

# Memo

**Date: 6 March 2023**

To: Warren Maclennan, Manager Planning – Regional, North, West & Islands  
 From: Kath Coombes – Team Leader, Regional Planning

**Subject: Plan Modification: Clause 20A modification to Auckland Unitary Plan**

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).




I seek your approval of this plan modification pursuant to clause 20A, first schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

<b>Rule or Section of Unitary Plan</b>	NA
<b>Subject Site (if applicable)</b>	27 to 41 Johnstone St, Point Chevalier, Auckland
<b>Legal Description (if applicable)</b>	
<b>Nature of change</b>	<p>A clause 20A modification is required to correct the mapping of the indicative coastline in the AUP.</p> <p><b>Discussion</b></p> <p>The owner of 27 Johnstone St has sent council an email query about the location of the indicative coastline to the south of their property. A surveyor has prepared a plan establishing that the location of mean high water springs (MHWS) is at the stormwater pipe outfall visible from Oliver St. The AUP indicative coastline shows the coastline as being six properties to the east (at 41 Johnstone St), across the mouth of a small inlet.</p> <p>Less recent survey plans for 31 and 33b Johnstone St also show that MHWS has been surveyed as being on the bank of the creek to the east of the stormwater outfall. The surveys also show that since the 1911 survey of mean high water mark, there was 45m<sup>2</sup> of accretion at 31 Johnston St and small areas of accretion and erosion at 33b Johnstone St.</p> <p>It is clear from the aerial photos and a site visit that the current form of the land and inlet does not align with the parcel boundary from 1911 for the lot ‘Part Bed Auckland Harbour SO 67209’. Much of that parcel is now a grassed slope to the north and east of the Watercare pumpstation. The current AUP zoning of Oliver St corresponds to that parcel. The land to the north of that parcel is currently zoned Coastal</p>

	<p>Transition Zone which is the zone applied where the current coastline does not align with the zoning extent of legacy district plans.</p> <p>I have considered whether the inlet to the east of the stormwater pipe should be treated as coastal marine area (CMA) or river. The current location of the indicative coastline is correct if this is a river.</p> <p>The RMA definition of CMA states that where the line of MHWS crosses a river, the landward boundary of the CMA at that point shall be whichever is the lesser of—</p> <ul style="list-style-type: none"> <li>(i) 1 kilometre upstream from the mouth of the river; or</li> <li>(ii) the point upstream that is calculated by multiplying the width of the river mouth by five.</li> </ul> <p>If this case is a river, the CMA inland boundary (i.e. upstream by five times the width) would be part way between the current indicative coastline and the stormwater outlet.</p> <p>There is no stream upstream of the stormwater pipe outlet. This means that the waterway should be treated as a small inlet of the CMA, and not a river. Consequently, the location of the indicative coastline should follow the line of MHWS established by surveys.</p> <p>I have confirmed this approach with Alan Moore and Stephen McKenzie in the Resource Consents Department.</p>
<b>Effect of change</b>	<p>This change corrects a minor error and has a neutral effect. Any AUP provisions that relate to a specified distance from MHWS relate to the location of MHWS on the ground, not where the inductive coastline is shown in the AUP maps.</p> <p>AUP section F1.1 sets out how the indicative coastline relates to MHWS:</p> <p style="margin-left: 40px;"><b>F1.1. Determining mean high water springs</b></p> <p style="margin-left: 40px;">The mean high water springs boundary has not been surveyed as it has a dynamic and varying location. The indicative coastline shown on the planning maps is an approximate representation of mean high water springs-10, which is the level equalled or exceeded by the largest 10 per cent of all high tides. ...</p> <p style="margin-left: 40px;">As a jurisdictional boundary, the exact location of the line of mean high water springs needs to be defined on a case-by-case basis. Where activities are close to the indicative coastline, a site-specific survey will be required to determine the location of the line of mean high water springs which defines the landward boundary of the coastal marine area. If a site-specific survey determines that mean high water springs is not located in the position shown on the maps, the boundary at the interface between the coastal marine area and the adjacent land zone and overlays will shift to the new line of mean high water springs.</p>

	<p>The use of “will shift” in the last part of this explanation means that MHWS is applied as being in the location found by the site-specific survey for any relevant consent application, not that the indicative coastline will be moved whenever a MHWS survey is done. There is no need for the indicative coastline to be amended in the AUP before the site-specific survey information is applied in a consent process.</p> <p>The amendment to the indicative coastline means that the area of the inlet will be changed from Coastal Transition Zone to General Coastal Marine Zone. The approach set out in F1.1 means that the change in zoning on the map does not change the provisions that would be applied to a consent process. The location of MHWS at a site determines the zoning that applies.</p>
<b>Changes required to be made (text/in-text diagrams)</b>	NA
<b>Changes required to be made (maps)</b>	Amend the indicative coastline in the GIS Viewer to follow the small inlet at Oliver St Point Chevalier between the current coastline and the stormwater pipe outfall structure.
<b>Attachments</b>	<p>Attachment 1: Survey plan of MHWS 15 August 2023</p> <p>Attachment 2: Annotated map of the amendment to the indicative coastline</p> <p>Attachment 3: Map of existing AUP zoning</p> <p>Attachment 4: Map of the amendment to the indicative coastline</p> <p>Attachment 5: Map of the amendment to zoning</p>

<p><b>Prepared by:</b> Kath Coombes Team Leader, Regional Planning</p>	<p><b>Text Entered by:</b> NA</p>
<p><b>Signature:</b></p> 	<p><b>Signature:</b> NA</p>
<p><b>Maps prepared by:</b> Dean Thompson Lead Geospatial Specialist</p>	<p><b>Reviewed by:</b> Kath Coombes Team Leader, Regional Planning</p>
<p><b>Signature:</b></p> 	<p><b>Signature:</b></p> 

**Decision:**

I agree to authorise the Clause 20A  
modification using my delegated authority.

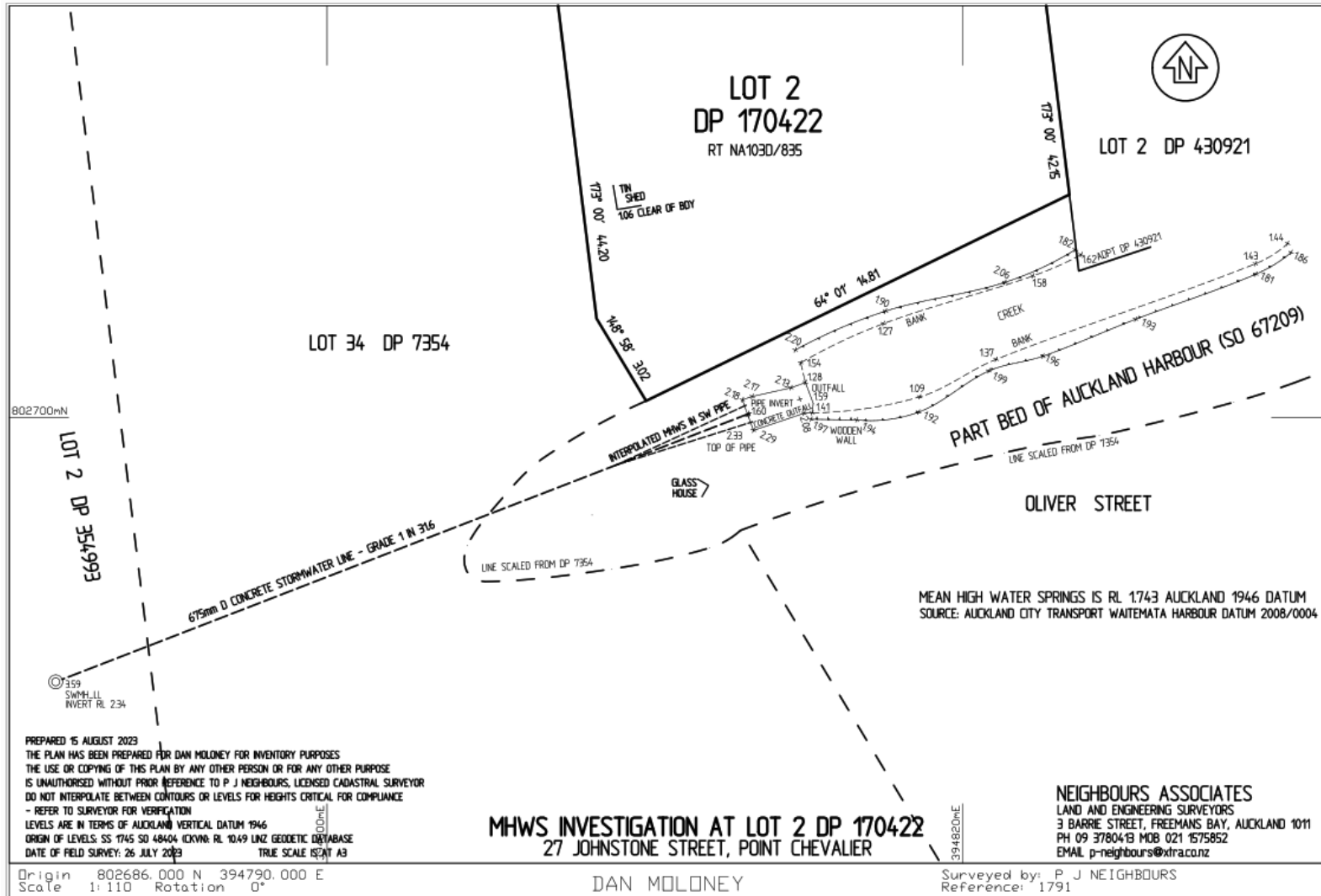
Warren MacLennan  
Manager Planning - Regional, North, West &  
Islands

Date: 19 March 19, 2024

**Signature:**



**Attachment 1 Survey plan of MHWS 15 August 2023**

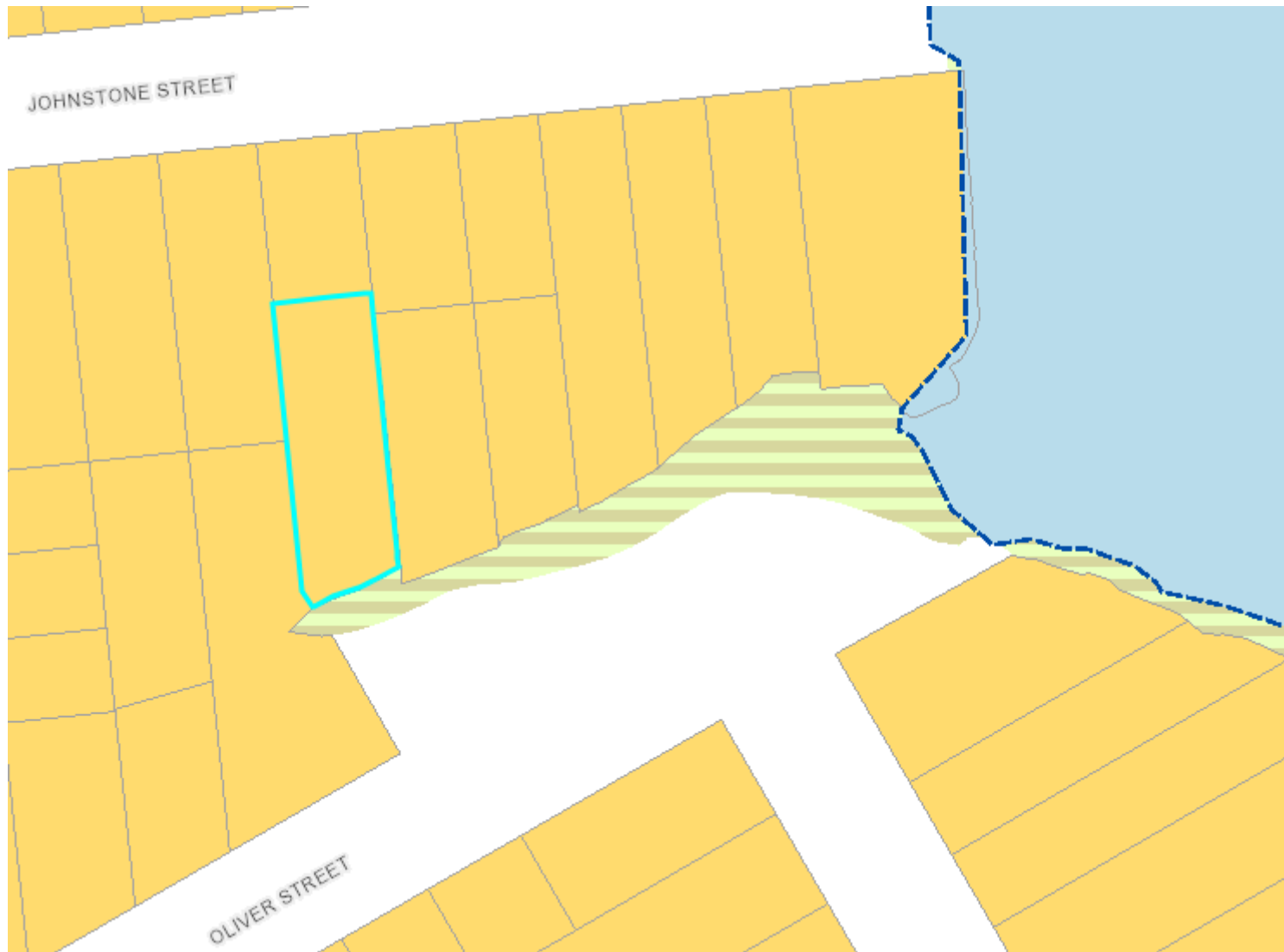




**Attachment 2 Annotated map of the amendment to the indicative coastline**



**Attachment 3 Map of existing AUP zoning**



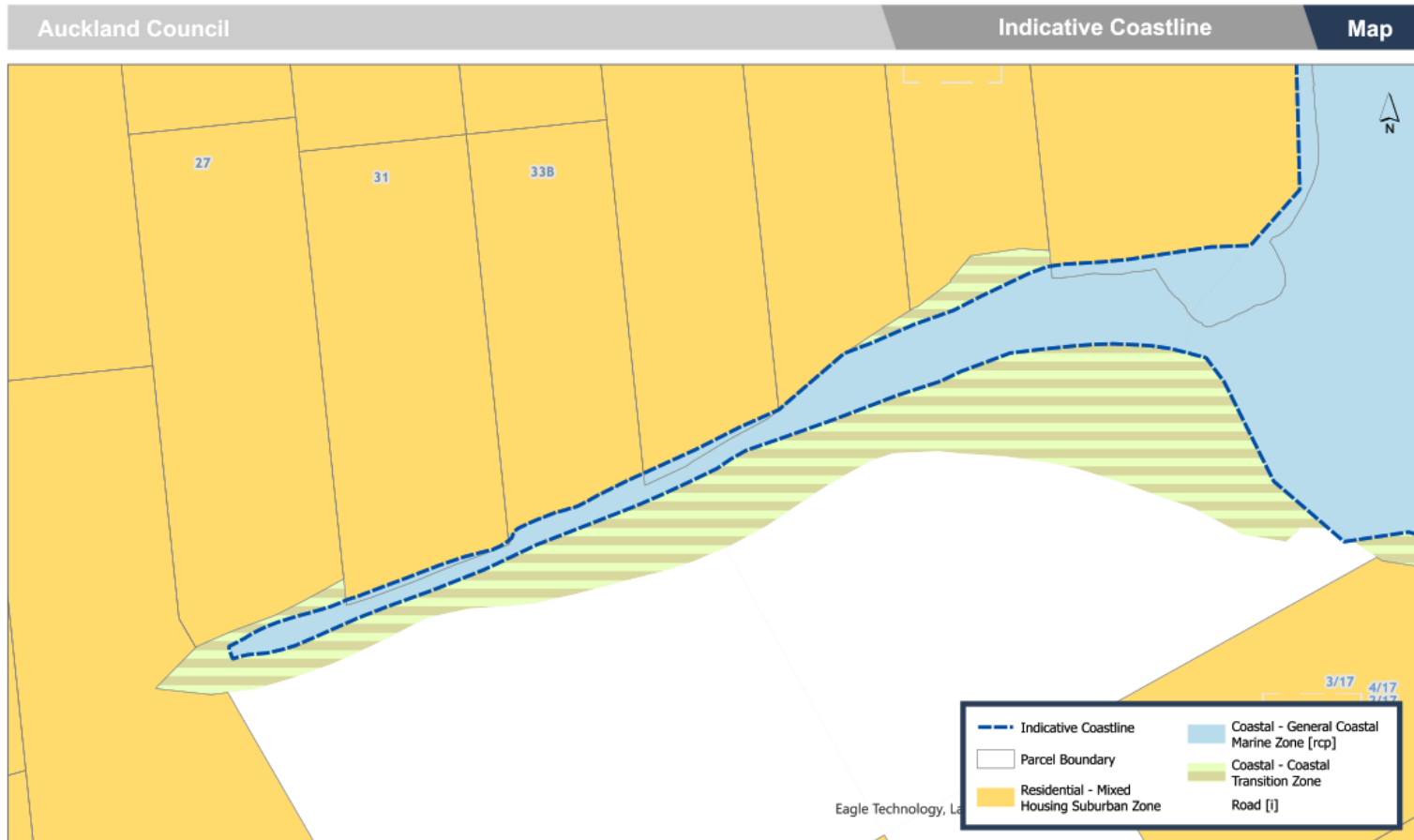


**Attachment 4 Map of the amendment to the indicative coastline**





**Attachment 5 Map of the amendment to zoning**



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**Indicative Coastline Updates**

0 3 6 9  
Meters  
Scale @ A4  
= 1:450  
Date Printed:  
27/10/2023

Document Path: U:\CPO\RL\FCL\UP\GIS 0072\Unitary Plan\Proposed Clause 20A and Designation updates\Indicative Coastline Amendment\3. Workspace\Indicative Coastline Alignment.aprx