenua to act as kaitiaki and take an active role in the management of

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aquaculture throughout the Auckland Region, the ARC will:

- a carry out a preliminary investigation of options for Tangata Whenua to have greater participation in aquaculture management, including the option of a transfer of specific powers to iwi authorities pursuant to section 33 of the RMA;
- b consult with relevant iwi regarding the location of new Aquaculture Management Areas.

22.6.6 The ARC will protect the interests of tangata whenua by promoting the utilisation of aquaculture to facilitate the social, economic and cultural wellbeing of current and future generations of iwi, hapu and whanau by:

- a recognising that Tangata Whenua can obtain positive, social, economic and cultural benefits from opportunities to develop aquaculture activities within Aquaculture Management Areas; and
- b having regard to the cultural association of iwi, hapu and whanau through the allocation of space within Aquaculture Management Areas.

22.6.4 The ARC will, as needed, conduct recreational boat surveys to establish the intensity and timing of recreational boat use in the Hauraki Gulf, and will monitor the effects of aquaculture on recreational use and navigation, particularly at Great Barrier Island where a number of new marine farms are being established. The ARC may, as necessary, undertake surveys in conjunction with DOC and territorial authorities.

22.6.57 The ARC will liaise with the Ministry of Fisheries, the Aquaculture Industry, research institutions, and other regional councils on studies being undertaken, and will undertake research on the effects of aquaculture on the coastal marine area.

22.6.8 The ARC will undertake research which can be used as the basis for appropriate provisions to be included in both regional and district plans to avoid, remedy, or mitigate the adverse effects of land use on water quality. This is particularly relevant in areas where aquaculture is an established activity, such as

in the Mahurangi Harbour. The ARC will liaise with territorial authorities on the outcomes of any research and the effects of land-based activities on water quality.

22.6.9 The ARC will liaise with the Ministry of Fisheries to assist with the establishment of a voluntary agreement between a prospective marine farmer and those entities that own or hold the long-term commercial harvesting rights in affected fisheries in the case where it has been proven that an Aquaculture Management Area will have an “undue adverse effect” (as defined in the Fisheries Act 1983) on commercial fishing.

22.6.7 The ARC will seek the opportunity to comment on applications to the Minister of Fisheries for extensions of term of existing leases and licences granted under the Marine Farming Act 1971. The ARC will generally oppose the extension of term of leases or licenses where:

- a the leased or licensed site has not been developed within 2 years of the lease or licence being granted; or
- b substantial progress has not been made on developing the farm; or
- c the farm has been poorly maintained or managed, and is having significant adverse effects on the environment.

22.6.87 Where an aquaculture proposal requires a resource consent for associated activities on land in the coastal environment and a hearing is required, a joint hearing with the appropriate territorial authority will be sought.

22.6.8 Where an aquaculture proposal requires a resource consent for associated activities on land in the coastal environment and a hearing is required, a joint hearing with the appropriate territorial authority will be sought.

22.6.10 The ARC will promote joint hearings for aquaculture proposals that require resource consents for activities on the land and in the coastal marine area.

22.6.911 The ARC will advise the National Topo/Hydro Authority at LINZ of all new aquaculture approved in the coastal marine area.

22.6.1012 The Maritime Safety Authority will be notified of all new aquaculture applications that are received by the ARC.

22.6.13 The ARC recognises that the demand for farming other aquatic species, eg. fish farming in the coastal marine area of the Auckland Region may increase in the future. The ARC will liaise with the Ministry of Fisheries, the aquaculture industry, research institutions, and other regional councils to keep up-to-date on progress made in other areas of aquaculture, including research into the effects of other aquatic species on the coastal environment, so that if necessary, other aquatic species can be provided for at an appropriate scale and in an appropriate location in the future.

22.7 PRINCIPAL REASONS FOR ADOPTING

22.7.1 Issue 22.2.1, Objectives 22.3.1, 22.3.2, 22.3.6, Policies 22.4.1 to 22.4.3, 22.4.6, 22.4.7, 22.4.11 to 22.4.15, Rules 22.5.2 to 22.5.13, Other Methods 22.6.1, 22.6.2, 22.6.7 to 22.6.13

Aquaculture can be a sustainable use of the coastal marine area if it is provided for at an appropriate scale and in an appropriate location. There are many competing uses and values in the coastal marine area that need to be considered when providing for aquaculture. It is necessary to manage the increasing pressures on the coastal resource from these competing interests, as coastal space is a finite resource.

Aquaculture can have social, economic, and cultural benefits but can also have adverse effects, including cumulative effects, on the coastal environment. These effects include degradation of natural character, amenity and landscape values, loss of public access, impacts on marine ecology and coastal processes, and impacts on cultural, recreational and aesthetic values. Aquaculture is being provided for in the Auckland Region within Aquaculture Management Areas which have been defined to avoid, remedy, or mitigate the adverse effects of aquaculture. Where

more information is available on aquatic species such as bivalve culture, more certainty is given in the provisions by assigning conventional methods for bivalve culture a limited discretionary status. Where there is a lack of information (a precautionary approach is explained further below) a more cautious approach has been taken by assigning these activities a discretionary status.

As aquaculture is provided for only within Aquaculture Management Areas it is necessary that these areas can function appropriately for aquaculture activities. Landward activities and use of the coastal marine area may adversely impact on aquaculture, particularly in terms of water quality. It is appropriate that the effects of subdivision, use and development on areas where aquaculture is established be assessed, particularly in terms of maintaining water quality. It is necessary that the ARC liaise with territorial authorities on this issue. For these reasons it is appropriate for the Plan to contain objectives, policies, rules and other methods that enable the effects of proposed aquaculture to be assessed.

22.7.2 Issue 22.2.3, Objective 22.3.3, Policy 22.4.4 and 22.4.5, Rules 22.5.5 to 22.5.10

Coastal tendering is used as a method to efficiently allocate the space within Aquaculture Management Areas that is not already the subject of existing consent applications placed on hold under section 150B of the Resource Management Act. Allowing existing applications that are located within Aquaculture Management Areas to proceed recognises the investment that has been made by existing applicants and provides certainty to these applicants. Tendering for new space provides an equitable platform for all applicants to begin on and will ensure the efficient use and development of coastal space within Aquaculture Management Areas. The tendering process is provided for in the proposed aquaculture amendment to the Resource Management Act.

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22.7.3 Issue 22.2.2, Objective 22.3.1, Policies 22.4.3, 22.4.13, Other Methods 22.6.1 to 22.6.4, 22.6.9 to 22.6.11

Management of the effects of the use of land within the areas notated on the Plan Maps above Mean High Water Springs is through the provisions of the relevant district plan, or other management plans where the land is designated. Ecological and natural components of the coastal marine area extend across Mean High Water Springs. The maintenance of their values and their ability to function is dependent on the consideration of the whole area and the maintenance of the link across Mean High Water Springs. This involves sharing information between different agencies such as territorial authorities, Department of Conservation, Ministry of Fisheries, iwi, Maritime Safety Authority, Ministry of Health, research institutions, and the aquaculture industry. Compatibility of various administrative documents held by these various agencies is important and recognising these links when assessing proposals for subdivision, use and development in the coastal marine area.

Aquaculture activities often require access from land to the coastal marine area, and often establish washing and processing facilities on the adjoining landward area. These activities may involve the use of public boat ramps or landing areas, require buildings and facilities adjoining the coastal marine area and discharges into the coastal marine area from processing activities. The effects of aquaculture activities can have strategic implications for territorial authorities. In order to achieve integrated management a consistent and cooperative approach to the development of aquaculture activities is important.

22.7.4 Issue 22.2.4, Objective 22.3.4, Policy 22.4.10, Other Methods 22.6.5 and 22.6.6

To address relevant coastal matters of resource management significance to tangata whenua, to give effect to the requirements of Part II of the RMA, and to ensure that this Plan is not inconsistent with the provisions of the New Zealand Coastal Policy Statement and the Auckland Regional Policy Statement.

To recognise iwi in Treaty and common law claims to ownership of the foreshore and seabed in the

Auckland Region, to provide for the participation of tangata whenua in decision making on matters that affect the relationship of iwi and hapu and their traditions with their ancestral lands, water, sites and other taonga, and to promote the positive social, economic and cultural benefits of aquaculture for local iwi and hapu.

22.7.5 Issue 22.2.5, Objective 22.3.5, Policies 22.4.8, 22.4.9, Rules 22.5.5 to 22.5.10, Other Methods 22.6.7, 22.6.8, 22.6.13

These provisions are consistent with Policy 10.4.11 of the Plan by adopting the precautionary approach.

There is a limited amount of information available on the adverse effects, including cumulative effects, of aquaculture on the coastal marine area. These provisions provide for a precautionary approach to be adopted for the development of aquaculture within Aquaculture Management Areas. Specifically, an adaptive management technique involving the staging of the development of aquaculture activities within Aquaculture Management Areas has been adopted to apply caution to the development of aquaculture. Further development of aquaculture activities is dependent on the results of environmental monitoring demonstrating that the aquaculture activities are not causing any actual or potential adverse cumulative effects on the coastal marine area from the first stage of development. If monitoring shows adverse effects are occurring, options to address that issue include: reviewing consent conditions, not allowing the next stage of development to occur, or reducing the area zoned for the activity through a plan change.

The introduction of a farmed species, particularly a species that is not naturally occurring, or has not been previously farmed in the Region, may adversely affect the ecology and natural values of the coastal marine area. New types of farming which have not previously been undertaken in the Region may also have different, and possibly adverse impacts.

To ensure that new species are recognised it is appropriate that the Plan contain provisions which require any actual or potential adverse effects of these activities to be assessed. A precautionary approach should again be taken where these effects are not

fully known or understood, and where there is a high potential risk of significant adverse effects.

Objective, Policies 22.4.1, 22.4.2, 22.4.4, 22.4.9, 22.4.10 and Rules 22.5.1 to 22.5.4 and Other Methods 22.6.2, 22.6.5, 22.6.6, 22.6.9 and 22.6.10.

The location of aquaculture and the associated activities can adversely impact on the coastal environment. Part III: Values of the Plan identifies the key values of the coastal marine area and the most vulnerable and important areas. It is appropriate that aquaculture be avoided where it will adversely impact on key areas, such as Coastal Protection Areas 1 and sites, buildings, places or areas identified in Cultural Heritage Schedule 1. The presence of structures can adversely impact on mooring and anchorage areas, navigation, recreation, natural character, landscape and amenity values. The ARC is required to notify the Maritime Safety Office of all new aquaculture applications and to advise the Hydrographic Office of all approved farms.

Landward activities and use of the coastal marine area may adversely impact on aquaculture, particularly in terms of water quality. It is appropriate that the effects of subdivision, use and development on areas where aquaculture is established be assessed, particularly in terms of maintaining water quality, and that the ARC liaise with territorial authorities on this issue. For these reasons it is appropriate for the Plan to contain objectives, policies and rules which enable the effects of proposed aquaculture to be assessed.

22.7.2 Objective, Policy 22.4.3, Rule 22.5.1 and Other Methods 22.6.1 and 22.6.7

Aquaculture is an established activity in the coastal marine area of the Auckland Region and it is appropriate that the Plan recognise this:

All but two of the conventional oyster and mussel farms in the Auckland Region have been established under a lease or licence under the Marine Farming Act 1971. While extensions of the term of existing leases and licences can be applied for under the Marine Farming Act, it is appropriate that recognition and specific provision be made for appropriately established and managed farms, in terms of the RMA.

It is also appropriate that the social and economic importance of established aquaculture be recognised.

Extensions to the term of a lease or licence for a marine farm established under the Marine Farming Act are required to meet certain conditions. These include ensuring that the area has in fact been developed and is being managed in accordance with the conditions of the lease or licence. This requirement is considered to be in the interest of other potential users of an area and the sustainable management of the coastal marine area.

22.7.3 Objective, Policy 22.4.5 and Other Methods 22.6.3, 22.6.4 and 22.6.8

Aquaculture activities require access from land to the coastal marine area, and often establish washing and processing facilities on the adjoining landward area. These activities may involve the use of public boat ramps or landing areas, require buildings and facilities adjoining the coastal marine area and discharges into the coastal marine area from processing activities.

It is therefore appropriate for an integrated approach to be taken with the adjoining territorial authority and for all the impacts to be assessed in a comprehensive manner.

22.7.4 Policies 22.4.6 and 22.4.7, Rules 22.5.2 to 22.5.4 and Other Method 22.6.6

Pacific Oysters are having an adverse effect on the natural and amenity values of the Manukau Harbour and other parts of the coastal marine area of the Auckland Region, particularly through its uncontrolled spread and shell build up. For this reason it is appropriate to address the issue of the likely consequential effects of its uncontrolled spread on surrounding natural areas. This is particularly important if this spread could occur into parts of the Region where this species is not already established and in areas that have been identified in the Plan as having high natural values.

The introduction of a farmed species, particularly a species which is not naturally occurring, or has not been previously farmed in the Region, may adversely effect the ecology and natural values of the coastal

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marine area. New types of farming which have not previously been undertaken in the Region may also have different, and possibly adverse impacts.

To ensure that the above matters are addressed it is appropriate that the Plan contain an objective and policies which require any actual or potential adverse effects of these activities to be assessed. A precautionary approach should be taken where these effects are not fully known or understood, and where there is a high potential risk of significant adverse effects.

22.7.5 Policies 22.4.11 to 13, Rule 22.5.2 and Other Methods 22.6.3, 22.6.5 and 22.6.7

The concentration of aquaculture in parts of the coastal marine area may result in lesser impacts on the values of other parts. However at the same time the cumulative effects of aquaculture can have adverse effects. It is appropriate that the Plan contain a policy which enables any positive or adverse effects of aquaculture to be assessed.

The Mahurangi Harbour has a large area covered by aquaculture, established under the Marine Farming Act 1971. It is generally recognised that the Harbour is “fully developed” in terms of the Gazette Notice provision that applies to the Harbour, and in terms of the level of aquaculture that it can sustainably manage. In addition the Mahurangi Harbour has a range of values which are recognised by its Coastal Protection Area 2 status. It is also significantly used as a recreational area. At the same time it is recognised that existing farms may seek minor changes or extensions to their farmed areas, and this may be appropriate.

For the reasons discussed it is appropriate that the Plan indicate that new farms, or the significant expansion of existing farms in the Mahurangi Harbour is generally considered to be inappropriate.

22.8 ANTICIPATED ENVIRONMENTAL RESULTS

22.8.1 The development of appropriate aquaculture activities to provide sustainable social, cultural and economic benefits to the Auckland Region.

22.8.2 The continuation of appropriate conventional oyster and mussel farming in the Auckland Region within Aquaculture Management Areas.

22.8.3 The establishment of aquaculture activities in locations, and with methods that do not adversely affect impact on the natural and physical resources of the coastal marine area.

22.8.4 The establishment of aquaculture activities in locations, and with methods, that ensures the preservation of the natural character, and the maintenance of the landscape, navigation, recreation and amenity values of the coastal environment.



Marinas – 23

This chapter contains objectives, policies and rules relating to the development of marinas. Rules in this chapter apply to marina structures and activities in terms of Sections 12(1)(b) and 12(3) of the RMA.

Rule 11.5.1 also provides an additional permitted activity rule which applies to all parts of the coastal marine area. Any structures or activities not provided for within this chapter as permitted, restricted discretionary, discretionary or prohibited activities, or by Rule 11.5.1, will first be considered under the rules of other relevant chapters, and if not provided for Rule 23.5.9 shall apply.

In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

23.1 INTRODUCTION

Marinas are usually complex developments having significant landward and water components. Accordingly a comprehensive land and water assessment is necessary when considering marina proposals, requiring co-ordination between all agencies with responsibility for environmental management and navigation and safety. The term “marina” is defined in the definitions section of this Plan. When this chapter refers to “marinas”, it refers to the marina in its entirety and should be taken to encompass those activities which may require a coastal permit. In addition Section 89 of the RMA provides that if a marina reclamation is proposed, the relevant territorial authority has the responsibility of managing its use and development.

There are currently nine major marinas established in the Auckland Region, providing berthage for approximately 4,200 boats:

- Gulf Harbour
- Milford
- Westpark
- Westhaven
- Whakatakataka Bay
- Half Moon Bay
- Buckland's Beach Yacht Club
- Pine Harbour
- Bayswater

These existing marinas are included within Marina Management Areas.

Marinas generally enhance amenity for boat users through the provision of a wide range of facilities and services, while providing economic opportunities and social facilities for parts of the community. Marinas also concentrate vessels and their associated effects into defined areas and provide for a more efficient use of harbour space, than other methods of securing vessels.

The potential adverse effects of marinas can be significant. Marina construction usually involves reclamation, dredging, and erection of fixed and floating structures. They can affect natural character, landscape, and amenity values by imposing a ‘built’ form into the coastal environment which was previously undeveloped or less developed. Marinas take up space and may restrict public access to, along, and within the coastal marine area. This may be remedied or mitigated however, by enhancement of access in previously inaccessible areas. Furthermore appropriately designed and located, they may in fact minimise adverse effects by concentration of activities within carefully controlled areas.

Adverse effects on water and sediment quality, and ecology, may also arise from discharges associated with marina operations. These may include fuel spillage, the effects of anti fouling paints, and discharges from land-based marina facilities. These effects may be exacerbated where natural flushing of the water in the marina enclosure is impaired. Appropriate controls are desirable to ensure that the adverse effects of marina development and operation are reduced or mitigated.

Marina-type piers and pontoons may be utilised in Port Management Areas to facilitate the berthing of boats. This may be because smaller vessels cannot easily be accessed when moored alongside wharves or seawalls, or in order to increase the efficiency of port berthage. Chapter 23 would not normally apply to any piers or pontoons located in any of the Port Management Areas, unless they fit within the definition of a marina. The separate provisions for Port Management Areas shall apply instead.

23.2 ISSUES

23.2.1 There is likely to be an increase in demand for marina berths over the life of this Plan. Accordingly, the issue of appropriately providing for and managing the environmental effects of marinas needs to be addressed in this Plan.

23.2.2 Marinas usually result in a significant modification of the coastal environment. This modification may affect the natural character and visual amenity of an area, and public access to and along the coastal marine area. Marinas can, however, concentrate the effects of vessel berthage, maintenance, and other associated marine activities into a defined area. This may have the effect of preventing a proliferation of these activities in and along the coastal marine area. Marinas may also be of social and economic benefit to the community, providing in some instances a safe area for recreational boating and employment opportunities.

23.2.3 Marinas are usually complex developments in that they have a significant water and landward component. Accordingly the impacts and assessment of any proposals for a marina will need to be carried out jointly by a number of statutory organisations.

23.2.4 The development and operational needs and effects of marinas are significantly different from many other activities in the coastal marine area. Moreover the continued safe and efficient operation of marinas requires that appropriate provision be made for their ongoing use, development, repair and maintenance, refurbishment, reconstruction and intensification. Accordingly they have been included within defined Marina Management Areas and are subject to specific controls.

23.3 OBJECTIVES

23.3.1 To concentrate marina activities in Marina Management Areas where practicable, and to provide for the ongoing use, development, maintenance, refurbishment, reconstruction and intensification of existing marina facilities, while ensuring that adverse effects are avoided, remedied, or mitigated.

23.3.2 To provide for the development of appropriate new marinas, or where appropriate extensions beyond the boundaries of Marina Management Areas, while ensuring that adverse effects are avoided, remedied or mitigated.

23.3.3 To ensure that efficient use is made of the coastal marine area.

23.3.4 To ensure the integrated management and assessment of marina developments across Mean High Water Springs.

23.4 POLICIES

23.4.1 Adequate provision should be made for the use, development, repair, maintenance, refurbishment, reconstruction and intensification of existing marinas in a manner which avoids, remedies or mitigates adverse effects.

23.4.2 It is generally considered more appropriate to intensify within, or expand immediately adjacent to Marina Management Areas where this is practicable and will avoid, remedy or mitigate adverse effects on the environment.

23.4.3 Marinas shall be avoided where they will modify, damage, or destroy:

- a any Coastal Protection Area 1;
- b any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

23.4.4 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to establish a marina in the coastal marine area.

23.4.5 Appropriate provision shall be made in marinas for adequate and convenient facilities, for the containment, collection and appropriate disposal of:

- a rubbish from vessels; and
- b sewage from vessels; and
- c recyclable material including waste oils; and
- d residues from vessel construction and maintenance; and
- e spills from refuelling operations and refuelling equipment; and
- f the discharge of stormwater generated from the marina complex (including the area above Mean High Water Springs).

23.4.6 Where it has been established that reclamation is an appropriate method for creating sufficient space for necessary marina facilities, the size of the reclamation shall be minimised as far as practicable.

23.4.7 Any breakwater associated with a marina development shall be the minimum size necessary to fulfil the function of a breakwater.

23.4.8 Any marina development shall avoid, as far as practicable, remedy or mitigate adverse effects on areas of the coastal marine area that are available for free public use and enjoyment.

23.4.9 Where public access to, along, or within the coastal marine area will be restricted or lost by a marina proposal, that restriction or loss shall be mitigated, either on site or by the use of alternatives, so that public access is no less than that which existed prior to the establishment of the marina.

23.4.10 Any marina development shall be of a scale and design (including building materials), and be so located, as to avoid, as far as practicable, remedy, or mitigate adverse effects on the coastal environment, particularly on the following:

- a natural character; and
- b significant landscape elements and features; and
- c the visual and aesthetic quality and continuity of the surrounding environment; and
- d areas and features of cultural and heritage value; and
- e amenity values, including those of the surrounding environment; and
- f areas of value to Tangata Whenua, and in particular tauranga ika, tauranga waka, taonga raranga, mahinga mataitai, wahi tapu, and areas of the coastal marine area immediately adjacent to marae and papakainga housing; and
- g natural coastal processes, and in particular any increase in natural erosion or deposition; and
- h the values and functioning of natural habitats and ecosystems; and
- i navigation and safety.

23.4.11 Provision shall be made for adequate and convenient facilities ancillary to, or associated with marina development where this is practicable, and will enhance the efficiency of the marina and public enjoyment while avoiding, remedying or mitigating adverse effects on the environment.

23.4.12 Notwithstanding Rule 35.5.1, noise associated with the berthing or storage of vessels within Marina Management areas should, as far as practicable, be avoided or minimised. This includes noise from halyard slap and general maintenance and operational activities.

23.5 RULES

The rules in this chapter shall not apply to marina structures in any Port Management Area. For rules applying to such structures in Port Management Areas

refer to Chapter 25: Ports Overview and General Provisions.

Permitted Activities in Marina Management Areas

23.5.1 Vessel berthing, storage, fuelling, maintenance and repair, and the loading and unloading of people and supplies.

23.5.2 The maintenance, repair, reconstruction, removal or demolition of all marina structures.

23.5.3 The construction or relocation of marina berths.

23.5.4 Structures and activities ancillary to other permitted or authorised activities, including fuelling facilities, landings and dinghy racks, pipelines, cables, and transmission lines attached to any authorised marina structure.

23.5.5 The activities in Rules 23.5.1 to 23.5.4 are subject to the following conditions:

- a any structure to be removed, demolished or replaced is not scheduled as a building, place or area for preservation or protection in Cultural Heritage Schedule 1 or 2 of this Plan: and
- b the maximum height of any structure, except where provided for in Rule 23.5.4 shall be no greater than 4 metres above deck level; and
- c compliance with the provisions of Chapters 13 (Reclamation), 15 (Dredging), 20 (Discharges of Contaminants), 34 (Signs) and 35 (Noise).

Restricted Discretionary Activities

23.5.6 The intensification of any established marina within a Marina Management Area which does not meet conditions (a) and (b) of a permitted activity in Rule 23.5.5.

23.5.6.1 The ARC will restrict the exercise of its discretion under Rule 23.5.6 to the following matters:

- a any adverse effect arising from the height of any building or structure; and
- b any adverse effects on items listed in Cultural Heritage Schedules 1 or 2; and
- c the duration of the consent; and
- d monitoring of the resource consent.

23.5.7 The occupation within Marina Management Areas by activities provided for in Rules 23.5.2 – 23.5.4 and 23.5.6.

23.5.7.1 The ARC will restrict the exercise of its discretion under Rule 23.5.7 to the following matters:

- a the spatial and temporal extent of the physical occupation; and
- b the extent to which persons will be excluded from using the structure, or by the activity or from the coastal marine area; and
- c the availability of similar structures or activities nearby which could be utilised for the same or similar purpose or the ability to locate the structure or activity on land outside of the coastal marine area; and
- d the effect the proposal may have on existing resource consent holders of occupation or those able to occupy as of right, within the same locality or vicinity; and
- e navigation and safety; and
- f the cumulative effects of the occupation; and
- g the duration of the occupation consent; and
- h monitoring the effects of the occupation.

Applications for restricted discretionary activities will be considered without notification, or the need to obtain the written approval of affected persons, in accordance with section 94(1)(b) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

23.5.8 Any marina proposal outside of any Marina Management Area except in Coastal Protection Areas 1 or 2.

23.5.9 The expansion of any marina beyond the boundaries of its respective Marina Management Area identified on the Plan Maps.

NB: Notwithstanding any other provision of this Plan, any marina proposal under Rules 23.5.8 or 23.5.9 shall be assessed entirely as a discretionary activity, except those separate parts of the proposal which are a prohibited activity by this Plan.

In assessing these activities Chapter 12: Structures applies to that part of the proposal outside a Marina Management Area.

Non-Complying Activities

23.5.10 Any marina proposal not provided for as a restricted discretionary, discretionary or prohibited activity in any other rule in this chapter.

Prohibited Activities

23.5.11 Any marina proposal in, or the expansion of any marina into, any Coastal Protection Area 1.

23.5.12 Any marina that would modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy a site, building, place or area scheduled for preservation in the Cultural Heritage Schedule 1.

23.6 OTHER METHODS

23.6.1 The ARC will ensure that applications for marinas will be assessed and determined on an integrated basis between itself and the relevant territorial authority. This is in recognition that marinas usually have a significant land and water component.

23.6.2 In providing for or assessing an application for land based marina facilities, territorial authorities should require the provision of those facilities set out in Policy 23.4.5.

23.6.3 The ARC will encourage the establishment of facilities as set out in Policy 23.4.5 within existing marinas.

23.7 PRINCIPAL REASONS FOR ADOPTING

23.7.1 Objectives 23.3.1 and 23.3.2, Policies 23.4.1 and 23.4.2 and the Rules.

New marina development may result in significant modification to the coastal environment. However while modifying the environment it can concentrate the effects of vessel storage (and associated activities) into a defined area, rather than proliferate vessel storage throughout the coastal marine area. This can have the overall effect of reducing the adverse effects on the coastal environment and improving safety by providing sheltered and convenient access to and from vessels.

Vessel storage is a significant issue in the Auckland Region given the number of vessels and the popularity of boating as a recreational pursuit. There is likely to be demand for additional vessel storage (and marinas) during the life of this Plan. In response to this, the Plan includes all existing marinas in Marina Management Areas and provides for their ongoing use maintenance or repair as well as their intensification and expansion within and adjacent to their areas.

Any other new marinas in the coastal marine area are generally treated as discretionary activities, except in Coastal Protection Areas, and will need to demonstrate that they are appropriate in terms of the RMA, and the provisions of this Plan.

23.7.2 All Objectives, Policies and Rules

In assessing any marina proposal, the RMA and this Plan seek to ensure that adverse effects are avoided, remedied, or mitigated. The extent to which this can be achieved will depend on a number of factors. These include the location, scale, design, method of construction, and the range of other facilities that will be available. Each marina proposal will need to be assessed on a case by case basis against appropriate provisions expressed in the Plan. The reasons set out in 23.7.1 are also relevant to 23.7.2.

Furthermore, by virtue of section 12 of the RMA no person may, in the coastal marine area, establish a marina unless expressly allowed by a rule in a regional coastal plan or a resource consent. This is why rules are the principal method for managing marinas.

23.7.3 Other Methods

Marinas usually have a significant land and water component. The process of assessing any proposal therefore falls within the jurisdiction of the ARC and the adjoining territorial authorities. Proposals need to be assessed and determined on an integrated basis. The landward component of marinas may affect the coastal marine area. Accordingly facilities specified in Policy 23.4.5 should be required on land, where appropriate.

23.8 ANTICIPATED ENVIRONMENTAL RESULTS

23.8.1 The concentration of marina developments within areas already highly modified by development.

23.8.2 No marina developments in less modified areas, particularly those characterised by outstanding natural character, unless it can be demonstrated that adverse effects can be avoided, remedied, or mitigated.

23.8.3 That any adverse effects of marina developments are avoided, remedied, or mitigated.

Moorings – 24

This chapter contains objectives, policies and rules relating to moorings in the coastal marine area. All provisions relating to moorings within Mooring Management Areas are contained in this chapter. If however a mooring is proposed outside of a Mooring Management Area, reference will need to be made to Chapter 11: Activities.

Any application for a mooring outside of a Mooring Management Area also needs to consider the matters contained in Part III: Values in the assessment of effects on the environment.

24.1 INTRODUCTION

Section 12(1)(b) of the RMA states that no person may, in the coastal marine area, erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, unless expressly allowed by a rule in a regional coastal plan or a resource consent. The RMA also states that no person may occupy land of the coastal marine area unless allowed by a rule in a regional coastal plan or a resource consent.

The issue of boat storage is a significant one for the Auckland Region. The estimated capacity of existing swing and pile moorings in the Region is approximately 7500, with about 6000 being presently occupied. In a number of locations, particularly around the Hauraki Gulf islands, the use of moorings is seasonal, with holiday makers utilising a mooring for the summer months. Some areas also accommodate foreshore moorings, where vessels rest on the foreshore for part of the tide. In some instances these foreshore moorings are permanently occupied.

Mooring areas and individual moorings can impact on the natural character of an area, imposing a human element on the environment. However for some people views of boats moored with land and sea backdrops can enhance amenity values. Moorings can also contribute to the social wellbeing of the community, and enhance amenity value by providing convenient and readily available boat storage. Compared to some other forms of vessel storage, swing moorings are considered to be a relatively

inefficient use of the coastal marine area. However, due to the character of some areas, they can also be the most appropriate method.

Moorings use space within the coastal marine area, which may prevent other activities occurring. However concentrating moorings in a particular area may reduce the level of conflict with other activities. Moorings themselves are unlikely to significantly affect water quality or marine ecology. There are often land-based requirements for the use of moorings, particularly dinghy racks and car parking. Consideration of this is necessary when providing for moorings, and will require liaison with the relevant territorial authority.

This Plan has established Mooring Management Areas where the mooring of vessels is encouraged. This plan also provides for lawfully established swing and pile moorings, as a permitted activity other than those within Special Activity Areas, and any Coastal Protection Area 1. Where any vegetation clearance or dredging is required to maintain them for operational purposes, a more restricted level of control applies. The day to day management of moorings will be controlled by bylaws.

24.2 ISSUE

24.2.1 There are a large number of both recreational and commercial vessels within the Auckland Region. Many of these are permanently stored in the coastal marine area either on moorings, or in marinas. Individual and groups of moored vessels

can have an effect on the environment, particularly with respect to: natural character, landscape, visual and amenity values, other users of the coastal marine area, and navigation and safety. These effects may be both adverse and positive for the environment. Accordingly, this Plan attempts to concentrate the effect of moorings into defined locations and to prevent a proliferation of moorings throughout the coastal marine area.

24.3 OBJECTIVES

24.3.1 To concentrate moorings into defined locations while avoiding as far as practicable, remedying or mitigating adverse effects on the environment.

24.3.2 To avoid, as far as practicable, conflicts between moorings and other activities in the coastal marine area.

24.3.3 To ensure that efficient use is made of the coastal marine area.

24.4 POLICIES

24.4.1 The mooring of vessels within Mooring Management Areas as defined on the Plan Maps shall be encouraged by:

- a providing for as permitted activities swing moorings and existing pile moorings within these areas; and
- b the ARC limiting its discretion when assessing any application for a new pile mooring within the Mooring Management Areas; and
- c requiring a discretionary resource consent for all new moorings outside the Mooring Management Areas.

24.4.2 Moorings shall be avoided where they will:

- a result in more than minor modification of, or damage to, or the destruction of the values of

any Coastal Protection Area 1 or Tangata Whenua Management Area; or

- b modify, damage or destroy a site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

24.4.3 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to establish moorings in the coastal marine area.

24.4.4 New moorings outside the Mooring Management Areas shall be generally considered inappropriate unless:

- a there is no Mooring Management Area in close proximity to the proposed mooring site that has available space; and
- b there are compelling reasons why a mooring outside a Mooring Management Area is necessary; and
- c it can be demonstrated that short term anchorage as opposed to a permanent mooring is not a practicable option; and
- d the mooring and any moored vessel will not adversely affect the navigation and safety of other vessels; and
- e the mooring and any moored vessel will not adversely affect other recreational use of the coastal marine area, including the short term anchorage of other recreational vessels; and
- f the mooring and any moored vessel will not adversely affect the operation of any existing activity or any activity that has been granted resource consent; and
- g there are no practicable land-based storage options; and
- h the mooring and any moored vessel will not restrict public access to and along the coastal marine area.

24.4.5 In addition to Policies 24.4.3 and 24.4.4, any proposal for a mooring shall demonstrate how visual and amenity values of the area have been maintained or enhanced to the greatest extent practicable.

24.4.6 Moorings within Special Activity Areas shall be avoided.

24.4.7 A mooring or a mooring area should be established only where it can be demonstrated that the site is suitable in terms of wave, tide, and wind conditions, particularly during storm events.

24.4.8 Sufficient provisions should be made for land-based facilities associated with new Mooring Management Areas, or extensions to Mooring Management Areas.

24.4.9 In assessing any proposals for moorings consideration shall be given to boat storage systems which avoid using space in the coastal marine area.

24.4.10 Mooring areas which are adjacent to land of high amenity and recreational value should be managed so as to maintain easy access to that land.

24.4.11 Notwithstanding Rule 35.5.1, noise associated with the mooring of vessels in the coastal marine area should as far as practicable be avoided or minimised. This includes noise from halyard slap and general maintenance and operational activities.

24.5 RULES

NB: Nothing in this chapter prevents other use and development from being undertaken within the Mooring Management Areas provided that it complies with any relevant provisions of this Plan.

The maximum number of moorings specified for each Mooring Management Area is contained in Schedule 5.

The standards applying to moorings within and outside of the Mooring Management Areas are controlled by bylaws and need to be complied with before any mooring is established.

Permitted Activities

24.5.1 Existing and new swing moorings and their maintenance, repair and occupation within the Mooring Management Areas, provided that the number of moorings, including proposed moorings, does not exceed the maximum number of moorings for the Mooring Management Area set out in Schedule 5 to this Plan.

24.5.2 Existing pile moorings and their maintenance, repair and occupation within the Mooring Management Areas as at 25 February 1995.

24.5.3 Existing lawful swing and pile moorings outside of Mooring Management Areas and their maintenance, repair and occupation as at 25 February 1995, other than:

- a those within Special Activity Areas; and
- b those within any Coastal Protection Area 1 that require any vegetation clearance or dredging to be maintained for operational purposes.

Restricted Discretionary Activities

24.5.4 New pile moorings and their occupation within the Mooring Management Areas.

24.5.4.1 The ARC will restrict the exercise of its discretion under Rule 24.5.4 to the following matters:

- a the visual impacts that the mooring has on the surrounding environment; and
- b navigation and safety; and
- c public access through the Mooring Management Areas; and
- d duration of consent; and
- e monitoring of the consent.

Applications will be considered without notification or the need to obtain the written approval of affected

persons, in accordance with section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

24.5.5 Moorings including the vessel proposed to be moored and their occupation, outside the Mooring Management Areas, but not within any Coastal Protection Area 1 or Special Activity Area.

Non-Complying Activities

24.5.6 Any mooring and its occupation which is not provided for as a permitted, restricted discretionary, or discretionary activity, and which is not a prohibited activity in any other rule contained in this chapter.

Prohibited Activities

24.5.7 Any mooring and its occupation which would modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy any site, building, place or area scheduled for preservation in the Cultural Heritage Schedule 1.

24.5.8 Moorings within any Special Activity Area.

24.6 OTHER METHODS

24.6.1 Bylaws established under the Local Government Act 1974 shall be used to manage the placement, standards, and navigational and safety requirements of moorings within the Mooring Management Areas. In addition the bylaws shall, as far as practicable, ensure the placement of moorings and vessels allows:

- a public access of other vessels through the Mooring Management Areas; and

- b the maintenance of views through the Mooring Management Areas; and
- c the reduction to the greatest extent practicable, of the visual impacts of the Mooring Management Areas; and
- d the short term anchorage of other vessels, especially during storm events.

24.6.2 The ARC will facilitate the relocation of existing lawful moorings from Special Activity Areas to other appropriate locations.

24.7 PRINCIPAL REASONS FOR ADOPTING

24.7.1 Objectives, Policy 24.4.1, and Rules 24.5.1, 24.5.2 and 24.5.4.

There are a large number of moored vessels throughout the Auckland coastal marine area. While moorings need to be provided for, the effects of this activity, including the efficient use of space, need to be appropriately managed. This Plan achieves this by defining Mooring Management Areas and encouraging the concentration of moorings within these areas, rather than a proliferation of individual moorings. This approach will also result in fewer conflicts with other activities, and more efficient use of space.

24.7.2 Objectives, Policies, and Rules 24.5.3, 24.5.5 and 24.5.7.

Provision has been made for moorings outside the Mooring Management Areas, recognising that it will not be possible for all moorings to occur within these areas. Moorings individually and cumulatively, can adversely affect the environment, and navigation and safety. The Objectives, Policies, and Rules seek to ensure that any adverse effects on the environment are minor.

24.7.3 Policy 24.4.6 Rule 24.5.8, and Other Method 24.6.2.

Special Activity Areas have been set aside for special events and need to be clear of all inappropriate structures. Accordingly, moorings are considered inappropriate within these areas.

24.7.4 The Rules

By virtue of section 12 of the RMA, no person may, in the coastal marine area establish a mooring or occupy the coastal marine area unless expressly allowed by a rule in a regional coastal plan or a resource consent. This is why rules are one of the principal methods for managing moorings.

24.7.5 Other Method 24.6.1

To more effectively manage the day-to-day operation of the moorings within the Mooring Management Areas, bylaws rather than regional rules are utilised.

24.8 ANTICIPATED ENVIRONMENTAL RESULTS

24.8.1 The concentration of moorings within the Mooring Management Areas so as to:

- a efficiently use space within the coastal marine area; and
- b avoid impacts on natural character and visual quality in other parts of the coastal marine area.

24.8.2 Outside the Mooring Management Areas the results anticipated are:

- a to avoid, remedy, or mitigate the adverse effects of moorings on natural character and landscape quality; and
- b to avoid, as far as practicable, conflicts between recreational and other users of the coastal marine area.



Ports: Overview and General Provisions – 25

This chapter contains objectives, policies and rules relating to Port Management Areas. Rules in this chapter apply to structures and activities in terms of Sections 12(1)(b) and 12(3) of the RMA.

Rule 11.5.1 provides an additional permitted activity rule which applies to all parts of the coastal marine area. Any structures or activities not provided for within this chapter as permitted, controlled, restricted discretionary or discretionary activities, or by Rule 11.5.1, will first be considered under the rules of other relevant chapters, and if not provided for, then Rule 25.5.55 shall apply.

In any case the objectives and policies of Part III: Values need to be considered in the assessment of effects on the environment.

25.1 INTRODUCTION

This chapter contains issues, objectives, policies and rules that apply to Port Management Areas 1A, 1B, 1C, 2A, 2B, 4A, 4B and 4C. Chapters 25A to 31 detail specific issues, objectives, policies and methods that apply to particular Port Management Areas. In determining the controls on subdivision, use and development in any of the Port Management Areas, reference must be made to the provisions both of this chapter and of the chapter relating to the relevant Port Management Area.

Specific provisions relating to Port Management Areas 3 and 5 are contained in Chapters 29 and 31. The provisions of this chapter (25) do not apply to those areas.

25.1.1 The Port Management Areas

The Port Management Areas, as shown on Plan Map Series 2, are:

		Chapter
1A	Bledisloe Terminal to Fergusson Container Terminal	26
1B	Onehunga Wharf	26
1C	Marsden, Captain Cook Wharves and Queens Wharf (excluding south-western edge)	27

		Chapter
2A	South-western edge of Queens Wharf Hobson Wharf to a boundary east of Wynyard Wharf The Viaduct Harbour to North Wharf	28
2B	Marine industry area on the western edge of Wynyard Quarter (Wynyard Point and the Western Reclamation) south of and including the slipways on Hamer Street	28
3	Princes Wharf	29
4A	Remaining edge of Wynyard Point including Wynyard Wharf	30
4B	Gabador Place – Tamaki River	30
4C	LPG Terminal – Papakura Channel	30
5	Devonport Wharf	31

These Port Management Areas contain Auckland's major commercial ports and wharves and are located in either the Waitemata or Manukau Harbours. They are key facilities in the Auckland Region, providing transport links and supporting industrial and commercial activities. They play an important role in the regional and national economy, generating employment and income.

Port activities within these areas include the movement and berthing of container ships, bulk cargo and cruise ships and other vessels, the loading and unloading of cargo and passengers, and the handling, storage, and dispatch of cargo. Other ancillary and supporting activities regularly occur within these areas. These are essential to provide for the continued safe operation and development of the ports.

There has been progressive change in the nature of some port management areas in the Waitemata Harbour. Port Management Areas to the east of Princes Wharf continue to be used for commercial port activities and maritime transport, while areas to the west are progressively changing towards a mix of commercial, public space, recreation and marine events, as well as port activities. There is a need to ensure the ongoing viability and efficiency of port activities such as ferry services, fishing and marine industry operations and bulk liquid operations (while they remain) in these areas, while also providing for new activities.

The continuing redevelopment of this area will build on its history of marine activities and will retain a “working waterfront”. It will also become a destination that supports commercially successful and innovative businesses and be a place for all people, an area rich in character and activities that link people to the city and sea. To ensure a “world class” development that reflects its location and contributes to the well being of the region, management of this area needs to include comprehensive design controls and strong integration with development of the adjacent land.

It is recognised that the environment within the Port Management Areas has been altered by their historic use and development for port activities. In order to minimise adverse effects on other parts of the coastal environment, it is considered appropriate to allow for a higher level of subdivision, use and development within the Port Management Areas. However, there may be adverse environmental effects from this subdivision, use and development, and these need to be addressed. It is in the interests of the economy and the environment to ensure that the port facilities are appropriately developed and efficiently used.

25.1.2 Other Port Facilities

There is a number of wharves in the region outside the Port Management Areas which are important for cargo and transport functions, but have lower levels of use and development than those in the Port Management Areas. Wharves such as those at Matiatia and Port Fitzroy provide important transport links and facilities for some of the Hauraki Gulf Islands. On the mainland, key wharves or landing facilities include those servicing population centres such as Devonport, Birkenhead, Northcote, and Half Moon Bay, or supporting industry such as at Leigh and the Chelsea Wharf.

Specific provision is made in Chapter 25A of this Plan for Birkenhead, Northcote, Victoria and Orakei Wharves and the Half Moon Bay Vehicular Landing. Other than in those areas provided for in Chapter 25A, specific provision is not made in this Plan for other existing wharves. However, port activities, or any structures or other subdivision, use and development of or on such wharves, and the opportunity for new wharves are provided for in Chapters 10: General, 11: Activities, and 12: Structures. Under these chapters, any proposal to develop new wharves or significantly alter the use of any of these existing wharves is likely to require a resource consent.

25.1.3 Ports of Auckland Occupation Consent

Occupation of part of the coastal marine area in terms of Section 12(2) of the RMA generally requires a resource consent application. However, a different regime applies in parts of the coastal marine area around working port areas. Under Section 384A of the RMA, Ports of Auckland Ltd has been granted occupation rights until 30 September 2026 to those parts of the coastal marine area shown on Plan Map Series 2. This is for the purpose of operating port related commercial undertakings that it acquired under the Port Companies Act 1988. Where an activity is to be undertaken in that area of the coastal marine area where Ports of Auckland Limited has been granted an occupation consent, the activity will be subject to Rule 10.5 and a resource consent will be required for occupation unless the activity is to be undertaken with the approval of Ports of Auckland Ltd or of any party to whom POAL has transferred the water space management under the section 384A permit. In areas

where Ports of Auckland Limited has not been granted an occupation consent, activities are also subject to the rules in Chapter 10.

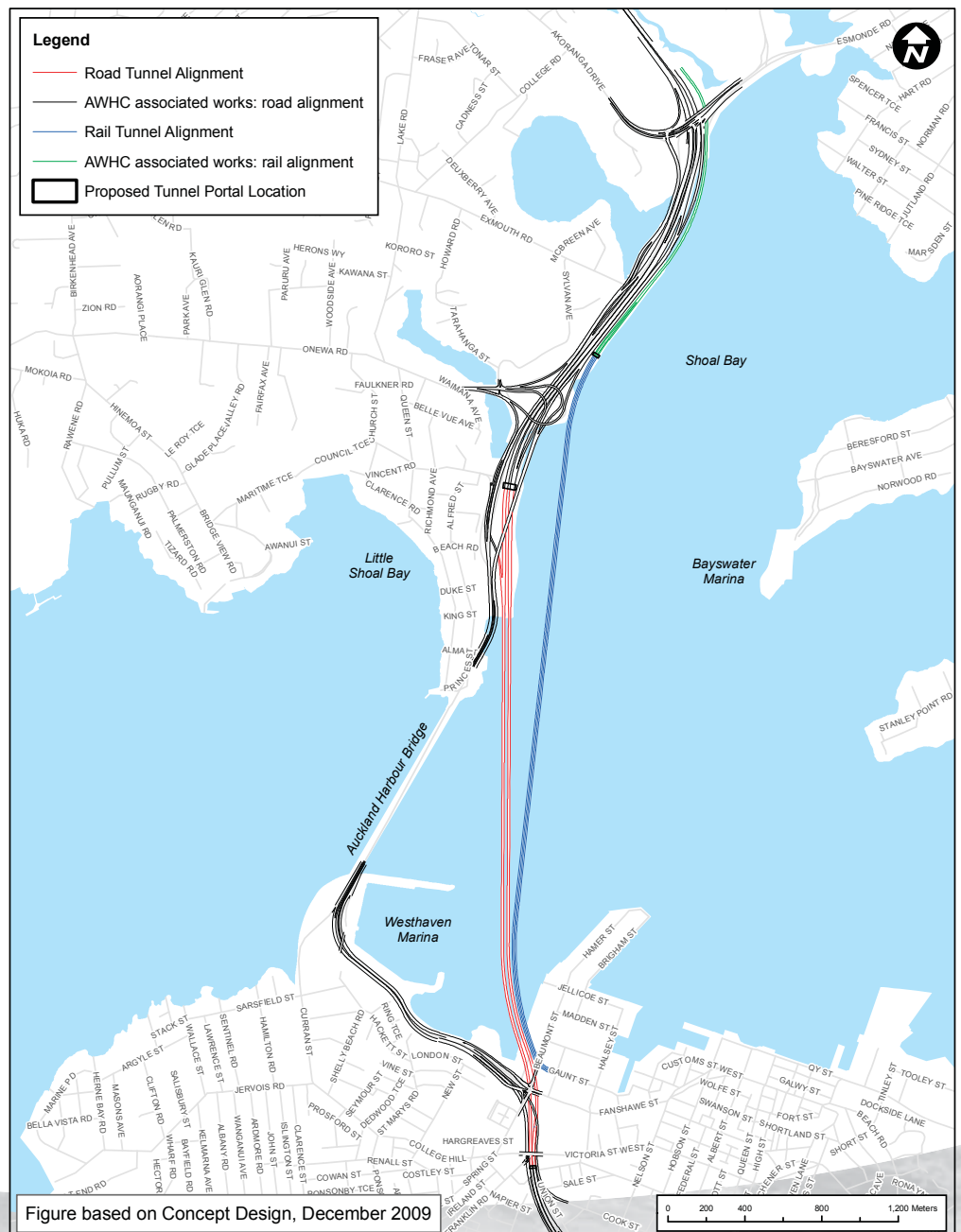
over a number of years, including both bridge and tunnel options.

25.1.4 Additional Waitemata Harbour Crossing

An additional Waitemata Harbour Crossing is an important future transport infrastructure project for the Auckland Region. Several options have been explored

A study undertaken in 2008 by Transit NZ (now NZ Transport Agency), Auckland City Council, North Shore City Council, Auckland Regional Transport Authority and Auckland Regional Council recommended a route which passes through the Wynyard Quarter / Westhaven area. Figure 25.1 shows the indicative location of this route.

Figure 25.1
Indicative location of the additional Waitemata Harbour Crossing Route



25.2 ISSUES

25.2.1 The continued efficient operation and development of the Port Management Areas for port activities is of strategic and economic importance to both the region and the nation.

25.2.2 While it is recognised that the environment of the Port Management Areas is already highly modified, activities associated with the use of these areas have the potential to adversely affect the environment, particularly coastal processes.

25.2.3 There is a need for integrated management between Port Management Areas and the adjacent land.

25.2.4 The use of some Port Management Areas is changing from traditional port uses toward more varied commercial use, as well as providing for public use and enjoyment. The transition in uses in some Port Management Areas is linked to corresponding changes to adjacent land uses. This transition needs to be managed to ensure coordination between changes on the land and in the coastal marine area, and to avoid conflicts between different activities in the coastal marine area and between land uses and water based activities. The introduction of new activities, the desire to open the waters edge up to the public and the operational requirement of port activities that have a functional need to be located in the coastal marine area and have access to land-based services and facilities, all combine to place pressure on Port Management Areas. In that context, the concern is how to provide for new activities without causing the displacement of existing port activities.

25.3 OBJECTIVES

25.3.1 To facilitate the efficient subdivision, use and development of the Port Management Areas for port activities.

25.3.2 To avoid, remedy, or mitigate adverse environmental effects arising from subdivision, use and development within the Port Management Areas.

25.3.3 To provide for the use and development of Port Management Areas for appropriate non-port related activities, including public access,

entertainment, commercial uses and other marine related purposes, where these uses do not have significant adverse effects on the efficient operation of, and do not compromise the retention within the Port Management Areas of, port activities.

25.4 POLICIES

25.4.1 A wide range of appropriate berthing facilities should be provided for in the Port Management Areas to accommodate vessels of different types and sizes and with different berthing requirements.

25.4.2 Appropriate, convenient and adequate berthing facilities should be provided primarily for use by the fishing industry in suitable locations within appropriate Port Management Areas, in recognition of the functional need of that activity to have access to working berthing.

(NB: The Council's expectation is that such berthing will be allocated alongside North Wharf, the southern face of the Western Viaduct Wharf and the western face of the Halsey Street Extension Wharf.)

25.4.3 The development of new port facilities for port activities within Port Management Areas shall be considered more appropriate than development outside of these areas.

25.4.4 Any application to reclaim land in any Port Management Area shall demonstrate that:

- a there are no practicable alternatives to the proposed reclamation, including the use of existing facilities and existing land-based areas in the region; and
- b it is the most appropriate form of development; and
- c adverse environmental effects will be avoided, remedied or mitigated.

25.4.5 Notwithstanding Policy 25.4.4, reclamation shall be recognised as an option for port development to meet necessary future cargo handling, passenger and other needs within the Port Management Areas, or to facilitate the restoration and enhancement of

existing seawall edge conditions. Reclamation for the purpose of seawall restoration should be limited to the minimum area necessary to restore the existing seawall. Where practicable the fill for any such reclamation should be dredged material from the Port Management Areas.

NB: Any reclamation within the Port Management Areas is also subject to the relevant provisions of Chapter 13: Reclamation and Drainage.

25.4.6 Buildings and other significant structures in Port Management Areas shall be designed and located as far as practicable, in accordance with the urban design criteria in Appendix J, and so as to avoid, remedy or mitigate significant adverse effects on views from and to the adjoining land and water.

25.4.7 When assessing the visual effect of buildings and other significant structures in Port Management Areas, regard shall be had to:

- a maintaining or enhancing the visual environment of the Port Management Area; and
- b maintaining or enhancing the landscape and amenity links between the harbour, the port and adjacent areas, including the Central Business District.

25.4.8 The redevelopment of existing navigation channels, wharves, piers and berths, and the development of new facilities within the Port Management Areas should be designed and located so that the need for both capital works and maintenance dredging is, as far as practicable, avoided, provided that this does not result in additional adverse environmental effects.

25.4.9 In order to avoid the direct discharge of contaminants or deposition of solid matter into the coastal marine area, appropriate provision shall be made by the owner, user or developer of port facilities and structures for adequate and convenient facilities in sufficient quantity to meet the needs of all vessels which berth or anchor within the Port Management Areas, for the collection and appropriate disposal of:

- a sewage, bilge water, and litter from vessels; and

- b residues from vessel servicing, maintenance and repair; and
- c spills from refuelling operations and refuelling equipment; and
- d spills, residues, and debris from cargo operations.

25.4.10 Wharves and associated infrastructure within the Port Management Areas should be maintained in good and safe working condition.

25.4.11 Significant adverse environmental effects from subdivision, use and development within the Port Management Areas, particularly on coastal processes and water quality, shall be avoided, remedied, or mitigated.

25.4.12 Port development, including reclamation and the erection, maintenance, repair, demolition, or removal of structures, shall be avoided where it will modify, damage, or destroy any item identified for preservation in Cultural Heritage Schedule 1.

25.4.13 Port development, including reclamation and the erection, maintenance, repair, demolition, or removal of structures, shall be considered inappropriate where it will adversely affect any item identified for protection in Cultural Heritage Schedule 2 (excluding Site 92, the Rainbow Warrior Shipwreck site), unless the adverse effects can be avoided, remedied, or mitigated.

25.4.14 Any use or development in the Port Management Areas, other than for port activities, may be considered appropriate where:

- a the area proposed to be used or developed is no longer entirely needed, and is not likely to be needed in the foreseeable future, for port activities; and
- b the use or development:
 - i other than in Port Management Areas 2A, 2B or 4A, has a functional need to locate in the coastal marine area; or
 - ii is ancillary to a structure or activity which has a functional need to locate in the coastal marine area; and

- c in the case of Hobson Wharf, the use or development is ancillary to the Maritime Museum; and
- d the use or development will not adversely affect the primary function of any established structure, or the use of the area for port activities; and
- e the use or development will, where appropriate, significantly enhance amenity values and public use and enjoyment of the coastal marine area; and
- f the use or development will, where appropriate, retain and reflect character features, structures and elements that demonstrate the heritage and history of the working waterfront; and
- g the use or development will not result in either increased pressure for the expansion of the existing port outside the Port Management Areas, or the establishment of a completely new port outside of those areas; and
- h the use or development cannot be accommodated within or on any existing structures in the coastal marine area; and
- i any landward development associated with the use or development can be accommodated; and
- j adverse effects on the environment can be avoided, remedied, or mitigated.

25.4.15 The amenity of the waterfront area may be enhanced by encouraging artworks, sculptures and other similar structures in Port Management Areas 2A, 2B and 4A where it is demonstrated that:

- a any moving parts will not generate noise that will cause significant adverse effects on the amenity values of surrounding land or water uses; and
- b colours, lighting or highly reflective surfaces will not cause significant adverse effects on the amenity values of surrounding land or water uses; and
- c there will be no more than minor adverse effects on navigation and safety in the coastal marine area; and
- d the artwork, sculpture or other similar structure is of an appropriate height, scale, bulk and location to not cause significant adverse effects on the amenity of the harbour edge setting, or on views from public areas across the Viaduct Harbour and out to the wider Waitemata Harbour, or from Wynyard Point toward Viaduct Harbour; and
- e the structure will have no more than minor adverse effects on the use of the area for either public access or the operation of port activities.

25.5 RULES

The written consent of Ports of Auckland Limited (or of any party to whom it has delegated such approval) is required for the occupation of the coastal marine area by any of the following activities where they are located within the area of the occupation consent granted to Ports of Auckland Limited pursuant to Section 384A of the Act (shown on Plan Map Series 2).

Permitted Activities

25.5.1 Port activities.

(NB: The Council's expectation with regard to the purposes for which the berthage alongside North Wharf, the southern face of the Western Viaduct Wharf and the western face of the Halsey Street Extension Wharf will be allocated is expressed in objective 28.3.16 and policies 28.4.22 and 28.4.23.)

25.5.2 The erection or placement of structures and services ancillary to existing structures, buildings and port activities.

(NB: This includes for example fenders, pontoons, handrails, pipelines, lights, power, telecommunication and sewer lines).

25.5.3 Navigation buoys and beacons.

25.5.4 Floating oil booms and oil barriers.

25.5.5 The maintenance, repair and reconstruction of any lawful structure or building in a Port Management

Area, including demolition of internal walls, partitions and fixtures.

25.5.6 The demolition or removal of any structure or building provided that it is not identified for preservation or protection in Cultural Heritage Schedule 1 or 2, or protected under the Historic Places Act 1993.

25.5.7 The erection or placement of any building for port activities, other than in Port Management Areas 2A, 2B and 4A, and those areas identified on Plan Map Series 2, Sheet 4A as View Protection Areas.

25.5.8 The Maritime Museum and associated activities on Hobson Wharf, and in the water space to the north and east of that wharf.

25.5.9 On Wynyard Wharf only after the date on which all hazardous industry located on the land north of Jellicoe Street discontinue operations and the wharf is no longer functioning as a dangerous goods wharf, public recreation activities and the erection and use of small-scale facilities that are ancillary to the use of open space, such as seating, information boards, rubbish bins, cycle stands, drinking fountains, and public toilets within existing buildings.

25.5.10 On the Halsey Street Extension Wharf the use of lawfully established buildings for marine and non-marine events, and ancillary activities including restaurant, café, food hall and retail premises, office activities, information centres, public recreation activities and facilities.

25.5.11 Any temporary structure or building, other than those associated with temporary events under Rules 25.5.12 and 25.5.13.

25.5.12 Temporary events (other than events permitted under Rule 25.5.10), including associated structures and buildings, within the Viaduct Harbour as defined in Plan Map Series 2, Sheet 7A or on North Wharf.

25.5.13 Temporary events, including associated structures and buildings, on Wynyard Wharf only after the date on which all hazardous industry located on the land north of Jellicoe Street discontinue operations and the wharf is no longer functioning as a dangerous goods wharf.

25.5.14 The activities in Rules 25.5.1-25.5.11 are permitted subject to the following further conditions:

- a lighting sources shall be sited, directed, and screened so as to minimise, as far as practicable, annoyance or nuisance to adjacent properties or the bird life of any adjacent Coastal Protection Areas 1 or 2; and
- b compliance with the rules for permitted activities in Chapter 35: Noise; and
- c any signs shall comply with the provisions of Chapter 34: Signs; and
- d the maximum height of any permanent buildings permitted by Rule 25.5.7 or any temporary building or any structure shall be no greater than the heights indicated below (no account shall be taken of chimneys, aerials, lift towers, lighting poles, vessel masts, cranes, derricks, and cargo stacking and lifting devices):
 - i Port Management Areas 1A, 1B and 1C: 18 metres above mean sea level, except in the areas identified on Plan Map Series 2, Sheet 4A View Protection Areas; and
 - ii Port Management Areas 2A and 2B except in the Viaduct Harbour as identified on Plan Map Series 2, Sheet 7A: 18 metres above mean sea level; and
 - iii Port Management Area 2A within the Viaduct Harbour as identified on Plan Map Series 2, Sheet 7A: 15 metres above existing wharf deck level on the Halsey Street Extension Wharf, the Western Viaduct Wharf, the Harbour Entrance Wharf and the western side of Hobson Wharf; and 8 metres above mean sea level for all other areas; and
 - iv Port Management Area 4A: 9 metres above existing wharf deck level on Wynyard Wharf and 15 metres above mean sea level in other areas; and
 - v Port Management Area 4B: 8 metres above mean sea level; and

- vi Port Management Area 4C: 10 metres above mean sea level; and
 - e any material deposited in the coastal marine area shall be removed as soon as practicable; and
 - f any activity involving the storage or handling of hazardous substances shall ensure that:
 - i the substances are stored and handled in a manner such that any leak or spill is detectable and discharges to the coastal marine area are avoided; and
 - ii adequate provision is made for the collection of hazardous substances in sumps or bunded areas, in the design of all new buildings, structures or areas used for the storage or handling of hazardous substances, so as to provide protection in the event of leakage or spillage. Such protection facilities shall be designed, constructed and maintained to have adequate capacity, enable detection of leakage or spillage and prevent discharge to stormwater systems or to the coastal marine area; and
 - iii wharf lines shall be designed, constructed, operated and maintained so as to minimise the risk of discharge of hazardous substances to the coastal marine area. Regular inspection, testing and maintenance, shall be undertaken to ensure the wharf lines are free of defects which may cause leakage or spillage, as required under the Hazardous Substances and New Organisms Act; and
 - g parking on wharves shall be only for vehicles directly associated with port activities and ancillary services, or associated with the use of existing lawful activities or buildings on wharves. In addition to the limits in g.iii and iv, parking spaces may also be provided on the wharves for short-term servicing, loading and unloading requirements. Wharves shall not be used for general public car parking; and
 - i wharves in Port Management Areas 2A, 2B and 4A shall not be used for staff/commuter parking except where the parking has a functional relationship to the operation of a port activity or it is within the limits in g.iii or iv; and
 - ii on wharves in Port Management Areas 2A, 2B and 4A parking spaces may also be provided for short-term servicing, loading and unloading and for maritime passenger transport customer ticketing requirements; and
 - iii on Wynyard Wharf staff/commuter parking for port activities and ancillary services operating from buildings on the wharf shall be limited to a maximum of 1 space per 105 m² of gross floor area of the building; and
 - iv the number of car parking spaces on Halsey Street Extension Wharf and Western Viaduct Wharf shall not exceed 50; and
- (NB: In assessing matters under 25.5.14.g, the ARC will take into consideration the standards for formation of parking and loading areas in the Auckland City District Plan (Central Area Section)).
- h any temporary structure or building permitted under Rule 25.5.11 shall be in place for no longer than 14 days within any 6 month period; and
 - i within Port Management Area 2A a minimum 10 metre wide public accessway shall be provided around the western, northern and eastern sides of the Halsey Street Extension Wharf and the southern side of the Western Viaduct Wharf. Within Port Management Area 4A a minimum 8 metre wide public accessway shall be provided along the eastern and northern sides of Wynyard Wharf. The accessways shall be available to the public at no charge at all times except when access may need to be temporarily restricted from time to time for security, safety or operational needs associated with port activities or temporary events; and
 - j the maximum area that office activities ancillary to port activities can occupy at wharf (ground floor) level on Wynyard Wharf is 50% of any individual building. There is no limitation on other levels.

25.5.15 The temporary events, and associated structures and buildings, in Rules 25.5.12 – 25.5.13 are permitted subject to the following further conditions:

- a the associated structures and buildings shall not occupy any venue for more than 20 days, inclusive of the time required for the establishment and removal of all structures and activities associated with the activity; or

(NB: For the purposes of this rule, the following are all separate venues: Harbour Entrance Wharf, Halsey Street Extension Wharf, Western Viaduct Wharf, North Wharf, Wynyard Wharf, the water area of the Viaduct Harbour as identified on Plan Map Series 2, Sheet 7A.)

- b where the activities are on the Halsey Street Extension Wharf or the Western Viaduct Wharf and are for the purpose of a major marine event related to an internationally recognised boat race or race series, the associated structures and buildings shall not occupy any venue for more than 60 days within any 12 month period, inclusive of the time required for the establishment and removal of all structures and activities associated with the activity; and
- c when it is necessary to place vehicles, tents, marquees, seating, canopies and other structures within the 10 metre wide public accessway around the western, northern and eastern sides of the Halsey Street Extension Wharf, the southern side of the Western Viaduct Wharf, or the 8 metre wide accessway along Wynyard Wharf, alternative public accessways shall be provided and be free of charge and clearly marked; and
- d no part of any venue that has been occupied by a building, tent, marquee or air supported canopy may be reoccupied by the same structure within a period of 5 days after the structure's removal; and
- e any building or structure shall comply with the height limits in 25.5.14.d; and
- f lighting sources shall be sited, directed and screened so as to avoid any hazard to navigation

or safety and shall produce an illuminance up to, but not exceeding, 150 lux above the existing levels, measured at any point at the exterior of any building adjacent to the coastal marine area; and

- g the ARC and the Harbour Master's Office shall be advised in writing of the activity at least 4 weeks prior to the proposed commencement date of the activity; and
- h compliance with the noise controls of Rule 35.5.3.b or 35.5.3.c; and
- i vehicle parking associated with a temporary event shall not exceed the limit in Rule 25.5.14.g.iv for Halsey Street Extension Wharf and Western Viaduct Wharf. On Wynyard Wharf and North Wharf, vehicle parking associated with a temporary event shall be for loading and unloading, and not for the whole duration of an event unless it is part of an event exhibit; and
- j the sale of goods from stalls and hospitality activities shall occur only between the hours of 7.00am and 11.00pm Sunday to Thursday inclusive, midnight on Fridays and Saturdays and 1.00 am on New Year's Day.

NB: Temporary events may also require the approval of the Harbour Master under the Auckland Regional Council Navigation Safety Bylaw.

25.5.16 The erection or placement of any building outside the protected viewshafts but within the View Protection Area identified on Plan Map Series 2, Sheet 4A subject to the following conditions:

- a the building is set back no less than 3 metres from the Quay Street boundary of the View Protection Area; and
- b the building is no more than 1.5 metres in height above deck level; and
- c the dimensions of the building are no more than 5 metres in length and 5 metres in width; and
- d the cumulative building coverage is no more than 25% of the length of the View Protection Area.

Controlled Activities

25.5.17 The erection or placement of any new structure, building or slipway, required for port activities, in Port Management Areas 1A, 1B, 1C and 4B, which is not provided for as a permitted activity, subject to the standards and terms specified in Rule 25.5.19.

25.5.18 The alteration, extension or reconstruction of any existing lawful structure, building or slipway, required for port activities, in Port Management Areas 1A, 1B, 1C and 4B, which is not provided for as a permitted activity, subject to the standards and terms specified in Rule 25.5.19.

25.5.19 Rules 25.5.17 and 25.5.18 are subject to the following standards and terms:

- a the conditions for permitted activities in 25.5.14 shall be complied with; and
- b the proposed work shall not modify, damage, or destroy any site, building, place or area identified in Cultural Heritage Schedule 1 or 2 or protected under the Historic Places Act 1993; and
- c any new building, or extension or alteration to an existing building shall not take place within the area identified on Plan Map Series 2, Sheet 4A as View Protection Areas; and
- d oil and grit traps shall be designed, installed, and maintained in the stormwater drainage systems of car parking areas, and in any vehicle and plant wash down areas.

25.5.20 The ARC will have control over the following matters in Rules 25.5.17 and 25.5.18:

- a the adverse effects associated with methods of construction especially on coastal processes; and
- b any provision to be made for public access; and
- c navigation and safety; and
- d the duration of the consent; and
- e monitoring of the consent.

25.5.21 The erection or placement of any building outside the protected viewshafts but within the View Protection Area identified on Plan Map Series 2, Sheet 4A, subject to the following standards and terms:

- a the building is set back no less than 3 metres from the Quay Street boundary of the View Protection Area; and
- b the building is no more than 5 metres in height above deck level; and
- c the dimensions of the building are no more than 10 metres in length and 5 metres in width; and
- d the cumulative building coverage is no more than 25% of the length of the View Protection Area.

25.5.22 The ARC will have control over the following matters in Rule 25.5.21

- a the location and orientation of the building within the View Protection Area, having regard to the extent to which it will:
 - i maintain views of the coastal marine area, geographical features and port activities from Quay Street; and
 - ii provide for the operation and development of port activities.

25.5.23 Any port activity or change to an existing port activity in Port Management Areas 2A, 2B or 4A, which is not provided for as a non-complying activity in Rule 25.5.52, and which either:

- a provides 10 or more car parking spaces on-site; or
- b will result in an average daily traffic generation of 100 movements or more.

25.5.24 The ARC will restrict the exercise of its discretion under Rule 25.5.23 to the following matters:

- a the conditions for permitted activities in Rule 25.5.14 and 25.5.15; and

- b any adverse effect of the activity on public access, amenity values, traffic congestion and pedestrian safety; and
 - c the provision of a detailed Site Travel Management Plan containing the following information as a minimum:
 - i the physical infrastructure to be established or currently established on-site to support the use of alternative forms of transport (such as adequate covered facilities for cyclists, showering, locker and changing facilities, carpool parking areas, travel reduction information boards in foyer areas (such as the display and availability of timetables and route maps), internet service to enhance awareness of alternative transportation services); and
 - ii the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources; and
 - iii operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard Quarter (including car sharing schemes, public transport use incentives, flexitime, staggered working hours); and
 - iv operational measures to be established to restrict the use of any short term parking area(s) during peak periods; and
 - v details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures; and
 - vi the methods by which the effectiveness of the proposed measures outlined in the Site Travel Management Plan can be independently measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour; and
 - vii the methods by which the travel management measures complement the Quarter wide travel management measures outlined in Part B of the Wynyard Quarter Transport Plan and utilise the travel demand management measures outlined in Part C of the Wynyard Quarter Transport Plan (or other appropriate initiatives); and
 - d limiting any short term visitor parking areas (including for maritime passenger transport customer ticketing) to the minimum necessary; and
 - e adverse effects on operators of port activities, such as the fishing industry, which require ongoing access to the coast and/or water areas and how the combined activities are to be managed.
- Applications for controlled activities shall be considered without public notification or limited notification of the application to any affected person in accordance with Sections 95A(3)(a) and 95B(2) of the RMA, unless in the opinion of the ARC there are special circumstances justifying public notification in accordance with Section 95A(4) of the RMA.

Restricted Discretionary Activities

25.5.25 Any activity which would be a permitted activity but which fails to comply with one or more of the conditions in Rule 25.5.14 or 25.5.15 or would be a controlled activity but fails to comply with one or more of the standards and terms in Rule 25.5.19, and is not provided for as a non-complying activity.

25.5.26 The erection or placement of any new structure, building or slipway, required for port activities, which would be a permitted activity but which fails to comply with one or more of the conditions in Rule 25.5.14 or would be a controlled activity but fails to comply with one or more of the standards and terms in Rule 25.5.19.

25.5.27 The alteration, extension or reconstruction of any existing lawful structure, required for port activities, which would be a permitted activity but which fails to comply with one or more of the conditions in Rule 25.5.14 or would be a controlled

activity but fails to comply with one or more of the standards and terms in Rule 25.5.19.

25.5.28 The ARC will restrict the exercise of its discretion under Rules 25.5.25 – 25.5.27 to the following matters:

- a the conditions for permitted activities or the standards and terms for controlled activities with which the proposed work fails to comply; and
- b the efficient use and development of natural and physical resources in the coastal marine area; and
- c where height is a condition not complied with, the effect of any building or structure on views to and from the coastal marine area; and
- d adverse effects associated with the methods of construction on water quality and coastal processes; and
- e navigation and safety; and
- f the duration of the consent; and
- g monitoring of the consent.

25.5.29 The erection or placement of any building within the protected viewshafts in the View Protection Area identified on Plan Map Series 2, Sheet 4A.

25.5.30 The erection or placement of any building outside the protected viewshafts but within the View Protection Area identified on Plan Map Series 2, Sheet 4A, that does not meet the conditions of the permitted activity rule or the standards and terms of the controlled activity rule.

25.5.31 The ARC will restrict the exercise of its discretion under Rules 25.5.29 and 25.5.30 to the following matters:

- a the extent to which views of the coastal marine area, geographical features and port activities from Quay Street are maintained; and
- b the extent to which the building provides for the operation and development of port activities; and

- c the visual appearance of the building and the extent to which it achieves the urban design criteria in Appendix J; and
- d the duration of the consent; and
- e the monitoring of the consent.

25.5.32 The erection or placement of any new structure or building, and the alteration, extension or reconstruction of any existing lawful structure or building, on the Halsey Street Extension Wharf that:

- a complies with the conditions for permitted activities in Rule 25.5.14; and
- b is located within the building platform area shown on Plan Map Series 2, Sheet 7A; and
- c no more than 60% of the building platform area shown on Plan Map Series 2, Sheet 7A, is covered by structures or buildings.

25.5.33 The ARC will restrict the exercise of its discretion under Rule 25.5.32 to the following matters:

- a the conditions for permitted activities in Rule 25.5.14; and
- b the extent to which the structure or building provides for or affects the operation of marine and non-marine events on Halsey Street Extension Wharf, Western Viaduct Wharf, and in the water area surrounding these wharves; and
- c the extent to which the structure or building enables or affects the operation or development of port activities, (including the fishing industry); and
- d the location, design and visual appearance of the structure or building and the extent to which it achieves the urban design criteria in Appendix J; and
- e the effects on public accessways on Halsey Street Extension Wharf and Western Viaduct Wharf identified on Plan Map Series 2, Sheet 7A; and

- f the location and extent of public space and its usability and amenity value; and
- g the extent to which the structure or building location and design enhances or inhibits views between the Viaduct Harbour and Wynyard Point and the Harbour Bridge; and
- h the provision of vehicle parking and loading bays on wharves and the management of traffic flows; and
- i the extent to which any new development is subject to an appropriate emergency response plan; and
- j the duration of the consent; and
- k the monitoring of the consent.

(NB: In assessing matters under 25.5.33.h, the council will take into consideration the standards for formation of parking and loading areas in the Auckland City District Plan (Central Area Section).)

25.5.34 Temporary events, including associated structures and buildings, within the water area of Port Management Areas 4A and 2A between Wynyard Wharf and Halsey Street Extension Wharf.

25.5.35 The ARC will restrict the exercise of its discretion under Rule 25.5.34 to the following matters:

- a conditions for permitted activities in Rule 25.5.15; and
- b navigation and safety; and
- c effects on the operation of commercial vessels operating in this area; and
- d the effect of any building or structure on views to and from the coastal marine area; and
- e the extent to which the activity is subject to an appropriate level of risk, relating to the presence of hazardous industry on the adjacent land, and the dangerous goods activities on the wharf and the extent to which such risk can be avoided or mitigated based on the matters listed in Rule 25.5.39.b; and

- f the duration of the consent; and
- g monitoring of the consent.

25.5.36 Any non-port activity or change to an existing non-port activity (including temporary events) in Port Management Areas 2A, 2B or 4A, which is not provided for as a non-complying activity in Rule 25.5.52, and which either:

- a provides 10 or more car parking spaces on-site; or
- b will result in an average daily traffic generation of 100 movements or more; or
- c is a temporary event that fails to comply with the car parking condition in Rule 25.5.15.i.

25.5.37 The ARC will restrict the exercise of its discretion under Rule 25.5.36 to the following matters:

- a the conditions for permitted activities in Rules 25.5.14 and 25.5.15; and
- b the extent to which the activity will adversely affect public access, amenity values, traffic congestion and pedestrian safety; and
- c for 25.5.36.a and b, the provision of a detailed Site Travel Management Plan containing the following information as a minimum:
 - i the physical infrastructure to be established or currently established on-site to support use of alternative forms of transport such as adequate covered facilities for cyclists, showering, locker and changing facilities, carpool parking areas, travel reduction information boards, internet service to enhance awareness of alternative transportation services; and
 - ii the physical linkages to be provided on the site to link to surrounding pedestrian and cycle networks and existing public transport resources; and
 - iii operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard Quarter including car sharing schemes,

- public transport use incentives, flexitime, staggered working hours; and
- iv details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures; and
- v methods by which the effectiveness of the proposed measures outlined in the travel plan can be measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour; and
- d for 25.5.36.c, the provision of a detailed Event Traffic Management Plan containing the following information as a minimum:
- i measures to be implemented to minimise traffic congestion and to protect traffic and pedestrian safety; and
- ii vehicle and pedestrian management and circulation plan, including parking and taxi and coach areas/drop offs; and
- e the extent to which the use of any short term visitor parking areas is to be restricted during the peak periods; and
- f the extent of adverse effects on operators of port activities, including but not limited to the fishing industry, which require ongoing access to the coast and/or water areas and how the combined activities are to be managed.
- 25.5.38 Temporary events on Wynyard Wharf (South) within Port Management Area 4A (see Map Series 2 Sheet 7A), including associated structures and buildings, prior to the date on which all hazardous industry located on the land north of Jellicoe Street discontinue operations and while the wharf is operating as a dangerous goods wharf.
- 25.5.39 The ARC will restrict the exercise of its discretion under Rule 25.5.38 to the following matters:
- a the conditions for permitted activities in Rules 25.5.14 and 25.5.15; and
- b the extent to which any unacceptable level of risk or adverse transport related effects associated with the type and duration of event and expected demographic and number of people attending the event can be avoided or mitigated through the preparation and implementation of:
- i an emergency, evacuation and management plan, prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location and management of access and egress points, assembly areas and people movement for the event; and
- ii an event transport plan, developed in consultation with adjacent hazardous industry, marine industry and maritime passenger operators, which addresses the following matters:
- measures to ensure the maintenance of safe and efficient access (including at least two access points for emergency service vehicles) to existing hazardous industry, marine industry and maritime passenger operations for the full duration of the event; and
 - measures to prevent event attendees entering onto, or parking on Wynyard Wharf for the full duration of the event; and
 - communication channels and methods to respond to and remedy traffic issues as they may arise with existing hazardous industry, marine industry and maritime passenger operations; and
 - where multiple events are planned, review procedures with hazardous industry, marine industry and maritime passenger operators to ensure that issues identified are avoided, remedied or mitigated for future planned events; and
- c the extent to which the activity will adversely affect port activities; and

- d navigation and safety; and
- e the duration of the consent; and
- f the monitoring of the consent.

Applications for restricted discretionary activities other than applications under Rules 25.5.34 and 25.5.38, shall be considered without public notification or limited notification of the application to any affected person in accordance with sections 95A(3)(a) and 95B(2) of the RMA, unless in the opinion of the ARC there are special circumstances justifying public notification in accordance with section 95A(4) of the RMA.

For applications under Rules 25.5.34 and 25.5.38 where risk is a matter for the exercise of discretion under Rule 25.5.39.b, notice of an application must be served on any hazardous industry owner or operator on adjacent land who has not provided written approval.

Discretionary Activities

25.5.40 The erection or placement of any new structure, building or slipway in Port Management Areas 2A, 2B, 4A and 4C, which is not provided for as a permitted, controlled, restricted discretionary or non-complying activity.

25.5.41 The alteration, extension or reconstruction of any existing lawful structure in Port Management Areas 2A, 2B, 4A and 4C, which is not provided for as a permitted, controlled, restricted discretionary or non-complying activity.

25.5.42 Any non-port related activity or development which is ancillary to an existing structure or activity and has a functional need to be located in the coastal marine area, and which is not provided for as a permitted, controlled, restricted discretionary or non-complying activity.

25.5.43 Any non-port related activity or development in Port Management Areas 2A, 2B or 4A, which is not provided for as a permitted, controlled, restricted discretionary or non-complying activity.

25.5.44 Reclamation that is required for port activities.

25.5.45 The erection or placement of any new building that is proposed to be located in the area identified on Plan Map Series 2, Sheet 4A as View Protection Areas.

25.5.46 Any activity or work which would modify, damage, or destroy any site, building, place or area identified in Cultural Heritage Schedule 2, unless that activity or work is prohibited by other provisions in this Plan.

25.5.47 The erection or placement of a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street. Any resource consent application for erection or placement of a bridge shall have particular regard to Policies 28.4.10 and 28.4.11.

25.5.48 The erection or placement of any new structure or building on Wynyard Wharf, required for port activities and ancillary activities, and the alteration or extension of any existing lawful structure or building on Wynyard Wharf, required for port activities, which is not provided for as a permitted activity.

25.5.49 Non-port related activities on Wynyard Wharf, which are not provided for as a permitted, controlled, restricted discretionary or non-complying activity both prior to and after the date on which all hazardous industry located on the land north of Jellicoe Street discontinue operations and the wharf is no longer operating as a dangerous goods wharf.

Non-Complying Activities

25.5.50 The erection or placement of any buildings on the Western Viaduct Wharf or North Wharf other than temporary buildings permitted by Rules 25.5.11 or 25.5.12.

25.5.51 Residential activities on wharves in Port Management Areas 2A, 2B or 4A.

25.5.52 Any activity that fails to comply with the car parking condition in Rule 25.5.14.g.

25.5.53 The erection or placement of any new structure or building on Wynyard Wharf, other than for port activities, and the alteration or extension of any existing lawful structure or building on Wynyard Wharf, other than for port activities, which is not provided for as a permitted activity.

25.5.54 Temporary events in Port Management Area 4A while Wynyard Wharf is operating as a dangerous goods wharf, other than as provided for in Rules 25.5.34 and 25.5.38.

25.5.55 Any activity that is not provided for as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity in any other rule contained in this chapter.

Prohibited Activities

25.5.56 Any activity or work which would modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy any site, building, place or area identified in Cultural Heritage Schedule 1.

25.6 OTHER METHODS

25.6.1 The ARC will liaise with the relevant territorial local authorities and Ports of Auckland Ltd:

- a to ensure the integration of landward development and infrastructure adjacent to all Port Management Areas, and to encourage consistent management across administrative boundaries; and
- b regarding any future subdivision, use and development of the Port Management Areas, other than for port activities; and
- c to ensure that appropriate, convenient and adequate berthage facilities are provided primarily for use by the fishing industry in suitable locations within appropriate Port Management Areas, in recognition of the functional need of that activity to have access to working berthage.

25.7 PRINCIPAL REASONS FOR ADOPTING

25.7.1 Objectives 25.3.1 and 25.3.3, Policies 25.4.1, 25.4.2, 25.4.3, 25.4.11, 25.4.14, 25.4.15, Rules 25.5.1 to 25.5.8, 25.5.11 and 25.5.14

It is recognised that the environment within the Port Management Areas has been altered by their historic use and development for port activities. In order to minimise adverse effects on other parts of the coastal environment, it is appropriate to allow for a higher level of use and development within the Port Management Areas. The Port Management Areas provide for a variety of port activities, including commercial port operations, passenger transport services, charter boat operations, use by commercial fishing industry, berthage of private vessels, and vessel maintenance and servicing. The focus of these activities varies across each Port Management Area.

Any subdivision, use and development, other than for port activities, needs to demonstrate that it is not going to unduly compromise or restrict the efficient use and development of the port areas, or result in pressure for the expansion of port activities in other areas. This is likely to have greater adverse environmental effects than the consolidation and maximum utilisation of existing port areas.

25.7.2 Objective 25.3.2, Policies 25.4.4 to 25.4.11 and Rules 25.5.14 to 25.5.28, 25.5.32 to 25.5.43 and 25.5.55

There are likely to be adverse environmental effects from use and development within the Port Management Areas. It is recognised that the environment within the Port Management Areas is highly modified, and that a higher level of use and development has been allowed for. However, this does not mean that adverse environmental effects are to be ignored. Adverse environmental effects from use and development in this area are potentially significant, and need to be avoided, remedied, or mitigated to the fullest extent practicable.

25.7.3 Policy 25.4.8

This policy recognises the links to Policy 15.4.3 in Chapter 15 Dredging.

25.7.4 Policies 25.4.6 and 25.4.7 and Rules 25.5.14 to 25.5.16, 25.5.21, 25.5.22, 25.5.29 to 25.5.33 and 25.5.45

Activities in the Port Management Areas have the potential to affect views both to and from the coastal marine area. In many areas the effects on views are temporary, as cargo is stored, cranes and carriers move, or tents, pavilions or grandstands are erected for temporary entertainment events. Time limits have been placed on temporary structures and temporary events to ensure that any effects on views are limited to the specified period. Other structures or buildings may have a more permanent effect. In some parts of the Port Management Area 1C, there is more significant public interest in the protection of views. New buildings in these areas are therefore assessed according to their specific location within Port Management Area 1C and according to their characteristics.

Buildings on Wynyard Wharf and the Halsey Street Extension Wharf or in the water area also have the potential to affect views to and from the coastal marine area. Given the public accessibility and pedestrian nature of the Viaduct Harbour, views out from the Viaduct to the wider Waitemata Harbour have been protected by avoiding permanent buildings on the Western Viaduct Wharf and on North Wharf, and by including a viewshaft from Te Wero Island on Plan Map Series 2, Sheet 7A. Other viewshafts on Plan Map Series 2, Sheet 7A around Wynyard Quarter maintain the visual linkages between the land and the coastal marine area.

25.7.5 Policy 25.4.5 and Rule 25.5.44

Reclamation is provided for as a discretionary activity in Port Management Areas, in recognition that a higher level of subdivision, use and development is being allowed for around the ports. Reclamation is also a viable option, and accepted by many, for the disposal of dredged material in order to avoid the necessity for unconfined marine disposal (refer Chapter 17 Disposal

and Deposition). However, because of the potentially significant, irreversible, and cumulative adverse effects of reclamation, it is not appropriate to allow the need for the disposal of dredged material to dictate the need for or size of any reclaimed area.

25.7.6 Policy 25.4.9

Many day-to-day activities within the Port Management Areas have the potential to release contaminants which could have significant adverse effects on the environment. This policy seeks to minimise the possibility of such discharges by ensuring provision of adequate and appropriate facilities for the handling and disposal of such contaminants. This policy complements provisions in Chapter 20: Discharge of Contaminants, which restrict discharges into the coastal marine area.

25.7.7 Policy 25.4.10, Rules 25.5.2, 25.5.3 and 25.5.5

It is in the interests of public safety and of minimising adverse environmental effects to ensure that wharves and other infrastructure are maintained in good and safe working condition. This should reduce the possibility of adverse effects arising through the failure of facilities or equipment

25.7.8 Policies 25.4.12 and 25.4.13, Rules 25.5.6, 25.5.19, 25.5.46 and 25.5.56

The subdivision, use and development of the Port Management Areas has, over time, given rise to particular cultural heritage values. Because of the importance placed by the community on these values, they need to be protected from modification, damage, or destruction. These provisions implement provisions in Chapter 8: Cultural Heritage.

25.7.9 Policy 25.4.15, Rules 25.5.10, 25.5.12, 25.5.14, 25.5.15, 25.5.32, 25.5.33 to 25.5.37, 25.5.43, 25.5.47, 25.5.50 to 25.5.52 and Appendix J

The functions of Port Management Area 2A are different from the areas to the east, with greater focus on public access, entertainment and recreation activities, as well as the continuation of port activities

such as maritime passenger transport and fishing industry operations. The emphasis on public use and enjoyment of this area and its purpose as a base for important marine related events is recognised in the rules. In the longer term there is potential for the development of a marine events centre. Given the prominent location of this future marine events centre, there is a need to consider its visual effects and impacts on the operation of other uses in the area.

25.7.10 Policy 25.4.15, Rules 25.5.9, 25.5.13 to 25.5.15, 25.5.33 to 25.5.35, 25.5.38, 25.5.39, 25.5.43, 25.5.48, 25.5.49, 25.5.51, 25.5.53, 25.5.54 and Appendix J

Activities in Port Management Area 4A will change as the bulk liquid storage facilities on the adjacent land are vacated or provided elsewhere in the region. While these facilities continue to operate, Wynyard Wharf and the adjacent water space will be used for the transfer of bulk hazardous substances. During this time, the establishment of activities that may attract large numbers of people within Port Management Area 4A requires careful consideration through a consent process due to the potential human injury risk effects associated with accidental toxic releases from the bulk liquids facilities.

After the hazardous facilities leave the area, Wynyard Wharf will continue to provide for port activities but their nature is likely to change to more of a focus on activities such as fishing industry operations and maritime passenger transport, as well as providing for the transfer of non-hazardous goods. The rules recognise and provide for the redevelopment of the wharf area for public access and recreational purposes, along with limited commercial and entertainment activities, in order to complement the changes in land use at Wynyard Quarter. Limits are placed on the scale and bulk of buildings on Wynyard Wharf in order to provide for public access, amenity values and views, and the continued operation of port activities.

25.7.11 Other Method 25.6.1

It is important to maintain contact with Auckland City Council and Ports of Auckland Ltd. This method complements the objectives, policies, and rules and facilitates the appropriate subdivision, use and

development of the Port Management Areas, and their relationship to the City.

25.8 ANTICIPATED ENVIRONMENTAL RESULTS

25.8.1 The efficient and safe subdivision, use and development of Port Management Areas for port activities.

25.8.2 Retention of port activities in and around the Port Management Areas including in particular retention of the fishing industry which has a functional need to have access to working berthage.

25.8.3 That any future expansion of the port occurs only within the Port Management Areas, and involves only those parts of the coastal marine area required for future port activities which cannot be accommodated on existing structures or on land above Mean High Water Springs.

25.8.4 The maintenance or enhancement of water quality, ecology and coastal processes.

25.8.5 A people-oriented and accessible Viaduct Harbour that is a focus for public recreation and entertainment activities, and a viable marine events centre, while maintaining the use of the harbour for port activities.

25.8.6 The continuation of a viable event facility for major boating events, including the America's Cup and other internationally recognised boating events, as long as this is required.

25.8.7 An integrated change in use of the coastal marine area at Wynyard Quarter that provides for a range of port activities, including bulk liquids, marine and fishing industries, and where appropriate, the development of non-port related activities, and for increased public use and access to Wynyard Wharf and North Wharf.

25.8.8 The maintenance and enhancement of any items identified in the Cultural Heritage Schedule 1 or 2 and, where practicable, the retention of character features, structures and elements that demonstrate the history and heritage of the working waterfront.

Other Port Facility Management Areas – 25a

This chapter contains objectives, policies and rules relating to the management of five other port facilities – Birkenhead Wharf, Northcote Wharf, Victoria Wharf, Half Moon Bay Vehicular Landing, and Orakei Wharf. These are commercial port wharves in the Waitemata Harbour of strategic importance to the region. Rules in this chapter apply to structures and activities in terms of section 12(1)(b) and 12(3) of the RMA. Any activities not provided for need to be considered under other relevant chapters. In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

25A.1 INTRODUCTION

25A.1.1 Within the Waitemata Harbour there are a range of wharf and landing facilities used principally for passenger ferry services and small scale cargo services. These facilities comprise the following: Birkenhead Wharf which in addition to its use for passenger ferry and other vessel berthage, is used for marine related industry and recreational boating purposes; Northcote Wharf, which is used mainly by small passenger ferries and for recreational purposes; Victoria Wharf which provides for cargo movement, ferry services, vessel berthage and recreational activities; Half Moon Bay Vehicular Landing, which provides for cargo movement in addition to ferry services; and Orakei Wharf which provides facilities for recreational boating and a landing for small commercial vessels.

25A.1.2 These facilities form a necessary part of a sustainable transport system and contribute to the economic and social wellbeing of the community. The provisions of this Chapter are intended to provide for the continued operation and development of these facilities while ensuring that, as far as practicable, activities and structures are compatible with the use, character and environmental quality of surrounding land and marine areas.

Ports of Auckland Occupation Consent

25A.1.3 Under section 384A of the RMA, Ports of Auckland Limited (POAL) have been granted occupation rights until 30 September 2026 to port facilities specified in this chapter. This is for

the purpose of operating port-related commercial undertakings that it acquired under the Port Companies Act 1988.

In June 2002 POAL sold the ferry infrastructure (including the wharves and rights in respect of the relevant part of the adjoining water space) to Auckland City Council, Manukau City Council, and North Shore City Council (or their nominee). The councils nominated ARTNL Harbour Berths Limited to acquire the ferry infrastructure at Orakei and Half Moon Bay and North Shore City Council to acquire the ferry infrastructure at Victoria, Northcote and Birkenhead.

25A.1.4 Occupation of part of the coastal marine area in terms of sections 12(2) and 12(4) of the RMA generally requires a resource consent application. Where additional activities require authorisation for occupation outside that provided for under the section 384A authorisation, the rules applying to that activity are contained in Chapter 10.

25A.2 ISSUES

25A.2.1 There is a need to maintain adequate and convenient wharf and landing facilities in the Waitemata Harbour area for ferry and cargo services operating within the Harbour, Hauraki Gulf and surrounding coastal areas. Future use and development should not compromise the use of these facilities for the movement of people and goods.

25A.2.2 The use and development of wharf and landing facilities is of benefit to the community but they may have adverse effects on the environment,

particularly in relation to the amenity values of surrounding areas in terms of appearance, noise and traffic.

25A.3 OBJECTIVES

25A.3.1 To recognise the importance of wharf and landing facilities within the Region's transport system and ensure their continued effective operation and development in a manner consistent with their function and location.

25A.3.2 To maintain and where practicable enhance, public access, use and enjoyment of the coastal marine area in Other Port Facility Management Areas.

25A.3.3 To ensure that efficient use is made of structures and water space of the coastal marine area in and adjacent to Other Port Facility Management Areas.

25A.3.4 To avoid, remedy or mitigate adverse environmental effects arising from subdivision, use and development within Other Port Facility Management Areas.

25A.4 POLICIES

25A.4.1 Use and development that adversely affects the efficient and effective operation of the wharves or the landing shall be considered inappropriate, unless such use and development forms part of a comprehensive redevelopment of any wharf or landing and adjoining waterspace for passenger ferry and cargo transit purposes.

25A.4.2 Public access to and on the wharves or the landing shall be maintained or enhanced where this will not adversely affect the operation of the facilities.

25A.4.3 Structures and activities, including offices, residential accommodation, shops and cafes, which can be located outside the coastal marine area shall generally be considered inappropriate on the wharves or the landing.

25A.4.4 Visual and amenity values shall be maintained and enhanced by requiring any further development to:

- a be compatible with or complement the character of the surrounding land and coastal marine area; and
- b make adequate provision for land based activities associated with the development; and
- c avoid, remedy or mitigate any adverse effects on amenity values of adjacent residential properties, particularly from noise, lighting, traffic or the erection of structures.

25A.4.5 The Other Port Facility Management Areas shall include, where appropriate, some waterspace adjoining the wharves and the landing to provide for improved safety and for access from the existing structures through the placement of pontoons, ramps and fenders. This waterspace is not intended to limit the scope of any comprehensive redevelopment of any wharf or landing and adjoining waterspace for passenger and cargo transit purposes.

25A.4.6 Subject to the limitations in policies 25A 4.1, 4.2, 4.3 and 4.4, use and development shall generally be considered appropriate where it provides for the safe, efficient and effective operation of passenger ferry and cargo transit services, or provides for the convenience of passengers, or encourages public access, use and enjoyment of the wharves or the landing.

25A.4.7 Significant adverse environmental effects from subdivision, use and development within the Other Port Facility Management Areas, particularly on coastal processes and water quality, shall be avoided, remedied or mitigated.

25A.5 RULES

Permitted Activities

25A.5.1 Activities permitted by Rules 11.5.1, 12.5.3 and 12.5.5.

25A.5.2 Movement and berthing of vessels, including the placement of gangways and erection of handrails.

25A.5.3 Loading, unloading and temporary storage of cargo.

25A.5.4 Embarking, disembarking and transit of passengers.

25A.5.5 Recreational activities, not involving the erection of any structure or restriction of public access other than as provided for in Policy 7.4.1 in Chapter 7.

25A.5.6 Maintenance and repair of any existing lawful structure, subject to the following conditions:

- a the structure is not scheduled in Cultural Heritage Schedules 1 or 2; and
- b adverse effects arising from the disturbance of the foreshore and seabed shall be able to be remedied within 7 days of the disturbance; and
- c any material deposited in the coastal marine area is removed as soon as practicable; and
- d any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance of the Foreshore and Seabed; and
- e any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

25A.5.7 Removal and demolition of any structure, subject to the following conditions:

- a the structure is not scheduled in Cultural Heritage Schedules 1 or 2; and
- b adverse effects arising from the disturbance of the foreshore and seabed shall be able to be remedied within 7 days of the disturbance; and
- c any material deposited in the coastal marine area is removed as soon as practicable; and
- d any removal of indigenous vegetation shall be limited to that permitted by Chapter 16 Disturbance of the Foreshore and Seabed; and

e any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

25A.5.8 Vehicle parking, loading and unloading, ancillary to permitted and controlled uses.

25A.5.9 The erection, placement, extension, maintenance, repair or reconstruction of navigation aids and their occupation, subject to the following conditions:

- a adverse effects arising from the disturbance of the foreshore and seabed shall be able to be remedied within 7 days of the disturbance; and
- b any material deposited in the coastal marine area is removed as soon as possible; and
- c in respect of the erection, placement, extension and reconstruction, written advice shall be given prior to the work being undertaken to the ARC Harbourmaster, and LINZ.

25A.5.10 The erection, placement, alteration or extension of water and sewer pipelines, and power and telecommunications lines on or under any wharf or landing, and their occupation, provided that detailed plans of all new structures are provided to the consent authority at least 10 working days prior to any work being undertaken.

25A.5.11 The erection, placement, alteration or extension of fenders and pontoons associated with any wharf or landing structure provided that detailed plans of all new structures are provided to the consent authority 10 working days prior to any work being undertaken, and provided that pontoons shall not extend more than 30 metres in length along the side of any wharf or landing.

Controlled Activities

25A.5.12 The installation and use of sewage pump out facilities.

25A.5.13 The installation and use of vessel fuelling facilities.

25A.5.14 Yacht spar manufacture on the eastern portion of Birkenhead Wharf.

25A.5.15 The maintenance and repair of any existing lawful structure which does not comply with Rule 25A.5.6.

25A.5.16 The removal and demolition of any structure which does not comply with Rule 25A.5.7.

25A.5.17 The erection, placement, extension, maintenance, repair or reconstruction of navigation aids which does not comply with Rule 25A.5.9 a or b.

25A.5.18 The ARC will have control over the following matters under Rules 25A.5.12 – 5.17:

- a location, design and external appearance of the structure; and
- b construction effects such as noise and the deposition of material; and
- c effects on the amenity of the locality arising from the use of the facility including noise, hours of operation and public access; and
- d the duration of the consent; and
- e monitoring of the consent.

Restricted Discretionary Activities

25A.5.19 The erection, placement, alteration or extension and use of structures on wharves or landings providing for the convenience, shelter and safety of passengers and cargo.

25A.5.20 Reconstruction of existing lawful structures.

25A.5.21 Activities permitted by Rule 11.5.3.

25A.5.22 The ARC will restrict the exercise of its discretion under Rules 25A.5.19 – 5.21 to the following matters:

- a the efficient use and development of the transport facility; and
- b the scale, location, design and external appearance of any structure including effects on the amenity of the area and use of the facility, and
- c the effect on navigation; and
- d the duration of the consent; and
- e monitoring of the effects of the consent.

Discretionary Activities

25A.5.23 The construction of extensions to existing wharves or landings.

Non-Complying Activities

25A.5.24 Any activity that is not provided for in any other rule contained in this chapter or addressed within Chapters 13 to 20, 34 and 35.

25A.6 OTHER METHODS

25A.6.1 The ARC will liaise with the Ports of Auckland Limited and relevant territorial authorities and ferry service operators to ensure the integration of landward development and infrastructure adjacent to the Other Port Facility Management Areas and to encourage consistent management across administrative boundaries.

25A.7 PRINCIPAL REASONS FOR ADOPTING

25A.7.1 Objective 25A.3.1, Policies 25A.4.1, 25A.4.2, 25A.4.5 and 25A.4.6

Wharf and landing facilities providing for passenger ferry, cargo and vehicular services are necessary

components of the transport system within the region and their continued operation and development should be encouraged.

25A.7.2 Objective 25A.3.1, Policies 25A.4.1, 25A.4.3, 25A.4.5 and 25A.4.6 and Rules 25A.5.1 to 25A.5.4, 25A.5.6, 25A.5.8, 25A.5.10 to 25A.5.15, 25A.5.17, 25A.5.19, and 25A.5.23.

The continued use of Birkenhead Wharf, Northcote Wharf, Victoria Wharf, Half Moon Bay Vehicular Landing and Orakei Wharf as port facilities should be facilitated.

25A.7.3 Objective 25A.3.2, Policies 25A.4.2 25A.4.4 and 25A.4.6 and Rules 25A.5.1 to 25A.5.5, 25A.5.8 to 25A.5.17, 25A.5.19 to 25A.5.23

Birkenhead Wharf, Northcote Wharf, Victoria Wharf, Half Moon Bay Vehicular Landing and Orakei Wharf provide opportunities for public access to the water, marine related services and recreation activities including fishing and harbour viewing. These activities provide social benefits to the local and regional community which should not be compromised by the inappropriate use or development of the wharves or landings.

25A.7.4 Objective 25A.3.2 and 25A.3.4, Policies 25A.4.2 to 25A.4.4 and 25A.4.7, Rules 25A.5.1 to 25A.5.4, 25A.5.12 to 25A.5.17, 25A.5.19 and 25A.5.20

Some wharf and landing facilities are located close to residential areas and public reserves. Their use and the erection of any structures needs to reduce or mitigate any adverse effects on the amenity, character and use of surrounding land and coastal marine area.

25A.7.5 Objective 25A.3.3, Policies 25A.4.1, 25A.4.3 and 25A.4.5, Rules 25A.5.6, 25A.5.7, 25A.5.9, 25A.5.14, 25A.5.16, 25A.5.17, 25A.5.19, 25A.5.20 and 25A.5.23

Some wharf and landing facilities have deteriorated over time following changes to commuter and harbour transport requirements. Constraints over structural integrity and access may inhibit efficient utilisation of the coastal marine area in such circumstances. Redevelopment accordingly will need to take account of such constraints and seek to reduce or mitigate any foreseen adverse effects.

25A.7.6 Other Method 25A.6.1

Maintaining liaison between the ARC, Ports of Auckland Limited, relevant territorial authorities and ferry operators complements the objectives, policies and rules and assists in sustaining the operation of efficient ferry services, while maintaining and enhancing environmental quality, amenity values and public access to and use of Birkenhead, Northcote, Victoria and Orakei Wharves.

25A.8 ANTICIPATED ENVIRONMENTAL RESULTS

25A.8.1 The efficient use and development of Birkenhead, Northcote, Victoria and Orakei Wharves and the Half Moon Bay Vehicular Landing for harbour activities particularly ferry terminals and landings.

25A.8.2 The continued use or improved use of Birkenhead Wharf, Northcote Wharf, Victoria Wharf, Half Moon Bay Vehicular Landing and Orakei Wharf for recreational and boating purposes.

25A.8.3 The management of harbour activities and development in Other Port Facility Management Areas while maintaining and enhancing visual and amenity values, within the coastal marine area and adjacent landward areas.



Port Management Areas 1a and 1b – 26

This chapter contains objectives and policies relating to Port Management Areas 1A (Bledisloe Terminal to Fergusson Container Terminal) and 1B (Onehunga Wharf). Rules for these management areas are contained in Chapter 25.

In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

26.1 INTRODUCTION

Port Management Areas 1A and 1B are the principal commercial working port wharves used for the handling of cargo and containers in the Auckland Region (see Plan Map Series 2, Sheets 1 and 3). The efficient use and development of these commercial working port areas is of strategic and economic importance to the Region and the nation.

Port Management Area 1A in the Waitemata Harbour is the main container and cargo handling area. Fergusson Wharf adjoins the reclaimed land area known as the Container Terminal, where containers are temporarily stored prior to shipment. This Port Management Area is supported by an established road and rail network, and additional back-up land has recently been made available for commercial working port activities by the realignment of Quay Street.

It is in Port Management Area 1A that future development for container and cargo handling is to be concentrated. Approval has been granted for a 9.8 hectare reclamation to the east of the existing Fergusson Wharf to accommodate larger vessels and cargo handling cranes.

Port Management Area 1B, Onehunga Wharf, in the Manukau Harbour, is Auckland's second major port, providing wharf facilities for cement and smaller trading vessels, and a port base for fishing vessels. The use and future development of this port is restricted by a number of factors, these being the bar at the entrance to the Manukau Harbour, by the presence on the seabed of the western interceptor sewer syphon, and by sedimentation within the harbour.

A limited amount of passenger movement occurs in Port Management Areas 1A and 1B. However, in many cases public access to or use of the wharves needs to be restricted to avoid risks to public health and safety, and to ensure port security.

26.2 ISSUE

26.2.1 It is in the Port Management Area 1A that future development for commercial working port activities, in particular container and cargo handling is to be concentrated. This includes further reclamation and likely further dredging to accommodate larger vessels and cargo handling equipment and to provide for increased cargo volumes.

26.3 OBJECTIVE

26.3.1 To facilitate the efficient use and development of Port Management Areas 1A and 1B for commercial working port activities, in particular container and cargo handling, by providing for the consolidation, intensification, redevelopment and expansion within the Port Management Areas of these port activities and associated structures.

26.4 POLICIES

In addition to the policies in Chapter 25: Ports Overview and General Provisions, the following policies apply to Port Management Areas 1A and 1B.

26.4.1 The development of new port facilities for cargo handling and associated passenger movement should be consolidated, intensified and redeveloped within Port Management Areas 1A and 1B.

26.4.2 Any use and development that adversely affects the efficient use and development of Port Management Areas 1A and 1B for commercial working port activities, including container and cargo handling, shall be considered inappropriate.

26.5 RULES

The rules applying to Port Management Areas 1A and 1B are the general rules in section 25.5 of Chapter 25: Ports Overview and General Provisions. In administering the rules, regard shall be had to the objectives and policies both in this chapter and Chapter 25.

26.6 OTHER METHODS

In addition to the Other Methods in section 25.6 of Chapter 25: Ports Overview and General Provisions, the following method applies to Port Management Areas 1A and 1B.

26.6.1 The ARC will liaise with Auckland City Council and Ports of Auckland Ltd on issues associated with any future development or expansion of the ports in Port Management Areas 1A and 1B, to encourage consistent management across administrative boundaries.

26.7 PRINCIPAL REASONS FOR ADOPTING

26.7.1 Objective 26.3.1, Policies 26.4.1 and 26.4.2

These are the key port areas in the Auckland Region for commercial working port activities, in particular container and cargo handling. It is in the social and economic interest of the Region and the nation to make appropriate provision to facilitate the port activities in these areas.

The environment of these areas has already been altered by the structures and port activities that are undertaken in them. In addition, the landward areas adjoining these wharves have been developed to provide land and infrastructure to service the cargo and container handling activities. It is therefore appropriate that provision be made to concentrate any necessary future port expansion within these areas, while avoiding, remedying, or mitigating adverse effects.

26.7.2 Other Method 26.6.1

Maintaining liaison between the ARC, Auckland City Council, and Ports of Auckland Ltd complements the objectives, policies and rules and is important because of the potentially significant cultural, social, economic, and environmental implications of port expansion for the port company, the downtown area, and the Auckland Region.

The interrelated roles of the Ports of Auckland Limited and Auckland Regional Council has been recognised through the development of the Port Development Plan, 1989 and its amendments.

26.8 ANTICIPATED ENVIRONMENTAL RESULTS

26.8.1 That port activities in Port Management Area 1A and 1B operate efficiently.

26.8.2 That any future expansion of the port occurs predominantly in Port Management Area 1A.

Port Management Area 1c – 27

This chapter contains objectives and policies relating to Port Management Area 1C (Marsden, Captain Cook and Queens Wharves – excluding the south western edge). Rules for this management area are contained in Chapter 25.

In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

27.1 INTRODUCTION

Port Management Area 1C includes the older, central wharves in the port which are used for cargo handling. Marsden, Captain Cook and Queens Wharves form a transition area between the heavy cargo and container handling in Port Management Area 1A and the downtown waterfront in Port Management Area 2.

Queens Wharf is a major port facility predominantly used for the handling of cargo such as fruit exports and imports and vehicle imports. In the past there has been discussion on the possibility of Queens Wharf being redeveloped for commercial activities, and for the area between Queens and Captain Cook Wharf being developed as a waterfront park. However Queens Wharf is still required for port cargo handling activities and the focus of redevelopment for the medium future is on the Viaduct Basin area.

The handling and temporary storage of cargo or vehicles associated with the port activities in the Marsden to Queen Wharves area result in the obstruction of views to the coastal marine area, albeit temporary. There is the opportunity for views to the coastal marine area and port when the areas adjacent to Quay Street are not being used for these purposes. It is anticipated that some development of new port facilities will occur in the Port Management Area 1C, particularly between Captain Cook Wharf and Bledisloe Terminal.

27.2 ISSUES

27.2.1 The Port Management Area 1C is part of the working port which is predominantly used for handling “breakbulk” cargo and needs to be able to function efficiently for this purpose.

27.2.2 While the Port Management Area 1C is presently required for port cargo handling activities, changes in port operations in the longer term future may mean that Queens Wharf or other parts of this area are no longer viable or needed for these activities. In these circumstances it may be appropriate that they be redeveloped to provide for public access and development for non-port activities which enhance the links between the Central Business District and the harbour edge.

27.2.3 The Port Management Area 1C is located in close proximity to the Central Business District and adjoins the part of the waterfront which provides public access to the water’s edge and views out to the coastal marine area. It is appropriate to retain the potential for views to the port and coastal marine area in the area between Queens and Captain Cook Wharves, by restricting the location of new buildings.

27.2.4 The site associated with the sinking of the Rainbow Warrior has been identified in Cultural Heritage Schedule 2 (No. 92) and the site should be recognised in an appropriate manner. However, because of operational constraints and requirements, such recognition cannot be located on the wharf itself but should be located at the nearest appropriate publicly available place to Marsden Wharf, such as adjacent to Quay Street. In the event of any future development which enables public access to the site, the sinking of the Rainbow Warrior shall be recognised by a plaque at the site of the sinking, placed in a manner that does not constrain use of the site for port activities.

27.3 OBJECTIVES

27.3.1 To facilitate the efficient use and development of Port Management Area 1C for commercial working port activities.

27.3.2 To provide for Queens Wharf or other parts of this area to be redeveloped for public access and non-port activities which enhance links with the Central Business District if they are no longer required for port cargo handling activities in the longer term.

27.3.3 To retain the views to the coastal marine area and port between Queens and Captain Cook wharves by restricting buildings in the area adjacent to Quay Street as shown on Plan Map Series 2, Sheet 4A View Protection Area.

27.3.4 To recognise in an appropriate manner the site of the Rainbow Warrior sinking.

27.4 POLICIES

In addition to the policies in Chapter 25: Ports Overview and General Provisions, the following policies apply to Port Management Area 1C.

27.4.1 Any use and development in this area, other than for port activities, shall demonstrate that:

- a the area or structure, or part of the area or structure, is no longer required for port purposes; and
- b provision is made for public areas and access to the greatest extent practicable; and
- c the proposal enhances links with the adjoining Central Business District where practicable.

27.4.2 The location of buildings on the landward end of Queens Wharf or on the wharf running parallel to Quay Street, shall be avoided where it will result in more than a minor obstruction to the viewing area identified on Plan Map Series 2, Sheet 4A View Protection Area.

27.4.3 Any future development of Marsden Wharf which enables public access to the wharf shall recognise, in an appropriate manner, the site of the Rainbow Warrior sinking.

27.5 RULES

The rules applying to Port Management Area 1C are the rules in section 25.5 of Chapter 25: Ports Overview and General Provisions. In administering the rules, regard shall be had to the objectives and policies both in this chapter and in Chapter 25.

27.6 OTHER METHODS

In addition to the Other Methods in section 25.6 of Chapter 25: Ports Overview and General Provisions, the following method applies to Port Management Area 1C:

27.6.1 The ARC will liaise with Auckland City Council and Ports of Auckland on issues associated with any use or development of this area, other than for port activities.

27.7 PRINCIPAL REASONS FOR ADOPTING

27.7.1 Objectives 27.3.1 and 27.3.2 and Policy 27.4.1

This area is an integral part of the commercial working port, particularly for "breakbulk" cargo such as fruit and car imports. It is in the social and economic interest of the region and the nation to make appropriate provision to facilitate port activities within the existing port areas.

Queens Wharf, and the wharf area parallel to Quay Street between Queens and Captain Cook Wharves, are located in close proximity to the Central Business District. There has been discussion in the past about redeveloping this area in particular to enable public access to the water's edge. While the emphasis for redevelopment is now focused on Princes Wharf and

the Viaduct Basin, there is a possibility that part or all of this Port Management Area may not be required for port activities at some future date and it is therefore appropriate to recognise this potential.

27.7.2 Objective 27.3.3 and Policy 27.4.2

While views to the coastal marine area and wharves are often obstructed by cargo and cars, at times they are not. The views from Quay Street to the harbour add to the amenity value of this area. To ensure the continued potential for views it is appropriate that the restrictions be made on locating buildings on the landward end of Queens Wharf and the wharves running to Quay Street, in this Plan.

27.7.3 Objective 27.3.4 and Policy 27.4.3

The Rainbow Warrior site is included in Cultural Heritage Schedule 2. It is appropriate that the significance of this site be recognised in an appropriate manner.

27.7.4 Other Method 27.6.1

Maintaining liaison between the ARC, Auckland City Council and Ports of Auckland Ltd complements the objectives, policies and rules. It is important as

the port and its future development has potentially significant social, economic and environmental effects for the City and the Auckland Region. Any use of Port Management Area 1C, other than for port activities, should be the subject of liaison between these parties.

27.8 ANTICIPATED ENVIRONMENTAL RESULTS

27.8.1 The efficient utilisation of Port Management Area 1C for port activities.

27.8.2 The opportunity for views to the coastal marine area and wharves between Queens and Captain Cook Wharves when these areas are not being used for the temporary storage of cargo.

27.8.3 The redevelopment of Queens Wharf and the area between Queens and Captain Cook Wharves for public access and non-port activities which enhance the Central Business District if these areas are no longer required for cargo handling purposes.

27.8.4 The appropriate recognition of the Rainbow Warrior site.



Port Management Areas 2A and 2B – 28

This chapter contains objectives and policies relating to Port Management Areas 2A and 2B (as shown on Plan Map Series 2, Sheet 1 and Sheet 7A). Rules for these management areas are contained in Chapter 25.

In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

28.1 INTRODUCTION

Port Management Area 2A

28.1.1 South western edge of Queens Wharf, Ferry Tee, Quay Street Landings

A wide range of port activities occurs throughout this part of Port Management Area 2A. They include harbour transport, passenger handling, commercial tourist operations and some recreational berthing. The south western edge of Queens Wharf and the Ferry Tee are strategically located in relation to the Central Business District for maritime passenger transport services. This area is intensively used by the Devonport, Waiheke Island, Great Barrier Island and other gulf island and harbour ferries. In addition, commercial charter vessels and other vessels berth at the Quay Street Landings. Important social and economic benefits arise from the use of this area for such commercial and tourist activities. However there is a need to maintain the visual and amenity value of this area and to ensure that any buildings are sensitively designed and have regard to any impact they may have on the views to the Ferry Building from the coastal marine area.

The area between the south western edge of Queens Wharf and Princes Wharf is a popular passive recreation and viewing area which is intensively used by the public. This area enables public access to the waterfront, links the City with the harbour and adds to amenity values. In the past the water space within this area has been the focal point for public-orientated water-based events such as dragon boat racing, raft racing and similar activities, but in recent times some of these have shifted to the Viaduct Harbour. The water area adjacent to Princes Wharf is still used by passenger liners, visiting vessels and for boat shows and it is anticipated that this area will continue to be periodically used for public water-based events. It is

also anticipated that a marina may be developed in the coastal marine area off the western side of Princes Wharf.

28.1.2 Hobson Wharf

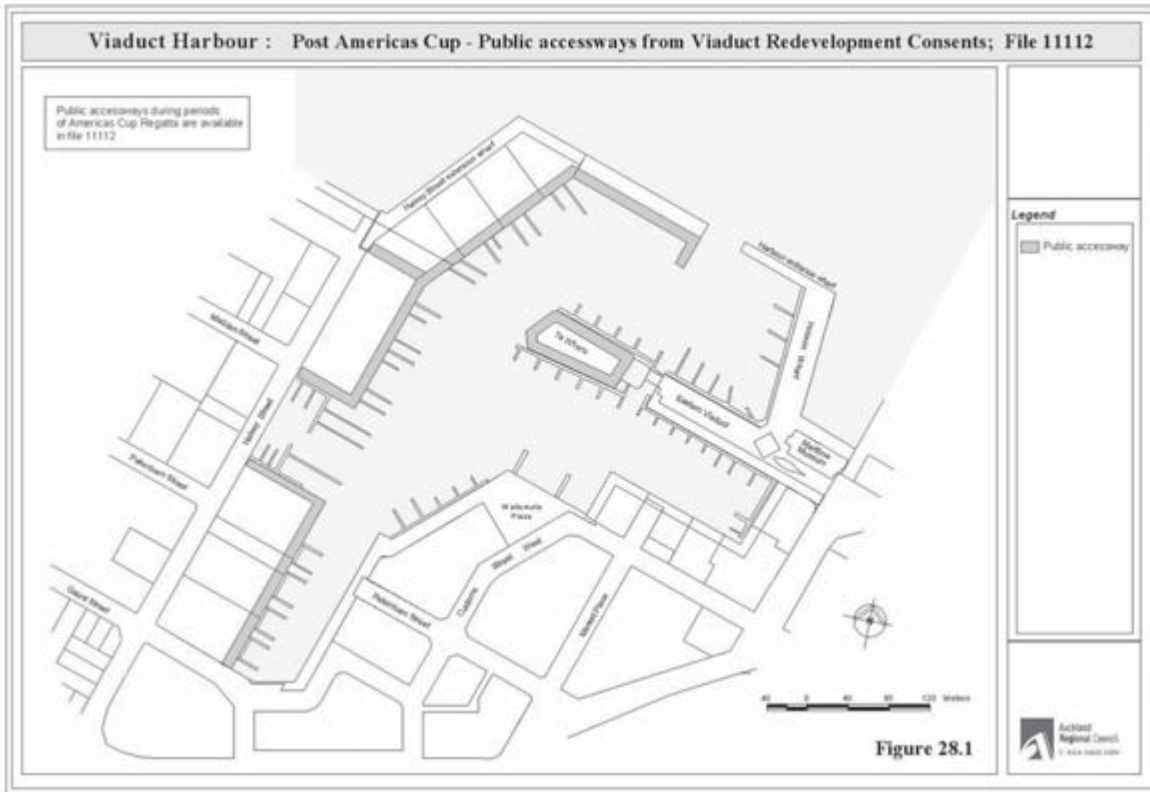
Most of Hobson Wharf and the water space between Hobson and Princes Wharves is occupied by the Maritime Museum and its exhibits. The museum plays an important role in bringing together much of the maritime heritage of the Auckland Region and New Zealand. Its location on the water is appropriate to its function, allowing working exhibits, and complementing its maritime setting. As a tourist destination, the museum has important economic and social benefits.

Public access around the wharf is restricted to museum patrons, except for an eight metre width along the western side. This area is available for access and is used by vehicles associated with the berthing and servicing of vessels, particularly commercial fishing vessels. Access may sometimes be restricted in this area for safety reasons when vessels are loading and unloading. The juxtaposition of the museum and fishing fleet in this area adds to the interest and amenity value of the harbour edge.

28.1.3 Viaduct Harbour to North Wharf

The Viaduct Harbour is the only area of largely enclosed water which penetrates into the central city. It provides sheltered berthing and support facilities for the fishing industry, private vessels and charter boat operators. The Harbour's configuration enables public access to, and use of, the waterfront and has been developed as a venue for water-based cultural, entertainment and recreation events. Adjacent land has been developed for a range of mixed uses including commercial, recreational, tourist and residential activities. The western edge of the Harbour

Figure 28.1: Viaduct Harbour



to the north of Madden Street has been developed to enable America's Cup activities and between Cup events has been used for a range of port and temporary activities, including marine and non-marine events.

The Viaduct Harbour has been the longstanding base for part of Auckland's commercial fishing fleet. The extent of the fleet's presence and support facilities such as fish processing, bait and ice storage has reduced as the role of the Viaduct Harbour has changed. Some of the commercial fishing berthing that was previously located within the inner Viaduct Harbour has progressively relocated to the Western Viaduct Wharf, Halsey Street Extension Wharf and to berths outside the Viaduct Harbour, including North Wharf. However, some fish processing and commercial fishing berthing remains within and around the Viaduct Harbour and the area remains important to fishing industry operations in Auckland. The fishing fleet provides a continuing link with the Harbour's past use and history. Together with the range of other vessels, the fishing fleet maintains the maritime interest and character of the area. Fishing industry operations are also a key element of the

proposed redevelopment of the Wynyard Quarter with development of a fishing focused area around North Wharf and the fish market on Jellicoe Street. In the circumstance it is important that access for the fishing industry to berthing in this area is maintained and ensured into the future.

The combination of port activities and water-based entertainment activities undertaken in the Viaduct Harbour has social and economic benefits, providing employment, income and recreational value to the City and Region. It is considered that the co-existence of diverse activities in this area, subject to appropriate environmental standards, adds to its vibrancy and interest. Accordingly use and development on the wharves and in the water areas of the Viaduct Harbour needs to relate to and complement the mix of commercial, recreational, tourist and residential activities that may occur on the surrounding land. The use of the Viaduct Harbour as a major regional events and entertainment precinct requires integration between the provisions of the Auckland City District Plan (Central Area Section) and this Plan regarding entertainment activities. This is particularly the case in terms of enabling temporary activities that involve

both the use of land and the coastal marine area, and the control of effects such as noise generation.

The America's Cup bases were located on the western side of the Viaduct Harbour, north of Gaunt Street and included buildings on the Halsey Street Extension Wharf, and used the water area on the eastern side of the wharf. A significant factor in the success of the America's Cup development was the close proximity of the syndicate bases to each other, creating a 'village' environment. Subsequent redevelopment of the base sites between Gaunt Street and Madden Street has reduced the space available for the accommodation of future bases. The remaining facilities are important regional infrastructure. There is a need to ensure that provision is made to enable these or equivalent facilities to remain available and to provide for the possible extension of the Halsey Street Extension Wharf for future America's Cup or other international boating events. This means that use and development on or near the Halsey Street Extension Wharf that compromises the use of this facility for this purpose should be avoided.

While recognising that the Halsey Street Extension Wharf buildings were established for America's Cup bases, it should be noted that they were designed and consented for a short timeframe, with the consents expiring in 2008. It is important that the redevelopment of the Halsey Street Extension Wharf retains the boating event hosting role of these facilities, but also takes on the role that the former Alinghi base on Halsey Street has developed as an events centre that is used for both public and private events, marine and non-marine events. Priority is to be given to the use of a redeveloped or replacement facility for marine events such as international boat races and the Auckland Boat Show. The Plan encourages the comprehensive and integrated redevelopment of buildings on the Halsey Street Extension Wharf to ensure that the limited wharf space is developed efficiently and with well designed buildings that reflect their maritime location and purpose. The redevelopment of the wharf should also enhance public access and provide for the continued use of the wharf for port activities, including fishing industry berthing and unloading.

Public access around the Viaduct Harbour and views across the Harbour and out to the wider harbour are important components of its value and use. The

operation of port activities may from time to time necessitate restrictions on public access. However any conflict between public access and the differing port uses can usually be resolved through appropriate management, particularly the timing and location of the various activities.

Through the America's Cup Viaduct Harbour redevelopment consent process a number of resource consent conditions were established that provided for public accessways around the western side of the Viaduct Harbour. These provisions sit on consent file H11112. These public accessways are shown on Figure 28.1.

The Viaduct Lifting Bridge is a recognised heritage feature which, when lowered, enables access. It is appropriate that any future use and development protects this bridge from inappropriate modification, damage or destruction.

The future development of the Wynyard Quarter (Western Reclamation and Wynyard Point) for mixed commercial, residential, recreational, entertainment, fishing and marine industry uses will require local passenger transport services. Provision of a local passenger transport and pedestrian bridge from Te Wero Island to Jellicoe Street has been identified as a desirable linkage. However, there are potential adverse effects on the functioning of the Viaduct Harbour that will need to be taken into account in the bridge design, operation and use.

28.1.4 Port Management Area 2B – Marine Industry (Coastal Marine Area on the Western Side of Wynyard Point and the Western Reclamation)

The water area to the west of Wynyard Quarter from the Hamer Street slipways south to Westhaven Drive and the adjoining land, is used for port and marine related industry. This includes boat building, engineering activities and boat haul out, refit, servicing and maintenance, as well as boat storage. It has a variety of related infrastructure facilities such as jetties, slipways, travel lifts, shiplifts, syncrolifts, haul-out yards and boat storage buildings.

The area also currently accommodates the unloading and storage of cargo including bulk material for cement production at the Cement Wharf. The area around the

Cement Wharf provides some berthage facilities for fishing industry vessels and smaller commercial craft.

This western area has been identified as an important marine industry hub for the region and beyond. The Hamer Street slipways are an important regional facility due to their ability to accommodate mid to large sized vessels, their deep water approaches, sheltered location from prevailing south-westerly winds, and their proximity to other marine industry services. They currently cater for commercial vessels such as tugs, barges, ferries, and fishing boats as well as recreational vessels such as superyachts. South of Jellicoe Street, the coastal marine area is occupied by jetties, slipways and boat haul out facilities that cater predominantly for the recreational boating sector. In future, additional wharves may be required in this area to support marine industry activities or to facilitate public access to the coastal marine area. Any structures on such wharves will need to be designed with regard to any corresponding viewshafts identified in Map Series 2 Sheet 7A and in the Auckland City District Plan (Central Area Section).

The operation of marine industry activities, and the proximity to the bulk liquid and hazardous substances storage areas, may from time to time necessitate restrictions on public access to the waterfront. As this area is relatively intensively used for a wide range of berthing, servicing, and engineering activities and there is a considerable degree of vessel movement and public safety issues, restrictions on public use of the coastal marine area are likely to continue. Development may provide some opportunities to increase public access to and along the coastal edge.

Visual amenity and links between the Central Business District and this part of the harbour are currently not strong. The establishment of a pedestrian and local passenger transport linkage extending from Quay Street and Te Wero Island through to the western end of Jellicoe Street will improve both public access and visual links to this part of the Port Management Area, as will the creation of areas of complementary public space.

28.2 ISSUES

28.2.1 Port Management Areas 2A and 2B are part of the commercial port and are used for a range of vessel berthage, port activities and public recreation and entertainment uses. There is a need to ensure that these mixed uses can operate and that any conflicts between activities on the water and adjacent land uses can be successfully managed.

28.2.2 The Ferry Tee and south western edge of Queens Wharf are strategically located for maritime passenger transport. Future use and development should not compromise the use of this area for port activities.

28.2.3 Public access, use and enjoyment of the water's edge is a key amenity value in most parts of Port Management Area 2A, and where practicable should be enhanced in Port Management Area 2B.

28.2.4 Future use and development should ensure that the Viaduct Harbour will continue to act as a major destination, events facility and berthage facility for a wide range of activities and vessels, whilst taking into account effects on nearby land-based commercial, entertainment, recreational, tourist and residential activities.

28.2.5 Successful sustainable development of residential, commercial and recreational activities in Wynyard Quarter requires improved local passenger transport and pedestrian access. This may include the construction of a new bridge to link Te Wero Island to the Western Reclamation. While provision of a bridge will ensure east-west access, it will also impact on boat access to and from the Viaduct Harbour, the open space and pedestrian use of Te Wero Island, and existing marine activity facilities along Halsey Street. Such a bridge will need to be designed and operated to avoid, remedy or mitigate adverse effects on such matters.

28.2.6 Having regard to the relatively confined nature of the Viaduct Harbour, any development needs to ensure that it does not have any inappropriate adverse effects on navigation and berthage by unduly congesting the available berthage space or unduly obstructing or limiting navigation channels, except

that at times of major water-based entertainment and recreation events there should be the ability to manage and restrict, limit or control activity and passage in the area to enable safe conduct of those areas.

28.2.7 The views from Quay Street between the western edge of the Ferry Tee and the eastern edge of Princes Wharf add greatly to the amenity value of the city and any future development should not obstruct views in this area.

28.2.8 Buildings and other structures located within Port Management Area 2A need to recognise the importance of visual amenity, particularly with regard to the links between the Central Business District and the water's edge, and views from public areas across the Viaduct Harbour, and to and from Wynyard Quarter and the wider Waitemata Harbour.

28.2.9 The Maritime Museum contains features of cultural heritage value and enhances the interest and amenity value of Port Management Area 2A.

28.2.10 The Viaduct Lifting Bridge is identified as a structure of cultural heritage value and any use and development affecting this structure needs to be undertaken in a manner that ensures the retention of its heritage value.

28.2.11 The coastal marine area to the east of Halsey Street and north of Madden Street (including the Halsey Street Extension Wharf, Western Viaduct Wharf and the water space adjacent to the wharves) forms a regionally significant area for marine and non-marine events. Future use and development of this area should not compromise its use for marine events or associated vessel servicing, or have adverse effects on the visual amenity of the Viaduct Harbour. Any redevelopment should also allow for the continued operation of port activities around these wharves.

28.2.12 Any use or development of North Wharf, and the coastal marine area between the Halsey Street Extension Wharf and Wynyard Wharf, needs to ensure it has no more than minor adverse effects on the use of this area for port activities such as fishing industry operations and maritime passenger transport, and that it maintains or enhances public access.

28.2.13 Future use and development in Port Management Area 2B should support its function as an area for the marine industry, including the operation of the Hamer Street slipways, as consistent with the adjacent land uses. Public access to and along the coastal edge should be maintained or enhanced where this is compatible with public safety and the operation of the marine industry. Enhancing public views and access to the coastal marine area through this area from streets, wharves and public space is also important.

28.2.14 The provision of adequate marina facilities for the city.

28.3 OBJECTIVES

28.3.1 To recognise the importance of Port Management Area 2A for a wide range of port activities, including its strategic location to the Central Business District for maritime passenger transport, and to facilitate the use of this area for these activities.

28.3.2 To maintain and where practicable enhance public access, use and enjoyment of the coastal marine area in Port Management Areas 2A and 2B, recognising that any enhancement needs to maintain public safety and not unduly restrict the operational requirements of port activities.

28.3.3 To ensure that navigation and berthage in Port Management Areas 2A and 2B is maintained and where practicable enhanced, and is not unduly restricted by an inappropriate location or number of structures, to provide for a wide range of recreational and commercial vessels, including maritime passenger transport and fishing industry operations.

28.3.4 To maintain and enhance the visual amenity and visual links between the Central Business District and the harbour, and to maintain the view of the coastal marine area and the City between the south western edge of Queens Wharf and the eastern edge of Princes Wharf, while not limiting the use of the water space for port activities.

28.3.5 To provide for a marina off the western side of Princes Wharf.

28.3.6 To recognise the public interest in the Maritime Museum and the use of the water area on the eastern side of Hobson Wharf for vessels of historic interest.

28.3.7 To ensure that any future use and development that affects the Viaduct Lifting Bridge identified in Cultural Heritage Schedule 2 avoids, where practicable, remedies or mitigates adverse effects on the Bridge.

28.3.8 To provide for the use of the Viaduct Harbour's coastal marine area in a manner which, in combination with the surrounding commercial, entertainment, recreational, tourist and residential activities establishes a clear identity for the Viaduct Harbour as a place of special character in Auckland, which attracts people to the Harbour's edge and maintains the vitality of the Harbour, while continuing to meet the needs of marine related activities.

28.3.9 To protect views from public areas across the Viaduct Harbour, and out to Wynyard Point and the Waitemata Harbour, from visually intrusive development.

28.3.10 To enhance pedestrian and local passenger transport linkages between the eastern Viaduct Harbour and Wynyard Quarter.

28.3.11 To provide for the continued use of the coastal marine area to the east of Halsey Street and north of Madden Street (including the Halsey Street Extension Wharf and Western Viaduct Wharf and water space adjacent to the wharves) as a marine events precinct, while not unduly restricting the use of berthage around the wharves for port activities.

28.3.12 To ensure that buildings and other structures on the Halsey Street Extension Wharf are designed and located to contribute to the wharf's key role in a marine events precinct, and in particular are suitable to use for marine events and associated vessel servicing, are of a design that reflects their maritime use and location, and maintain the visual amenity of the Viaduct Harbour, and do not unreasonably compromise the ongoing use of the wharf for port activities.

28.3.13 To retain the Western Viaduct Wharf as open space to provide public access, maintain space for

temporary events and port activities, and to protect views from the Viaduct Harbour to the Waitemata Harbour.

28.3.14 To manage the effects of use and development on the Halsey Street Extension Wharf and Western Viaduct Wharf on traffic and pedestrian access to, from and around the Wynyard Quarter.

28.3.15 To recognise North Wharf and the adjacent waterspace as an important open space for port activities and public access.

28.3.16 To retain North Wharf, the southern face of the Western Viaduct Wharf and the western face of the Halsey Street Extension Wharf together with the adjacent waterspace for use primarily by the fishing industry in recognition of the importance to the fishing industry of this valuable resource for berthage and operational purposes.

28.3.17 To recognise the importance of and to facilitate the ongoing use of Port Management Area 2B for port activities particularly those related to the marine industry and, where practicable, to enhance visual amenity, public access, use and enjoyment of the coastal marine area in this area.

28.4 POLICIES

In addition to the policies in Chapter 25: Ports Overview and General Provisions, the following policies apply to Port Management Areas 2A and 2B.

Queens Wharf to Princes Wharf Area

28.4.1 Use and development shall not adversely affect the use of this area for port activities, including maritime passenger transport activities on the Ferry Tee and the south western edge of Queens Wharf.

28.4.2 Use and development is generally considered appropriate where it improves facilities and the efficient use of this area for port activities, including maritime passenger transport.

28.4.3 Views to the coastal marine area between the western edge of the Ferry Tee and the eastern edge of Princes Wharf shall be protected by avoiding any buildings within this area.

28.4.4 Buildings or other structures, (such as canopies) should be designed to complement the maritime context in which they are located. In particular the height and scale of any buildings on the Ferry Tee shall have regard to the effect on the visual amenity of the historic Ferry Building.

28.4.5 Use and development shall not adversely affect the potential for development of a marina off the western side of Princes Wharf.

Hobson Wharf Area

28.4.6 Use and development of the coastal marine area between Hobson and Princes Wharves, should not adversely affect the operation of the Maritime Museum.

28.4.7 Use and development of Hobson Wharf should complement its maritime context and not adversely affect the use of the western side of that wharf for port activities.

Viaduct Harbour

28.4.8 Use and development in the Viaduct Harbour should maintain and where practicable enhance, rather than adversely affect navigation, berthage or other port activities while also providing the opportunity to stage water-based entertainment and recreation events whilst taking into account effects on nearby land-based commercial, entertainment, recreational, tourist and residential activities.

28.4.9 Use and development is generally considered appropriate where it attracts the public to this part of the coastal marine area and maintains or enhances public access.

28.4.10 The development of buildings or structures shall be avoided in the water area of the Viaduct Harbour or on the Harbour Entrance Wharf, where it will result in significant visual intrusion into views from public areas across the Harbour, or from the Harbour

out to the wider Waitemata Harbour, particularly within the viewshafts identified on Plan Map Series 2, Sheet 7A.

28.4.11 A bridge to link the Eastern Viaduct to Jellicoe Street will be considered appropriate where it contributes to a high quality maritime and urban environment and meets the following outcomes:

- a the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard Quarter by:
 - i providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour; and
 - ii having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour; and
 - iii not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
 - iv ensuring the operation or use of the bridge, or lighting will not cause significant adverse effects on the operation of nearby activities or on the amenity values of surrounding land or water uses; and
- b the bridge is designed and operated to provide for:
 - i vessel access to and from the inner Viaduct Harbour without undue delay; and
 - ii navigation and berthage by the existing range of vessels in the inner Viaduct Harbour; and
 - iii any reduction in berthage area to be minimised as far as practicable; and
 - iv convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing; and

- v appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and
 - vi a minimum clearance height of 3 metres above mean high water springs for a 10 metre wide navigable channel; and
- c the ongoing viable use of the Viaduct Harbour (particularly the marine events precinct) to accommodate port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained; and
- d the bridge has a high quality design that:
- i enhances the character of the Viaduct Harbour; and
 - ii is simple and elegant; and
 - iii is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting; and
 - iv has an appropriate relationship with the Viaduct Lifting Bridge identified in Cultural Heritage Schedule 2; and
 - v utilises high quality and low maintenance materials and detailing; and
- e the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the Wynyard Quarter and the central city area; and
- f the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour.

28.4.12 Any future development affecting the Viaduct Lifting Bridge identified in Cultural Heritage Schedule 2 shall avoid, as far as practicable, remedy or mitigate adverse effects on the Bridge.

28.4.13 Buildings in Port Management Area 2A (other than on the Western Viaduct Wharf) shall reflect their maritime context and shall be designed and located in accordance with the urban design criteria in Appendix J.

28.4.14 Use and development in Port Management Area 2A should be designed and located so that it is integrated with any approved Integrated Development Plan for an adjacent land area.

(NB: For the purposes of this policy, an "Integrated Development Plan" is a structure plan prepared and approved in accordance with the Auckland City District Plan (Central Area Section) 2004.)

Marine Events Precinct (Halsey Street Extension Wharf, Western Viaduct Wharf and adjacent water area)

(NB: The Viaduct Harbour policies also apply to this area.)

28.4.15 The Halsey Street Extension Wharf, Western Viaduct Wharf and the coastal marine area to the east of Halsey Street and north of Madden Street shall provide for both a marine events precinct and the continued operation of port activities. Priority shall be given to the operation of the wharves and berthage facilities for port activities and major boating events such as the America's Cup. Any use or development that unduly restricts the use of this area for port activities or for marine events shall be avoided.

28.4.16 Development and activities on the Halsey Street Extension Wharf and Western Viaduct Wharf shall be designed and managed to enable the road network connections and associated transport movements to operate efficiently at all times.

28.4.17 The use of buildings or berthage and water space in the marine events precinct for non-marine events or other non-port related activities shall not preclude marine events and shall not be of a scale or frequency that would adversely affect the on-going use of this area for marine events or prevent its use as an America's Cup facility, nor unduly restrict its use for port activities.

28.4.18 Public pedestrian access across and around the Halsey Street Extension Wharf and Western Viaduct Wharf shall be maintained. Any redevelopment shall provide public accessways of a width, design and location that encourages public access and use. Restrictions on public access shall occur only where they are necessary for public safety or the operation of a temporary event or to enable

port activities to take place. When public access is restricted, alternative access routes should be provided where practicable.

28.4.19 The Halsey Street Extension Wharf and associated buildings and structures, shall be used primarily for marine and non-marine events and port activities such as vessel servicing and fishing industry operations.

28.4.20 The Western Viaduct Wharf shall be used for activities that maintain its use as public space and which are compatible with its ongoing use by the fishing industry. Views across the wharf shall be maintained by avoiding visually intrusive structures such as buildings. Public artworks, sculptures, and temporary structures associated with events, are generally appropriate where they do not create a significant disruption to public access or port activities.

28.4.21 Vehicle parking on the Halsey Street Extension Wharf and the Western Viaduct Wharf shall be provided in a manner that does not affect its functioning as a marine events precinct, or the operational requirements of port activities, and the wharves shall not be used for general public car parking.

28.4.22 Use and development of the Marine Events Precinct shall ensure that the Precinct and the associated coastal marine area continue to provide for efficient use of the area for port activities, including its use by the fishing industry. To that end berthage facilities on the southern face of the Western Viaduct Wharf and the western face of the Halsey Street Extension Wharf should be utilised primarily by the fishing industry in recognition of the functional need of those activities to have access to working berthage within the Marine Events Precinct.

North Wharf

28.4.23 Use and development of North Wharf shall ensure that the wharf and the associated coastal marine area continues to provide for efficient use of the area for port activities, including its use by the fishing industry, and for maritime passenger transport operations. To that end berthage facilities on North Wharf should be utilised primarily by the fishing industry and maritime transport operations in

recognition of the functional need of those activities to have access to working berthage within the Port Management Areas.

28.4.24 North Wharf and the adjacent coastal marine area may provide for temporary events. During any such event, the event organiser is to ensure that alternative arrangements are made for berthage and other port activities, and public safety shall not be compromised.

28.4.25 Use and development of North Wharf that may compete or conflict with its use for port activities, shall ensure that:

- a fishing industry activities and maritime passenger transport operations can continue to operate efficiently; and
- b public pedestrian access along the wharf is maintained or enhanced where it is compatible with port activities.

28.4.26 Use and development of North Wharf should be designed and located so that it maintains the viewshafts shown on Map Series 2 Sheet 7A and is integrated with any approved Integrated Development Plan for the adjacent land area.

(NB: For the purposes of this policy, an “Integrated Development Plan” is a structure plan prepared and approved in accordance with the Auckland City District Plan (Central Area Section)).

Port Management Area 2B (Marine Industry)

28.4.27 Use and development of the coastal marine area in Port Management Area 2B should not adversely affect the use of this area for port activities particularly those related to the marine industry and port servicing activities.

28.4.28 Marine industry activities shall employ onsite management technology and practices to avoid, remedy or mitigate discharges of contaminants into the coastal marine area in order to protect water quality and improve the visual amenity of the area.

28.4.29 The development or redevelopment of facilities for marine industry activities or other

purposes should provide for public access to and along the coastal marine area where this is practicable and consistent with maintenance of public health and safety. Such public access will have to be managed so that it is compatible with the operational and safety requirements of marine industry.

28.4.30 Use and development of Port Management Area 2B shall be located and designed with regard to maintaining the viewshafts identified on Map Series 2 Sheet 7A in order to maintain visual linkages between the Wynyard Quarter street network and the coastal marine area.

28.4.31 Buildings in Port Management Area 2B shall reflect their maritime context and shall be designed and located in accordance with the urban design criteria in Appendix J.

28.5 RULES

The rules applying to Port Management Areas 2A and 2B are the general rules in section 25.5 of Chapter 25: Ports Overview and General Provisions. In administering the rules, regard shall be had to objectives and policies both in this chapter and chapter 25.

28.6 OTHER METHODS

In addition to the Other Methods in section 25.6 of Chapter 25: Ports Overview and General Provisions, the following methods apply to Port Management Areas 2A and 2B:

28.6.1 The ARC will liaise with Auckland City Council and Ports of Auckland Ltd:

- a to ensure that views between the Ferry Tee and Princes Wharf are maintained; and
- b to maintain the Halsey Street Extension Wharf, Western Viaduct Wharf and adjacent water area as a marine events precinct; and
- c in respect of any future use and development planned for this area.

28.6.2 The ARC shall liaise with the Maritime Museum in respect of any future use and development of Hobson Wharf and with major users in respect of any future use and development of the Viaduct Harbour.

28.7 PRINCIPAL REASONS FOR ADOPTING

28.7.1 Objectives 28.3.1, 28.3.3, 28.3.6, 28.3.8, 28.3.11, 28.3.12 and 28.3.15 to 28.3.17, Policies 28.4.1, 28.4.2, 28.4.5, 28.4.7, 28.4.8, 28.4.14, 28.4.16 to 28.4.19, 28.4.21 to 28.4.31 and Other Method 28.6.1

Port Management Areas 2A and 2B provide for a range of port activities to complement the adjacent land uses, including marine servicing activities on the south western side of Wynyard Quarter. Queens Wharf and the Ferry Tee area are strategically located for maritime passenger transport. Future use and development should not adversely affect the use of these areas for such purposes. Development which enhances the use of this area for these port activities is considered appropriate.

The western edge of Hobson Wharf is used for port activities and any future development should not adversely affect the use of this area for these purposes.

The Viaduct Harbour, even with dredging, is a confined water space with limited berthage and navigation areas. It is therefore appropriate that further structures maintain or enhance berthage facilities, and do not limit general navigation in the Harbour. It is acknowledged that should a bridge be constructed within the Viaduct Harbour, some reduction in berthage will result. However, this reduction should be minimised.

The Viaduct Harbour provides an unique opportunity in the heart of the city to develop an enclosed water space as a venue for a range of water-based recreation and entertainment activities. While the water space will continue to function as a berthage area for a range of vessels, it provides a special setting as an event venue. In this way it is seen as a natural extension to the use of the surrounding public spaces, and in particular, Te Wero Island, as an entertainment venue

and gathering place, whilst taking into account effects on nearby land-based commercial, entertainment, recreational, tourist and residential activities.

It is important to provide certainty of berthage within suitable locations in appropriate Port Management Areas for the fishing industry which has a functional need to have access to working berthage.

28.7.2 Objectives 28.3.2, 28.3.10, 28.3.14 and Policies 28.4.8, 28.4.9, 28.4.11, 28.4.15, 28.4.18, 28.4.20, 28.4.25 and 28.4.29

Port Management Areas 2A and 2B adjoin the Central Business District and provide a significant opportunity for public access to the coastal marine area. The public has the opportunity to use this area to gain access to the harbour and gulf ferry services. These areas provide an important linkage between the city and the water. This access needs to be maintained or enhanced. Provision for a bridge linking Te Wero Island and the Wynyard Quarter recognises the benefits for public access around the waterfront that such a linkage could provide. However, maintenance and enhancement of public access in Port Management Area 2B will be limited by the public safety and operational requirements of marine industry activities. It is unlikely that a continuous walkway along the coastal edge of Port Management Area 2B will be possible. However, there are significant opportunities for enhancing public access through developments such as short walkways, lookout points, steps and wharves.

28.7.3 Objectives 28.3.4, 28.3.9, 28.3.12 and 28.3.13, Policies 28.4.3, 28.4.4, 28.4.7, 28.4.10, 28.4.13, 28.4.20 and 28.4.30 and Other Methods 28.6.1

In this part of the Port, access is readily available and views of the coastal marine area add greatly to amenity values, particularly in the area between the western side of the Ferry Tee and the eastern side of Princes Wharf. In this important viewing area it is appropriate to restrict buildings which would obstruct views within this area. It is also appropriate that any new buildings or structures proposed are

sensitively designed and have regard to the fact that this is a highly valued area. Similarly, views from the Viaduct Harbour to the wider Waitemata Harbour are significant contributors to the amenity and character of the area. It is appropriate that buildings and structures are restricted on the Western Viaduct Wharf and are subject to design controls on other wharves and in the water area of the Viaduct Harbour.

28.7.4 Objective 28.3.6, Policies 28.4.6, 28.4.7 and Other Methods 28.6.2

Hobson Wharf and part of the adjacent Eastern Viaduct have been largely redeveloped to accommodate the Maritime Museum. The water area on the eastern side of the wharf is also used by the museum. The Maritime Museum adds to the amenity, social and cultural value of the city and region attracting visitors to the harbour edge. It is in the social and cultural interest of the city and the region that the museum continue to operate. The museum itself is an important part of the harbour edge area where it is possible for people to obtain access and views of the coastal marine area.

28.7.5 Objective 28.3.7 and Policy 28.4.12

The Viaduct Lifting Bridge is a structure of cultural heritage value that is listed in Schedule 2 of the Plan. It is appropriate that it be protected from inappropriate modification, or damage or destruction.

28.7.6 Objective 28.3.5 and Policy 28.4.5

Provision for the addition of a potential marina site off the western side of Princes Wharf concentrates the effects of marine activities into a defined area, complementing marine activities in the Viaduct Harbour.

28.8 ANTICIPATED ENVIRONMENTAL RESULTS

28.8.1 The efficient use of Port Management Areas 2A and 2B for a range of port and marine events

activities. The use and enhancement of the area adjoining the Central Business District for maritime passenger transport.

28.8.2 The retention of port activities in and around the Port Management Areas including in particular retention of the fishing industry which has a functional need to have access to working berthage in parts of Port Management Areas 2A, 2B and 4A.

28.8.3 The maintenance or enhancement of public access to, and use and enjoyment of, the harbour edge, particularly the area between the western edge of the Ferry Tee and the eastern edge of Princes Wharf.

28.8.4 The maintenance of unobstructed views to and from the coastal marine area between Princes Wharf and the Ferry Tee.

28.8.5 Development that complements the maritime location.

28.8.6 The continued operation of the Maritime Museum on Hobson Wharf.

28.8.7 Development which recognises the Viaduct Harbour's special value as an entertainment venue while also enhancing the Harbour's use for general navigation and berthage, and whilst taking into account effects on nearby land-based commercial, entertainment, recreational, tourist and residential activities.

28.8.8 The protection of the Viaduct Lifting Bridge.

Port Management Area 3 – 29

This chapter contains objectives, policies and rules relating to Port Management Area 3 (Princes Wharf). Rules in this chapter apply to structures and activities in terms of Sections 12(1)(b) and 12(3) of the RMA.

Rule 11.5.1 also provides an additional permitted activity rule which applies to all parts of the coastal marine area. Any structures or activities not provided for within this chapter as permitted, controlled, or discretionary activities or by Rule 11.5.1, will be considered under the rules of other relevant chapters.

In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

29.1 INTRODUCTION

Princes Wharf is strategically located in terms of its links between downtown Auckland and the harbour. It was built in 1924 to meet the cargo handling needs of that period, but is now unsuited to modern cargo handling and cargo shipping needs. In 1963 part of the outer east cargo shed was converted to the overseas passenger terminal. The remaining five double storey cargo sheds are used for a mixture of commercial, retail, and public facilities. Public access is allowed around Princes Wharf, except where it is temporarily restricted for security and customs reasons when other ships use the wharf.

The water area around Princes Wharf is of primary importance for the berthage of visiting passenger liners and yachts, and some cargo vessels. This has significant economic and social benefits for the city and the Region. More intensive use of the water space along the eastern side of Princes Wharf at times when this space is not required for passenger liners could further enhance these benefits. It is also anticipated that a marina may be developed in the coastal marine area on the western side of Princes Wharf. In order for this to occur, ancillary structures for engineering and services may be required in the Princes Wharf area.

A comprehensive redevelopment envisaged for this area was incorporated into the Waitemata Harbour Maritime Planning Scheme in May 1990 as Scheme Change 4. The Scheme Change was arrived at by a Planning Tribunal decision after considerable public debate. It provided for a range of retail and commercial activities including entertainment facilities, a hotel, shops, and offices, and included controls on bulk, location, and design. The comprehensive redevelopment envisaged by Scheme Change 4

has not taken place. The existing wharf buildings have therefore continued to be used for a range of exhibitions, retail and waterfront related activities, as has been the case in the past, with some minor upgrading of the buildings.

The upgrading and modernisation of facilities on Princes Wharf could significantly benefit tourism, recreation, and the public amenity values of the waterfront. Any development would need to complement the urban landscape, be in scale with adjacent land-based development, and retain views of the harbour from surrounding locations. A high level of public access would need to be maintained, particularly around the northern end of Princes Wharf where views of the harbour are important.

29.2 ISSUES

29.2.1 Princes Wharf is located in a key part of the downtown harbour edge area, used particularly for passenger liners, and is a visitor attraction to the waterfront.

29.2.2 Future development of the wharf has the potential to enhance visual and other amenity values, public access and use.

29.2.3 Princes Wharf continues to be used for port activities.

29.3 OBJECTIVES

29.3.1 To enhance linkages between Princes Wharf, the Central Business District and the coastal marine area.

29.3.2 To provide for a range of retail, commercial, entertainment and other facilities which will enhance the amenity values of, and public access on Princes Wharf.

29.3.3 To make provision for the use and development of Princes Wharf.

29.3.4 To make provision for reasonable public access to, through and around the perimeter of Princes Wharf.

29.4 POLICIES

29.4.1 Use and development on Princes Wharf shall provide for its continued use for port activities, in particular passenger liner facilities.

29.4.2 Public access to, through, and around Princes Wharf shall be maintained and any redevelopment of the wharf shall:

- a enhance public access links between the adjoining downtown area and the harbour; and
- b provide for public access to, through, and around the perimeter of the wharf; and
- c provide public accessways and spaces of a width, design, and location which functionally encourage public use and access.

29.4.3 Amenity values shall be maintained and any redevelopment of Princes Wharf shall enhance amenity values by providing for:

- a public spaces and access from which there are clear views of the coastal marine area; and
- b public space and viewing areas above wharf deck level, particularly at the northern end of the wharf; and
- c visual links from within any development out to the coastal marine area and to the adjoining waterfront; and
- d seating, ramps, landings, shelter, landscaping and public facilities which are attractive, do not

obstruct access, and functionally encourage public use; and

- e public areas around the wharf which are not subject to adverse levels of shading, wind, or other environmental effects which detract from their use; and
- f car parking and appropriate infrastructure associated with any development in a manner that does not detract from the amenity values of the area.

29.4.4 Use and development of Princes Wharf other than for port activities should complement and integrate with the adjoining Central Business District and shall include entertainment and other uses which are attractive to the public and will encourage public use and enjoyment of the Wharf.

29.4.5 The scale, design, appearance, and form of any structures on, or redevelopment of Princes Wharf shall be responsive to its harbour edge location and its prominent downtown maritime setting.

29.5 RULES

Permitted Activities

29.5.1 Hotels

Retail premises

Taverns, bars and licensed premises

Restaurants, take away food bars, food halls and food courts, cafes

Cinemas, theatres, amusement galleries, entertainment facilities

Art galleries, museums

Health, leisure, educational, conference and media facilities

Auctions

<p>Port activities</p> <p>Ancillary structures and services</p> <p>Utility services</p> <p>Offices on Princes Wharf</p> <p>Offices in the Ports of Auckland Building</p> <p>Offices ancillary to a permitted activity</p> <p>Maintenance and repair of any existing lawful structure</p> <p>Demolition or removal of any structure</p> <p>Parking ancillary to a permitted activity</p>	<p>for the storage or handling of hazardous substances, so as to provide protection in the event of leakage or spillage. Such protection facilities shall be designed, constructed and maintained to have adequate capacity, enable ready detection of leakage or spillage and prevent discharge to stormwater systems or to the coastal marine area; and</p> <p>iii wharf lines and other facilities which cannot employ sumps or bunding shall employ the best practicable option to ensure that the risk of adverse effects due to spillage or leakage is minimised; and</p> <p>f a minimum of 25% of the maximum permitted total gross floor area, which is 100,000 square metres, shall be occupied by a passenger terminal facility and one or more of the following public orientated uses: museum, theatre, cinema, retail market place, taverns, bars, restaurants, foodhalls, cafes, art galleries or entertainment facilities; and</p> <p>g the maximum percentage of the maximum permitted total gross floor area which the following activities can occupy are:</p>
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29.5.1.1 The activities in Rule 29.5.1 are permitted subject to the following conditions:

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| <p>a lighting sources shall be sited, directed, and screened so as to minimise, as far as practicable, annoyance or nuisance to adjacent properties; and</p> <p>b any noise shall comply with the provisions of Chapter 35: Noise; and</p> <p>c any signs shall comply with the provisions of Chapter 34: Signs; and</p> <p>d any maintenance, repair, demolition, or removal shall avoid, as far as practicable, the deposition of any material in the coastal marine area, and any material deposited shall be removed from the coastal marine area; and</p> <p>e any activity involving the storage or handling of hazardous substances shall ensure that:</p> <p>i the substances are stored and handled in a manner such that any leak or spill is detectable and discharge to the coastal marine area is avoided; and</p> <p>ii adequate provision is made for the collection of hazardous substances in sumps or bunded areas, in the design of all new buildings, structures or areas used</p> | <p>i Hotels: 30%</p> <p>ii Retail Premises 5%</p> <p>iii Offices, excluding the Ports of Auckland building or offices ancillary to a permitted use: 10%</p> <p>iv Parking buildings and car parks, provided that no parking, other than parking associated with a port activity or for loading or unloading associated with a permitted activity is located within 80 metres of the northern end of the wharf: 35%; and</p> <p>h parking shall be assessed on a communal basis in respect of all activities located within any building/s and shall provide a minimum of 1 space per 200 square metres of gross floor occupied by any permitted activity, with a minimum of 60%</p> |
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- of parking spaces available at all times for public, short term visitor parking; and
- i the number of car parking spaces shall not exceed 850; and
- j a minimum of 5 loading bays shall be provided; and
- k oil and grit traps shall be designed, installed and maintained in the stormwater drainage systems of car parking areas, and any vehicle and plant wash down areas; and
- l facilities shall be provided for the adequate collection and appropriate disposal of sewage, litter and other waste generated from any of the permitted activities undertaken at the wharf.
- m A minimum 6 metre wide public access way shall be provided around the full perimeter of the wharf and shall be available to the public at all times except as may need to be temporarily restricted from time to time for security, safety or operational needs associated with port and marina activities.
- d a minimum of 15% of the total gross floor area of the wharf deck level and the first upper level of all buildings shall be in the form of internal public spaces and accessways and shall include:
 - i internal pedestrian access to the northern end of the first upper level of any development, leading to the stairs or ramps required to provide access down to the wharf deck; and
 - ii an internal public space of no less than 500 square metres in area on the first upper level of any development, commencing within 80 metres of the northern exterior wall, and designed to enable maximum views of the coastal marine area; and
- e the maximum total gross floor area of all buildings shall not exceed 100,000 square metres; and
- f buildings or structures shall not be clad in glass material of greater reflectivity than 20% of white light; and
- g no building or structure shall be sited within 3 metres from the boundary of Quay Street; and

Controlled Activities

29.5.2 The erection, placement or reconstruction of any new structures, or the alteration or extension of existing lawful structures, subject to the following standards and terms as appropriate:

- a the conditions for permitted activities listed in Rule 29.5.1.1 shall be complied with; and
- b a minimum of 35% of the overall wharf deck area shall be maintained as external public space; a minimum of 30% of this space shall be located at the northern end of the wharf and for a length of 64 metres external steps, ramps or landings shall be provided to provide access from within the development down to the public areas at wharf deck level; and
- c a minimum 6 metre wide external public accessway shall be provided around the full perimeter of the wharf; and
- h the exterior form of any building shall not cause wind comfort levels (as defined in 5.8:1.10, Auckland City Council Scheme Statement Code of Ordinances, 30 September 1991) to deteriorate beyond Category C on exterior deck areas at wharf level; and
- i the maximum heights and dimensions of all structures shall not exceed the heights and building envelope shown on Figures 29.1 and 29.2; and
- j the total plan area of projections shall not exceed 10% of the entire plan area, of which vertical projections shall not exceed 6%, and any projections shall be compensated for by an equivalent volume of unused space being provided within the building; and
- k any vertical projections from Figure 29.1 and 29.2 shall be for the purposes of accommodating facilities such as plant rooms, lift and stair towers,

masts or architectural features of a decorative nature and shall not:

- i exceed a maximum height of 6 metres beyond any maximum height permitted by Figure 29.1 and 29.2; or
- ii all be located in one area.

29.5.2.1 The ARC will have control over the following matters in Rule 29.5.2:

- a the extent to which the design and external appearance of any buildings or structures recognises the city/harbour relationship, the prominent maritime setting of the site, and the public use of the development. In exercising control over these matters particular regard shall be given to the following:
 - i the extent to which the higher elements of any development are set back from and impact on the lower level areas; and
 - ii the extent to which the design encourages interaction between the external and internal wharf deck areas through to any buildings, particularly by visual linkages and the provision of shelter, public steps, and seating; and
 - iii the use of materials, colours and architectural features which enhance the maritime location and complement the adjoining harbour edge area; and
- b the duration of the consent; and
- c monitoring of the consent.

An application for a resource consent will be considered without notification in accordance with section 94(1)(b) of the RMA and without the need to obtain the written approval of affected persons other than Auckland City Council. If the written approval of Auckland City Council is not obtained, or if in the opinion of the ARC there are special circumstances existing in relation to the application, the application may be notified.

Discretionary Activities

29.5.3 Any activity which does not comply with Rules 29.5.1, 29.5.1.1, 29.5.2 and 29.5.2.1

29.6 OTHER METHODS

29.6.1 The ARC will liaise with Auckland City Council and Ports of Auckland Ltd in respect of any future use and development of Princes Wharf.

29.7 PRINCIPAL REASONS FOR ADOPTING

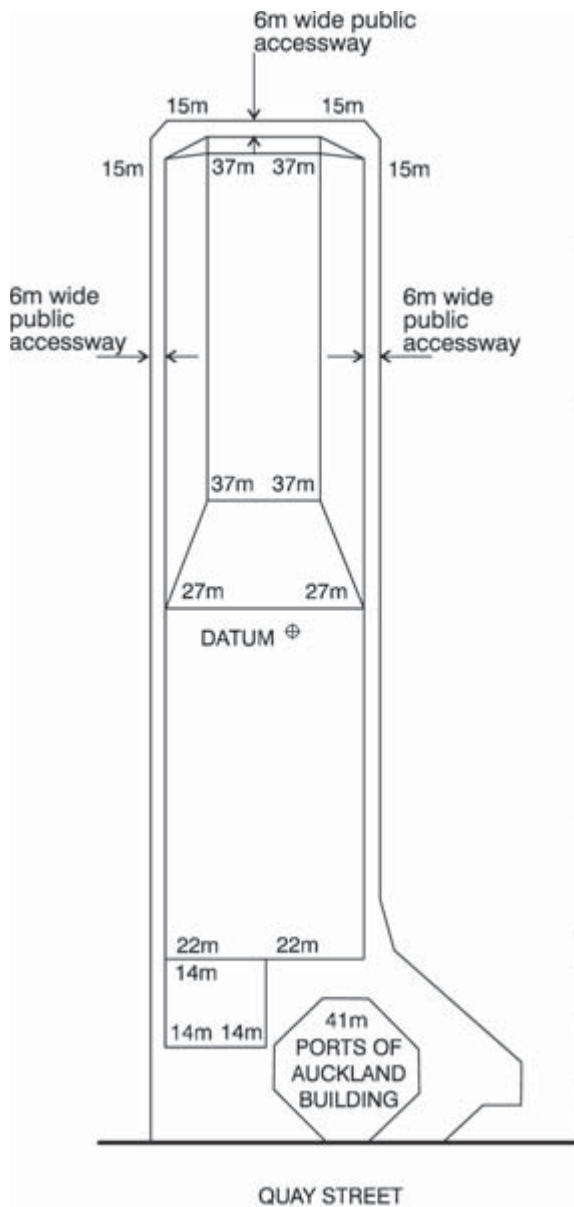
29.7.1 Objective 29.3.1, Policies 29.4.2, 29.4.3, 29.4.5 and Rules 29.5.1 to 29.5.3

The design, scale, appearance, and form of any buildings or structures on Princes Wharf need to be sensitive to its maritime location and its relationship to the Central Business District, and designed to enhance public access, use, and amenity values. The appropriate height, scale and massing of buildings, and the location and extent of public access and structure were considered at the time that Scheme Change 4 was adopted. Given the unique and prominent location of Princes Wharf, it is considered appropriate that the design, materials, colours, and architectural features of any new building, or the alteration to existing buildings, be subject to assessment.

29.7.2 Objectives 29.3.2 and 29.3.4, Policies 29.4.1 and 29.4.4, and Rule 29.5.1

Given the key harbour edge location of Princes Wharf, and the fact that the wharf itself is no longer suited for modern port activities, other than vessel berthage, it is appropriate that provision be made for a wide range of activities which attract people and add to the vibrancy of the city's harbour edge. The appropriate range and mix of activities desired to achieve this result was considered at the time that Scheme Change 4 was adopted.

Figure 29.1: Princes Wharf



MAXIMUM HEIGHT AND BUILDING ENVELOPE FOR PRINCES WHARF

ALL BUILDINGS EXCEPT EXISTING PORTS OF AUCKLAND BUILDING

1. No buildings and structures shall exceed the maximum heights and building envelope shown on this map.
2. Notwithstanding paragraph 1 above:
 - a. The uppermost roof level of permanently occupied space shall not exceed 37m above deck level provided that this height shall be reduced to 27m if no hotel is located at the northern end of the wharf.
 - b. No fixed structures shall be allowed outside the building envelope along the wharf perimeter on the eastern side.
 - c. Projections from the buildings both vertical and horizontal outside the building envelope shall be permitted, but shall be in accordance with Rule 29.5.2 J + K.
3. A 6 metre wide public accessway shall be maintained around the entire perimeter of the wharf

PORTS OF AUCKLAND BUILDING

The maximum height shall be 36m to the top of level 7 and 41m to the top of the plant room.

Scale 1:2000

All heights are relative to the highest point of wharf platform (deck level) marked as datum (4m above Lands and Survey Datum)

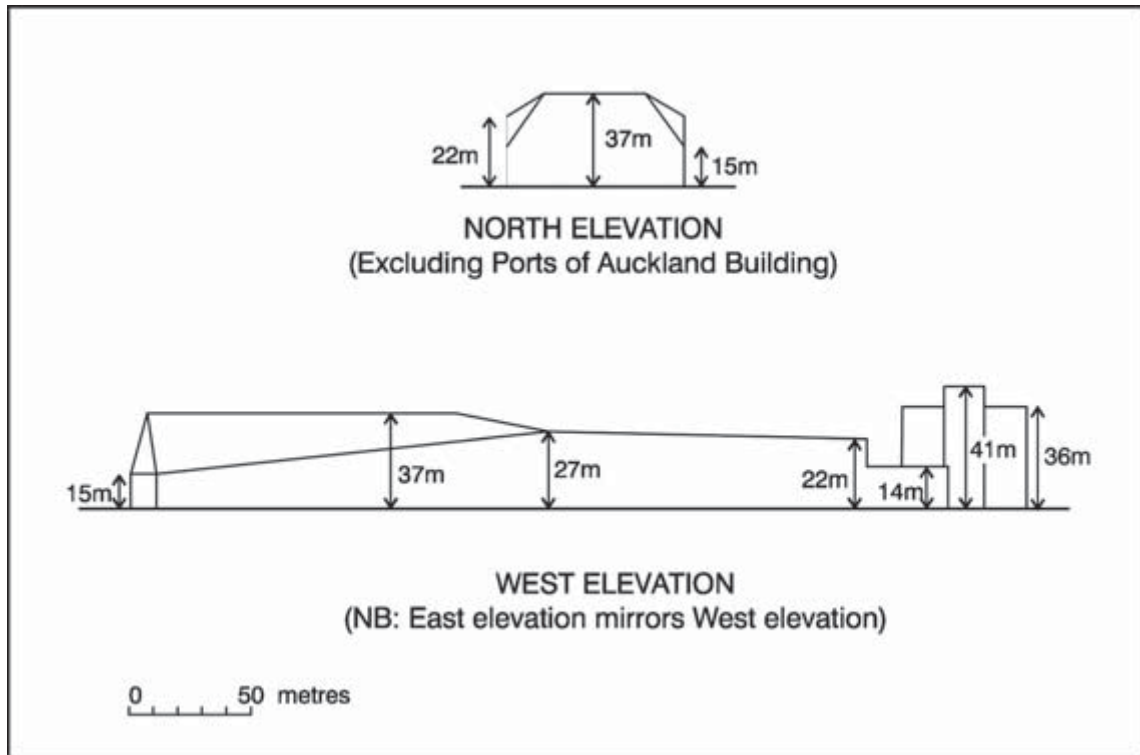
29.7.3 Objective 29.3.3, Policy 29.4.1, and Rule 29.5.1

While Princes Wharf is used for the berthing of vessels, it is no longer suited for modern port activities involving the loading, unloading, or storage of cargo. It is, however, the most appropriate wharf for the berthing of passenger liners, as it adjoins the downtown city and there is no risk to public access and safety from other port activities. The use of Princes Wharf by passenger liners has significant economic and social benefits for the city and the Region, and should be facilitated.

29.7.4 Other Method 29.6.1

Maintaining liaison between the ARC, Auckland City Council, and Ports of Auckland Ltd complements the objectives, policies, and rules and facilitates the maintenance of the public amenity value of Princes Wharf, its links to downtown Auckland, and the operation of the passenger liner terminal.

Figure 29.2: Princes Wharf: maximum height elevations



29.8 ANTICIPATED ENVIRONMENTAL RESULTS

29.8.1 The maintenance and enhancement of amenity values, public access to, and use and enjoyment of Princes Wharf.

29.8.2 Further development of Princes Wharf which enhances amenity values, public access, and links with the downtown area, and adds to the social and economic wellbeing of the city.

29.8.3 A scale and design of buildings on the Wharf which is appropriate to its harbour edge location.

29.8.4 The maintenance and enhancement of Princes Wharf as the terminal facility for passenger liners.



Port Management Areas 4A, 4B, and 4C – 30

This chapter contains objectives and policies relating to Port Management Areas 4A (adjacent to Wynyard Point, including Wynyard Wharf), 4B (Gabador Place) and 4C (LPG Terminal). Rules for these management areas are contained in Chapter 25.

In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

30.1 INTRODUCTION

Port Management Areas 4A, 4B, and 4C currently contain facilities capable of receiving large volumes of hazardous substances such as petroleum fuel products and bulk liquid chemicals. They are of primary importance to the national, regional and local economy.

To reduce risk in Port Management Areas 4A, 4B and 4C, parts of these facilities need to be closed to the public and restrictions also need to be placed on uses such as the loading and unloading of non-hazardous cargo and the berthing of commercial fishing and recreational vessels.

Significant adverse effects on water quality and ecology could arise from activities in these areas. Spillages, pipe failure or explosions may lead to the release of large quantities of hazardous substances. Although safety precautions may be taken by the use of bunding, valving, security, dredging, fire protection and other prevention systems, there is a higher risk of contamination of the environment than in other parts of the coastal marine area.

30.1.1 Port Management Area 4A: Wynyard Point

Wynyard Wharf is currently used as the principal port facility in Auckland for the handling of bulk petroleum and liquid chemicals, other than LPG. The handling of petroleum has decreased over recent years, particularly since the construction of the Marsden to Wiri pipeline in 1986. Significant quantities of other bulk liquids are transferred across the wharf. These include bitumen, marine fuel oil, bunker fuels, solvents, industrial chemicals, vegetable and other edible oils, tallow and molasses. It is also used for the transfer of bulk chemicals by barge to the Tamaki River, bunkering of vessels, boat maintenance, sand

and gravel movement, and the transfer of passengers, freight, and vehicles to the Hauraki Gulf Islands.

In the medium to longer term it is expected that, as their leases expire, the bulk liquids storage facilities located on the land in Wynyard Quarter (Western Reclamation and Wynyard Point) will vacate and/or be provided for in other locations and the land will be used for mixed residential and commercial development, public space, entertainment, and activities associated with the fishing and marine industries. This progressive and long term change in land use has been identified in a change and a variation to the Auckland City District Plan (Central Area Section) for the Wynyard Quarter.

The use of Wynyard Wharf and the coastal marine area around Wynyard Point will correspondingly change over time. During the transitional period, the wharf will continue to be used for the handling of bulk hazardous substances and may be used for other port activities. In future, the wharf will continue to be used for port activities although these may change from predominantly hazardous to non-hazardous goods, and include activities such as berthage for fishing industry boats, maritime passenger transport, and charter boats.

As the adjacent land use changes, the wharf will increasingly become an important area of public space, with some entertainment and limited commercial activities, where it is compatible with port activities. It is expected that in the longer term when the land at the northern end of Wynyard Point is developed as public open space, the planning provisions for Wynyard Wharf will be amended to provide for a greater range of public space related activities and developments. These could include public toilets, cafes and information kiosks. Planning for such uses should be integrated with the development of the adjacent park. While the hazardous bulk liquids

facilities remain, the emphasis is placed on port activities, although these may change over time from predominantly hazardous to non-hazardous goods. Port activities, which include berthage for fishing industry boats, maritime passenger transport and charter boats, and temporary events are provided for where it is demonstrated that these activities are not subject to an inappropriate level of risk relating to any existing hazardous industry.

Wynyard Wharf is approximately 20 metres wide and 500 metres in length and is separated from Brigham Street by approximately 20 metres of the coastal marine area. The main entry point to the wharf from the land is currently from the south at the intersection of Jellicoe Street and Brigham Street, and there is a bridge providing a vehicular link between the wharf and Brigham Street at the northern end of the wharf. The wharf form places significant constraints on development on the wharf. Future development will need to be of a scale, location and design that complements the adjoining land uses and maintains visual permeability and views to and from the coastal marine area, particularly from the open space proposed at the northern end of Wynyard Point.

The future use of Wynyard Wharf and the remainder of Port Management Area 4A will be influenced by the timing and sequencing of the adjacent land use changes. The Auckland City District Plan (Central Area Section) provides for the transition of activities on the adjacent land by accommodating existing activities and allowing alternative uses only once it is demonstrated that the risks generated by the hazardous bulk liquids facilities have been reduced to a required level. Greater development potential is provided for following the grant and commencement of Integrated Development Plans.

The regional significance of the bulk liquids operations means that their use of Wynyard Wharf will be needed until alternative locations for transferring bulk liquids from the coastal marine area to the land are available and/or the activities vacate the site. The risk and reverse sensitivity issues associated with these industries, along with the need to maintain operational and vehicle access to the wharf, require specific management and planning while the bulk liquids operations remain. Due to the hazardous nature of the substances currently transferred across the wharf, non-port related commercial and entertainment

activities may not be appropriate until such operations have decreased or ceased. In any event, the area of any building on the wharf is restricted and activities to be conducted within them are limited.

30.1.2 Port Management Area 4B: Gabador Place – Tamaki River

Gabador Place is used for the handling of bulk liquids (some of which are hazardous), and the movement of sand and shingle. This area also has a wharf, marina and travel lift associated with the boat building industry.

30.1.3 Port Management Area 4C: LPG Terminal – Papakura Channel; Manukau Harbour

The LPG Terminal is used for the off-loading of LPG from sea tankers through a submarine pipeline to the shore. The LPG terminal is located away from other development, in an area of relatively high natural character, and in close proximity to a Coastal Protection Area 1 (CPA 27c, at Puhinui). Any further development of this area is therefore likely to be inappropriate. The siting and operation of the LPG terminal is considered inappropriate by Tangata Whenua.

30.2 ISSUES

30.2.1 There are risks to the environment and to public safety from potential spillage or accidents involving bulk liquids and hazardous substances.

30.2.2 There is a need to ensure the continued efficient operation of Port Management Areas 4B and 4C for port activities, including the transfer of bulk hazardous substances.

30.2.3 The use of Port Management Area 4A is currently associated with the transfer of bulk liquids. In time such use will progressively change and will enable other activities to occur. While the transfer of hazardous bulk substances continues, other activities will need to be managed or even restricted to ensure appropriate management of risk.

30.2.4 Development of Port Management Area 4A should be designed and located to complement the future mixed use and public space development on the adjacent land and to maintain or enhance the visual amenity of the area.

30.2.5 Development on Wynyard Wharf will need to ensure port activities are not unreasonably compromised while providing for public access, use and enjoyment on the wharf where compatible with the level of risk to health and safety.

30.3 OBJECTIVES

30.3.1 To provide for port activities, including the transfer of bulk liquids and hazardous substances, in a manner which minimises the risks to public health and safety, and to the natural environment.

30.3.2 To provide for the operation and future development of port activities in Port Management Areas 4A, 4B and 4C.

30.3.3 To provide for port activities relating to the transfer of bulk liquids and hazardous substances in Port Management Area 4A, while land based storage facilities continue to operate in the Wynyard Quarter.

30.3.4 To manage the transition of the use and development in Port Management Area 4A in a way that enables port activities to operate while not compromising the future use of Wynyard Wharf for other activities.

30.3.5 To recognise and to provide for future changes in the use of Port Management Area 4A from the transfer of bulk liquids and hazardous substances to other port activities, public space, use and enjoyment, and limited commercial and entertainment activities.

30.3.6 To ensure that any non-port related activities do not prevent the safe and efficient operation of port activities in Port Management Area 4A.

30.3.7 To ensure that the use and development of Port Management Area 4A maintains, and where practicable enhances, public access, use and

enjoyment of the coastal marine area and the visual amenity of Wynyard Point.

30.4 POLICIES

In addition to the policies in Chapter 25: Ports Overview and General Provisions, the following policies apply to Port Management Areas 4A, 4B and 4C.

General

30.4.1 Provision shall be made for activities involving the transfer of hazardous substances within Port Management Areas 4B and 4C.

30.4.2 Port activities shall be undertaken in a manner which avoids as far as practicable, remedies or mitigates:

- a risks to public safety; and
- b the risk of the release of hazardous substances into the environment.

30.4.3 The public should be excluded from areas where hazardous substances are being transferred, off-loaded, or stored.

30.4.4 Structures handling hazardous substances shall be maintained in sound repair in order to reduce risk to the coastal environment.

30.4.5 Appropriate contingency plans shall be prepared in case of an accident or spillage on structures or in areas used for the off-loading or transfer of hazardous substances.

30.4.6 Further development within Port Management Area 4C, other than for improvement of the facility for unloading LPG, shall be considered inappropriate.

30.4.7 Any activity, use, or development which adversely affects the efficient unloading of LPG within Port Management Area 4C shall be considered inappropriate.

Port Management Area 4A

30.4.8 Provision shall be made for activities involving the transfer of bulk liquids and hazardous substances within Port Management Area 4A while the related land based activities continue to operate in Wynyard Quarter. Any new development in Port Management Area 4A relating to bulk liquids and hazardous substances should be located and designed to avoid increasing levels of risk to existing or planned activities on the adjacent land or in Port Management Area 4A.

30.4.9 Where any temporary use of Wynyard Wharf for storing, unloading, or loading of dry bulk or general cargo is proposed, these activities should be undertaken so as to:

- a avoid interference with the use of Wynyard Wharf for the transfer of bulk liquids or hazardous substances; and
- b avoid any increase in the risk of combustion or other hazardous situations occurring due to the nature of the dry cargo being stored.

30.4.10 Activities in Port Management Area 4A other than those involving the transfer of bulk liquids and hazardous substances, shall be considered appropriate where it can be demonstrated that:

- a the proposed activity will not unduly compromise the efficient operation of any existing activities relating to the transfer of bulk liquids or hazardous substances; and
- b the proposed activities do not conflict with the existing or planned use of the adjoining land; and
- c the activity is not subject to an inappropriate level of risk relating to any existing hazardous industry; and
- d the activity is designed and located to avoid creating unreasonable reverse sensitivity effects for any bulk liquid or hazardous substances operations including effects relating to odour, noise and vehicle traffic; and
- e the area to be used has no pipes or other infrastructure used for the transfer of hazardous substances that could be a health and safety

hazard to people accessing the area, or which could discharge contaminants to the coastal marine area; and

- f public amenity and public access will be maintained and where practicable enhanced; and
- g the activity does not unduly compromise the future opportunity for port activities, particularly relating to the fishing industry and maritime passenger transport connections.

30.4.11 Use and development in Port Management Area 4A should be designed and located so that it is integrated with any approved Integrated Development Plan for an adjacent land area.

(NB: For the purposes of this policy, an "Integrated Development Plan" is a structure plan prepared and approved in accordance with the Auckland City District Plan (Central Area Section) 2004.)

30.4.12 Buildings in Port Management Area 4A shall be designed and located in accordance with the urban design criteria in Appendix J.

30.4.13 Wynyard Wharf shall be recognised as a future area of port activities, including fishing industry and maritime passenger transport, with limited commercial and entertainment activities, that shall operate in a manner that enables and enhances public use and enjoyment of the wharf.

30.4.14 Use and development of Wynyard Wharf shall:

- a have a strong maritime character that complements the wharf setting; and
- b be of a size, bulk, appearance and design that complements the maritime context of the area and the existing or future planned land uses on Wynyard Point, and does not adversely affect the amenity of the coastal environment; and
- c be located on the southern half of the wharf and not adjacent to the proposed open space at the northern end of Wynyard Point; and

- d be located outside the viewshafts shown on Plan Map Series 2, Sheet 7A so that views are maintained:
 - i from the north end of Daldy Street to the coastal marine area; and
 - ii from the proposed open space at the northern end of Wynyard Point to the Viaduct Harbour and Waitemata Harbour; and
 - iii from the proposed lanes between Brigham Street and Hamer Street, across the wharf to the coastal marine area and city skyline; and
- e create an environment that emphasises high quality public access and amenity; and
- f provide seating, ramps, landings, shelter, landscaping and public facilities which are attractive, do not obstruct access, and functionally encourage public use; and
- g not restrict public access along the eastern and northern sides of the wharf, other than as temporary restrictions required for port activities or events, and contribute to the public nature of the wharf environment and access to the water's edge; and
- h provide effective visual and pedestrian linkages between the wharf and land, with well spaced buildings and multiple accessways joining the wharf to the land that align with the road and pedestrian route network; and
- i ensure sufficient space is available for port activities, including fishing industry operations, when there is a lack of capacity on North Wharf, Halsey Street Extension Wharf or Western Viaduct Wharf; and
- j ensure there is sufficient space to accommodate maritime passenger transport connections; and
- k limit vehicle parking to only that directly associated with port activities and ancillary services, or providing for temporary parking, to

minimise vehicle movement on the wharf and maintain the amenity of the area.

30.4.15 Development over the open water space between Wynyard Wharf and Brigham Street is generally appropriate where it provides vehicle or pedestrian accessways from the land to the wharf, or along the edge of the wharf.

30.4.16 Use and development in Port Management Area 4A, other than on Wynyard Wharf, should:

- a be of an appropriate scale, design, colour and location to complement its waterfront setting, maintain or enhance amenity values, and where practicable, maintain views from the land to the coastal marine area, particularly the viewshafts shown on Map Series 2 Sheet 7A; and
- b complement the adjoining land uses; and
- c demonstrate that the purpose for which the structure is required cannot reasonably or practicably be accommodated on the land or by existing structures in the coastal marine area; and
- d not adversely affect navigation and safety or port activities; and
- e where practicable, enhance public access to the coastal marine area; and
- f not be subject to an inappropriate level of risk relating to any existing hazardous industry.

30.4.17 The policies for North Wharf in chapter 28 also apply to that part of North Wharf within Port Management Area 4A.

30.5 RULES

The rules applying to Port Management Areas 4A, 4B and 4C are the rules in section 25.5 of Chapter 25: Ports Overview and General Provisions. In administering the rules, guidance will be taken from the objectives and policies in both this chapter and Chapter 25.

30.6 OTHER METHODS

In addition to the Other Methods in section 25.6 of Chapter 25: Ports Overview and General Provisions, the following method applies to Port Management Areas 4A, 4B and 4C:

- 30.6.1 The ARC will liaise with Auckland City Council, Manukau City Council (with regard to the LPG Terminal), Ports of Auckland Ltd, and the importers of hazardous substances in respect of:
- the management and contingency planning for Port Management Areas 4A, 4B and 4C; and
 - any future use and development in or around Port Management Areas 4A, 4B and 4C; and
 - the prospect of the relocation of any bulk liquid facilities and operations from Port Management Area 4A to facilitate a smooth transition as the use of Port Management Area 4A and the adjacent land changes.

30.7 PRINCIPAL REASONS FOR ADOPTING

30.7.1 Objectives 30.3.1 to 30.3.4, Policies 30.4.1 to 30.4.5, 30.4.8 to 30.4.11 and the Other Methods

These are the key port areas in the Auckland Region involved in the handling or transfer of bulk hazardous substances. As these activities have a high potential risk of adversely affecting the environment and public health and safety, it is appropriate that they be located within areas where management practices and warning mechanisms and equipment are placed in order to avoid, remedy, or mitigate actual or potential adverse effects.

30.7.2 Policies 30.4.6 and 30.4.7

The LPG terminal was erected in the Papakura Channel in order to minimise risks from the volatile product it was designed to handle. However, this part of the Manukau Harbour is of cultural and spiritual significance for Tangata Whenua, and also has important natural values. Thus, further development

other than for the purposes of off-loading LPG is likely to have significant adverse environmental effects.

30.7.3 Objectives 30.3.3 to 30.3.7, Policies 30.4.8 to 30.4.17

The use of Port Management Area 4A will change over time as the bulk liquid operations currently located in the Wynyard Quarter vacate. While the bulk liquids operations remain, development of any other activities will need to ensure that the bulk liquids operations can continue to operate and function efficiently. Planning for new activities will need to have regard to the industry's operational requirements and the potential for reverse sensitivity issues relating to matters such as odours, noise and traffic from the bulk liquids operations.

When the risks relating to the bulk liquids operations are no longer present or reduced to an acceptable level, activities in the coastal marine area will need to complement the change in land use to include public access, recreation and entertainment activities as well as port activities. The transition in uses in the Port Management Area needs to be coordinated with the changes in adjacent land uses. The development of buildings and structures in this area will need to be appropriately located and designed to enhance the amenity, character and accessibility of the waterfront, while ensuring that the operation of port activities along the wharf is not compromised.

30.8 ANTICIPATED ENVIRONMENTAL RESULTS

30.8.1 The efficient, effective, and safe off-loading, transfer, and storage of bulk hazardous substances and carrying out of port activities.

30.8.2 The minimisation of risk to the public and the environment associated with the storage, off-loading and transfer of hazardous substances.

30.8.3 The enhancement over time of public access to, and use and enjoyment of the harbour edge in Port Management Area 4A, particularly along Wynyard Wharf.

30.8.4 Development of Wynyard Wharf that complements the land uses in Wynyard Quarter and enhances the amenity of the area.

30.8.5 Public views to the coastal marine area along the wharf and across the wharf at selected places are maintained.

30.8.6 The efficient use of Port Management Area 4A for port activities, including the operations of the fishing industry and maritime passenger transport activities.

Port Management Area 5: – 31

This chapter contains objectives, policies and rules relating to Port Management Area 5 (Devonport Wharf). Rules in this chapter apply to structures and activities in terms of Sections 12(1)(b) and 12(3) of the RMA.

Rule 11.5.1 also provides an additional permitted activity rule which applies to all parts of the coastal marine area. Any structures or activities not provided for within this chapter as permitted, restricted discretionary, or discretionary activities (Rule 31.5.17 only), or by Rule 11.5.1, will first be considered under the rules of other relevant chapters, and if not provided for Rule 31.5.16 shall apply.

In any case the objectives and policies of Part III: Values will need to be considered in the assessment of effects on the environment.

31.1 INTRODUCTION

Devonport Wharf has served for a number of years as a passenger terminal facility for the regular Devonport – Downtown Auckland ferry service. This is one of the region’s most intensively used ferry passenger services, both by commuters and visitors. The water area around Devonport Wharf is used for the berthage of vessels, particularly ferries. The space within the wharf complex is used for access to the passenger waiting lounge and ferry vessels, and for a mixture of foodhall, restaurant, retail and public facilities. These facilities provide an important transport link to the city and the North Shore for commuters, and attract Aucklanders and visitors alike to Devonport.

Adjoining Devonport Wharf is Victoria Wharf. This is used for port activities mainly associated with passenger transport and for parking and servicing associated with Devonport Wharf. The inner half of Victoria Wharf falls within Port Management Area 5, the remaining part being in the General Management Area. The public can gain access into Devonport Wharf from Victoria Wharf. Vehicular and pedestrian access also enables viewing and recreational activities such as fishing from the end of Victoria Wharf. This adds to the amenity of the area and should be maintained.

Provisions allowing for the comprehensive redevelopment of Devonport Wharf, the adjacent Victoria Wharf, and the water space between these two wharves were incorporated into the Waitemata Harbour Maritime Planning Scheme in November

1990. The development that has been undertaken is of a much smaller scale, both in terms of area and height, than that envisaged and provided for in that Scheme.

Unlike the other Port Management Areas, Port Management Area 5 adjoins the Devonport business centre and is close to a residential area. The area of Devonport adjacent to the wharves is subject to height controls to protect the views of the volcanic cones in Devonport, when viewed from the south side of the Waitemata Harbour. It is important that any further development in Port Management Area 5 does not adversely affect the amenity values of the adjacent area or the views of the volcanic cones.

Port Management Area 5 focuses on maintaining the port activities, particularly passenger activities on these wharves, and managing the effects of the business and commercial activities and future development.

The provisions in Port Management Area 5 are intended to allow for the continued use of the existing development, and to provide appropriate provisions against which any future applications for development can be assessed. The Plan provisions seek to ensure that Port Management Area 5 functions efficiently for port activities associated with ferry passenger transport, that it integrates, as far as practicable, with the adjacent Devonport Commercial Area, and that public access and amenity values are maintained and enhanced.

31.2 ISSUES

31.2.1 There is a need to recognise the importance of Devonport Wharf for maritime passenger transport and to ensure adequate and convenient public access to the passenger ferry terminal and ferries. The Wharf is a major transport link between the City and the North Shore, and is an important gateway to Devonport.

31.2.2 Activities on, and the use of, Devonport Wharf may have positive effects on the adjoining land area. However there is also the potential for adverse effects, particularly in terms of visual and amenity values, public access, noise and car parking. These effects need to be controlled in a manner that integrates the Wharf with the adjoining landward area.

31.2.3 There is a need to ensure that any proposal for further structural development of the wharf is appropriate in terms of scale, design and colour and that the visual and amenity values of the adjoining coastal marine area and landward area are maintained or enhanced.

31.2.4 There is a need to maintain vehicular access on Victoria Wharf to ensure that vehicular traffic can service the premises in Devonport Wharf and port activities on the outer section of Victoria Wharf.

31.2.5 There is a need to maintain pedestrian access along Victoria Wharf.

31.2.6 The beach area between Devonport and Victoria Wharf is valued by the local community for its amenity value and natural character.

31.3 OBJECTIVES

31.3.1 To ensure the efficient functioning of port activities associated with the public transport role of Devonport Wharf.

31.3.2 To maintain and enhance public access to, through and around Devonport wharf, particularly in association with its maritime passenger transport use.

31.3.3 To maintain and enhance visual and amenity values and the use and enjoyment of Port Management Area 5.

31.3.4 To ensure that any future use and development within Port Management Area 5 is integrated, as far as practicable, with the use and development of the adjoining landward area.

31.3.5 To maintain vehicular and pedestrian access on Victoria Wharf which enable the servicing of Devonport Wharf and the undertaking of port activities on Victoria Wharf.

31.4 POLICIES

31.4.1 Any use and development that adversely affects the use of the Devonport Wharf for port activities associated with maritime passenger transport and as a ferry passenger terminal shall be avoided.

31.4.2 Public access to, through, around and on the wharf structures in Port Management Area 5 shall be maintained and enhanced.

31.4.3 The range of activities which shall be considered appropriate are those which:

- a enable the efficient and effective operation of the ferry terminal and the use of the outer section of Victoria Wharf for port activities; and
- b encourage public use and enjoyment of the wharf; and
- c can be undertaken at the same time as maintaining or enhancing views of the coastal marine area from within the wharf.

31.4.4 Any proposal for use and development shall maintain a vehicular and pedestrian accessway on Victoria Wharf, and shall not adversely affect the use of the seaward section of the wharf for port activities.

31.4.5 A passenger waiting area sufficient to comfortably accommodate the number of passengers

using the ferry service at peak times shall be provided in that part of Devonport wharf which adjoins the ferry berthage area.

31.4.6 Visual and amenity values shall be maintained and enhanced by ensuring that:

- a the height, bulk and form of any new structure is compatible with or complements the existing structure; and
- b any new structures should, as far as practicable, be designed in a manner that is compatible with or complements the character of Devonport and to the view it will present from Victoria Street; and
- c the building materials and colour, including any proposed signage, are sensitive to and complement the maritime context and prominent visual location; and
- d the design provides for views out to the coastal marine area, particularly from public areas and accessways; and
- e the design maintains the level of public open space and provides a sense of spaciousness particularly in internal accessways and public areas; and
- f the open space and beach between Devonport Wharf and Victoria Wharf remain free of structures and available for recreational use.

31.4.7 Minor additions or changes ancillary to the existing structure are generally considered appropriate when they are for the purpose of public access, seating, passenger movement or convenience and where they will not obstruct views from within the complex out to the coastal marine area, or public areas.

31.4.8 In assessing applications for further development in Port Management Area 5 which cannot meet the condition for parking spaces required by Rule 31.5.14, regard shall be had to:

- a the parking requirements for permitted activities; and
- b the effect of the shortfall in parking spaces on the availability of parking generally within the Devonport Commercial Area; and
- c whether alternatives to the actual provision of parking spaces, in terms of a cash or works contributions to a community parking scheme are appropriate; and
- d the level to which the activities proposed are likely to attract visitors who utilise the ferry services or arrive during periods when parking demand by other users is low.

31.5 RULES

The written consent of Ports of Auckland Limited is required for the occupation of any structure located within the area of the occupation consent granted to Ports of Auckland pursuant to Section 384A of the Act.

Permitted Activities

31.5.1 Port activities.

31.5.2 Retail activities.

31.5.3 Restaurants, cafes, take away food and food hall activities.

31.5.4 Administration office for Devonport Wharf at wharf deck level, and other office activities provided they are not located at wharf deck level.

31.5.5 Public recreation activities and public facilities, such as seating, toilets, ticketing and information boards.

31.5.6 Minor ancillary structures and services.

31.5.7 Signs, which are:

- a located inside the wharf building; and
- b required by law, to assist navigation, ensure public health and safety or to provide public information; and
- c externally located sign/s for the purpose of naming the wharf or structure.

31.5.8 Navigation buoys and beacons.

31.5.9 Floating oil booms and oil barriers.

31.5.10 The maintenance, repair and reconstruction of any existing lawful structure or building in Port Management Area 5.

31.5.11 The removal and demolition of any structure or building, provided that the safe use of the wharf as a ferry passenger terminal, and as a means of access for this purpose, can continue.

31.5.12 Any temporary structure as provided for in Rule 12.5.5 of Chapter 12: Structures.

31.5.13 Vehicular parking on Victoria Wharf.

31.5.14 The activities in Rules 31.5.1 to 31.5.13 are permitted subject to the following conditions:

- a the internal concourse for public access from Queens Parade to the ferry passenger waiting area at wharf deck level is maintained, with a minimum width of three metres; and
- b the exterior access on the western side of Devonport Wharf (as existing on 25 February 1995) from Queens Parade to the ferry passenger terminal is maintained; and
- c the public accessway at wharf deck level, between Devonport Wharf and Victoria Wharf (as existing on 25 February 1995) is maintained; and
- d a minimum 7 metre wide vehicular accessway is maintained on Victoria Wharf; and
- e a pedestrian accessway is maintained along Victoria Wharf; and

- f no less than 40% of the floor area at wharf deck level, and 50 % of the upper level decks, or the equivalent floor area above wharf deck level, shall be freely available for public use and access. Within the area available for public use and access an indoor passenger waiting area must be provided at wharf deck level in a position adjacent to the ferry berth; and
- g any restaurant or foodhall seating on deck areas is restricted to the area immediately adjoining the restaurant or foodhall so that the outer half of the deck and railing edge remains unobstructed for public viewing and access; and
- h areas adjoining public stairways and accessways, particularly those that also function as fire exits, be kept free of tables and chairs and remain unobstructed; and
- i the gross floor area of the administration office shall not exceed 80 square metres; and
- j the average floor to ceiling height above the concourse shall be not less than 4 metres, with a minimum height of 3 metres; and
- k the height of any structure shall not exceed 9 metres above wharf deck level; and
- l that any material deposited in the coastal marine area is removed as soon as practicable; and
- m signs located within the wharf structure comply with the conditions relating to accessways and do not obstruct the ferry terminal and passenger waiting areas; and
- n signs required for navigation, public health and safety, and public information shall comply with Maritime Safety Authority Guidelines; and
- o All other signs shall:
 - i not be flashing, revolving or moving; and
 - ii not be located where it will be a hazard to navigation or public access; and
 - iii have a maximum surface area of 3 square metres; and

- iv external signs naming the wharf shall not exceed 24 m² with no one sign exceeding 12 m²; and
- v not protrude above the eaves of the roof, or the wall of any building, or above, or beyond the structure to which it is attached, or exceed a height of 4 metres above wharf deck level if it is a free-standing sign; and
- p that the rules in Chapter 35: Noise are complied with; and
- q any external light sources shall be sited, directed and screened so as to avoid, as far as practicable, any glare on adjacent residential properties; and
- r that the following car parking can be provided within 400 metres of the wharf;

Retail	1 space for every 35 m ² of gross floor area
Restaurants, cafes, take away food premises & food halls	1 space for every 10 m ² of gross floor area plus 1 space for every 15 m ² of outdoor eating and drinking area
Offices	1 space for every 35 m ² of gross floor area
Public recreation, market & community oriented areas	1 space for every 40 m ² of gross floor area

Provided that the total required number of car parking spaces for all activities within Port Management Area 5 may be reduced by 10 car parking spaces for each bus parking space located within 50 metres of the wharf entrance up to a total maximum of three bus parking spaces (i.e. maximum rebate of 30 car parking spaces). If the bus parking spaces existing on 25 February 1995 are removed, relocated, or reduced in size, this rebate shall lapse.

- s parking spaces shall have dimensions, and manoeuvring areas, which are in accordance with the provisions of the North Shore District Plan.

The parking in relation to the activities existing on 25 February 1995 shall be deemed to have been met. Any change in activities which incurs a different car parking ratio will need to comply with the above carparking ratios.

Restricted Discretionary Activities

31.5.15 Signs for the purpose of naming a structure, or identifying premises or occupants located in the wharf which do not comply with the Conditions for Permitted Activities, subject to the following standards and terms:

- a the sign shall not be located on windows adjoining public accessways or where it will obstruct views through the building from public areas; and
- b the sign shall not be flashing; and
- c the sign shall not obstruct public access.

31.5.15.1 The ARC shall restrict the exercise of its discretion under Rule 31.5.15 to the following matters:

- a the matters of the conditions for permitted activities which the proposed sign fails to comply; and
- b the effect of the size, type, number and location of the sign(s) on;
 - i visual amenity, both from the land and water, and prominent public viewing areas; and
 - ii navigation, aviation and road traffic safety; and
- c the cumulative effect of external signs on the wharf structure; and
- d the appropriateness of the method of placement or erection; and

- e the period(s) of time during which the sign is to be erected.

Applications made under Rule 31.5.15 will be considered without notification or the need to obtain the written approval of affected persons, other than the written approval of North Shore City Council, in accordance with section 94 1(A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification or the need to obtain the written approval of affected persons.

Discretionary Activities

31.5.16 Any activity not provided for as a permitted or a restricted discretionary activity.

31.5.17 Any addition to the existing structure, or erection of any new structure not provided for as a permitted activity in Rule 31.5.6, 31.5.7 or 31.5.12 or a restricted discretionary activity in Rule 31.5.15.

31.6 OTHER METHODS

31.6.1 The ARC will liaise with North Shore City Council, Ports of Auckland Ltd and the developers or owners of Devonport Wharf in respect of any future use and development of the Wharf.

31.7 PRINCIPAL REASONS FOR ADOPTING

31.7.1 Objectives 31.3.1, 31.3.2, 31.3.5, Policies 31.4.1 to 31.4.5, 31.4.7 and Rules 31.5.1, 31.5.6 and 31.5.8 to 31.5.14

Devonport Wharf is one of the city's most intensively used ferry passenger wharves, both for commuters and visitors. As a key passenger transport link between downtown Auckland and the Devonport area, it is important that this service be facilitated. As part of this function it is important that appropriate public access be maintained.

The outer half of Victoria Wharf is used for port activities, mainly for maritime passenger transport, and it is important that a vehicular and pedestrian accessway be maintained in order to ensure that the wharf can continue to be used for these activities.

31.7.2 Objectives 31.3.3, 31.3.4, Policies 31.4.3, 31.4.4, 31.4.6, 31.4.8 and Rules 31.5.2 to 31.5.5, 31.5.7, 31.5.12, 31.5.14 and 31.5.15 to 31.5.17

The prominent location of Devonport Wharf, both as viewed from the land and the sea, requires that any proposed alterations or extensions have particular regard to the effect on visual and amenity values, and to the scale and context of Devonport. It is therefore necessary that the Plan contain appropriate objectives and policies and rules which allow for the impacts on these values to be assessed and also provides a process whereby the local community can also have an input.

Devonport Wharf adds to the amenity value of Devonport, particularly in terms of providing facilities, access, viewing areas and retail/restaurant opportunities for the public. It is appropriate that the Plan recognise and facilitate the use of the wharf in a way that integrates with the adjoining landward area and enables the wharf to operate as a success commercially, as well as in its role of providing a ferry passenger terminal. It is therefore appropriate that the Plan provide for a range of activities which will enable the wharf to operate as a commercial success, at the same time as having activities that are open and available to the public. The conditions attached to the permitted activities seek to avoid, remedy or mitigate adverse effects.

It is recognised that the use of the wharf, and proposals to alter or add to either Devonport or Victoria Wharf, have a direct impact on the adjoining land area, particularly in respect of such issues as car parking, signage and lighting. It is therefore appropriate that the Plan provide objectives, policies and rules for these activities to avoid any significant adverse effects.

31.7.3 Other Method 31.6.1

Maintaining liaison between the ARC, North Shore City Council, Ports of Auckland Ltd and the developers or owners of Devonport Wharf complements the objectives, policies and rules.

31.8 ANTICIPATED ENVIRONMENTAL RESULTS

31.8.1 The continued efficient functioning of Devonport Wharf as a ferry passenger terminal and the maintenance of public access to, on and around the Wharf.

31.8.2 The maintenance of vehicular and pedestrian access on Victoria Wharf and its continued ability for the outer section to be used for port activities.

31.8.3 The commercial success of the wharf with a range of retail, restaurant and other activities which are attractive and open to the public.

31.8.4 The maintenance and enhancement of visual and amenity values, both within and outside the wharf structure, and the avoidance of adverse effects on the adjoining landward area.



Auckland Airport Management Area – 32

Works, activities and structures in the Airport Management Area are subject only to the rules of Chapter 32.

The objectives and policies of Chapters 3 to 21, 34 and 35 apply to the Airport Management Area in so far as they do not conflict with the objectives and policies of this chapter. Where there is a conflict the objectives of Chapter 32 shall take precedence.

32.1 INTRODUCTION

The Auckland International Airport is a facility which is of strategic importance to the Auckland Region and New Zealand. It is the principal point of entry for international and domestic passenger flights, a major terminal in the domestic airline network and a significant maintenance and servicing base. It is also strategically important for the air-freight of export and import cargo, including fresh produce. The continued operation and development of the Airport contributes to the social, economic and cultural wellbeing of the region and the nation.

The Plan incorporates the Auckland Airport Management Area which recognises the strategic importance of the Airport and provides for its day to day operational activities and efficient running. This Management Area restricts use and development in the coastal marine area that is not directly associated with the Airport and which may adversely affect the operation of the Airport now and in the future. It also incorporates some Coastal Protection Areas, and while airport-related activities and structures are provided for, any adverse effects that they may have on the Coastal Protection Areas will still need to be avoided, remedied or mitigated.

The airport runway is largely located on land reclaimed from the Manukau Harbour. The presence of the runway and associated structures influences the landscape of this area, which is predominantly “man-made” and free of vegetation. It is appropriate that the Plan recognises the largely modified landscape of this area. A second runway to the north of the airport complex is proposed in the near future.

The Airport has a significant impact on the Manukau Harbour coastal environment. The impacts of the coastal marine area include the noise associated with the arrival and departure of aircraft, the presence of aircraft in the airspace above the coastal marine area,

and the restriction on the use of the harbour around the Airport. The coastal marine area also receives stormwater discharges from the Airport and is the location for various associated structures, such as ramps, bridges, lighting and navigation devices.

Most of the water area to the south of the existing runway is valued for its habitat values, particularly as a feeding ground for thousands of international migratory wading birds and is identified as a Coastal Protection Area 2 in this Plan. Within this area Wiroa Island has been developed by Auckland Airport as an artificial bird roost to encourage birds away from the runway and the flight paths of aircraft. The artificial roost is widely used by coastal birds and it is the major roost on the Manukau Harbour for the threatened Wrybill. Impounded behind the shellbanks is one of the largest, best and least disturbed areas of saltmarsh remaining in the Manukau Harbour. For these reasons much of the seaward side of this island has been identified as Coastal Protection Area 1 in this Plan.

The Pukaki-Waiokauri Creek to the north east of the Auckland Airport Management Area is both a Coastal Protection Area 2, and a Tangata Whenua Management Area. This area is a Maori Reservation established under the Te Ture Whenua Maori Act 1993.

The Ihumatao fossil forest lies to the north west of the existing runway and immediately adjoins the end of the proposed new second runway. It is considered to be nationally important, and is identified as a Coastal Protection Area 1 in the Plan. It is difficult to define the exact boundary of the fossil forest as it is partly buried beneath the foreshore and lies across the Mean High Water Springs boundary.

The values of these Coastal Protection Areas and the adjoining Tangata Whenua Management Area exist in conjunction with the operation of the Airport facility. It is considered that the ongoing future use

and development of the Airport can be undertaken in a manner that ensures that any adverse effects on the values of these particular areas can be avoided, remedied or mitigated.

32.2 ISSUES

32.2.1 The efficient operation of the Auckland International Airport is of strategic importance to the nation and the region.

32.2.2 Activities or development in the Auckland Airport Management Area that are not directly associated with the operation of the Airport, particularly in the area surrounding the runways, could adversely affect the safe functioning and efficient management of the Airport.

32.2.3 The Auckland Airport Management Area has been identified as having high ecological and geological values, particularly in terms of bird habitat and feeding areas, and the Ihumatao fossil forest. Part of the Runway Protection Area for the new second runway is located in the identified Ihumatao forest; Coastal Protection Area 26b. Use and development associated with the Airport needs to ensure that adverse effects on these areas are avoided, remedied or mitigated.

32.2.4 Some of the lighting structures located in the Runway End Protection Area for the proposed new second runway will need to be located in the Ihumatao fossil forest area. Careful examination of this area will need to be undertaken. Where practicable, adverse effects of these structures on the fossil forest should be avoided; where they cannot be avoided they should be remedied or mitigated.

32.2.5 The Pukaki-Waiokauri Creek adjoining the Auckland Airport Management Area is a Tangata Whenua Management Area and any use and development that impacts on this area needs to ensure that adverse effects on Tangata Whenua values are avoided, remedied or mitigated.

32.3 OBJECTIVES

32.3.1 To facilitate the safe and efficient operation of the Auckland International Airport.

32.3.2 To avoid, remedy or mitigate adverse effects on the Coastal Protection Areas in the Auckland Airport Management Area, while providing for the activities and structures associated with the operation of the Airport.

32.3.3 To avoid, remedy or mitigate adverse effects from the Auckland Airport Management Area on the adjoining Tangata Whenua Management Area.

32.4 POLICIES

32.4.1 Use and development within the Auckland Airport Management Area which would adversely affect the operation of the Airport, or pose any risk to safety shall be avoided.

32.4.2 Use and development associated with the operational needs of the Airport shall generally be considered appropriate within the Auckland Airport Management Area.

32.4.3 In addition to the other policies of this Plan which apply generally, any future use and development shall have regard to the values of the Coastal Protection Areas with the Auckland Airport Management Area and the adjoining Tangata Whenua Management Area, and seek to avoid, remedy or mitigate adverse effects on these areas.

32.5 RULES

Permitted Activities

32.5.1 Activities associated with the operation of the airport.

32.5.2 The erection, reconstruction, placement, extension, maintenance, repair and use of, and occupation by, bird management activities and structures.

32.5.3 Activities associated with research into the flora and fauna of the coastal marine area for the purposes of bird management.

32.5.4 The maintenance, repair and reconstruction of any existing lawful structure.

32.5.5 The removal or demolition of any structure.

32.5.6 The erection, reconstruction, placement, extension, maintenance, repair and use of, and occupation by, navigational aids.

32.5.7 The erection, reconstruction, placement, extension, maintenance, repair and use of, and occupation by, airport light structures.

32.5.8 The occupation by existing lawful structures within the Airport Management Area.

32.5.9 The activities in Rules 32.5.1 to 32.5.7 are permitted subject to the following conditions:

- a the activity, work or structure will not modify, damage or destroy any site, building, place or area identified in Cultural Heritage Schedules 1 or 2, or protected under the Historic Places Act 1993; and
- b in Coastal Protection Areas 1 there shall no disturbance of the foreshore and seabed, and in all other areas adverse effects arising from disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- c any material deposited in the coastal marine area shall be removed as soon as practicable; and

- d that the activity does not involve any structures being located within the Coastal Protection Area 1 of the Ihumatao fossil forest; and
- e any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance III: Other Disturbance; and
- f any discharge shall comply with the provisions of Chapter 20: Discharges of Contaminants; and
- g in respect of the erection, reconstruction, placement or extension of bird management structures, navigational aids and airport light structures, written advice shall be given prior to the works being undertaken, to the ARC Harbourmaster, the Maritime Safety Authority and the National Topo/Hydro Authority at LINZ; and
- h in respect of the occupation by bird management structures, navigational aids and airport light structures, written advice is provided to the ARC within seven days of the structure being installed and its occupation commencing, together with details of the structure and its location within the Airport Management Area.

Controlled Activities

32.5.10 Structures associated with the operation of the Airport, which have a functional need to be located in the coastal marine area and which are not permitted, restricted discretionary or prohibited activities, or located within the Coastal Protection Area 1.

32.5.10.1 The ARC will have control over the following matters in Rule 32.5.10:

- a avoiding, remedying or mitigating any adverse effects on the environment; and

- b the duration of the consent; and
- c monitoring of the consent.

An application for a resource consent for any controlled activity will be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1) (b) of RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Restricted Discretionary Activities

32.5.11 The discharge of stormwater.

32.5.12 Structures associated with the operation of the Airport in Coastal Protection Areas 1.

32.5.13 Any activity, including any activity directly associated with the carrying out of a permitted activity, which fails to comply with one or more of the conditions for permitted activities.

32.5.14 The ARC will restrict the exercise of its discretion under Rules 32.5.11 to 32.5.13 to the following matters:

- a the conditions for permitted activities with which the proposed activity fails to comply; and
- b avoiding, remedying or mitigating any adverse effects on the environment; and
- c the adverse effects of the identified values of any Coastal Protection Area 1; and
- d the effect of any stormwater discharges on water and sediment quality; and
- e the duration of the consent; and
- f monitoring of the consent.

An application for a resource consent for any restricted discretionary activity will be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1A) of RMA unless, in the opinion of the ARC, there are special circumstances justifying notification.

Non-Complying Activities

32.5.15 Any activity, work or structure which is not provided for as a permitted, controlled or restricted discretionary activity and which is not a prohibited activity.

Prohibited Activities

32.5.16 Any activity, work or structure within the Auckland Airport Management Area which is not directly associated with the operation of the Airport and which will, or is likely to, adversely affect the safe operation of aircraft, including any:

- a activity in conflict with the Obstacle Limitation Surfaces as detailed in Appendix G;
- b activity in conflict with the Runway End Protection Areas identified in Appendix H;
- c artificial light (other than for airport purposes).

32.5.17 Anchoring of vessels within the Auckland Airport Management Area.

32.6 OTHER METHODS

32.6.1 The ARC will liaise with Auckland International Airport Ltd in respect of any proposed development at the Airport.

32.6.2 Bylaws are another method by which activities could be controlled in the Auckland Airport Management Area.

32.7 PRINCIPAL REASONS FOR ADOPTING

32.7.1 Objective 32.3.1, Policies 32.4.1 and 32.4.2 and Rules 32.5.1 to 32.5.11, , 32.5.13 to 32.5.17, and Other Methods 32.6.1 and 32.6.2.

The safe and efficient operation of Auckland International Airport is of strategic importance to the region and the nation. It is therefore necessary that the provisions of the Plan avoid activities or development within the Auckland Airport Management Area which are not associated with the operation of the Airport and which may interfere with its safe and efficient functioning.

To facilitate the functioning of the Airport, and to recognise its established uses within the Auckland Airport Management Area, it is appropriate that the Plan's policies and rules facilitate its on-going operational needs, at the same time as protecting the important values identified within parts of this Management Area.

32.7.2 Objective 32.3.2 and 32.3.3, Policy 32.4.3 and Rules 32.5.9, 32.5.10, 32.5.12 to 32.5.14, and 32.5.15.

Within the Auckland Airport Management Area there is a Coastal Protection Area 2 and two Coastal Protection Areas 1. The adjoining Pukaki-Waiokauri Creek is a Tangata Whenua Management Area. These presently exist alongside the everyday operation and

use of the Airport. However these are highly valued areas, particularly the Ihumatao fossil forest, which is considered to be nationally important. It is therefore appropriate that any development that occurs in these areas is assessed, and is undertaken in a manner that will protect the values of these areas from significant adverse effects.

32.8 ANTICIPATED ENVIRONMENTAL RESULTS

32.8.1 The safe and efficient operation of the Auckland International Airport.

32.8.2 The avoidance of any activities or development which would compromise the safe and efficient operation of the Auckland International Airport.

32.8.3 The protection of the values of the Coastal Protection Areas within the Auckland Airport Management Area and the adjoining Tangata Whenua Management Area at the same time as providing for use and development necessary for the functioning of the Airport.



Defence – 33

This Chapter contains objectives, policies and rules in relation to Defence activities in the coastal marine area. The rules section is in two parts. The first part relates to Defence activities throughout the coastal marine area. Unless otherwise specified these Defence activities are subject to all relevant chapters of the Plan. The second part of the rules section relates to activities within the Devonport Defence Management Area. This Management Area is not subject to Chapter 12: Structures, but is subject to all other chapters of the Plan, unless there is a more specific provision in Chapter 33. In this case the more specific provision shall apply within the Devonport Defence Management Area.

Any application for Defence activities outside of the Devonport Defence Management Area, or for non-port related activities within the Devonport Defence Management Area, needs to consider the relevant chapters of Part IV: Use and Development and those matters contained in Part III: Values in the assessment of effects on the environment.

33.1 INTRODUCTION

The Defence Act 1990 provides for the establishment and operation of the New Zealand Defence Force. This is recognised by Policy 4.1.5 of the New Zealand Coastal Policy Statement which states that “Regional coastal plans should make provision for use of the coastal marine area for Defence Purposes. Defence Purposes are those in accordance with the Defence Act 1990”. The Auckland coastal marine area is used by the New Zealand Defence Force for a range of activities. Some areas of the coastal marine area are identified as flight approach paths (Hobsonville and Whenuapai airfields), while others are used in conjunction with adjacent land areas for military training exercises (South Kaipara Head and the eastern end of Whangaparaoa Peninsula), provide access to established Defence facilities (the Royal New Zealand Naval Armaments Depot at Kauri Point), or contain Defence equipment (Naval Acoustic Noise Range, Great Barrier Island). The HMNZ Naval Base is located at Devonport.

The Devonport Defence Management Area provides specifically for New Zealand Defence Force activities. The Defence Management Area has for some time contained a limited amount of commercial port activities. These activities are a minor component of the activities being undertaken in the area. Some activities can have adverse effects on the natural and physical values of the coastal marine area. The mooring, fuelling, cleaning and maintenance of vessels and the operation of associated plant and machinery at HMNZ Naval Base (Devonport Naval Base) has the potential to discharge contaminants

into the coastal marine area, thereby degrading water quality. The Devonport Naval Base also contains the largest dry dock in New Zealand. The dry dock and some associated buildings are used not only for the maintenance of Defence vessels, but also as a commercial construction and maintenance facility for other ships. Water is taken from the coastal marine area in the operation of the Calliope Dry Dock and some contaminants can be discharged into the coastal marine area when vessels leave this facility. However the Devonport Naval Base has many operational characteristics that make it similar to the commercial Port of Auckland and this similarity is reflected in the Plan provisions.

The coastal marine area may be used for permanent or temporary military training activities and for other activities undertaken for Defence purposes. These include buffer areas adjacent to land-based firing ranges, areas within the Hauraki Gulf and east of Great Barrier Island which are used for military exercises, or for testing and calibration of ships and equipment. Such activities may involve the use of the Restricted and Danger Areas NZR26 and NZD25 (Kaipara South Head), NZD17 and NZD 18 (Whangaparaoa), NZR9 (Little Barrier Island), NZD11 (Hauraki Gulf), NZD23 (east of Great Barrier Island) and NZR10 (Hauraki Gulf). These areas are called Defence Exercise Areas and are identified in Plan Map Series 1 and on Plan Map Series 4.

These Defence activities have a range of environmental effects depending on whether live or inert ordinance is used, the depth of water in which the exercises are carried out, the type of substrate,

and the frequency of the exercises. Some parts of the Hauraki Gulf, such as Bowling Alley Bay at Great Barrier Island have been used for underwater explosives training exercises. This has led to public concern being expressed over the impacts on the cultural and amenity values of these areas.

Many Defence facilities restrict public access to and along the coastal marine area. In some areas there is a permanent restriction on access and mooring of vessels, while in other areas, such as those used for training exercises, access may be restricted on a temporary basis for public health and safety. These restrictions on access are imposed through other legislation such as the Submarine Cables and Pipelines Protection Act 1996 or the Defence Regulations. Temporary restrictions on access are usually imposed by the issuing of Notices to Mariners and Notices to Airmen (Notams). Restricted areas or prohibited anchorages areas for Defence purposes are identified on the Plan Maps for information purposes. While such restrictions may be required for operational security or the need to protect public health and safety, there may be instances where access to and along the coastal marine area could be enhanced without detriment to Defence activities.

Section 4 of the RMA binds the Crown to comply with the provisions of this Act, except in specified circumstances. This means that the New Zealand Defence Force must comply with the provisions of this Plan. However, should the Crown act in a manner which is contrary to the provisions of this Plan, action cannot be taken against it in terms of the offences provisions of the RMA. This is because section 4(5) states that no enforcement order, abatement notice, excessive noise direction, or information shall be issued against the Crown.

33.2 ISSUE

33.2.1 The New Zealand Defence Force operates within the coastal marine area. However Defence facilities and activities can have adverse effects on the natural and physical values of the coastal marine area which need to be avoided, as far as practicable, remedied and mitigated.

33.3 OBJECTIVES

33.3.1 To provide for military use of the coastal marine area for Defence purposes, in a way which avoids as far as practicable, remedies or mitigates adverse effects.

33.3.2 To encourage the progressive upgrading of Defence activities in the coastal environment to reduce adverse effects on the coastal marine area.

33.4 POLICIES

33.4.1 Defence training exercises shall be considered appropriate in the identified areas of the coastal marine area shown on the Plan Maps as Defence Exercise Areas.

33.4.2 Temporary Military Training Activities shall be considered appropriate throughout the coastal marine area, except in a Coastal Protection Area 1, provided that they are undertaken in ways which avoid as far as practicable, remedy or mitigate adverse effects.

33.4.3 Underwater explosives training exercises shall be avoided in:

- a A Coastal Protection Area 1; and
- b Sites, buildings places or areas identified for preservation or protection in Cultural Heritage Schedules 1 or 2; and
- c Areas identified by Tangata Whenua in accordance with Tikanga Maori as being of special spiritual, cultural, or historical significance and shown on the Plan Maps; and
- d Marine Reserves and Marine Protected Areas.

33.4.4 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal by the New Zealand Defence Force to undertake activities outside of the Devonport Defence Management Area.

33.4.5 The operational needs of Defence activities within areas of the coastal marine area adjacent to designated Defence sites and identified on the Plan

Maps shall be protected by avoiding any activities which would adversely affect their efficient operation.

33.4.6 Public access should be provided to and along the coastal marine area adjacent to military facilities where this is not in conflict with the Defence Act 1990 which enables access to be restricted, or the need to protect public health and safety. Any restrictions on access to or along the coastal marine area imposed through the provisions of this Plan shall be the minimum practicable to ensure the operation and security of such facilities.

33.4.7 The national importance of the HMNZ Naval Base (Devonport Naval Base) shall be recognised by:

- a including that part of the coastal marine area containing major wharves and other access structures within a Defence Management Area; and
- b providing for its continued operation, while encouraging the use of appropriate management techniques to avoid, remedy, or mitigate adverse effects; and
- c requiring the progressive upgrading of facilities and operations to avoid, remedy, or mitigate adverse effects, particularly those relating to water quality.

33.4.8 Any application to erect a structure, other than those for port activities, in the Devonport Defence Management Area shall demonstrate that:

- a the area proposed to be used for the structure is no longer entirely needed, and is not likely to be needed in the foreseeable future for port activities; and
- b the loss of the proposed area for port activities will not result in increased pressure for the expansion of the Devonport Defence Management Area beyond its existing boundaries; and
- c adverse environmental effects will be avoided, remedied, or mitigated.

33.4.9 Redevelopment or further development of existing navigation channels, wharves, piers and berths, and the development of new facilities within the Devonport Defence Management Area should be designed and located so that the need to dredge is either avoided or minimised, as far as practicable, where this does not result in additional adverse environmental effects.

33.4.10 In order to avoid the direct discharge of contaminants or deposition of solid matter into the coastal marine area, appropriate provision shall be made by the owner, user or developer of port facilities and structures for adequate and convenient facilities in sufficient quantity to meet the needs of all vessels which berth or anchor within the Devonport Defence Management Area for the collection and appropriate disposal of:

- a sewage, bilge water and litter from vessels; and
- b residues from vessel servicing, maintenance and repair; and
- c spills from refuelling operations and refuelling equipment; and
- d spills, residues and debris from cargo operations.

33.4.11 The operation of the Calliope Dry Dock as a functioning dry dock shall be recognised and any maintenance, repair, alteration, or reconstruction of this facility shall be undertaken in a way which does not cause significant damage to, or destroy the integrity of, the site and the historical values for which it is recognised.

33.4.12 Development for Defence purposes throughout the coastal marine area including the erection, maintenance and repair, demolition, or removal of structures shall be:

- a avoided where it will result in more than minor modification of, or damage to, or the destruction of, any Coastal Protection Area 1; and
- b avoided where it will modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1; and

- c considered inappropriate where it will adversely affect any place or area identified for protection in Cultural Heritage Schedule 2, unless the adverse effects can be avoided, remedied or mitigated.

33.4.13 Wharves and associated infrastructure used for Defence Purposes throughout the coastal marine area should be maintained in a good and safe working condition.

33.4.14 Reclamation and drainage in the Devonport Defence Management Area for port development purposes shall be considered inappropriate unless:

- a it will not result in increased pressure for the expansion of the Devonport Defence Management Area beyond its existing boundaries; and
- b it will not result in an increased intensity of activities where those activities will have adverse effects on the surrounding residential environment; and
- c adverse environmental effects will be avoided, remedied or mitigated; and
- d it meets the requirements of Policy 13.4.1 and other relevant policies of Chapter 13: Reclamation and Drainage.

33.4.15 Buildings and other structures in the Devonport Defence Management Area shall be designed and located as far as practicable, so as to avoid, remedy or mitigate significant adverse effects on views from and to the adjoining land and water.

33.4.16 When assessing the visual effect of buildings and other structures in the Devonport Defence Management Area, regard shall be had to:

- a maintaining or enhancing the visual environment of the area; and
- b maintaining or enhancing the landscape and amenity links between the harbour, the Defence Management Area and adjacent commercial and residential areas.

33.5 RULES

Nothing in this chapter prevents other use and development from being undertaken within Defence Exercise Areas, provided that it complies with any relevant provisions of this Plan. However, in assessing any use or development which requires a resource consent, particular regard shall be had to ensuring that it does not compromise the ability of the New Zealand Defence Force to use the exercise areas for Defence training exercises and the calibration and testing of vessels and equipment.

Permitted Activities General

33.5.1 Defence Training Exercises and the calibration and testing of vessels and equipment in Defence Exercise Areas identified on the Plan Maps being NZD25 (South Kaipara Head), NZD17 and NZD18 (Whangaparaoa), NZD11 (Hauraki Gulf), NZD23 (east of Great Barrier Island), NZR10 (Hauraki Gulf), NZR26 (South Kaipara Head) and NZR9 (Little Barrier Island).

33.5.2 Temporary Military Training Activities for Defence purposes, except in Coastal Protection Areas 1, subject to the following conditions:

- a the ARC is advised of the timing and location of the activities, prior to their commencement; and
- b the activity does not involve the occupation of space in terms of section 12(4) of the RMA; and
- c public access to, along and within the coastal marine area is only restricted for the length of the exercise and only to the extent reasonably necessary to undertake the exercises in a safe and efficient manner; and
- d the activity does not involve the erection of permanent structures and any temporary structures erected for the duration of the training activities shall be removed on completion of the activity; and
- e the activity does not require reclamation or drainage of the foreshore and seabed; and

- f any disturbance of the foreshore and seabed is able to be remedied by natural processes within 7 days; and
- g there shall be no significant damage to live vegetation or fauna and they shall not be intentionally removed from the coastal marine area; and
- h no sand, shingle or shell or other natural material shall be intentionally removed from the coastal marine area; and
- i any discharge of contaminants shall comply with the provisions of Chapter 20: Discharges of Contaminants; and
- j any place or area scheduled for preservation or protection in Cultural Heritage Schedules 1 or 2 shall not be modified, damaged or destroyed; and
- k the activity complies with the noise conditions set out in Chapter 35; Noise.
- l The use of guns, explosive or pyrotechnic devices shall not occur between midnight and 5.00 am in the coastal marine area adjacent to land which is subject to the jurisdiction of the Central Area and Isthmus Sections of the Operative Auckland District Plan.

NB: District Plan requirements (above Mean High Water Springs) and any relevant bylaws or other requirements under other legislation associated with the activity also need to be met in addition to the requirements of this Plan.]

33.5.3 Disturbance of the foreshore and seabed to retrieve munitions or explosives, provided that as far as practicable, the ARC is notified of the location and timing of munitions or explosives retrieval in a Coastal Protection Area 1, prior to the activity commencing.

33.5.4 Port Activities within the Devonport Defence Management Area and at Onetaunga Bay Wharf (Kauri Point).

Permitted Activities in the Devonport Defence Management Area

33.5.5 The construction, maintenance, and repair of vessels in the Calliope Dry Dock.

33.5.6 The taking, use, damming and diverting and discharge of water for the operation of the Calliope Dry Dock facility (including the ballasting of the Dry Dock gate), provided that that no vessel cleardown commences until the on-site treatment plant is in place and operational.

33.5.7 The discharge of contaminants from the Calliope Dry Dock until 1 January 1999 or when this plan becomes operative (whichever is the later), subject to the following conditions:

- a as far as practicable, all contaminants or waste material from the cleaning and maintenance of ships is swept up and removed from the dock prior to the dock being flooded and the gates being opened to refloat ships; and
- b any existing collection or treatment facilities for liquids are maintained in good working order and used to the fullest extent practicable when the dock is in operation.

33.5.8 The construction, maintenance and repair of vessels outside of the Calliope Dry Dock subject to the following conditions:

- a the activity does not involve the use of wet and dry grit blasting or water blasting, including the use of detergents or chemicals for the purpose of paint stripping; and
- b any water blasting using low pressure washing systems shall not exceed 1,000 psi (6900 kPa), or any high volume wash down shall not exceed 100 psi (690 kPa); and
- c the discharge or escape of contaminant material or debris onto the foreshore or into the water shall be collected as far as practicable and removed from the coastal marine area; and

- d Any discharge will not after reasonable mixing, give rise to any or all of the following effects:
- i the production of any conspicuous oil or grease films, scum or foams, or floatable or suspended materials; or
 - ii any conspicuous change in the colour or visual clarity of the water in the coastal marine area; or
 - iii any emission of an objectionable odour; or
 - iv any significant adverse effects on aquatic life.
- b is associated with a permitted activity or an activity for which a resource consent has been granted; and
- c is removed from the coastal marine area upon completion of the maintenance or repair work.

33.5.12 The erection or placement of buildings or structures, required for port activities, on existing wharves provided that the maximum height of the building or structure shall be no more than 10 metres above mean sea level.

33.5.13 Structures and services ancillary to existing structures, buildings and port activities.

NB: Compliance with this rule may require the installation of collection devices such as ground covers, netting or other devices to ensure the collection of any contaminant or debris from the operation.

NB: this includes for example fenders, pontoons, handrails, pipelines, power, telecommunication and sewer lines.

33.5.9 The taking, use and discharge of water for the diesel testing facility.

33.5.14 Navigation buoys and beacons.

33.5.10 The maintenance, repair, reconstruction, removal or demolition of any structure subject to the following conditions:

33.5.15 Floating oil booms and oil barriers.

33.5.16 The activities in Rules 33.5.5 to 33.5.15 are permitted subject to the following further conditions:

- a in the case of any maintenance or repair, there is no significant change to its external appearance; and
 - b in the case of any maintenance, repair, reconstruction, removal or demolition, any material deposited in the coastal marine area is removed as soon as practicable; and
 - c in the case of removal or demolition, the structure is not listed as a site, building, place or area in Cultural Heritage Schedules 1 or 2 of this Plan or protected under the Historic Places Act 1993.
- a all lighting sources shall be sited, directed, and screened so as to minimise, as far as practicable, annoyance or nuisance to adjacent residential properties; and
 - b any noise shall comply with the provisions of Chapter 35: Noise; and
 - c any signs shall comply with the provisions of Chapter 34: Signs; and
 - d in the storage or handling of hazardous substances all precautions shall be taken to avoid the discharge of substances into the coastal marine area by ensuring that:
 - i the substances are stored and handled in a manner that any leak or spill is readily detectable and discharge into the coastal marine area is avoided; and

33.5.11 The erection or placement of any temporary structures required to carry out maintenance and repair of existing structures subject to the following conditions:

- a the structure is temporary in nature; and

- ii adequate provision is made for the collection of hazardous substances in sumps or bunded areas, in the design of all new buildings, structures or areas used for the storage or handling of hazardous substances, so as to provide protection in the event of leakage or spillage, (except in relation to wharf lines and other facilities where sumps or bunding is not possible.) Such protection facilities shall be designed, constructed and maintained to have adequate capacity, enable ready detection of leakage or spillage and prevent discharge to stormwater systems or to the coastal marine area; and
- iii wharf lines and other facilities which cannot employ sumps or bunding shall employ the best practicable option to ensure that the risk of adverse effects due to spillage or leakage is minimised.

Controlled Activities General

33.5.17 Temporary Military Training Exercises not complying with the conditions of Rule 33.5.2, subject to the following standards and terms:

- a the activity does not take place in Coastal Protection Areas 1; and
- b the activity does not require the erection of a permanent structure; and
- c the activity does not require reclamation or drainage of the foreshore or seabed.

33.5.17.1 The ARC will have control over the matters which do not meet the Conditions for Permitted Activity Rule 33.5.2.

Controlled Activities – Devonport Defence Management Area

33.5.18 The erection or placement on the seabed of any new structures required for port activities, except in the Management Area south of a line parallel to the harbour edge of Calliope South Wharf.

33.5.19 The extension, alteration or reconstruction of existing structures required for port activities, except in the Management Area south of a line parallel to the harbour edge of Calliope South Wharf.

33.5.20 Any activity undertaken in terms of Rules 33.5.18 and 33.5.19 shall comply with the following standards and terms:

- a the Conditions for Permitted Activities in Rule 33.5.16 shall be complied with; and
- b the maximum height of any structure or any building on the structure shall be no more than 10 metres above mean sea level; and
- c the proposed work or structure shall not adversely affect navigation and safety; and
- d the proposed work or structure shall not modify, damage or destroy any site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedules 1 or 2 or protected under the Historic Places Act 1993; and
- e oil and grit traps shall be designed, installed and maintained in the stormwater drainage systems of plant wash down areas.

33.5.21 The ARC will have control over the following matters in Rules 33.5.18 and 33.5.19:

- a the timing and method of construction, placement, addition, alteration, or replacement; and
- b the effects on natural coastal processes of any construction, placement, addition, alteration, or replacement; and
- c the methods taken to avoid, remedy, or mitigate the discharge of contaminants or deposition of solid matter into the coastal marine area; and
- d the scale, design, and appearance of any structure; and
- e measures to be taken to more efficiently use space on existing wharves or adjacent land, in order to minimise the size of any new structure or the extent of any expansion; and

- f the duration of the consent; and
- g the monitoring of the consent.

33.5.22 Discharges of contaminants from maintenance activities on existing structures subject to the provisions of Chapter 20: Discharges.

33.5.23 The construction, maintenance and repair of vessels outside of Calliope Dry Dock which does not comply with the conditions of Rule 33.5.8.

33.5.23.1 The ARC will have control over the following matters under Rule 33.5.23:

- a the volume and level of discharges arising from the activity; and
- b the method of discharge and the effects arising from the method chosen; and
- c the provision of adequate facilities for the collection, treatment and disposal of any discharge; and
- d the duration of the consent; and
- e the monitoring of the consent.

Applications for controlled activities will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1) (b) of the RMA unless in the opinion of the ARC there are special circumstances justifying notification.

Restricted Discretionary Activities – Devonport Defence Management Area

33.5.24 The erection or placement of any new structure on the seabed, or the extension, alteration or reconstruction of existing lawful structures, required for port activities which fail to comply with the Conditions for Permitted Activities and the Standards and Terms for Controlled Activities.

33.5.24.1 The ARC will restrict the exercise of its discretion under Rule 33.5.24 to the following matters:

- a the matters listed in conditions for permitted activities in Rule 33.5.16 and standards and terms for controlled activities in Rule 33.5.20 with which the proposed work fails to comply; and
- b whether more efficient use of space on existing wharves or adjacent land would avoid the need for the structure or reduce its size; and
- c in the case of any structure in the Management Area south of the harbour edge of Calliope South Wharf, the adverse effects on the use of the lower harbour, including public recreation and navigation of vessels; and
- d the duration of the consent; and
- e monitoring of the consent;
- f the scale, design and appearance of any structure; and
- g where height is a condition not complied with, the effect of any building or structure on views to and from the coastal marine area.

Applications will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the RMA unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

33.5.25 Underwater explosives training exercises, except in a Coastal Protection Area 1.

33.5.26 Temporary Military Training exercises which involve the erection of permanent structures, except in a Coastal Protection Area 1.

33.5.27 Reclamation and drainage for port purposes within the Devonport Defence Management Area.

33.5.28 The discharge of contaminants from the Calliope Dry Dock after the date identified in Rule 33.5.7.

33.5.29 Any activity or work which would modify, damage, or destroy any site, building, place or area scheduled for protection in Cultural Heritage Schedule 2, unless that activity or work is prohibited by other provisions in this Plan.

Non-Complying Activities

33.5.30 Any activity that is not provided for as a permitted, controlled, restricted discretionary, discretionary or prohibited activity in any other rule contained in this chapter.

Prohibited Activities

33.5.31 Underwater explosives training exercises in:

- a A Coastal Protection Area 1; or
- b Areas identified by Tangata Whenua in accordance with Tikanga Maori as being of special spiritual, cultural, or historical significance and shown on the Plan Maps; or
- c Sites, buildings, places or areas identified for preservation and protection in Cultural Heritage Schedules 1 or 2; or
- d Marine reserves and marine protected areas.

33.5.32 Any activity or work which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

OTHER METHODS

33.6.1 Defence Areas, prohibited areas or prohibited anchorage areas within the coastal marine area shall, as far as practicable, be identified on the Plan Maps for information purposes. Prohibitions on public access to or through these areas or the anchoring or mooring of vessels within these areas is imposed by the Defence Act 1990 and the Submarine Cables and Pipelines Protection Order 1992.

33.6.2 The ARC will encourage the New Zealand Defence Force to implement an agreed programme to upgrade facilities within the Devonport Defence Management Area. This will result in the progressive introduction of appropriate collection, treatment and disposal facilities for sewage and bilge water discharges from vessels, contaminants from equipment and vessel operations, servicing, maintenance and repair, and spillages from refuelling operations and equipment.

This programme shall be established and implementation shall have commenced in time to meet the requirements of Rule 33.5.7

33.6.3 The ARC supports the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 and is opposed to the visits of nuclear-armed and nuclear propelled warships or aircraft to Auckland.

33.7 PRINCIPAL REASONS FOR ADOPTING

33.7.1 Objective 33.3.1, Policies 33.4.1, 33.4.2, 33.4.5, 33.4.12-13, Rules 33.5.1, 33.5.2, 33.5.17, and Method 33.6.1.

The objective, policies, and rules give effect to Policy 4.1.5 of the New Zealand Coastal Policy Statement which requires that provision be made for use of the coastal marine area for Defence purposes. The policies and rules provide for Defence operations where they are considered to have minor adverse effects because of their scale or the intermittent nature of their operation. Such activities have a functional need to be undertaken in the coastal marine area or they are recognised under the Defence Act 1992 or Defence Regulations.

33.7.2 Policies 33.4.7 to 33.4.11, Policies 33.4.14 to 33.4.16, Rules 33.5.4 to 33.5.16, 33.5.18 to 33.5.24, 33.5.27 and 33.5.30

These policies and rules specifically recognise the existence of the Devonport Naval Base and provide for its continued operation. The environmental effects associated with the use of the naval base, and the redevelopment of existing structures and development of new structures, are considered

to be similar to those likely to be experienced in the Port Management Areas 1A and 1B. For this reason, similar provisions relating to the operation, development, and redevelopment of these port areas have been applied to the identified part of the coastal marine area at Devonport. This area is significantly modified by a number of naval wharves, ramps, and launching facilities.

33.7.3 Objective 33.3.2, Policy 33.4.7, Rules 33.5.7 and 33.5.28 and Method 33.6.2

The Devonport Naval Base was established under earlier legislation which exempted the Crown from many requirements. Problems are recognised in the operation of the Naval Base, including Calliope Dry Dock, particularly from the uncontrolled discharge of contaminants into the coastal marine area. Major capital expenditure is required to upgrade the facilities. These objectives, policies, rules and methods recognise the need for this upgrading to avoid, remedy and mitigate the adverse effects on water quality, but provide for this work to be carried out progressively over a set time.

33.7.4 Policies 33.4.4, 33.4.6, 33.4.11, 33.4.12 and Rules 33.5.3, 33.5.26, 33.5.29 and 33.5.32

These policies and rules give effect to the provisions of the Plan dealing with public access, the preservation and protection of sites and areas listed in the Cultural Heritage Schedules, and the protection of the values of Coastal Protection Areas 1 and 2 as they relate to use and development by the New Zealand Defence Force. The reasons for adopting these objectives, policies and rules are discussed in more detail in the relevant chapters of the Plan.

33.7.5 Policy 33.4.3 and Rules 33.5.25 and 33.5.31

This policy and rule recognise that underwater explosives training exercises undertaken by the New Zealand Defence Force may have significant adverse environmental effects in some parts of the coastal marine area, including effects on cultural and amenity values. Areas of particular ecological, historical, and cultural value, and areas which are protected under

other legislation, are identified as being inappropriate areas for these activities to be undertaken.

33.7.6 Method 33.6.3

This method gives effect to the resolutions of the Auckland Regional Council of 19 September 1983 and 21 June 1993 opposing the visits of nuclear armed and nuclear propelled warships or aircraft to Auckland.

33.8 ANTICIPATED ENVIRONMENTAL RESULTS

33.8.1 The efficient and effective operation of Defence activities within the coastal marine area.

33.8.2 The maintenance of the natural and physical values of the coastal marine area.

33.8.3 Minimising conflict between Defence activities and public use and enjoyment of the coastal marine area.

Signs – 34

The provisions of this Chapter apply to all of the coastal marine area. The provisions of Chapter 12: Structures do not apply to signs. However the provisions of all other chapters apply as appropriate.

In making an application for a sign, as well as the relevant Chapters in Part IV: Use and Development, those matters raised in Part III: Values, need to be considered in relation to the assessment of effects on the environment.

The construction and erection of signs is also subject to the requirements of the Building Act 1991.

34.1 INTRODUCTION

Section 12(1)(b) of the RMA states that no person may, in the coastal marine area, erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, unless expressly allowed by a rule in a regional coastal plan or a resource consent. In addition, section 7(c) of the RMA requires that particular regard be had to the maintenance and enhancement of amenity values.

Signs are necessary in the coastal marine area in order to ensure navigational safety, public health and safety, provide information and advice, or to identify a structure or location.

The coastal marine area is a visually sensitive area and is viewed by large numbers of people. Signs in the coastal marine area can adversely impact on natural character, landscape, and amenity values by:

- a detracting from views or important visual elements such as landmarks, seascapes, or view shafts;
- b being visually obtrusive and creating an effect of clutter, because of the relationship to other signs or landscape elements;
- c being insensitive in terms of scale, form, and relationship to the surroundings.

The appropriateness of signs will depend on their purpose, particular context, and the environment in which they are located. The need to name a structure or identify the availability of a product or service at a particular location in the coastal marine area is recognised. However signs for the sole or

predominant purpose of advertising or promoting a product, business, or service, particularly if they are not located in the coastal marine area are considered inappropriate.

However parts of the coastal marine area, such as Port Management Areas adjoining the central business district, are located next to areas characterised by a high degree of modification and development. In this context it is recognised that signs may be located on wharves or structures in the coastal marine area without their presence detracting from natural or visual amenity values.

A number of special maritime events and activities are held in the coastal marine area of the Auckland Region. These events add to the attraction of Auckland and provide economic and social benefits for the city. Signs advertising these events, and the sponsors of these events is integral to their public support and to the funding of the event, and is usually for only a short duration. For these reasons it is appropriate that the Plan provide for signs for this purpose.

Some signs, such as navigational signs, boundary markers, or signs advising of activities need to be located in the coastal marine area to be effective. It is preferable that such signs be located on an existing structure in the coastal marine area, or where possible on the adjoining land, rather than being located in the water area. Those that are located on piles or on an existing structure usually have only a minor effect on coastal processes.

Inappropriately located or constructed signs could obstruct or conflict with navigation and create a hazard. Flashing, illuminated or artificially lit signs may be confused with navigation lights or devices and pose a risk to navigation. They may also detract from the

amenity values of adjoining landward areas, particularly if they are used for residential purposes. Other signs, such as sandwich board signs, could detract from public access along wharves or accessways and pose a risk to public safety. Signs, particularly large advertising signs within the coastal marine area may distract drivers on adjacent roads and be a traffic hazard.

34.2 ISSUES

34.2.1 Signs are necessary in the coastal marine area to ensure navigational safety, public health and safety, to identify the boundaries of marine reserves or other significant areas and to advise if particular activities may or may not be undertaken.

34.2.2 Inappropriately located or designed signs can have an adverse effect on public access, visual amenity, and navigation. They may also adversely affect traffic safety, as signs may be a distraction to drivers using roads adjacent to the coastal marine area.

34.2.3 Signs can add to the amenity of an area by informing the public of services, facilities, and products that are available. However the coastal marine area is viewed by a large number of people, and signs can have an adverse effect on the visual amenity and natural character of the coastal marine area.

34.2.4 Some parts of the coastal marine area, such as the Port Management Areas are characterised by a high level of modification and adjoin intensely developed areas, such as the central business district. There is a need to recognise that these areas can accommodate a greater level of signage without resulting in the adverse effects that they would create in lesser developed areas. However there is still a need to ensure that visual amenity value of these highly viewed waterfront areas is maintained.

34.2.5 Signs advertising special maritime events, and the sponsors of these events, are integral to their public support and the funding of the event. These events add social and economic value to the city and are usually for a relatively short duration. There is a need to provide for these signs, while ensuring that adverse effects are avoided.

34.3 OBJECTIVE

34.3.1 To provide for appropriate signs in the coastal marine area while avoiding, remedying, or mitigating adverse effects.

34.4 POLICIES

34.4.1 Signs in the coastal marine area shall be considered appropriate for the purposes of:

- a navigation advice or warning of hazards; or
- b giving necessary public information, including public health and safety matters; or
- c naming or identifying a building, wharf or structure in the coastal marine area; or
- d conveying information of a service or product available in the coastal marine area; or
- e advertising an event or activity being undertaken in the coastal marine area, including the sponsors of the event, and which are erected for the period of time that the event or activity is being undertaken; or
- f conveying information or marking the boundary of marine protected areas, Coastal Protection Areas or cultural heritage sites, and advising on activities that may be undertaken in specific parts of the coastal marine area.

34.4.2 Signs should be located on an existing structure in the coastal marine area or on the adjoining land, where this is practicable and appropriate for the information being conveyed.

34.4.3 Artificially lit, flashing or revolving signs other than those necessary for navigation purposes, shall be avoided where they will have a significant adverse affect on the amenity value of adjoining land or adjacent land, particularly land used for residential purposes.

34.4.4 Signs shall be avoided where they will have an adverse effect on navigation, road safety outside the coastal marine area, or public access to and along

the coastal marine area, including access to or along wharves, accessways or gangways.

34.4.5 Signs should be of an appropriate scale, design and type, and be so located as to avoid, remedy or mitigate adverse effects on the coastal environment including:

- a natural character and any Coastal Protection Area; and
- b significant landscape elements and features; and
- c the visual and aesthetic quality and compatibility of the surrounding environment; and
- d areas and features of cultural and heritage value; and
- e amenity values; and
- f areas of value to Tangata Whenua, and in particular tauranga ika, tauranga waka, taonga raranga, mahinga mataitai, waahi tapu and areas of the coastal marine area adjacent to marae and papakainga housing.

34.4.6 The adverse cumulative effect of a number of signs, in terms of scale, design, type, shape, and colour shall be avoided.

34.4.7 Signs shall be avoided where they will obstruct views from the land to the coastal marine area, particularly in highly used public viewing areas, except where:

- a they are erected for a temporary period for the purpose of advertising an event or activity being undertaken in the coastal marine area; or
- b they are necessary for navigation, public health and safety; or
- c they provide necessary public information.

34.4.8 Signs located on wharves or buildings should not compromise the visual integrity of the wharf or building on which they are located.

34.4.9 Signs for the purpose of advertising a business, product or service shall be considered inappropriate in the coastal marine area, particularly if:

- a the business, product or service is not located in the coastal marine area at the site of the sign; and
- b the sign is not located in a Port Management Area which adjoins a landward area which is characterised by a high level of signage and development.

34.5 RULES

In respect of signs in Port Management Area 3, reference should also be made to the resource consent granted for the comprehensive redevelopment of Princes Wharf.

Permitted Activities

34.5.1 Signs required by law, to assist navigation, ensure public health and safety, or to provide necessary public information, such as identifying pier numbers on wharves, ferry timetables or a map of an area, and any occupation by the sign, subject to the following conditions:

- a the sign shall comply with any Maritime Safety Authority or Civil Aviation Authority Guidelines or any relevant law;
- b if condition (a) does not apply, the sign shall:
 - i not be flashing, revolving or otherwise moving unless necessary for navigation purposes; and
 - ii not be located where it will be a hazard to navigation; and
 - iii have a maximum surface area of 3 square metres.

34.5.2 Signs, erected by the Crown, the ARC or any other administering body, for the purpose of marking

the boundaries or conveying information on marine reserves, Coastal Protection Areas, cultural heritage sites, reserves or to advise of activities which may or may not be undertaken in a specific part of the coastal marine area, and any occupation by the sign, subject to any sign not being a hazard to navigation.

34.5.3 Signs, inside buildings, for the purpose of naming or identifying a wharf, building, business, product or service available subject to:

- a the Building Act 1991; and
- b the sign not obstructing public accessways or gangways.

34.5.4 Signs located on external walls of buildings or on structures located in Port Management Areas 1A, 1B, 1C, 2, 3 and 4 for the purpose of naming or identifying a wharf, building, structure, business, product or service available in the Port Management Area, subject to the following conditions:

- a any sign shall be attached to or located immediately adjoining the building, wharf, or structure which is being named or identified, or sited where the product, business or service is available; and
- b any sign shall not restrict public accessways or be located where it will be a hazard to navigation; and
- c there shall be no more than a total of 24 m² of signage per wharf or on buildings located on a wharf, with, subject to rule 34.5.4(f) below, no one sign exceeding a maximum surface area of 12 square metres; and
- d any product advertising shall be limited to 50% of the sign; and
- e the sign shall not protrude above the eaves of the roof, or wall of any building, or above or beyond the structure to which it relates; and
- f any freestanding sign shall not exceed a height of 4 metres above wharf deck level, and, if the sign is located in the Port Management 3 Area or in that part of the Port Management 2 Area

extending between Princes Wharf and Queens Wharf, shall not exceed an area of 4 m²; and

- g any sign shall not be flashing, revolving or otherwise moving.

34.5.5 Signs, located on external walls of buildings or on structures located outside of Port Management Areas, for the purpose of naming or identifying a wharf, building, structure, business, product or service available in the coastal marine area, subject to the following conditions:

- a the sign shall be attached to or located on the building, wharf, or structure which is being named or identified, or sited where the business, product or service is available; and
- b any sign shall not restrict public accessways or be located where it will be a hazard to navigation; and
- c there shall be no more than one sign per structure (i.e. per wharf or building on a wharf) with a maximum surface area of 3 square metres; and
- d any product advertising shall be limited to 50% of the sign; and
- e the sign shall not protrude above the eaves of the roof, or the wall of any building, or above or beyond the structure to which it relates; and
- f any freestanding sign shall not exceed a height of 4 metres above wharf deck level; and
- g the sign shall not be flashing, illuminated, revolving or otherwise moving.

34.5.6 Sandwich board signs naming or identifying a business, product or service available in the coastal marine area, subject to the following conditions:

- a the sign shall be displayed as close as practicable to the premises to which it relates; and
- b there shall be no more than one sandwich board sign per premises; and

- c sandwich boards are to be displayed at wharf deck level only; and
- d a sandwich board sign shall not exceed a size of 1 metre high by 600 mm wide; and
- e sandwich board signs shall not be placed in or on public accessways or gangways where the width of the accessway would be reduced to less than 2 metres, or such greater width required for public health and safety reasons under any other legislation.

34.5.7 Signs advertising an event or activity being undertaken in the coastal marine area, and which are erected for the period that the event or activity is being undertaken, except in a Coastal Protection Area 1, subject to the following conditions:

- a not more than one sign shall be used to advertise the event or activity; and
- b the sign shall not exceed 10 square metres in area; and
- c the sign shall not protrude above the eaves of the roof or wall of any building, or above or beyond the structure to which it relates; and
- d any freestanding sign shall not exceed a height of 4 metres above wharf deck level or Mean High Water Springs if it is not located on an existing structure; and
- e not more than 50% of any such sign shall identify the sponsor of the event, whether it be by name, logo, crest or otherwise; and
- f the sign shall not be flashing, illuminated, reflective, revolving or otherwise moving; and
- g the sign shall be affixed in a manner that it does not pose a danger to property or to public safety, and does not obstruct public access or navigation; and
- h the sign shall not be placed more than 7 days before the commencement of the event and shall be removed within 48 hours of the completion of the event; and

- i the organiser of the event shall notify the ARC in writing before any sign is erected.

Restricted Discretionary Activities

34.5.8 Signs in Port Management Areas 1A, 1B, 1C 2, 3 and 4 which;

- a do not comply with any or all of the Conditions for Permitted Activity Rule 34.5.4; and
- b if they are for the purpose for advertising a product, business or service located in a Port Management Area.

34.5.8.1 The ARC will restrict the exercise of its discretion under Rule 34.5.8 to the following matters:

- a the conditions of Rule 34.5.4 with which the proposed sign fails to comply; and
- b the effect of the size, type, number and location of the sign or signs on:
 - i visual amenity, both from the land and water, and prominent public viewing areas; and
 - ii navigation, aviation and road traffic safety; and
- c the cumulative effect of external signs on the structure or building; and
- d the appropriateness of the method of placement or erection; and
- e the duration of the consent; and
- f monitoring of the consent.

Applications made under Rule 34.5.8 will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the RMA, if the written approval of the relevant adjoining territorial authority is obtained.

34.5.9 Signs advertising an event or activity being undertaken in the coastal marine area, which are

erected for the period that the event or activity is being undertaken, which do not comply with any or all of the conditions of Rule 34.5.7:

34.5.9.1 The ARC shall restrict the exercise of its discretion under Rule 34.5.9 to the following matters:

- a the condition(s) of Rule 34.5.7 which the proposed sign fails to comply; and
- b the effect of the size, type number and location of the sign, or signs on:
 - i visual amenity, both from the land and water and prominent public viewing areas; and
 - ii navigation, aviation and road traffic safety; and
 - iii public access; and
- c the appropriateness of the method of placement, erection and removal; and
- d the duration of the consent; and
- e monitoring of the consent.

Applications made under Rule 34.5.9 will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

Discretionary Activities

34.5.10 Signs for the purpose of naming or identifying a structure or building, or advertising a business, product or service available in the coastal marine area at the location of the proposed sign, which do not comply with all the conditions of Rule 34.5.5.

Non-Complying Activities

34.5.11 Any sign that is not provided for as a permitted, restricted discretionary, or discretionary activity in any other rule contained in this chapter.

34.6 OTHER METHODS

34.6.1 Bylaws are another means by which many territorial authorities control signage.

34.7 PRINCIPAL REASONS FOR ADOPTING

34.7.1 Objective 34.3.1, Policy 34.4.1 and Rules 34.5.1 and 34.5.2 and Other Method 34.6.1.

These provisions recognise that signs for the purposes outlined in Policy 34.4.1 are necessary and appropriate in the coastal marine area. Rules 34.5.1 and 34.5.2 permit signs necessary for health and safety, while ensuring that signs not subject to any guidelines under other legislation do not have an adverse effect on visual amenity or navigation.

34.7.2 Objective 34.3.1, Policies 34.4.2 to 34.4.9 and Rules 34.5.3 to 34.5.11

Section 6(a) of the RMA requires as a matter of national importance, the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development. Section 6(b) of the RMA requires that provision be made for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. Policy 1.1.3 of the New Zealand Coastal Policy Statement elaborates on this by stating that it is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

- a landscapes, seascapes and landforms, including:
 - i the collective characteristics which give the coastal environment its natural character including wild and scenic areas.

Views of the coastal marine area, in particular the visual amenity from beaches, roads and areas from where the public gain access, is one of the key values of the coastal marine area. Inappropriate signs can have an adverse effect on these values, particularly in areas that are not characterised by a high level of

modification and development. For this reason it is appropriate that only limited signage be permitted on structures outside of the Port Management Areas and that signs for the principle purpose of product or service advertising outside of these areas be avoided.

However some signage may be necessary in certain locations outside of Port Management Areas, and it is appropriate that these be assessed as either discretionary or non-complying activities. The objective, policies and rules of Chapter 34, together with Part III Values of the Plan, particularly Chapters 3 and 4, seek to ensure that only appropriate signage is located in the coastal marine area.

34.7.3 Objective 34.3.1, Policy 34.4.1 (e), Rules 34.5.4, 34.5.7 to 34.5.9.

The Plan recognises that the Port Management Areas are located adjacent to areas that are characterised by a high level of modification and development, particularly those which adjoin the CBD. It is appropriate that signs within this area be subject to policies and rules that recognise this context.

It is also recognised that the coastal marine area of Auckland is used for a range of water based events, such as the Americas Cup, Whitbread Race, dragonboat and speedboat racing, and a number of other events. These add to the recreation value and attraction of the Region, and to its social and economic benefit. Signs associated with advertising these events, and their sponsors, are an integral part of their success and it is appropriate that the Plan provide for the advertising of these events. However it is also appropriate that the rules enable the ARC to control the effects of such signage, particularly where a number of signs may be proposed and/or where all the conditions for permitted signs cannot be met.

34.8 ANTICIPATED ENVIRONMENTAL RESULTS

34.8.1 That signs for the purpose of law, order, rule, regulation or bylaw, or necessary to ensure navigational safety, public health and safety or to provide public information, such as identification of wharves or piers, timetables or maps, can be located in the coastal marine area without any significant adverse effects.

34.8.2 That the Crown, ARC or other administering bodies can erect signs for the purpose of marking marine protected areas, cultural heritage sites or the boundaries of particular areas; or to provide public information.

34.8.3 That wharves in the Port Management Areas can be named or identified by an appropriate sized sign, and that signage for the purposes of product or service advertising is appropriate and does not adversely affect the visual amenity of the coastal environment.

34.8.4 That signs for the purpose of advertising special maritime events and their sponsors can be located in the coastal marine area, without any significant adverse effects.

34.8.5 That signs located in the coastal marine area will not have an adverse effect on navigation, safety or public access, and that signs do not adversely impact on visual or amenity values, or on public access.

34.8.6 That signs solely, or principally for the purpose of service or product advertising, particularly for services or products not located in the coastal marine area at the site of the sign, shall not be erected in the coastal marine area.



Noise – 35

The provisions of the Noise chapter are applicable to all activities and all management areas in this Plan.

Any application to exceed the permitted noise levels needs to consider the relevant chapters of Part IV: Use and Development and those matters contained in Part III: Values in the assessment of effects on the environment.

35.1 INTRODUCTION

Section 30(1)(d)(vi) of the RMA states that the emission of noise and the mitigation of the effects of noise is one of the ARC's functions. In addition section 16 of the RMA requires people to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. Furthermore, section 326 of the RMA sets out the meaning of excessive noise.

Noise generated from within the coastal marine area is controlled by this Plan. This includes noise from recreational vessels (such as power boats and jet skis), music, and construction noise generated from within the coastal marine area. However it is acknowledged that it will be impracticable and unrealistic to control noise generated from particular activities. This includes the noise generated from the normal operational requirements of commercial vessels, such as cargo vessels, tugs, passenger liners, naval vessels, commercial fishing vessels and trains.

In the case of noise from aircraft, district plans usually address noise generated from takeoffs and landings on land above Mean High Water Springs, with Civil Aviation controlling other matters. The RMA states that the application of section 12 to overflying by aircraft is limited to noise emission controls in relation to the use of airports within the coastal marine area. Therefore the noise limits specified in this chapter do not apply to aircraft passing over the coastal marine area, including aircraft arriving to and departing from an airport on any adjacent land. However takeoffs and landings in the coastal marine area by helicopters will be required to comply with the NZ Standards as specified in the rules of this chapter. If additional controls for noise from takeoffs and landings of other types of aircraft, such as amphibian aircraft, are required then Rule 35.5.1 will apply.

People who reside or spend time in or near the coastal marine area, particularly those who choose to move to an environment characterised by noise, need to acknowledge and accept that the coastal marine area is not necessarily a quiet or uninterrupted noise environment. Accordingly some level of noise will need to be tolerated. In these instances the most appropriate way to mitigate the effects of noise may be in the design of residential and other buildings. This is the responsibility of the developer or person undertaking the proposal.

The control of noise generated from land above Mean High Water Springs is the responsibility of the territorial authorities. Notwithstanding that this noise may affect those using the coastal marine area, it cannot be controlled by this Plan. Having regard to the above, noise within the coastal marine area will be controlled by the provisions of this chapter of the Plan where it is practicable to do so. In all other cases the Plan will require the adoption of the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

35.2 ISSUES

35.2.1 Noise generated from within the coastal marine area has the potential to adversely affect people's health, wellbeing, and amenity values both within and adjacent to the coastal marine area. It may also affect the health and wellbeing of coastal fauna.

35.2.2 Some activities will generate noise at levels higher than those considered acceptable by some people. However, it is not practicable or realistic to control all noise generated from within the coastal marine area.

35.3 OBJECTIVE

35.3.1 To ensure that noise emitted from the coastal marine area does not exceed a reasonable level.

35.4 POLICIES

35.4.1 Activities undertaken within the coastal marine area shall be required to:

- a comply with the noise standards specified in this Plan; and
- b where noise standards are not specified, to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level for all other activities.

35.4.2 In assessing any application for a coastal permit, with respect to noise, regard shall be had to:

- a the adverse effects on the health, wellbeing, and amenity values of the people who already reside in the area, and the health and wellbeing of existing coastal fauna; and
- b the adverse effects on the health, wellbeing, and amenity values of people and the health and wellbeing of coastal fauna, from noise that is already being generated at or near the site from existing activities, and whether any noise generated by the proposal will exacerbate this; and
- c the practicality of being able to control the noise, and the extent to which there are social and economic benefits to the community sufficient to offset the impact of noise associated with the application; and
- d the extent to which the effects of the noise will be mitigated.

35.4.3 Any structure or activity in the coastal marine area should be designed or undertaken in such a manner that the adverse effects of noise generated from it are avoided, remedied or mitigated as far as practicable.

35.5 RULES

Permitted Activities

35.5.1 The following noise standards shall apply to all activities undertaken in the coastal marine area other than those listed in Rules 35.5.2, 35.5.3, 35.5.5 or 35.5.6, or exempted by Rule 35.5.7:

- a The noise level as measured within the boundary of any land in respect of which an operative District Plan provides for residential activity to be the principal activity, shall not exceed the following limits:
 - i 7.00 am to 10.00 pm 55 dBA L₁₀
 - ii 10.00 pm to 7.00 am 45 dBA L₁₀
- 75 L_{max}

35.5.2 Noise generated within the Defence Management Area:

- a The noise level as measured within the boundary of any land in respect of which the operative North Shore District Plan provides for residential activity to be the principal activity, shall not exceed the following limits:
 - i Monday to Saturday
7.00 am – 10.00 pm 55 dBA L₁₀
 - ii Sundays
9.00 am – 8.00 pm 50 dBA L₁₀
 - iii at all other times 45 dBA L₁₀
- 75 L_{max}

35.5.3 Noise generated within the Port Management Areas:

- a Within Port Management Area 1A the noise level shall not exceed:
 - i when measured 1m from the façade of any building on the southern side of Quay Street:

- On all days between 11.00pm and 7.00am L_{10} 60 dBA
- L_{max} 85 dBA
- ii when measured at or within the boundary of any property subject to the Auckland City District Plan – Isthmus Section 1999 with a Residential Activity zoning:
- On all days between 7.00am and 11.00pm L_{10} 55 dBA
- On all days between 11.00pm and 7.00am L_{10} 50 dBA
- L_{max} 75 dBA
- b Within Port Management Areas 1C, 2A, 2B, 3 and 4A, the noise level when measured one metre from the façade of an occupied building on the southern side of Quay Street, or within the Wynyard Quarter, or within the Viaduct Harbour Precinct as defined in the Auckland City District Plan (Central Area Section) shall not exceed:
- On all days between 7.00am and 11.00pm L_{10} 65 dBA
- On all days between 11.00pm and 7.00am L_{10} 60 dBA
- L_{10} 70 dB at 63 Hz
- L_{10} 65 dB at 125Hz
- L_{max} 75 dBA
- c In respect of activities under Rules 25.5.11 and 25.5.12 there shall be no more than 15 noise events in any calendar year (1 January to 31 December inclusive) where the noise limits under Rule 35.5.3b are exceeded. Any exceedance shall be subject to the following:
- i The general noise limit under Rule 35.5.3b may be exceeded for a cumulative duration of 6 hours within any 24 hour period for a noise event; and
- ii The noise levels shall not exceed the following limits:
- 75 dBA L_{10} and 80 dBA L_{01} (medium noise level), except that the levels shall not exceed:
- 85 dBA L_{10} and 90 dBA L_{01} (high noise level) for a cumulative duration of not more than 3 of the total of 6 hours permitted by this rule exclusive of one sound check of not more than one hour duration prior to each event, and for no more than 6 of the 15 noise events.
- iii Noise levels exceeding Rule 35.5.3b, including sound checks, shall start no earlier than 10.00am and shall finish no later than 10.30pm Sunday to Thursday inclusive, 11.00pm Friday, Saturday and 1.00am New Years Day.
- iv The medium and high noise levels shall be determined from the energy average of the L_{10} and L_{01} values for representative periods not exceeding 15 minutes during the event. The noise limits shall not be exceeded by more than 5 dBA for medium noise levels and 3 dBA for high noise levels in any representative measurement period not exceeding 15 minutes during the noise event.
- v Not less than 4 weeks prior to commencement of the noise event, the organiser shall notify the ARC in writing of:
- a The names and types of the acts and whether they are anticipated to be within the medium level or high level noise as defined above; and
- b The person(s) and procedures for monitoring of compliance with noise limits; and
- c The nominated alternative date in the event of postponement due to weather.

vi The ARC will keep a record of all noise events held and provide this information upon reasonable request.

d The noise level from the Onehunga Wharf (Port Management Area 1B) and Gabador Place (Port Management Area 4B), when measured at the boundary of any adjoining site shall not exceed:

On all days between 7.00am and 11.00pm L_{10} 70 dBA

On all days between 11.00pm and 7.00am L_{10} 60 dBA

L_{max} 85 dBA

e In all other Port Management Areas, the noise level as measured within the boundary of any land in respect of which an operative district plan provides for residential activity to be the principal activity, shall not exceed the following limits:

7.00 am – 10.00 pm L_{10} 55 dBA

10.00 pm – 7.00 am L_{10} 45 dBA

L_{max} 75 dBA

35.5.4 For Rules 35.5.1, 35.5.2, and 35.5.3. noise levels shall be measured and assessed in accordance with the requirements of NZS6801: 1991 Measurement of Sound and NZS6802: 1991 Assessment of Environment Sound.

35.5.5

a Construction noise of less than 15 days duration shall not exceed the following levels when measured 1 metre from the façade of any occupied or inhabited adjacent building, for any 30 minute period in accordance with Section 3.2.1 of NZS 6803P: 1984:

	L_{10}	L_{max}
Monday to Friday 6.30am to 10.30pm	80 dBA	90 dBA

	L_{10}	L_{max}
Saturday 7.00am to 11.00pm	85 dBA	90 dBA
Sunday 9.00am to 7.00pm	80 dBA	90 dBA
At all other times (night time)	60 dBA	75 dBA
At all other times (night time in any area where an operative District Plan provides for residential activity as the principal activity)	55 dBA	75 dBA

b Construction noise of 15 days or more in duration shall not exceed the following levels when measured 1 metre from the façade of any occupied or inhabited adjacent building, for any 30 minute period in accordance with Section 3.2.1 of NZS 6803P: 1984:

	L_{10}	L_{max}
Monday to Friday 6.30am to 10.30pm	75 dBA	90 dBA
Saturday 7.00am to 11.00pm	80 dBA	90 dBA
Sunday 9.00am to 7.00pm	65 dBA	85 dBA
At all other times (night times)	60 dBA	75 dBA
At all other times (night time in any area where an operative District Plan provides for residential activity as the principal activity)	55 dBA	75 dBA

c In situations where measurements cannot be made outside affected buildings, measurements shall be taken inside the affected building in accordance with Section 3.2.2 of NZS 6803P: 1984 either in the affected habitable space

(as defined by the NZ Building Code) or in the principal place of work. Noise levels measured within the building shall be 10 dBA or more below those in tables in Rule 35.5.5a and 35.5.5b above.

35.5.6 Noise generated from the takeoff and landing of helicopters in the coastal marine area shall comply with the requirements of NZS 6807:1991 Noise Management and Land Use Planning for Helicopter Landing Areas.

35.5.7 The noise limits specified in Rules 35.5.1, 35.5.2, and 35.5.3 shall not apply to the operational requirements of commercial vessels including cargo vessels, tugs, passenger liners, naval vessels, commercial fishing vessels and trains.

35.5.8 Notwithstanding the above Rules all persons undertaking activities that generate noise within the coastal marine area shall adopt the best practicable option (as defined in the RMA) to ensure that the emission of noise does not exceed a reasonable level, nor is excessive noise in terms of section 326 of the RMA.

Discretionary Activities

35.5.9 Any activity which fails to meet the provisions of Rules 35.5.1, 35.5.2, 35.5.3, 35.5.5 or 35.5.6, or is not excluded by Rule 35.5.7.

Non-Complying Activities

35.5.10 Any other activity that generates noise which does not comply with any other rule of this chapter.

35.6 OTHER METHODS

35.6.1 The ARC will liaise and seek consistency with the territorial authorities, as far as practicable, in terms of noise control as it affects the coastal environment.

35.6.2 The ARC will encourage territorial authorities to put into the district plans for their areas, advice notes or standards indicating that residential buildings close to the coastal marine area, particularly in areas of intensive use, should be designed to mitigate the effects of noise.

35.6.3 To enforce bylaws which control the speed of vessels close into shore, which will also reduce noise to people and coastal fauna within or adjacent to the coastal marine area.

35.7 PRINCIPAL REASONS FOR ADOPTING

35.7.1 The Objectives, Policies and Rules

Noise has the potential to adversely affect the health, wellbeing, and amenity values of humans, and the health and wellbeing of coastal fauna. Accordingly noise should be controlled to ensure, as far as practicable, that adverse effects are mitigated.

However, it is acknowledged that the coastal marine area is not necessarily a quiet environment, since it is intensively used for a range of activities. Moreover it is not practicable or realistic to control noise generated from certain activities. Some noise will need to be accepted by those who use, live or spend time near the coastal marine area.

The objectives, policies, and rules seek to reflect this and to put appropriate provisions in place to ensure that people's health, wellbeing, and amenity values and the health and wellbeing of coastal fauna are protected as far as practicable.

35.7.2 The Other Methods

The Other Methods specified will help ensure the integrated control of noise within the coastal environment, and will also help in the mitigation of the effects of noise.

35.8 ANTICIPATED ENVIRONMENTAL RESULTS

35.8.1 That noise generated within the coastal marine area is at a level that maintains as far as practicable people's health, wellbeing, and amenity values, and the health and wellbeing of coastal fauna.



Consent Processing – 36

36.1 ESTABLISHING THE NEED TO MAKE AN APPLICATION FOR A COASTAL PERMIT

The rules in Part IV: Use and Development, determine whether an application for a coastal permit (resource consent) is required to enable a particular activity to be undertaken in the coastal marine area.

Any activity listed as a permitted activity may be undertaken without obtaining a coastal permit from the ARC, if it complies with all of the specified conditions. It is suggested that prior to commencing an activity you consult with the ARC to determine whether the activity you wish to undertake is permitted, or whether a coastal permit is required.

A coastal permit is required for any activity listed as a controlled activity, a restricted discretionary activity, a discretionary activity, or if it is not specifically provided for, in which case it will necessitate an application for a non-complying activity.

An application cannot be made for any activity listed as a prohibited activity.

36.2 MAKING AN APPLICATION

Before making a coastal permit application, the applicant should discuss the proposal with an officer from the Coastal Environment section of the ARC to ensure that all relevant issues and the required assessment of environmental effects are dealt with by, and included in, the application.

Application forms for any activity requiring a coastal permit can be requested from the ARC or downloaded from the ARC website (www.aucklandcouncil.govt.nz). When applications are lodged with the ARC they must be accompanied by the appropriate deposit fee. A schedule of fees is available on request or can be viewed on the ARC website. If your application is publicly notified and a hearing is required, it is likely that the cost of processing your application will be more than the deposit fee.

It should be noted that in situations where proposed activities straddle the jurisdictional boundary of Mean

High Water Springs an application for a resource consent may also need to be made to the relevant city or district council.

36.2.1 What to include in making an application for Controlled, Restricted Discretionary, Discretionary, or Non-Complying Activities

In applying for a Controlled, Restricted Discretionary, Discretionary, or Non-Complying Activity, section 88(4) of the RMA requires that an application include:

- a a description of the activity for which consent is sought, and its location; and
- b an assessment of the actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated; and
- c any information required to be included in the application by a plan or regulations; and
- d a statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

The assessment of effects submitted with an application needs to be sufficiently detailed to correspond to the scale and significance of the actual and potential effects that the activity may have on the environment. This assessment needs to be prepared in accordance with the Fourth Schedule of the RMA, which is attached as Appendix C. However an assessment of effects accompanying an application for controlled or restricted discretionary activities need only address those matters which the ARC is exercising its control or discretion over. It is recommended that applicants discuss this aspect of their application with an appropriate ARC staff member.

A description of any methods proposed to avoid, remedy or mitigate any adverse effects of the proposal should be included in the application. Applicants

should also refer to the Chapter 38: Provisions for Obtaining Environmental Benefits where there are unavoidable adverse effects on the environment from use and development, and Chapter 39: Monitoring. If monitoring, or financial contributions in the form of money, works, services or any combination of these is proposed to avoid, remedy or mitigate adverse effects on any natural or physical resources, they should also be detailed in the application.

If consent to occupy the coastal marine area, pursuant to section 12(2) of the RMA, is required (for excluding public access or use of part of the coastal marine area), this fact should be included in the application, and the effects on public access and use assessed. In accordance with Policy 4.1.6 of the New Zealand Coastal Policy Statement, the applicant must also provide information on any available alternatives to what the applicant seeks to do and the reasons for making the proposed choice.

Pursuant to Policy 4.1.6 of the New Zealand Coastal Policy Statement, applications for coastal permits in the coastal marine area that include reclamation or the removal of sand, shingle, shell, or other natural materials for commercial purposes shall provide information on any available alternatives to what the applicant seeks to do and the reasons for making the proposed choice.

36.3 PROCESSING AN APPLICATION

The processing of a coastal permit application pursuant to the RMA is illustrated in Figure 36.1.

Following receipt of an application by the ARC, a request for additional information may be made at any reasonable time before the hearing of an application if it is considered that such information is necessary to understand the proposal, its environmental effects, and the ways of mitigating them (section 92 of the RMA).

However a request for further information will delay the processing of any application and applicants are therefore encouraged to discuss their proposal with ARC officers prior to submitting an application, so that the appropriate information can be supplied at the outset.

If the ARC is of the opinion that a significant adverse effect on the environment may result from a proposed activity (in addition to those activities outlined in section 36.2.1) it may require an explanation of;

- a any possible alternative locations or methods for undertaking the activity and the reasons for the proposed choice; and
- b the consultation undertaken with other affected parties.

In the case of activities on proposed reclamations, section 89(2) of the RMA provides for applications for resource consents for proposed activities to be made to territorial authorities where land is in the coastal marine area but will become part of the district once reclaimed. The process is likely to involve a joint hearing.

36.3.1 Notification of an application

When an application has been accepted the ARC will decide whether it is required to be notified. The RMA provides a discretion as to whether an application needs to be publicly notified.

If an activity is listed as a controlled or restricted discretionary activity in this Plan, then that activity need not be publicly notified or the consent of affected parties obtained. However there may be special circumstances relating to an application which, in the opinion of the ARC justifies public notification or obtaining the written consent of affected parties. In some cases the Plan specifies that affected persons consent **will** be required.

Pursuant to section 94 (2) an application for a discretionary or non-complying activity can only be non-notified if the ARC is satisfied that the adverse effects of the activity will be minor and written approval has been obtained from every person who may be adversely affected by the granting of the resource consent, unless the ARC considers it is unreasonable to do so.

When a coastal permit application is publicly notified submissions are called for and any person may lodge

a submission within 20 working days of notification, in support of, or in opposition to, the proposal.

36.3.2 Hearing of coastal permit applications

Following the close of the submission period, if the applicant or any submitter requests to be heard, or if the ARC decides a hearing is necessary (section 100 of the RMA), a hearing will be convened. Prior to embarking on the formal hearing, pre-hearing meetings (section 99 of the RMA) may be held for the purpose of clarifying, mediating, or facilitating resolution of any issue within the coastal permit application. The ARC encourages such meetings as a forum to resolve issues before the hearing. If issues under contention are resolved during discussions the submitter(s) may withdraw the request to be heard and a hearing may no longer be necessary.

The RMA allows for both joint and combined hearings to aid in the integrated management of the coastal environment and avoid unnecessary duplication of procedures. As set out in section 102 of the RMA, applications for coastal permits which involve use, development, or activities above and below Mean High Water Springs e.g. marina developments, or across ARC administrative boundaries e.g. sand extraction, may be heard together by the ARC and the appropriate territorial authority or adjoining regional council. When consent authorities jointly hear applications for coastal permits the hearing committee may jointly decide those applications (s 102(3)), unless the consent authorities consider that it is not appropriate to make a joint decision. Section 103 of the RMA allows for combined hearings where two or more applications for coastal permits, in relation to the same proposal, have been made to the ARC and a hearing has been considered necessary.

36.4 DECISIONS

Section 104 of the RMA sets out the matters to be considered by the ARC in respect of a coastal permit application. The decision is made pursuant to section 105 of the RMA.

The ARC may grant or refuse a resource consent for a discretionary activity or a restricted discretionary activity, and may impose conditions under section 108 of the RMA. With respect to activities identified as restricted discretionary activities, the ARC has restricted the exercise of its discretion to matters listed in this Plan eg, scale, design appearance or effect on coastal processes.

The ARC cannot grant a resource consent for a non-complying activity unless it is satisfied that;

- a the adverse effects on the environment will be minor; or
- b granting the consent will not be contrary to the objectives and policies of the plan or proposed plan.

Under section 115 of the RMA, a written decision must be given to the applicant and any submitters within 15 working days following the conclusion of a hearing or, if no hearing is required, within 20 working days after receipt of the completed coastal permit application.

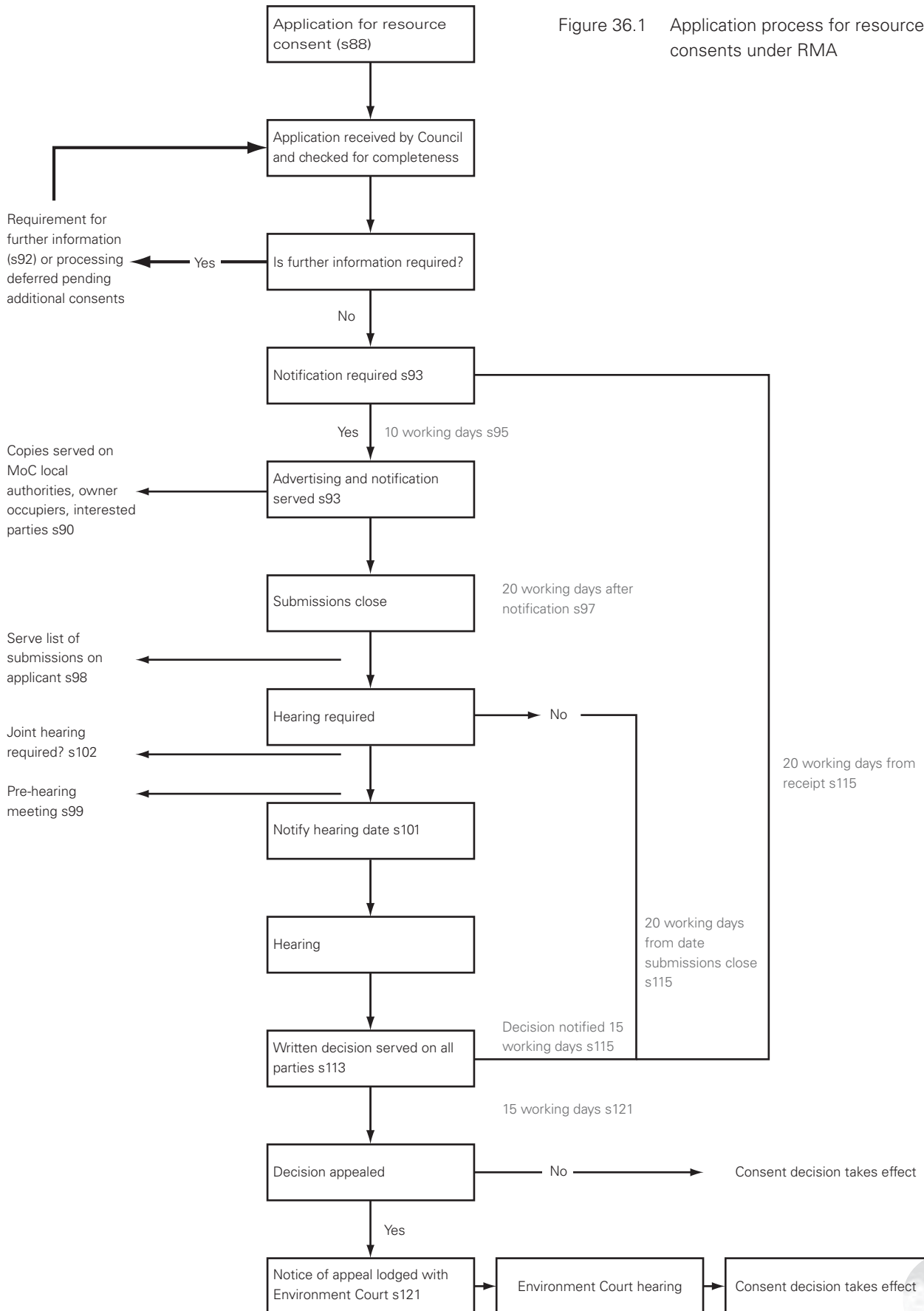
36.5 APPEALS TO THE ENVIRONMENT COURT AND HIGH COURT

The applicant or any submitter who does not agree with a decision made by the ARC may appeal to the Environment Court in accordance with section 121 of the RMA, against the whole or any part of the decision (for example an application that has been declined, or the conditions imposed on a consent). The Environment Court then hears the appeal and generally the Court's decision is final, although section 299 of the RMA allows for a further appeal to the High Court on a point of law.

36.6 DURATION AND REVIEW OF COASTAL PERMITS

The RMA provides the ARC with the discretion to determine the duration of a consent. Pursuant to section 123 of the RMA the maximum period for a coastal permit consent is 35 years, with the exception of a reclamation permit which is granted for an

Figure 36.1 Application process for resource consents under RMA



unlimited time period. If the ARC does not specify the term of the consent, its duration is 5 years in accordance with section 123(d) of the RMA.

The ARC will generally grant consents for 35 years. However, a lesser time period may be granted if there are particular circumstances relating to any consent that warrants or requires a consent period of less than 35 years.

If a coastal permit is not exercised within two years after it was granted (or within a shorter or longer period specified in the permit) then the permit lapses (section 125 of the RMA), unless the consent holder applies for an extension of time. If it is intended to undertake a staged development e.g. a marina, then the coastal permit application should reflect this intention and indicate the timing of the stages. Any coastal permits issued can then reflect in the terms and conditions the appropriate time period of the consent.

Section 128 of the RMA provides for the ARC to review coastal permit conditions to deal with any adverse effect on the environment arising from the exercise of the consent or for any other purpose specified in the consent. In order for the ARC to exercise this power, conditions of the coastal permit must include the provision for review.



Conditions of Consent – 37

37.1 INTRODUCTION

37.1.1 The purpose of this chapter is to explain the concept of conditions and how they work. Conditions are requirements imposed on a resource consent to assist in avoiding, remedying or mitigating adverse effects of the activity on the environment. Conditions are usually attached to resource consents for controlled, restricted discretionary, discretionary or non-complying activities. Conditions are general as well as site or activity specific. It should be noted that nothing in this chapter can limit ARC's discretion under section 108 of the RMA.

37.1.2 The RMA provides for consent authorities to impose conditions as part of any consent granted. Section 108(1) sets out a range of matters in respect of which conditions may be imposed. These include:

- a requiring a financial contribution (refer to Chapter 38 for further details);
- b requiring a bond or a covenant in respect of the performance of any condition of a resource consent;
- c requiring administrative charges to be paid;
- d in respect of discharges, requiring that the best practicable option be adopted;
- e in respect of a reclamation, requiring that an esplanade reserve or strip be set aside or created.

37.1.3 Section 108(2) of the RMA states that any other condition that the consent authority considers appropriate may also be imposed.

37.1.4 In addition subsections (3) and (4) provide the opportunity to require further information to be gathered by a consent holder and supplied to the consent authority, on the exercise of a resource consent.

37.2 COVENANTS AND BONDS

37.2.1 Covenants, as part of a coastal permit, are unlikely to be used in the coastal marine area, as the majority of this area is already in public ownership. However, the use of bonds is considered appropriate for the purpose of ensuring any or all of the following:

- a satisfactory completion of works or structures associated with a proposal;
- b satisfactory operation of aspects of works or structures associated with a proposal;
- c satisfactory alteration or removal of works or structures following any works or activity being completed or ceasing;
- d satisfactory completion or compliance with any other conditions or terms of consent.

37.2.2 Where the ARC requires a bond as a condition of a coastal permit:

- a it shall be of a sufficient amount to ensure that in the event of the coastal permit holder being unwilling or unable to carry out any work or activity specified in the conditions, the ARC can carry out the work or undertake full remedial action;
- b the amount will be adjustable to take into account inflation over time;
- c the bond shall be guaranteed by a lending institution to the satisfaction of the ARC.

37.2.3 The remaining consent categories under section 108(1) of the RMA are self explanatory, and require no further discussion in this Plan.



Obtaining Environmental Benefits – 38

This chapter sets out provisions for obtaining environmental benefits where there are unavoidable adverse effects on the environment from use and development.

38.1 INTRODUCTION

38.1.1 Section 5(2)(c) of the RMA requires that the adverse effects of use and development be avoided, remedied, or mitigated. However, in some instances it may not be possible to avoid adverse effects, but it will be possible to remedy or mitigate them. In such cases the RMA provides for the obtaining of environmental benefits, via financial contributions.

38.1.2 The term “financial contribution” is defined in section 108(9) of the RMA. It means a contribution of:

- a money; or
- b land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
- c a combination of money and land.

38.1.3 In terms of section 108(10) the ARC can not include a condition in a resource consent requiring a financial contribution unless;

- a the condition is imposed in accordance with the purposes specified in the Plan, including the purpose of ensuring positive effects on the environment to offset any adverse effect; and
- b the level of contribution is determined in the manner described in this Plan.

38.1.4 Financial contributions are different to bonds, covenants, and payments of administrative charges, which may also be imposed as conditions on resource consents. It is also different to a rent or royalty which is charged by the Crown for space occupied in the coastal marine area, or for resource use (eg. the extraction of minerals).

38.1.5 When an application is made for a resource consent, the ARC or its agent, will consider whether a financial contribution should be sought. In some circumstances it would be unreasonable or unnecessary to impose a financial contribution. This may be due to the nature of the proposal, its location, scale, design, areal extent and positive effects or benefits arising from that proposal. As a first priority, financial contributions should only be used to remedy or mitigate actual adverse effects of an activity. Where this is not practicable, consideration shall be given to contributions that will obtain environmental benefits, or compensate the environment or the public, for the effects of the activity within the same general locality.

38.1.6 The effect of section 108 (2)(a) is to establish a mechanism where unavoidable adverse effects of subdivision, use and development on the coastal environment can be remedied or mitigated (that is offset) by a financial contribution. Financial contributions shall not be used as a method to ‘buy-off’ the adverse effects of any proposal. There are some values and features in the coastal marine area that should be protected and preserved from adverse effects and no amount of financial contribution could satisfactorily remedy or mitigate the adverse effects. In these circumstances it is likely that the proposed activity will either not be granted, or will be modified to ensure that any adverse effects are avoided, remedied, or mitigated.

38.1.7 In granting any resource consent the ARC may impose a condition requiring that a financial contribution be made for the purposes specified in the Plan. Any financial contribution taken must relate to the effects of an activity, and be in proportion to the significance of any adverse effects. An assessment as to whether a contribution is appropriate will be made on a case-by-case basis. Where the ARC receives money as a financial contribution, section 11 of the RMA requires that it be used in “reasonable accordance” with the purpose for which the money was received.

38.2 PURPOSES AND LEVEL OF ANY FINANCIAL CONTRIBUTION

The following section sets out:

- a the purpose for which contributions may be required ; and
- b the level of any contribution.

Depending upon the nature of the proposal, its location, scale, design, areal extent and any positive effects, it may be unreasonable or unnecessary to seek any financial contribution at all. If a financial contribution is imposed, then it will be fixed at an appropriate amount that is reasonable in all the circumstances, not exceeding the upper level specified in this Plan. The Assessment Guidelines set out in this chapter will be applied by the ARC.

38.2.1 Maintenance and enhancement of public access to, along and within the coastal marine area

Purpose:

To remedy or mitigate adverse effects where public access to, along, or within the coastal marine area will be restricted, prevented, or lost by a proposal for which consent has been granted by;

- a providing for appropriate and convenient access to, along, and within the coastal marine area through or around the area affected by the proposal; and/or
- b where (a) is not practicable or desirable, to create or contribute to new or enhanced access to, along and within another part of the coastal marine area within the general vicinity, or serving the same general community as affected by the proposal. This may include the provision of an esplanade reserve or strip in terms of section 229(b) and (c) of the RMA.

Level of Contribution:

The actual cost of providing public access sufficient to remedy or mitigate the adverse effects on public access,

and/or

the actual cost of providing or contributing to alternative public access to an equivalent standard and extent to that which will be restricted, prevented, or lost, and may include an esplanade reserve or strip up to 20 metres in width within the general vicinity of the proposal in terms of section 229 (b) and (c) of the RMA.

NB. Notwithstanding 38.2.1, esplanade reserves can also be taken by the ARC under the provisions of section 108 (2)(g) of the RMA in relation to reclamations. This is not a financial contribution in terms of the RMA.

38.2.2 Maintenance and Enhancement of Public and Recreational Use of the Coastal Marine Area

Purpose:

To remedy or mitigate adverse effects where a proposal, for which consent has been granted, will occupy or adversely affect any part of the coastal marine area in terms of its availability for use and enjoyment by the public by;

providing public open space or public facilities on or in the vicinity of the site, or serving the same general community, and may include providing or contributing to an esplanade reserve or strip, or other coastal reserves.

Level of Contribution:

The actual cost of providing public open space or public facilities of an equivalent standard or extent to

those which are lost or affected. This may include providing or contributing to an esplanade reserve or strip up to 20 metres in width in terms of sections 229 (b) and (c) of the RMA, or contributing to other coastal reserves.

38.3 ASSESSMENT GUIDELINES

38.3.1 The ARC will use the following assessment guidelines in determining whether or not to impose a financial contribution on any coastal permit. They will also be used to determine the type and value of any contribution.

- a the extent to which a contribution is required to achieve the objectives and policies of this Plan; and
- b the extent to which potential adverse effects have been avoided, remedied, or mitigated in the design, scale, and areal extent of the proposal itself; and
- c the extent to which adverse effects have not been avoided, remedied, or mitigated by other conditions of consent; and
- d the extent to which there are positive effects of the activity which may in themselves offset any or all of the adverse effects; and
- e the extent to which the proposed activity itself contributes to or exacerbates adverse effects; and

- f the extent to which adverse effects can be remedied, mitigated, or offset by a financial contribution; and
- g the extent to which adverse effects can be offset, by providing appropriate compensation for the adverse effects of the activity on the environment or the community.

38.4 PRINCIPAL REASONS FOR ADOPTING

38.4.1 All the provisions of Chapter 38

Section 5(2)(c) of the RMA requires that the adverse effects of subdivision, use and development be avoided, remedied, or mitigated. However in some instances it may not be possible to avoid the adverse effects, but it will be possible to remedy or mitigate them. In such cases the RMA provides for the obtaining of environmental benefits or 'environmental compensation' via 'financial contributions'. The provisions of this Plan seek to ensure this occurs, and that any financial contribution is sufficient to remedy or mitigate adverse effects.

38.5 ANTICIPATED ENVIRONMENTAL RESULTS

38.5.1 The environmental results anticipated are the same as those specified in Part III; Values and Part IV; Use and Development, of this Plan.



Monitoring – 39

39.1 INTRODUCTION

Section 35(2) of the RMA requires each regional council to monitor:

- a the state of the whole or any part of the environment of its region to the extent that is appropriate to enable the regional council to effectively carry out its functions under the RMA; and
- b the suitability and effectiveness of any policy statement or plan for its region; and
- c the exercise of any functions, powers, or duties delegated or transferred by it; and
- d the exercise of the resource consents that have effect in its region.

Monitoring involves ongoing checking, to determine if changes occur, and whether they are acceptable. In order to be able to monitor changes, it is necessary to determine a state against which changes can be compared, that is a “base line”. It is also necessary to be able to measure and determine changes, whether insignificant, positive, negative, cumulative, catastrophic, or unexpected.

Base lines may be set in a variety of ways. Examples of some of the more commonly used base lines, as applied to environmental monitoring, are:

- a the actual status at some point in time is determined and measured (eg. the number and location of existing structures) and departures from that point noted (eg. structures removed, or new structures erected);
- b an “ideal state” is determined (eg. suitability of water for contact recreation) and progress towards or away from that state measured;
- c some future state which is likely to arise if no action were taken or no development occurred is predicted, and changes measured against this hypothetical “no action” scenario.

The base line chosen depends on the aspect of the environment to be measured and an assessment of the likely causes of change. Analysis of the

information gathered will enable the ARC to assess the effectiveness of the objectives, policies, and methods of this Plan. This will be done mainly by checking against the anticipated environmental results stated in each chapter of this Plan. This checking process should determine not only if the anticipated environmental results are being achieved, but also whether this Plan’s objectives, policies and methods are appropriate.

Section 39.2 outlines the ways in which information will be gathered in order to assist the ARC to fulfil its monitoring duties with regard to the coastal marine area. The details of specific monitoring programmes will be determined outside of this Plan, with priorities and funding being set via the annual planning process.

Section 39.3 outlines how the results of information gathering, monitoring and assessment will be reported.

39.2 INFORMATION GATHERING

The ARC will gather information in the ways described below, in order to assist it to fulfil its monitoring obligations with regard to the coastal marine area of the Auckland Region. Some of the information collected by the ARC will be of importance in developing a national state of the coastal environment monitoring programme. The ARC will work with the Department of Conservation in developing its programme. As outlined above, monitoring will involve the further steps of analysing the information gathered in order to determine:

- a if there are significant trends or changes in the aspects being measured; and
- b whether the trends or changes indicate that the anticipated environmental results stated in this Plan are being achieved.

Monitoring of anticipated environmental results will, as far as practicable, be undertaken annually by review of coastal resource consents. Analysis of the information will include compliance of consents issued with the anticipated environmental results in the relevant chapters of the Plan. Reporting of the results to Council will also be undertaken annually. If the monitoring reveals that the anticipated environmental

results are not being achieved, a review of the relevant parts of the Plan will be undertaken and if necessary changes made in accordance with Chapter 40.

39.2.1 Base Line Determination and Long Term Monitoring

It is not possible to measure every single aspect of the coastal environment. Therefore particularly relevant or significant and observable aspects are usually chosen and their status determined. This is achieved using identified variables eg. the level of public access, health of marine organisms, turbidity of water and beach profiles.

Observation of such variables may give a present base line or, if observed repeatedly over a longer time period, contribute to long term monitoring.

Base line determination and long term monitoring are often complemented by research investigations into specific areas of interest or concern. Research may be conducted where consideration is being given to developing a long term monitoring programme. Conversely, knowledge of an aspect of the environment built up over time, through long term monitoring, may be used as a basis from which new investigations are initiated.

Monitoring and research programmes may be undertaken by the ARC itself, by the ARC commissioning other agencies to carry out the research, or by the ARC conducting research in conjunction with other agencies. The results of this research will be made available to the public either as technical publications, or as reports to Committees of the ARC.

39.2.2 Feedback

The ARC maintains ongoing liaison and communication with a number of organisation and groups. Many of these relationships are listed as methods aimed to achieve stated objectives and policies in this Plan. Such liaison usually occurs on an as needed basis, and is typically more frequent with territorial authorities and DOC, who have significant and direct involvement in the implementation of the RMA. The ARC will

attempt to liaise at least on an annual basis with territorial authorities and DOC in order to facilitate the discussion of issues of integration. With other groups, liaison and consultation is less frequent, generally occurring as issues arise which affect those groups.

The ARC will continue to consult, where practicable and appropriate, with a range of groups when relevant issues or questions concerning the sustainable management of the natural and physical resources of the coastal marine area arise: These groups include:

- a government agencies, including DOC, Ministry of Fisheries, Ministry for Environment, Maritime Safety Authority ;
- b territorial authorities in the Auckland Region;
- c other regional councils, and in particular the adjacent regional councils: Northland Regional Council and Environment Waikato;
- d Tangata Whenua of the Auckland Region;
- e sector groups (eg. Ports of Auckland Ltd, sand extraction industry, marine farmers);
- f community and interest groups (eg. Auckland Harbour Users Association, conservation groups, local action groups);
- g specialist groups such as the Universities, National Institute of Water & Atmospheric Research and environment consultants.

An appropriate level of consultation with the latter two groups, in particular, will assist in determining community aspirations in relation to the management of the coastal marine area, and how far these aspirations can be, and are being, met through the implementation of this Plan.

A further feedback mechanism is through public complaints concerning breaches of the RMA or this Plan. The RMA requires the ARC to keep a summary of all written complaints received by it during the preceding 5 years concerning alleged breaches of the Act or a plan, and information on how it dealt with each such complaint. Similar information will be kept for verbal complaints, where appropriate.

Information on all of the above will be reported on a monthly basis to the relevant ARC Committee.

39.2.3 Formal Reporting from Other Parties

Formal reporting relates to transferred powers, delegated functions, contracted work, and initiatives by other groups which have implications for the ARC's implementation of this Plan.

a Transferred Powers

Under section 33 of the RMA, the ARC may transfer certain of its powers to any local authority, Iwi Authority, government department, statutory authority, or a joint committee set up for the purposes of preparing a combined regional or district plan. However, following such a transfer the ARC continues to be responsible for the exercise of the transferred powers.

The ARC will require regular, but no less frequent than annual, reporting back on the exercise of any transferred powers, and any other information as required under the transfer agreement. This will include, in particular, any relevant results of monitoring.

b Delegated Functions

The ARC may delegate to any Committee of the ARC, or hearings commissioner or commissioners established in accordance with the Local Government Act 2002, and officers of the ARC, certain functions under the RMA.

c Contracted Work

The ARC may also contract other parties to carry out various of its functions with regard to the coastal marine area, eg research, monitoring or consent processing. This could include for example coastal marine area monitoring being undertaken by local residents where appropriate. As part of such contracts, the ARC require regular reporting back on the exercise of these functions, and the results of the research or monitoring.

The ARC will keep a record of powers transferred, functions delegated, and work contracted to other agencies with regard to ARC responsibilities in the coastal marine area.

In addition, the exercise of transferred powers, delegated functions, and contracted work will be reported to the relevant ARC Committee as appropriate.

d Initiatives by Other Groups

From time to time, other groups, in particular government departments and Iwi Authorities, may establish initiatives which are of interest to the ARC and the undertaking of its responsibilities in the coastal marine area. Examples include the establishment of a marine reserve, or a taiapure, or a change in fisheries regulations. The ARC will keep a record of such initiatives, and report on them to the relevant ARC Committee.

39.2.4 Compliance with the Resource Management Act 1991

Monitoring of compliance with the RMA may be carried out either through coastal permits granted by the ARC, or through actions taken by the ARC concerning breaches of the RMA outside consent administration.

a Coastal permits

Coastal permits may be issued directly by the ARC, by those to whom the ARC has delegated this function, or by a public authority to which the ARC has transferred consent granting powers.

The ARC will maintain a database of such coastal permits and report information on coastal permits granted to the relevant ARC Committee as appropriate.

The consent authority may require monitoring and reporting to be undertaken by coastal consent holders as a condition of permits. In these circumstances, records will be kept of the results,

and reported to the relevant ARC Committee, where appropriate.

The ARC also monitors compliance with the conditions of coastal permits issued. This includes audit monitoring of self monitoring permits. Records of this will be maintained and reported to the relevant ARC Committee, as appropriate.

b Actions taken by the ARC

The ARC, in response to feedback, or where monitoring results show a need for action, may from time to time act to rectify breaches of the RMA in the coastal marine area, or non-compliance with this Plan or a coastal permit. The actions may include:

- i visiting a site in response to a complaint;
- ii discussing with the perpetrator (if identifiable) and complainant, to seek resolution;
- iii taking remedial action, or requiring it to be taken;
- iv reviewing conditions of consents, pursuant to section 128 of the RMA;
- v requiring an application for a coastal permit to be lodged;
- vi issuing an abatement notice;
- vii applying for an enforcement order; and
- viii prosecution.

These actions will be recorded and reported monthly to the relevant ARC Committee, where appropriate.

39.3 REPORTING

Records of the information gathered as outlined in section 39.2 will be reported as set out below. The ARC will attempt to ensure that the reporting process is co-ordinated to allow a 'holistic' view of coastal issues.

- a relevant results of monitoring in the coastal marine area will be included in the State of the Environment Report prepared for the Auckland Region every three years, as set out in the Auckland Regional Policy Statement. This report will be accompanied by an assessment of the effectiveness of this Plan as a means of achieving its objectives and policies.
- b monthly reporting to the relevant ARC Committee on the exercise of delegated powers, transferred functions, and contracted work, as appropriate.
- c annual reporting to the relevant ARC Committee on the following:
 - Saline Water Quality
 - Bathing Beach Surveys
 - Ecological Monitoring Sites
 - Shellfish Contamination Levels
 - Actions taken by the ARC
 - Summary of public complaints on alleged breaches of the Act or this Plan in the coastal marine area, and how they were dealt with.
- d every three years a report to the relevant ARC Committee on sediment contaminant levels. This report will describe the results of, and trends in, sediment contaminant levels recorded in a five yearly sampling programme.
- e reporting to the relevant ARC Committee on specific topics that arise from time to time.

Records of the above reports are generally kept on ARC files and Committee agendas, and from time to time released as technical publications of the ARC. This information is available to the public.

Review Of and Changes To the Plan – 40

40.1 REVIEW OF THE PLAN

The ARC will undertake a full review of this Plan no later than 10 years after it becomes operative.

The ARC will consider initiating a review of this Plan earlier than 10 years, should monitoring reveal that a significant number of the anticipated environmental results identified in this Plan are not being achieved, as a direct result of inadequate or inappropriate provisions within the Plan.

40.2 CHANGES TO THE PLAN

This Plan is the first Regional Plan: Coastal ever to be prepared for the Auckland Region. As such, once the Plan becomes operative and is implemented, it may be found that changes are necessary in order to improve the efficiency of its implementation, to incorporate new information, or to rectify deficiencies. The approval of other statutory documents may also render aspects of this Plan *ultra vires*, necessitating changes.

In order to keep this Plan as relevant and responsive as possible, the ARC will initiate changes to the Plan, in accordance with Part I of the First Schedule to the RMA in any of the following circumstances:

- a New information, knowledge, or techniques relevant to the management of the natural and physical resources of the coastal marine area becomes available for use or implementation in the Auckland Region. Where the following occurs:
 - i such use or implementation would better promote the sustainable management of natural and physical resources; and
 - ii this Plan does not allow for such use or implementation; and
 - iii the ARC considers the environmental benefits gained by allowing for the use or implementation of the information, knowledge, or techniques warrant changing the Plan,
- a change to the Plan will be initiated in order to allow for the use or implementation of that information, knowledge, or technique in the Auckland Region.
- b The monitoring programme indicates that one or several of the anticipated environmental results identified in this Plan are not being achieved, as a direct result of inadequate or inappropriate provisions within the Plan. A change to the Plan will be initiated in order to rectify any deficiencies in this regard.
- c The introduction of new legislation, or amendment of existing statutes, that relate to management of the coastal marine area, renders provisions of this Plan *ultra vires* or inappropriate. A change to the Plan will be initiated in order to bring the Plan into line with legislative directions.
- d The introduction of, or amendment to, a national policy statement, including the New Zealand Coastal Policy Statement, that may render this Plan inconsistent. A change to the Plan will be initiated in order to rectify any inconsistencies.
- e The development of a regional plan, or the further development, change or review of the Auckland Regional Policy Statement that may render this Plan inconsistent. A change to the Plan will be initiated in order to rectify any inconsistencies.
- f If it becomes evident that the Plan requires amendment to allow for use and development of national or regional significance, such as redevelopment of the Viaduct Basin for the Americas Cup.
- g The ARC receives a request for changes to this Plan. If the ARC accepts the request in whole or in part, a change to the Plan will be initiated in order to incorporate the accepted part(s) of the request.



Administration – 41

41.1 ADMINISTRATIVE CHARGES

41.1.1 The ARC may, pursuant to section 36 of the RMA, fix charges of all or any of the following kind:

- a charges payable by applicants for the preparation or change of a policy statement or plan, for the carrying out by the local authority of its functions in relation to such applications;
- b charges payable by applicants for resource consents, for the carrying out by the local authority of its functions in relation to receiving, processing, and granting of resource consents (including certificates of compliance);
- c charges payable by holders of resource consents, for the carrying out by the local authority of its functions in relation to the administration, monitoring, and supervision of resource consents (including certificates of compliance), and for the carrying out of its resource management functions under section 35;
- d charges payable by requiring authorities and heritage protection authorities, for the carrying out by the local authority of its functions in relation to designations and heritage orders;
- e charges for providing information in respect of plans and resource consents, payable by the person requesting the information;
- f charges for supply of documents, payable by the person requesting the document;
- g any kind of charge authorised for the purposes of this section by regulations.

A Schedule of Administrative Charges is held by the ARC.

41.2 TRANSFER OR DELEGATION OF FUNCTIONS, POWERS, DUTIES

41.2.1 Sections 33 and 34 of the RMA provide the opportunity for the ARC to transfer or delegate certain functions, powers, or duties to another local authority, Iwi authority, Government department, statutory authority or a joint committee. The ARC will consider such a transfer or delegation where this would lead to more efficient service or management of the coastal marine area.

41.2.2 Throughout the Regional Plan: Coastal certain policies and rules state that the ARC will undertake some action, or in assessing an application the ARC shall exercise control over or restrict the exercise of its discretion. In these circumstances the term 'the ARC' shall also include any other body which has had the power to grant coastal permits, transferred or delegated to it by the ARC.

41.3 BUILDING ACT 1991

41.3.1 Under the Building Act 1991, the ARC is responsible for issuing building consents for the construction or alteration of structures within the coastal marine area, except where there are specific exemptions provided in the Building Act.

The ARC may transfer its functions, powers, and duties under the Building Act to territorial authorities.

41.4 BYLAWS

41.4.1 The two major statutory mechanisms for managing activities within the coastal marine area are regional rules and bylaws. Regional rules are made pursuant to the RMA. Bylaws are made pursuant to other legislation, including the Local Government Act 1974.

41.4.2 The ARC considers that day to day matters, such as people's behaviour on beaches, fires, dogs and vehicles on beaches, as well as navigation and safety, should be dealt with by bylaws. The ARC has agreed that it is appropriate for the territorial authorities in the Auckland Region to extend their district boundaries, under the Local Government Act, to Mean Low Water Springs. All territorial authorities in the Auckland Region have extended their district boundaries to Mean Low Water Springs (except Franklin District Council which has only extended its east coast boundary, and Auckland City Council which has not altered its boundaries). This extension enables the territorial authorities to determine and administer bylaws for the foreshore of their district.

41.5 RENTS & ROYALTIES

Coastal Permits for the extraction of sand, shingle, shell or other natural material require the payment of a royalty to the Crown. Section 112(1) (b) of the RMA requires;

"(1) In every coastal permit authorising the holder to -

- (b) Remove any sand, shingle, shell, or other natural material, within the meaning of section 12(4), from any such land -

there shall be implied a condition that the holder shall at all times throughout the period of the permit pay to the relevant regional council on behalf of the Crown, -"

- (d) Any sum of money required to be paid by any regulation made under section 360(1) (c)."

The Transitional Fees, Rents and Royalties Regulations of the RMA requires the payment of royalties relating to authorisations for the removal of sand, shingle, shell or other natural material requirements in the coastal marine area.

These regulations also confirm that holders of coastal permits issued prior to the RMA, for occupation of the coastal marine area are required to continue to pay any licence fee or charge specified in those existing permits. The regulations also specify rents in respect of coastal permits for occupation issued under the RMA.

Section 401A(1) of the Act provides that the ARC may request holders of resource consents for occupation of the coastal marine area, or for occupation of the coastal marine area as a result of being a permitted activity under the Regional Plan: Coastal, to pay to the ARC, if requested, any sum required to be paid under the Transitional Fees, Rents and Royalties Regulations. Any amount collected must be used solely for the purpose of the sustainable management of the coastal marine area.

The ARC has resolved not to require the payment of the rentals set out in the Second Schedule to the Transitional Fees, Rents and Royalties Regulations imposed with respect to occupation permits issued under RMA. The ARC continues to collect rentals specified in any occupation consents issued prior to the RMA.

Section 64A further provides that a regional council must introduce a variation to its coastal plan to either introduce a coastal occupation charging regime or to include a statement to the effect that such a charging regime should not be included. Any coastal occupation charging regime could apply to occupation of publicly owned coastal marine area under the authority of an occupation permit issued under the RMA. Section 64A(5) further specifies that any amount collected must be used solely for the purpose of promoting the sustainable management of the coastal marine area.

As required by section 64A, the ARC is presently considering whether or not to introduce any coastal occupation charge. The necessary variation will be subject to the consultation and public notification procedures set out under the First Schedule to the Act.

41.6 COASTAL TENDERING

41.6.1 Part VII of the RMA provides for a system of coastal tendering. This is a mechanism for choosing between competing applications for the occupation of the same area of coastal space, or for the removal of sand, shingle, shell, and other material, or for the reclamation or drainage of the foreshore or seabed.

41.6.2 Coastal tendering will be necessary only where competing demands are attracted to the same area of the coast. Following the notification of this Plan, and the Minister of Conservation becoming aware of competition for use of an area of the coast, the Governor General, on the advice of the Minister, may issue an Order in Council which would direct the ARC not to grant any coastal permits to occupy, extract sand, shell, shingle or other material, or reclaim or drain for the area it covers, unless an authorisation has first been obtained through the tendering process. The successful tender, following the receipt of an authorisation, must then go through the normal consents process under the RMA. The tender process is a mechanism for deciding which applicant can lodge an application for a coastal permit. The application is then dealt with by the ARC under the requirements of the Plan. Authorisations are transferable, upon written notice to the Minister of Conservation and the ARC.

Existing Uses – 42**42.1 CONTINUATION OF EXISTING LAWFUL ACTIVITIES**

42.1.1 Under section 20(1) of the RMA certain lawful existing uses are permitted to continue until the rules in any regional plan become operative. Any activity that contravenes a rule in this plan may continue to be carried on until the plan becomes operative, if:

- (a) The activity was lawfully established before the proposed plan was notified; and
- (b) The activity has not been discontinued for a continuous period of more than 6 months since the proposed plan was notified; and
- (c) The effects of the activity are the same or similar in character, intensity, and scale to those which existed before the proposed plan was notified.

42.1.2 Under section 20(2), once this Plan becomes operative, an activity which was previously permitted or could be undertaken lawfully, but now requires a resource consent, may be carried on if:

- (a) The activity was lawfully established before the rule became operative; and
- (b) The effects of the activity are the same or similar in character, intensity, and scale to those which existed before the rule became operative; and
- (c) The person carrying on the activity has applied for a resource consent from the appropriate consent authority within 6 months of the rule becoming operative and the application has not been decided or any appeals have not been determined.

42.2 EXISTING PERMISSIONS TO BECOME COASTAL PERMITS

42.2.1 Part XV of the RMA sets out transitional provisions which relate to various existing rights in the coastal marine area. Section 384 outlines those permits or licences granted under other legislation which become deemed coastal permits under the Resource Management Act 1991. Further advice on these matters may be sought from ARC staff.



Cross-boundary Issues – 43

43.1 INTRODUCTION

Under the RMA, the Mean High Water Springs boundary separates the primary management responsibilities for the land and water in the coastal environment between regional councils and territorial authorities. Seaward of Mean High Water Springs, the coastal marine area of the Auckland Region is controlled and managed by the ARC, in conjunction with the Minister of Conservation. Landward of Mean High Water Springs territorial authorities are the main agency responsible for control and management of natural and physical resources.

There are seven territorial authorities within the Auckland Region, all of which adjoin the coastal marine area. Significant 'cross-boundary' issues arise due to the responsibilities of the ARC and the territorial authorities, and the jurisdictional division of Mean High Water Springs.

In addition the ARC is bounded to the north by Northland Regional Council and to the south by Environment Waikato. All regional councils have the same RMA responsibilities with respect to the coastal marine area. The effects of activities undertaken within a region can 'migrate' into other regions. Examples of this may include the effects from the extraction of sand, shingle, shell and other natural material and the discharge of contaminants. Accordingly the sustainable management of the environment needs to consider both the intra and inter-regional perspective.

The coastal marine area has not been defined in terms of the dynamic physical and biological processes that function in the natural environment. Natural physical processes including wave and wind action and sediment movement, which operate within the coastal environment are not constrained by, or subject to, the administrative boundaries of the coastal marine area.

The effects of an activity undertaken within the coastal marine area, eg erection of structures, discharge of contaminants; or the removal of sand, shingle or shell are also unconstrained by jurisdictional boundaries and have the potential to cause adverse effects on natural

character and features, landscape, ecosystems, and public access outside the coastal marine area. Conversely, activities undertaken outside the coastal marine area but within the coastal environment eg subdivision and development, can have a significant effect on the coastal marine area by increasing sediment run-off or increasing hazard risk.

The Areas of Significant Conservation Value, identified by the Department of Conservation, and Coastal Protection Areas identified in this Plan, are restricted to sites within the coastal marine area. Frequently however, the physical and biological processes and values associated with the sites extend landward of Mean High Water Springs, eg vegetation sequences and sediment movement to and from dune areas.

43.2 INTEGRATED MANAGEMENT

The RMA includes various provisions to address cross-boundary issues and encourage integrated management of the coastal environment. The New Zealand Coastal Policy Statement (produced by the Department of Conservation) has policies which cover the entire coastal environment. The Auckland Regional Policy Statement also states policies for the coastal environment. District or regional plans are required to be not inconsistent with these documents. There is provision within the RMA for integration of administrative functions through joint and combined hearings with territorial authorities or adjacent regional councils when coastal consent applications or the possible effects cross administrative boundaries.

This Regional Plan: Coastal has been prepared pursuant to Section 64(2) of the RMA as a plan applying to the coastal environment. It incorporates the Regional Coastal Plan which only applies to the coastal marine area of the Auckland Region. In the future the ARC may prepare other regional plans parts of which may be incorporated into the Regional Plan: Coastal. Examples include the Regional Air Quality Plan and rules regarding natural hazards, both of which will apply to the coastal marine area as well as on land. This would form an integrated document for the coastal environment.

Various other agencies, including the Maritime Safety Authority, Department of Conservation, and Ministry of Fisheries also have statutory responsibilities under other legislation for the management of natural and physical resources in the coastal environment (refer to Section 1.8 of Chapter 1 Introduction). Liaison between all agencies involved in management of the coastal environment is an important component of integrated management. An example of where this has occurred is the establishment of the Hauraki Gulf Forum, to help integrate the management of the Gulf.

In the Auckland Region all of the Auckland territorial authorities have extended their boundaries from Mean High Water Springs to Mean Low Water Springs, except Franklin District Council which has only extended its east coast boundaries, and Auckland City Council which has not extended its boundaries. This is to allow day to day control of the foreshore with their own by-laws. These are created and administered under legislation which includes the Local Government Act 1974 and the Dog Control Act 1996. This boundary shift does not affect functions of the ARC or territorial authorities under the RMA.

43.3 PROCESS STATEMENTS

To promote integrated management of the natural and physical resources across those administrative and jurisdictional boundaries, which occur within the coastal environment. This includes the line of Mean High Water Springs and regional and district boundaries. To achieve this the following processes will be used:

43.3.1 When considering coastal consent applications, regard shall be had to the effects of the activity on any values, or physical and biological processes, of the coastal environment and to the provisions of any relevant district plan, regional plan, or council adopted non-statutory planning document. A copy of any coastal permit application which may have more than minor adverse effects across a regional boundary, shall be referred to that regional council.

43.3.2 The ARC will liaise with adjacent regional councils and territorial authorities to promote integrated coastal management and ensure as far as practicable that a consistency in approach is maintained between coastal resource management issues in adjacent coastal marine areas and across the coastal marine area boundary of Mean High Water Springs.

43.3.3 Liaison shall occur with other statutory bodies on legislative issues that affect the management of the coastal environment.

43.3.4 In recognition of the dynamic nature of the coastal environment, which contains physical and biological processes and values that cross the coastal marine area boundary of Mean High Water Springs, district plans should contain appropriate provisions to ensure the adverse effects on the coastal marine area of any activity undertaken on land are avoided, remedied, or mitigated.

Schedule 1: Cultural Heritage Sites for Preservation

Site No.	Site Type	Name	Location
9	Hulks	S.S. ROTOMAHANA; Steam Tug KARORI; Schooner CLIO; Scow ROVER	McCallum Bay, Pakihi Island, Hauraki Gulf
15	Hulk	Barque REWA	Moturekareka Island, Hauraki Gulf
20	Hulks	Herald Island Hulks	Christmas Beach, Herald Island, Upper Waitemata Harbour
28	Wharf Site	Whatipu Wharf Site	Whatipu, Paratutai, Manukau Heads
30	Wharf Site/ Tramway Site	Kakamatua Wharf & Tramway Site	Kakamatua Inlet, Manukau Harbour
54	Sawmill Site	Manukau Timber Company Mill Site	Hinge Bay, Manukau Harbour
56	Tramway	Karekare-Whatipu Tramway	Karekare-Whatipu, Waitakere Ranges
66	Shipyards Site	David McKay Darroch's Shipyards Site	Whangateau Harbour
70	Water Supply Site	Hellyers Creek Water Supply Site	Hellyers Creek, North Shore, Waitemata Harbour
76	Stone Working Area	Administration Bay Stone Working Area	Between Administration Bay & Pig Bay, Motutapu Island
94	Sawing Station Site	Gordon Browne's Sawing Station	South of Brownes Bay, Mahurangi Harbour
103	Landing Place	Te Haruhi Landing,	Te Haruhi Bay, Shakespear Regional Park, Whangaparaoa Peninsula
104	Shipwreck	Barque ROYAL TAR	Shearer Rock (east of Tiritiri Matangi Island)
14 107-111	Hulks	Wreck Bay, Boulder Bay Hulks	Wreck Bay, Boulder Bay Rangitoto Island
114	Fish Traps	Tahuna Torea Fish Traps	Tahuna Torea, Nature Reserve, Tamaki River
117	Fish Traps	Puhinui Fish Traps	Puhinui Stream, Manukau Harbour
134	Stone Working Area/ Midden	Sunde Site	West Point, Motutapu Island
141	Shipyards Site	Nagle Cove Shipyards Site	Nagle Cove, Great Barrier Island
142	Shipwreck	S.S. Wairarapa	Miner's Head, Great Barrier Island
151	Shipwreck	S.S. Wiltshire	North of Rosalie Bay, Great Barrier Island
159	Fish Trap	Motukorea Fish Trap	Motukorea, Browns Island, Hauraki Gulf
167	Shipyards Site	John Darrach's Shipyards Site	Te Kapa River, Mahurangi Heads; Hauraki Gulf
180	Brickworks Site	Pollen's Brickworks Site	Whau River, Upper Waitemata Harbour
181	Brickworks Site/ Wharf Site	Clark's Brickworks Site	Limeburners Bay/Hobsonville, Upper Waitemata Harbour
182	Landing (Portage)	Riverhead Portage	Riverhead/Upper Waitemata Harbour
315	Landing Site	Slippery Creek Landing Site	Slippery Creek, Drury, Manukau Harbour
325	Factory Site (Fish)	Matakana Shark Factory Site	Matakana River, Hauraki Gulf
330	Brickworks Site/ Jetty Site/ Hulks	Carder's Pottery Site	Limeburners Bay, Hobsonville, Upper Waitemata Harbour
345	Brickworks Site	Robert Holland Brickworks Site	Limeburners Bay, Upper Waitemata Harbour

Site No.	Site Type	Name	Location
349	Shipwreck	H.M.S. ORPHEUS	Between Orwell and Outer Banks, Manukau Heads, Manukau Harbour, map location estimated
406	Stone Working Area	Home Bay Stone Working Area	Home Bay, Rakino Island, Hauraki Gulf
426	Stone Working Area/ Midden	Motukorea Stone Working Area/ Midden	Motukorea, Brown's Island, Hauraki Gulf
476	Shipyard Site	Richard Smith's Shipyard Site	Smith's Bay, Great Barrier Island
541	Salt Ponds	John Stubbs Salt Ponds	Saltpan Flat, McKenzies Bay, Rangitoto Island, Hauraki Gulf
554	Wharf Site	Howick Wharf Site	Howick, Hauraki Gulf
636	Limeworks Tramway Site	Pollen Island Limeworks and Tramway Site	Pollen Island, Upper Waitemata Harbour
653	Copper Smelting Site/ Jetty Site	Whitaker's Copper Smelter Site and Jetty Site	Motuketekete Island, Hauraki Gulf
656	Midden	Blue Bell Point Midden	Blue Bell Point, Tawharanui Regional Park, Hauraki Gulf
673	Ford	White Ford	Turanga Creek, Whitford,
701	Shipwreck	Cutter MARWELL	West of Tiritiri Matangi Island, Hauraki Gulf
857	Careening Area	Ngataranga Bay Careening Area	Ngataranga Bay, North Shore, Waitemata Harbour
865	Quarry (Slate)	Te Tereti Slate Quarry	Motairehe, Catherine Bay, Great Barrier Island
869	Stone Working Area	Whangaparapara Stone Working Area	Whangaparapara, Great Barrier Island
915	Midden (Archaic)	Matatuahu, Archaic Midden, University Excavation site	Te Pirau Point, Wattle Bay, South Head, Manukau Harbour
916	Midden (Archaic)	Matatuahu Archaic midden	Te Pirau Point, Wattle Bay, South Head, Manukau Harbour
983	Shipwreck	P.S. PIONEER	Middle Bank, Manukau Heads, Manukau Harbour, map location estimated
1044	Landing Site	Henry Williams Landing Site	Leigh Harbour, Hauraki Gulf

Schedule 2: Cultural Heritage Sites for Protection

Site No.	Site Type	Name	Location
11	Wharf/ Retaining Wall/ Scow Platform	Waitemata Flour Mill, Riverhead Paper Mill	Riverhead, Upper Waitemata Harbour
13	Whaling Station Site	Whangaparapara Whaling Station Site	Whangaparapara Harbour, Great Barrier Island
31	Wharf	Cornwallis Wharf	Cornwallis, Manukau Harbour
71	Compass Dolphin	Mechanics Bay Compass Dolphin	Mechanics Bay, Waitemata Harbour
92	Shipwreck Site	RAINBOW WARRIOR Shipwreck Site The site of the sinking of the Greenpeace vessel Rainbow Warrior by French secret service agents in July 1985. The vessel was a former trawler purchased by the international environmental action organisation Greenpeace in 1977. In 1984 Greenpeace used the vessel to protest against the French nuclear testing programme in the South Pacific, causing international embarrassment for the French government. Just before midnight on 10 July 1985, agents of the French Secret Service of DGSE, detonated two limpet mines against the hull of the ship, sinking the vessel and drowning photographer Fernando Pereira. The Rainbow Warrior was subsequently refloated and in 1987 the hulk was stripped and sunk off the Cavalli Islands, Northland. The bombing of the Rainbow Warrior was an event of political and historical significance as an infringement of New Zealand's sovereignty by a foreign nation. The site of the bombing, alongside Marsden Wharf, has considerable symbolic and commemorative value to both the New Zealand and the international community.	Marsden Wharf, Auckland, Waitemata Harbour
118	Wharf	Cryer's Wharf	Pakuranga Creek, Tamaki River, Hauraki Gulf
126	Wharf/ Quarry Site	McCallum's Wharf & Quarry Site	Pakuranga Creek, Tamaki River, Hauraki Gulf
127	Wharf/quarry Site	Guy's Wharf & Quarry Site	Ti Rakau Drive, Pakuranga Creek, Te Wharau, Tamaki River, Hauraki Gulf
136	Bridge (Abutments & Swivel Section)	Panmure Bridge Abutments and Swivel Section	Panmure, Tamaki River, Hauraki Gulf
177	Seawall	Thomas's Flourmill Seawall	Oakley Creek, Waitemata Harbour
200	Wharf	Big Omaha Wharf,	Big Omaha, Big Omaha Wharf Road, Whangateau Harbour
208	Wharf	Paremoremo Wharf	Paremoremo, Upper Waitemata Harbour

Site No.	Site Type	Name	Location
221	Graving Dock	Calliope Graving Dock	HMNZ Naval Base, Devonport, North Shore, Waitemata Harbour
227	Wharf	Beachhaven Wharf	Beachhaven, North Shore, Waitemata Harbour
241	Causeway & Seawall	Bayswater Wharf, Causeway & Seawall	O'Neills Point, Bayswater North Shore, Waitemata Harbour
252	Seawall	King Edward Parade Commemorative & Queen's Parade Seawall	King Edward Parade, Queen's Parade, Devonport, North Shore, Waitemata Harbour
285	Wharf Remnant	Tiller's Wharf;	King Edward Parade, Devonport, North Shore, Waitemata Harbour
289	Building	Calliope Sea Scouts Hall	King Edward Parade, Devonport, North Shore, Waitemata Harbour
320	Wharf Site	Wilson's Cement Works Wharf Site	Warkworth, Upper Mahurangi River, Mahurangi Harbour
333	Brickworks/Wharf Site	Auckland Brick & Tile Co. Brickworks and Wharf Site	Whau River, Waitemata Harbour
348	Lighthouse	Bean Rock Lighthouse	Bean Rock, Waitemata Harbour

The Marine Department commenced construction of Bean Rock lighthouse in 1870, and the lighthouse began operation on 24 July 1871. The lighthouse is associated with marine engineer James Balfour, an important figure in New Zealand's early maritime history. Balfour drowned before his plans for the Bean Rock lighthouse were complete, and the eventual design was the work of the colonial engineer James Stewart, who incorporated many features of Balfour's design.

The light, which is now powered by solar charged batteries, was originally powered by kerosene and needed constant attention. For this reason the design of the lighthouse incorporated the hexagonal keepers cottage which gives the structure its distinctive appearance.

In 1912 it became the first New Zealand lighthouse to be automated. The lighthouse was extensively renovated in 1985.

Site No.	Site Type	Name	Location
	Bean Rock cont'd	<p>Bean Rock Lighthouse is the sole surviving example of a wooden cottage type lighthouse in New Zealand, and one of only a few remaining worldwide. It is also New Zealand's oldest wooden lighthouse and the only wave washed tower. The Bean Rock lighthouse has cultural significance as an important landmark in the Waitemata Harbour, and is widely regarded as an Auckland icon. It has Category 1 registration under Section 22 of the Historic Places Act 1993.</p> <p>In addition, Bean Rock, or Te Toka a Kapetaua, upon which the lighthouse is located, has special historical and cultural significance to Tangata Whenua being associated with the Waiohau and Ngati Paoa ancestor Kapetaua who was marooned on the rock by his brother in law Taramokomoko. This led to a major campaign of fighting, which extended throughout the Hauraki District.</p>	
351	Wharf Site/ Sawmill Site	Kauri Timber Company, Whangaparapara Sawmill Site.	Whangaparapara, Great Barrier Island
375	Navigation Beacon	Rangitoto Beacon	Rangitoto Island, Hobson Bay
380	Building	Hobson Bay Dinghy Lockers, Ramps and Mooring Piles	Tamaki Drive, Hobson Bay, Waitemata Harbour
404	Building	Hobson Bay Boat Sheds	Whakatakataka Bay, Waitemata Harbour
405	Wharf	Mansion House Wharf	Mansion House Bay, Kawau Island, Hauraki Gulf
415	Copper Mine	Miner's Head Copper Mine	Miner's Head, Great Barrier Island
428	Seawall	Kaiaraara Mill Stone Seawall	Kaiaraara Bay, Great Barrier Island
632	Hulk	Scow RAHIRI	Blackpool Beach, Waiheke Island
640	Landing	Huia Landing	Huia Bay, Manukau Harbour
647	Building	Takapuna Boating Club	Marine Terrace, O'Neills Point, North Shore, Waitemata Harbour
654	Pumphouse/Wharf Site	Kawau Island Coppermine Pumphouse and Wharf Site.	Miner's Point, Kawau Island, Hauraki Gulf
689	Landing	Panmure Ferry Landing	Foot of Bridge Street, Panmure, Tamaki River, Hauraki Gulf

Site No.	Site Type	Name	Location
797	Swimming Pool/ seawall	Rangitoto Swimming Pool	Rangitoto Wharf, Rangitoto Island
820	Bridge	Western Viaduct Liftbridge Abutments and Control Shed	Western Viaduct, Auckland, Waitemata Harbour
920	Oyster Farm	Kennedy's Bay Oyster Farm	Kennedy's Bay, Waiheke Island
1031	Landing (Seaplane)	Mechanics Bay Seaplane Landing Ramp	Mechanics Bay, Auckland, Waitemata Harbour
1045	Ford	Little Huia Ford	Little Huia, Manukau Harbour
1058	Brickworks/Landing	Pukapuka Brickworks & Landing Site	Pukapuka Inlet, Mahurangi Harbour, Hauraki Gulf
2548	Bathhouse	Waiwera Bathhouse Remains	Waiwera Beach, Hauraki Gulf

Schedule 3: Coastal Protection Areas

INTRODUCTION

This schedule provides a summary description of the values of the Coastal Protection Areas identified on the Plan Maps in Volume 2. More detailed information on the values of these areas is held by the ARC in its Natural Heritage Data Base. Certain Coastal Protection Areas have also been identified as Areas of Significant Conservation Value (refer Schedule 4).

Subsection 2.9 of this Plan refers to two types of Coastal Protection Areas, CPA1 and CPA2. These classifications refer to the different values, size, and degree of vulnerability assigned to a significant area or site. The left hand column, makes reference to CPA 1 to CPA 134. This reference is an individual identifier for each of the 134 Coastal Protection Areas and allows cross referencing between the right hand column of the schedule, "Values of Coastal Protection Areas" and the Maps associated with this Plan.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 1 (Sheet 2) (ASCV 102) (within ASCV 20)	Okahukura Peninsula Hyaloclastite Exposures Geological exposure of hyaloclastite and associated vent complex in the Miocene volcanics of Northland. The exposure is both below Mean High Water Springs and in the cliffs above. The site is the best example of its type and is considered to be nationally important. It has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).
CPA 2 a-j (Sheets 2 and 4) (ASCV 84) (within ASCV 20)	Tapora Islands and Estuary Area of sand banks, bars and dunes opposite the mouth of the Kaipara Harbour forming a complex habitat for a variety of animal and plant communities. The intertidal sand banks (2a) are a feeding ground and important mid tide roost for thousands of international migratory and New Zealand endemic wading birds including a number of threatened species. The associated sand bars and islands (2b, 2g, 2j) provide a high tide roost for these birds and a variety of other coastal bird species. In the shelter of the sand islands and inlet mouths grow important areas of mangroves and saltmarsh (2c, 2d, 2e, 2f, 2h, 2i, 2j). The vegetation adjoining the islands grades from the mangroves and saltmarsh into coastal shrublands and dune vegetation above Mean High Water Springs. Similarly, in the inlet mouths, the saline vegetation grades into freshwater vegetation beyond the coastal marine area. The saline vegetation provides high quality habitat for threatened secretive coastal fringe birds particularly where it abuts terrestrial vegetation which provides shelter for the birds and potential nesting sites. The saltmarshes and dune vegetation include a number of threatened plant species. The Department of Conservation has selected this area, with the exception of Gum Store Creek and the intertidal banks to the east of Te Ngaio Point, as an Area of Significant Conservation Value (ASCV) on the basis of its national importance as a wildlife habitat. All these areas make up an integral part of the Kaipara Harbour. This harbour is an internationally significant wetland and estuary and has been selected in its entirety by the Department of Conservation as an Area of Significant Conservation Value.
CPA 3 a-g (Sheets 1, 4, 5) (ASCV 85) (within ASCV 20)	Tauhoa River Extensive area of intertidal banks (3a) fringed with mangroves and supporting excellent saltmarsh and rich intertidal fauna. Some of the banks (3c, 3e, 3f, 3g) have built up to form low islands and the saline vegetation in the intertidal area grades into the terrestrial vegetation growing above Mean High Water Springs. The saline vegetation provides high quality habitat for threatened secretive coastal fringe birds. The areas of adjacent terrestrial vegetation also provide shelter for the birds and potential nesting sites.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 3 a-g (Sheets 1, 4, 5) (ASCV 85) (within ASCV 20) cont'd	This is one of the two most extensive areas of saline vegetation in the Kaipara Harbour and is relatively unmodified by reclamation. Part of the area, the Tauhoa Scientific Reserve (3b), is one of only two mangrove reserves in the country. The Department of Conservation has selected the Tauhoa Scientific Reserve and areas to the north (3b, 3c, 3d) as an Area of Significant Conservation Value (ASCV).
CPA 4 (Sheets 4 and 5) (ASCV 20)	Moturemu Island Moturemu Island is a regionally important wildlife habitat as it supports a breeding colony of grey-faced petrel which is unusual for the west coast of the region.
CPA 5 (Sheets 4 and 5) (ASCV 20)	Mataia Along the coast in the southern part of this area, developing mangroves below Mean High Water Springs grade into regenerating forest above. This type of connection is now rare in the main body of the Kaipara Harbour due to vegetation clearance and reclamation around the harbour. Most other such gradations between natural saline and terrestrial vegetation in the Kaipara are found in the estuaries or rivers that flow into the harbour
CPA 6 a-d (Sheets 4, 5, 6) (ASCV 82) (within ASCV 20)	Jordan's Farm, Oyster Point and Shelly Beach Island Area of intertidal banks and shellbanks forming a complex habitat for a variety of animal and plant communities. The rich intertidal banks (6a) are a feeding ground for thousands of international migratory and New Zealand endemic wading birds including a number of threatened species. The associated island (6c) and nearby pasture on Jordan's Farm and Oyster Point collectively provide the numerically most important high tide roost on the Kaipara for these birds and a variety of other coastal bird species. Shelly Beach Island is a key area in the Kaipara Harbour for marine bird species. In recent years it has become a major nesting site for Caspian tern, a threatened coastal bird, with around 500 birds nesting on the island. In the shelter of the shellbanks at Shelly Beach Island and Oyster Point (6c, 6d) and in the mouth of the Makurau River (6b) grow important areas of mangroves and saltmarsh. The vegetation grades from the mangroves and saltmarsh into coastal shrublands above Mean High Water Springs at Shelly Beach Island and Oyster Point (6c, 6d) and into mature kanuka forest with emergent tanekaha and kauri at the Makurau River (6b). The saline vegetation provides high quality habitat for threatened secretive coastal fringe birds. The Department of Conservation has selected this area, with the addition of an area of intertidal bank to the north, as an Area of Significant Conservation Value (ASCV).
CPA 7 a-b (Sheet 7) (within ASCV 20)	Kaipara River Mouth Very extensive area of saline vegetation within the coastal marine area (7a) which grades into areas of 'relict' saltmarshes which are probably rarely, if ever, inundated by the sea. These areas, in turn, grade into the terrestrial vegetation growing on the highest ground. The southern part of the saline vegetation on the eastern bank of the Kaipara River (7b) is the largest single block of dense mangrove in the region and is in good condition and spreading. The saline vegetation provides habitat for threatened secretive coastal fringe birds. Areas of adjacent terrestrial vegetation provide shelter for the birds and potential nesting sites.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 8 a-d (Sheets 6 and 7) (within ASCV 20)	Puharakeke Extensive area of intertidal banks (8a) fringed with mangroves on the sheltered edges and with shellbanks on the more exposed parts. Supports a range of saltmarsh and mangrove vegetation. Many of the banks (8b, 8c, 8d) have built up to form low islands and the saline vegetation in the intertidal area grades into the terrestrial vegetation growing above Mean High Water Springs. The saline vegetation provides habitat for threatened secretive coastal fringe birds. This is one of the two most extensive saline vegetation in the Kaipara Harbour and has been relatively unmodified by reclamation in the last 20 years.
CPA 9 a-b (Sheets 3, 4, 5) (within ASCV 20)	Omokoiti Large and diverse area of saltmarsh and mangrove vegetation (9b), comprised mainly of a sizeable area of mud and glasswort to landward of a broad band of mangroves. This glasswort flat provides a high tide roosting site for thousands of international migratory and New Zealand endemic wading birds and a variety of other coastal bird species, including a number of threatened species. Most importantly, four or five black stilts, or about 10% of the entire population of this endangered species, spend the winter at this site. The adjacent intertidal banks (9a) are a feeding ground for the thousands of waders that roost at Omokoiti. The saline vegetation is a habitat for threatened secretive coastal fringe birds.
CPA 10 a-d (Sheet 3) (ASCV 14) (within ASCV 20)	South Kaipara Head A large area of mobile dune fields (10d) and a 3 kilometre long active sandspit (10c) almost enclosing a lagoon (10a, 10b). The dune field and spit complex are considered to be nationally important landforms and also comprise an important and complex habitat for a variety of animal and plant communities. The sand area and associated lagoon are considered to be at least nationally important wildlife habitats. A variety of birds, including a number of threatened species, breed in the mobile sand areas and feed in the surrounding waters and intertidal areas (10a, 10c, 10d). This is a nesting area for white-fronted terns in New Zealand. Papakanui Spit (10c) is also used as a high tide roost by thousands of international migratory and New Zealand endemic wading birds including a number of threatened species. The intertidal areas within Waionui Inlet (10a) are an important feeding ground for these wading birds. In the southernmost parts of the inlet (10b) there are sizeable areas of mangroves and saltmarshes which form notable ecotones with the surrounding terrestrial vegetation. On the eastern side these grade into mature manuka – kanuka forest, while on the western side they are bordered by duneland and seasonal wetland, both of which provide a habitat for a variety of threatened plants. Secretive and threatened coastal fringe birds use the margins of the lagoon habitat, particularly where terrestrial vegetation offers shelter for roosting and breeding. The area has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).
CPA 11 (Sheet 8)	Oaia Island Oaia Island is one of four sites near Muriwai that support breeding colonies of the Australasian gannet. It is also used regularly as a haulout site by New Zealand fur seals.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 12 (Sheet 3, 6 and 8)	<p>Muriwai</p> <p>Representative stretch of exposed sandy beach supporting a typical range of bivalves which live burrowed deeply into the sand around extreme low water springs. Muriwai and Rangitira Beaches is the only location in the Region where toheroa are found.</p>
CPA 13 a-m (Sheets 8 and 9) (ASCV 104)	<p>West Coast (Muriwai to Karekare)</p> <p>The cliffs and intertidal platforms of the rocky coastline from Muriwai to Karekare are made up of rocks that were formed by undersea volcanoes around 19 million years ago. A variety of regionally, nationally and internationally important geological features are to be found along this coast. These include contemporary erosional features, such as blowholes, stacks, and arches (13k, 13l), as well as exposures of volcanic (13a, 13c-f, 13h, 13j, 13m), sedimentary (13a-f, 13j-k) and fossil (13b, 13g) features within the rocks that make up the coast. Most notable are the pillow lavas in the cliffs and intertidal platforms near Muriwai (13c-f) which are considered to be the best preserved pillow lava formations in the world. On the basis of its geological value, this coast was selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).</p> <p>The rocky shores support a diverse range of marine algae and invertebrates and, under the influence of cool currents, shows affinities with marine ecosystems to the south. From Te Henga to Piha is the only part of the region in which bull kelp, a marine alga of cooler waters, is found in significant quantities. The least accessible, and therefore least modified stretch of coast is from Muriwai to Te Henga. The rocky coast also provides a variety of habitats for animals and plants, including an important array of threatened cliff-dwelling plants. In most places, the marine ecosystem grades into areas of natural coastal vegetation, some of which is considered to be amongst the best in the Waitakere ecological district (13a, 13c, 13h, 13i, 13k, 13m). A variety of coastal and sea birds breed on the cliffs and islands and feed in the surrounding waters (13c, 13i).</p> <p>In several places, large sandy beaches have accumulated and, in combination with the rocky shores, these provide a variety of habitats for animals and plants, including pingao, a threatened plant of mobile sand areas.</p>
CPA 14 (Sheet 9)	<p>Whatipu</p> <p>A large area of mobile dunes which is the best example of recent (mostly 1900 to 1930) coastal progradation in New Zealand, leaving many sea caves stranded in the hills behind. It is considered to be a nationally important landform and is also an important and complex habitat for a variety of animal and plant communities. Relatively high numbers of threatened and bird species roost in the mobile sand areas and feed in the surrounding waters and intertidal areas. Some species breed in the area; this is an important nesting area for white-fronted terns. In most places, the marine ecosystem grades into areas of natural coastal vegetation, including natural pingao and spinifex communities in the more mobile, freshwater wetland vegetation in the damp depressions and around the lakes, flaxlands at the base of the cliffs and forests on the cliffs themselves. Much of this vegetation is considered to be amongst the best in the Waitakere ecological district and much of it is habitat for a range of threatened plants. Secretive and threatened coastal fringe birds use the freshwater habitats, as do a variety of coastal bird species.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 15 a-b (Sheets 9 and 17) (ASCV 7)	<p>Omanawanui</p> <p>Because of the combination of strong, cool lateral currents and erosion-resistant rocks, this stretch of coast (15a) supports a diverse and rich marine fauna which shows open coast, harbour, and southern affinities. The encrusting fauna – sponges, bryozoans, ascidians, and hydroids – is uncommon elsewhere on the west coast of the North Island and, in fact, some species have not been found anywhere else in New Zealand. In most places, the marine ecosystem grades into areas of natural coastal vegetation, some of which is considered to be amongst the best in the Waitakere ecological district. Steep vegetated hillslopes rise approximately 200 metres above the harbour and show a gradient from coastal fringe to slope to ridgetop vegetation. This area is an integral part of the Manukau Harbour, which is an internationally important wetland selected in its entirety by the Department of Conservation as an Area of Significant Conservation Value (ASCV). The Paratutae Wave Cut Notch (15b) is the best example of a wave cut notch on the west coast of the Region.</p>
CPA 16 a-e (Sheets 9, 10, 17) (within ASCV 7)	<p>Huia to Cornwallis</p> <p>A combination of marine habitats is found in this area. The western area (16a, 16b) is comparable to the Omanawanui area having rich and diverse fauna which reflects the similarly strong, cool lateral currents and erosion-resistant rocks. At the eastern end (16c, 16d) the direction and strength of the current changes and boulder beaches become important. Close to Huia (16a), the marine ecosystem grades into an area of natural coastal forest on the cliffs and gumland vegetation higher up. Both of these are considered to be the best in the Waitakere ecological district.</p> <p>The cliffs and intertidal rocks on the Cornwallis Peninsula (16c) are considered to be geologically important because of the exposure of a sequence of volcanic-rich flysch beds that accumulated close to the contemporaneous late Miocene Waitakere volcanoes. The intertidal area of Hui Bay (16e) is an important bird feeding area.</p>
CPA 17 a-b (Sheet 10) (within ASCV 7)	<p>Big Muddy Creek</p> <p>Within and surrounding this small estuarine inlet there are a variety of habitats with notable gradients and links between them. The lower intertidal flats (17a) support dense populations of soft shore fauna and <i>Zostera</i> beds. These grade into dense algal beds in the mid-tidal zone, which in turn grade into extensive mangrove areas in the upper intertidal area. There are also important links between the marine and terrestrial environments. Coastal forest adjoins the mangroves in the more sheltered areas (17b) and shoreline rock shelves and shelly beaches in the more exposed areas. The direct connections between terrestrial and saline vegetation benefit the threatened secretive coastal fringe bird species which are found in this inlet which feed in the intertidal areas and nest and roost under the continuous cover on the land.</p>
CPA 18 (Sheet 10) (within ASCV 7)	<p>Little Muddy Creek</p> <p>Similar to Big Muddy Creek, this small estuarine inlet contains a variety of intertidal habitats ranging from mudflats to rocky reefs. There is an uninterrupted sequence from algal beds in the mid-tidal area, to an extensive mangrove marsh in the upper tidal areas into good stands of coastal forest.</p>
CPA 19 (Sheet 11) (within ASCV 7)	<p>Cape Horn</p> <p>Important coastal forest remnants adjoin the coastal marine area along this stretch of coast. Firm papa reefs below the cliff grade quickly into a muddy intertidal flat near the channel edge. The bays also support a diversity of fauna. Waders and coastal birds feed throughout the area.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 20 (Sheets 11 and 12) (within ASCV 7)	White Bluff Geological exposure of complexly deformed Waitemata Group rocks showing faults and folds both below Mean High Water Springs and in the cliffs above. The site is one of the best examples of its type in the region and is considered to be regionally important.
CPA 21 (Sheets 12 and 24) (within ASCV 7)	Ann's Creek Mangroves in the intertidal area form part of a unique gradient with the only significant remaining piece of native shrublands on lava flows in the Tamaki ecological district. The shrubland is the first ever collection site of the shrub, <i>Coprosma crassifolia</i> .
CPA 22 a-b (Sheets 12 and 24) (within ASCV 7)	South East Mangere Inlet Small upper intertidal area supporting a high diversity of native saline vegetation. In the south-east corner (22b) is a 0.25 ha meadow of bachelor's button, <i>Cotula coronopifolia</i> . To seawards is a diverse maritime marsh and small raised banks (22a) of clean sand supporting several species of plants characteristic of such areas. In the intertidal areas below the vegetated areas are extensive upper intertidal mudflats with dense populations of characteristic species.
CPA 23 a-c (Sheets 11 and 12) (ASCV 59) (within ASCV 7)	Ambury This modified shoreline (23b) is used as a high tide roost by thousands of international migratory and New Zealand endemic wading birds including a number of threatened species. It is the most important winter roost on the Manukau Harbour for South Island Pied Oystercatchers. The associated intertidal banks (23a, 23c) are a feeding ground for these birds and a variety of other coastal bird species. The rocky area (23b) contains the best example of pahoehoe lava flows in New Zealand. These are located on the northern side of Kiwi Esplanade. For these reasons, this site has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).
CPA 24 (Sheet 11) (within ASCV 7)	Te Tau Bank East This intertidal sandbank contains large numbers of shellfish, including edible species and species uncommon elsewhere in the Manukau Harbour. It is an important feeding area for wading birds.
CPA 25 (Sheets 11 and 12) (within ASCV 7)	Puketutu Island A regionally important, isolated compound volcanic centre, with tuff ring remnants, scoria cones, and lava fields which enter the marine environment around the coast of the island. The island is used as a high tide roost by a variety of wading birds including several threatened species.
CPA 26 a-b (Sheets 11 and 12) (ASCV 58) (within ASCV 7)	Ihumatao The Karore intertidal sandbank (26a) is a particularly rich area which provides a variety of sand flat habitats between high tide and low spring tide marks. On it grows the most extensive area of eelgrass (<i>Zostera</i>) remaining in the Manukau Harbour. Large numbers of fish and wading birds feed on the Karore Bank, with particularly high densities of some common waders feeding in and around the remaining eelgrass beds. Waterfowl, such as black swans and ducks, feed on the eelgrass itself. There is also an artificial bird roost within this area. On the southernmost part of the coast in this area is a fossil forest (26b), buried in excess of 50,000 years ago by tuff from Maungataketake volcano and subsequently exhumed by coastal erosion. The fossil forest lies both below Mean High Water Springs and on land within the coastal environment. The site is an excellent example of its type and is considered to be nationally important. The Department of Conservation has selected the fossil forest as an Area of Significant Conservation Value (ASCV).

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 27 a-c (Sheets 12, 13, 14) (ASCV 120) (within ASCV 7)	<p data-bbox="459 461 547 488">Puhinui</p> <p data-bbox="459 495 1481 1111">Area of intertidal banks and shellbanks forming a complex habitat for a variety of animal and plant communities. The extensive gently-graded sand flats (27a) support dense populations of intertidal sand flat organisms and are an excellent feeding ground for thousands of international migratory and New Zealand endemic wading birds including a number of threatened species. The associated shellbanks at Puhinui (27c) are used as a high tide roost by many of these waders as well as a variety of coastal birds. An artificial roost has been constructed at Wiroa Island (27b) and this is widely used by coastal birds. Waders also use this roost, which is the major roost on the Manukau Harbour for the threatened wrybill. Impounded behind the shellbanks is one of the biggest, best and least disturbed areas of saltmarsh remaining in the Manukau Harbour. The vegetation grades from the shellbank vegetation, into the saltmarsh, and then into kanuka forest with small native trees including kahikatea and rimu above Mean High Water Springs at Puhinui (27c). The saltmarsh, as well as being a habitat for a number of uncommon or threatened plants, is an important habitat for a variety of threatened secretive coastal fringe birds. Its habitat quality is enhanced by the adjoining terrestrial vegetation which provides shelter for the birds and offers potential nesting sites. In the shelter of the Puhinui, Pukaki, and Waokauri Creeks are significant areas of mangroves. Those in the Puhinui Creek are some of the oldest mangroves in the harbour and have batchelor's button meadows on the fringe in places.</p> <p data-bbox="459 1151 1481 1211">The Department of Conservation has selected the roosts and saltmarsh at Puhinui along with closely adjacent intertidal banks as an Area of Significant Conservation Value (ASCV).</p>
CPA 28 (Sheet 14) (ASCV 70) (within ASCV 7)	<p data-bbox="459 1223 659 1249">Takanini Pumicite</p> <p data-bbox="459 1256 1481 1451">Geological exposure of primary tephra from the Taupo Volcanic Zone. The exposure itself is above Mean High Water Springs, but would be affected by activities within the coastal marine area. The site is the purest in the Manukau Harbour and was not extensively modified by estuarine processes during deposition and is therefore considered to be nationally important. It has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).</p>
CPA 29 a-b (Sheets 13 and 14) (within ASCV 7)	<p data-bbox="459 1462 523 1489">Drury</p> <p data-bbox="459 1496 1481 1664">This area is comprised of a variety of intertidal habitats (29a) ranging from sandy mud intertidal flats, to current-exposed rocky reefs and a variety of saline vegetation. Healthy and often expanding areas of mangroves grow in the shelter of the Pahurehure Inlet, Whangamaire Stream, and Drury and Whangapouri Creeks and in the southern half of the Whangapouri Creek are notable eelgrass (<i>Zostera</i>) beds.</p> <p data-bbox="459 1704 1481 1863">Within the upper tidal reaches of Drury Creek (29b) there are a variety of marshes, grading from mangroves through to extensive areas of jointed rush-dominated saltmarsh, to freshwater vegetation in response to salinity changes. This same area (29b) is a migration pathway between marine and freshwater habitats for a number of different species of native freshwater fishes.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 30 a-b (Sheets 13, 15, 16, 18) (ASCV 112) (within ASCV 7)	Clarks Beach to Karaka Point Area of intertidal banks and shellbanks forming a complex habitat for a variety of animal and plant communities. The extensive gently-graded predominantly fine sand flats (30a) support the greatest diversity and abundance of intertidal sand flat organisms in the Manukau Harbour. They are an excellent feeding ground for many thousands of international migratory and New Zealand endemic wading birds including a number of threatened species. Several shellbanks have developed just offshore at Karaka (30b) since the early to mid 1980's and are now numerically the most important roost on the Manukau Harbour, most notably for waders, but also for a variety of coastal birds. There are a number of other roosts along the shore, most notably near Seagrove, the second most important roosting site on the harbour. These are used during most high tides, but during high spring tides at Seagrove, the birds move onto adjacent pasture. There is a variety of saline vegetation within this area. The intertidal flats between Clarks Beach and Seagrove were the site of very extensive beds of eelgrass. Eelgrass beds declined sharply, but have been reappearing around the region in recent years. Along the shores there are fringes of saltmarsh, which reach their greatest extent and best condition along the northern shore of Seagrove Peninsula. Within the creek itself, at Seagrove, there are areas of healthy mangroves which are expanding rapidly. The Department of Conservation has selected the roosts and closely adjacent intertidal banks as an Area of Significant Conservation Value (ASCV).
CPA 31 (Sheets 15, 16, 18)	Taihiki River This inlet is comprised of a diversity of sheltered harbour habitats ranging from predominantly sandy intertidal flats, to mangroves and to pockets of saltmarsh. It is considered to be an important nursery area for young flounder and grey mullet. This remains one of the least impacted of harbour habitats in the Manukau because of the lack of major inputs of sediment from the catchment and vegetated shoreline.
CPA 32 a-b (Sheets 16 and 18) (ASCV 118) (within ASCV 7)	Waipipi Shell and sand banks at the entrance to Waipipi Creek (32b) which are isolated from the shore at high tide are used as a high tide roost by a variety of coastal birds and several hundred to a few thousand international migratory and New Zealand endemic wading birds including a number of threatened species. Waders congregate on the adjacent intertidal flats (32a) before moving onto the roost. This is one of the smaller of the major high tide wader roosts on the Manukau Harbour. The Department of Conservation has selected the roosts and closely adjacent intertidal banks as an Area of Significant Conservation Value (ASCV).
CPA 33 (Sheets 16 and 18)	Te Toro Quaternary Sands Geological exposure of sands which predates the eruptions of Taranaki and Taupo volcanic centres and the subsequent current transport of black sands northwards along the coast. The exposure is both below Mean High Water Springs and in the cliffs above. The site is considered to be regionally important.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 34 a-b (Sheets 16, 17, 18) (ASCV 119) (within ASCV 7)	Pollok Spit Sand bank formed into a spit (34b) is a high tide roost used by a variety of coastal birds and thousands of international migratory and New Zealand endemic wading birds including a number of threatened species. Waders congregate on the adjacent intertidal flats (34a) before moving onto the roost. Saltmarsh habitats join the spit with fairly extensive intertidal mangrove areas in Rangiriri Creek. The Department of Conservation has selected the roosts and closely adjacent intertidal banks as an Area of Significant Conservation Value (ASCV).
CPA 35 (Sheets 16 and 17) (within ASCV 7)	Awhitu A range of shoreline habitats in microcosm are found along the shores of Awhitu Regional Park and in the Kauritahi Stream. These support a large range of wading and coastal birds in addition to a number of threatened coastal fringe birds that dwell in the saline vegetation. The area is an integral part of the Manukau Harbour, an internationally important wetland selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).
CPA 36 (Sheets 9, 10, 16, 17) (within ASCV 7)	South Head west of Mako Point This area is subjected to strong, cool lateral currents similar to those at Omanawanui on the opposite side of the harbour mouth. Consequently, this stretch of coast also supports a diverse and rich marine fauna which shows open coast, harbour, and southern affinities. The south head contrasts with the north because of the softer rocks and platform reefs which mean that the biota differs and is less diverse and abundant.
CPA 37 (Sheet 17)	Cochrane's Gap Quaternary Sands Geological exposure of sands which predates the eruptions of Taranaki and Taupo volcanic centres and the subsequent current transport of black sands northwards along the coast. The formation consists of interbedded dune and beach sands are rare peat, overlain by golden brown sands. The formation is poor in the black minerals ilmenite and magnetite. The site is considered to be regionally important
CPA 38 a-b (Sheet 18)	Karioitahi Exposed beach (38a) where the marine ecosystem grades into areas of coastal vegetation, within which a range of threatened plants grow. In the cliffs is a regionally important geological exposure of sands. The Karioitahi Quaternary Sands formation (38b) predates the black sands originating from the Taupo and Taranaki eruptions, and is characterised by a golden grey quartz.
CPA 39 a-b (Sheet 19) (ASCV 37)	Firth of Thames A large system of gravel ridges and furrows (39a) that runs parallel to the coast for five to six kilometres and extends approximately a kilometre inland. The ridge and furrow systems are approximately one metre apart in height and, like the Miranda Chenier Plains to the south, are used as a record of past sealevel oscillations. The landform should be considered to share the international importance of the chenier plains. The coastal gravel ridges and furrows were a complex habitat for a variety of plant communities and the original vegetation was probably kowhai forest on the ridges with marshland in the furrows. Only degraded kowhai forest fragments remain. However, in one place (39b) a fragment of the original vegetation exists with saltmarsh ribbonwood on the most seaward ridge grading into kowhai forest remnants and freshwater wetland growing on the ridge and furrow to landward. This area is the northernmost tip of a large intertidal area that has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV) on the basis of a combination of wildlife and geomorphological values.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 40 a-j (Sheets 19 and 20)	<p>Kawakawa to Matingarahi</p> <p>This coast is a complex of rocky outcrops and soft shores. At two places on this coast (40h, 40j) there are regionally important geological exposures within the coastal marine area. These are the Kawakawa Bay Deformed Chert Beds, exposures that are valuable because they give a useful indication of the melange nature of Waipapa Terrane. Moving towards Orere Point, in either direction, the wave exposure increases and the beach sediments (40a, 40c, 40e, 40g, 40i) become correspondingly coarser. The change in conditions is reflected in changes in the type of organism present and an increase in the variety of species. The section of coast from Raukura Point to Orere Point is one of the richest areas in the region for rocky shore and sandy beach flora and fauna. In some places, the marine ecosystem grades into areas of natural coastal vegetation, some of which is considered to be amongst the best in the Hunua ecological district (40b, 40d, 40f, 40h) and at Papanui Point (40h) there are a number of threatened plant species within this vegetation.</p>
CPA 41 a-j (Sheets 20 and 21) (ASCV 92)	<p>Wairoa River and Estuary</p> <p>Largest east coast river in the region with a complex of intertidal flats and shellbanks that have accumulated at the mouth. These provide a varied habitat for a wide range of animal and plant communities. The intertidal banks (41a) are a very rich feeding ground and important midtide roost for a few thousand international migratory and New Zealand endemic wading birds including a number of threatened species. The large shellbanks on the north-west and south-east sides of the estuary (41b, 41h) provide a high tide roost for these birds and a variety of other coastal bird species. The shellbank at Kauri Bay (41b) is also important as a breeding ground for the threatened New Zealand dotterel. In the shelter of the shellbanks and the estuarine stretches of the river grow important areas of mangroves and saltmarsh (41b-j) much of it judged to be the best in the district. There is a gradation from saline vegetation into freshwater vegetation beyond the coastal marine area with decreasing salinity moving upstream from the sea. The saline vegetation provides high quality habitat for threatened secretive coastal fringe birds particularly in saltmarshes where there is terrestrial vegetation which provides roosts for the birds and potential nesting sites. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>
CPA 42 a-b (Sheet 22)	<p>Omana</p> <p>A variety of shoreline habitats in microcosm are found within the Te Puru Creek and along the shores to the east, ranging from mud flats within the creek to sandy silt flats (42a) surrounding a wide rocky shore platform outside the creek. These provide a habitat for a wide variety of animal and plant communities. Most notable is the saline vegetation growing on the mudflats (42b). Here, in association with mangrove and raupo, is an unusual area of <i>Scirpus</i> sedgeland.</p>
CPA 43 a-h (Sheets 22 and 23) (ASCV 91)	<p>Turanga Creek Estuary</p> <p>Three distinct tidal creeks (Maungamaungaroa, Turanga, and Waikopua) flowing into one large bay, within which a complex of intertidal mud, sand, and shell flats have accumulated. This physical variety provides a similarly varied range of habitats for an assortment of animal and plant communities. The intertidal banks (43a) are a very rich feeding ground and important midtide roost for many hundreds of a variety of international migratory and New Zealand endemic wading birds including a number of threatened species. Large shellbanks at various locations at creek mouths (43c, 43f), behind the beach (43e), or near Motukaraka Island (43b) are used (or have been used in the past) as high tide roosts by these birds and a variety of other coastal bird species.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 43 a-h (Sheets 22 and 23) (ASCV 91 cont'd)	In the shelter of the shellbanks and the creeks grow areas of mangroves and saltmarsh (43d, 43e, 43g, 43h) some of it judged to be the best in the district. There are two major gradations from saline vegetation into terrestrial vegetation. One (43h) is from mangroves into the best coastal ponga and taraire forests on coastal sediments in the district which in turn grades into kowhai forest. The second (43g) grades from mangroves into saltmarsh into coastal shrublands on islands in the Turanga Creek. The saline vegetation fringing the creeks provides high quality habitat for threatened secretive coastal fringe birds particularly where it abuts terrestrial vegetation which provides roosts for the birds and potential nesting sites. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).
CPA 44 (Sheet 24)	Waiouru Tuff Mound A Waiouru Tuff Mound, often incorrectly referred to as Pukekiwiriki, is an indistinct, crater-like depression about 300m in diameter. The crater is breached to the SW by tidal creeks and has an eight metre terrace along the Tamaki River. One of the oldest members of Auckland Volcanic Field, this geological landform is considered to be regionally important.
CPA 45 a-b (Sheet 24) (within ASCV 79)	Pakuranga Creek and Roost Pakuranga Creek roost (45a) is one of the roosting sites used by some of the hundreds of wading birds that feed within the Tamaki Estuary. The whole of the Tamaki Estuary is a regionally important wildlife habitat and has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV). This roost is associated with the values of Coastal Protection Areas 47, 48, and 49 and forms an integral part of the wildlife habitat values of the estuary. The mangrove areas of Pakuranga Creek (45b) are regarded as the best example of mangrove habitat in the Tamaki Estuary.
CPA 46 (Sheets 24 and 25) (ASCV 62)	Panmure Basin Explosion Crater An explosion crater and associated tuff ring that is naturally breached to form a tidal lagoon. This landform is still relatively complete and is considered to be regionally important. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).
CPA 47 (Sheets 24 and 25) (within ASCV 79)	Tamaki River East Roost One of the roosting sites used by some of the hundreds of wading birds that feed within the Tamaki Estuary. This roost is associated with the values of Coastal Protection Areas 45, 48, and 49.
CPA 48 (Sheets 24 and 25) (within ASCV 79)	Tamaki East Bank This intertidal bank is a feeding ground for the hundreds of wading birds that use the Tamaki Estuary. This feeding ground is associated with the values of Coastal Protection Areas 45, 47, and 49. This area also includes part of the Farm Cove ignimbrite, most of which is above MHWS.
CPA 49 a-d (Sheets 24, 25, 40) (ASCV 60) (within ASCV 79)	Tamaki Estuary West Large river estuary where considerable areas of intertidal flats have accumulated and a sand-shell spit has built up near the entrance. The spit has been modified to create a variety of freshwater and estuarine habitats. Hundreds of mainly New Zealand endemic wading birds, including a number of threatened species, use the spit and a stretch of coast nearer the entrance (49d) as high tide roosts. The intertidal banks (49a) contain extensive beds of shellfish and are a feeding ground for these birds.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 49 a-d (Sheets 24, 25, 40) (ASCV 60) (within ASCV 79) cont'd	<p>The spit and associated northern and southern intertidal banks, together comprise a wildlife habitat of regional importance. This area is associated with the values of Coastal Protection Areas 45, 47, and 48.</p> <p>At Point England (49b) is a small geological exposure of rhyolitic co-ignimbritic accretionary lapilli from the Taupo Volcanic Zone, which is exposed as a thin bed near the base of an eroded low sea cliff. The site is considered to be nationally important and has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).</p>
CPA 50 a-c (Sheets 25 and 40)	<p>Musick Point</p> <p>Area of rocky intertidal marine habitat (50a) which is easily accessible and in reasonably good condition. Two exposures in the cliffs and intertidal platforms are considered to be geologically important. One (50b) is an overthrust fold involving flysch beds and the other (50c) is the best example in the region of an anticline visible in three dimensions. Both of these geological features are considered to be regionally important.</p>
CPA 51 a-d (Sheets 25, 30, 40) (ASCVs 55 and 63)	<p>Hobson Bay – Orakei Basin</p> <p>This area is a breeding area for a variety of shag species. Orakei Basin and Hobson Bay (51a) are feeding areas used by these birds along with a variety of other coastal and wading birds. There are two features of geological significance in the area. Orakei Basin (51b) itself is a large, conspicuous explosion crater and associated tuff ring that has been breached by a stream and invaded by rising sea level. The second site (51d) is a greensand exposure that is historically important as it is the type locality of several Mollusca and of numerous Foraminifera collected by Hochstetter in 1859 and described by Karrer in 1864. Both of these geological features are considered to be nationally important and the Department of Conservation has selected both as Areas of Significant Conservation value (ASCVs).</p> <p>Some of the largest mangroves in the ecological district grow in the Purewa Stream area (51c). The value of these mangroves is enhanced by the gradation from mangrove forest into the coastal forest of Purewa Reserve.</p>
CPA 52 a-b (Sheet 29) (within ASCV 30)	<p>Te Tokoroa Reef</p> <p>Te Tokoroa Reef is the distal end of a lava flow that originated at Three Kings volcano and can be followed to the spring tide low water level. It is the longest lava flow in the Auckland Volcanic Field and is considered to be a regionally important geological feature. The hard surface presented by the lava flow (52a) is unusual within the Waitemata Harbour and the diverse marine biota it supports, particularly sponges and bryozoans, is correspondingly unusual. The value of the reef is enhanced by the saline vegetation it supports. Accumulation of soft sediments in sheltered parts of the reef towards the land (52b) has allowed colonisation by mangrove and saltmarsh plants. The reef is part of the Upper Waitemata Harbour area which is a nationally important wildlife habitat selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).</p>
CPA 53 (Sheets 26 and 29) (ASCV 111) (within ASCV 30)	<p>Pollen Island</p> <p>This is an area of saltmarsh, mangroves, shellbanks, and estuarine and harbour mud flats. It is the best remaining largely unmodified area of its type in the Waitemata Harbour and is considered to be a nationally important landform. It is also a complex habitat for a variety of animal and plant communities. Pollen and Traherne Islands and the surrounding shellbanks are the major high tide roost on the Waitemata Harbour for thousands of international migratory and New Zealand endemic wading birds as well as a variety of coastal birds. This includes a number of threatened species. They are also an important breeding and flocking area for the threatened New Zealand Dotterel on the Waitemata Harbour. The surrounding intertidal banks and waters are a feeding ground for all of these birds.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 53 (Sheets 26 and 29) (ASCV 111) (within ASCV 30) cont'd	<p>The biggest and least disturbed area of saltmarsh remaining in the Waitemata Harbour grows in the shelter of the Island. Here is found an important intergrading of vegetation from intertidal flats up onto shellbank. Mangroves give way to glasswort herbfields which in turn are replaced by rush and sedge saltmarsh which grades into saltmarsh ribbonwood shrubland on Pollen Island itself. The saline vegetation is an important habitat for a variety of threatened secretive coastal fringe birds. The habitat quality is enhanced by the adjoining thick low saltmarsh ribbonwood vegetation on the Island which provides shelter for the birds and offers potential nesting sites. Here is found a valuable population of the regionally threatened fernbird. The majority of this area was protected as the Motu Manawa (Pollen Island) Marine Reserve in late 1995. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>
CPA 54 (Sheet 26) (within ASCV 30)	<p>Whau River</p> <p>The Whau River contains substantial quantities of saline vegetation. There are around 40 hectares of mangroves with the taller trees growing in the lower intertidal areas and mangroves of smaller stature growing in the firmer high intertidal regions. These in turn grade into a fringe of saltmarsh lining the coast. The saline vegetation is an important habitat for threatened secretive coastal fringe birds particularly where it abuts terrestrial vegetation which provides roosts for the birds at high tide and potential nesting sites.</p>
CPA 55 a-d (Sheets 26 to 29) (within ASCV 30)	<p>Te Atatu – Henderson Creek</p> <p>This is an area of saltmarsh, mangroves, shellbanks, and estuarine and harbour intertidal banks forming a complex habitat for a variety of animal and plant communities. The intertidal area to the east of the Te Atatu Peninsula (55a) is a major wading bird feeding ground. Nearby extensive clean high-tidal sandflats and a prominent shellbank (55b) offer a high tide roost for some of these wading birds and a variety of coastal birds, as do a series of small shellbanks off the north end of the Te Atatu Peninsula (55c). The latter are considered to be a major roosting area for waders in the Waitemata Harbour and are also a breeding ground used by a range of coastal and wading birds, including a number of threatened species.</p> <p>Large and significant areas of saline vegetation grow in the shelter of these shellbanks. At Te Atatu East (55b) the extensive shell barriers protect high level mangroves with a healthy sedge, rush and glasswort saltmarsh on the shore fringe. At Te Atatu North (55c) there is a large area in which there is either pure mangrove swamp or bare sand flat. Saline vegetation also grows in the shelter of Henderson Creek. Here the edges of the creek are lined with mature mangroves which grow in association with areas of saltmarsh at the mouth of the creek and sedges and eelgrass further up the creek. In one place (55d) there is an important gradation between saline vegetation in the intertidal area and native towai forest on the slopes above.</p> <p>On part of the coast at Te Atatu North (55c) are found remnants of swamp and estuarine vegetation of Pleistocene age now exposed at intertidal levels. The site is considered to be a regionally important geological site.</p>
CPA 56 a-b (Sheet 27) (ASCV 56) (within ASCV 30)	<p>Hobsonville Peninsula</p> <p>At the mouth of Nimrod Inlet and Bomb Bay is a shellbank (56b) that is one of the two major roosts on the Waitemata Harbour for wading birds, including threatened species. These birds feed in the intertidal area to the east of the peninsula (56a). On the southern coast of the Hobsonville Peninsula is a geological exposure of primary tephra from the Taupo Volcanic Zone both above and below Mean High Water Springs. The exposure is one of the few where pumice silts exists at sea level. It was not extensively modified by estuarine processes during deposition and is therefore considered to be nationally important. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 57 (Sheet 27) (within ASCV 30)	Herald Island to Lucas Creek This area is the best example of the muddy, mangrove-lined inlets of the inner Waitemata Harbour. The diversity and productivity of the flora and fauna is generally large with extensive beds of shellfish and abundances of birds and fish. Gradations between the marine environment and either natural freshwater or natural terrestrial systems are a major characteristic of the ramifying arms of the system. These arms are also important as pathways for migration by native freshwater fish. The saline vegetation is an important habitat for threatened secretive coastal fringe birds, particularly where it abuts terrestrial vegetation, which provides roosts and potential nest sites for birds.
CPA 58 (Sheets 28 and 31) (within ASCV 30)	Hellyers Creek North Hellyers Creek is important because of the extensive natural connections between the marine and terrestrial environments. Almost all of the block of land to the south of View Road on the northern side of Hellyers Creek is covered with trees (kahikatea, kauri, kohekohe, puriri, taraire, kowhai, and kanuka). This natural vegetation adjoins mangroves which occupy large areas of the upper shore.
CPA 59 (Sheets 26, 28, 29) (within ASCV 30)	Soldiers Bay Within this bay a variety of intertidal substrates provide a variety of habitats for a range of plants and animals. There are fine firm sandy sediments on the lower shore, softer sediments and shell barrier at the head of the bay, reefs of sandstone extending from the points and accumulations of boulders beneath the cliffs. The intertidal areas provide a feeding area for a variety of coastal birds which roost on the shell barrier. A complex of mangroves and saltmarsh grow in the shelter of the shellbanks and these grade into a sizeable freshwater raupo wetland out of the coastal marine area.
CPA 60 ag (Sheets 29 and 30) (ASCV 100)	Shoal Bay – Ngataringa Bay Within this area are extensive areas of shellbanks and intertidal sand and mud, which together form a complex habitat for a variety of animal and plant communities. The intertidal area (60a, 60b) is an important wading bird feeding ground. Associated shellbanks (60c, 60d, 60e, 60g) are used as a high tide roost by these wading birds and a variety of coastal birds. Saltmarsh and mangrove communities grow on the margins of this area (60a, 60b), protected by the shellbanks nearer the mouths of the bays. These areas of saline vegetation offer a good habitat to secretive coastal fringe birds. Mangrove and saltmarsh also grow within the shelter of the Tank Farm Explosion Crater (60f). This is a well preserved simple explosion crater and tuff ring about 800 metres in diameter breached to the south-east by the sea and partially filled with intertidal mud. As the last remaining unreclaimed breached tuff ring it is considered to be a landform of regional geological importance and the saline vegetation within it unique. The Department of Conservation has selected this area, with the exception of the Tank Farm Explosion Crater, as an Area of Significant Conservation Value (ASCV).
CPA 61 a-d (Sheet 30)	North Head to Takapuna This stretch of coast (61a) consists of a series of rocky headlands of soft Waitemata series rocks with sandy beaches in between. At the southern end of this area is North Head, a volcano of which the rock at intertidal level is bedded volcanic ash called "tuff". This wide variety of substrates provides a large range of habitats for plant and animal communities. The wave exposure increases from south to north in this area and this is reflected in the composition of the marine communities found along the coast.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 61 a-d (Sheet 30) cont'd	<p>There are rich faunal assemblages in the areas of soft sediments near the low tide marks of all of these beaches, but at the sheltered Cheltenham, the principal species is the cockle, whereas at the more exposed Takapuna Beach the tuatua dominates.</p> <p>The flora and fauna of the hard substrata, particularly the sponges, are very rich and diverse.</p> <p>A variety of generally regionally important geological features are to be found along this coast. These include flysch sequences, slump units within them, and folding and faulting of these sedimentary rocks. Several of these geological sites (61b-d) are particularly small and have been identified separately (61b-d). These are a classic example of a structural discordance (61b)(Narrow Neck Structural Discordance), a conspicuous minor reverse fault (61c) (Belmont Cliffs Fault) and the most silica-poor reported sedimentary chabazite, a feature of international significance (61d) (Takapuna Chabazite). With the exception of the chabazite exposure, all of these features are at least partially below Mean High Water Springs and the landward portions of all are vulnerable to activities within the coastal marine area.</p>
CPA 62 a-b (Sheets 30 and 31) (ASCV 57)	<p>Takapuna and Thorne Bay Fossil Forests</p> <p>Two major areas of lava flows (62a) in which there are well preserved lava moulds and casts of trees, many of which appear to have been in growth position at the time of eruption. In the Takapuna Reef Fossil Forest there is evidence of multiple lava flows through a standing forest. At Thorne Bay there are tree moulds up to 2 metres in diameter as well as good examples of gas blisters and segregation vesicle pipes in the lava. Both of these lava areas are considered to be landforms of national geological importance and have therefore been identified by the Department of Conservation, as an Area of Significant Conservation Value (ASCV).</p> <p>The basal reef (62b) extends from Thornes Bay to the southern end of Milford Beach. The area also supports a particularly diverse association of marine flora and fauna.</p>
CPA 63 (Sheet 31)	<p>Torbay Stack</p> <p>'The Tor' at Torbay is a sea stack which is considered to be a landform of regional geological significance. While much of the Tor extends up above Mean High Water Springs, the base is within the coastal marine area.</p>
CPA 64 a-b (Sheets 31 and 34) (ASCV 130)	<p>Long Bay and Okura Estuary</p> <p>Within this area are a considerable variety of intertidal substrates which together form a complex array of habitats which support a variety of animal and plant communities. The communities living on the wave-cut platforms, cliffs, and beaches at Long Bay have been studied over a long period and are in reasonably good condition. This is a known location of pingao, a threatened plant of mobile sand areas. The intertidal areas within the Okura Estuary and outside its entrance range from fine mud to sand and are used as a feeding ground by several hundred wading birds. Many of these birds roost on the sandy area at the entrance to the estuary at high tide. A variety of other coastal birds feed and roost within this area.</p> <p>A limited amount of saltmarsh and mangrove line the estuary. Although the area of saline vegetation is small, it is used by banded rail, a threatened secretive coastal fringe bird, and its habitat quality is enhanced by the adjoining terrestrial vegetation which provides shelter for the birds and offers potential nesting sites.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 64 a-b (Sheets 31 and 34) (ASCV 130) cont'd	This saline vegetation and other intertidal areas (64b) grade into coastal pohutukawa forest on sheltered cliffs, then into taraire forest on coastal hill country, and finally into kanuka forest on a headland. Both of the latter are considered to be the best examples of their types in the district. At Karepiro Creek, the marine environment grades into significant coastal saltmarsh on stabilised sand above Mean High Water Springs. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).
CPA 65 a-c (Sheet 34) (ASCV 28)	<p>Weiti Estuary</p> <p>The most notable feature of this small estuary is the series of chenier-type shell spits which have formed within the estuary (65b). These have been used to derive a sea level curve for the last 10,000 years and are considered to be internationally significant landforms. The estuary (65a) is not a significant wading bird feeding ground, but the shell spits are a good high tide roosting site for the wading birds that feed in the adjacent intertidal areas to the south and for the coastal birds that use the estuary itself. The most seaward shellbank is particularly important as it is one of the key breeding grounds in the region for the threatened New Zealand Dotterel.</p> <p>While the saline vegetation of the estuary is not notable, there is one section (65c) of coast where the saline vegetation grades into notable terrestrial vegetation. Here the best manuka-kanuka shrubland on hills in the district abuts the saline vegetation on the coast. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>
CPA 66 a-b (Sheet 33)	<p>Hobbs Bay</p> <p>The shore platform (66a) at Hobbs Bay is an old one that shows good examples of bioerosion. It is considered to be a landform of regional geological significance. The shore platform and the adjacent intertidal area to the west grades into notable coastal manuka-kanuka forest on headland or peninsula (66b).</p>
CPA 67 a-d (Sheets 32 and 33)	<p>Whangaparaoa Peninsula</p> <p>The cliffs and intertidal platforms (67a) of the rocky coastline at the end of the Whangaparaoa Peninsula are made up of sedimentary Waitemata Group rocks that were deposited during the Miocene. Together the cliffs and shore platform in the northern part of the area are one of four sites on the Whangaparaoa Peninsula that display a regionally important three dimensional exposure of folds and faults in these rocks. The shore platform is extensive and is itself considered to be a landform of regional geological importance. The rocky shores and the intertidal and subtidal sediments on the southern side of the peninsula offer a complex of habitats for a variety of plant and animal communities. The rocky shores support large populations of reef-fish, kina and other invertebrates, and a rich variety of marine algae. On one part of the shore platform (67b) the marine ecosystem grades into a significant area of natural terrestrial vegetation; a small area of complex shrubland on a headland or peninsula. The sediments of the bays (67a) on the south of the peninsula is the habitat of extensive beds of molluscs and in the north-eastern corner of Okoromai Bay grade into a saltmarsh which is a significant migration pathway for native freshwater fishes.</p> <p>Whangaparaoa Head has two significant geological features, a vertically tilted strata (67c) and an area of Parnell Grit with huge blocks of displaced basalt forming the point east of Army Bay (67d).</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 68 (Sheet 34)	<p>Whangaparaoa Peninsula Waitemata Group Deformation I</p> <p>The cliffs and intertidal platforms of the rocky coastline in this area are one of the four sites on the Whangaparaoa Peninsula where there are particularly good examples of a three dimensional exposure of folds and faults in the Miocene Waitemata Group rocks. Each of these four sites is considered to be of regional geological significance.</p>
CPA 69 (Sheet 34)	<p>Whangaparaoa Peninsula Waitemata Group Deformation II</p> <p>The cliffs and intertidal platforms of the rocky coastline in this area are one of the four sites on the Whangaparaoa Peninsula where there are particularly good examples of a three dimensional exposure of folds and faults in the Miocene Waitemata Group rocks. Each of these four sites is considered to be of regional geological significance.</p>
CPA 70 (Sheets 34 and 35)	<p>Red Beach Miocene Flysch</p> <p>Geological exposure of a penecontemporaneous slump within a Waitemata flysch sequence. The exposure is both below Mean High Water Springs and in the cliffs above. It is an excellent exposure and is considered to be regionally important.</p>
CPA 71 (Sheets 34 and 35)	<p>Whangaparaoa Peninsula Waitemata Group Deformation III</p> <p>The cliffs and intertidal platforms of the rocky coastline in this area are one of the four sites on the Whangaparaoa Peninsula where there are particularly good examples of a three dimensional exposure of folds and faults in the Miocene Waitemata Group rocks. Each of these four sites is considered to be of regional geological significance.</p>
CPA 72 (Sheets 34 and 35)	<p>Orewa Estuary</p> <p>Moderate to small sized estuary with a variety of habitats for plant and animal communities in the marine area. Around 85% of the area of the harbour is intertidal banks on which feed migratory wading birds, which use this estuary as a stepping stone in their travels. A range of coastal birds, particularly shags, also feed within the estuary as do a number of species of waterfowl that utilise the estuary and the adjacent oxidation ponds on the southern margin. The mangroves and saltmarsh that occupy the remaining parts of the estuary are a habitat for secretive coastal fringe birds particularly where adjoining terrestrial vegetation provides shelter for the birds at high tide and offers potential nesting sites.</p>
CPA 73 (Sheet 35)	<p>Waiwera Hill Ecotone</p> <p>An area of foreshore and seabed that forms the marine part of an uninterrupted ecotone sequence that extends into important coastal pohutukawa treeland. The area of ecotone outside the coastal marine area is identified in the Plan as "Land Associated with a Coastal Protection Area".</p>
CPA 74 a-b (Sheet 35) (ASCV 69)	<p>Waiwera Parnell Grit</p> <p>An easily accessible educational locality (74a) showing a complex volcanic sediment gravity flow interbedded with flysch. The exposure is both below Mean High Water Springs and in the cliffs above. It is considered to be a geological site of national significance and has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV). The marine area along the length of the exposure and directly to the south (74b) grades into significant coastal complex puriri forest on hills and a headland or peninsula.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 75 a-i (Sheets 35, 37) (ASCVs 83 and 115)	<p data-bbox="344 461 735 488">Waiwera, Wenderholm, and Puhoi</p> <p data-bbox="344 499 1366 969">Within this area are a considerable variety of intertidal substrates which together form a complex array of habitats which support a variety of animal and plant communities. The communities living on the wave-cut platforms at Wenderholm (75b) have been found to be diverse and in good condition. The mobility of the substrate on the open beach at Wenderholm (75i) means that benthic organisms tend to be confined to subtidal areas. Along the hard shores here (75b) the natural marine area adjoins an important area of coastal taraire forest on a headland or peninsula. The intertidal flats within the Waiwera and Puhoi Estuaries (75a, 75c) are used as a feeding ground by a variety of wading birds, many of which use these estuaries as a stepping stone in their travels. Many of these birds roost on the sandy area at the entrance to the Waiwera Estuary (75a) at high tide. A variety of other coastal birds feed and roost within this area. A limited amount of saltmarsh and mangrove line the Waiwera Estuary, but it is still a good habitat for coastal fringe birds because of the presence of the freshwater Straka's Dam on the boundary. The saline vegetation areas in the Puhoi estuary are more substantial and are some of the best in the district (75d-h).</p> <p data-bbox="344 1014 1366 1144">These too are inhabited by a variety of secretive coastal fringe birds particularly where habitat quality is enhanced by the adjoining terrestrial vegetation which provides shelter for the birds and offers potential nesting sites. The Department of Conservation has selected the two estuaries as Areas of Significant Conservation Value (ASCVs).</p>
CPA 76 a-p (Sheets 35, 36, 37) (ASCV 24)	<p data-bbox="344 1155 571 1182">Mahurangi Harbour</p> <p data-bbox="344 1193 1366 1350">The Mahurangi Harbour (76a) is a classic example of a ria or drowned coastline. Within the harbour there are large areas of intertidal mud and sand. Outside the mouth of the harbour there are a variety of more exposed shores ranging from broad rock platforms to small sandy beaches. This physical variety provides a similarly varied range of habitats for an assortment of animal and plant communities.</p> <p data-bbox="344 1395 1366 1529">In the shelter of the harbour grow extensive areas of mangroves. Some of these areas are judged to be amongst the best in the district (76b-j, 76p). The saline vegetation provides high quality habitat for threatened secretive coastal fringe birds particularly where it abuts terrestrial vegetation which provides roosts for the birds and potential nesting sites.</p> <p data-bbox="344 1574 1366 1830">There is a notable gradation from the mangroves into terrestrial vegetation. At Dyers Creek (76f) a large expanse of mangroves adjoins a highly diverse area of regenerating coastal kauri – tanekaha forest on lowland hills. In this more sheltered part of the harbour is found a small 'old hat' island (76o), Grants Island, so called because the broad intertidal rock platforms that surround the island look like the brim of a hat. This is one of the best examples of an 'old hat' in New Zealand and as such is considered to be a landform of regional geological importance. The Department of Conservation has selected this inner harbour area as an Area of Significant Conservation Value (ASCV).</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
PA 76 a-p (Sheets 35, 36, 37) (ASCV 24) cont'd	The communities in the more exposed habitats in the mouth of the harbour have been found to be in healthy condition and to be good representatives of their types. The marine area around Te Haupa (or Saddle) Island (76m-n) supports a particularly rich and diverse biota. Here too there are gradations between the marine and terrestrial ecosystems. At Big Bay (76l) the representative open rocky Hormosira flats, boulders, and rock pools and the open fine sandy shores grade into a coastal complex forest of pohutukawa, taraire, kohekohe, mahoe, puriri and kowhai on cliffs and hillslopes. This type of forest is now relatively uncommon on the mainland being very susceptible to possum browse. At Cudlip Point on the opposite head of the harbour (76k), the moderately exposed rock platforms grade into an important area of regenerating totara forest on a headland or peninsula.
CPA 77 (Sheets 36 and 37)	Martins Bay Ecotone An area of foreshore and seabed that forms the marine part of an uninterrupted ecotone sequence that extends into an important coastal complex forest. The area of this ecotone outside the coastal marine area is identified in the Plan as "Land Associated with a Coastal Protection Area".
CPA 78 (Sheets 36 and 37)	Mullet Point At Mullet Point the representative rocky and sandy shores grade into a coastal complex forest of pohutukawa, taraire, kohekohe, mahoe, puriri and kowhai on cliffs which is now relatively uncommon on the mainland being very susceptible to possum browse.
CPA 79 (Sheet 37)	Algies Beach Melange Geological exposure of the contact between Northland Allocthon and Miocene Waitemata Group rocks. The site is one of the best of its type and is considered to be regionally important.
CPA 80 (Sheets 36, 37, 38)	Matakana River Mouth On the northern coast of the Matakana River Mouth the marine ecosystem grades into an important area of kanuka coastal forest on cliffs which in turn grades into puriri forest on coastal headlands. This is highly representative of the typical east coast pattern of coastal vegetation which is now much reduced.
CPA 81 (Sheets 36 and 38)	Motutara Point An area of foreshore and seabed that forms that marine part of an uninterrupted ecotone sequence that extends into an area of important coastal pohutukawa forest, at Motutara Point itself. The area of this ecotone outside the coastal marine area is identified in the Plan as "Land Associated with a Coastal Marine Area".
CPA 82 a-c (Sheets 36 and 38) (ASCV 106)	Tawharanui Peninsula The northern side (82b) and the tip (82a) of the peninsula are the best examples of open rocky intertidal and subtidal marine habitats on the coast of the Outer Hauraki Gulf. Here is found a small geological exposure of fossils in Jurassic rocks (82c). This is a very rare occurrence in Northland and consequently the exposure is of national importance and has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV). The open sandy beaches (82b) are also important as the mobile sands are an important New Zealand dotterel breeding area as well as being a threatened plant habitat. The majority of this area (82b) is included within the marine protected area associated with the Tawharanui Regional Park.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 82 a-c (Sheets 36 and 38) (ASCV 106) cont'd	<p>The stream that runs into Anchor Bay on the north (82b) is a high quality freshwater fish habitat and the mouth of this stream needs to be considered as a migration pathway.</p> <p>The southern side of the peninsula (82a) is representative of more sheltered rocky shores and stony beaches. In contrast to the Whangaparaoa Peninsula to the south, the Tawharanui Peninsula still has some extensive areas of natural terrestrial vegetation. The marine ecosystem on the south of the peninsula in particular (82a), grades into manuka forest and one of two areas of notable pohutukawa forest on coastal cliffs.</p>
CPA 83 a-d (Sheets 36, 37, 38) (ASCV 116)	<p>Whangateau Harbour</p> <p>An important east coast harbour characterised by a sequence of depositional sands including a large unconsolidated Holocene barrier sandspit which provide a number of different habitats for a variety of animal and plant communities. The intertidal sand banks (83a) are a rich feeding ground for many international migratory and New Zealand endemic wading birds including a number of threatened species. Many of the migratory birds use the estuary as a stepping stone in their journeys. The waters of the harbour (83a) are a feeding ground for a variety of coastal birds. The tip of the large barrier sandspit (83b) has a number of important natural values. It is a high tide roost for the wading and coastal birds, a key breeding ground for the threatened New Zealand Dotterel, and a threatened plant habitat. In the lee of the sandspit grow areas of saline vegetation including eelgrass, which appears to be spreading. South of the causeway there are important areas of mangroves and saltmarsh (83c) much of it judged to be amongst the best in the district. There is an important gradation from this significant saline vegetation (83c) into a large and rare area of coastal kahikatea swamp forest beyond the coastal marine area. The saline vegetation both here (83c) and in other parts of the harbour provides high quality habitat for threatened secretive coastal fringe birds particularly in saltmarshes where there is terrestrial vegetation which provides roosts for the birds and potential nesting sites. Ti Point (83d) contains both ecological and geological values. This area is the location of the Ti Point volcanic exposure. The reefs offer habitat for the threatened reef heron, and the coastal pohutukawa forest, which is identified in the Plan as "Land Associated with a Coastal protection Area" are identified in the Rodney District Protected Natural Areas Programme.</p> <p>The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>
CPA 84 a-b (Sheet 38) (ASCV 67)	<p>Mathesons Bay</p> <p>Geological exposure (84a) showing the onlap of early Miocene Waitemata sediments on the much older Waipapa Group rocks. The exposure is both below Mean High Water Springs and in the cliffs above. The site is an easily accessible, well-exposed education stop with an excellent example of thrusting.</p> <p>It is considered to be of national geological importance. In one small part of the area (84b) is an exposure of unusual chaliciform reef corals, and fossilised eagle ray feeding pits. This is the richest locality in New Zealand for such fossils and is therefore considered to be of regional importance. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 85 (Sheet 38)	<p>Leigh Reef and Maori Island</p> <p>Leigh Reef and Maori Island are important for their representation of the rocky shores and reefs of the region. Leigh Reef is the only large subtidal reef in the region and, due to the strong movements of water across it, contains a unique assemblage of encrusting organisms. It also occasionally contains subtropical species of fish. Maori Island is significant for the rich fauna and flora of its reef slope.</p>
CPA 86 a-b (Sheet 38) (ASCV 114)	<p>Cape Rodney to Okakari Point Marine Reserve</p> <p>The reserve (86a) was gazetted in 1975 as New Zealand's first marine reserve. The area is a complex of soft shore and hard shore habitats with a variety of exposure ratings. It provides habitat for great diversity of species. The area is the location of the University of Auckland's marine laboratory. Around Goat Island, (86b) a significant ecotone grades from marine algae to terrestrial coastal forest.</p>
CPA 87 (Sheets 38 and 39) (ASCV 109)	<p>Pakiri Beach</p> <p>This is the only large ocean beach (87a) on the east coast of the region. It exhibits a gradation in the type of sediment and associated fauna from the shore out to the edge of the sand-body 5 kilometres offshore. The fauna diversity decreases getting closer to the shore because of the decreasing stability of the substrate, but the population densities increase. The sands of the beach are an important habitat for a variety of plants and animals. The areas of natural vegetation are fragmentary, but include important areas of pingao/spinifex, Muehlenbeckia shrubland, manuka scrub, and pohutukawa forest. The mobile sands of the beach are a breeding area for coastal and wading birds including the endangered fairy tern and the threatened New Zealand Dotterel which feed in the adjacent waters and intertidal areas. The mouth of the Pakiri River (87b) is a particularly important part of this habitat. It has been described as one of the regional strongholds of the threatened native sand binding plant, pingao. The Pakiri River itself is a tidal stream with a small estuary and bordering saltmarsh that grades into the adjacent natural sand dune plant community. The Pakiri River supports a range of wading, coastal, and secretive threatened coastal fringe birds. Many of the waders and coastal birds roost on the mobile sands at the river mouth, and some, including a range of threatened species nest there. The secretive coastal fringe birds use the saline vegetation and their habitat is enhanced by the presence of adjacent terrestrial vegetation which provides roosts for the birds and potential nesting sites. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>
CPA 88 (Sheet 36)	<p>Slater Point Fossil Sea Stack</p> <p>Geological exposure of a fossil sea stack buried by shallow marine conglomerate. The exposure is both below Mean High Water Springs and in the cliffs above. The site is possibly the best example of its type in New Zealand and is considered to be nationally important.</p>
CPA 89 (Sheet 36)	<p>Kawau Island Pillow Lavas</p> <p>Geological three dimensional exposure of pillow lava tubes. The exposure is both below Mean High Water Springs and in the cliffs above. The site is one of the best examples of tubular pillow lavas in New Zealand and is considered to be nationally important.</p>
CPA 90 (Sheet 36)	<p>Dispute Cove Channelled Flysch</p> <p>Geological exposure of a small channel within the basal Waitemata flysch.. The exposure is above Mean High Water Springs, but, being only 3 to 10 metres up the cliff, is vulnerable to activities within the coastal marine area. The exposure is excellent and is considered to be regionally important.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 91 (Sheet 36)	<p>Beehive Island, Kawau</p> <p>Small 'old hat' island surrounded by large intertidal platform with contrasting white shell sand high tide beach. The term 'old hat' is used because the broad intertidal rock platforms that surround the island look like the brim of a hat and the island itself resembles the hat crown. This island is considered to be a landform of regional geological importance. The shell sand beach is a breeding and roosting area for threatened coastal birds.</p>
CPA 92 a-b (Sheet 36)	<p>Motuketekete Island Waitemata Group Miocene Basal Limestone</p> <p>Geological exposure of shallow water shelly conglomerate and bioclastic limestone of the Kawau Subgroup passing up into deep water Waitemata Group flysch. The exposure is both below Mean High Water Springs and in the cliffs above.</p> <p>This is one of only three known localities in New Zealand where reef corals are preserved in growth position and is the only occurrence of early Miocene limestone between Auckland and Bream Tail. It is also a good exposure of the sequence passing up into flysch. For these reasons the exposure is considered to be regionally important.</p>
CPA 93 (Sheets 36 and 37)	<p>Motuora Island</p> <p>The soft sediments, sandy beaches and rocky shores around these islands contain an interesting fauna which is in a natural condition when compared to that of the adjacent mainland coast.</p>
CPA 94 (Sheet 32)	<p>Tiritiri Matangi Island</p> <p>The shore platforms at Tiritiri Matangi Island are considered to be a landform of regional geological significance. A variety of petrels and shearwaters nest on the island and adjacent rock stacks, a situation that may improve now that the island is completely rat-free. The island itself is also a scientific reserve and is operated by the Department of Conservation as an "open sanctuary".</p>
CPA 95 (Sheets 30 and 40) (ASCV 64)	<p>Rangitoto and Motutapu</p> <p>Rangitoto is the youngest and largest volcano in the Auckland field. It has an uneroded lava surface which extends into the coastal marine area. The substrate is uniform, but the variation in exposure experienced on the northern and southern sides creates a range of habitat for a variety of plant and animal communities. On the northern side, the coast is open and supports significant assemblages of organisms associated with rocky reefs, including ascidians, fishes, and beds of the marine alga <i>Carpophyllum</i>. On the southern side, the coast is sheltered and supports assemblages of organisms typical of such sheltered rocky shores, including beds of the marine alga <i>Hormosira</i>. The rocky shores are a breeding ground for large numbers of black-backed gulls, many of which feed in the surrounding waters along with a variety of other coastal birds. The natural marine ecosystem grades into a natural terrestrial system of forest and scrub dominated by a hybrid swarm of pohutukawas crossed with northern rata. Within the coastal environment above Mean High Water Springs, there is a considerable variety of threatened plant species.</p> <p>The parts of the area adjacent to Motutapu are important chiefly because of their generally nationally important geological values. The features of this locality have been used for showing the sedimentary relationship of the early Miocene Waitemata Group to the underlying basement, and the character of the early Miocene coastline. One point in this area is the type locality for a giant barnacle species, with fossil plates found at the base of the fossil sea stack on which the barnacles once grew. At another point there is a regionally important exposure of tightly folded chert beds. The area adjacent to Motutapu has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 96 (Sheets 25 and 40) (ASCV 121)	<p>Motukorea (Brown's Island)</p> <p>Motukorea has a main well-cratered scoria cone surrounded by several smaller scoria mounds within a tuff ring remnant. Lava fields extend about 2 kilometres to the north-west, south-west, and south and have been partly submerged by the rising post-glacial sea level so that the lava flows therefore extend a considerable distance below Mean High Water Springs. The southern beach is the type locality for the mineral motukoreaite which forms a cement in tuff and beach rock. Because Motukorea is a whole volcanic system in miniature, the least damaged of Auckland's volcanoes, and the type locality for the mineral motukoreaite, it is considered to be of international geological importance.</p> <p>The lava flows and the accumulated soft shores are also a habitat for a variety of important plants and animals. Although the natural vegetation of the island has been virtually cleared for a long period of time, the shores of the island are the habitat of a threatened plant.</p> <p>They also support a range of threatened wading birds including a breeding population and large post-breeding flock of the threatened New Zealand Dotterel. For this reason, the island has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).</p>
CPA 97 a-b (Sheet 40)	<p>Motuihe Island</p> <p>97a is a geological exposure of shallow water, sandy bioclastic limestone, and conglomerate overlain by deep water Waitemata flysch, all resting on greywacke basement. Forms a small area (50 by 30 metres) of coastal karst. The exposure is both below Mean High Water Springs in the shore platform and in the cliffs above. The exposures are good examples of their type and the karst, although small, is well developed and for these reasons the site is considered to be regionally important. The sandy beaches (97b) on the north-eastern side of the island are a breeding and roosting area for threatened coastal birds.</p>
CPA 98 (Sheet 41)	<p>Crusoe Island (Papakohatu Island)</p> <p>A number of small offshore islands around Waiheke are known to be irregularly used breeding sites for the threatened reef herons. Crusoe Island (Papakohatu Island) is one of these.</p>
CPA 99 (Sheet 41)	<p>Motukaha Island and Fossil Bay</p> <p>A number of small offshore islands around Waiheke are known to be irregularly used breeding sites for the threatened reef herons. Motukaha is one of these. On the mainland of Waiheke, adjacent to the island is a geological exposure of shallow water fossiliferous sediments overlying bored and eroded basement rocks. The fossiliferous sediments contain a rich shallow macrofauna including reef corals in-situ, and is the type locality of many unusual species. Because of this and the overall quality of the exposure the site is considered to be regionally geologically important.</p>
CPA 100 (Sheet 41)	<p>Blackpool Spilite</p> <p>The Blackpool spilite is a 3 metre dark green spilitic pillow lava with calcite interstices bearing pyrite. It is of Triassic age and, as an example of basement volcanics in the region, is considered to be of regional geological importance.</p>
CPA 101	<p>Okahiti Bay</p> <p>A sheltered inlet, whilst enclosed by road, this area is one of the few places on Waiheke Island where an ecotone from mangrove forest through freshwater wetlands to terrestrial forest exist.</p>
CPA 102 (Sheet 41)	<p>Koi Island</p> <p>A number of small offshore islands around Waiheke are known to be irregularly used breeding sites for the threatened reef herons. Koi Island is one of these.</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 103 (Sheet 41)	<p>Whakanewha</p> <p>The sheltered beach, shellbank, and associated saltmarsh of Whakanewha provide a variety of habitats for a range of plants and animals. The sheltered beach includes an extent of intertidal flats that support a variety of invertebrates. Secretive and threatened coastal fringe birds use the saltmarshes and associated wetlands, particularly as regenerating terrestrial vegetation abuts these areas, providing roosts for the birds at high tide and potential nesting sites. The Whakanewha Stream system and catchment is almost entirely clothed in native vegetation in contrast to the other three major stream systems in this part of Waiheke Island. This means it is likely to be an important freshwater fish habitat and the stream mouth and saltmarsh are therefore probably significant migratory pathways and possibly breeding areas.</p>
CPA 104 a-e (Sheets 20, 40, 42)	<p>Awaawaroa Bay</p> <p>Awaawaroa Bay is an estuarine area on the sheltered southern side of Waiheke. Here there are extensive intertidal areas (104a) which are a feeding ground for a relatively large number of a variety of wading bird species. These birds roost on the associated shellbanks (104b-d) at high tide, along with a range of coastal birds which feed in the waters of the area. The area is also an important habitat for a number of secretive threatened coastal birds. In the shelter of the upper reaches of the estuary (104e) there are substantial areas of mangroves and saltmarsh. The saline vegetation grades into the best freshwater raupo wetland on the island.</p>
CPA 105 a-c (Sheets 20 and 42) (ASCV 113)	<p>Te Matuku Bay</p> <p>Te Matuku Bay is an estuarine area on the sheltered southern side of Waiheke. The extensive intertidal flats, shell banks, and low-lying islands offer a variety of habitats for a range of plant and animal communities. The extensive intertidal areas (105a) are a rich feeding ground for large numbers of international migratory and New Zealand endemic wading birds, including substantial numbers of a considerable variety of threatened species. These birds roost on the shell spit in the outer reaches of the bay (105b) at high tide, along with a variety of other coastal birds which feed in the waters of the bay. In the shelter of the upper reaches of the estuary (105c) there are extensive areas of mangroves and saltmarsh growing in association with terrestrial vegetation on the low-lying islands. The saline vegetation grades into the freshwater raupo wetland and kauri-tanekaha forest in the best such sequence on the island. The saline vegetation (105c) and associated freshwater vegetation provide high quality habitat for threatened swamp birds and secretive coastal fringe birds particularly where the wetlands abut terrestrial vegetation which provides roosts for the birds and potential nesting sites. The Department of Conservation has selected this area as an Area of Significant Conservation Value (ASCV).</p>
CPA 106 (Sheets 20 and 42)	<p>Motukahakaha ('Unnamed Islet')</p> <p>A number of small offshore islands around Waiheke are known to be irregularly used breeding sites for the threatened reef herons. Motukahakaha ('Unnamed Islet') is one of these and is likely to be a successful breeding site in the future because of the relatively recent eradication of rats.</p>
CPA 107 (Sheet 42)	<p>Frenchmans Cap</p> <p>A number of small offshore islands around Waiheke are known to be irregularly used breeding sites for the threatened reef herons. Frenchmans Cap is one of these and is likely to be a successful breeding site because it is rat-free.</p>
CPA 108 (Sheet 42) (ASCV 93)	<p>Tarahiki Island</p> <p>Tarahiki is the biggest and most important breeding place in the Hauraki Gulf (perhaps in the country) for the endemic spotted shag. Other birds, such as blue penguin, grey-faced petrel, and reef heron also breed on this island. This is part of a nationally important wildlife habitat selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 109 (Sheet 42) (ASCV 80)	Horuhoru Island This relatively inaccessible island, 1.5 kilometres to the north of Waiheke, is also known as Gannet Rock as it is an important breeding site for this species. The colony has been studied for over 50 years and in 1981 was found to be made up of 5,300 birds. This island has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).
CPA 110 (Sheets 41 and 42)	Onetangi to Hooks Bay This area is one of the best examples of exposed rocky reef habitat in the Inner Hauraki Gulf.
CPA 111 a-b (Sheets 41 and 42)	Woodlands Bay The natural marine ecosystem just to the west of the Onetangi to Hooks Bay area (CPA 110) here grades into the best area of coastal forest on Waiheke Island. This forest is a small area of coastal pohutukawa forest grading into taraire-puriri forest.
CPA 112 (Sheets 41 and 42)	Onetangi Beach This small section of Onetangi Beach is the habitat of pingao, a threatened plant of mobile sand.
CPA 113 (Sheet 41)	Waiheke Island Miocene Macrofauna, Double 'U' Bay Geological exposure of rich shallow water macrofauna in a deepening sequence. The exposure is both below Mean High Water Springs and in the cliffs above. The site is considered to be regionally important.
CPA 114 a-c (Sheet 43) (ASCV 86)	Mokohinau Islands This island group (114 a-c) is a series of small rugged offshore islands of volcanic origin including a number of steep stacks. They contain a large diversity of marine habitats including broken rock, boulder beaches, sandy bottoms, drop-offs and kelp forests. These contain a large diversity of marine species, particularly of encrusting invertebrates and fish. This group is the closest to Auckland to contain a subtropical element in the marine biota. A number of species of coastal birds, and sea birds breed on most of the islands and stacks in the group. The cliff vegetation within the coastal environment is the habitat of several threatened plant species. This island group has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).
CPA 115 (Sheet 43)	Simpson Rock Simpson Rock is an isolated outcrop surrounded by deep water. Although closer to the Mokohinau Islands, the rich encrusting fauna present is more similar to that of the northern tip of Great Barrier Island. A number of new species of sponges and other encrusting taxa have been recorded here.
CPA 116 (Sheet 43) (ASCV 117)	Little Barrier Island The coast of this steep, rugged island of volcanic origin, contains a variety of marine habitats. These include a series of unique boulder beaches on the southern side of the island which stretch from hundreds of metres above Mean High Water Springs into the subtidal area. The boulder area supports a rich subtidal algal flora and in one place is considered to be a site of geological importance. This is the regionally significant Te Titoki Point Cuspate Foreland where two boulder barriers have connected to form a triangular shaped 25 hectare infilled flat. There are two other regionally important geological sites; the large rockfall at Pohutukawa Flat (Hingaia) and the Queens flow banded dacite; both of which are below Mean High Water Springs and in the shore above. The natural marine ecosystem grades into a highly natural terrestrial ecosystem. Some of the best forests in the Region grow here, free from the ravages of possums and the cliffs and stony beaches offer a variety of habitat for a considerable number of threatened plant species.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 116 (Sheet 43) (ASCV 117) cont'd	Little Barrier Island is also a nature reserve of international significance, being the habitat of several endemic endangered bird species which breed and nest there, the most notable being the Kakapo. The island has been selected by the Department of Conservation as an Area of Significant Conservation Value (ASCV).
CPA 117 a-i (Sheets 44 and 45) (ASCV 42) (within ASCV 87)	<p>Northern Great Barrier Island</p> <p>The northern part of Great Barrier Island is one of the important wilderness areas in the region. Here there are long stretches of rocky shore, a number of inshore and offshore islands, and a highly natural harbour formed by a barrier sandspit. These offer a large range of habitats to a considerable variety of plant and animal communities.</p> <p>It is on the rocky coast that the important geological sites are to be found. Off Ora Point, Rakitu Island, in the intertidal area is a basalt flow within a rhyolitic sequence. This is the only known basalt in the Great Barrier region and as such is considered to be of regional significance. Another regionally significant geological site is the obsidian breccia on the coast of Rakitu Island (117c). This is above Mean High Water Springs, but is likely to be affected by activities within the coastal marine area.</p> <p>The marine biota of the rocky coast is also of high value, with diverse and dense communities of reef organisms. Components of this complex coast are representative of different parts of the north-east coast of New Zealand. Several subtropical species are present, due to the occasional influence of the warm East Auckland current. Rangiwhakaea Bay, in particular, has been found to support one of the highest diversities of fish species in the region, comparable to that of Mokohinau. At the Needles itself is found an area of bull kelp, a marine alga of colder waters. This is an unusual species to find in this somewhat subtropically influenced marine ecosystem. The marine ecosystem grades into a naturally forested terrestrial system along most parts of the north of this coast and many parts of the coast of Rakitu Island (117b). A notable area of vegetation is the unmodified vegetation on Unknown Island, which, because of its separation from the mainland, has remained free of pigs and goats.</p> <p>The cliffs of the coastal environment of the entire area offer a habitat for a variety of threatened plants, as do the small areas of saline herbfield in the mouths of some of the streams entering Rangiwhakaea Bay (117f-i) which is a stronghold for a number of species.</p>
CPA 117 a-i (Sheets 44 and 45) (ASCV 42) (within ASCV 87)	<p>The Whangapoua Harbour (117a, 117d) is an important east coast harbour characterised by a large unconsolidated barrier sandspit. The varying degrees of shelter offered in the harbour and along the shores of the sandspit provide a number of different habitats for a variety of animal and plant communities. The intertidal sand banks within the harbour (117a) are a rich feeding ground for many international migratory and New Zealand endemic wading birds including a number of threatened species for which this is a major overwintering site. The estuary (117a) and the mangrove area (117d) are an important fish breeding and juvenile fish habitat. The large barrier sandspit (117d) has a number of important natural values. It is a high tide roost for the wading birds and a key breeding ground for the threatened New Zealand Dotterel and rare Variable Oystercatcher. It is also an important area of mobile sand vegetation being, in the absence of marram, one of the few places in which the three native sand binding plants; spinifex, pingao and sand tussock, grow together. In the lee of the sandspit grow highly natural areas of mangroves and saltmarsh (117d). There is an important gradation from this significant saline vegetation (117d) into areas of freshwater wetland and native forest beyond the coastal marine area. The saline vegetation and the associated freshwater areas provide</p>

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 117 a-i (Sheets 44 and 45) (ASCV 42) (within ASCV 87) cont'd	high quality habitat for a large proportion of the entire population of brown teal, an endangered waterfowl. The brown teal are particularly numerous in the upper estuary (117d), but are also found at Harataonga Stream (117e) and, in substantial numbers, at Mabey's Farm Stream (117d). The Department of Conservation has selected the area of the proposed marine reserve at Whangapoua and Rakitu Island as an Area of Significant Conservation Value (ASCV).
CPA 118 (Sheet 47) (within ASCV 87)	Awana Stream This is a tidal stream which in conjunction with the freshwater areas, scrub areas, and roosting sites in the coastal environment above Mean High Water Springs, is an internationally significant habitat for brown teal, an endangered waterfowl. The stream provides the best feeding area on Great Barrier Island for the species.
CPA 119 a-c (Sheet 47) (within ASCV 87)	Kaitoke Kaitoke Beach (119a) is an important area of mobile sand vegetation, being one of only two places in the region in which the three native sand binding plants, spinifex, pingao and the sand tussock grow together. The latter two species are considered to be threatened plants. Kaitoke Stream (119b) is a tidal stream which, in conjunction with the associated freshwater swamp, scrub areas, and roosting sites in the coastal environment above Mean High Water Springs, is an internationally significant habitat for brown teal, an endangered waterfowl. Brown teal are also found at Kaitoke Beach South Stream (Blackwells Creek) (119c) which is considered to be in its own right, a nationally important site.
CPAs 120 and 121 (Sheet 47) (within ASCV 87)	Medlands Beach North, Great Barrier (Sugarloaf Creek) Mitchener Road Creek, Great Barrier (Saltwater Creek) These are tidal streams which, in conjunction with the freshwater areas, scrub areas, and roosting sites in the coastal environment above Mean High Water Springs, are internationally significant habitats for brown teal, an endangered waterfowl.
CPA 122 a-b (Sheet 47) (within ASCV 87)	Southern Great Barrier Island The rocky marine habitats (122a) of this section of coast are less exposed than those of the northern and eastern coasts of the island. Here there are banks of boulders as well as kelp forests and rocky barrens. The fish fauna is more similar to that of the mainland coast and includes fewer subtropical species than the more exposed coasts. Near Cape Barrier (122b), the natural marine ecosystem grades into the best coastal forest on Great Barrier arranged in the most intact beach to ridge top forest sequence in the southern part of the island.
CPAs 123, 124 and 125 (Sheet 47) (within ASCV 87)	Shoal Bay Stream Par Beach South Stream Par Beach North Stream These are tidal stream mouths which, in conjunction with the freshwater areas, scrub areas, and roosting sites in the coastal environment above Mean High Water Springs, are habitats of at least regional significance for brown teal, an endangered waterfowl.
CPA 126 (Sheet 47) (within ASCV 87)	Tryphena Stream This is a tidal stream mouth which, in conjunction with the freshwater areas, pastures, scrub areas, and roosting sites in the coastal environment above Mean High Water Springs, is a habitat of national significance for brown teal, an endangered waterfowl.
CPA 127 (Sheet 46) (within ASCV 87)	Whangaparapara Stream This is a tidal stream mouth which, in conjunction with the freshwater area, scrub areas, and roosting sites in the coastal environment above Mean High Water Springs, is a habitat of at least regional significance for brown teal, an endangered waterfowl. The threatened coastal fringe bird, the banded rail, has also been recorded using the wetland area in the Whangaparapara Harbour.

Site & Sheet Numbers	Values of Coastal Protection Areas
CPA 128 (Sheet 46)	Mahuki Gannetry The eastern tip of Mahuki Island in the Broken (Pig) Island group is the site of one of the major breeding colonies of the Australasian gannet in the region.
CPA 129 (Sheet 46)	Unnamed Stack, Broken (Pig) Islands This unnamed stack in the Broken (or Pig) Island Group is the only rat-free island in the Broken Island group. Large numbers of geckoes occupy this island and diving petrels and fluttering shearwaters breed in the scrub. The marine ecosystem grades into important coastal vegetation, most of which is petrel-induced coastal scrub mainly of taupata (<i>Coprosma repens</i>).
CPA 130 a-d (Sheets 44 and 46) (within ASCV 87)	Port Fitzroy In contrast to the barrier estuaries on the eastern side of the island, this deep estuary is formed from a drowned valley. None of the other offshore islands in the region contain estuaries. This is an important fish feeding and shellfish habitat. Forestry HQ Bay Stream (130b) and Wairahi Stream (130c) are tidal stream mouths which, in conjunction with the freshwater areas, scrub areas, and roosting sites in the coastal environment above Mean High Water Springs, are habitats of at least regional significance for brown teal, an endangered waterfowl. This area is also a habitat for secretive coastal fringe birds such as the threatened banded rail. These two areas (130b, 130c) make up part of the area chosen by the Department of Conservation as an Area of Significant Conservation Value (ASCV). Kiwiriki Bay (130d) is an important ecotone grading from marine vegetation through to protected terrestrial forest areas.
CPAs 131 and 132 (Sheet 44) (within ASCV 87)	Karaka Bay Motairehe Bay and Swamp These are tidal stream mouths which, in conjunction with the freshwater area, scrub areas and roosting sites in the coastal environment above Mean High Water Springs, are habitats of at least regional significance for brown teal, an endangered waterfowl.
CPA 133 a-f (Sheet 32)	The Noises Group of small rocky islands which support a diverse and abundant range of coastal and sea birds. The reef heron, a threatened endemic wading bird is also commonly seen on the islands. Maria Island (133a) is one of the few breeding sites in the region of the spotted shag and the white-faced storm petrel.
CPA 134 (Sheet 41)	Mawhitipana Headland and Foredune This area of beach is the habitat of pingao, a threatened plant of mobile sand.

Schedule 4: Areas of Significant Conservation Value

In accordance with the provisions of the RMA and the NZ Coastal Policy Statement, the Minister of Conservation has identified the following 62 sites as Areas of Significant Conservation Value (ASCVs). These areas are notated on the Plan Maps in Volume 2 as a triangle with the appropriate DOC Site Record Sheet Number.

The values of the Areas of Significant Conservation Value are discussed in Schedule 3: Coastal Protection Areas. Further detailed information on each Area of Significant Conservation Value is also available from the ARC or the Auckland Conservancy of the Department of Conservation.

Site Record Sheet Number	ASCV Name	Site Record Sheet Number	ASCV Name
007	Manukau Harbour	081	Calliope Dockyard
014	Waionui Inlet-Papakanui Spit, South Kaipara Head	082	Oyster Point, Jordan's Farm and Shelly Beach Island, (Kaipara Harbour)
020	Kaipara Harbour	083	Waiwera Estuary
024	Mahurangi Harbour	084	Tapora Islands and Estuary
028	Weiti River Estuary	085	Tauhoa Scientific Reserve
030	Upper Waitemata Harbour	086	Mokohinau Islands Nature Reserve and Burgess Island
037	Firth of Thames Mudflats	087	Great Barrier Island
042	Whangapoua Estuary and Proposed Marine Reserve, Great Barrier Island	088	Ngataranga Bay Careening Area
055	Ngapipi Road/Hobson Point Greensand Exposure (Orakei Greensands).	090	Tiller's Wharf, Flagstaff Pier, Devonport
056	Hobsonville Peninsula Landslide (formerly Kaiwaneke Point Landslide)	091	Turanga Creek and Estuary Association
057	Takapuna Reef Fossil Forest	092	Wairoa River Estuary and Bay
058	Ihumatao Buried Forest	093	Tarahiki Island (Shag Island)
059	Mangere Mount Foreshore (includes Pahoehoe Lava Flow)	100	Shoal Bay/Takapuna Estuary
060	Point England Accretionary Lapilli	102	Okahukura Peninsula Hyaloclastite Exposures
061	Farm Cove Ignimbrite, Eastern Tamaki River	104	West Coast Lower Miocene Volcanic Deposits
062	Panmure Basin Explosion Crater	106	Tawharanui Peninsula Fossiliferous Jurassic Section
063	Orakei Basin Tuff Ring and Explosion Crater	107	Bean Rock and Lighthouse
064	Motutapu Island Waipapa Series Rock Exposures (Motutapu Basal Waitematas)	108	Kawau Island & Motuketekete Copper Mine & Associated Facilities
067	Mathesons Bay Thrust Cut Unconformity	109	Pakiri Bay Coastal System
069	Waiwera Bay Parnell Grit Formation	111	Marine Reserve Adjacent to Pollen and Traherne Islands
070	Pahurehure Inlet (Takanini) Pumicite Deposits	112	Seagrove/Karaka Foreshore
079	Tamaki River	113	Te Matuku Bay, Waiheke Island
080	Horuhoru Island (Gannet Rock)	114	Okakari Point to Cape Rodney Marine Reserve
		115	Puhoi Estuary
		116	Whangateau Harbour
		117	Foreshore of Little Barrier Island Nature Reserve

Site Record Sheet Number	ASCV Name
118	Foreshore Adjacent to Waipipi Roosts
119	Foreshore Adjacent to Pollok Spit
120	Foreshore Adjacent to Puhinui Roosts
121	Motukorea Island (Browns Island)
122	Wreck of S.S. Wairarapa
124	Sunde Site, Motutapu Island
125	Gordon Browne's Sawing Station, Mahurangi Harbour
126	Western Viaduct Liftbridge
127	Miners Head Copper Mine, Great Barrier Island
128	Whangaparapara Whaling Station, Great Barrier Island
129	Whatipu Wharf
130	Okura River Estuary and Long Bay Beach
131	Kawau Island Wharf

Schedule 5: Mooring Management Areas

Number	Name	Existing No. of Moorings	Maximum No. of Moorings
1.	Rarohara Bay	8	8
2.	Akapoua Bay	12	12
3.	Wairahi Bay	3	7
4.	Nagle Cove	4	6
5.	Whangaparapara Bay	13	24
6.	Whangaparapara Wharf	7	7
7.	Puiriri Bay	36	36
8.	Tryphena Point	11	12
9.	Shoal Bay	38	40
10.	Omaha Cove (Leigh)	28	38
11.	Ti Point	38	45
12.	Omaha	27	50
13.	Matakana River (Sandspit)	85 SM, 74 PM	138 SM, 75 PM
14.	Buckeltons Bay	5	20
15.	Kawau Island	156	200
16.	Dawsons Creek	10	10
17.	Algies Bay	69	100
18.	Anderson Bay	7	10
19.	Scotts Landing	101	101
20.	Te Kapa Inlet	4	10
21.	Jamesons Bay	112	112
22.	Opahi Bay	25	25
23.	Puhoi River	12	34
24.	Stanmore Bay	6	10.
25.	Swann Beach	6	12
26.	Tindalls Bay	9	70
27.	Weiti River	46 SM, 152 PM	92 SM, 152 PM
28.	Okura River	19	19
29.	Torbay	60	60
30.	Devonport East	164	170
31.	Devonport West	54	54
32.	Stanley Bay	50	50
33.	Stanley Point	26	50
34.	Bayswater	15	15
35.	Northcote	368	400
36.	Little Shoal Bay	231	350
37.	Chelsea	23	36
38.	Soldiers Bay	10	50
39.	Charcoal Bay	43	70
40.	Beachhaven	53	60
41.	Hellyers Creek	20	55
42.	Herald Island/Greenhithe	263	300
43.	Paremoremo	23	36
44.	Hobsonville/Catalina Bay	12	20
45.	Te Atatu/Whau River	68 SM, 101 PM	316
46.	Meola/Motions Creek	10	10

Number	Name	Existing No. of Moorings	Maximum No. of Moorings
47.	Cox's Bay	17	17
48.	Herne Bay	100	267
49.	Hobson Bay/Orakei/Okahu Bay	784	670
50.	Whakatakataka Bay East	91	120
51.	Glendowie	195	350
52.	Bucklands Beach	326	330
53.	Pakuranga	242	350
54.	Panmure North	195 SM, 160 PM	420
55.	Panmure South	105 SM	235
56.	Maungamaungaroa Creek	100	100
57.	Turanga Creek	18	38
58.	Maraetai	181	181
59.	Wairoa River	20 SM, 34 PM	54
60.	Kawakawa Bay	25 SM	25
61.	Sandy Bay	10	30
62.	Matiatia Bay	98	98
63.	Sandy (Hekerua) Bay	13	13
64.	Huruhi Bay West (Blackpool)	30	30
65.	Huruhi Bay East (Esslin Bay)	18	18
66.	Huruhi Bay Southside	3	3
67.	Kennedy Point	30	30
68.	Kennedy Bay	6	6
69.	Pataki Bay- Shelly Beach	65	65
70.	Pukiti Bay- Causeway Beach	20	20
71.	Pukiti Bay	16	16
72.	Putaki Bay	46	46
73.	Anzac Bay-Ostend	16 SM, 2 PM	17 SM, 2 PM
74.	Rangihoua Creek	7	7
75.	Kanakarau Bay	11	11
76.	Rocky Bay	60	60
77.	Henderson Creek	19	19
78.	Waiheke East	19	26

Key: All moorings are Swing Moorings (SM) or Pile Moorings (PM) unless indicated otherwise

Schedule 6: Areas Adjacent to the Coastal Marine Area Administered by the Department of Conservation

INTRODUCTION

Policy 4.1.4 of the NZ Coastal Policy Statement states that “regional coastal plans should identify land and areas under the Conservation Act 1987 and other land areas administered by the Department of Conservation so that their status will be taken into account in deciding resource consents.” The Department of Conservation has identified a number of areas of land under its administration adjacent to the coastal marine area of the Auckland Region. These areas are listed below, grouped according to NZMS Map Series 260, and are identified in Map Series 6 of the Plan Maps. Further information on the size and location of each of these areas, and their identified values can be obtained from the Auckland Regional Council or the Department of Conservation.

NB: All numbers refer to Conservation Unit Numbers.

1 NZMS 260 Q09: KAIPARA HARBOUR

Araparera River Marginal Strip (407)
 Bay Road Marginal Strip (387)
 Gum Store Creek Marginal Strip (399)
 Haratahi Creek Marginal Strip (410)
 Hargreaves Basin Marginal Strip (395)
 Kakaraea Islands Stewardship Area (324)
 Kakaraea Road Stewardship Area (406)
 Karaka Point Marginal Strip (401)
 Maeneene Creek Marginal Strip (390)
 Mangrove Flat Marginal Strip (403)
 Manukapua Government Purpose (Wildlife Management) Reserve (330)
 Millets Island Scientific Reserve (278)
 Moturemu Island Scenic Reserve (224)
 Okahukura Stewardship Area (326)
 Omaumau River Marginal Strip (405)
 Omaumau River Scientific Reserve (578)
 Omokoiti Bay Marginal Strip (409)
 Oruawharo River Stewardship Area (313)
 Otekawa Creek East Marginal Strip (397)
 Otekawa Creek West Marginal Strip (396)
 Oturapa-Mullet Creek Marginal Strip (393)
 Papakanui Spit Wildlife Refuge (210)
 Papakanui Stewardship Area (220)
 Parapara Creek Marginal Strip (398)
 Port Albert Stewardship Area (328)
 South Head Stewardship Area (378)
 Takahe Creek Marginal Strip (394)
 Tapora Government Purpose (Wildlife Management) Reserve (330)
 Tauhoa River Marginal Strip (400)
 Tauhoa Stewardship Area (327)
 Tauhoa Scientific Reserve (225)
 Te Hana Creek Marginal Strip (391)

Te Pahi Creek Marginal Strip (402)
 Te Pahi Stewardship Area (226)
 Ti Tree Island Conservation Area (549)
 Ti Tree Island Stewardship Area (389)
 Waioneke Marginal Strip (411)
 Waionui Inlet Marginal Strip (541)
 Whakapirau Creek Marginal Strip (392)

2 NZMS 260 Q10: KAIPARA HARBOUR

Ararimu Marginal Strip (493)
 Araparera River Marginal Strip (407)
 Awakohukohu Creek Stewardship Area (209)
 Kaikiore Creek Marginal Strip (483)
 Kaipara River Stewardship Area (340)
 Kaipara Stewardship Area (341)
 Karukarunui Creek Stewardship Area (207)
 Kaukapakapa Scenic Reserve (257)
 Mairetahi Creek Marginal Strip (479)
 Mairetahi Landing Reserve (343)
 Makarau River Marginal Strip (481)
 Makarau Stewardship Area (256)
 Matawhero Marginal Strip (487)
 Muriwai Beach Marginal Strip (546)
 Omokoiti Flats Marginal Strip (478)
 Otene Marginal Strip (491)
 Paparoa Marginal Strip (486)
 Parakai Stewardship Area (258)
 Parekawa Creek Marginal Strip (484)
 Parkhurst Marginal Strip (489)
 Rangitira Beach Marginal Strip (542)
 South Head Road Marginal Strip (574)
 South Head Road Scientific Reserve (577)
 Taumata Creek Marginal Strip (477)
 Taumata Creek Stewardship Area (206)
 Te Hihi Marginal Strip (488)

Te Horo Marginal Strip (496)
 Tikitu Creek Marginal Strip (485)
 Upokonui Creek Marginal Strip (490)
 Waioneke Stewardship Area (255)

3 NZMS 260 Q11, Q12: WEST COAST

Awhitu Stewardship Area (274)
 Hamiltons Gap Marginal Strip (503)
 Irwins Road Stewardship Area (263)
 Muriwai Marginal Strip (448)
 Te Henga Recreation Reserve (272)

4 NZMA 260 R08: MANGAWHAI

Mangawhai Marginal Strip (538)
 Pakiri Marginal Strip (376)
 Rahuikiri Marginal Strip (377)

5 NZMS 260 R09: MAHURANGI HARBOUR

Baddeleys Stewardship Area (334)
 Burton Wells Scenic Reserve (253)
 Casnell Island Scenic Reserve (004)
 Cragieburn Marginal Strip (418)
 Dairy Bay Marginal Strip (426)
 Duck Creek Scenic Reserve (243)
 Goat Island Scientific Reserve (002)
 Goodall Marginal Strip (423)
 Hamatana Marginal Strip (421)
 Hamiltons Landing Scenic Reserve (331)
 Leigh Recreation Reserve (244)
 Leigh Scenic Reserve (237)
 Mahurangi Park Recreation Reserve (301)
 Mahurangi River Historic Reserve (556)
 Mahurangi River Marginal Strip (336)
 Mahurangi Scenic Reserve (254)
 Pukapuka Inlet Marginal Strip (529)
 Puhinui Scenic Reserve (242)
 Rowes Scenic Reserve (236)
 Sandspit Stewardship Area (333)
 Snells Beach Marginal Strip (420)
 Taumata Marginal Strip (412)
 Te Kapa River Marginal Strip (424)
 Ti Point Marginal Strip (416)
 Torkington Bay Marginal Strip (417)
 Whangateau Harbour Marginal Strip (415)
 Youngs Creek Marginal Strip (414)

6 NZMS 260 R10: WHANGAPARAOA TO UPPER WAITEMATA HARBOUR

Clifftop Marginal Strip (435)
 Lucas Creek Marginal Strip (444)
 Lucas Creek Scenic Reserve (551)
 Motutapu Island Recreation Reserve (010)
 Nukumea Stream Marginal Strip (599)
 Okura Beach Marginal Strip (434)
 Okahu Creek Scenic Reserve (262)
 Okura River Marginal Strip (322)
 Okura Estuary Scenic Reserve (266)
 Paremoremo Marginal Strip (443)
 Parish Marginal Strip (429)
 Puhoi River Stewardship Area (342)
 Rarawaru Creek Marginal Strip (442)
 Red Bluff Marginal Strip (438)
 Redvale Marginal Strip (433)
 Schnapper Rock Marginal Strip (446)
 Stanmore Bay Marginal Strip (346)
 Te Koroto Island Marginal Strip (536)
 Te Wharau Creek Marginal Strip (447)
 Tipau Point Marginal Strip (437)
 Weiti River Marginal Strip (432)

7 NZMS 260 R11: WAITEMATA AND MANUKAU HARBOURS

Alanbrooke Crescent Marginal Strip (591)
 Bairds Road Marginal Strip (583)
 Bastion Point Recreation Reserve (372)
 Bayswater Marginal Strip (557)
 Big Bay Marginal Strip (475)
 Browns Island Recreation Reserve (014)
 Clifton Marginal Strip (470)
 Cracroft Marginal Strip (469)
 Curlew Bay Marginal Strip (468)
 Green Bay Marginal Strip (461)
 Harania Creek Marginal Strip (473)
 Henderson Creek Marginal Strip (455)
 Hobson Bay Marginal Strip (552)
 Jolyn Place Marginal Strip (595)
 Kaipatiki Creek Marginal Strip (452)
 Kelston Marginal Strip (458)
 Lincoln Marginal Strip (456)
 Lister Street Marginal Strip (580)
 Mangere Marginal Strip (471)
 Mangere Stewardship Area (281)
 Matietie Historic Reserve (282)
 Meola Creek Quarry Reserve (304)
 Monterey Marginal Strip (467)

Motuihe Island Recreation Reserve (015)
 North Head Historic Reserve (013)
 Onepoto Marginal Strip (453)
 Oruamo Creek Marginal Strip (451)
 Otahuhu Creek Marginal Strip (464)
 Pahurehure Marginal Strip (474)
 Pakuranga Creek Marginal Strip (466)
 Pakuranga Highway Marginal Strip (603)
 Patiki Road Marginal Strip (597)
 Paturua Bay Marginal Strip (462)
 Portage Marginal Strip (459)
 Purewa Creek Stewardship Area (307)
 Rangitoto Island Scenic Reserve (009)
 Rosebank Peninsula Marginal Strip (576)
 Tamaki Historic Reserve (592)
 Tamaki Recreation Reserve (593)
 Tamaki River Marginal Strip (465)
 Turanga Creek Stewardship Area (364)
 Waikopua Creek Stewardship Area (283)
 Weymouth Stewardship Area (362)
 Whau River Marginal Strip (575)
 Whitford Stewardship Area (351)

8 NZMS 260 R12: MANUKAU HARBOUR

Clarks Creek Marginal Strip (511)
 Cochranes Gap Stewardship Area (280)
 Colbeck Road Marginal Strip (532)
 Drury Creek Marginal Strip (514)
 Drury Creek Islands Recreation Reserve (371)
 Drury Stewardship Area (309)
 Kauritutahi Creek Marginal Strip (502)
 Matakawau Creek Marginal Strip (504)
 Mauku Stream Marginal Strip (513)
 Pahurehure Marginal Strip (474)
 Pukewhau Creek Marginal Strip (507)
 Te Totara Creek Marginal Strip (508)
 Taihiki River Marginal Strip (510)
 Waiau Pa Historic Reserve (289)
 Waiuku River Marginal Strip (509)
 Waitara Stream Marginal Strip (505)
 Whatapaka Inlet Marginal Strip (512)

9 NZMS 260 S11: WAIHEKE ISLAND

Pakihi Point Marginal Strip (499)
 Papepape Marginal Strip (501)
 Pasadena Bay Marginal Strip (500)
 Te Matuku Bay Cemetery Reserve (548)
 Te Matuku Bay Stewardship Area (319)

10 NZMS 260 S08, S09, T08, T09: OUTER GULF ISLANDS

Awana Stream Marginal Strip (142)
 Awana Stream Recreation Reserve (129)
 Bushs Beach Recreation Reserve (110)
 Burgess Island Scenic Reserve (028)
 Cape Barrier Marginal Strip (147)
 Claris Recreation Reserve (111)
 Fitzroy Bay Landing Recreation Reserve (128)
 Great Barrier Forest Conservation Area (118)
 Great Barrier Forest Stewardship Area (106)
 Harataonga Bay Marginal Strip (139)
 Harataonga Recreation Reserve (107)
 Kaitoke Beach Marginal Strip (144)
 Kaitoke Creek Marginal Strip (143)
 Komahunga Stewardship Area (134)
 Kotuku Point Scenic Reserve (105)
 Little Barrier Island Nature Reserve (001)
 Mokohinau Islands Nature Reserve (025)
 Omahungaiti Bay Marginal Strip (138)
 Oruawharo Creek Government Purpose Reserve (117)
 Oruawharo Marginal Strip (145)
 Overtons Beach Marginal Strip (140)
 Rakitu Island Scenic Reserve (558)
 Rosalie Bay Marginal Strip (146)
 Ruahine South Stewardship Area (126)
 Sandy Bay Marginal Strip (148)
 Shoal Bay Stewardship Area (130)
 Stony Beach Recreation Reserve (108)
 Sugar Loaf Marginal Strip (590)
 Te Paparahi Stewardship Area (101)
 Whangapoua Stewardship Area (104)
 Whakatutuna Point Marginal Strip (141)
 Windy Hill North Stewardship Area (123)
 Windy Hill South Stewardship Area (124)

Schedule 7: Coastal Marine Area Boundaries

Kaipara Harbour

	River	River Mouth	Coastal Marine Area Boundary
1	Maeneene Creek	Q09 451 500	Seaward side of main trunk railway bridge Q09 452 501
2	Te Hana Creek	Q09 460 489	Q09 460 488
3	Whakapirau Creek, main stem	Q09 442 466	Seaward side Te Hana – Port Albert Rd bridge Q09 448 465
4	Whakapirau Creek, Western Arm	Q09 437 462	Seaward side of Wellsford Valley Road bridge Q09 435 461
5	Kaiwakawaka River	Q09 399 449	Q09 401 451
6	Waireia River	Q09 392 438	Q09 392 438
7	Wharehanu Creek	Q09 382 441	Seaward side Beaver Rd bridge Q09 382 441
8	Takapau Creek	Q09 356 415	Q09 356 415
9	Takahe Creek	Q09 348 409	Seaward end of reclamation Q09 348 409
10	Atiu Creek	Q09 335 408	Q09 335 407
11	Mullet Creek East Arm	Q09 314 402	Q09 314 402
12	Mullet Creek West Arm	Q09 302 403	Q09 302 403
13	Oturapa Creek	Q09 290 403	Q09 290 403
14	Otekawa Creek	Q09 253 411	Seaward side of Journeys End bridge Q09 254 411
15	Gum Store Creek West Arm	Q09 277 374	Q09 276 377
16	Gum Store Creek East Arm	Q09 278 374	Q09 278 374
17	Te Raupa Creek	Q09 334 331	Seaward side of Kakaraea Road bridge Q09 333 331
18	Hiki Creek	Q09 334 347	Seaward side of Burma Road bridge Q09 334 347
19	Kahutaewao Creek	Q09 349 352	Q09 349 352
20	Whanaki Creek Northern Arm	Q09 384 382	Seaward side of Tauhoa – Port Albert Road Q09 387 385
21	Whanaki Creek Southern Arm	Q09 384 380	Seaward side of Tauhoa – Port Albert Road Q09 389 379
22	Te Pahi Stream	Q09 405 349	Q09 405 349
23	Hoteo River	Q09 400 298	South boundary Pt Lot 1 DP 64445 Q09 402 294
24	Omaumau River	Q09 378 272	Q09 378 272
25	Mataia Creek	Q09 382 221	Q09 386 222
26	Araparera Creek	Q09 390 207	Q09 392 208
27	Makarau River	Q10 415 159	Seaward side of Kaipara Coast Highway bridge Q09 417 160
28	Waitangi Stream	Q10 420 154	Q10 421 153
29	Wheraroa Creek	Q10 411 138	Q10 412 137
30	Matawhero Stream	Q10 397 109	Q10 397 108

	River	River Mouth	Coastal Marine Area Boundary
31	Kaipara River	Q10 387 060	Seaward side of confluence of Kaipara River and Kaukapakapa River Q10 394 053
32	Upokonui Creek	Q10 372 047	Seaward side South Head Road Q10 372 047
33	Te Hihi Creek	Q10 348 060	Seaward side of South Head Road Q10 348 059
34	Takapau Horahia Creek	Q10 347 061	Seaward side of South Head Road Q10 346 061
35	Kaituna Creek	Q10 323 069	Seaward side Old South Head Road Q10 323 069
36	Hihi Stream	Q10 317 076	Seaward side South Head Road Q10 317 076
37	Okaro Creek	Q10 314 076	Seaward side South Head Road Q10 314 076
38	Slater Road Creek	Q10 306 085	Seaward side South Head Road Q10 306 085
39	Tikitu Creek	Q10 302 098	Q10 302 098
40	Kaikioro Creek	Q10 297 114	Q10 295 113
41	Mairetahi Creek	Q10 293 141	Q10 293 141
42	Taumata Creek East Arm	Q10 267 182	Q10 267 182
43	Taumata Creek West Arm	Q10 266 182	Q10 266 182
44	Haratahi Creek	Q09 247 221	Q09 247 221

Manukau Harbour

	River	River Mouth	Coastal Marine Area Boundary
45	Huia Stream	Q11 498 659	Seaward side of Huia Road Bridge Q11 498 659
46	Kakamatua Stream	R11 521 656	R11 521 656
47	Big Muddy Creek	R11 543 696	R11 543 696
48	Waiohua Creek	R11 562 706	R11 562 706
49	Little Muddy Creek	R11 570 711	R11 570 711
50	Paturua Stream	R11 581 710	R11 581 710
51	Ann's Creek	R11 736 734	R11 736 734
52	Harania Creek South West Arm	R11 716 705	R11 716 705
53	Tararata Creek	R11 702 706	R11 702 706
54	Tautaurua Creek	R11 698 666	R11 698 666
55	Pukaki Creek	R11 707 673	R11 707 673
56	Waokauri Creek, Northern Arm	R11 723 675	R11 723 675
57	Waokauri Creek, Eastern Arm	R11 735 664	R11 735 664
58	Puhinui Creek	R11 742 632	R11 742 632
59	Puhinui Creek, Eastern Arm	R11 755 633	R11 755 633
60	Waimahia Creek	R11 770 610	R11 770 610

	River	River Mouth	Coastal Marine Area Boundary
61	Papakura Stream (Manukau/Papakura Boundary)	R11 794 601	R11 794 601
62	Hingaia Stream and Slippery Creek	R12 831 545	Western side of SH1 road bridge R12 831 545
63	Ngakoroa Stream	R12 831 535	Southern side of Brimer Rd bridge R12 831 535
64	Oira Stream (Papakura Franklin Boundary)	R12 810 531	R12 810 530
65	Whangapouri Creek	R12 792 523	R12 791 523
66	Whangamaire Stream	R12 772 562	R12 772 562
67		764 551	764 551
68		763 537	763 537
69		766 524	Seaward side of Muir Road bridge 766 523
70		757 541	757 541
71		760 554	760 554
72		764 563	764 563
73	Pahurehure Inlet	R12 759 575	R12 759 575
74		754 581	754 581
75		752 585	752 585
76	Clarks Creek, eastern bank	R12 698 523	R12 698 522
77	Tuhitahi Creek	R12 696 502	Seaward side of Kingseat Rd bridge R12 696 501
78	Karaka Creek	R12 687 504	Seaward side of McKenzie Rd bridge R12 687 503
79	Clarks Creek, western bank	R12 685 524	R12 685 524
80		684 536	684 536
81		682 537	682 537
82	Clarks Beach Inlet Stream	R12 660 523	R12 660 523
83	Taihiki River, northern bank	R12 630 491	R12 630 491
84		638 491	638 491
85		651 491	651 491
86		653 488	653 488
87		660 478	660 478
88		663 478	663 478
89		664 476	664 476
90	Mauku Stream	R12 697 460	Seaward side of Glenbrook-Waiuku Rd R12 697 460
91	Taihiki River, southern bank	R12 680 465	R12 680 465
92		673 466	673 466
93		660 460	660 460
94		659 451	659 451
95		657 656 447	657 446
96		656 447	655 446
97		648 454	648 454
98		Unnamed Stream	R12 636 445

	River	River Mouth	Coastal Marine Area Boundary
99	Stream east side of Race Course Rd	R12 648 388	R12 648 388
100	Waiuku Stream	R12 638 380	Northern side of Waiuku Bypass R12 638 379
101	Rangiwhea Creek	R12 628 386	R12 628 386
102	Awaruaiti Creek	R12 618 392	R12 618 392
103		617 396	617 396
104		617 398	617 398
105	McGowan Road Creek	R12 618 405	R12 618 405
106	Mokorau Creek	R12 615 413	R12 615 413
107	Parakau Creek	R12 607 416	R12 607 416
108	Totara Creek	R12 613 427	R12 613 427
109	Waipipi Creek	R12 601 430	R12 601 430
110		601 432	601 432
111	Te Hakono Creek	R12 601 445	R12 601 445
112		600 446	600 446
113	Pukewhau Creek	R12 598 461	R12 598 461
114	Kohonui Creek	R12 598 469	R12 598 469
115	Ohiku Creek	R12 591 485	R12 591 485
116		586 477	586 477
117	Rangiriri Creek	R12 576 497	R12 576 497
118		576 504	576 504
119		571 506	571 506
120	Matakawau Creek	R12 572 519	R12 572 519
121		562 521	562 521
122	Kauritutahi Stream	R12 559 560	R12 559 560
123	Stream north of Kauritutahi Stream	R12 564 570	R12 563 570

Waitemata Harbour And Hauraki Gulf

	River	River Mouth	Coastal Marine Area Boundary
124	Unnamed stream – Couldrey's Bridge	S11 042 709	Seaward side of Couldrey's bridge S11 042 709
125	Rautawa Stream	S11 037 704	Seaward side of Kawakaw Bay coast road S11 037 704
126	Kawakawa Bay Stream	S11 026 700	Seaward side of Clevedon Kawakawa Road bridge S11 026 700
127	Rotopiro Streams	S11 989 703	S11 990 703
128	Urangahauhau Stream	S11 955 695	Seaward side of Vennon's Bridge S11 956 694
129	Wairoa River	Line adjoining S11 952 697 and S11 951 698	S11 946693
130	Te Puru Creek, Eastern Arm	S11 907 778	Seaward side of Whitford Maraetai Road bridge S11 907 778
131	Te Puru Creek	S11 904 777	Seaward side of Whitford Maraetai Road bridge S11 904 777

	River	River Mouth	Coastal Marine Area Boundary
132	Grangers Stream	R11 860 715	R11 861 716
133	Turanga Creek	R11 858 706	R11 859 706
134	Maungamaungaroa Creek	R11 828 735	R11 828 734
135	Pakuranga Creek, Pakuranga Rd Arm	R11 790 749	R11 790 749
136	Pakuranga Creek, Cascade Road Arm	R11 801 746	Seaward side of Cascade Rd bridge R11 801 746
137	Pakuranga Creek, Golf Course	R11 799 742	R11 799 742
138	Pakuranga Creek, Power Sub Station Arm	R11 801 735	R11 801 735
139	Pakuranga Creek, Cryers Road Arm	R11 789 729	R11 789 729
140	Otara Creek, Kerwyn Rd Arm	R11 778 714	R11 778 714
141	Otara Creek, Opp Andromeda Cres	R11 783 708	R11 783 708
142	Otara Creek, East Tamaki Rd Arm	R11 779 705	R11 779 705
143	Tamaki River, Bairds Rd Arm	R11 757 699	Seaward side of Pipeline in line with Laxon Ave R11 757 699
144	Tamaki River, Middlemore Hospital	R11 747 691	R11 747 691
145	Tamaki River Manukau/ Auckland Boundary	R11 748 700	R11 748 700
146	Otahuhu Creek	R11 747 723	Off end Atkinson Ave R11 747 723
147	Unnamed stream adjacent to Bowden Road	R11 754 746	Outlet structure below Bowden Road R11 754 746
148	Unnamed stream upstream of Donnor Place	R11 753 749	R11 753 749
149	Omaru Creek	R11 772 787	Off end of Taniwha Reserve R11 772 787
150	Purewa Creek	R11 739 802	Off end Kempthorne St R11 739 802
152	Orakei Basin Streams	R11 724 793	R11 724 793
151		729 795	729 795
153	Orakei Road Stream	R11 713 802	R11 713 802
154	Portland Road Stream	R11 706 804	Seaward side of Shore Road R11 706 804
155	Newmarket Stream	R11 698 805	Seaward side of Brighton Road R11 698 805
156	Coxs Creek	R11 642 820	Landward side of Westend Road R11 642 820
157	Motions Creek	R11 634 812	Seaward side of Meola Road R11 635 812
158	Meola Creek	R11 630 809	Seaward side of Meola Road R11 630 809

	River	River Mouth	Coastal Marine Area Boundary
159	Oakley creek	R11 624 795	Seaward side of Great North Road R11 624 795
160	Whau River (Auckland Waitakere Boundary)	R11 612 758	Railway Bridge R11 612 758
161	Rewarewa Creek	R11 601 756	R11 601 756
162	Taroa Stream	R11 599 761	R11 599 761
163	Wairau Creek	R11 582 770	R11 582 770
164	Glenedene Creek	R11 578 783	R11 578 783
165	Henderson Creek	R11 562 800	R11 562 799
166	Paremuka Stream	R11 546 816	Northern end of Woodside Road R11 546 816
167	Huruhuru/Swanson Stream	R11 545 817	Seaward side of footbridge across stm R11 545 817
168	Rarawaru Creek	R11 554 833	R11 554 833
169	Taikata Creek (Kopupaka Stream)	R11 564 843	R11 564 843
170	Lawson's Creek	R11 559 851	R11 559 851
171	Waipareira Stream	R11 568 864	R11 568 864
172	Romeo Stream	R11 568 866	R11 568 866
173	Waiorahia Stream	R11 565 881	R11 565 881
174	Rarawaru Creek	R10 548 901	R10 548 901
175	Totara Creek	R11 534 884	Seaward side of Brigham Creek Road R11 534 884
176	Brigham Creek (Waitakere Rodney Boundary)	R11 524 887	Concrete "V" notch weir R11 524 887
177	Rangitopuni Stream	R10 532 927	Seaward side of Coatesville – Riverhead Highway bridge R10 530 929
178	Paremoremo Creek	R10 565 929	R10 565 930
179	Lucas Creek	R10 616 962	Waterfall upstream of SH1 bridge R10 616 962
180	Oteha Stream	R10 617 956	R10 617 956
181	Te Wharau Creek Northern Arm	R10 604 918	R10 604 918
182	Te Wharau Creek Southern Arm	R10 605 916	R10 605 916
183	Kingfisher Grove Creek	R10 592 909	R10 592 909
184	Hellyers Creek	R10 624 908	R10 624 909
185	Kaipatiki Creek	R11 629 894	R11 629 894
186	Kaipatiki Creek Eskdale Road Arm	R11 627 887	R11 627 887
187	Kaipatiki Creek Beachaven Rd Arm	R11 619 890	R11 619 890
188	Soldiers Bay Stream	R11 621 862	R11 621 862
189	Little Shoal Bay Stream	R11 656 858	Seaward side of Maritime Terrace ford R11 656 858
190	Onepoto Stream	R11 661 867	R11 661 867

	River	River Mouth	Coastal Marine Area Boundary
191	Hillcrest Stream	Seaward side Takapuna Devonport motorway on ramp R11 678 878	Landward side Takapuna Devonport motorway on ramp R11 678 878
192	Wairoko Creek	R11693 872	R11 693 872

Hauraki Gulf Coastline

	River	River Mouth	Coastal Marine Area Boundary
193	Wairau Creek	R10 678 908	Immediately downstream of canal outfall R10 678 907
194	Deep Creek	R10 669 985	Seaward side of Beach Road bridge R10 669 985
195	Awaruku Creek	R10 670 999	Seaward side of road bridge R10 669 999
196	Long Bay North Stream	R10 666 008	R10 666 008
197	Okura Beach Road Stream	R10 646 011	R10 646 011
198	Okura River (North Shore Rodney Boundary)	R10 631 009	R10 631 009
199	Okura River	R10 629 009	R10 629 008
200	Okura River	R10 629 009	R10 628 009
201	Okura River, North Branch	R10 628 022	R10 627 022
202	Doctors Creek	R10 636 059	Opposite Northern boundary Lot 4 DP 26549 R10 636 058
203	Duck Creek	R10 622 062	Seaward side Duck Creek Road bridge R10 622 062
204	Newman Road Stream	R10 613 072	R10 612 071
205	Weiti River	R10 616 078	R10 614 078
206	Orewa River	R10 597 102	R10 595 102
207	Orewa River North Branch	R10 606 107	Opp East extremity Lot 84 DP 107158 R10 604 108
208	Nukumea Stream	R10 618 127	Seaward side of SH1 road bridge R10 618 127
209	Otanerua Stream South Arm	R10 621 139	R10 621 139 200m NE of W corner of reserve
210	Otanerua Stream North Arm	R10 622 141	R10 622 141
211	Waiwera River	R10 613 167	Opp boundary Lots 7 & 8 DP 61445 R10 611 167
212	Okahu Creek	R10 603 178	R10 603 178
213	Puhoi River	R10 608 187	Boundary Pt Allot 9 SO 1804 and Pt Allot 10 SO 1799 R10 606 189
214	Te Muri-O-Tarariki Stream	R10 636 197	R10 635 197
215	Pukapuka River	R09 610 226	Seaward side of Pukapuka Rd bridge R09 610 226

	River	River Mouth	Coastal Marine Area Boundary
216	Dyers Creek Southern Arm	R09 622 245	Boundary Part 1 DP 37582 & Part 82 R09 622 245
217	Dyers Creek Northern Arm	R09 619 249	R09 619 249
218	Cowan Bay Stm West Arm	R09 623 270	R09 623 270
219	Cowan Bay Stm East Arm	R09 628 272	R09 628 272
220	Hepburn Creek	R09 619 284	Seaward side of Hepburn Creek Rd bridge R09 617 283
221	Johnson Creek	R09 613 301	Seaward side of Hepburn Creek Road bridge R09 613 301
222	Mahurangi River	R09 615 310 Off end of Wilson Rd	R09 612 313 Opp Nth end of lake
223	Duck Creek	R09 623 304	R09 623 304
224	Dawson's Creek (Te Whau Creek)	R09 647 300	Seaward side access bridge to Sewage Treatment Plant R09 647 300
225	Goodalls Stream	R09 656 284	R09 656 284
226	Te Kapa River Northern Arm	R09 663 259	R09 663 259
227	Te Kapa River Eastern Arm	R09 674 247	R09 675 248
228	Glen Eden River	R09 641 341	R09 642 342
229	Matakana River	R09 649 369	R09 648 370 Opp Sth boundary Lot 1 DP 100477
230	Baddley's Beach Stream	R09 678 341	R09 678 341
231	Campbells Beach Western Stream	R09 689 341	R09 689 341
232	Campbells Beach Eastern Stream	R09 693 340	R09 693 340
233	Omaha River	R09 668 389	Nth end esplanade reserve adj Lot 1 DP 83584 R09 666 389
234	Tamahunga Stream	R09 668 392	Southern boundary of Lot 1 DP 8755 R09 667 393
235	Birdsall Road Stream	R09 682 419	R09 682 419
236	Young Creek	R09 683 420	Seaward side Ashton (Sadler) Rd bridge R09 684 420
237	Coxhead Creek	R09 703 426	Coxhead Creek Road bridge R09 703 426
238	Kohuroa Stream	R09 719 428	Footbridge R09 719 428
239	Omaha Cove, W arm	R09 727 443	Footbridge R09 727 443
240	Omaha Cove, NE arm	R09 732 445	R09 733 446

Waiheke Island

	River	River Mouth	Coastal Marine Area Boundary
241	Okahuiti Creek	S11 929 877	S11 929 877
242	Tawaipareira Creek	S11 937 873	Seaward side of Ostend Road S11 937 873
243	Rangihoua Creek	S11 950 867	S11 950 867
244		949 866	949 866
245	Awaawaroa Bay Stream	S11 981 851	S11 981 851
246		987 852	987 852
247	Te Matuku Bay Stream	S11 012 840	Orapiu Road bridge S11 012 840

Great Barrier Island

	River	River Mouth	Coastal Marine Area Boundary
248	Oruawharo Stream	T09 357 447	T09 357 445
249	Kaitoke River	T09 318 492	Seaward side Kaitoke Awana Road bridge T09 318 493
250	Awana Stream	T08 336 524	T08 336 525
251	Motairehe Stream	S08 244 620	S08 244 620
252	Whangaparapara Stream	S09 260 487	S09 260 487

Notes:

1. For each river identified in the above schedules the "mouth" is a straight line drawn from bank to bank through or as close as possible to the grid reference relating to that river at right angles to the river flow at that grid reference.
2. For rivers not identified in the above schedules the "mouth" shall be at that point depicted by a straight line representing a continuation of the mean high water springs on each side of the river.

Schedule 8: Boundaries of Port Management Areas

The Port Management Areas include all of the coastal marine area between Mean High Water Springs and the map references listed below. These areas are shown in Plan Map Series 2.

Note: Port Management Area 4C is all that part of the coastal marine area of the Manukau Harbour bounded by a complete circular line having a radius of 65 metres from a centre point at the grid reference noted below.

Port Management Area	Point Sequence	X NZTM	Y NZTM	Easting	Northing	Hectares
1A	7	1757926	5920973	2668384	6482870	69.68
	6	1758170	5921690	2668630	6483586	
	5	1758762	5921481	2669221	6483376	
	4	1759476	5921406	2669935	6483299	
	3	1759459	5921249	2669918	6483142	
	2	1759545	5920703	2670002	6482596	
	1	1759506	5920566	2669963	6482459	
1B	3	1758571	5911229	2669009	6473123	6.23
	2	1758725	5911228	2669163	6473122	
	1	1758761	5911273	2669199	6473167	
	6	1759082	5911107	2669520	6473000	
	5	1759079	5911023	2669517	6472916	
	4	1758592	5911025	2669030	6472919	
1C	5	1757575	5921084	2668033	6482981	31.25
	4	1757572	5921233	2668030	6483130	
	3	1757784	5921826	2668243	6483723	
	2	1758170	5921690	2668630	6483586	
	1	1757926	5920973	2668384	6482870	
2A	1	1756679	5921379	2667138	6483277	60.51
	2	1757196	5921924	2667656	6483821	
	3	1757477	5921934	2667937	6483831	
	4	1757784	5921826	2668243	6483723	
	5	1757572	5921233	2668030	6483130	
	6	1757575	5921085	2668033	6482981	
2B	1	1756188	5921032	2666646	6482932	5.47
	2	1756167	5921311	2666625	6483210	
	3	1756245	5921536	2666704	6483435	
	4	1756264	5921589	2666722	6483488	
	5	1756430	5921759	2666889	6483658	
	6	1756553	5921635	2667012	6483534	
3	1	1757285	5921168	2667744	6483066	3.03
	2	1757404	5921512	2667863	6483410	
	3	1757414	5921517	2667873	6483415	
	4	1757484	5921496	2667942	6483393	
	5	1757487	5921487	2667945	6483384	
	6	1757377	5921164	2667835	6483061	
4A	1	1756553	5921635	2667012	6483534	16.91
	2	1756430	5921759	2666889	6483658	
	3	1756569	5921900	2667028	6483799	
	4	1757196	5921924	2667656	6483821	
	5	1756679	5921379	2667138	6483277	

Port Management Area	Point Sequence	X NZTM	Y NZTM	Easting	Northing	Hectares
4B	4	1765623	5912227	2676064	6474107	1.86
	1	1765422	5912607	2675864	6474487	
	2	1765446	5912620	2675888	6474501	
	3	1765647	5912243	2676088	6474123	
4C	1	1762371	5899345	2672786	6461231	2.29
5	9	1760235	5922196	2670696	6484088	0.68
	8	1760189	5922104	2670649	6483996	
	7	1760117	5922103	2670577	6483995	
	6	1760079	5922116	2670539	6484008	
	5	1760080	5922121	2670540	6484013	
	4	1760136	5922122	2670596	6484014	
	3	1760136	5922147	2670597	6484039	
	2	1760166	5922147	2670626	6484038	
	1	1760166	5922209	2670626	6484100	

Shaded text indicates variations 1 – 6

Schedule 9: Aquaculture Management Area Coordinates

These coordinates relate to the Aquaculture Management Areas defined in Map Series 1 of the Plan Maps. In the table below, AMA Area relates to the Sheet Number within Map Series 1, AMA NUM relates to the specific AMA on that Sheet, and the x coordinates (easting) and y coordinates (northings) relate to the New Zealand Map Grid, and identify each corner of the Aquaculture Management Area boundary.

AMA Name	AMA Area	AMA Num	X Coord	Y Coord
Kaipara Harbour	1	A	2621973.79	6529399.34
Kaipara Harbour	1	A	2622245.51	6529252.13
Kaipara Harbour	1	A	2623265.76	6527490.65
Kaipara Harbour	1	A	2622848.93	6527256.09
Kaipara Harbour	1	A	2621693.06	6529228.08
Kaipara Harbour	1	B	2623920.00	6526745.00
Kaipara Harbour	1	B	2624440.00	6525891.00
Kaipara Harbour	1	B	2624184.00	6525735.00
Kaipara Harbour	1	B	2623664.00	6526589.00
Kaipara Harbour	1	C	2624469.90	6525309.01
Kaipara Harbour	1	C	2624873.02	6525648.99
Kaipara Harbour	1	C	2625956.40	6524815.73
Kaipara Harbour	1	C	2625229.04	6524611.06
Kaipara Harbour	1	D	2630040.00	6528947.00
Kaipara Harbour	1	D	2629758.00	6528534.00
Kaipara Harbour	1	D	2628106.00	6529662.00
Kaipara Harbour	1	D	2628388.00	6530075.00
Kaipara Harbour	1	E	2630109.55	6527901.97
Kaipara Harbour	1	E	2630109.55	6525895.07
Kaipara Harbour	1	E	2629610.60	6525895.07
Kaipara Harbour	1	E	2629610.60	6527901.97
Kaipara Harbour	1	E	2629610.60	6527901.97
Kaipara Harbour	1	F	2634732.47	6542662.95
Kaipara Harbour	1	F	2634722.86	6542543.78
Kaipara Harbour	1	F	2634438.02	6542560.35
Kaipara Harbour	1	F	2634444.44	6542680.05
Kaipara Harbour	1	G	2635622.44	6543475.65
Kaipara Harbour	1	G	2635460.36	6543054.65
Kaipara Harbour	1	G	2635405.31	6543177.99
Kaipara Harbour	1	G	2635129.06	6543287.07
Kaipara Harbour	1	G	2635259.54	6543614.29
Mahurangi Harbour	2	A	2664010.25	6526570.00
Mahurangi Harbour	2	A	2664168.75	6527078.50
Mahurangi Harbour	2	A	2664359.00	6527013.50
Mahurangi Harbour	2	A	2664200.50	6526504.50
Mahurangi Harbour	2	B	2664052.25	6526236.00
Mahurangi Harbour	2	B	2664198.50	6526179.50
Mahurangi Harbour	2	B	2664375.00	6526219.50
Mahurangi Harbour	2	B	2664551.50	6525331.00
Mahurangi Harbour	2	B	2664031.50	6525226.50
Mahurangi Harbour	2	B	2663881.50	6526008.50
Mahurangi Harbour	2	C	2664604.00	6525048.50
Mahurangi Harbour	2	C	2664305.00	6525021.50
Mahurangi Harbour	2	C	2664241.50	6525122.00

AMA Name	AMA Area	AMA Num	X Coord	Y Coord
Mahurangi Harbour	2	C	2664556.25	6525269.00
Mahurangi Harbour	2	D	2665496.63	6526436.33
Mahurangi Harbour	2	D	2665591.88	6526170.42
Mahurangi Harbour	2	D	2665480.76	6525999.77
Mahurangi Harbour	2	D	2665262.48	6525968.02
Mahurangi Harbour	2	D	2665071.97	6526138.67
Mahurangi Harbour	2	D	2664933.07	6526452.21
Mahurangi Harbour	2	D	2665028.32	6526626.83
Mahurangi Harbour	2	D	2665171.19	6526686.36
Mahurangi Harbour	2	D	2665337.88	6526599.05
Mahurangi Harbour	2	E	2664128.50	6524096.50
Mahurangi Harbour	2	E	2664259.50	6524106.50
Mahurangi Harbour	2	E	2664295.75	6524097.50
Mahurangi Harbour	2	E	2664385.00	6523994.50
Mahurangi Harbour	2	E	2664479.96	6523877.13
Mahurangi Harbour	2	E	2664480.28	6523462.97
Mahurangi Harbour	2	E	2664372.25	6523396.00
Mahurangi Harbour	2	E	2664094.25	6523404.00
Mahurangi Harbour	2	E	2664095.75	6523596.00
Mahurangi Harbour	2	E	2664195.75	6523593.50
Mahurangi Harbour	2	E	2664195.75	6523624.50
Mahurangi Harbour	2	E	2664188.25	6523636.50
Mahurangi Harbour	2	E	2663998.75	6523731.00
Mahurangi Harbour	2	E	2664034.75	6523931.00
Mahurangi Harbour	2	E	2664038.25	6523940.50
Mahurangi Harbour	2	F	2663332.00	6523532.00
Mahurangi Harbour	2	F	2663288.20	6523204.61
Mahurangi Harbour	2	F	2663048.55	6523239.05
Mahurangi Harbour	2	F	2663094.25	6523565.50
Mahurangi Harbour	2	G	2663556.50	6522271.50
Mahurangi Harbour	2	G	2663575.75	6522391.00
Mahurangi Harbour	2	G	2663635.25	6522380.50
Mahurangi Harbour	2	G	2663616.00	6522261.00
Mahurangi Harbour	2	H	2663554.00	6522102.00
Mahurangi Harbour	2	H	2663612.00	6522120.00
Mahurangi Harbour	2	H	2663674.00	6521949.50
Mahurangi Harbour	2	H	2663616.25	6521932.00
Mahurangi Harbour	2	I	2666515.50	6523117.00
Mahurangi Harbour	2	I	2666508.14	6523105.57
Mahurangi Harbour	2	I	2666650.50	6523016.50
Mahurangi Harbour	2	I	2666508.25	6522793.00
Mahurangi Harbour	2	I	2666366.00	6522885.00
Mahurangi Harbour	2	I	2666441.35	6523001.94
Mahurangi Harbour	2	I	2666424.17	6523012.38
Mahurangi Harbour	2	I	2666349.25	6522895.50
Mahurangi Harbour	2	I	2666116.59	6523045.64
Mahurangi Harbour	2	I	2666344.75	6523396.00
Mahurangi Harbour	2	I	2666481.75	6523308.00
Mahurangi Harbour	2	I	2666402.66	6523186.55
Mahurangi Harbour	2	J	2666202.75	6522650.00

Shaded text indicates variations 1 – 6

AMA Name	AMA Area	AMA Num	X Coord	Y Coord
Mahurangi Harbour	2	J	2666213.81	6522667.22
Mahurangi Harbour	2	J	2666125.84	6522723.44
Mahurangi Harbour	2	J	2666114.88	6522706.58
Mahurangi Harbour	2	J	2665960.50	6522806.00
Mahurangi Harbour	2	J	2666083.91	6522995.25
Mahurangi Harbour	2	J	2666573.00	6522680.50
Mahurangi Harbour	2	J	2666448.25	6522492.00
Matakana River	3	A	2666440.50	6534366.00
Matakana River	3	A	2666399.00	6534398.50
Matakana River	3	A	2666475.00	6534461.00
Matakana River	3	A	2666529.25	6534375.50
Matakana River	3	A	2666477.25	6534303.50
Kawau Island	4	A	2673512.43	6529920.30
Kawau Island	4	A	2673500.58	6529939.42
Kawau Island	4	A	2673516.04	6529949.83
Kawau Island	4	A	2673527.60	6529931.09
Great Barrier Island	5	A	2721984.05	6560962.54
Great Barrier Island	5	A	2722013.56	6561172.48
Great Barrier Island	5	A	2722247.40	6561118.49
Great Barrier Island	5	A	2722188.67	6560915.31
Great Barrier Island	5	B	2722416.30	6560873.19
Great Barrier Island	5	B	2722265.39	6560894.83
Great Barrier Island	5	B	2722294.48	6561097.62
Great Barrier Island	5	B	2722445.39	6561075.97
Great Barrier Island	5	C	2721947.01	6560712.15
Great Barrier Island	5	C	2721974.84	6560910.20
Great Barrier Island	5	C	2722169.71	6560865.21
Great Barrier Island	5	C	2722098.89	6560647.68
Great Barrier Island	5	D	2721417.47	6556247.76
Great Barrier Island	5	D	2721267.47	6556247.72
Great Barrier Island	5	D	2721267.43	6556447.72
Great Barrier Island	5	D	2721417.43	6556447.76
Great Barrier Island	5	E	2721447.13	6555586.68
Great Barrier Island	5	E	2721297.13	6555586.65
Great Barrier Island	5	E	2721297.09	6555786.65
Great Barrier Island	5	E	2721447.09	6555786.68
Great Barrier Island	5	F	2721454.53	6555295.53
Great Barrier Island	5	F	2721318.53	6555295.53
Great Barrier Island	5	F	2721347.60	6555363.33
Great Barrier Island	5	F	2721303.52	6555532.79
Great Barrier Island	5	F	2721453.52	6555532.79
Great Barrier Island	5	G	2721909.08	6554629.33
Great Barrier Island	5	G	2721909.08	6554779.33
Great Barrier Island	5	G	2722109.08	6554779.33
Great Barrier Island	5	G	2722109.08	6554629.33
Great Barrier Island	5	H	2718609.70	6554164.92
Great Barrier Island	5	H	2718684.70	6554294.83
Great Barrier Island	5	H	2718857.91	6554194.83
Great Barrier Island	5	H	2718782.91	6554064.92
Great Barrier Island	5	I	2718844.08	6554038.18

AMA Name	AMA Area	AMA Num	X Coord	Y Coord
Great Barrier Island	5	I	2718971.24	6554011.15
Great Barrier Island	5	I	2718923.25	6553785.39
Great Barrier Island	5	I	2718796.09	6553812.42
Waiheke Island	6	A	2691811.66	6486837.14
Waiheke Island	6	A	2691889.16	6486722.94
Waiheke Island	6	A	2691792.08	6486660.94
Waiheke Island	6	A	2691726.82	6486771.07
Waiheke Island	6	B	2693041.48	6486353.46
Waiheke Island	6	B	2693001.86	6486280.09
Waiheke Island	6	B	2692834.23	6486320.46
Waiheke Island	6	B	2692886.05	6486399.15
Waiheke Island	6	C	2693447.89	6486455.20
Waiheke Island	6	C	2693408.28	6486381.82
Waiheke Island	6	C	2693240.65	6486422.20
Waiheke Island	6	C	2693292.47	6486500.89
Waiheke Island	6	D	2697572.11	6482562.79
Waiheke Island	6	D	2697591.43	6482356.65
Waiheke Island	6	D	2697529.50	6482356.60
Waiheke Island	6	D	2697489.58	6482356.60
Waiheke Island	6	D	2697469.52	6482562.48
Waiheke Island	6	D	2697512.98	6482562.63
Waiheke Island	6	E	2698724.14	6483480.78
Waiheke Island	6	E	2698538.18	6483305.70
Waiheke Island	6	E	2698250.34	6483582.66
Waiheke Island	6	E	2698144.60	6483582.79
Waiheke Island	6	E	2698144.83	6483756.62
Waiheke Island	6	E	2698405.64	6483743.90
Waiheke Island	6	F	2700035.57	6482243.50
Waiheke Island	6	F	2699959.01	6482155.06
Waiheke Island	6	F	2699774.21	6482462.61
Waiheke Island	6	F	2699936.57	6482605.17
Waiheke Island	6	G	2704144.73	6486941.15
Waiheke Island	6	G	2704144.42	6486662.64
Waiheke Island	6	G	2704138.18	6486107.31
Waiheke Island	6	G	2703857.40	6486116.67
Waiheke Island	6	G	2703848.04	6486578.40
Waiheke Island	6	G	2703838.35	6486941.65
Wairoa Bay	7	A	2698642.47	6471530.00
Wairoa Bay	7	A	2698367.47	6471130.00
Wairoa Bay	7	A	2697487.68	6471303.28
Wairoa Bay	7	A	2697457.69	6471705.20
Wairoa Bay	7	A	2697814.61	6471733.19

NB: The coordinates in this schedule relating to existing marine farm boundaries (existing at the date this Variation was notified) are not completely accurate and should not solely be relied upon for determining the exact location of these existing marine farms. These points have been calculated at the scale of the maps provided in Map Series 1 of the Planning Maps. To obtain exact survey points readers should refer to the survey plan contained within the relevant marine farming lease or licence. Marine farming leases and licences are held by the Ministry of Fisheries.

Appendix A: Marine Protected Areas

A.1 INTRODUCTION

The Marine Reserves Act 1971 provides for the creation and management of marine reserves. The purpose of the Act as stated in Section 3(1) is:

It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.

Having regard to the provisions of Section 3(1), Section 3(2) then provides that marine reserves are to be administered and maintained that ...

- (a) **They shall be preserved as far as possible in their natural state:**
- (b) **The marine life of the reserves shall as far as possible be protected and preserved:**
- (c) **The value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained:**
- (d) **Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe and record marine life in its natural habitat.**

Marine reserves are administered by the Department of Conservation. As at 1997 there are three gazetted marine reserves in the Auckland Region. The oldest is the Cape Rodney-Okakari Point (Leigh) Marine Reserve which was established in 1975. This is subject to very high usage, with over 100,000 visitors each year. The Motu Manawa (Pollen Island) Marine Reserve and the Long Bay-Okura Marine Reserve were gazetted in 1995.

The Conservation Management Strategy for the Auckland Conservancy of the Department of Conservation promotes the establishment of a network of marine protected areas which is representative of the marine ecosystems and features of the Auckland Conservancy. The CMS includes criteria by which DOC will select sites for marine protection and specific areas have been identified for future investigation.

Other forms of marine protected areas can be created under the Reserves Act 1977, the Conservation Act 1987 and the Fisheries Act 1983. Some foreshore (intertidal) areas are protected under the Reserves Act, such as the area above mean low water springs at Little Barrier Island and the Tauhoa Scientific Reserve in the Kaipara Harbour. The Tawaharanui Marine Protected Area protects an area of foreshore, seabed and coastal water to 800 metres offshore on the northern side of the Tawharanui Regional Park. Within this area, there is a prohibition on fishing, implemented through regulations under the Fisheries Act 1983. Rahui have also been placed on certain beaches in the Auckland Region prohibiting the collection of shellfish for specified time periods.

A.1 ARC POLICY ON MARINE PROTECTED AREAS

The Auckland Regional Policy Statement recognises that marine protected areas are Areas of Special Value in the Auckland Region and that they are important for scientific, recreational and education purposes. The Coastal Environment chapter contains a statement of the ARC's support for marine protected areas, including marine reserves in the Auckland Region:

Method 7.4.8.3 states:

- 3 "The ARC will support the establishment of marine protected areas as a method of sustainably managing Areas of Special Value with in the coastal environment, provided that:
 - (i) proposals are consistent with the purpose of the statute under which they are proposed;
 - (ii) adequate background research and consultation in support of the proposal is undertaken;

- (iii) proposals are not inconsistent with the criteria for the identification and investigation of marine protected areas in the approved Conservation Management Strategy for the Auckland Conservancy of the Department of Conservation;
- (iv) that proposals in relation to the protection of Areas of Special Value to Tangata Whenua are not inconsistent with any relevant planning document recognised by an iwi authority.

In addition to the matters outlined above, in supporting the establishment of marine protected areas, the ARC will have particular regard to:

- (v) sites which contribute to the provision of accessible marine protected areas Region-wide;
 - (vi) sites which relieve pressure from marine protected areas currently subject to intense use;
 - (vii) important marine resources and habitats adjacent to regional parks;
 - (viii) the practical expression of kaitiakitanga by Tangata Whenua as outlined in Method 3.4.14.
- 4 As a goal the ARC will support a move towards 10 percent of the area of representative marine habitat types in the Auckland CMA being fully protected marine reserves.
- 5 The ARC will work co-operatively with TAs, DOC, MAF and Tangata Whenua and in consultation with other agencies and interest groups, to identify suitable sites for the establishment of marine protected areas (including marine reserves) in the Auckland Region."

Appendix B: ARC Policies Relevant to the Regional Plan: Coastal

FISHERIES

NB These objectives and methods do not form part of this Plan. They have been adopted by Council as ARC policy on fisheries advocacy and the Hauraki Gulf, and are included for information purposes only. The objectives and methods in general apply to both fresh water and marine fisheries.

B.1 INTRODUCTION

The ARC, in conjunction with the Minister of Conservation, is charged with the management of the natural and physical resources of the coastal marine area. However, this management role excludes control of the harvesting or enhancement of any fishery, which is the responsibility of the Minister of Fisheries.

Fisheries controls cannot be effective without sound environmental management, and ARC management of the coastal environment cannot be effective without sound Fisheries controls. In other words, there is a need to ensure the integrated management of fisheries and natural and physical resources.

In recognition that:

- a all forms of fishing, whether recreational, traditional or commercial, of both marine and freshwater species, have the potential to affect the sustainable management of natural and physical resources; and that
- b The Ministry of Fisheries under the Fisheries Act 1983, controls the harvesting and enhancement of the fisheries, while the ARC is excluded from such control; and that
- c in order to responsibly fulfill its obligations under the RMA it is important for the ARC to have input to the management of fisheries resources in so far as this may impinge on the sustainable management of natural and physical resources under ARC control; and that
- d the ARC role is restricted to one of advocacy:

the ARC has developed the following objectives and policies with regard to the fisheries of the Auckland Region, in order to promote the sustainable

management of Auckland's natural and physical resources.

B.2 OBJECTIVES

B.2.1 To promote the sustainable management of fishing activities which may adversely affect natural and physical resources under ARC control.

B.2.2 To promote the use and development of natural and physical resources in a way which does not adversely affect fisheries.

B.3 METHODS

B.3.1 The ARC will seek to have input at the earliest possible stage on fisheries legislation initiatives, and initiatives by other groups regarding fisheries management, which may impinge on the sustainable management of natural and physical resources under ARC control.

B.3.2 The ARC will seek to ensure that such initiatives as those indicated in Policy B.3.1 have particular regard to the following aims:

- a avoiding, remedying or mitigating the adverse effects of fishing activities on natural and physical resources, and in particular:
 - i adverse effects on areas of significant or representative marine biota and habitats;
 - ii local depletion effects;
 - iii disturbance of the foreshore and seabed;
 - iv adverse effects on non-target species;

- v adverse effects on amenity values and recreational use and enjoyment of the coastal environment;
 - vi adverse effects on fisheries of importance to Tangata Whenua;
- b safe-guarding the life-supporting capacity of marine and freshwater ecosystems;
 - c taking a precautionary approach to allocating quota and to regulating the harvesting of marine and freshwater organisms.

B.3.3 The ARC will maintain ongoing communication with the Minister of Fisheries in respect of the sustainable management of natural and physical resources as it relates to fishing activities.

B.3.4 The ARC will consider, and where appropriate support, controls and restrictions imposed by the Minister of Fisheries on commercial, traditional and recreational fishing in the region aimed at maintaining or enhancing fishery resources, and/or at protecting areas of significant or representative marine biota and habitats.

B.3.5 The ARC will consider, and where appropriate support, fisheries management initiatives proposed by Tangata Whenua, including taiapure, mahinga mataitai reserves, rahui and whakatupu.

B.3.6 The ARC will, where appropriate, work jointly with other regional councils on fisheries issues of common concern, with the objectives of maximising efficient use of staff resources and presenting a consistent approach to the Minister of Fisheries and proponents of fisheries initiatives.

B.3.7 Where Tangata Whenua initiatives in respect of fisheries management are established, the ARC will seek to work in conjunction with Tangata Whenua, the Ministry of Fisheries, the relevant territorial authorities and other relevant organisations in order to achieve the integrated management of the fisheries and natural and physical resources.

B.3.8 The ARC will continue to seek the integration of the management of marine farming with the Resource Management Act 1991.

B.3.9 The ARC will, in exercising its functions under the RMA, protect fishery resources and the habitats and locations of fish, shellfish, seaweeds and other aquatic life from the adverse effects of non-fishing activities and coastal uses. The methods to be used include, but are not limited to, the following:

- a in determining applications for resource consents, ensuring that any adverse effects of the activity on fisheries are avoided, remedied or mitigated;
- b liaising with the Ministry of Fisheries to identify and give appropriate protection to areas that are important as juvenile fish habitats or important at other vulnerable stages of the life cycle of fish and/or shellfish;
- c recognising that the provision of access to and along the coastal marine area may increase pressure on these resources, and taking this possibility into account in assessing such proposals;
- d silt control and other measures aimed at maintaining or enhancing water quality.

FUTURE OF THE HAURAKI GULF

In September 1992 the ARC, in its submission to the Caucus Sub-Committee on the Hauraki Gulf, registered its support for the establishment of a national maritime park in the Gulf. The ARC submission reconfirmed existing Council policy in support of a marine recreational park in the inner Hauraki Gulf, and also went a step further in supporting the concept of a larger maritime park over the entire Hauraki Gulf. This support was in recognition of its values:

- a Cultural and Historic:

The Gulf plays a significant part in the maritime identity of Auckland, which is also known as the "City of Sails". This identity is reflected in the numerous historic places and areas in and around the Gulf, as well as in peoples' associations with the Gulf.

b Tangata Whenua:

The whole of the Gulf has been identified by Tangata Whenua as being of special spiritual, historic and cultural significance.

c Recreational:

The Hauraki Gulf, and in particular the inner Gulf, is the most intensively used area in New Zealand for marine-related recreation.

d Natural:

The Hauraki Gulf harbours a variety of habitat types and marine life, from the rare, endangered and vulnerable, to the commonplace, representative and robust.

e Economic:

The Hauraki Gulf is home to New Zealand's largest international port, a significant proportion of New Zealand's fishing and marine farming industry, and the natural and cultural resources of the Gulf support a growing marine related tourism industry.

In February 2000 the Hauraki Gulf Marine Park Act 2000 was enacted. The Act integrates the management of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments, establishes objectives for the management of the Gulf and recognises the relationship of Tangata Whenua with the Gulf and its islands. The Act also establishes the Hauraki Gulf Marine Park and the Hauraki Gulf Forum. The Forum includes representatives from central and local government and Tangata Whenua.

Appendix C: Fourth Schedule, Resource Management Act 1991

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. Matters that should be included in an assessment of effects on the environment –

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88 (6)(b) should include –

- (a) A description of the proposal:
- (b) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:
- (c) Where an application is made for a discharge permit, a demonstration of how the proposed option is the best practicable option:
- (d) An assessment of the actual or potential effect on the environment of the proposed activity:
- (e) Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use:
- (f) Where the activity includes the discharge of any contaminant, a description of –
 - (i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and
 - (ii) Any possible alternative methods of discharge, including discharge into any other receiving environment:
- (g) A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
- (h) An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted:

- (i) Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

2. Matters that should be considered when preparing an assessment of effects on the environment – Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

- (a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects:
- (b) Any physical effect on the locality, including any landscape and visual effects:
- (c) Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
- (d) Any effect on natural and physical resources on plants or animals and any physical disturbance of habitats in the vicinity:
- (e) Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants:
- (f) Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

Appendix E: Landscape Values and Assessment

E.1 INTRODUCTION

Areas of the coastline of the Auckland Region have been assessed as being regionally significant or outstanding landscapes and are shown on the Plan Maps. The areas accorded such status display a composition of natural and/or man-made features and elements which are highly valued and which sets them apart from the regional landscape in general. The features and elements that contribute to such value may range from the interaction of vegetation and topography, together embodied in areas such as the western shoreline of the Waitakere Ranges, through to the nature of a coastal edge, such as the spectacularly rugged shoreline of northern Great Barrier Island. Contributing man-made elements may include the distinctive pattern of individual structures such as the Auckland Harbour Bridge, or the mix of coastal cliffs, vegetation, houses, reclamations, wharf, roadway and beaches that compromise the Tamaki Drive waterfront.

In many instances those landscapes which are more highly valued also have a strong sense of identity and place, which helps to distinguish them and Auckland, from the rest of New Zealand and from landscapes elsewhere in the World. The remnant signs of pa sites on volcanic cones such as North Head, represent an important and highly valued amalgam of both the natural and man-made which also contribute very significantly to Auckland's identity.

Those areas which are identified as being **outstanding** tend to display such high value consistently; it is fundamental to their character and the 'whole is significantly greater than the sums of the parts'. Those areas identified as being **regionally significant** tend to be valued because their character and appearance is dominated by specific elements or features (perhaps only one) and patterns that recur within them. In such areas the 'parts' tend to assume more importance.

The Plan Maps identify the Outstanding Landscapes of the Auckland Region's coastline as those areas rated 6 and 7 and shown as blue and red lines respectively. Areas of the coastline rated as 5 are classified as regionally significant and are identified by a green line. The basis of the landscape ratings are outlined below.

E.2 COVERAGE OF LANDSCAPE ASSESSMENT STUDIES

The classification of landscape within the Auckland Region used in both the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal is based on various landscape assessment studies commissioned by the Auckland Regional Council. Information on the landscape values of those areas of coastline outside the metropolitan limits and other urban areas has been obtained from the 1984 study *An Assessment of the Auckland Region's Landscape* carried out by the Planning Department of the Auckland Regional Authority.

The areas covered by the 1984 landscape assessment study are:

- Rodney District:
 - north east coastline from Waiwera north
 - Tasman Sea coastline
 - Whole of the Kaipara Harbour coastline
- Waitakere City:
 - Manukau Harbour coastline, west of Big Muddy Creek
 - Tasman Sea coastline
- Franklin District:
 - Manukau Harbour coastline
 - Tasman Sea coastline
 - Firth of Thames coastline

In 1994, the Auckland Regional Council commissioned further landscape assessment work covering the coastlines of Great Barrier and Waiheke Islands and the coastline of the Hauraki Gulf, Waitemata and Manukau Harbours within the metropolitan limits. Subsequent studies have been carried out by Rodney District Council and Manukau City Council relating to the landscape values of the rural coastlines of their districts. Where this information is available, this has replaced the ratings derived from the 1984 Regional Landscape Assessment Study.

The areas covered by landscape assessments carried out by the ARC or territorial authorities from 1994 onwards are:

- Eastern coastline from Waiwera to southern boundary of Manukau City on the Hauraki Gulf/Firth of Thames coastline, including the Waitemata Harbour.
- Manukau Harbour from Taumatara Point (Big Muddy Creek), east and south to Hingaia Bridge.
- Coastline of Kawau Island
- Coastline of Waiheke Island
- Coastline of Great Barrier Island.

The Department of Conservation has also undertaken a landscape assessment of the islands of the Hauraki Gulf within its estate as part of its Conservation Management Strategy. As the methodology used in this assessment was compatible with that used by the Auckland Regional Council, this information has been incorporated into this Plan. However it should be noted however that there have been no landscape assessments of the coastlines of the remaining privately owned islands of the Hauraki Gulf or the Manukau or Kaipara Harbours which are similar to those outlined above. Hence the lack of any notation of landscape values on those islands should not be construed as an indication that they do not have landscapes which could be classified as regionally significant or outstanding, but merely that a landscape assessment has not been undertaken.

E.3 EXPLANATION OF LANDSCAPE METHODOLOGY

Throughout the 1980s and 1990s landscape assessment in the Auckland Region has been based around interpretation of the **value** attached to different landscapes and their **vulnerability to modification** or change. However, the techniques used to explore these facets of the landscape have steadily evolved. The following is a summary of the main techniques employed and the key elements within each:

1984 LANDSCAPE ASSESSMENT

- Landscape Quality Ratings

These are based around preference studies of the regional community's attitudes to different types of landscape, involving the following specific steps:

- subdivision of the Auckland Region into 633 landscape units
- identification of 85 landscape types
- involvement of 1100 members of the regional population in a study of their reactions to the different landscape types
- extrapolation of ratings to all 633 units

- Landscape Sensitivity Ratings

These are based on the physical measurement of characteristics that would affect a landscape's ability to visually integrate or assimilate development and change. Each of Auckland's 633 landscape units were analysed in terms of:

- Land Use Diversity and Type
- Slope
- Vegetation Cover
- Vegetation Diversity and Type
- Topographic Diversity and Type
- Site Recoverability Potential

1994 LANDSCAPE ASSESSMENT

- Landscape Value Ratings

These are based around expert assessment of the value of landscape units (in the field) using key criteria

drawn from extensive research into perception of landscape. They address:

- Aesthetic Value (Scenic qualities) -using the following criteria:

Vividness: How immediately impressive and memorable is the landscape as a result of its visual distinctiveness, diversity or other factors – both compositional and geo-physical.

Complexity/ Diversity: To what extent does the unit have a richness and interest about it arising from the diversity of elements within it – without that diversity leading to discontinuity.

Cohesion: Is there a continuity of key statements/patterns/themes/ accents that give the landscape both character and a sense of unity

Legibility: To what extent is it possible to develop a clear mental picture of the unit's landscape because of the clear definition of features and patterns within it that emphasise its 3-dimensional structure (layering) and identifiable landmarks (points of focus and reference).

Mystery: Does the landscape's spatial structure and array of elements promote a sense of sequence and 'enticement' through the unit's space: the promise of 'more to unfold around the next bend' – just beyond the landscape that is immediately visible.

- Heritage Value (natural character and man-made influences)

To what extent does the unit reveal and convey a distinctive sense of identity because of:

Endemic Associations: Arising from natural elements in the landscape that contribute to the character and sense of place of the locality and the Region, eg. the islands of the Hauraki Gulf, remnant Kauri forest.

Cultural Associations: Arising from man-made landscape elements that are distinctive and valued because of their association with both Maori and Pakeha cultures eg. old pa sites, historic structures.

Rarity/Scarcity: (of the resource) To what extent is the unit or key elements within it rare and unique at the regional level.

- Landscape Vulnerability Ratings

These are based on field analysis of the key factors that affect a landscape's ability to visually integrate or assimilate development and change. They address:

- Land Use

How 'developed' is the existing landscape – from areas that are primarily native and natural to those which are highly developed and urbanised.

- Vegetation Cover and Type

How extensive and varied is existing vegetation cover – from no cover and monocultural dominance to a high level of vegetated cover and diverse species.

- Topographic Type and Diversity

Does the unit's terrain assist or limit viewing because of its character and the viewing angles that would typically arise between vantage areas and locations subject to modification – from the simplicity and openness of a plain or shallow ridgeline to incised foothills with a high level of visual containment.

- Exposure/Visibility

How visually exposed is the unit/sub-unit/view to the likes of:

- Residential Areas
- Areas of Recreational Use and Tourism Activity
- Public Transport Routes and Tourist Routes
- Commercial Areas

Both the 1984 and 1994 studies have resulted in landscape units being rated on a 1 to 7 scale – from Low (Rating “1”) to High (Rating “7”). In the case of the 1984 study, ratings remain separated under the **Landscape Quality** and **Landscape Sensitivity** headings. In order to fully appreciate the value of any landscape and its capacity to absorb new development or change – within areas that remain exclusively covered by the 1984 assessment – reference should be made to both sets of ratings. The **Landscape Quality** ratings for Auckland's rural areas are shown on the Plan Maps. The specific ratings for **Landscape Sensitivity** are not shown, but are available for inspection at the Auckland Regional Council.

The assessments undertaken from 1994 onwards provide just one overall ratings – again on a 1 to 7 scale (Low to High) under the title **Sensitivity**. This rating captures both the value found in any landscape and its ability to accommodate development and change. In the case of those areas covered by the later assessments, the **sensitivity** ratings are shown on the Plan Maps. For such areas, these now take precedence over the 1984 ratings.

E.4 OUTSTANDING AND REGIONALLY SIGNIFICANT LANDSCAPES

Areas identified as having a landscape **Quality** and/ or **Sensitivity** rating of “5” in the 1984 study areas or the same SENSITIVITY rating in the 1994 study areas are classified in both the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal as **Regionally Significant Landscapes**.

Those landscapes with a landscape **Quality** and/ or **Sensitivity** rating of “6” or “7” in the 1984 study areas or the same **Sensitivity** rating in the 1994 study areas are classified as being **Outstanding Landscapes**.

Outstanding Landscapes are those which have the very highest value ratings in the Auckland Region. They tend to truly capture a sense of Auckland's unique identity and display both elements and a general composition that ensures a high level of visual impact (in a positive sense) and memorability. In some instances, part of the impact may also be derived from the scarcity of a particular landscape type, such as the major dune formations of South Kaipara Head. In general, such landscapes are also highly susceptible to modification. For such landscapes, management tends to focus on protection of the status quo.

Regionally Significant Landscapes are highly valued, but often for elements or features within them, rather than the whole. Alternatively, they may be landscapes which are highly valued and which are also unable to accommodate change without significant degradation of their character. Within such landscapes, development has to be managed to ensure that the key elements which contribute to landscape value are not degraded or disturbed. However the focus is upon integration and a marriage of existing and new use and development, rather than preservation.

E.5: LANDSCAPE ASSESSMENT REPORTS

The following landscape assessment reports form the technical basis for the identification of **Regionally Significant And Outstanding Landscapes**. Copies are available for inspection at the offices of the Auckland Regional Council. Copies of the 1994 landscape reports commissioned by the ARC are also available at the offices of relevant territorial authorities.

- 1 **An Assessment of the Auckland Region's Landscape**

Planning Department, Auckland Regional Authority, 1984.
- 2 **Great Barrier Island Coastal Landscape Assessment**
LA4 Landscape Architects for the Auckland Regional Council, January 1994
Volume 1: Report (A4)
Volume 2: Assessment Worksheets (A3)
- 3 **Waiheke Island Coastal Landscape Assessment**
LA4 Landscape Architects for the Auckland Regional Council, October 1994
Volume 1: Report (A4)
Volume 1-2: Assessment Worksheets (A3)
- 4 **Auckland Urban Area Coastal Landscape Assessment**
LA4 Landscape Architects for the Auckland Regional Council, October 1994
Volume 1: Report (A4)
Volumes 1-4: Assessment Worksheets (A3).
- 5 **Northern Rodney District Strategy Study: Visual and Landscape Assessment**
LA4 Landscape Architects for Rodney District Council, September 1993
Volume 1: Report (A4)
Volume 2: Maps (A3).
- 6 **South East Manukau Visual Assessment**
LA4 Landscape Architects for Manukau City Council, (Undated)
Volume 1: Report and Maps



Appendix F: Resource Management (Marine Pollution) Regulations 1998

(Does not include Schedules) SR 1998/208 (and amendment SR 2002/99)

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REGULATIONS

1. Title and commencement

- (1) These regulations may be cited as the Resource Management (Marine Pollution) Regulations 1998.
- (2) These regulations come into force on 20 August 1998.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires, –

“Act” means the Resource Management Act 1991:

“Carrying in bulk” means the carriage of a noxious liquid substance in the cargo spaces of a ship without any form of intermediate containment or packaging:

“Clean ballast water” means ballast water and contaminants carried in a tank used to carry a noxious liquid substance or oil, –

- (a) Where the tank has been thoroughly cleaned since last used to carry a noxious liquid substance, and the residue from that cleaning discharged with the tank being emptied; or
- (b) Where the tank has been thoroughly cleaned since last used to carry oil and the ballast water and contaminants, when discharged, would not contain oil exceeding 15 parts per million:

“En route” means that a ship is under way at sea on a course, or courses:

“Garbage” means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship or offshore installation and liable to be discharged continuously or periodically; but does not include oil, noxious liquid substances, and sewage:

“Grade A treated sewage” means sewage discharged from a treatment system included in Schedule 5 or Schedule 6 that is maintained and operated in good working order and in accordance with any instructions of the system’s manufacturer

“Grade B treated sewage” means sewage discharged from a treatment system included in Schedule 7 that is maintained and operated in good working order and in accordance with any instructions of the system’s manufacturer

“Noxious liquid substance” means any substance specified in Schedule 1; and includes any mixtures of those substances:

“Oil” means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse, and refined petroleum products (other than petrochemicals which are noxious liquid substances), and includes the substances specified in Schedule 2:

“Oil” spill has the same meaning as in section 281 of the Maritime Transport Act 1994:

“Plastics” includes synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic or heavy metal residues

“Platform drainage” means the drainage water from the machinery space on an offshore installation, and -

- (a) Includes all water and contaminants from generators, fuel tanks, and pumps; but
- (b) Does not include any water or contaminant from processing, production, or displacement associated with exploration, drilling, or production activities which are undertaken by the offshore installation:

“Segregated ballast water” means ballast water and contaminants in a ship’s tank where that tank is completely separated from cargo oil and fuel oil systems and is permanently allocated to the carriage of ballast water or cargoes other than oil or noxious liquid substances:

“Sewage” means, in relation to a ship or offshore installation, –

- (a) Drainage and other wastes from any form of toilet, urinal, or toilet scupper:
- (b) Drainage from wash basins, wash tubs, and scuppers located in any dispensary, sick bay, or other medical premises:
- (c) Drainage from spaces containing living animals:
- (d) Waste waters mixed with the drainage and wastes specified in paragraphs (a), (b), or (c):

PART 1 - DEFINITION PRESCRIBED FOR THE ACT

3. Definition of “harmful substances”

The following substances are harmful substances for the purposes of the definition of the term “harmful substances” in section 2(1) of the Act:

- (a) Petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined petroleum products (other than petrochemicals which are noxious liquid substances); and includes the substances specified in Schedule 2:

- (b) Any substance specified in Schedule 1 and any mixture of those substances if carried in bulk in a ship:
 - (c) Drainage and other wastes from any form of toilet, urinal, or toilet scupper on a ship or offshore installation:
 - (d) Drainage from wash basins, wash tubs, and scuppers located in the dispensary, sick bay, or other medical premises of a ship or offshore installation:
 - (e) Drainage from spaces on a ship or offshore installation containing living animals:
 - (f) Waste water from a ship or offshore installation mixed with the drainage and waste specified in paragraphs (c), (d), or (e):
 - (g) All victual, domestic, and operational waste (other than fresh fish or parts of fresh fish) generated during the normal operations of a ship or offshore installation and liable to be discharged continuously or periodically.
 - (c) Fish processing waste from an onshore facility:
 - (d) Ships and platforms or other man-made structures at sea:
 - (e) Inert, inorganic geological material:
 - (f) Organic materials of natural origin:
 - (g) Bulky items consisting mainly of iron, steel, and concrete.
- (3) This clause does not apply to –
- (a) The dumping or storage of waste or other matter arising directly from, or related to, the exploration, exploitation, and associated offshore processing of, seabed mineral resources; or
 - (b) A discharge made in accordance with section 15B of the Act or Part 3 of these regulations.

PART 2 - DUMPING AND INCINERATION

4. Dumping of waste or other matter

- (1) The dumping of waste or other matter, other than the waste or other matter specified in subclauses (2) and (3), in the coastal marine area from any ship, aircraft, or offshore installation is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan.
- (2) In the coastal marine area the dumping of the following waste or other matter from any ship, aircraft, or off-shore installation is deemed to be a discretionary activity in any regional coastal plan or proposed regional coastal plan:
 - (a) Dredge material:
 - (b) Sewage sludge:

5. Assessment criteria

- (1) Every application under section 88 of the Act for a coastal permit to dump any waste or other matter specified in regulation 4(2) must include the information specified in Part 1 of Schedule 3.
- (2) The consent authority must, when considering an application under section 88 of the Act for a coastal permit for any waste or other matter specified in regulation 4(2), have regard to the matters set out in Parts 1 and 2 of Schedule 3 in addition to any other requirement of sections 104 and 138A of the Act.

6. Incineration of waste in marine incineration facility

- (1) The incineration of waste or other matter in any marine incineration facility in the coastal marine area is deemed to be a prohibited

activity in any regional coastal plan or proposed regional coastal plan.

- (2) This clause does not apply to a discharge made in accordance with section 15B or Part 3 of these regulations.

7. Record keeping

- (1) Every holder of a coastal permit to carry out an activity that would otherwise contravene section 15A of the Act must keep records describing –
- (a) The types and sources of the waste or other matter dumped:
 - (b) The location of dump sites:
 - (c) The method of dumping:
 - (d) The quantity (in cubic metres) of the waste or other matter dumped.
- (2) The records for the preceding calendar year must be provided to the Director of Maritime Safety before 1 February in each year.

PART 3 - CONTROL OF DISCHARGES

8. Discharge of substances for purpose of avoiding, remedying, or mitigating oil spill

- (1) Any person may, in the coastal marine area, discharge from a ship or offshore installation any substance for the purpose of avoiding, remedying, or mitigating the adverse effects of an oil spill.
- (2) This regulation does not authorise the discharge of any substance in contravention of Part XXIII of the Maritime Transport Act 1994 or any marine protection rules made under Part XXVII of that Act.

9. Discharge of oil

- (1) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from any ship if –

- (a) The oil is not derived from the cargo of the ship; and
- (b) The ship is proceeding en route; and
- (c) The oil content of the discharge before dilution with any other substance does not exceed 15 parts per million.

- (2) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from an offshore installation, if –
- (a) The oil content of the discharge before dilution with any other substance does not exceed 15 parts per million; and
 - (b) The discharge is platform drainage.

10. Discharge of noxious liquid substances

Any person may, in the coastal marine area, discharge from any ship carrying in bulk a noxious liquid substance, any noxious liquid substance if that noxious liquid substance is part of a discharge of clean ballast water or segregated ballast water.

11. Discharge of sewage in coastal marine area

- (1) Before 1 July 2000, any person may discharge sewage in the coastal marine area from a ship or offshore installation, unless that discharge is within 500 metres (0.27 nautical miles) of a marine farm.
- (2) On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs –
- (a) More than 500 metres (0.27 nautical miles) seaward from mean high water springs; and
 - (b) More than 500 metres (0.27 nautical miles) from a marine farm; and
 - (c) In water depths greater than 5 metres; and

- (d) more than 200 metres (0.108 nautical miles) from a marine reserve, except the marine reserve constituted by the Marine Reserve (Kermadec Islands) Order 1990; and
 - (e) more than 500 metres (0.27 nautical miles) from an area that the Minister of Fisheries has declared by notice in the Gazette to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.
- (b) restricts where those discharges may take place, being a distance of at least 100 metres from a marine farm; and
 - (c) does not relate to vessels operated by the New Zealand Defence Force.
- (3) For the purposes of subclause (2), Fiordland means the coastal marine area between Awarua Point and Sandhill Point.

12A. Discharge of Grade B treated sewage in coastal marine area

- (3) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to the discharges under this regulation if –
- (a) The rule increases the distances seaward or increases the depth specified in subclause (2) for any harbours, estuaries, embayments, or other parts of a region, or increases the distances from a marine farm, marine reserve, or mataitai reserve specified in subclause (2), for all or any part of the year; and
 - (b) The rule takes effect on or after 1 July 2000.

12. Discharge of Grade A treated sewage in coastal marine area

- (1) Any person may discharge Grade A treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it within 100 metres of a marine farm.
- (2) Despite subclause (1), a rule may be included in a regional coastal plan or a proposed regional coastal plan if the rule –
- (a) relates to discharges of Grade A treated sewage in the internal waters of Fiordland (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977); and
 - (b) increases the distance from a marine farm or a mataitai reserve where those discharges may take place for all or any part of the year, being a distance of
- (a) within 500 metres (0.27 nautical miles) of a marine farm; or
 - (b) within 500 metres (0.27 nautical miles) of an area that the Minister of Fisheries has declared by notice in the Gazette to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.
- (2) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to discharges under this regulation if the rule does either or both of the following:
- (a) specifies the distances from mean high-water springs or the depth where those discharges may take place for all or any part of the year, being distances of at least 500 metres (0.27 nautical miles) from-
 - (i) a marine farm; or
 - (ii) a mataitai reserve:
 - (b) increases the distance from a marine farm or a mataitai reserve where those discharges may take place for all or any part of the year, being a distance of

more than 500 metres (0.27 nautical miles).

13. Discharge of garbage

- (1) The discharge of plastics, dunnage, lining, and packaging materials in the coastal marine area from any ship is prohibited.
- (2) Any person may, in the coastal marine area, discharge from any ship garbage (other than those items specified in subclause (1)), including food wastes, paper, rags, glass, metal, bottles, and crockery, if –
 - (a) The garbage has been comminuted or ground to a particle size of 25 millimetres or less; and
 - (b) The discharge occurs at least –
 - (i) 5500 metres (3 nautical miles) seaward of the inner limits of the territorial sea; and
 - (ii) 500 metres (0.27 nautical miles) from any offshore installation.
- (3) The discharge of garbage in the coastal marine area from any offshore installation is prohibited.

14. Discharge of ballast water

- (1) Any person may discharge in the coastal marine area, from a ship or offshore installation, clean ballast water or segregated ballast water.
- (2) This regulation does not authorise the discharge of clean ballast water or segregated ballast water in contravention of the Biosecurity Act 1993, regulations made under that Act, or import health standards made under section 20 of that Act.

15. Discharges made as part of normal operations of ship or offshore installation

Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the normal operations of a ship or offshore installation.

16. Regional rules or resource consents for discharges

No rule may be included in any regional coastal plan, or proposed regional coastal plan, nor any resource consent granted relating to a discharge to which regulations 9, 10, 12, 13, 14, and 15 apply.

Appendix G: Auckland International Airport Specification for Obstacle Limitation Surfaces

1. AIAL plan D693-2 together with this specification comprises the Auckland International Airport Specification for Obstacle Limitation Surfaces.

The Civil Aviation Act 1990 requires that hazards to aviation safety be controlled.

Obstacle Limitation Surfaces of an aerodrome are defined surfaces in the airspace above and adjacent to the aerodrome. These Obstacle Limitation Surfaces are necessary to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome.

No obstacle shall penetrate the Obstacle Limitation Surfaces. An obstacle is defined as any object which is connected directly or indirectly to the ground or water and includes trees.

2. Runway Centreline

2a Existing Runway

Point A: This is a position located at the eastern end of the centreline of the existing runway. The position of Point A is shown on Department of Survey and Land Information plan number SO 44954. In metric terms the coordinate value of Point A is:

685,729.76mN
303,667.43mE

Coordinate values and bearing are in terms of the Geodetic Datum 1949 and origin of coordinates is Mt Eden, 700,000mN 300 300,000mE.

The western end of the existing runway centreline is 3635 metres west on a bearing of 251°00'01" from Point A.

2b Proposed Second Runway

The eastern end centreline of the proposed second runway is defined as Point C on plan AIAL D693-2 with geodetic coordinates of:

687,378.19mN
302,465.27mE

The western end centreline of the proposed second runway is defined as Point D on plan AIAL D693-2 with geodetic coordinates of

686,401.61mN
299,629.02mE

3. Runway Strips

The runway strips are areas at ground level 300 metres wide symmetrical about the runway centreline. The ends of the runway strips are 60 metres beyond the eastern and western ends of the defined runway centrelines.

4. Approach Slopes – General

The surfaces known as Approach Slope Surfaces meet requirements for both approach and takeoff. The Approach Slopes (inner edge) start at the end of the specified clearway strip and are symmetrical about the extension of the runway centreline. The Approach Slopes rise at a gradient of 1.2% and terminate at a point 152 metres above mean sea level (AMSL). The sides of the approach slope diverge from the runway centreline at a rate of 15%.

4a Approach Slopes – Existing Runway

Eastern Approach Slope

Starting point – end of the eastern clearway, ie 213.36 metres east of Point A.

Width of inner edge – 346 metres.

Starting level – 9.66 metres above mean sea level.

Western Approach Slope

Starting point – western end of the runway strip.

Width of inner edge – 342 metres.

Starting level – 6.83 metres above mean sea level.

4b Approach Slopes – Proposed Second Runway

Eastern Approach Slope

Starting point – end of the eastern clearway, ie 400.00 metres east of Point C

Width of inner edge – 402 metres.

Starting level – 17.00 metres above mean sea level.

Western Approach Slope

Starting point – end of the western clearway, ie 400.00 metres west of Point D.

Width of inner edge – 402 metres.

Starting level – 17.00 metres above mean sea level.

5. Inner Horizontal Surfaces

The Inner Horizontal Surface is a flat planar surface at an altitude of 52 metres above mean sea level. The outer limits are located 4000

metres from, and parallel to, the outer sides and ends of the runway strips as depicted on plan AIAL D853-3. The corners of the rectangle are formed by a radius of 1500 metres.

6. Transitional Surfaces

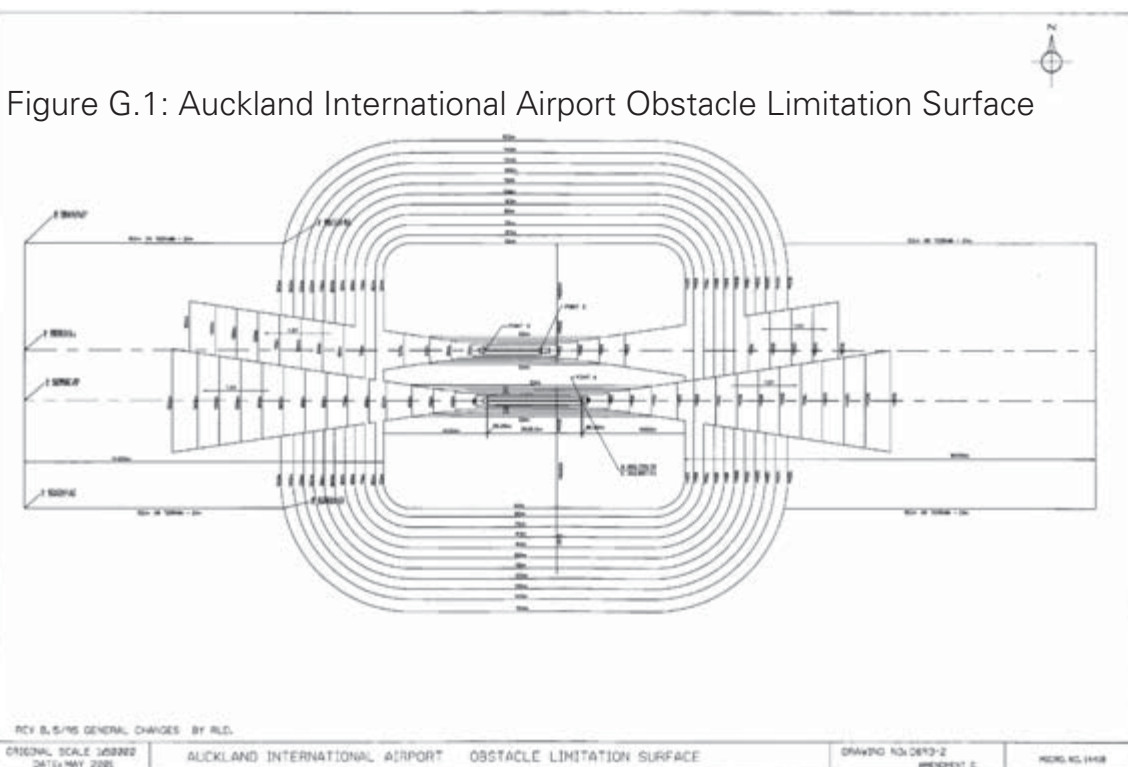
The Transitional Side Surface slopes upwards and outwards from the sides of the runway strips at a gradient of 1:7 extending until they meet the Inner Horizontal Surface and Approach Slopes.

7. Conical Surface

The Conical Surface slopes upward and outwards from the periphery of the Inner Horizontal Surface at a gradient of 1:40 until reaching an elevation of 152 metres above mean sea level.

8. Procedure Turning Surface Area

There are two Procedure Turning Areas, located to the east and west and bounded by the Conical Surfaces. The surfaces for the Procedure Turning Areas are at 152 metres above mean sea level or 21 metres above terrain, whichever is the higher. The northern limit of both Procedure Turning



Areas is 4000 metres north of the northern side of the proposed second runway strip. The southern limit of both Procedure Turning Areas is 4000 metres south of the southern side of the existing runway strip. The western limit of the western Procedure Turning Area is 14,000 metres west of the Inner Horizontal Turning Surface. The eastern Procedure Turning Area extends 16,000 metres east of the Inner Horizontal Surface.

9. Controlling Surface

At any point where any two surfaces overlap and are at differing elevations, the lower of the two surfaces shall apply.

Appendix H: Auckland International Airport Requirements for Runway End Protection Area

Runway End Protection Areas (REPAs) are areas off the ends of both the existing and proposed second runways which are required to be free of obstructions or activities which could interfere with aeronautical navigational aids. The areas of the REPAs as required for operational purposes are also areas in which, statistically, there are greater chances of aircraft related accidents. It is considered desirable that the public's exposure to such risks be reduced by limiting the range of activities permitted in the REPAs. The following requirements for REPAs are intended to achieve both objectives which, to a large extent, are compatible.

The requirements for REPAs detailed in this section are based on the **Federal Aviation Administration (FAA) Office of Airport Standards (Washington DC, USA) Advisory Circular 150/5300 -13 Airport Design and The Civil Aviation Authority (CAA) of New Zealand Advisory Circular AC139-06A Aerodrome Design – Aeroplanes Above 5700 kg MCTOW.**

The REPAs comprise fan-shaped areas plus a rectangular area which extends beyond the fan along the extended runway centreline. The fan-shaped areas commence at the ends of the runway strips (defined in the Specification for Obstacle Limitation Surfaces) and extend equidistant about the extended runway centreline to a point 750 metres from the end of the runway strips. The width of the fan at this point is 525 metres. The rectangular areas then extend beyond the fans and equidistant about the extended runway centrelines, for a further 540 metres. The width of the rectangular areas is 120 metres.

The restrictions on activities within the REPAs, detailed in this section, apply immediately with respect to the existing runway and from 31 December 2002 for the proposed second runway.

All buildings, except those required for aviation purposes, are prohibited within the REPAs. For the purpose of this section the word "building" shall have the meaning assigned to it under the Building Act 1992, except that the exclusions listed under section 3(1)(a), (b), (c), (f), (g), (h) and (i) of that Act shall not apply and those objects shall be considered to be buildings. Any building erected in the REPA for the proposed second runway shall be removed by 31 December 2002.

In addition to buildings, all activities which generate or have the potential to generate any of the following effects are prohibited:

- mass assembly of people;
- release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam;
- concentration of dangerous substances;
- production of direct light beams or reflective glare which could interfere with the vision of a pilot;
- production of radio or electrical interference which could affect aircraft communications or navigational equipment;
- attraction of birds.

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Appendix I: Maritime Safety Authority Guidelines on Applications for Coastal Permits relating to Marine Farming, 2001

21 August 2001

MARITIME SAFETY AUTHORITY GUIDELINES ON APPLICATIONS FOR COASTAL PERMITS RELATING TO MARINE FARMING

1. INTRODUCTION

1.1 This document sets out the guidelines of the Maritime Safety Authority (MSA) in relation to marine farms. The guidelines identify relevant navigational issues and establish criteria that will be applied when the MSA is requested to comment on applications for coastal permits to establish marine farms. This document supersedes all other marine farm policy and guideline documents issued by MSA and in respect of location shall apply to new farms and further development of existing farms.

1.2 Section 395 of the Resource Management Act 1991 (RMA) requires a regional council or local authority to give notice to the Minister of Transport when it receives an application for a coastal permit. The Minister of Transport then has the right to report back to the council or authority on any navigation related matters including location, lighting and marking. The Minister of Transport has delegated his reporting function under section 395 of the RMA to the Director of Maritime Safety.

1.3 Part 60 of the maritime rules will incorporate the lighting and marking requirements for marine farms. This rule is expected to come into force by September 2002.

1.4 The Resource Management (Transitional, Fees, Rents and Royalties) Regulations 1991 provide that an application for a resource consent in respect of work in a coastal marine area incurs a fee which is payable to the Minister of Transport. Pursuant to the Minister of Transport's delegation referred to in paragraph 1.2, this fee is payable to the MSA. The fee defrays the processing cost incurred by the MSA in considering applications and preparing reports for regional councils.

1.5 Applicants for a coastal permit for a marine farm shall assess the potential risk that the proposal presents to navigation. In undertaking this

assessment the applicant should consider current navigational use of the proposed location of the farm and document what measures they propose taking to mitigate any potential navigational issues. This assessment will be considered by MSA when reporting on the application pursuant to section 395 of the RMA.

1.6 It is recognised that navigational issues associated with a marine farm vary depending on the location and size of the farm and its proximity to other marine farms. Accordingly, the criteria in these guidelines have been developed to take account of these differences and to minimise navigational risks. The guidelines identify three categories of marine farms to which different criteria may be applied. The three categories are as follows:

- Enclosed waters marine farm
- Coastal waters inshore marine farm
- Coastal waters offshore marine farm

1.6 Farms located inshore from Mean Low Water, and which present a hazard to navigation are required to be lit and marked as per 4.2. However it may be appropriate to use beacons instead of buoys.

2. DEFINITIONS

For the purposes of these guidelines the following definitions apply:

Coastal waters means all waters within the coastal marine area that are not enclosed waters.

Coastal Waters: Inshore Marine Farm means a farm located in coastal waters whose outer boundary does not extend beyond 200 metres from mean low water.

Coastal Waters: Offshore Marine Farm means a farm located in coastal waters beyond 200 metres from mean low water.

Enclosed Waters includes all internal waters and waters inside Enclosed Water Limits as defined in Appendix III. Note; there may be some waters that should be defined as 'enclosed water' because they are located within deep bays. However, if those bays do not have limits as specified in this definition the farms in such locations will be categorised on a case by case basis.

Enclosed Waters Marine Farm means a farm located in enclosed waters.

Fish includes –

- (a) All species of finfish of the Classes Agnatha, Chondrichthyes, and Osteichthyes at all stages of their life history.
- (b) All shellfish (including all species of the phylum Echinodermata and phylum Mollusca and all species of the Class Crustacea) at all stages of their life history.
- (c) All species of animal life (except birds) which, at any time of the life history of the species, must inhabit water.

Headland means a promontory of land that extends from the baseline of a landmass and either:

- (a) juts out into the water on its own;
- (b) in association with another promontory forms a bay;
- (c) is a promontory of land that projects into the water.

Marine farm means all that part of the area that is being or has been developed into a farm for the farming of fish or marine vegetation; and includes all structures, whether floating or submerged, and rafts used in the area in connection with the farm, and all boundary markings, and all fish or marine vegetation for the time being farmed.

Marine Farming, in relation to any species of fish or marine vegetation, means the breeding, cultivating, and rearing of any such fish including spat catching or the cultivating of any such vegetation, as the case may be whether for commercial or research purposes.

Marine vegetation means any species of plant life which at any time of the life history of the species must inhabit water; and includes all kinds of algae and sea-grasses that grow below water or on tidal lands.

Permit holder means the holder of a coastal permit relating to a marine farm.

3. LOCATION OF MARINE FARMS

3.1 Enclosed Waters Marine Farms and Coastal Waters Inshore Marine Farms

3.1.1 Marine farms shall not unduly impede access to any bay, recommended or recognised anchorages or mooring areas, and shall not unduly impede navigation within the bay.

3.1.2 There shall be a clear access way of at least 50 metres between the mean low water and the inshore boundary of any marine farm to permit small craft to navigate along the shoreline.

3.1.3 Marine farms that are located within 200 metres from mean low water shall ensure that there is a clear access way of at least 50 metres between two or more marine farms for small craft navigation.

3.1.4 Marine farms located beyond 200 metres from mean low water are to be compressed or isolated in blocks that can readily be identified and marked on charts. These blocks must be arranged into simple shapes with clearly defined navigable areas around them.

3.1.5 There shall be a clear access way of at least 200 metres between any marine farm and jetties and other points of regular use by watercraft.

3.1.6 To ensure safe navigation around headlands, marine farms shall not be located within 150 metres of any headland.

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3.1.7 Marine farms shall not encroach on recommended or recognised anchorages, or mooring areas.

3.1.8 Marine farms shall not be located within 200 metres of water ski lanes and designated water ski areas.

3.1.9 Marine farms shall not be located on recognised navigational routes.

3.2 Coastal Waters: Offshore Marine Farms

3.2.1 Marine farms shall not unduly impede access to any bay, recommended or recognised anchorages or mooring areas, and shall not unduly impede navigation.

3.2.2 Marine farms shall not encroach on recommended or recognised anchorage or mooring area.

3.2.3 Marine farms shall not be located within 1000 metres of any recognised navigational route.

3.2.4 Marine farms are to be compressed or isolated in blocks that can readily be identified and marked on charts. These blocks must be arranged into simple shapes with clearly defined navigable areas around them.

4. LIGHTING AND MARKING OF MARINE FARMS

4.1 General

4.1.1 Marine farms shall at all times be marked in accordance with the standard markings as set out in the International Association of Lighthouse Authorities publication O-116 Marking of Fish Farms, December 1999 (Appendix II).

4.1.2 All marine farms lights/buoys and radar reflectors are to be purpose built and fit for purpose. Lights, buoys and radar reflectors are preferably to be obtained from manufacturers who fabricate navigation aids to a recognised standard (e.g. Maritime & Coastguard Agency (UK), United States Coast Guard, Australian Maritime Safety Authority).

4.1.3 All navigation marks and radar reflectors required by these guidelines must be constructed to remain substantially upright and withstand and remain effectively operational in all sea conditions reasonably anticipated at the site.

4.1.4 Marine farm lights shall be maintained in a reliable condition by the permit holder.

4.1.5 The maximum distance between floats on surface longlines must not exceed 25 metres.

4.1.6 Subsurface farms must display 'marker' surface floats along the boundaries of the farm to indicate the presence of the farm.

4.2 Enclosed Waters Marine Farms

4.2.1 In the event the approving authority grants the resource consent for a marine farm, the farm shall comply with the applicable minimum lighting and marking requirements mentioned in these guidelines. The applicant must obtain the written consent of the Harbour Master for the placement of these aids to navigation. In areas where there is no Harbour Master, contact the Maritime Safety Authority.

4.2.2 Section 200 of the Maritime Transport Act 1994 provides for the management of aids to navigation. Contact your Harbour Master and ask for MSA Form 16006. Along with the completed form attach a copy of the marine farm approval, the location of the farm, the dimensions of the farm, the proposed location (Latitude and Longitude) of the buoys and lights. Copies of the specification sheet of the lights, buoys and radar reflectors are to be attached.

4.2.3 Orange floats are to be placed at each end of every longline or line of floats; and

- (i) In every case must be at least 300mm diameter.
- (ii) Must be no more than 50% submerged.
- (iii) Must be maintained in such a condition that the orange colour is readily visible over the surface exposed to the air.

4.2.4 Light buoys are to be attached to the corners of marine farms to indicate a clear navigational passage. In most cases this will require four light buoys. However the harbour master for the relevant area may determine that more or fewer light buoys are required.

4.2.5 The light referred to in the above paragraph must be yellow, set to group flash 5 times every 20 seconds, be visible for at least 1 nautical mile and be at a height of one metre above sea level.

4.3 Coastal Waters: Inshore Marine Farms

4.3.1 In the event the approving authority grants the resource consent for a marine farm, the farm shall comply with the applicable minimum lighting and marking requirements mentioned in these guidelines. The applicant must obtain the written consent of the MSA for placement of these aids to navigation.

4.3.2 Section 200 of the Maritime Transport Act 1994 provides for the management of aids to navigation. Contact your local MSA office and ask marine farm approval, the location of the farm, the dimensions of the farm, the proposed location (Latitude and Longitude) of the buoys and lights. Copies of the specification sheet of the lights, buoys and radar reflectors are to be attached.

4.3.3 Orange floats are to be placed at each end of every longline or line of floats: and

- (i) In every case must be at least 300mm diameter.
- (ii) Must be no more than 50% submerged.
- (iii) Must be maintained in such a condition that the orange colour is readily visible over the surface exposed to the air.

4.3.4 Light buoys shall be attached to the corners of marine farms to indicate a clear navigational passage. In most cases this will require four light buoys. However the MSA may determine that more or fewer light buoys are required.

4.3.5 The light referred to in the above paragraph must be yellow, set to group flash 5 times every 20

seconds, be visible for at least 1 nautical mile and be at a height of one metre above sea level.

4.3.6 Where sites of marine farms are aggregated into an area of adjoining sites, special mark lights may be reduced in number but in all cases a light must be present on the corners of the aggregated area and must be shown on the perimeter at a distance apart of not more than 500 metres.

4.4 Coastal Waters: Offshore Marine Farms

4.4.1 In the event the approving authority grants the resource consent for a marine farm, the farm shall comply with the applicable minimum lighting and marking requirements mentioned in these guidelines. The applicant must obtain the written consent of the MSA for placement of these aids to navigation.

4.4.2 Section 200 of the Maritime Transport Act 1994 provides for the management of aids to navigation. Contact your local MSA office and ask for MSA Form 16006. Along with the completed form attach a copy of the marine farm approval, the location of the farm, the dimensions of the farm, the proposed location (Latitude and Longitude) of the buoys and lights. Copies of the specification sheet of the lights, buoys and radar reflectors are to be attached.

4.4.3 Orange floats are to be placed at each end of every longline or line of floats; and

- (i) In every case must be at least 300mm diameter.
- (ii) Must be no more than 50% submerged.
- (iii) Must be maintained in such a condition that the orange colour is readily visible over the surface exposed to the air.

4.4.4 Unless otherwise agreed by the MSA, the light and mark must be in accordance with IALA standards for cardinal marks.

- (i) The light must be at least 3 metres above water level.
- (ii) The intensity of the light (expressed as nominal range in nautical miles when there is 10 nautical

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miles of actual visibility), must be a minimum of 4 nautical miles nominal range.

- (iii) A radar reflector shall be positioned at the extremities of any site and be at least 2.5 metres above water level.
- (iv) Radar reflectors referred to above shall be of the 'octagonal corner reflector' type and have a minimum radar cross section of 33m². Refer to Appendix I for construction details.

4.4.5 Where cardinal marks are used to identify the extremities of a site, they may be situated outside the intended site if this is necessary to ensure that the directions they provide to mariners is most appropriate to provide for safe navigation near the site.

4.4.6 Where the corners of any site containing any offshore marine farm do not correspond with the cardinal marks, the corners shall be marked using special marks that have the following characteristics:

- (i) The light must be yellow and flash 5 times every 20 seconds.
- (ii) The light must be at least 2 metres above water level.
- (iii) The intensity of the light (expressed as nominal range in nautical miles when there is 10 nautical miles of actual visibility) must be a minimum of 2 nautical miles nominal range.

7.7.7 Where the corner marks are spaced more than one half nautical mile apart on any marine farm or block of marine farms, they must be supplemented with additional special marks showing light at night, placed along the perimeter of the site so that the distance between any marks (corner or perimeter) is no greater than ½ nautical mile. The light on special (perimeter) marks must have the following characteristics:

- (i) The light must be yellow and flash 5 times every 20 seconds.
- (ii) The light must be at least 2 metres above water level.

- (iii) The intensity of the light (expressed as nominal range in nautical miles when there is 10 nautical miles of actual visibility) must be a minimum of 2 nautical miles nominal range.

4.4.8 Where a navigable channel exists between a marked site for aquaculture and another obstruction, or within an aquaculture site, lateral marks may be used to identify that channel and may replace any special or cardinal marks required adjacent to that navigable channel on that site.

5. CONSTRUCTION AND MAINTENANCE OF ALL MARINE FARMS

5.1 All marine farms must be positioned in the area as per the plans that have been approved by the approving authority. The permit holder should ensure that the marine farm and associated structures are built in accordance with the plans.

5.2 If part of a marine farm or navigational aid breaks adrift or sinks, the permit holder must take immediate steps to recover the sunken or drifting object and ensure that the remainder is safe and complies with all permit conditions.

5.3 The permit holder must be responsible for inspecting and maintaining navigation aids, the marine farm and any associated moorings.

5.4 Any cordage such as ropes, lines or warps used to tether buoys or otherwise used in association with any marine farm structure or navigation mark must not be a danger to navigation.

<u>Area</u>	<u>Enclosed Water Limits</u>
<u>Caswell Sound</u>	<u>Inside a straight line from Hansard Point in a 270° direction to the opposite shore.</u>
<u>Catlins River</u>	<u>Inside a straight line from Hayward Point in a 067° direction to the opposite shore.</u>
<u>Chalky Inlet</u>	<u>Inside a straight line from Breaker Point to Stripe Point.</u>
<u>Charles Sound</u>	<u>Inside a straight line from Hawes Head in a 090° direction to the opposite shore.</u>
<u>Chatham Islands, Te Whanga Lagoon</u>	<u>Inside a straight line across the banks at Hikurangi Channel.</u>
<u>Clutha River</u>	<u>Inside the Clutha River entrances.</u>
<u>Coromandel</u>	<u>Inside straight lines commencing at the southernmost tip of Tokotarea Point, from there 239° for 4.4 miles, and from there 170° to the shore at Deadmans Point.</u>
<u>Dagg Sound</u>	<u>Inside a straight line from Castoff Point in a 180° direction to the opposite shore.</u>
<u>Doubtful and Thompson Sounds</u>	<u>Inside straight lines from Febrero Point to South West Point Secretary Island, and from Colonial Head to Shanks Head.</u>
<u>Dusky and Breaksea Sounds</u>	<u>Inside straight lines from the north point of Resolution Island near Stevens Cove in a 033° direction to the opposite shore, and from the north point of Pickersgill Harbour in a 018° direction to the shore of Resolution Island.</u>
<u>French Pass</u>	<u>Inside straight lines from Clay Point to Halfway Point and from Okuri Point to Sauvage Point.</u>
<u>George Sound</u>	<u>Inside a straight line from the west head at George Sound entrance in a 090° direction to the opposite shore.</u>
<u>Gisborne</u>	<u>Inside the area of a circle of 1.4 miles radius centre on the outer breakwater lighthouse.</u>
<u>Great Barrier Island</u>	
<u>(a) Port Fitzroy</u>	<u>Inside straight lines joining Mauganui Point, Wellington Head, False Head, Pyramid rock, and the south point of Junction Islands, from there in a 000° direction to the shore of Great Barrier Island.</u>
<u>(b) Tryphena Harbour</u>	<u>Inside a straight line from Shag Point to the South Point of Ross Bay</u>
<u>Greymouth</u>	<u>Inside a straight line joining the seaward ends of the breakwaters.</u>
<u>Havelock</u>	<u>Inside straight lines from West Entry Point to Goat Point and from Yellow Point in a 110° direction to the opposite shore.</u>
<u>Herekino</u>	<u>Inside a straight line from the northwest point of the south head in a 000° direction to the opposite shore.</u>
<u>Hicks Bay</u>	<u>Inside a straight line from Matakaoa Point to Haupara Point.</u>
<u>Hokianga</u>	<u>Inside a straight line from North Head to South Head.</u>
<u>Hokitika</u>	<u>Inside a straight line across the entrance to the Hokitika River.</u>
<u>Houhora</u>	<u>Inside a straight line from Perpendicular Point in a 250° direction to the opposite shore.</u>
<u>Invercargill</u>	<u>Inside a straight line from Entrance Point to Steep Head.</u>
<u>Kaiapoi</u>	<u>Inside a straight line across the entrance to the Waimakariri River.</u>
<u>Kaipara</u>	<u>Inside a straight line from North Head in a 125° direction to the opposite shore.</u>
<u>Kawau</u>	<u>Inside straight lines from Mullet Point to Point Elizabeth, and from Kawati Point lighthouse in a 000° direction to the opposite shore.</u>
<u>Kawhia</u>	<u>Inside a straight line from Tauratahi Point to Urawhitiki Point.</u>

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Lyttelton	Inside a line from Sumner Head to the position 045° half a mile from Sumner Head, to the position 045° half a mile from Baleine Point, to Baleine Point.	Opotiki	Inside a straight line across the Opotiki Harbour entrance from the western extremity of Hikuwai Beach in a 240° direction.
Mahurangi	Inside straight lines from Sadler Point to the north point of Te Haupa Island and from the south point of Te Haupa Island to South Head.	Parengarenga	Inside a straight line from Ngamaru Point in a 200° direction to the opposite shore.
Maketu	Inside the entrance to the Kaituna River and the Maketu Estuary.	Patea	Inside a straight line joining the seaward extremities of the Patea River breakwaters.
Manukau	Inside a straight line from the South point of Paratutai Island in a 120° direction to the shore.	Picton	Inside a straight line from East Head to West Head, Tory Channel and from Cooper Point to Kempe Point.
Manawatu	Inside the entrance to the Manawatu River.	Port Chalmers	Inside a straight line from Taiaroa Head to the seaward end of the North Mole.
Mangawhai	Inside a straight line from the point on Mangawhai North Head nearest to Sentinel Rock lighthouse in a 180° direction to the opposite shore.	Porirua	Inside a straight line from the west point of Onehunga Bay in a 042° direction to the opposite shore.
Mangonui	Inside a straight line from Rangitoto Point to Rangikapiti Head.	Port Taranaki	Inside a straight line joining the north ends of the Main and Lee breakwaters.
Milford Sound	Inside a straight line from St Anne Point lighthouse in a 078° direction to the opposite shore.	Port Underwood	Inside a straight line from Robertson Point to the south point of Ocean Bay.
Mokau	Inside the entrance to the Mokau River.	Preservation Inlet	Inside straight lines from Cavern Head to Sandfly Point Coal Island and across Otago Retreat at its narrowest width.
Nancy Sound	Inside a straight line from Burnett Point to Anxiety Point.	Raglan	Inside a straight line from Rangitoto Point in a 180° direction to the opposite shore.
Napier	Inside a straight line from the northern extremity of the east breakwater in a 270° direction to the shore.	Riverton	Inside a straight line from Talls Point in a 000° direction to the opposite shore.
Nelson	Inside straight lines joining the outer ends of the main entrance moles and from the south point of Haulashore Island in a 135° direction to the opposite shore.	Stewart Island	Inside straight lines commencing at the southern extremity of West Head, Port William, from there 110° for 3.2 miles, and from there 160° to Anglem Point.
Ngunguru	Inside the entrance to the Ngunguru River.	Sumner	Inside a straight line from Cave Rock in a 330° direction to the opposite shore.
Oamaru	Inside a straight line joining the seaward ends of the breakwater and the north mole.	Sutherland Sound	Inside a straight line from Jagged Rocks in a 060° direction to the opposite shore.
Ohiwa	Inside a straight line across Ohiwa Harbour entrance at its narrowest point.		

<u>Tairua</u>	<u>Inside a straight line from Te Huruuru Point in a 230° direction to the opposite shore.</u>	<u>Whangamata</u>	<u>Inside a straight line from the southern point at Te Karaka in a 250° direction to the opposite shore.</u>
<u>Tarakohe</u>	<u>Inside a straight line joining the seawards ends of the eastern and western breakwaters.</u>	<u>Whanganui Inlet</u>	<u>Inside a straight line from Bar Point to South Head Cone.</u>
<u>Tauranga</u>	<u>Inside straight lines across Katikati Entrance at its narrowest point and from Northwest Rock in a 270° direction to Matakana Island.</u>	<u>Whangape</u>	<u>Inside a straight line from Taupeke Point in a 320° direction to the opposite shore.</u>
<u>Thames</u>	<u>Inside a straight line from Opani Point in a 075° direction to the opposite shore.</u>	<u>Whangarei</u>	<u>Inside a straight line from Marsden Point to Busby Head.</u>
<u>Thompson and Doubtful Sounds</u>	<u>Inside straight lines from Febrero Point to South West Point Secretary Island, and from Colonial Head to Shanks Head.</u>	<u>Whangaroa</u>	<u>Inside a straight line from North Head to South Head.</u>
<u>Timaru</u>	<u>Inside a straight line joining the seaward ends of the Outer North Mole and the Eastern Extension Mole.</u>	<u>Whangaruru</u>	<u>Inside straight lines commencing at North Head, from there to the north point of Henry Island, and from there to the south point of Oakura Bay.</u>
<u>Tutukaka</u>	<u>Inside a straight line from the southern extremity of Tutukaka Head in a 220° direction to the opposite shore.</u>	<u>Whitianga</u>	<u>Inside a straight line from Whakapenui Point lighthouse in a 270° direction to the opposite shore.</u>
<u>Waikato</u>	<u>Inside a straight line from Trig 71 on the Waikato River entrance south head in a 350° direction to the opposite shore.</u>		
<u>Wairau</u>	<u>Inside a straight line across the entrance to the Wairau River.</u>		
<u>Waitara</u>	<u>Inside a straight line joining the seaward ends of the breakwaters.</u>		
<u>Wanganui</u>	<u>Inside a straight line joining the seaward ends of the north and south moles.</u>		
<u>Wellington</u>	<u>Inside a straight line from Pencarrow Head lighthouse to Palmer Head.</u>		
<u>Westport</u>	<u>Inside a straight line joining the seaward ends of the breakwaters.</u>		
<u>Whakatane</u>	<u>Inside a straight line across the Whakatane River entrance at its narrowest point.</u>		

Appendix J: Urban design criteria for new developments in the coastal marine area

BUILDING DESIGN

- 1 Building design should be of the highest quality, showing creativity and responsiveness to the marine context in a way that contributes to the identity of the Auckland waterfront; and
- 2 The rhythm and scale of architectural features, windows, finishes and colour should complement the marine environment, particularly where this would assist or strengthen the overall effect of any frontage facing a street or other public space; and
- 3 Sound building design precedents should be introduced to provide visual clues to a building's overall scale and size and to avoid flat planes or blank facades devoid of modulation, relief or surface detail; and
- 4 Roof profiles should be designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from wharf and ground level, higher surrounding buildings and public spaces. This includes consideration of the treatment of plant, exhaust and intake units, and other mechanical and electrical equipment into the overall rooftop design; and
- 5 Signs and signage should not dominate the architecture of a building or wharf. Signs and signage should be integrated with the architecture of the building; and
- 6 Building entrances should be identifiable from public areas and directly accessible from wharf level; and
- 7 Buildings should be designed to be adaptable to respond to changing uses and activities; and
- 8 Buildings should be designed to mitigate against the effects of noise and other environmental conditions associated with events, fishing industry and port activities associated with the waterfront; and
- 9 The use of durable and easily maintained materials of an appropriate quality on the

exterior of buildings is essential in the waterfront environment; and

ACCESSWAYS AND VEHICLE ACCESS

- 10 Buildings or vehicle access routes should generally not inhibit public pedestrian access to waterfront views or the water's edge; and
- 11 Where practicable, vehicle parking and loading docks should not be visible to the public, whether located within buildings, in private or public spaces; and
- 12 Buildings should be designed to provide strong architectural clues to accessways, waterfront promenades and through-site links, through alignment with primary pedestrian routes, with clearly indicative entrance imagery, to support a legible pedestrian network in the area. Buildings should incorporate appropriate design features which contribute to a safe and comfortable pedestrian environment; and
- 13 The design of vehicle ingress and egress to sites should be considered primarily from the perspective of the pedestrian, particularly in terms of space, accessway width, visibility, safety, amenity and the use of materials; and
- 14 Buildings should be well spaced and provide through-site links to facilitate convenient pedestrian routes; and
- 15 Built form and open space design should support access to water-based transport with provision of safe, visible and convenient access between the water's edge and other transport modes; and

SITE AMENITY AND INTERFACE WITH SURROUNDINGS

- 16 Buildings, landscaping and access routes should be designed to support the integrity of the wharf structure and ecological environment; and
- 17 Design at wharf level must contribute to pedestrian vitality, interest and public safety. This includes architectural detail and maximising

doors, window openings and balconies fronting streets, the water's edge and other public spaces; and

- 18 Activities which engage and activate adjacent public space at wharf and ground level are encouraged; and
- 19 Where practicable, designs should retain and reflect character features, structures and elements, such as existing bollards, rail tracks, piles and pipes, that demonstrate the history and heritage of the working waterfront; and
- 20 New development should be designed in accordance with Crime Prevention Through Environmental Design principles and support a fully accessible environment for people with disabilities or low mobility; and

SUSTAINABILITY

- 21 Buildings should be designed to be sustainable through the use of durable low maintenance materials, inert exterior cladding (avoiding the use of materials containing copper or zinc), maximising solar access and natural ventilation and the incorporation of mechanical and electrical systems that optimise energy efficiency; and
- 22 On-site stormwater conservation measures should be incorporated where appropriate including rainwater harvesting devices, green roofs, site landscaping, rain gardens and wetland treatment systems and stormwater planter boxes; and
- 23 Adequate storage space and containers must be provided for rubbish and recyclable material, in a location which is clearly visible and easily accessible to occupants and collection vehicles.

Appendix K: Comprehensive Coastal Management Plans

INTRODUCTION:

Comprehensive Coastal Management Plans (CCMPs) provide a comprehensive long term management framework for part of the coastal environment. They are non-statutory plans that can be prepared by individuals or communities, territorial authorities or the ARC, or a combination of these groups. CCMPs are similar to Coastal Compartment Management Plans and Coastal Management Strategies.

Some CCMPs will be prepared with a focus on a particular issue, such as coastal hazards or mangroves, but will take an integrated approach in addressing the issue, taking into account the other matters relevant to the coastal compartment. Other plans or documents that relate to the area addressed in a CCMP, for example open space strategies or reserve management plans, should be taken into account.

CCMPs provide an overall goal or vision for the area, and a context for assessing future resource consent applications and projects. CCMPs will be developed through a comprehensive assessment of the environment and a robust consultation process. CCMPs provide agreed objectives for the future use, development and protection of an area and aim to avoid the adverse cumulative effects that can result from ad hoc decision making.

The emphasis and level of detail that will need to be provided in a CCMP will depend on the particular matters that are addressed.

Comprehensive Coastal Management Plans:

Matters to be Addressed

Matters to be Considered Include:

An assessment of the coastal environment (including land and coastal marine area)

- A description of the current natural and physical environment, features, processes and values, such as ecology, natural character, water quality, coastal hazards, sedimentation rates and processes, and landscape values.
- A description of any changes to the environment that have had a significant influence on the present characteristics, including descriptions and/or historical records from the local community and/or iwi on the changes that have occurred over time, and conditions such as new structures, sedimentation, changes in catchment use, or changes in mangrove extent.
- Identification and description of the social, cultural, economic, heritage and amenity values and uses. Consideration should include access and navigation, identification of public roads, reserves, boat ramps, recreation areas and any significant adjoining land use or water activities (e.g industrial or urbanised areas, marine farms or mooring areas).
- Identification of areas of high use, including a description of the activity and the geographical extent.
- Identification and description of areas of significant environmental, social, cultural, or economic values.
- Identification of particular areas for enhancement or protection.

The issues and the visions/ goals for the future

- A description of the key concerns or problems, and who is affected.
- The vision and goals for the area, and a description of how these were determined.
- Analysis of the degree to which the vision and goals take into account the characteristics and values identified, and the consultation undertaken.

Matters to be Addressed**Matters to be Considered Include:**

The proposed actions to address the issues and vision/goals

- A description of the proposed actions and an explanation of-how these will achieve the vision.
- Identification of the alternative options for achieving the vision and goals.
- The reasons and process for identifying the preferred options.
- Identification and description of any areas of particular use and value that are proposed for protection or enhancement.
- Identification of the location and timing of proposed actions, taking into account the need to ensure an achievable programme of actions.
- Identification of the persons who will be responsible for the proposed actions.
- The measures proposed to:
 - mitigate or remedy any adverse effects from the proposed actions
 - protect or enhance areas identified as having significant values
 - monitor effects

The consultation process

- Comprehensive and inclusive consultation should be undertaken with affected property owners, the local community (organisations/groups), iwi, stakeholders and user groups, and where significant works are proposed, the territorial authority and the ARC.
- Identification of the parties consulted.
- A description of the decision making process used.
- Identification of the response and views of those consulted and any matters where agreement was not reached.

Shaded text indicates variations 1 – 6

Definitions

Where terms are defined in the RMA they have not been repeated here. For clarity the following additional terms are defined:

Adaptive Management Technique means staging the development of aquaculture within Aquaculture Management Areas to allow any actual or potential adverse cumulative effects to be determined by environmental monitoring. Further aquaculture development will be dependent on whether or not there are adverse environmental effects from the first stage of development.

Ancillary Providing subsidiary support for, or is secondary to an identified activity, use or development, and includes for example - fenders, handrails, seating, weather protection devices, bicycle racks, refuse facilities, water and sewage reticulation, power and telecommunication cables, and minor facilities normally associated with port structures, buildings and activities.

Aquaculture For the purposes of this Plan any activity associated with the breeding, collection, cultivation, growing or harvesting of fin fish, shellfish, marine vegetation or other forms of aquatic life for sale and/or consumption, which are controlled by section 12 and 15 of the Act and may include: the placement or erection of structures or other equipment; the disturbance of the foreshore and seabed (other than for the purpose of lawfully harvesting any plant or animal), the deposition of any matter on the foreshore or seabed; the occupation and use of the seabed or water in the coastal marine area, in order to facilitate and/or control the breeding, collection, including spat catching, cultivation, growing and/or harvesting of finfish, shellfish, marine vegetation, or other forms of aquatic life.

This definition does not include any lawful collection or harvesting of any plant or animal controlled by MoF under Fisheries Act legislation.

Aquaculture Activity(ies) means marine farming or spat catching or both.

Aquaculture Management Area (AMA) means an operative Aquaculture Management Area and an area that has been defined in the coastal marine area for

the primary purpose of carrying out aquaculture activities. Aquaculture activities outside an Aquaculture Management Area are prohibited.

Assimilative capacity means the quantity of contaminant that can be discharged into a body of water without producing a harmful or irreversible biological impact.

Atua Deity.

Bathymetry Depth of water. Bathymetry is mapped using bathymetric contours, which show lines of equal depth, in a similar way that topographic contours show lines of equal altitude.

Beach nourishment The placement of sediment by artificial means on the foreshore or seabed within a nearshore sediment system. Usually the imported material is of similar physical characteristics to the material already present. Beach nourishment is most commonly carried out as a coastal protection measure. It is not considered to be a reclamation, because its primary purpose is not to create new land.

Benthic Of or living on the seabed.

Building Any covered or partially covered structure, whether or not it is enclosed, including sheds used for the storage and/or transhipment of cargo, administration buildings, workshops, garages, substations, toilet facilities and passenger embarking and disembarking buildings. It does not include fenders, piles, pontoons, ramps, handrails, chimneys, aerials, lift towers, lighting poles, cranes, derricks, mechanical wind turbines, cargo stacking and lifting devices, conveyors, machinery rooms and flagpoles.

Capital works dredging The disturbance of the seabed by the excavation and removal of material in order to provide increased water depths beyond existing approved levels.

Careening area An area where ships are turned on one side for cleaning, caulking and related maintenance.

Coastal compartment A discrete part of the coast, within which material on the foreshore and seabed actively moves with changing wave conditions. Coastal compartments are often bounded by rocky headlands.

Coastal margin disposal The placement of dredged material, or of solid matter onto the foreshore, and possibly also the seabed, at the interface of the land and the sea. This may include the techniques of beach nourishment, habitat enhancement, and fill for authorised reclamations.

Coastal protection measure Any structure or work erected, placed or carried out on or adjacent to the foreshore so as to alter natural coastal processes, in order to protect land above MHWS from the adverse effects of natural coastal hazards. Examples of coastal protection structures include seawalls, groynes, riprap and gabion baskets. Examples of coastal protection works include beach nourishment and dune rehabilitation.

Coastal water Water within estuaries, inlets, harbour and embayments, and those areas immediately adjoining these as shown on Map 19.1 of Chapter 19.

Comprehensive Coastal Management Plan A plan prepared for one or more adjacent coastal compartments that has been prepared in accordance with Appendix K.

Consultation Communication between persons for the purposes of the RMA. Consultation may have a range of purposes, including the collection or dissemination of information, or identification or resolution of issues, consultation should satisfy the following guidelines:

- a Consultation must be no mere formality, the party obliged to consult must bring to the

process a willingness to change; to consult is not merely to tell.

- b The party being consulted must be adequately informed; they must have access to sufficient information so that they can make an intelligent and useful response to the proposals being put forward.
- c Sufficient time must be allowed.
- d Provision should be made for consultation with Tangata Whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori.

“Consult” and “Consulting” have corresponding meanings.

Contact recreation Recreational activities which have a reasonable probability of the participant(s) being immersed. It includes, but is not limited to, swimming, diving, water skiing, jet skiing, surfing and sailing on sailboards or small centreboard yachts.

Conventional inter-tidal aquaculture activities means the carrying out of inter-tidal aquaculture activities on racks or in cages.

Conventional long line aquaculture activities means the carrying out of aquaculture activities on long lines.

Conventional oyster farming ~~The inter-tidal farming of oysters on racks.~~

Conventional mussel farming ~~The deep water farming of mussels on long lines.~~

Dam or Impoundment Any structure or work erected in the CMA which results in the removal of an area of foreshore and seabed from the natural ebb and flow of the tide and/or results in the artificial raising of water levels. The entry and exit of coastal water may be artificially controlled on either a permanent or temporary basis.

Shaded text indicates variations 1 – 6

An impoundment involves the artificial control of tidal action, and the impoundment of predominantly coastal water.

A dam results in the artificial raising of water levels, and involves predominantly fresh water derived from streams or rivers, or from stormwater collection systems.

Damming or impoundment does not include reclamation or drainage, which result in the creation of dry land.

Debris See “Marine Debris”

Deemed coastal permit means a current marine farming lease or licence granted under the Marine Farming Act 1971.

Defence training exercises The discharge of projectiles from naval vessels, aircraft or from Defence facilities on land into the air and water of the CMA in those areas identified as Defence Exercise Areas on the maps. Such ships, aircraft or army personnel to include those from the NZ Defence Forces and any associated fleet, airforce or army while on joint exercises. For the purposes of this Plan, Defence Training Exercises in identified Defence Exercise Areas does not include underwater explosives training exercises, involving the release of explosives by divers.

Demolition or Removal Removing or dismantling of a structure.

Drainage The removal of coastal water from any part of the CMA, resulting in the creation of a dry area. This activity is usually associated with the construction of stop banks around the perimeter of the area to be drained. Drainage does not necessarily involve the raising of the surface level of the land above MHWS. However, drainage removes part of the CMA from inundation by the tide, and thus from the natural functioning of marine processes.

Drainage Systems River and stream mouths, irrigation or land drainage canals, stormwater or wastewater pipes.

Ecological District The recognition that the coastline is made up of different areas which have their own distinctive pattern of ecosystems and special features which can be determined by a consideration of the elements that have the greatest influence, for example the topography, geology (e.g. mud, sand or rocky foreshore or seabed), climate (prevailing wind, exposure) biological features and communities (naturally occurring plants in a particular habitat).

In terms of using indigenous plants from the same ecological district, this would mean using plants grown from seed or plant stock obtained if possible from the same area of vegetation or similar nearby sites, or from the same catchment or local areas as the planting site and planting in ecologically appropriate places; e.g. using plants appropriate for the habitat into which they are to be located, for example species naturally occurring in saltmarsh, mud/mangrove, duneland or rock/cliff habitat.

Entertainment facilities Land or buildings in which facilities are provided for at a charge to the public, or by private reservation, for indoor recreation and entertainment, or for the promotion of physical health or beauty culture. Entertainment facilities may include premises licensed under the sale of Liquor Act, theatres, cinemas, cabarets, clubs, amusement galleries, gymnasiums, sauna, or figure control clinics.

Entities that own or hold the long-term commercial harvesting rights in affected fisheries means quota owners in Quota Management Area (as defined under the Fisheries Act 1983) fisheries and fishing permit holders in non-Quota Management System (as defined under the Fisheries Act 1983) fisheries.

Exotic plant Any plant that is not native to New Zealand i.e. not indigenous.

Fishing industry Port activities associated with fishing vessels, including use of wharves for vessel loading and unloading, berthing, maintenance and ancillary activities.

Functional need That a site or location in the coastal marine area is necessary for an activity to be able to be carried out.

Gross floor area Gross floor area is the sum of the gross area of any or all of the floors of all buildings on a particular site/structure, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings or, in the absence of walls, from the exterior edge of the floor.

Except as otherwise provided, where floor to floor vertical distance exceeds 6m, the gross floor area of the building or part of the building so affected shall be taken as the volume of that space in cubic metres divided by 3.6.

In particular, gross floor area includes:

- a Basement space except as specifically excluded by this definition.
- b Elevator shafts, stairwells and lobbies at each floor unless specifically excluded by this definition.
- c Interior roof space providing headroom of 2.4m or more whether or not a floor has been laid.
- d Floor spaces in interior balconies and mezzanines.
- e Floor space in terraces (open or roofed), external balconies, breezeways, porches if not more than 50% of the perimeter of these spaces is enclosed, except that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m shall not constitute an enclosure
- f All other floor space not specifically excluded.

The gross floor area of a building shall not include:

- Uncovered steps.

- Interior roof space having less than 2.4m headroom.
- Floor space in terraces (open or roofed) external balconies, breezeways (other than breezeways occupied by permitted car parking) or porches (A "breezeway" is a roofed outdoor area) provided that not more than 50% of the perimeter of these spaces is enclosed and provided that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m shall not constitute an enclosure.
- Basement space for stairs, escalators and elevators essential for access, or for servicing a floor used only for car parking or loading.
- Other basement space to an equivalent maximum floor area ratio of 1 except that the space excluded shall not be used in the calculation of permitted parking.
- Required parking and/or loading spaces.
- Car parking in basement space (including manoeuvring areas, access aisles and access ramps) except that the space excluded shall not be used in the calculation of permitted parking.
- Non-habitable floor space in approved structures.
- Any entrance foyer/lobby or part of it including the void forming an integral part of it (being a primary means of access to a building) which is open to the public, is accessed directly from a public place and has an over-head clearance of not less than 6m.

Hapu Sub-tribe, usually a number of whanau with a common ancestor.

Hauraki Gulf All of the CMA on the east coast of the Auckland Region, including all harbours, estuaries, inlets and embayments.

Shaded text indicates variations 1 – 6

Hazardous Substance means, unless expressly provided otherwise by regulations, any substance

- a with one or more of the following intrinsic properties:
 - i explosiveness
 - ii flammability
 - iii a capacity to oxidise
 - iv corrosiveness
 - v toxicity (including chronic toxicity)
 - vi ecotoxicity, with or without bioaccumulation; or
- b which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition:

Height Height shall be measured as the vertical distance between the highest part of the building or structure above mean sea level. No account shall be taken of items such as chimneys, aerials, lift towers, lighting poles, cranes, derricks, mechanical wind turbines, cargo stacking and lifting devices, conveyors, machinery rooms and flagpoles.

Impoundment See “Dam”.

Inner coastal water Is all that coastal water which is NOT Open Coastal Water and for the purposes of this Plan is has been identified as that area shown on Figure 19.1. in Chapter 19.

Introduced plant The planting or transplanting of indigenous plants that are not naturally occurring.

Iwi Maori tribe, usually a number of Hapu with a common ancestor.

Kaitiaki The Tangata Whenua guardian who exercises the ancestral responsibilities of Kaitiakitanga.

Lawful Structure A structure that has all the required approvals.

Litter All man-made materials that are deposited on the foreshore, whether by wave action or human disposal. This includes plastics, glass, metals and other synthetic materials.

London Dumping Convention 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (sometimes known as the “London Convention” or the “London Dumping Convention”).

Mahinga mataitai reserves Food resource reserves developed in accordance with regulations arising from the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Maintenance and repair Work carried out:

- a in order to maintain the structure in a good and safe working condition (including painting); and
- b which does not use materials which alter the form or external appearance of the structure in more than a minor way, and
- c does not change the area occupied by the structure.

Maintenance dredging. Dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of vessels, in navigation channels and at berthing and mooring facilities, including marina developments.

Maimai A structure to be used for the purpose of game bird shooting.

Manaakitanga Expression of hospitality towards people.

Mangrove colonisation: Where it can be identified from historical records, including aerial or other photos, that mangroves are growing in areas where they were previously absent.

Mangrove removal: Partially or wholly removing, burying or clearing mangroves, including the pruning of branches, removal at the trunk, digging out by hand or hand held implement, or machine, the removal of root systems, or the pulling-out of seedlings.

Mangrove seedling: A mangrove that:

- a has a single supple stem and is no more than 60 cm (0.6 metres) tall; and
- b shows no reproductive capability (i.e has no propagules (seed pods) or flowers).

Maori land Maori customary land and Maori freehold land.

Marae The focal point of Maori cultural, spiritual, social, political and economic activity. The term Marae, as used in this context, refers to the complex of buildings and land which make up the meeting house, dining hall, and include developments such as Kaumatua (elders) housing, kohanga reo (language nest), Kokiri units (skills training centres) and other supporting facilities.

Marina A comprehensively designed facility primarily for the accommodation of boats, comprising berths, pontoons and piers, and any associated reclamations and breakwaters. A marina may also include land based areas for car parking and associated facilities and servicing. Established marinas are identified as Marina Management Areas on the plan maps. Where a marina has resource consent (or a deemed resource consent as a result of empowering legislation) for expansion beyond its current geographic limits, the respective Marina Management Area includes any such authorised expansion.

NB: marina facilities above MHWS are not subject to control by this Plan.

Marina Berths Structures used to berth a vessel; including pontoons, piers, gangways, piles and other ancillary fixtures.

Marine debris Natural material that is deposited on the foreshore by the action of waves and currents. This includes driftwood, shells and seaweed.

Marine disposal The placement of dredged material, or of solid matter, onto the sea bed entirely within the CMA, but excluding coastal margin disposal.

Marine event A maritime related or water-based cultural, entertainment or recreational event, including boat races, regattas, boat shows or exhibitions, swimming events, and triathlons.

Marine Farming means:

a breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed for harvest; and

b includes any operation in support of, or in preparation for, marine farming; but

c does not include any of the things in paragraph (a):

i done under regulations made under section 301 of the Fisheries Act 1996; or

ii if the fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit; or

iii if the fish, aquatic life, or seaweed cannot be distinguished or kept separate from naturally occurring fish aquatic life, or seaweed.

Marine Farming Authorisation means an authorisation to carry out marine farming activities issued by the Ministry of Fisheries under the Marine Farming Act 1971.

Shaded text indicates variations 1 – 6

Marine Farming Lease or Licence means a lease or licence to carry out marine farming issued by the Ministry of Fisheries under the Marine Farming Act 1971.

Marine industry Port activities associated with boat building, storage, refit and repair, including use of drydocks, slipways, travel lifts, shiplifts and syncrolifts, refit halls and ancillary activities.

Marine Protected Area A part of the marine environment given legal protection in order to ensure the preservation of marine flora and fauna, habitats and ecosystems. In addition, marine protected areas may support a variety of associated uses, including scientific study, education, public use and enjoyment and tourism. A range of mechanisms is available for the legal protection of marine areas, including regulations or Taiapure under the Fisheries Act 1983, and Marine Reserves under the Marine Reserves Act 1971.

Maritime passenger transport Port activities associated with ferries and water taxis including passenger, tourist, freight movement and storage, and vehicular ferry operations, and ancillary administration activities.

MARPOL International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (known as "MARPOL 73/78" or "MARPOL"), in particular Annexes I and II.

Mauri Life force, life essence.

Mean High Water Springs (MHWS) The height of mean high water springs shall be determined as:

The average of the heights of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days) when the range of tides is greatest.

Minor upgrading of Electricity Transmission Structures

An increase in the carrying capacity, efficiency or security of electricity and associated telecommunication lines, utilising existing support structures, and includes:

a the addition of circuits and/or conductors; or

b re-conductoring with higher capacity conductors; or

c the resagging of conductors; or

d the addition or replacement of more efficient insulators; or

e the addition of earthwires (which may contain a telecommunication line e.g. fibre optic) earthpeaks and lightning rods.

Minor upgrading shall not include:

i An increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

Mooring Any weight, pile or article placed in or on the foreshore or seabed for the purpose of securing a vessel, raft, aircraft, or floating structure; and includes any float, wire, rope, or other device attached or connected to such weight, pile or article, but does not include an anchor which is normally removed with a vessel, raft, aircraft, or floating structure when it leaves a site or anchorage or the non-permanent laying and relaying of buoys. For the purpose of this plan a mooring is not defined as a structure.

Motor vehicle Any vehicle powered by an engine and used or capable of being used for land transport. This definition includes but is not limited to trucks, bulldozers, cars, motorbikes, four wheel drive vehicles and hovercraft.

Nearshore sediment system An area usually comprised of dune, beach and seabed sands extending from the landward limit of sediment exchange to a seaward depth of closure or nil offshore sediment exchange. The system is usually laterally defined by visible headlands composed of rock, sandstone or mudstone, or significant terrestrial water courses that limit or prevent the longshore exchange of sediments with other systems.

Natural character Those qualities and values of the coastal environment which derive from the presence of natural features and natural

processes. These qualities include the presence of indigenous vegetation and habitats, landforms, landscapes, the historic, aesthetic, cultural and spiritual values of natural features, the functioning of natural processes and the maintenance of high water quality. Although not excluding structures and human activities, areas of natural character derive their predominant influence, character or identity from the presence of natural values and processes.

Navigational aid Any buoy, beacon, light, marker, sign, fog signal apparatus or radio device erected, moored, or placed in the CMA in aid of navigation. For the purposes of this Plan, navigational aids do not include light houses.

Network With respect to stormwater and wastewater activities, a system of pipes, open channels and associated ancillary structures for the purpose of conveying, diverting, storing, treating, or discharging stormwater or wastewater.

Non-marine event Events in the coastal marine area (which do not meet the definition of marine event) including events on wharves, barges or pontoons, such as public performances, concerts, festivals, exhibitions, film-shoots, entertainment/hospitality, markets, parades, private functions, and activities of a similar character.

Open coastal water Water that is remote from estuaries, inlets, harbours and embayments and for the purposes of this plan has been defined as that area shown on Figure 19.1 in Chapter 19.

Open space Unrestricted, unconfined accessible expanse or common area available to the public at no charge.

Outer Zone The area beyond the Settling Zone that is still impacted by stormwater runoff, but to a lesser extent as shown on Plan Map Series 5.

Overflow A discharge from a combined sewer or wastewater network resulting from a lack of conveyance capacity within in the network.

Sub-categories:

Dry weather overflow

An overflow that occurs during dry weather flow.

Wet weather overflow

An overflow that occurs at a time other than when dry weather flow is occurring within the network.

Pumping station overflow

An overflow that occurs due to lack of pumping capacity, whether via a constructed outfall pipe or a point upstream such as a manhole.

Formal overflow

An overflow from a constructed relief pipe or identified relief point through which a discharge is planned when the conveyance capacity of the wastewater network at that point is exceeded.

Papakāinga Residential occupancy on any ancestral land owned by Maori.

Papatuanuku Earth Mother.

Pelagic Of, or living in the open sea.

Port activities Navigation, anchoring, mooring, berthing, manoeuvring and servicing (including repairs and maintenance) of vessels and barges, the embarking and disembarking of passengers, loading, unloading and storage of cargo and the use of buildings or structures associated with these activities.

Precautionary approach Means that when there is uncertainty about the nature, extent, intensity and duration of potentially significant adverse effects arising from the subdivision, use, development or protection of natural and physical resources and those adverse effects cannot currently be fully assessed due to inadequate information or understanding, then local authorities should act cautiously when making decisions and take the degree of that uncertainty into account.

Preservation In relation to any Coastal Protection Area or Cultural Heritage sites, buildings, places or areas, or other resource, means the maintenance, so far as is practicable, of its intrinsic values.

Shaded text indicates variations 1 – 6

Protection In relation to any Coastal Protection Area or Cultural Heritage place or area, means its maintenance, so far as is practicable in its current state, but may include:

- a restoration to some former state;
- b augmentation or enhancement;
- c in the case of a Coastal Protection Area, its expansion.

Public access Unobstructed admission to space which is available for public use.

Public recreation facilities Premises used for non commercial recreation, includes waiting and viewing areas, seating or decking areas, which may be landscaped. It may include associated activities such as swimming, fishing, walking etc. which are activities of public enjoyment.

Public space Accessible expanse or common area available to the public, including but not limited to, open space, streets, accessways, plazas, parks and reserves. May include privately owned land where public access is secured in perpetuity by legal instrument or spaces for which there is an entry charge.

Ranginui Sky Father.

Rahui A form of temporary restriction on the use of and access to particular areas or food resources for a special purpose or function, including conservation, restoration, and respect for the dead.

Reclamation Any permanent filling of an area previously inundated by coastal water either at or above mean high water spring mark, whether or not it is contiguous with the land, so that the filled surface is raised above the natural level of MHWS, and thus creates dry land, removed from the ebb and flow of the tide. For the purposes of this Plan, reclamations do not include piles, pylons, ramps, rubble mound breakwaters, filling behind seawalls, (unless the purpose of the seawall and filling is primarily for the purpose of creating land) or beach nourishment where the newly created land is still subject to the ebb and flow of the tide.

Beach nourishment does not have a “hard edge” and is usually done with sediment of the same size as that on the beach.

Reconstruction To rebuild or erect to the same or similar specifications, materials, scale, location and design to that which existed immediately prior to the demolition, removal or loss of part or all of a structure.

Restaurant, cafe, food hall Premises in which food and drink is sold, generally for consumption on the premises. May include premises licensed under the sale of Liquor Act. However sale of food may also be for consumption off the premises.

Restricted discretionary activity A discretionary activity within the meaning of the RMA, but where the ARC has, in accordance with section 68(3B) of the Act, restricted the exercise of its discretion. The term “restricted discretionary activity” has been used in this Plan to clearly distinguish activities for which the ARC has restricted its discretion from discretionary activities which have not been so limited.

Retail premises Premises from which goods, merchandise, equipment or services are sold, exposed, displayed or offered for sale or direct hire to the public and, for the purpose of Port Management Area 5, these are deemed to include market activities, showrooms, boat brokers, post office, banking facilities, currency exchanges, ticketing and travel agencies and takeaway food bars, drycleaners, exhibition facilities, real estate agents and travel agencies. Retail premises do not include service stations, motor vehicle showrooms, sales or service, restaurants or cafes.

Sediment budget An estimate of the various inputs, losses and internal transfers of sediment that occur within a coastal system. A net loss to the sediment budget occurs when outputs exceed inputs. A net gain to the sediment budget occurs when inputs exceed outputs.

Settling Zone The near shore marine or estuarine environment within which most (nominally 75%) catchment derived contaminants (including sediment and sediment bound contaminants)

settle and accumulate. The primary settling zones within the Auckland Region are as shown on Map Series 5. [E508/04/52 Ports of Auckland Ltd]

Sewage from land Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste. This definition is in relation to sewage generated from land.

Sewage from a ship or off-shore installation

- a drainage and other wastes from any form of toilet, urinal, or WC scupper;
- b drainage from any dispensary, sick bay, or other medical premises, via wash basins, wash tubs and scuppers located in such premises;
- c drainage from spaces containing live animals; and
- d other waste waters mixed with a, b or c above.

Sign A visual device displaying a message or notice to the public, either by images or words, for the purposes of:

- a identifying a product, business, or service;
- b giving direction, or public information;
- c aiding navigation or providing information for public health or safety;

together with any frame, supporting device and any associated equipment.

Signs for the purpose of this Plan include:

- i electric, artificially lit or flashing signs;
- ii sign boards affixed to a structure
- iii signs over decks, porticoes and balconies, including awnings;

- iv window signs displayed, or affixed to any windows;
- v art work, messages or notices painted on a building, or site;
- vi banners, flags and wind socks, blimps;
- vii billboards, sandwich boards or posters.

Soft coasts Coasts comprised of unconsolidated materials, which are readily transported by wind, waves and currents.

Solid matter Matter originally sourced from above mean high water springs such as rock, soil, concrete, timber, steel, vessels and refuse but excluding liquids, such as sewage effluent, stormwater and trade wastes.

Spat means any lifecycle stage or size-range of any fish, aquatic life, or seaweed that is declared by the chief executive of the Ministry of Fisheries by notice in the Gazette to be spat for the purposes of the Fisheries Act 1983.

Spat catching means the taking of spat.

Special Event An organised event involving activities which have a functional need to be undertaken in the CMA, and which require temporary exclusive use of part of the CMA. This may include recreational or other activities, on the surface of water, and/or in, on, under or over the foreshore or seabed.

Stormwater Notwithstanding the definition of "stormwater" in the Auckland Regional Policy Statement, for the purposes of this Plan "stormwater" means surface water runoff (and any contaminants contained therein) from land or the external surface of any structure which is discharged to a water body or land as a result of rainfall, excluding the discharge of contaminants from any industrial or trade process listed in the Auckland Regional Plan: Air, Land and Water Schedule 3: Industrial or Trade Processes as a High Risk Site. [E508/04/53 Ports of Auckland Ltd]

Shaded text indicates variations 1 – 6

Stormwater or Wastewater Network Utility Operator For the purposes of Objectives 5.3.1 to 5.3.6, Policies 5.4.1 to 5.4.13 and Rules 5.5.10 to 5.5.21 of the Auckland Regional Plan: Air, Land and Water and Rules 10.5.2, 10.5.3, 20.5.13 and 20.5.14 of this Plan means:

Those bodies or companies providing stormwater or wastewater collection and management services within the Auckland Region, being:

i. in the district of Rodney District, the Rodney District Council;

ii. in the district of North Shore City, the North Shore City Council;

iii. in the district of Waitakere City, the Waitakere City Council;

iv. in the district of Auckland City, the Auckland City Council and Metrowater;

v. in the district of Manukau City, the Manukau City Council and Manukau Water;

vi. in the district of Papakura District, the Papakura District Council and United Water;

vii. in the district of Franklin District, the Franklin District Council;

viii. in the Region as a whole, Watercare Services Ltd;

ix. and such other body providing similar services as may from time to time be approved by the Director of Environmental Management of the Auckland Regional Council.

Stormwater outfall The end point of any pipe, conduit or drain from which stormwater is discharged into the CMA. This includes combined stormwater/ sewage outfalls.

Structure Any building, equipment, device or other facility made by people and which is fixed to land,

(including land covered by water and the air space above land); and includes any raft.

For the purposes of this Plan structures include wharves, jetties, seawalls, buildings, or other structures built on wharves, jetties, ramps; pipelines, cables and transmission lines laid on, over (including the air space above) or under the foreshore or seabed. NB: moorings and signs are not structures for the purposes of the Plan.

Taiapure Local fisheries management areas subject to the provisions of Sections 54A to 54K of the Fisheries Act 1983.

Taking In relation to spat catching, has the same meaning as in the Fisheries Act 1996.

Tangaroa Deity of the sea.

Taonga Something highly prized or treasured, tangible or intangible, that contributes to Maori wellbeing. The term equates roughly to the concept of a resource, but incorporates a range of social, economic and cultural associations. Included, for example, are te reo (the Maori language), waahi tapu, waterways, fishing grounds, mountains and place names.

Tauranga ika Offshore fishing grounds developed in accordance with regulations arising from the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Temporary events Temporary marine or non-marine events that include public performances, meetings, concerts, festivals, boat shows, parades, sporting events, exhibitions, film shoots, entertainment/hospitality, markets, private functions, and activities of a similar character, including the sale of goods associated with any of the above activities, and associated parking and temporary buildings, pontoons, tents, marquees and air supported canopies, hospitality facilities, tables, seating and structures associated with the activity, and public toilets.

Temporary Military Training An activity undertaken for Defence Purposes. Defence Purposes are those in accordance with the Defence Act 1990. For the purposes of this plan, temporary military training excludes underwater explosives training exercises, involving the release of explosives by divers. The Defence Act also enables access to Defence Areas, which includes areas utilised for temporary military training activities, to be restricted.

Transit storage Temporary storage of cargo or containers between ship and delivery to or from inland transportation. Transit storage in the Port of Auckland is governed by a demurrage system which imposes strong imperatives to limit dwell time to a maximum of 3 days.

Treated sewage from a ship or off-shore installation is that, when sampled at least five times over 24 hours meets, or is better than the following standards: -

- a a faecal coliform standard where the geometric mean of the faecal coliform count shall not exceed 250 faecal coliforms per 100 millilitres;
- b a suspended solids standard where the geometric mean of the total suspended solids content, when suspended solids are analysed by gravimetric methods, does not exceed -
 - i 50 milligrams per litre when analysed on shore; or
 - ii 100 milligrams per litre more than the suspended solids content of the ambient water used for flushing when analysed on board ship;
- c a biochemical oxygen demand count where the geometric mean of five day biochemical oxygen demand of the samples of sewage does not exceed 50 milligrams per litre.

Vessel Means every description of boat or craft used in navigation in the CMA, whether or not it has any means of propulsion, and includes:

- a a barge, lighter, or other like vessel;

- b a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- c a submarine or other submersible.

Waahi tapu A place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense.

Wastewater Liquid (and liquids containing solids) waste from domestic, industrial, commercial premises including (but not limited to) toilet wastes, sullage, trade wastes and gross solids.

Whakapapa Genealogy, genealogical table, cultural identity.

Whakatupu A form of temporary restriction on the use of and access to particular areas or food resources for conservation purposes.

Whanau An extended Maori family including the nuclear family.