

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan – Planning Manager, Regional, North, West and Islands

FROM Debbie Philp – Senior Policy Planner

DATE 17 April 2023

SUBJECT **National Environmental Standards for Freshwater 2020 – Required Amendment of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016) in accordance with s44A of the Act**

This memorandum requests an update to Auckland Unitary Plan Operative in part.

Reason for update

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) has recently been amended (5 December 2022). The definition of 'natural wetland' in the NES-F has been amended to 'natural inland wetland' and subsequently, excludes wetlands in the coastal marine area. Consequential amendments are required to the following AUP provisions in Chapter F (Coastal) and Chapter I (Precincts).

The amendments are required to be made in accordance with s44A of the Resource Management Act 1991, which states:

44A Local authority recognition of national environmental standards

- (5) On every other case of duplication or conflict, the local authority must amend the plan or proposed plan to remove the duplication or conflict –
- (a) without using the process in Schedule 1; and
 - (b) as soon as practicable after the date on which the standard comes into force.

Chapter and Section

Chapter F Coastal

- F2 Coastal – General Coastal Marine Zone
 - F2.19. Activity tables (page 41)
- F3 Coastal – Marina Zone
 - F3.4 Activity table
- F5 Coastal – Minor Port Zone
 - F5.4 Activity table
- F6 Coastal – Ferry Terminal Zone
 - F6.4 Activity table
- F7 Coastal – Defence Zone
 - F7.4 Activity table

Chapter I Precincts

- I202 Central Wharves Precinct

- I202.4 Activity table
- I208 Port Precinct
 - I208.4 Activity table
- I211 Viaduct harbour Precinct
 - I211.4 Activity table
- I213 Westhaven – Tamaki Herenga Waka Precinct
 - I213.4 Activity table
- I214 Wynyard Precinct
 - I214.4 Activity table
- I409 Clevedon Waterways Precinct
 - I409.4 Activity table

Changes to text (shown in underline and strikethrough)

Chapter F - Coastal

F2 Coastal – General Coastal Marine Zone

F2.19. Activity tables (page 41)

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply ~~to coastal wetlands~~ and to any part of the coastal marine area that is upstream from the mouth of a river.

F3 Coastal – Marina Zone

F3.4 Activity table [page 4]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply ~~to coastal wetlands~~ and to any part of the coastal marine area that is upstream from the mouth of a river.

F5 Coastal – Minor Port Zone

F5.4 Activity table [page 5]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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F6 Coastal – Ferry Terminal Zone

F6.4 Activity table [page 5]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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F7 Coastal – Defence Zone

F7.4 Activity table [page 3]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply to coastal wetlands and to any part of the coastal marine area that is upstream from the mouth of a river.

Chapter I - Precincts

I202 Central Wharves Precinct

I202.4 Activity table [page 4]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply to coastal wetlands and to any part of the coastal marine area that is upstream from the mouth of a river.

I208 Port Precinct

I208.4 Activity table [page 4]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply to coastal wetlands and to any part of the coastal marine area that is upstream from the mouth of a river.

I211 Viaduct harbour Precinct

I211.4 Activity table [page 4]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply to ~~coastal wetlands~~ and to any part of the coastal marine area that is upstream from the mouth of a river.

I213 Westhaven – Tamaki Herenga Waka Precinct

I213.4 Activity table [page 3]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply to ~~coastal wetlands~~ and to any part of the coastal marine area that is upstream from the mouth of a river.

I214 Wynyard Precinct

I214.4 Activity table [page 9]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply to ~~coastal wetlands~~ and to any part of the coastal marine area that is upstream from the mouth of a river.

I409 Clevedon Waterways Precinct

I409.4 Activity table [page 5]

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

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The Resource Management Act (National Environmental Standards for Freshwater) Regulations 2020 apply to ~~coastal wetlands~~ and to any part of the coastal marine area that is upstream from the mouth of a river.

Changes to diagrams

N/A

Changes to spatial data

N/A

Attachments

Attachment 1: Updated text (Clean)

Prepared by:

Debbie Philp
Planner

Signature:



Text Entered by:

Sarah El Karamany
Planning Technician

Signature:



Maps prepared by:

N/A

Signature:

Reviewed by:

Kath Coombes
Team Leader

Signature:



Signed off by:

Warren MacLennan
Manager Planning – Regional, North,
West and Islands

Signature:



Attachment 1: Updated text (Clean)

F2. Coastal – General Coastal Marine Zone

F2.1. Zone description

The Coastal – General Coastal Marine Zone comprises the majority of the coastal marine area. It comprises the coastal marine area that is outside of the following zones:

Coastal – Marina Zone;

Coastal – Mooring Zone;

Coastal – Minor Port Zone;

Coastal – Ferry Terminal Zone; and

Coastal – Defence Zone.

Notwithstanding the spatial extent of the Coastal – General Coastal Marine Zone, its objectives, policies and rules apply to all coastal zones and coastal precincts unless otherwise provided for in the specific zone or precinct. If an overlay applies to the area where an activity is proposed, the provisions of the overlay will also apply, including any overlay rule that applies to the activity.

The purpose of the Coastal – General Coastal Marine Zone is to provide for use and development in the coastal marine area, in particular those forms of use and development that have a functional or operational need to be undertaken or located in the coastal marine area, while:

- enabling people and communities to provide for their social and economic well-being, through the appropriate use and development of the coastal marine area;
- enabling the construction, operation, maintenance and upgrading of infrastructure within the coastal marine area (that cannot be practicably located on land) where it has a functional or operational need;
- protecting natural character, landscape values and natural features;
- maintaining and enhancing water quality and the life-supporting capacity of the marine environment;
- protecting significant ecological values;
- protecting historic heritage values;
- recognising and providing for Mana Whenua values in accordance with tikanga Māori;
- maintaining and enhancing public access, open space, recreational use, amenity values, and access to and along the coastal marine area;
- not increasing the risk of subdivision, use and development being adversely affected by coastal hazards; and
- managing conflicts between activities within the coastal marine area.

Some parts of the Coastal – General Coastal Marine Zone have particular significant use or values that are mapped in overlays or precincts. Some overlays cross both land and

sea areas. The overlays that apply below mean high water springs and to parts of the Coastal – General Coastal Marine Zone are:

- [D10 Outstanding Natural Features and Outstanding Natural Landscapes Overlay](#);
- [D11 Outstanding Natural Character and High Natural Character Overlay](#);
- [D14 Volcanic Viewshafts and Height Sensitive Areas Overlay](#);
- [D9 Significant Ecological Areas Overlay](#);
- [D17 Historic Heritage Overlay](#);
- [D21 Sites and Places of Significance to Mana Whenua Overlay](#); and
- [D26 National Grid Corridor Overlay](#).

Activities in the coastal marine area also need to comply with the Auckland Council Navigation Safety Bylaw 2014 and the Resource Management (Marine Pollution) Regulations 1998, or any review of them. Some activities such as moorings require a permit from the Council's harbourmaster's office. Other Council bylaws control activities on beaches, such as dogs, vehicles and temporary events.

Any sensitive material that is discovered during activities in the coastal marine area must comply with the accidental discovery rule in F2.21.1.4, unless it is expressly provided for by a resource consent or other statutory authority. Sensitive material includes human remains and kōiwi, archaeological sites, Māori cultural artefacts, protected New Zealand objects (including fossils or sub-fossils), shipwrecks or other items that may contain oil, lava caves, and unknown material on or under the foreshore or seabed such as munitions, submarine cables and pipelines.

The Plan has identified significant marine communities and habitats in the D9 Significant Ecological Areas Overlay. The coastal marine area has not been comprehensively surveyed for the purpose of identifying these. The [D9 Significant Ecological Areas Overlay](#) under-represents the significant marine communities and habitats present in the sub-tidal areas of the region. Additionally, in larger coastal marine areas with ecological significance, such as the Hauraki Gulf, or the Kaipara and Manukau harbours, it is difficult to map ecological values because of their scale and the highly mobile habits of marine fauna. A precautionary approach is therefore required to manage effects in the coastal environment. The criteria in [Schedule 4 Significant Ecological Areas - Marine Schedule](#) will be of use in determining whether a previously unidentified area has significant ecological value. The New Zealand Coastal Policy Statement will also be relevant in that regard, particularly Policy 11.

F2.2. Drainage, reclamation and declamation

F2.2.1. Background

Large areas of Auckland's coast have been reclaimed and/or drained in the past. This has enabled a range of activities including the development of the port and airport, provision of land areas adjacent to marinas, construction of roads and creation of farmland.

Reclamation and drainage in the coastal marine area may sometimes be necessary to enable activities that have a functional or operational need to locate on the coast and to provide for infrastructure, marine related activities and social benefits such as maintaining or enhancing public access. However reclamation and drainage can have significant and often irreversible adverse effects on natural character, coastal processes, habitats and ecosystems, Mana Whenua values and public access.

Declamation of land can have adverse effects on natural character, water quality, ecological values and coastal processes. The adverse effects from declamation, if undertaken in an appropriate location and at an appropriate scale, may be offset by the enhanced public access and social and economic opportunities provided by extending water access.

F2.2.2. Objectives [rcp]

- (1) The adverse environmental effects of reclamation, drainage or declamation on the coastal marine area are avoided, remedied, or mitigated.
- (2) The natural character, ecological values and natural coastal processes of the coastal marine area are not adversely affected by inappropriate reclamation, drainage or declamation.
- (3) Public access, amenity and Mana Whenua values are not adversely affected by inappropriate reclamation, drainage or declamation.

F2.2.3. Policies [rcp]

- (1) Avoid reclamation and drainage in the coastal marine area except where all of the following apply:
 - (a) the reclamation will provide significant regional or national benefit;
 - (b) there are no practicable alternative ways of providing for the activity, including locating it on land outside the coastal marine area;
 - (c) efficient use will be made of the coastal marine area by using the minimum area necessary to provide for the proposed use, or to enable drainage.
- (2) Where reclamation or drainage is proposed that affects an overlay, manage effects in accordance with the overlay policies.
- (3) Provide for reclamation and works that are necessary to carry out any of the following:
 - (a) maintain or repair a reclamation;
 - (b) enable the repair and upgrade of existing reclamations and seawalls, by way of minor reclamation;
 - (c) carry out rehabilitation or remedial works;
 - (d) maintain or enhance public access or linkages with public open space to, within or adjacent to the coastal marine area;

- (e) enable the construction and/or efficient operation of infrastructure, including but not limited to, ports, airports, roads, pipelines, electricity transmission, railways, ferry terminals, and electricity generation; or
 - (f) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.
- (4) Enable lawfully established drainage channels to continue to manage their risk of flooding or coastal inundation.
 - (5) Require proposals for reclamation to mitigate effects through the form and design of reclamation as far as practicable, taking into account the following:
 - (a) the shape of the reclamation, and the extent to which the materials used are visually compatible with the adjoining coast; and
 - (b) the ability to avoid consequential changes to coastal processes, including erosion and accretion.
 - (6) Consider where the adverse effects of drainage or reclamation cannot be completely avoided, remediated or mitigated on site, compensating for those adverse effects by additional or enhanced public access or public facilities or environmental enhancement or restoration.
 - (7) Require the design of reclamations to take into account the potential effects of climate change, including sea level rise, over 100 years.
 - (8) Maintain and where possible enhance public access to and along the coastal marine area to the extent practicable in providing for reclamation, declamation and drainage, having regard to all of the following:
 - (a) the purpose and proposed use of the area;
 - (b) whether a restriction on public access is necessary for public health, safety or operational reasons; and
 - (c) the ability to remedy or mitigate any loss of public access.
 - (9) Require an esplanade reserve or strip to be included on reclaimed or drained areas of the coastal marine area, unless a restriction on public access is provided for under B8.4.2(3) in B8.4 Public access and open space.
 - (10) Enable the beneficial use of dredged material in reclamations, including where stabilised with cement.
 - (11) Avoid using contaminated materials in reclamation, unless any contaminants are contained in a way that avoids, remedies or mitigates other adverse effects on water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.
 - (12) Assess whether authorising past unlawful reclamation or drainage in the coastal marine area is appropriate having regard to all of the following:
 - (a) the extent of social or economic benefit provided to the public, including whether it is necessary to enable the operation of infrastructure;

- (b) whether there will be more significant adverse effects resulting from the works required to restore the area than from retaining the reclamation or drained area; and
 - (c) the extent to which the removal of the reclamation or reinstatement of the drained area is practicable.
- (13) Enable the declamation of reclaimed land where it would achieve any of the following:
- (a) restore the natural character and resources of the coastal marine area;
 - (b) provide for better public access or greater open water space;
 - (c) provide for the efficient operation of nationally and regionally significant infrastructure; or
 - (d) provide for management of coastal hazards, including managed retreat and erosion management.

F2.3. Depositing and disposal of material

F2.3.1. Background

The depositing and disposal of material in the coastal marine area affects natural character, coastal processes, water quality, sediment quality and the ecology of an area. The type and scale of effects are related to the following:

- volume and type of material that is deposited;
- level of contamination of the material;
- method of disposal; and
- characteristics of the receiving environment.

Material can be placed on the foreshore or seabed to dispose of dredge spoil or waste material, or deposited for beneficial use, such as beach replenishment and erosion management.

The disposal of dredge spoil and waste is subject to the Resource Management (Marine Pollution) Regulations 1998.

The Hauraki Gulf Marine Park Act 2000 requires that the Hauraki Gulf is managed to protect, and where appropriate, enhance the life-supporting capacity of the environment of the Gulf. The disposal of material can have significant adverse effects on natural values and should be avoided within the Hauraki Gulf Marine Park.

F2.3.2. Objectives [rcp]

- (1) Depositing of material in the coastal marine area is undertaken in appropriate locations to provide for public benefit including erosion management or habitat enhancement and the beneficial use of dredged material.
- (2) Areas identified as having significant values are not adversely affected by material being deposited or disposed of in the coastal marine area.

- (3) The adverse effects from the disposal of material, particularly any contaminated material, are minimised, where reasonably practicable, or otherwise avoided, remedied or mitigated.
- (4) The depositing or disposal of material in the coastal marine area must not have significant adverse effects on the ecological, recreational, cultural, and amenity values of the Hauraki Gulf.
- (5) The depositing and disposal of material in the coastal marine area must avoid, remedy or mitigate the spread of harmful aquatic organisms.

F2.3.3. Policies [rcp]

- (1) Provide for depositing of material in the coastal marine area on the foreshore and seabed for beach replenishment where all of the following apply:
 - (a) it is free of waste;
 - (b) it is free from contaminants and harmful aquatic organisms as far as practicable;
 - (c) the material has similar physical characteristics to the sediment at the location it will be deposited;
 - (d) it will have environmental, scientific, cultural, amenity or social benefits, or is for erosion management;
 - (e) the adverse environmental effects of depositing the material can be avoided, remedied or mitigated; and
 - (f) the methods used will include appropriate sediment retention methods to retain the material within the coastal cell in which it is placed. Such methods can include coarser sediment, combined with planting or repeated sand transfer.
- (2) Provide for the disposal of contaminated material in an approved reclamation where any contaminants are contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.
- (3) Avoid the disposal of material in the Hauraki Gulf Marine Park other than where it is part of:
 - (a) an approved reclamation;
 - (b) a rehabilitation or restoration programme in degraded areas of the coastal marine area; or
 - (c) provided for in accordance with section 15B of the Resource Management Act 1991 or Part 3 of the Resource Management (Marine Pollution) Regulations 1998.
- (4) Avoid the disposal of material in the coastal marine area where it will have significant adverse effects on any of the following:

- (a) sites scheduled in the [D17 Historic Heritage Overlay](#) or scheduled in the [D21 Sites and Places of Significance to Mana Whenua Overlay](#); or
 - (b) significant surf breaks identified in [Appendix 4 Surf breaks](#).
- (5) Avoid the disposal of material where it will have adverse effects on significant navigation channels.
- (6) Avoid the disposal of solid inorganic waste or other matter, such as vessels, or structures in the coastal marine area, unless any of the following applies:
- (a) it is for environmental, scientific, cultural, amenity or social benefits and the adverse effects associated with the disposal can be avoided as far as practicable, or remedied or mitigated;
 - (b) there is no practicable alternative method for removal of the vessel, platform or structure from the coastal marine area and its subsequent disposal onto land;
 - (c) there will be less environmental effect from disposing of the vessel, platform or structure in the coastal marine area than on land;
 - (d) the proposed disposal area will not interfere with or adversely affect other users of the coastal marine area; or
 - (e) the disposal is part of an approved reclamation.
- (7) Avoid significant adverse effects from the disposal of material, other than the disposal of material in approved reclamations and determine the appropriateness of proposals by taking into account all of the following:
- (a) the volume of material;
 - (b) the degree of contamination and resulting effects on water quality, sediment quality and ecology;
 - (c) the presence of harmful aquatic organisms in the material to be disposed of and the risk of introducing these into areas where they are not present;
 - (d) the sensitivity of the receiving environment, with particular reference to natural character and ecological values;
 - (e) the public use of the area;
 - (f) the characteristics of the disposal area, with particular reference to the potential for contaminants to be released from the area, and the potential for re-suspension of the material;
 - (g) the disposal technique, and for dredged material, the water content or solidity of the material at the time of disposal;
 - (h) available alternative disposal techniques, including stabilisation, use as mudcrete, or disposing of the material on land; and
 - (i) the other matters contained in Schedule 3 of the Resource Management (Marine Pollution) Regulations 1998.

- (8) Avoid the disposal of significantly contaminated material in the coastal marine area that is not undertaken as part of an approved reclamation, unless, after undertaking an assessment of waste management options described in Part 1, Schedule 3 of the Resource Management (Marine Pollution) Regulations 1998, it can demonstrate all of the following:
- (a) there are no practicable alternative disposal methods or areas; and
 - (b) the contaminants can be satisfactorily contained within the disposal area, or if it is a dispersive environment, that the adverse effects associated with the release of contaminants will not be significant.
- (9) Require the disposal of material to be undertaken in an area that will minimise the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters, or demonstrate that the site is the best practicable option given the type of material to be disposed of.
- (10) Require proposals to dispose of material in a dispersive environment to ensure that the adverse effects associated with the release and spread of contaminants and sediment can be avoided, remedied or mitigated.
- (11) Require any disposal of material to be undertaken at a location and time that will avoid, remedy or mitigate adverse effects on all of the following:
- (a) the ecological function of the area, such as the growth and reproduction of marine and coastal fauna and flora, including feeding and spawning habitats and migratory pathways;
 - (b) other established activities, including recreational and commercial use; and
 - (c) water quality, including any contributing factors which may lead to or promote algal blooms.

F2.4. Dredging

F2.4.1. Background

Dredging may be necessary to enable the ongoing use of areas by existing activities, for example to maintain adequate water depth in navigation channels and around structures to enable the ongoing safe vessel movement and access for port or marina activities. Dredging may also be necessary to:

- enable the development of new activities such as ports, marinas, wharves and jetties, and to clear, cut or realign stream and river mouths;
- provide for the operation of land drainage, stormwater systems and other infrastructure; or
- maintain or restore areas for recreational and commercial use and navigation, including through the removal of Pacific oyster reefs.

Dredging, and the disposal of dredged material, can have adverse environmental effects, particularly on water quality, and these need to be minimised. New development that requires water access should be located in areas that will minimise

the need for dredging or channel clearance to maintain adequate water depth, both for the initial development and in the ongoing use of the facility.

F2.4.2. Objectives [rcp]

- (1) The adverse environmental effects on the coastal marine area from dredging are avoided, remedied, or mitigated.
- (2) Adequate water depth is provided and maintained, particularly in navigation channels, around structures, and marinas, to ensure safe and efficient navigation, use and operation of activities in the coastal marine area.
- (3) The safe and efficient operation of infrastructure and marinas are enabled, through undertaking dredging where necessary.
- (4) The risk of flooding or erosion, including from channels, river mouths or drainage systems, is minimised.

F2.4.3. Policies [rcp]

- (1) Enable dredging to provide for the ongoing safe and efficient use of navigational channels, the Coastal – Minor Port Zone, the Coastal – Defence Zone, the Coastal – Ferry Terminal Zone and the Coastal – Marina Zone, the City Centre waterfront precincts and infrastructure.
- (2) Enable dredging to be undertaken to minimise the risk of flooding and erosion, including dredging that is necessary for:
 - (a) clearing, cutting or realigning stream or river mouths or watercourses for drainage purposes;
 - (b) clearing the exit of any lawful stormwater outfall or pipe and surrounds;
 - (c) maintaining efficient water flow to reduce the risk of flooding and erosion; and
 - (d) maintaining structures and removing hazards to recreational and commercial users.
- (3) Manage dredging outside the Port Precinct, the Central Wharves Precinct and the Waitemata Navigation Channel Precinct so that it will to be undertaken at times of the day or year that will:
 - (a) avoid as far as practicable, remedy or mitigate, adverse effects on marine mammals, bird roosting, nesting and feeding; and
 - (b) minimise adverse effects on recreational and commercial users of the coastal marine area.
- (4) Manage dredging activities so that they do not:
 - (a) cause or exacerbate erosion within the coastal marine area or on adjacent land;
 - (b) cause damage to any existing lawful structures;

- (c) result in the permanent loss of any habitat of a rare or endangered species;
 - (d) result in adverse effects on significant surf breaks identified in [Appendix 4 Surf breaks](#);
 - (e) result in significant adverse effects on sites scheduled in the [D17 Historic Heritage Overlay](#) or/and scheduled in the [D21 Sites and Places of Significance to Mana Whenua Overlay](#); and
 - (f) result in any seabed disturbance and resulting turbidity other than that which is localised and limited in duration.
- (5) Require best practicable methods and procedures to be used for the dredging of contaminated sediments, and for sediment or contaminant mobilisation and dispersal to be minimised.
- (6) Require the development or redevelopment of marinas, wharves, piers and berths, outside of the Coastal – Minor Port Zone, the Coastal – Defence Zone, the Coastal – Ferry Terminal Zone, the Coastal – Marina Zone and the City Centre waterfront precincts, to be designed and located to minimise the need for dredging including by assessing whether there are reasonable practicable alternatives to provide for a use or activity which would avoid or reduce the need for dredging.

F2.5. Disturbance of the foreshore and seabed

F2.5.1. Background

Activities and works can have adverse effects on the foreshore and seabed, such as:

- compaction or ‘cutting up’ of the foreshore or seabed;
- sediment disturbance including drilling, piling, tunnelling, or the construction, maintenance or removal of structures, can have discharges and impacts on water quality, habitat, flora and fauna;
- loss of vegetation;
- displaced material from excavation and piling;
- equipment and material being deposited in the coastal marine area;
- disturbance, destruction or demolition of historic heritage; or
- the mauri of the coast.

Visual, natural character and amenity values can also be adversely affected.

The extent of effects vary depending on the nature of the foreshore and seabed. Soft muddy shores are more likely to be significantly impacted than sandy or harder substrate areas. The extent of vegetation and the ecological values of an area will also influence the significance of effects from disturbance.

A number of activities, including recreation and general use of the coastal marine area, result in some minor and short-term disturbance of the foreshore and seabed that is usually restored by natural tide and wave action. Construction or installation works associated with structures may also only result in a minor level of disturbance that will result in only short-term effects.

F2.5.2. Objectives [rcp]

- (1) Use and development in the coastal marine area that has only short-term and minor impacts on the foreshore and seabed is enabled.
- (2) Activities that have long-term impacts or involve more than a minor level of disturbance avoid, remedy or mitigate adverse effects on natural character, ecological values, coastal processes, historic heritage and Mana Whenua values.

F2.5.3. Policies [rcp]

- (1) Enable use and development in the coastal marine area that results in a minor level of disturbance to the foreshore and seabed, or that can be remedied by wave and tidal processes.
- (2) Provide for the disturbance of the foreshore and seabed outside areas identified as having significant values, for the purposes of the following:
 - (a) existing or new infrastructure or drainage systems or where the disturbance is in an appropriate location;
 - (b) the operation, maintenance, repair, reconstruction and use of existing lawful structures, or infrastructure;
 - (c) the safe and efficient functioning of drainage systems;
 - (d) public health and safety; or
 - (e) the normal operation of vessels.
- (3) Provide for the disturbance of the foreshore or seabed that is necessary to protect, maintain or enhance historic heritage or Mana Whenua values, geological, ecological or habitat values, or for public access or research, where this is consistent with maintaining the values of the area.
- (4) Limit the area of foreshore and seabed disturbance to the extent practicable and for the works to be done at a time of day or year, that will avoid, remedy or mitigate adverse effects on all of the following:
 - (a) the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding;
 - (b) stability of coastal features such as dunes and coastal vegetation;
 - (c) public access, recreational and commercial use of the coastal marine area;
 - (d) other established activities;

- (e) traditional gathering, collection or harvest of kaimoana by Mana Whenua;
and
 - (f) historic heritage and Mana Whenua values.
- (5) Require activities or works to be done by methods, at times and in conditions that will avoid, remedy or mitigate adverse effects arising from the release of sediment and contaminants into coastal water.
- (6) Avoid disturbance of the foreshore and seabed that will result in the following:
- (a) significant changes to natural coastal processes that will have adverse effects on surf breaks identified in [Appendix 4 Surf breaks](#); and
 - (b) cause or exacerbate coastal erosion.
- (7) Require where practicable visible disturbance of the foreshore or seabed to be remedied or restored upon completion of works to be in keeping with the natural character and visual amenity of the area that has been disturbed.

F2.6. Mineral extraction

F2.6.1. Background

Growth and development in Auckland create significant demand for minerals, sand, shingle, shell and other natural material from the coastal marine area. Whether it is for steel or glass production, construction materials, or beach replenishment, these resources can benefit the regional community and economy.

Extraction is currently undertaken to remove sand and shell from subtidal areas, offshore from Pakiri on the east coast, and at Taporā in the Kaipara Harbour on the west coast, and from the coastal marine area in Auckland. Exploration and extraction for petroleum, while currently limited, may increase in the future. Petroleum exploration involves drilling exploration wells which has a higher potential to result in adverse environmental effects than exploration for other types of minerals.

The exploration, prospecting and mining of minerals, such as black iron sand and petroleum, is controlled by the Crown under the Crown Minerals Act 1991. The Council, under the Resource Management Act 1991, has the responsibility of managing the environmental effects of any mining activity.

The effects associated with mineral exploration and extraction from the coastal marine area depends on the location, techniques used, the characteristics of the resource and sensitivity of the environment. For this reason, a precautionary approach is proposed, recognising that the potential adverse effects on the physical coastal system can be uncertain, and that it is difficult in many cases to determine an accurate sediment budget.

F2.6.2. Objective [rcp]

- (1) The extraction of minerals, sand, shingle, shell, petroleum, and other natural material occurs in a manner that does not have significant adverse effects on the coastal marine area or near-shore environments.

F2.6.3. Policies [rcp]

- (1) Provide for the extraction of minerals, sand, shingle, shell, and other natural material from appropriate areas, having regard to the values of the area and the natural rate of sediment being deposited over sediment lost from the area where extraction is proposed.
- (2) Adopt a precautionary approach to applications for petroleum exploration and for mineral extraction within the coastal marine area, which may include using an adaptive management approach in terms of the following:
 - (a) staging the operation;
 - (b) the location of the activity;
 - (c) the maximum volume of minerals, sand, shingle, shell and other natural material to be extracted;
 - (d) the term of consent; or
 - (e) environmental monitoring.
- (3) Require applications for petroleum exploration or for mineral extraction to identify the significant adverse effects, and the extent to which they can be avoided, remedied or mitigated, for all of the following:
 - (a) marine and coastal vegetation;
 - (b) marine and coastal fauna, including feeding, spawning and migratory patterns, bird roosting and nesting, fish and shellfish;
 - (c) water quality, including effects arising from sediment, turbidity or contaminants;
 - (d) habitats of a rare or endangered species;
 - (e) dune stability and coastal erosion;
 - (f) changes to the bathymetry, foreshore contours, sediment particle size or physical coastal processes;
 - (g) the values of significant surf breaks identified in [Appendix 4 Surf breaks](#);
 - (h) recreation and amenity values of the area;
 - (i) established lawful activities in the area; and
 - (j) Mana Whenua values.
- (4) Require applications for petroleum exploration or mineral extraction in the coastal marine area to include measures to manage any adverse effects, including remediation and mitigation measures.

F2.7. Vegetation: Mangrove management

F2.7.1. Background

Mangroves are a native plant species and a valuable part of some coastal ecosystems. They may also perform an important role in trapping sediment and contaminants and in mitigating coastal erosion.

However mangroves and their spread is causing concern to some people and communities, in particular changing the natural character, landscape and amenity values of an area as well as effects on public access, navigation and the ongoing use and function of structures and infrastructure. While the removal of mangroves may be appropriate to address these concerns, this must be weighed with the important ecological and biological values of mangroves.

As the coast is predominantly a public resource, mangrove removal should be for the purpose of maintaining or restoring biodiversity or to provide for public use and benefit, rather than for private property gain or enhancement.

Removal activities may disturb and damage the foreshore and seabed and can have adverse effects on water quality from the release of sediment and contaminants. Removal can also affect ecological values, including effects on native and migratory bird species, particularly during breeding and feeding times. At the same time mangrove spread can reduce wading bird feeding and roosting areas and removal may be appropriate to retain these areas.

As areas have different use and values, and are subject to varying natural processes of wind, wave and tide, the effects of mangrove removal will differ between locations. The most appropriate method for the removal of mangroves and the disposal of removed mangroves will also differ between sites and this can be determined on a case by case basis when applications are received for mangrove removal.

In some circumstances it may be appropriate for mangrove removal to be accompanied by initiatives to address the long-term issue of mangrove spread by reducing the amount of sediment entering the coastal marine area, as sediment that settles in upper estuaries and harbours creates an environment where mangroves can successfully establish and spread.

The long-term maintenance of cleared areas needs to be provided for if they are to remain free of mangroves in the long term. Mangrove seedlings can quickly re-colonise areas if they are not removed on an ongoing basis. Sediment may also move from cleared areas over time and result in mangrove stumps needing to be cut back to the new seabed level to maintain the safe use of cleared areas.

F2.7.2. Objectives [rcp]

- (1) The ecological value of mangroves is recognised and mangroves are retained in areas where they have significant ecological value.
- (2) Mangroves are retained in areas where they perform an important role in mitigating coastal hazards.

- (3) Restore or maintain natural character and ecological values including significant wading bird areas, public access, navigation, riparian access and amenity values.
- (4) Sediment deposition within the coastal marine area, that facilitates ongoing mangrove colonisation and spread, is reduced.
- (5) Mana Whenua values, mātauranga and tikanga are recognised and reflected in mangrove management.

F2.7.3. Policies [rcp]

- (1) Avoid the removal of mangroves from any of the following:
 - (a) areas having significant ecological or natural character values of which mangroves are an important component, or in other areas where mangroves can provide significant ecological values;
 - (b) areas of active coastal erosion where mangroves have historically provided a buffer against coastal processes causing erosion; or
 - (c) areas where the sediments contain high levels of contaminants at risk of being re-suspended.
- (2) Encourage an assessment of sediment inputs in the area and promote catchment initiatives to reduce sediment and nutrient inputs when mangrove removal activities are proposed.
- (3) Provide for mangrove removal where mangroves have spread and the proposed removal is necessary to maintain, restore or enhance any of the following:
 - (a) natural character, biodiversity and ecological values, including significant wading bird feeding or roosting areas, that existed prior to the spread of the mangroves;
 - (b) public access to or along the coastal marine area;
 - (c) connections with reserves or publicly owned land and the sea;
 - (d) public use and amenity values;
 - (e) water access for vessels and navigation, including waka portage routes;
 - (f) public health and safety, including sightlines and traffic safety;
 - (g) mahinga mātaimai, access to the coast from marae, or to areas of traditional use;
 - (h) scheduled historic heritage places or natural features; or
 - (i) operation and development of infrastructure.
- (4) Require mangrove removal operations to meet all of the following:
 - (a) minimise the disturbance of the foreshore and seabed and to shorebird breeding and feeding, including migratory species;

- (b) minimise sediment and contaminant discharges;
- (c) avoid the burning of removed mangroves as the method of disposal in the coastal marine area and require that disposal of removed mangroves outside the coastal marine area, unless Policy F2.7.3(4)(d) applies (other than for burning);
- (d) provide evidence that the disposal method will not result in more than minor adverse effects on the coastal marine area where landward disposal is not proposed;
- (e) take an adaptive management approach for mangrove removal and disposal where a significant area of removal is proposed and there is uncertainty over the extent of adverse effects; and
- (f) provide for the long-term maintenance of cleared areas.

F2.8. Vegetation: removal of exotic species and Pacific oyster shell

F2.8.1. Background

Exotic or introduced plants, including spartina and seaweeds, can spread rapidly and cause adverse effects on indigenous biodiversity. The removal of exotic species needs to be carefully managed as it is often difficult and the removal process can increase the risk of their spreading.

Pacific oysters are an exotic species that are valued for aquaculture, but that have also spread through large parts of the coast resulting in the displacement of the native oyster and causing significant adverse effects on recreational use and amenity values.

In some areas, including the Manukau Harbour, Pacific oysters have built up into reefs that limit the ability for people to safely use areas for boating, wind-surfing and other activities. The removal of these often substantial reefs will require dredging or other mechanical means.

The accumulation of Pacific oysters and oyster shell along beaches also significantly detracts from their recreational use and amenity value. Community groups around Auckland often undertake Pacific oyster shell removal projects to help restore beaches for recreational use.

F2.8.2. Objectives [rcp]

- (1) Exotic species are not introduced so that indigenous biodiversity, public access and amenity values are restored, enhanced or maintained.
- (2) The adverse effects and risks associated with the removal of exotic species are minimised.
- (3) Recreational use and amenity values of the coast are maintained or enhanced by the removal of Pacific oyster reefs and shells.

F2.8.3. Policies [rcp]

- (1) Allow the removal of exotic plants where all of the following apply:
 - (a) the removal meets the provisions of an approved pest management strategy prepared under the Biosecurity Act 1993;
 - (b) removal will have the least adverse environmental effects and a lesser adverse effect than taking no action; and
 - (c) the method of removal and disposal minimises any adverse effects, including the risks of further spread.
- (2) Provide for the removal of Pacific oyster reefs and shell where:
 - (a) they are restricting access, navigation, recreational use and detracting from the amenity value of an area;
 - (b) they are affecting public health and safety; or
 - (c) they are having an adverse effect on ecological values; and
 - (d) the removal method minimises adverse effects to the extent practicable;
 - (e) the removal method will have only minor effects on areas identified as a significant ecological value; and
 - (f) appropriate provision is made for the disposal of dredged material or removed shell.

Note 1

Pacific oyster shell removal must also comply with the Fisheries Act 1996. For the removal of Pacific oyster reefs refer to the dredging provisions.

F2.9. Vegetation: planting in the coastal marine area

F2.9.1. Background

The planting of native plants for habitat protection and enhancement or for coastal hazard mitigation can have beneficial effects on the ecology of the coastal marine area. The greatest benefit is achieved from using plants sourced from within, rather than outside, the same ecological district.

The introduction of 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.

F2.9.2. Objective [rcp]

- (1) The distinct natural variations in native plant species that occur between different areas, and biodiversity in the coastal marine area are maintained.

F2.9.3. Policies [rcp]

- (1) Avoid the introduction and use of exotic plant species into the coastal marine area unless the adverse effects are understood and can be avoided or mitigated.

- (2) Avoid the planting, transplanting or introduction of all species of spartina (cord grass) in the coastal marine area.
- (3) Promote the use of native plants sourced from the same ecological district for planting in the coastal marine area unless:
 - (a) this is not possible; or
 - (b) any adverse effects, including cumulative effects, on local native plants can be avoided or mitigated.
- (4) Promote planting in the coastal marine area to:
 - (a) enhance existing natural character and communities of native plants by using native plants that are consistent with the local native plants species and common to the location; or
 - (b) avoid changes to natural coastal processes, unless the planting is for the purpose of mitigating a coastal hazard.

F2.10. Taking, use and damming or diverting of coastal waters

F2.10.1. Background

While water is an abundant resource in the coastal marine area, adverse environmental effects may result from the taking, use, damming or diverting of large quantities of coastal water. Adverse environmental effects are more likely to occur if these activities are undertaken in more enclosed and sensitive coastal areas such as estuaries, inlets, harbours and embayments. The structures or works associated with these activities may also have adverse environmental effects.

F2.10.2. Objective [rcp]

- (1) The taking, use or diversion of coastal water is enabled while the environmental values of the coastal marine area are protected.

F2.10.3. Policies [rcp]

- (1) Enable the taking or use of coastal water for the normal operational needs of vessels or for fire-fighting purposes.
- (2) Provide for taking, use or diversion of coastal water, or taking or using heat or energy from coastal water, where adverse effects can be avoided, remedied or mitigated on any of the following:
 - (a) the identified natural character of the coastal environment;
 - (b) adjacent land uses; or
 - (c) significant marine habitats or identified outstanding natural features; and
 - (d) where the activity will not:
 - (i) result in the abstraction of significant numbers of marine organisms;

- (ii) 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;
 - (iii) result in significant adverse effects on water quality; and
 - (iv) produce significant changes in water temperature.
- (3) Avoid damming or impoundment of coastal water unless:
- (a) it is necessary to enable the construction, operation or maintenance of infrastructure; or
 - (b) it is for habitat protection; and
 - (c) a location on land or other method is not available
- (4) Provide for damming or impoundment of coastal water where Policy F2.10.3(3)(a), (b) or (c) apply, having regard to the following:
- (a) there is significant public benefit;
 - (b) the positive effects on the environment are sufficient to mitigate the adverse effects; and
 - (c) there are no significant adverse cumulative effects.

F2.11. Discharges

F2.11.1. Background

Good water is fundamental to most activities undertaken in the coastal marine area and underpins the ecological health and life-supporting capacity of the marine environment.

Coastal activities such as food gathering, recreation, tourism and aquaculture rely on water quality being of a safe standard. Amenity values and the intrinsic values of the coast are also influenced by whether there is clean coastal water.

The Plan enables a range of coastal activities that support social and economic well-being but which result in discharges to the coastal marine area. These include marine and port activities, marinas, marine industry, transport, infrastructure, aquaculture and recreational activities.

Sediment, litter, heavy metals, nutrients and other contaminant in discharges to coastal water have a significant effect on ecological values and coastal habitats. Sensitive receiving environments with high recreational or ecological values such as high use beaches, estuaries and harbours are affected by discharges, particularly from urbanised areas. As shown in the Regional Policy Statement, most harbour areas in Auckland have been identified as being degraded through a combination of urban and rural land-use activities and discharges.

The coastal marine area and its resources comprise some of the most important taonga to Mana Whenua. Water quality, which underpins the well-being of the coastal marine area and the ability to use the resources of the coastal marine area, is fundamental to all aspects of Mana Whenua well-being. Tikanga places high

value on the concept of manākitanga, the ability to provide an abundance of food to guests as a matter of tribal mana and well-being. Discharges that degrade water quality, deplete marine life, or prevent consumption of kai moana for health reasons, are a fundamental matter of concern for Mana Whenua.

In urban areas a significant number of discharges in to the coastal marine area are from existing wastewater, stormwater, road and combined sewer network infrastructure. It is inevitable that some of these discharges occur in sensitive marine environments. Significant public expenditure is required to change the location of discharges or mitigate all the environmental effects from discharges. Given this situation, a best practicable option strategic approach, as defined in section 2(1) of the Resource Management Act 1991, has been adopted to prioritise upgrades of infrastructure networks discharging into the coastal marine area and to guide in the assessment of discharge consents.

The Plan includes a range of provisions to manage Auckland's fresh and coastal water quality, including those focused on sediment and land disturbing activities, stormwater, wastewater, industrial and trade processes and other diffuse or point source contaminant discharges. The adverse effects of these activities and discharges are managed through rules on discharges and, in some circumstances, land use activities. While the focus of this chapter is specifically on discharges to the coastal marine area, all of the relevant Plan provisions contribute to the aim of maintaining coastal water quality (including benthic sediment) where it is excellent or good and to progressively improve water quality in degraded areas over time. This approach recognises the coastal marine area is the ultimate receiving environment for many of the contaminants generated on and discharged from land.

The Council will work collaboratively with stakeholders to identify additional coastal water quality indicators and guideline values to complement the existing sediment quality threshold effects levels (for example, those in 'Blueprint for monitoring urban receiving environments, ARC Technical Publication 168 revised edition August 2004' and the 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Governments and Australian state and territory governments, Canberra ACT, Australia' (ANZG 2018) as they relate to sediment quality in the coastal marine area). This will help improve the evaluation of different discharge options through the resource consent process. This will be an interim measure as implementation of the National Policy Statement for Freshwater Management 2014 and marine spatial planning is likely to result in additional measures to safeguard the values of coastal receiving environments.

Other discharges into the coastal marine area can occur from construction activities or vessels. Common contaminants discharged include fuel and oil, suspended solids, heavy metals, synthetic and naturally occurring organic compounds, sewage, micro-organisms, and litter.

F2.11.2. Objectives [rcp]

- (1) Water and sediment quality in the coastal marine area is maintained where it is excellent or good and progressively improved over time in degraded areas.

- (2) The life-supporting capacity and resources of the Hauraki Gulf are protected and, where appropriate, enhanced.
- (3) Stormwater and wastewater networks protect public health and safety by preventing or minimising the adverse effects of contaminants on the coastal water quality.

F2.11.3. Policies [rcp]

- (1) Avoid the discharge of contaminants where it will result in significant modification of, or damage to any areas identified as having significant values.
- (2) Require any proposal to discharge contaminants or water into the coastal marine area to adopt the best practicable option to prevent or minimise adverse effects on the environment, having regard to all of the following:
 - (a) whether it is practicable or appropriate to discharge to land above mean high water springs;
 - (b) whether there is a wastewater network in place that should be used;
 - (c) whether the receiving environment has the capacity to assimilate the discharged contaminants after reasonable mixing, particularly within areas identified as degraded or as having significant ecological value;
 - (d) the extent to which present or foreseeable future adverse effects have been avoided, remedied or mitigated on:
 - (i) areas of high recreational use;
 - (ii) relevant initiatives by Mana Whenua established under regulations relating to the conservation or management of fisheries;
 - (iii) the collection of fish and shellfish for consumption; and
 - (iv) areas associated with maintenance dredging;
 - (e) high ecological values;
 - (f) cleaner production methods are used where practicable to minimise the volume and level of contaminants being discharged; and
 - (g) the discharge after reasonable mixing, does not either by itself or in combination with other discharges results in any or all of the following effects:
 - (i) oil or grease films, scums or foams, or floatable or suspended materials;
 - (ii) conspicuous change in the colour or visual clarity;
 - (iii) any emission of objectionable odour;
 - (iv) any significant adverse effects on aquatic life; or
 - (v) any significant effects of aesthetic or amenity values.

- (3) Provide for discharges that are unavoidable but intermittent, where:
 - (a) the discharge occurs infrequently;
 - (b) there are technical and practical difficulties which prevent measures being taken to avoid, remedy or mitigate adverse effects of the discharge; or
 - (c) there is an appropriate programme, consistent with the best practicable option approach, in place to prevent or minimise adverse effects within a reasonable timeframe.
- (4) Minimise, to the extent practicable, the discharge of contaminants in areas that require maintenance dredging.
- (5) Encourage source control of contaminants, through the management of land use and discharges, as a method to prevent or minimise contaminant generation and discharge to coastal receiving environments, where source contaminant control devices and methods can practicably be installed and maintained on an ongoing basis.
- (6) Reduce the amount of litter entering coastal waters, and mitigate the effects of litter disposal, by encouraging design, maintenance and management initiatives, for discharge structures, road cleaning and other activities, that will help minimise the amount of litter discharged into the coastal marine area.
- (7) Enable discharges associated with new or redevelopment of infrastructure to meet the economic and social needs of people and communities, taking into account all of the following:
 - (a) the practicability of upgrading the part of the infrastructure at issue, the state of the infrastructure and the costs of upgrading it;
 - (b) public health priorities;
 - (c) the nature of both the receiving environment and the discharge;
 - (d) priorities for flooding and inundation protection;
 - (e) the operational need for stormwater or wastewater infrastructure and associated discharges to be located in the coastal marine area; and
 - (f) Policies [E1.3\(8\) – \(14\), \(17\) – \(21\) of E1 Water quality and integrated management](#);
- (8) Avoid the discharge of wastewater to the coastal marine area, unless:
 - (a) alternative methods, sites and routes for the discharge have been considered and are not the best practicable option;
 - (b) Mana Whenua have been consulted in accordance with tikanga Māori and due weight has been given to section 6, 7 and 8 of the Resource Management Act 1991;
 - (c) the affected community has been consulted regarding the suitability of the treatment and disposal system to address any environmental effects;

- (d) the extent to which adverse effects have been avoided, remedied or mitigated on areas of:
 - (i) high recreational use, or areas that are used for fishing or shellfish gathering;
 - (ii) maintenance dredging;
 - (iii) commercial or residential waterfront development;
 - (iv) high ecological value; and
 - (v) marine farms.
- (9) Require operators of ports, marinas, ferry terminals and other marine facilities to take all practicable steps to prevent contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.
- (10) Require adequate and convenient facilities in ports, marinas, ferry terminals and other marine facilities for the containment, collection and appropriate disposal of:
 - (a) sewage, bilge water and litter from vessels;
 - (b) recyclable material including waste oils;
 - (c) residues from vessel servicing, construction, maintenance and repair;
 - (d) spills from refuelling operations and refuelling equipment;
 - (e) spills, residues and debris from cargo operations; and
 - (f) the discharge of stormwater generated from the port facilities, including facilities located above mean high water springs.

F2.12. Untreated sewage discharge from vessels

F2.12.1. Background

Auckland has a high concentration of recreational and boating activities. The direct discharge of untreated sewage into the coastal marine area from vessels reduces water quality. This can have localised adverse effects on amenity values, recreational activities, cultural values, ecology, and marine farming. The effects of discharges from vessels cause most concern during peak summer months and holiday periods, particularly in enclosed bays, harbours and popular anchorages.

The Resource Management (Marine Pollution) Regulations 1998 set limits on where sewage from vessels should not be discharged into the coastal marine area. In Auckland, additional estuaries, bays and harbours have been also been identified as locations where sewage from vessels should not be discharged.

F2.12.2. Objectives [rcp]

- (1) The values of the coastal marine area, and the activities that rely on high water quality, are protected from the adverse effects from the discharge of untreated sewage from vessels, while providing for the health and safety of vessels and their occupants.

- (2) The high recreation and amenity values of the inner Hauraki Gulf are maintained.

F2.12.3. Policies [rcp]

- (1) Avoid the discharge of untreated sewage from vessels within areas that have been identified as inappropriate due to the proximity to shore, marine farms, marine reserves, or shallow water depth while providing for the health and safety of vessels and their occupants.
- (2) Require provision of sewage collection and disposal facilities for vessels at ports, marinas and other allied facilities, or at the time of significant upgrading of these facilities.
- (3) Promote the installation of public toilet facilities at high use boat ramps and boating destinations, at construction, or during significant upgrades of such facilities.

F2.13. Discharges from bio-fouling and vessel maintenance

F2.13.1. Background

Vessels accumulate biofouling of marine plant and animal organisms on their hulls, which may include harmful aquatic organisms. Many of these organisms can present a risk to native ecology or to marine industry such as aquaculture. The changes to the environment that may result from their introduction and spread can also adversely affect amenity values and recreational activities. Controlling the spread of these organisms, once they are established in an area, is expensive, and total eradication is often impossible.

Vessels arriving from overseas may be carrying organisms that are exotic to New Zealand, whereas vessels from other parts of New Zealand, or even those travelling between different places in Auckland, may further spread exotic species which are already established. These organisms may be discharged into the coastal marine area either by active cleaning of hulls, or by passive discharge due to reproductive processes of the organisms, or by water sheering during vessel movement.

The best way to minimise the risks associated with harmful aquatic organisms is to restrict their introduction into New Zealand, limit their spread (if they are already present) by controlling the movement of fouled vessels, equipment and gear and restrict discharges from cleaning that may include harmful aquatic organisms. The origin of a vessel adds to the risk of the spread of invasive organisms.

Movement controls for the management of biofouling on vessels can be addressed through the Biosecurity Act 1993. It has mechanisms to manage the hull state of vessels arriving from overseas through the Craft Risk Management Standard and between regions through Pest and Pathway Plan provisions in the Act.

The provisions in this Section allow for the removal of microfouling from vessels, but place progressively stricter controls on vessels with higher levels of hull bio-fouling (in accordance with the Australian and New Zealand Anti-fouling and In-water Cleaning Guidelines 2013), which is preventable if vessel maintenance is kept up to

date. The provisions in this section relating to biofouling are also stricter for high value areas.

Note 1

The level of fouling is as expressed in the international Level of Fouling, or LOF Scale of 1 - 5; LOF 1 being algal slime microfouling, and LOF 2 - 5 being progressive macrofouling stages.

F2.13.2. Objectives [rcp]

- (1) The risk of introducing or spreading harmful aquatic organisms from vessel biofouling is minimised.
- (2) The risk of introducing contaminants, including harmful aquatic organisms, from the cleaning of vessels near the shores of Hauraki Gulf Marine Park Islands which have conservation status is minimised.

F2.13.3. Policies [rcp]

- (1) Raise awareness among the boating community, particularly for vessels arriving from outside New Zealand or Auckland, of the importance of maintaining clean hulls to reduce risk of introducing or spreading harmful aquatic organisms from biofouling on vessel hulls and niche areas, and particularly during boat maintenance activities and from the passive discharge of organisms from macrofouling.
- (2) Manage hull and niche area cleaning and boat maintenance activities of vessels, particularly those that have a high degree of biofouling, to minimise the risk of harmful aquatic organisms being discharged into coastal water.
- (3) Avoid hull cleaning or boat maintenance activities being undertaken on the foreshore and marine area surrounding the Hauraki Gulf conservation islands, to reduce the risk from contaminants, including harmful aquatic organisms, adversely affecting the natural values of these islands.

F2.14. Use, development and occupation in the coastal marine area

F2.14.1. Background

There is a presumption that public use and access is freely available to much of the coast and the coastal marine area. Use and development needs to be managed to ensure that any exclusion of the public is temporary and short term, unless exclusion is required for public health and safety or operational purposes, or where rights to exclusively occupy part of the coastal marine area are provided for.

The granting of occupation rights apply to those parts of the coastal marine area that form part of the common marine and coastal area, which is defined in the Marine and Coastal Area (Takutai Moana) Act 2011 (section 9(1)). It is defined as the marine and coastal area other than specified freehold land that extends below mean high water springs or any area that is owned by the Crown and has the status of a conservation area, national park, or reserve.

Use and development in the common marine and coastal area can enhance social, cultural and economic well-being and the natural environment. Rights of exclusive use, and/or restricting public access, may be necessary to enable the operation and safe operation of some activities. At the same time the need to exclude the public has to be demonstrated as necessary, and any loss of public access and use must be mitigated where this is practicable. In some cases the right to cross the coastal marine area provides the only access to private property.

The finite resources of the coast and its public access and open space values require that use and occupation of the common marine and coastal area should be by activities that have a functional or operational need to be located in the coastal marine area.

In some parts of the common marine and coastal area, such as the waterfront and at ferry terminals, non-marine activities on wharves or structures, including cafes and restaurants, add to the atmosphere and amenity value of the area. In these areas non-marine related activities may be appropriate as they complement the intended use and function of the area, and the necessary land-based infrastructure can be provided.

Outside of areas where non-marine related activities are provided for, use and development in the common marine and coastal area that does not have a functional or operational need to be located in the coastal marine area should generally not be located there. If such use and development is proposed it needs to be assessed through a process that enables public input and takes into account the impacts on the use and values of both the land and sea. The appropriate provision of land-based infrastructure also needs to be assessed. Due to the geography of Auckland, some infrastructure may have an operational need to locate in, or traverse the common marine and coastal area to enable an effective and sustainable network.

The Council is able to impose a charge for occupation of the common marine and coastal area. The Resource Management Act 1991 requires that the Council either includes a statement that a charging regime will not apply, or includes a regime for coastal occupation in the Unitary Plan, or in the first plan change after 1 October 2014.

The Council has chosen not to include a charging regime at this time, but will consider whether to do so after the Unitary Plan is made operative and after consultation with affected parties. Notwithstanding this the Council considers that where occupation rights are granted, especially exclusive occupation, and a private benefit is obtained from that occupation, then an occupation charge to 'compensate' the public would be appropriate.

F2.14.2. Objectives [rcp]

- (1) The high public value of the coast and coastal marine area as open space area with free public access is maintained.
- (2) Occupation rights are provided for in appropriate locations, and in appropriate circumstances for use and development that has a functional need to be

located in the common marine and coastal area, and for infrastructure that has an operational need to be located below mean high water springs and cannot be practicably located on land.

- (3) Limit exclusive occupation to where it can be demonstrated it is necessary for the efficient functioning of the use and development or is needed for public safety, and any loss of public access and use as a result is minimised and mitigation is provided where practicable.
- (4) Efficient use is made of coastal marine area by consolidating use and development within appropriate areas, where practicable.
- (5) Activities that do not have a functional or operational need to be undertaken in the common marine and coastal area are provided for within zones or precincts only where they can demonstrate:
 - (a) the need for a common marine and coastal area location;
 - (b) they cannot practicably be located on land outside of the coastal marine area; and
 - (c) they are consistent with the use and value of the area, including the adjacent land area, and do not compromise natural character, ecological, public access, Mana Whenua, historic heritage, or amenity values.
- (6) Activities that do not have a functional or operational need to be undertaken in the coastal marine area do not unduly limit the use of areas for marine and port activities or result in adverse cumulative effects.
- (7) Use and development in the coastal marine area is supported by all necessary land-based access and infrastructure.
- (8) Short-term occupation that restricts public access for a limited period to enable special events and activities to be undertaken in the common marine and coastal area is allowed.
- (9) Limited expansion of existing marinas into the Coastal – General Coastal Marine Zone is provided for, provided there is adequate infrastructure to support the expansion and adverse effects on the coastal environment are avoided, remedied or mitigated.

F2.14.3. Policies [rcp]

- (1) Enable use and occupation of the common marine and coastal area to provide for use and development that:
 - (a) has a functional or operational need to be below mean high water springs and may require public access to be restricted; or
 - (b) is necessary to provide for the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses; and
 - (c) will not compromise or limit the operation of existing activities that have occupation rights within the common marine and coastal area.

- (2) Provide for exclusive occupation rights in the common marine and coastal area only where it can be demonstrated this is necessary for the efficient functioning of the use and development or is needed for public safety, and will enable the most efficient use of space by activities in the common marine and coastal area and require that the loss of public access and recreational use is mitigated.
- (3) Avoid use and occupation of the common marine and coastal area by activities that do not have a functional need to be undertaken in the coastal marine area, unless the proposed use:
 - (a) can demonstrate it needs to be located in the common marine and coastal area and cannot practicably be located on land outside of the common marine and coastal area;
 - (b) is consistent with the objectives and policies for the relevant zone or precinct;
 - (c) will enhance amenity values and not conflict with marine activities; and
 - (d) any necessary land-based infrastructure can be provided.
- (4) Avoid granting rights of exclusive occupation in areas with high public use and where it will have a significant adverse effect on public access and recreational use of the common marine and coastal area.
- (5) Provide for use and occupation of the common marine and coastal area by infrastructure, where it does not have a functional need to locate in the common marine and coastal area but has an operational need, and only where it cannot be practicably located on land and avoids, remedies, or mitigates other adverse effects on:
 - (a) the existing use, character and value of the area;
 - (b) public access, recreational use and amenity values;
 - (c) natural character and scenic values, from both land and sea;
 - (d) water quality and ecological values;
 - (e) coastal processes including erosion;
 - (f) other lawfully established use and development in the coastal marine area or on adjoining land;
 - (g) the anticipated future use of the area for marine activities; and
 - (h) Mana Whenua or historic heritage values.
- (6) Provide for the use and occupation of the common marine and coastal area associated with the effective operation, maintenance, upgrading and development of the components of the electricity transmission network that have an functional or operational need to locate in the coastal marine area in appropriate areas.

- (7) Enable temporary occupation of the common marine and coastal area by structures or activities associated with events or temporary activities, while minimising adverse effects on public access, use, and ensuring safety.
- (8) Limit the time that vessels can anchor in the same position and occupy water space within the Coastal – General Coastal Marine Zone, other than is necessary for navigational safety, accident or emergency reasons.
- (9) Provide for development, use, repair, maintenance, refurbishment and reconstruction and expansion to existing marinas that avoids, remedies or mitigates adverse effects on the coastal environment, including land zoned for residential or open space purposes.
- (10) Require any proposed use and development for activities in the common marine and coastal area to demonstrate that any necessary land-based access and infrastructure can be appropriately provided for.
- (11) Determine the appropriate duration for granting rights of occupation having regard to the:
 - (a) extent of public use and access of the area and the impact of restrictions on the loss of public use and access;
 - (b) level of investment in the development and need for security of tenure to ensure its financial and economic viability and/or long term public benefit;
 - (c) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans that anticipate a change in public use and access in the area; and
 - (d) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.
- (12) Allow temporary military training activities for defence purposes within the coastal marine area, provided:
 - (a) there is no, damage to or destruction of sites scheduled in the: [D17 Historic Heritage Overlay](#); [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D10 Outstanding Natural Features Overlay](#) and [Outstanding Natural Landscape Overlay](#); or [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#);
 - (b) adverse effects on coastal processes are mitigated; and
 - (c) public access is maintained to and along the coastal marine area except where a restriction is necessary to protect public health and safety or where public access would be in conflict with the Defence Act 1990.
- (13) Avoid underwater explosives training:
 - (a) in sites scheduled in the scheduled in the [D17 Historic Heritage Overlay](#); [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D10 Outstanding Natural Features Overlay](#) and [Outstanding Natural](#)

[Landscape Overlay](#); or [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#);

- (b) where it will result in non-transitory or more than minor adverse effects on significant indigenous biodiversity; and
- (c) sites and places of significance or value to Mana Whenua.

F2.15. Aquaculture

F2.15.1. Background

Aquaculture, particularly the marine farming of green-lipped mussels and Pacific oysters, has a long history in Auckland as a marine-based industry. Aquaculture and its associated processing and transport of its product contribute to Auckland's economic, social and cultural well-being. For this reasons the continued operation of established aquaculture and where appropriate new aquaculture development is provided for.

Aquaculture has a functional need to be located in the coastal marine area. Some established marine farms are in and around areas with high natural character and ecological value. Aquaculture can result in conflicts with other uses and values, particularly in areas with high recreational use, ecological, natural landscape or natural character values. For these reasons it is important that aquaculture is appropriately located and managed.

The cultural and traditional use and relationship of Mana Whenua with their ancestral water and sites of special significance such as wāhi tapu need to be respected when considering the location of new aquaculture.

However, aquaculture holds potential for Mana Whenua as a business opportunity, through independent business ventures, settlement options or joint ventures with industry. The equivalent of 20 per cent of new aquaculture space will be provided, by the Crown, for settlement purposes pursuant to the Māori Commercial Aquaculture Claims Settlement Act 2004 to relevant iwi recognised under the Māori Fisheries Act 2004.

Aquaculture relies on good quality water which can be affected by contaminants from stormwater or wastewater discharges, runoff from land, or discharges from boats. In areas where aquaculture is already established there is a need to protect water quality from new sources of contaminants and to be aware of the reverse sensitivity effects associated with changes in catchment use that will affect water quality. This is likely to become an increasing issue with the growth of Auckland.

New techniques and species for aquaculture are being developed. A precautionary approach is required when assessing new species and techniques where the effects on the environment are unknown or uncertain but the effects are potentially significantly adverse.

Aquaculture activities can spread or introduce harmful aquatic organisms through the movement of stock, gear and equipment. These activities need to be managed to minimise the degree of risk.

F2.15.2. Objectives [rcp]

- (1) The cultural, social and economic benefits of aquaculture are recognised.
- (2) New aquaculture or the expansion or realignment of established aquaculture activities, occurs in appropriate locations and at appropriate scales that avoid, or where appropriate minimise, conflicts with ecological, social and cultural values and other uses.
- (3) Established aquaculture activities are provided for and are not compromised by other uses or by activities that degrade water quality.
- (4) Aquaculture activities are managed to minimise the risk of introducing or spreading harmful aquatic organisms.

F2.15.3. Policies [rcp]

- (1) Require new aquaculture activities to be located and designed to avoid adverse effects on those characteristics and qualities that contribute to the identified values of:
 - (a) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
 - (b) [D17 Historic Heritage Overlay](#);
 - (c) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
 - (d) [D11 Outstanding Natural Character and High Natural Character overlays](#);
and
 - (e) [D10 Outstanding Natural Features Overlay](#); and [Outstanding Natural Landscapes Overlay](#).
- (2) Require, in addition to Policy F2.15.3(1), that new aquaculture activities be designed and located to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the characteristics and qualities that contribute to the values of:
 - (a) Coastal – Mooring Zone;
 - (b) popular and safe navigation routes and anchorages, for example by complying with the current Maritime NZ guidelines for aquaculture;
 - (c) areas with high recreational use or amenity value; and
 - (d) public access, particularly to highly used areas.
- (3) Provide for the continued operation of established aquaculture activities where:
 - (a) adverse effects on ecological values, water quality and navigation and safety are avoided, remedied or mitigated;

- (b) adverse effect on those characteristics and qualities that contribute to the identified values set out below are avoided:
 - (i) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
 - (ii) [D17 Historic Heritage Overlay](#);
 - (iii) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
 - (iv) [D11 Outstanding Natural Character and High Natural Character overlays](#);
 - (v) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#); and
- (c) there is existing substantial level of economic investment in lawfully established aquaculture activities.
- (4) Provide for minor extension or realignment of established aquaculture activities where:
 - (a) this improves their efficient use;
 - (b) the established marine farm is fully developed before a minor extension is sought;
 - (c) adverse effects on other values and uses are avoided, remedied or mitigated;
 - (d) adverse effect on those characteristics and qualities that contribute to the identified values set out below are avoided:
 - (i) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
 - (ii) [D17 Historic Heritage Overlay](#);
 - (iii) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
 - (iv) [D11 Outstanding Natural Character and High Natural Character overlays](#);
 - (v) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#); and
 - (e) there is an existing substantial level of economic investment in lawfully established aquaculture activities.
- (5) Require that structures used for aquaculture, or the introduction or relocation of equipment or stock, are managed to avoid, as far as practicable, the release or spread of harmful aquatic organisms.
- (6) Provide for aquaculture research trials in appropriate locations and of a limited scale and duration.
- (7) Apply a precautionary approach, such as adaptive management, when assessing applications for aquaculture activities that propose using species, techniques or locations not previously used for aquaculture and where the

adverse effects are uncertain, unknown or little understood but are potentially significant.

- (8) Avoid reverse sensitivity issues with other activities in areas with lawfully established aquaculture activities by controlling:
 - (a) sewage discharges from vessels less than 500m from a marine farm;
 - (b) new subdivision, use and development on land which may affect water quality in adjacent areas used for aquaculture;
 - (c) biosecurity effects from in-water cleaning of vessel hulls, consistent with regional and national standards; and
 - (d) other discharges to the coastal marine area or take, damming or diverting of water.
- (9) Where facilities and infrastructure associated with new aquaculture activities are necessary, require them to be provided for in an integrated manner where practicable including via the consolidation of the location of facilities or the sharing of wharf structures.
- (10) Manage the allocation of space in areas where there is high and competing demand for space, or where there may be the opportunity for allocation of authorisations or consents within future aquaculture zones, through mechanisms described in Part 7A of the Resource Management Act, or by weighted attributes tendering that takes into account:
 - (a) economic, social, cultural and environmental sustainability;
 - (b) the local employment opportunity and profit retention in the Auckland region or other social good; and
 - (c) the opportunity for Mana Whenua to benefit by the location of the activity within their rohe moana.
- (11) Consider aquaculture to be generally more appropriate when located in areas where it consolidates existing aquaculture activities provided that potential opportunities to maintain biosecurity are not compromised.
- (12) Avoid the significant expansion of aquaculture in the Mahurangi Harbour.

F2.16. Structures

F2.16.1. Background

Structures and buildings in the coastal marine area are necessary to provide for people's social, economic and cultural well-being. They can enhance the use of the coastal marine area as well as access to and from it. This can be for a range of activities including: social, cultural, recreational and commercial.

The coast is a finite resource which is under pressure for use and development. To ensure efficient use is made of coastal space, and because the coast is a public resource, structures need to have a functional need for a coastal location and to provide for multiple uses where practicable, taking into account the purpose and use

of the structure. However it is also recognised that certain activities, such as some infrastructure, may have operational needs that make a location in the coastal marine area appropriate.

The growth of Auckland and people living next to the coast means there is an ongoing demand for new structures in the coastal marine area. These can adversely affect natural character, coastal process, landscape, and public access and coastal processes and result in adverse effects from a proliferation of structures.

Structures must be designed to take into account coastal processes and hazards, including the expected effects from climate change and sea level rise.

F2.16.2. Objectives [rcp]

- (1) Structures are generally limited to those that have a functional need to be located in the coastal marine area, or those that have an operational need and that cannot be practicably located outside of the coastal marine area.
- (2) Structures provide for public access and multiple uses where practicable, other than those restricted by location or functional requirements.
- (3) Structures are appropriately located and designed to minimise adverse effects on the ecological, natural character, landscape, natural features, historic heritage and Mana Whenua values of the coastal marine area, and avoid to the extent practicable the risk of being adversely affected by coastal hazards.
- (4) Structures are provided in appropriate locations to enable Māori cultural activities and customary use.

F2.16.3. Policies [rcp]

Efficient use of coastal space

- (1) Limit structures to the following:
 - (a) those that generally have a functional need to be located in the coastal marine area, or that have an operational need and cannot be practicably be located outside of the coastal marine area;
 - (b) where the proposed purpose or use cannot practicably be accommodated on existing structures or facilities;
 - (c) those that are necessary to provide access to land where there are no practicable land-based access options, and there is no existing structure in close proximity that could provide reasonable access; and
 - (d) locations where the purpose and frequency of use warrants the proposed structure, and an alternative that would have lesser effects is not a practicable option.
- (2) Avoid adverse cumulative impacts from structures in the Coastal – General Coastal Marine Zone taking into account the number of structures in the immediate and surrounding area.

- (3) Limit the impacts from structures associated with infrastructure by:
- (a) requiring an assessment of any practicable alternative sites, routes or designs where it is likely that the proposed structure will result in any significant adverse effect on the environment, including land-based alternatives, to demonstrate that the chosen option is appropriate taking into account the purpose and use of the structure and that the adverse effects will be avoided to the extent practicable, and will otherwise be remedied or mitigated;
 - (b) concentrating infrastructure structures, including pipelines, cables and transmission structures, in locations where similar, or other infrastructure, already exists where reasonably practicable;
 - (c) ensuring that where practicable cables and transmission structures are located beneath the seabed to avoid the need for anchoring or fishing restrictions; and
 - (d) encouraging structures for infrastructure to be multifunctional where practicable.
- (4) Enable the maintenance, repair, reconstruction and upgrade of existing lawful structures, including where necessary to comply with applicable standards and codes.
- (5) Enable the extension or alteration of existing structures in locations where they will:
- (a) not have significant adverse effects on other uses and values;
 - (b) result in greater, more efficient, or multiple use of the structure; or
 - (c) reduce the need for new structures elsewhere.

Ensuring structures are appropriately located and designed

- (6) Require structures to be located to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the values of areas identified as:
- (a) [D17 Historic Heritage Overlay](#);
 - (b) [D21 Sites and Places of Significance to Mana Whenua Overlay](#);
 - (c) [D11 Outstanding Natural Character and High Natural Character overlays](#);
 - (d) [D10 Outstanding Natural Features Overlay](#); and [Outstanding Natural Landscapes Overlay](#); and
 - (e) significant surf breaks identified in [Appendix 4 Surf breaks](#), including the recreation, amenity and economic values, and taking into account any effects on coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to significant surf breaks.
- (7) Require structures in the Coastal – General Coastal Marine Zone to be located to minimise:

- (a) impacts on other coastal activities, including activities provided for in zones or resource consents;
 - (b) adverse effects on recreational use, including popular anchorage areas;
 - (c) adverse effects on public access to and along the coastal marine area;
 - (d) visual impacts, particularly in areas sensitive to effects such as headlands or the outer edges of enclosed bays, as seen from both land and water;
 - (e) the size of the structure, including its size in relation to wharves and jetties and consider providing for partial rather than all-tide access, unless this is not a practicable option given the function and frequency of use;
 - (f) the risk of being affected by coastal hazards including sea level rise;
 - (g) the need for dredging, including ongoing dredging to maintain water access; and
 - (h) adverse effects on scheduled sites and places of significance to Mana Whenua.
- (8) Require structures to be designed to:
- (a) be the minimum size reasonably necessary to provide for the proposed use;
 - (b) be multi-purpose where practicable and where it will not conflict with operational or safety requirements;
 - (c) minimise impacts on natural character and amenity values and generally fit with the character of any existing built elements, including in the use of materials and colours having regard to safety requirements;
 - (d) not increase rates of coastal erosion; and
 - (e) take into account dynamic coastal processes, including the expected effects of climate change and sea level rise.
- (9) Have regard to the value of retaining the natural character of areas where structures are absent, taking into account the area's uniqueness and value because of the absence of structures.
- (10) Require the building material used for structures to be appropriately marine treated, or if relocated or recycled building material or structures are used, that it is treated or cleaned to prevent the transference or introduction of harmful aquatic organisms.
- (11) Require buildings in the coastal marine area to be of a scale, location and design that is appropriate to its context.

Structures that enhance public use and access and enable traditional and cultural use

- (12) Enable structures in appropriate locations where the structure is to provide, or enhance:
- (a) public access, use or amenity values, including artworks in the coastal marine area; and
 - (b) access to the coast by Mana Whenua for customary uses and cultural activities, and for access to the coast from papakāinga, marae or Māori land.
- (13) Require structures to provide for public access and reasonable use, except in exceptional circumstances, or where public use needs to be restricted or excluded for operational, or health and safety reasons.

Foreshore protection works – hard protection structures

- (14) Avoid a proliferation of hard protection structures in the coastal marine area by requiring:
- (a) hard protection structures to be located landward of mean high water springs where practicable, particularly if the structure is for the purpose of protecting private assets;
 - (b) evidence to demonstrate that the adjoining landward area, or development in the coastal marine area, is at risk from a coastal hazard, and the degree of risk;
 - (c) evidence to demonstrate that the options of non-intervention, managed retreat, abandonment or relocation of any landward development or structures are not practicable; and
 - (d) evidence to demonstrate that the proposed structure is the most appropriate method for remedying or mitigating a coastal hazard having regard to the entire area affected or potentially affected by the hazard, and taking into account alternative methods, including soft engineering works.
- (15) Avoid hard protection structures that are likely to result in:
- (a) undermining of the foundations at the base of the structure;
 - (b) erosion behind or around the ends of the structure;
 - (c) settlement or loss of foundation material;
 - (d) movement or dislodgement of individual structural components;
 - (e) the failure of the coastal protection structure should overtopping by seawater occur;
 - (f) piping or hydraulic pumping of fine material or backfill;
 - (g) offshore or long-shore loss of sediment from the immediate vicinity; and
 - (h) any increase in the coastal hazard posed to the coastline elsewhere.
- (16) Require the design and location of hard protection structures to:

- (a) minimise adverse effects on natural character and amenity values;
 - (b) avoid restricting public access to or along the coastal marine area; and
 - (c) take into account dynamic coastal processes, including the effects of climate change, sea level rise, assessed at least over a 100 year timeframe, including the potential for inundation or for the coastal marine area to advance inland.
- (17) Encourage a comprehensive and integrated land-sea management approach to be taken in considering new foreshore protection works, including:
- (a) the erosion effects from any on-site stormwater discharges;
 - (b) whether the discharge method is lawful and the most appropriate option; and
 - (c) the extent that the hazard risk is being increased as a result of the location and method of stormwater discharges or drainage.
- (18) Require consideration to be given to any relevant management strategy, strategic plan or hazard risk assessment relating to the area where foreshore protection works are proposed.

Ensuring integrated management between land and sea

- (19) Require applications for structures in the coastal marine area to demonstrate that any landward component, development, or use of land-based infrastructure or facilities can be appropriately provided for.
- (20) Require applications for structures in the coastal marine area to demonstrate how any significant adverse effects on the use of adjoining land, including reverse sensitivity effects on existing use or development of that land, can be avoided, remedied or mitigated.

Ensuring safe navigation

- (21) Enable structures required to ensure safe navigation or for health and safety purposes.
- (22) Ensure that structures in the coastal marine area do not pose a risk to navigation or to public health and safety by:
- (a) requiring structures to be maintained to an appropriate standard;
 - (b) requiring structures to be appropriately located and lit; and
 - (c) enabling the removal of structures, where they are no longer functional or required, or have been abandoned.
- (23) Enable the removal of unlawful, abandoned, unsafe and redundant structures where the structure has been assessed as:
- (a) not being a site scheduled in the Historic Heritage Overlay;
 - (b) a potential risk to navigation or public health and safety;

- (c) restricting public access and use of the area;
 - (d) having an adverse effect on the natural character or visual amenity of the area;
 - (e) having an adverse effect on coastal processes or ecological values;
 - (f) having poor structural integrity; and
 - (g) likely to result in anchoring or fishing restrictions if it remained in the coastal marine area.
- (24) Avoid structures that will limit the ability to moor vessels in the Coastal – Mooring Zone, other than those structures necessary for infrastructure that have a functional or operational need to be located in the coastal marine area and that cannot practicably be located in a different location.

F2.17. Local water transport facilities

F2.17.1. Background

Auckland has a range of important smaller scale, water-based wharf and landing facilities that provide for social, economic and cultural well-being. They have not been identified as ports or ferry terminals, and are not on ferry routes that form part of public transport network for Auckland. They include wharves at Leigh, Mansion House/School House Bay on Kawau, Rangitoto, Motutapu, Tiritiri Mātangi, Rotoroa, Rākino and Motuihe islands, and at Sandspit and Ōrakei.

These facilities are important local strategic assets providing access to public open space, conservation estate land and recreational facilities, and they play a key role in local freight delivery.

F2.17.2. Objective [rcp]

- (1) Structures, including wharves and landings used for local water transport operations (passengers and goods) are managed to support and enhance these activities.

F2.17.3. Policies [rcp]

- (1) Allow the use, development and occupation of structures for local water transport facilities (passengers and goods) that provide for:
 - (a) passenger transport including passenger transport services;
 - (b) public access to open space and conservation estate lands including the Hauraki Gulf islands;
 - (c) public recreational use of the coastal marine area; and
 - (d) the movement of freight to serve the social and economic needs of local communities, provided that it does not interfere with other uses of the existing facilities.
- (2) Restrict any activity, use or development in coastal marine area and above mean high water springs that adversely affects the operation of local water transport facilities or services.

PC 71 ([see Modifications](#))

- (3) Require adequate land-based facilities for car parking, rubbish disposal, and wastewater pump-out to be provided when existing local water transport facilities increase their capacity or when local water transport services increase their scale of operations at those facilities.

F2.18. Underwater noise

F2.18.1. Background

Underwater noise can have an adverse effect on a range of marine animals that rely on sound to communicate, navigate, hunt and mate. Noise can cause threshold shifts in sensitivity to sound, and higher levels of sound can permanently damage or even kill some species.

Underwater noise has largely been overlooked in the past as a potential source of adverse effect to marine fauna, as well as to people working or undertaking recreational activities underwater. While limits on underwater noise generated by ships and vessels needs to be regulated at a national level, significant noise from certain underwater activities, such as blasting, impact and vibratory piling, marine seismic surveys, can be managed to address effects on marine fauna and people.

The Department of Conservation 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations focuses on controlling peak level noise effects and the Unitary Plan addresses the need to control noise levels.

F2.18.2. Objective [rcp]

- (1) Underwater noise from identified activities is managed to maintain the health and well-being of marine fauna and users of the coastal environment.

F2.18.3. Policies [rcp]

- (1) Require underwater blasting, impact and vibratory piling, and marine seismic surveys in the coastal marine area to adopt the best practicable option to manage noise so that it does not exceed a reasonable level.
- (2) Assess the following matters for underwater blasting, impact and vibratory piling, and marine seismic surveys:
 - (a) the health and well-being of marine fauna (including threatened and at-risk species) and people from the noise associated with the proposal;
 - (b) the practicability of being able to control the noise effects;
 - (c) the social and economic benefits to the community of the proposal; and
 - (d) the extent to which the adverse effects of the noise will be mitigated.
- (3) Enable the generation of underwater noise where that noise is associated with the following activities:
 - (a) the operational requirements of vessels;
 - (b) construction or operation of marine and port activities, marine and port facilities, marina activities, marine and port accessory structures and

services, maritime passenger facilities and dredging, that do not involve underwater blasting, impact and vibratory piling, or marine seismic surveys; and

(c) sonar not including marine seismic surveys.

F2.19. Activity tables

(1) Tables F2.19.1 to F2.19.10 specify the activity status of activities in the Coastal – General Coastal Marine Zone (GCM Zone) and the coastal marine area parts of the following overlays pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, and taking, using and damming or diverting coastal water pursuant to section 14, and discharges to coastal waters pursuant to section 15 of the Resource Management Act:

(a) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#) (SEA-M1, SEA-M2);

(b) [D17 Historic Heritage Overlay](#) (HH);

(c) [D11 Outstanding Natural Character and High Natural Character overlays](#) (ONC) (HNC);

(d) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#) (ONF) (ONL).

The abbreviations in brackets after the overlay names that are listed above, are used as references to these overlays in Tables F2.19.1 to F2.19.10.

(2) The activities, standards and assessment in F2 Coastal – General Coastal Marine Zone apply in the coastal marine area of all the coastal zones and coastal precincts unless otherwise specified under the relevant zone or precinct.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F2.19.1 to F2.24, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table F2.19.1 Activity table - Drainage, reclamation and declamation

Note 1

Table F2.19.1 specifies the activity status for works that reclaim or drain any foreshore or seabed, and for declamation activities in the coastal marine area. The RMA activities that this table covers are:

- Reclamation and drainage of any foreshore or seabed (RMA s12(1)(a))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M 2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A1)	Reclamation or drainage not otherwise provided for	NC	Pr	NC	NC	Pr	Pr	Pr
(A2)	Maintenance or repair of a lawful reclamation or drainage system	P	P	P	P	P	P	P
(A3)	Minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	RD	D	D	D	D	D	D
(A4)	Reclamation or drainage for any of the following: <ul style="list-style-type: none"> • carried out as part of rehabilitation or remedial works; • where it is required for the safe and efficient operation or construction of infrastructure; or 	D	NC	NC	NC	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M 2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> where it is necessary to provide for safe public access to, within or adjacent to the coastal marine area. 							
(A5)	Authorisation of an unlawful reclamation under s 355A Resource Management Act 1991	D	NC	NC	NC	NC	NC	NC
(A6)	Declamation	D	NC	NC	NC	NC	NC	D

Table F2.19.2 Activity table - Depositing and disposal of material

Note 1

Table F2.19.2 specifies the activity status of depositing and disposal of material in the coastal marine area. The table also repeats the requirements of Regulation 4(2) of the Resource Management (Marine Pollution) Regulations 1998, which specifies that certain dumping activities must be treated as a discretionary activity in a regional coastal plan. The RMA activities that this table covers are:

- Deposition of material in, on or under the foreshore or seabed (RMA s12(1)(d))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A7)	Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell: <ul style="list-style-type: none"> • maximum of 1500m³ per 12 month period 	P	D	RD	P	D	NC	D
(A8)	Coastal marine area depositing of material where the deposited sediment is extracted from within the	RD	NC	D	D	D	NC	D

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	same coastal cell: <ul style="list-style-type: none"> • between 1500m³ and 10,000m³ per 12 month period 							
(A9)	Coastal marine area depositing of material from outside the coastal cell: <ul style="list-style-type: none"> • maximum of 10,000m³ per 12 month period 	RD	NC	D	D	NC	NC	D
(A9A)	Coastal marine area depositing of material where the deposited sediment is extracted from within the same coastal cell: <ul style="list-style-type: none"> • greater than 10,000m³ of sediment per 12 month period, where it is required for the safe and efficient operation or construction of infrastructure 	D	NC	NC	D	NC	NC	NC
(A10)	Coastal marine area depositing of material not otherwise provided for	D	NC	NC	NC	NC	NC	NC
(A11)	Disposal of waste or other matter in the Hauraki Gulf Marine Park, not otherwise provided for other than for the following: <ul style="list-style-type: none"> • where it is part of an approved reclamation; or • rehabilitation or restoration programme in degraded areas of the coastal marine area. 	Pr	Pr	Pr	Pr	Pr	Pr	Pr
(A12)	Disposal of waste or other matter in the coastal marine area. Limited to the following: <ul style="list-style-type: none"> • dredged material; • sewage sludge; • fish processing waste from an onshore facility; • vessels, platforms, or other man-made structures; • inert, inorganic geological materials; • organic materials of natural 	D	D	D	D	D	D	D

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<p>origin; or</p> <ul style="list-style-type: none"> bulky items consisting mainly of iron, steel and concrete. <p>Excludes the following:</p> <ul style="list-style-type: none"> disposal or storage of waste or other matter arising directly from, or related to, the exploration, exploitation and associated offshore processing of seabed mineral resources; and a discharge made in accordance with section 15B of the Resource Management Act 1991 or Part 3 of the Resource Management (Marine Pollution) Regulations 1998. 							
(A13)	Disposal or storage of waste or other matter arising directly from, or related to, the exploration of seabed mineral resources where the exploration is a permitted activity	P	NC	NC	NC	NC	NC	NC
(A14)	Disposal or storage of waste or other matter arising directly from, or related to, the exploration of seabed mineral resources not otherwise provided for	RD	NC	NC	NC	NC	NC	NC
(A15)	Disposal or storage of waste or other matter arising directly from, or related to, the exploitation and associated offshore processing of seabed mineral resources	D	NC	NC	NC	NC	NC	NC
(A16)	Disposal of waste or other matter in the coastal marine area not otherwise provided for	Pr	Pr	Pr	Pr	Pr	Pr	Pr

Table F2.19.3 Activity table - Dredging

Note 1

Table F2.19.3 specifies the activity status of dredging activities in the coastal marine area. The RMA activities that this table covers are:

- Disturbance of the foreshore and seabed (RMA s12(1)(c), (e), (g))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A17)	<i>[deleted]</i>							
(A18)	<i>[deleted]</i>							
(A19)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or to maintain or clear an existing lawful drainage system: <ul style="list-style-type: none"> • maximum of 1500m³; • maximum of 100m length 	P	D	RD	P	D	D	D
(A20)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or to maintain or clear an existing lawful drainage system: <ul style="list-style-type: none"> • maximum of 5000 m³; • maximum of 500m length 	RD	NC	RD	RD	NC	NC	NC
(A21)	River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe; or to maintain or clear an existing lawful drainage system not otherwise provided for	D	NC	D	D	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A22)	Dredging for the removal of a Pacific oyster reef, other than as part of aquaculture activities, to restore water depths to previous levels	RD	D	D	D	D	D	D
(A23)	Maintenance dredging	RD	NC	D	D	NC	NC	NC
(A24)	Capital works dredging	D	NC	D	D	NC	NC	NC

Table F2.19.4 Activity table - Coastal marine area disturbance

Note 1

Table F2.19.4 specifies the activity status of activities that disturb any foreshore or seabed (including by excavating, drilling, or tunnelling, but excluding dredging). The RMA activities that this table covers are:

- Disturbance of the foreshore and seabed (RMA s12(1)(c), (e), (g))
- Removal of sand, shingle, shell or other natural material from the common marine and coastal area (RMA s12(2)(b))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Note 2

Any disturbance of the foreshore or seabed incidental to the construction, placement, alteration, removal or demolition of structures is addressed by Table F2.19.10.

Note 3

Activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 are not affected by the provisions below.

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A25)	Coastal marine area disturbance related to scientific or engineering investigations, including taking samples	P	D	D	P	D	D	D
(A26)	Coastal marine area disturbance related to scientific or engineering investigations for common marine and coastal area prospecting and exploration	P	NC	D	P	NC	NC	D
(A27)	Coastal marine area disturbance for mineral prospecting, mineral exploration (excluding petroleum)	P	Pr	NC	NC	Pr	Pr	Pr
(A28)	Coastal marine area disturbance for mineral extraction (excluding petroleum)	D	Pr	NC	NC	Pr	Pr	Pr
(A29)	Coastal marine area disturbance for petroleum prospecting	P	Pr	NC	NC	Pr	Pr	Pr
(A30)	Coastal marine area disturbance for petroleum exploration	D	Pr	NC	NC	Pr	Pr	Pr
(A31)	Coastal marine area disturbance for petroleum extraction	D	Pr	NC	NC	Pr	Pr	Pr
(A32)	Coastal marine area disturbance that is: <ul style="list-style-type: none"> not otherwise provided for and meets the standards; or associated with removal of litter or marine debris; or associated with removal of sediment, vegetation and encrusting organisms from any existing lawful coastal marine area structures; or associated with the burial of dead marine mammals; or associated with control or eradication of any exotic or introduced plant or animal species 	P	P	P	P	P	P	P
(A33)	Coastal marine area disturbance	P	D	D	D	D	NC	D

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	that is associated with movement of up to 1500m ³ of sediment per 12 month period within the same coastal cell							
(A34)	Coastal marine area disturbance that is associated with movement of between 1500m ³ and 10,000m ³ of sediment per 12 month period within the same coastal cell	RD	NC	D	D	D	NC	NC
(A35)	Coastal marine area disturbance associated with movement greater than 10,000m ³ of sediment per 12 month period within the same coastal cell, where it is required for the safe and efficient operation or construction of infrastructure	D	NC	NC	D	NC	NC	NC
(A36)	Coastal marine area disturbance associated with movement greater than 10,000m ³ of sediment per 12 month period within the same coastal cell	D	NC	NC	NC	NC	NC	NC
(A37)	Coastal marine area disturbance that is not otherwise provided for	D	NC	NC	NC	NC	NC	NC
(A38)	Livestock access in the coastal marine area not otherwise provided for	P	Pr	P	P	P	Pr	Pr
(A39)	Livestock access in the coastal marine area (other than for droving and horse riding): <ul style="list-style-type: none"> after 30 September 2020 in the Coastal – General Coastal Marine Zone in areas identified in B7 Natural Resources at Figure B7.4.2.1: Areas of Coastal Water that have been degraded by human activities; after 30 September 2018 for SEA-M2, HNC, ONL, ONC and ONF-A1 and A); 	NC	NC	NC	NC	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> after 30 September 2013 for SEA-M1, ONF - Type V1, V2, B, C, D, E, F and HH. 							
(A40)	Livestock access in the coastal marine area for horse riding	P	P	P	P	P	P	P
(A41)	Pacific oyster shell removal other than as part of: <ul style="list-style-type: none"> aquaculture activities; or dredging of Pacific oyster shell reefs 	P	P	P	P	P	P	P
(A42)	Native vegetation alteration or removal, not otherwise provided for	RD	NC	NC	D	NC	NC	RD
(A43)	Exotic vegetation alteration or removal, not otherwise provided for	P	P	P	P	P	P	P
(A44)	Vegetation alteration or vegetation removal for routine operation, repairs and maintenance within 3m of existing buildings, structures motorways and roads, excluding mangrove, seagrass or salt marsh removal	P	P	P	P	P	P	P
(A45)	Mangrove seedling removal: <ul style="list-style-type: none"> not in a marine reserve in SEA-M1 only in areas listed in Schedule 5 Significant Ecological Areas - Marine where mangroves are a minor component or absent or Appendix 5 Wading bird areas 	P	P	P	P	P	P	P
(A46)	Mangrove removal in significant wading bird areas listed in Appendix 5 Wading bird areas	D	D	D	D	D	D	D

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Activity	Activity status						
	GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A47) Mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure, or to ensure public health and safety in the use or operation of infrastructure: <ul style="list-style-type: none"> • maximum of 200m² in the Coastal – General Coastal Marine Zone and SEA-M2, ONL and HNC overlay; or • maximum of 30m² in SEA-M1, ONC, ONFs and HH overlays 	P	C	P	P	C	C	C
(A48) Mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure, or to ensure public health and safety in the use or operation of infrastructure: <ul style="list-style-type: none"> • greater than 200m² in the Coastal – General Coastal Marine Zone and SEA-M2, ONL and HNC overlay; or • greater than 30m² in SEA-M1, ONC, ONFs and HH overlays 	D	D	D	D	D	D	D
(A49) Mangrove removal for maintaining or enhancing ecological areas, or maintaining or enhancing public access where consistent with protecting the values of the relevant overlay	NA	D	D	D	D	D	D
(A50) Mangrove removal, not otherwise provided for	D	NC	NC	D	NC	NC	NC

Table F2.19.5 Activity table - Planting in the coastal marine area

Note 1

Table F2.19.5 specifies the activity status of planting in the coastal marine area. The RMA activities that this table covers are:

- Planting exotic or introduced plants in the coastal marine area (RMA s12(1)(f))
- Planting native plants (activities that contravene a rule in the regional coastal plan) (RMA s12(3))
- Disturbance of the foreshore or seabed, incidental to the activity (RMA s12(1)(c), (e), (g)).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC, ONL	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A51)	Planting of native vegetation	P	P	P	P	P	P	P
(A52)	Planting of exotic plant species, not otherwise provided for	NC	Pr	Pr	Pr	Pr	Pr	Pr
(A53)	Planting of <i>Spartina alterniflora</i> , <i>Spartina anglica</i> or <i>Spartina x townsendii</i>	Pr	Pr	Pr	Pr	Pr	Pr	Pr

Table F2.19.6 Activity table - Taking, use and damming or diverting coastal water

Note 1

Table F2.19.6 specifies the activity status of taking, use and damming or diverting coastal water. The RMA activities that this table covers are:

- Taking, using, damming or diverting coastal water (RMA s14)

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC,	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A54)	Taking and use of coastal water for operational needs of vessels and firefighting	P	P	P	P	P	P	P
(A55)	Taking, use or diversion of coastal water other than for the operational needs of vessels and firefighting	P	D	D	P	D	D	P
(A56)	Damming or impoundment of coastal water	D	NC	NC	D	NC	NC	D

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC,	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A57)	Taking or use of heat or energy from coastal water	D	D	D	D	D	D	D

Table F2.19.7 Activity table - Discharges to the coastal marine area

Note 1

Table F2.19.7 specifies the activity status of discharges to the coastal marine area, other than where it is incidental to an activity provided for in another table. The RMA activities that this table covers are:

- Discharge of contaminants or water into water (RMA s15)
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))

Note 2

Additional biosecurity obligations may apply with respect to biofouling. International vessels arriving in New Zealand waters will have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A58)	<p>Discharge of untreated sewage from a vessel or offshore installation:</p> <ul style="list-style-type: none"> • that is 500m (0.27 NM) from mean high water springs and 5m water depth; and • in the Hauraki Gulf, is not discharged inside an enclosed bay (inside a line between two headlands (from point to point)). • for the Waitemata Harbour the line is from North Head to Orakei Wharf. <p>Refer to standard F2.21.8.2(6) for additional locations.</p> <ul style="list-style-type: none"> • and is more than: 	P	P	P	P	P	P	P

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
	<ul style="list-style-type: none"> 500m (0.27 NM) from an aquaculture activity and Mātaitai Reserve; and 200m (0.108 NM) from a marine reserve 							
(A59)	Discharge of any contaminant, other than hull fouling, resulting from the cleaning, (other than removal of hull bio-fouling organisms), application or removal of anti-fouling coating or painting of vessels, not otherwise provided for	P	NC	P	P	P	D	P
(A60)	Discharge of dye or tracer material for investigative purposes	P	P	P	P	P	P	P
(A61)	Discharge of potable water from the water supply network	P	P	P	P	P	P	P
(A62)	Discharges which are not subject to another rule in the Plan, and not subject to the Resource Management (Marine Pollution) Regulations 1998, that comply with the permitted activity standards	P	P	P	P	P	P	P
(A63)	Discharge of hazardous substances as defined in the Hazardous Substances and New Organisms Act 1996	D	D	D	D	D	D	D
(A64)	Discharges from firefighting and other emergency response activities undertaken by Fire and Emergency New Zealand or the New Zealand Defence Force (including discharges of hazardous substances)	P	P	P	P	P	P	P
(A65)	Discharge of stormwater, discharge of contaminants from industrial or trade activity areas, or discharge of agrichemicals	Refer to E8 Stormwater – Discharge and diversion , to E33 Industrial and trade activities , E34 Agrichemicals and vertebrate toxic agents .						
(A66)	Discharge of treated sediment laden water from any land disturbance	Refer to E11 Land disturbance - Regional						

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A67)	Discharge of untreated wastewater overflows from a wastewater network servicing new development areas and new wastewater networks within existing urban areas	RD	NC	RD	RD	RD	RD	RD
(A68)	Discharge of untreated wastewater overflows from an existing combined sewer network	RD	RD	RD	RD	RD	RD	RD
(A69)	Discharge of treated wastewater from a wastewater treatment plant	D	NC	D	D	D	D	D
(A70)	Discharges not otherwise authorised by a rule in the Plan, or subject to the Resource Management (Marine Pollution) Regulations 1998, that do not comply with the permitted activity standards	D	NC	D	D	D	NC	D
(A71)	Discharge of hull bio-fouling organisms resulting from cleaning of a vessel with micro-fouling (LOF 0-1) and goose barnacles	P	Pr	P	P(HNC) Pr (SEA – M2)	P	P	P
(A72)	Discharge of hull bio-fouling organisms resulting from: <ul style="list-style-type: none"> • the small scale manual removal (up to 5 per cent of the hull surface area, including niche areas) of macro-fouling not provided for in Rule (A71) or (A73); or • cleaning of a vessel with macro-fouling where the fouling is: <ul style="list-style-type: none"> ○ of international origin; or ○ of domestic origin but more than low biosecurity risk or has not had a risk assessment (or extensive to very heavy macro-fouling) 	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	P

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A73)	Discharge of hull bio-fouling organisms resulting from cleaning of a vessel with macro-fouling where the fouling is: <ul style="list-style-type: none"> from within Auckland; or of domestic origin following a risk assessment that determined a relative biosecurity risk of negligible or low 	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	P
(A74)	<i>[deleted]</i>							
(A75)	<i>[deleted]</i>							
(A76)	Discharges associated with treatment methods that render bio-fouling organisms non-viable	P	Pr	P	P(HNC) Pr (SEA – M2)	D	P	P
(A77)	Discharge of any contaminant resulting from cleaning, the application of anti-fouling, or painting of vessels, including discharge of hull bio-fouling organisms, within 500m of mean high water springs of the following Hauraki Gulf conservation islands: <ul style="list-style-type: none"> Beehive Island; Browns Island; Little Barrier Island; Mokohinau Islands; Motuihe Island; Motuora Island; Motutapu Island; Rangitoto Island; Saddle (Te Haupa) Island; The Noises Islands; and Tiritiri Matangi Island. 	Pr	Pr	Pr	Pr	Pr	Pr	Pr
(A78)	Discharge of hull bio-fouling organisms resulting from cleaning of a vessel not otherwise provided for	RD	Pr	RD	RD (HNC) Pr (SEA – M2)	RD	RD	RD

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A79)	Passive discharge of hull bio-fouling organisms from a commercial or military vessel	P	P	P	P	P	P	P
(A80)	Passive discharge from a non-commercial and non-military vessel with: <ul style="list-style-type: none"> • light to very heavy macro-fouling of international origin (level of fouling scale 2 to 5); or • very heavy macro-fouling of domestic origin (level of fouling scale 5); or • unusual or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act). 	D	D	D	D	D	D	D
(A81)	<i>[deleted]</i>							
(A82)	Passive discharge of hull bio-fouling organisms resulting from its presence, not otherwise provided for	P	P	P	P	P	P	P

Table F2.19.8 Activity table - Use and activities

Note 1

Table F2.19.8 specifies the activity status of uses and activities in the coastal marine area. The RMA activities that this table covers are:

- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Occupation of the common marine and coastal area by the activity (RMA s12(2)(a))
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Note 2

In this table, unless specified otherwise, the activity status for occupation of the common marine and coastal area (RMA section 12(2)) has the same activity status as the use or activity (RMA section 12(3)) that the occupation relates to.

Note 3

This table does not apply to any use, activities or occupation related to structures that is more specifically covered by Activity table F2.19.10.

Note 4

The activity status for 'underwater blasting, impact and vibratory piling, marine seismic surveys' relates to the generation of underwater noise from these activities. These activities are generally part of other activities (for example, dredging, demolition, construction, mineral exploration). For the avoidance of doubt, the activity status of the other activity continues to apply, unless the activity is permitted or controlled, in which case the overall activity status becomes restricted discretionary.

Note 5

Rule F2.19.8(A87) applies where occupation is proposed in an area that has an existing occupation consent. Rule F2.19.8(A87) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Note 6

Occupation consents do not provide for exclusive occupation unless that is specifically sought in an application and provided for in a resource consent. Exclusive occupation is associated with a use and/or a structure. Where an activity requires a resource consent for occupation and exclusive occupation is proposed, the activity status is that specified for occupation. Where a use or activity would be otherwise permitted but exclusive occupation is proposed, the activity status is discretionary under rule (A114A) or a restricted discretionary activity under rule (A114B) for the City Centre Waterfront precincts (Wynyard Precinct, Viaduct Harbour Precinct, Central Wharves Precinct and Port Precinct). Exclusive occupation does not include temporary activities or temporary military training activities, including where other people are excluded for limited periods.

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A83)	Use of the coastal marine area not otherwise provided for in the Plan and that does not involve occupation of the common marine	P	P	P	P	P	P	P

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	and coastal area							
(A84)	Use of the coastal marine area and/or occupation of the common marine and coastal area by activities that are not otherwise provided for in this table or in table F2.19.10	D	D	D	D	D	D	D
(A85)	Use of the coastal marine area and/or occupation of the common marine and coastal area by new or existing unlawful activities that do not have a functional need to be undertaken in the coastal marine area, including activities in, or on, an existing building or structure, and that are not otherwise provided for	NC	NC	NC	NC	NC	NC	NC
(A86)	Anchoring of vessels to the foreshore or seabed in the same position for no more than 28 consecutive days, other than in a cable protection area (as identified on the planning maps), or for longer times as necessary for navigation safety, emergency response or maintenance and repair of structures (anchoring does not include occupation by a vessel at a wharf, jetty or other lawful berth or mooring or at any designated anchorage for commercial shipping)	P	P	P	P	P	D	D
(A87)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	RD	RD	RD	RD	RD	RD
(A88)	Marine and port activities other than accessory offices or	P	P	P	P	P	P	P

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	maintenance and servicing of vessels							
(A89)	Maintenance and servicing of vessels	P	NC	NC	D	NC	NC	D
(A90)	Construction of vessels	D	NC	NC	D	NC	NC	D
(A91)	Maritime passenger operations existing at 30 September 2013	P	P	P	P	P	P	P
(A92)	Maritime passenger operations established after 30 September 2013	D	NC	NC	D	NC	NC	D
(A93)	Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels	P	P	P	P	P	P	P
(A94)	Parking on coastal marine area structures other than as provided for as a permitted activity	D	D	D	D	D	D	D
(A95)	Vehicle use, other than parking, on existing lawful coastal marine area structures	P	P	P	P	P	P	P
(A96)	Vehicle use of the foreshore and seabed, not otherwise provided for	P	NC	P	P	NC	NC	NC
(A97)	Vehicle use of the foreshore and seabed: <ul style="list-style-type: none"> • by emergency response or conservation management vehicles; or • for launching vessels from any structure; or • where necessary for environmental monitoring by the Council or consent holders 	P	P	P	P	P	P	P
(A98)	Vehicle use of the foreshore and seabed by network utility operators for the maintenance, repair and minor upgrading of lawfully established infrastructure	P	RD	P	P	P	RD	RD
(A99)	Vehicle use of the foreshore and seabed by network utility operators	P	D	D	P	D	D	D

F2 Coastal – General Coastal Marine Zone

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	for the construction of new infrastructure							
(A100)	Vehicle use of the foreshore and seabed to access private property established before 30 September 2013	P	P	P	P	P	P	P
(A101)	Vehicle use of the foreshore and seabed to access private property established after 30 September 2013	NC	NC	NC	NC	NC	NC	NC
(A102)	Archaeological investigations (refer to D17 Historic Heritage Overlay)	P	P	P	P	P	P	P
(A103)	Workers' accommodation	D	NC	NC	D	NC	NC	NC
(A104)	Clubrooms for marine-related clubs	D	NC	NC	D	NC	NC	D
(A105)	Helicopter landing areas for emergency services including police, ambulance, and rescue operations	P	P	P	P	P	P	P
(A106)	Helicopter landing areas	NC	NC	NC	NC	NC	NC	NC
(A107)	Public amenities on existing lawful coastal marine area structures	P	D	D	D	D	D	D
(A108)	Public amenities not otherwise provided for	D	NC	NC	D	NC	NC	NC
(A109)	Underwater explosives training exercises	D	NC	D	D	NC	NC	NC
(A110)	Temporary military training activities	P	P	P	P	P	P	P
(A111)	Industrial and trade activities on structures in the coastal marine area	Refer to E33 Industrial and trade activities						
(A112)	New marinas and expansion of an existing marina by 15 per cent or more of its area within the coastal marine area existing at that time	NC	NC	NC	NC	NC	NC	NC
(A113)	Expansion of an existing marina by no more than 15 per cent of its area within the coastal marine area existing at that time	D	NC	NC	NC	NC	NC	NC

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A114)	Underwater blasting, impact and vibratory piling, marine seismic surveys	RD	RD	RD	RD	RD	RD	RD
(A114A)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be a permitted activity unless: <ul style="list-style-type: none"> it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity, or it is within the City Centre Waterfront precincts 	D	D	D	D	D	D	D
(A114B)	Exclusive occupation of the common marine and coastal area within the City Centre Waterfront precincts by a structure or activity that would otherwise be a permitted activity unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	RD	RD	RD	RD	RD	RD

Table F2.19.9 Activity table - Aquaculture activities

Note 1

Table F2.19.9 specifies the activity status of aquaculture activities in the coastal marine area. The RMA activities that this table covers are:

- Construction, placement, alteration, removal or demolition of structures used for aquaculture activities (RMA s12(1)(b))
- Disturbance of the foreshore and seabed, incidental to the aquaculture activities (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the aquaculture activities (RMA s12(1)(d))

- Occupation of the common marine and coastal area by the aquaculture activities (RMA s12(2)(a))
- Activities that contravene a rule in the regional coastal plan (RMA s12(3))
- Discharge of contaminants or water into water, incidental to the aquaculture activities (RMA s15).

Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

The Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 ('NES-MA') came into force on 1 December 2020. If an activity provided for in Table F2.19.9, including any associated matters of discretion, is also regulated by the NES-MA then the NES-MA applies and prevails over the rules. If the NES-MA regulations do not apply to an activity, then the plan rules apply.

Rules F2.19.9 (A115), (A119) and (A120) do not apply to applications for replacement coastal permits for existing marine farms that include a change in consented species and are regulated under NES-MA regulations 26, 29, 32 or 35. The regulations prevail over these rules.

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F	HH
(A115)	New aquaculture activities #	D	NC	NC	NC	NC	NC	NC
(A116)	<i>[Rule removed as it duplicates NES-MA regulation 14 for replacement coastal permits for existing marine farms.]</i>							
(A117)	Minor extension of lawfully established aquaculture activities limited to a maximum of 25 per cent of the size of the originally consented current farm	RD	D	D	D	D	D	D
(A118)	Minor realignment of lawfully established aquaculture activities limited to moving 1/3 of the farm area, while 2/3 of the farm area stays within the same space as originally consented (Does not apply to applications where the realignment is subject to NES-MA regulation 16. The regulation prevails over this rule.)	RD	D	D	D	D	D	D
(A119)	Experimental aquaculture activities that are a maximum of 1ha and 10 years in duration #	RD	NC	NC	NC	NC	NC	NC
(A120)	Aquaculture activities not otherwise provided for #	D	NC	NC	NC	NC	NC	NC

Table F2.19.10 Activity table – Structures

Note 1

Table F2.19.10 specifies the activity status for structures in the coastal marine area. The RMA activities that this table covers are:

- Construction, erection, reconstruction, placement, alteration, extension, removal or demolition of structures (RMA s12(1)(b))
- Occupation of the common marine and coastal area by the structure (RMA s12(2)(a))
- Disturbance of the foreshore and seabed, incidental to the activity (RMA s12(1)(c), (e), (g))
- Deposition of material in, on or under the foreshore or seabed, incidental to the activity (RMA s12(1)(d))

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- Use of structures (activities that contravene a rule in the regional coastal plan) (RMA s12(3)), unless the use is addressed more specifically in Table F2.19.8
- Diversion of coastal water, incidental to the activity (RMA s14)
- Discharge of contaminants or water into water, incidental to the activity (RMA s15).

Note 2

In this table, unless specified otherwise, the activity status for occupation of the common marine and coastal area (section 12(2) of the Resource Management Act 1991) has the same activity status as for the construction of a structure (section 12(1) of the Resource Management Act 1991) that the occupation relates to.

Note 3

The activity status for a new consent for an existing structure (re-consenting its use of the coastal marine area pursuant to section 12(3) and its occupation of space in the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991) has the same activity status as construction of that structure listed in this table.

Note 4

Provisions relating to moorings in the Coastal – General Coastal Marine Zone are contained in the F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone.

Note 5

Activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 are not affected by the provisions below.

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A121)	Construction of coastal marine area structures and buildings unless provided for elsewhere in this table (see table F2.19.8 for the use of the structure)	D	NC	NC	NC	NC	NC	NC

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Activity		Activity status						HH
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	
(A122)	Maintenance, repair or reconstruction of existing lawful coastal marine area structures or buildings	P	P	P	P	P	P	Refer HH activity tables
(A123)	Extension or alteration of existing lawful coastal marine area structures or buildings other than those that are a component of infrastructure (including the use of the extended or altered structure or building)	RD	NC	NC	D	NC	NC	Refer HH activity tables
(A124)	Extension or alteration of existing lawful coastal marine area structures or buildings that are a component of infrastructure (other than as provided for as minor infrastructure upgrading of network utilities)	RD	D	D	D	D	D	Refer HH activity tables
(A125)	Demolition or removal of any buildings or coastal marine area structures	P	C	C	P	C	C	Refer HH activity tables
(A126)	Coastal marine area structures located below the surface of the foreshore and seabed, constructed by methods other	P	D	D	D	D	D	D

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
	than trenching, (but not the occupation by those structures)							
(A127)	Occupation associated with coastal marine area structures located below the surface of the foreshore and seabed (other than cables located within the cable protection areas (as identified on the planning maps))	RD	RD	RD	RD	RD	RD	D
(A128)	Temporary coastal marine area structures or buildings	P	D	RD	P	D	D	Refer HH activity tables
(A129)	Navigational aids including their extension and alteration	P	P	P	P	P	P	P
(A130)	Maimai including their extension and alteration	P	P	P	P	P	P	P
(A131)	Minor infrastructure upgrading of network utilities	P	P	P	P	P	P	P
(A132)	Cables and pipes including their extension and alteration operated by network utility operators attached to existing bridge structures	P	P	P	P	P	P	P
(A133)	Infrastructure coastal marine area structures not otherwise provided for	D	D	D	D	D	D	D

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Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A134)	Occupation of the common marine and coastal area by infrastructure structures, that form part of a network operated or managed by a network utility operator, and were lawfully existing at 23 October 2001, and any subsequent upgrade to such a structure	P	P	P	P	P	P	P
(A135)	Cables located within the cable protection areas (as identified on the planning maps) including their extension and alteration, and including the occupation by cables located below the surface of the foreshore and seabed	P	P	P	P	P	P	P
(A136)	Marine and port facilities on existing wharves or other existing coastal marine area structures	RD	D	D	RD	D	D	D
(A137)	Marine and port accessory structures and services on existing wharves or other existing coastal marine area structures	RD	D	RD	RD	D	D	D

Activity		Activity status						
		GCM Zone	SEA-M1, ONC	ONL	SEA-M2, HNC	ONF - Type A1 and A	ONF - Type V1, V2, B, C, D, E, F	HH
(A138)	Coastal marine area structures for scientific research, investigation or monitoring	RD	RD	RD	RD	RD	RD	RD
(A139)	Marine and port facilities and buildings not on an existing wharf or existing coastal marine area structure	D	NC	NC	D	NC	NC	D
(A140)	Marine and port accessory structures and services not on an existing wharf or existing coastal marine area structure	D	NC	D	D	NC	NC	D
(A141)	Maritime passenger facilities	D	NC	NC	D	NC	NC	D
(A142)	Hard protection structures	D	NC	NC	D	NC	NC	D
(A143)	Observation areas, viewing platforms and boardwalks	D	D	D	D	D	NC	D
(A144)	Artworks	D	NC	NC	D	NC	NC	D
(A145)	Boat ramps	D	NC	D	D	NC	NC	D

F2.20. Notification

- (1) The occupation of the common marine and coastal area by an activity that would otherwise be permitted, where the area to be occupied is already the subject of an existing occupation consent, will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables F2.19.1 to F2.19.10 and not otherwise listed in F2.20(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991. (This rule does not apply to applications for replacement coastal permits for

existing marine farms that are subject to the NES-MA. The regulations prevail over this rule).

- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

F2.21. Standards

F2.21.1. All permitted activities, controlled activities and restricted discretionary activities

All activities listed as permitted activities, controlled activities or restricted discretionary activities in Table F2.19.1 to F2.19.10 must comply the following standards unless otherwise specified.

Purpose: ensure adequate safety and appropriate site management to minimise disturbance of the coastal marine area and adverse effects on other users.

- (1) Structures and works must not cause a hazard to safe navigation.
- (2) Any excess building material, spoil, construction equipment or litter must be removed from the coastal marine area within 24 hours of completion of any works.
- (3) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (4) Written advice must be given to the Council at least 10 working days prior to the work starting unless otherwise specified.

F2.21.1.1. Noise and vibration

- (1) Interface with other zones:
 - (a) activities in the coastal marine area must not exceed the relevant levels specified [E25 Noise and vibration](#).

F2.21.1.2. Lighting

- (1) Lighting in the coastal marine area must not exceed the levels specified in [E24 Lighting](#).
- (2) Outdoor artificial lighting must not produce an illuminance exceeding 150 lux measured horizontally or vertically at the exterior of any building adjacent to the coastal marine area.
- (3) Lighting sources must be sited, directed and screened to minimise, as far as practicable, annoyance or nuisance to adjacent properties or the bird life of any adjacent sites within the [D9 Significant Ecological Areas Overlay – Marine 1 or 2](#).

- (4) Lighting sources must be sited, directed and screened to avoid, as far as practicable, creating a navigation safety hazard.

F2.21.1.3. Storage or handling of hazardous substances

- (1) Any activity involving the storage or handling of hazardous substances must comply with [E31 Hazardous substances](#).

F2.21.1.4. Accidental discovery rule

- (1) Despite any other rule in this Plan permitting activities in the coastal marine area, including any disturbance of the foreshore or seabed, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, 'sensitive material' means:
 - (a) human remains and kōiwi;
 - (b) an archaeological site;
 - (c) a Māori cultural artefact/taonga tuturu;
 - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - (e) shipwrecks or other items that may contain oil;
 - (f) a lava cave greater than 1m in diameter on any axis; or
 - (g) munitions or unexploded ordnances on or under the foreshore or seabed,
 - (h) cables or pipelines on or under the foreshore or seabed.
- (3) On discovery of any sensitive material, the party undertaking the relevant permitted activity or the consent holder must take the following steps:

Cease works and secure the area

- (a) immediately cease all works within 20m of any part of the discovery, including shutting down all foreshore and seabed disturbing machinery and stopping all earth moving activities, and in the case of shipwrecks or other items that may contain oil, apply controls to minimise discharge of contaminants into the environment;
- (b) secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed;

Inform relevant authorities and parties

- (c) inform the following parties immediately of the discovery:

- (i) the New Zealand Police if the discovery is of human remains or kōiwi;
- (ii) the Council in all cases;
- (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;
- (iv) Mana Whenua if the discovery is an archaeological site of Māori origin, Māori cultural artefact, or kōiwi;
- (v) the New Zealand Police if the discovery is munitions or unexploded ordnances; and
- (vi) Maritime New Zealand and the owner of the submarine cable or pipeline (if the owner can be determined) if the discovery is a submarine cable or pipeline.

Wait for and enable inspection of the site

- (d) wait for and enable the site to be inspected by the relevant authority or agency:
 - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
 - (ii) if the discovery is of sensitive material, (other than items that may contain oil, munitions, cables or pipelines), a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or
 - (iii) if the discovery is a shipwreck or other item that may contain oil, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response; or
 - (iv) if the discovery is munitions or unexploded ordnances, the New Zealand Police will complete an assessment and determine an appropriate response. The remainder of this process will not apply until the New Zealand Police confirm that it is safe for operations to resume; or
 - (v) if the discovery is a submarine cable or pipeline, take best endeavours to inform the owner of the submarine cable or pipeline to confirm the status and purpose of the cable or pipeline, and to determine whether it is still operational or is redundant. If the cable or pipeline is still operational, obtain approval from the owner for the work to proceed. Inform Maritime New Zealand so that they can assess whether there

has been an offence under the Submarine Cables and Pipelines Protection Act 1996. This standard does not apply to the discovery of a submarine cable or pipeline owned or operated by the organisation undertaking the works.

- (e) following site inspection and consultation with all relevant parties (including the party undertaking the relevant permitted activity or the consent holder as relevant), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step F2.21.1.4(3)(f) are met (for munitions or unexploded ordnances, this area will be determined by the New Zealand Police);

Recommencement of work

- (f) work within the area determined at step F2.21.1.4(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
 - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
 - (iii) any changes to controls on discharges of contaminants have been implemented;
 - (iv) any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;
 - (v) if the discovery is a lava cave as outlined in F2.21.1.4(2)(f) above and if the site is assessed to be regionally significant, reasonable measures have been taken to minimise adverse effects of the works on the scientific values of the site;
 - (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
 - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
 - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.
 - (vii) resource consent has been granted for any alteration or amendment to the activity that may be necessary to avoid the sensitive materials and

that is not otherwise permitted under the Plan or allowed by any existing resource consent;

- (viii) that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by the Heritage New Zealand Pouhere Taonga Act 2014; and
- (ix) if the discovery is munitions or unexploded ordnances, the New Zealand Police have confirmed that the site is safe for operations to resume; and
- (x) if the discovery is cables or pipelines, the asset owner (if identified) has confirmed that operations can resume, and Maritime New Zealand has been informed so that they can determine whether there has been an offence under the Submarine Cables and Pipelines Protection Act 1996.

F2.21.2. Standards - Drainage, reclamation and declamation

Activities listed as a permitted activity and restricted discretionary activity in Table F2.19.1 must comply with the standards in F2.21.1 and the standards in F2.21.2.

F2.21.2.1. Maintenance or repair of a lawful reclamation or drainage system

- (1) The work must not change the area occupied by the reclamation or drainage system.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified as [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (6) The work must not alter the form or external appearance of the reclamation or drainage system in more than a minor way.

F2.21.2.2. Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation

- (1) The outside face of the new seawall must not extend more than 1.5m beyond the seaward limit of the existing seawall or bund.

F2.21.3. Standards - Depositing and disposal of material

Activities listed as a permitted activity and restricted discretionary activity in Table F2.19.2 must comply with the standards in F2.21.1 and standards in F2.21.3.

F2.21.3.1. Depositing of material where the deposited sediment is extracted from within the same coastal cell

- (1) Depositing must be for the purpose of the following:
 - (a) erosion management;
 - (b) beach (including dune system) replenishment or re-contouring;
 - (c) habitat enhancement; or
 - (d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.
- (2) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (3) The sediment must not be deposited within any area of indigenous vegetation or within any bird nesting area or on a rocky reef.
- (4) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
- (5) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (6) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (7) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.

F2.21.4. Standards - Dredging

Activities listed as permitted or restricted discretionary in Table F2.19.3 must comply with the standards in F2.21.1 and the standards in F2.21.4.

Note 1

Channel clearance activities outside the coastal marine area are covered in [E3 Lakes, rivers, streams and wetlands](#).

F2.21.4.1. Dredging: River mouth dredging; dredging to maintain or gain access to an existing lawful structure; and dredging to clear the exit of any lawful stormwater outfall or pipe

- (1) Dredging must not take place within 100m of a previously dredged site unless a minimum of two months has elapsed since the completion of dredging at that site.
- (2) Impounded water must be released in a way that minimises any potential contamination of receiving waters.
- (3) Best practicable dredging methods must be used in order to minimise sediment mobilisation and dispersal.
- (4) No dredged material may be deposited in the coastal marine area or on land where it could re-enter a water body unless depositing of that material is listed in this plan as a permitted activity or has a resource consent.
- (5) Upon completion of dredging, all equipment and litter must be removed.
- (6) Written advice must be given to the Council at least 10 working days prior to the work starting.

F2.21.4.2. Dredging to maintain or clear an existing lawful drainage system

- (1) The activity may only take place adjacent to land that is continuous with land that has a rural zone.
- (2) *[deleted]*
- (3) There must be no diversion of any part of the channel to a different course.
- (4) There must be no deepening or widening of the channel beyond the limits of its original profile.
- (5) Any visible disturbance to the surrounding coastal marine area must be remedied or restored within seven days.
- (6) Best practicable dredging methods must be used in order to minimise sediment mobilisation and dispersal
- (7) In identified wading bird areas ([Appendix 5 Wading bird areas](#)), dredging and drainage clearance must be timed to avoid bird nesting seasons and avoid adverse effects on birds using roosting areas and must not damage or disturb areas of salt marsh or nesting or roosting birds, or other indigenous biota.
- (8) No dredged material may be deposited in the coastal marine area or on land where it could re-enter a water body unless the deposition of that

material is listed in this plan as a permitted activity or has a resource consent.

(9) Upon completion of dredging, all equipment and litter must be removed.

(10) Written advice must be given to the Council at least 10 working days prior to the work starting.

(11) *[deleted]*

F2.21.5. Standards – Disturbance and mineral extraction

Activities listed as permitted or restricted discretionary in Table F2.19.4 must comply with the standards in F2.21.1 and the standards listed in F2.21.5.

F2.21.5.1. Coastal marine area disturbance related to scientific or engineering investigations and mineral prospecting, mineral exploration

(1) The disturbance must be limited to:

(a) removal of a maximum of 1m³ of uncompacted material, or 0.2m³ of compact material, in any 24-hour period;

(b) any drilling device must be no larger than 250mm (head size); and

(c) less than 5m³ of the foreshore or seabed must be disturbed.

(2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.

(3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment which may result in spills being used for the activity.

F2.21.5.2. Coastal marine area disturbance related mineral prospecting, mineral exploration and petroleum prospecting (excluding petroleum)

(1) The disturbance must be limited to:

(a) removal of a maximum of 1m³ of uncompacted material, or 0.2m³ of compact material, in any 24-hour period;

(b) any drilling device must be no larger than 250mm (head size); and

(c) less than 5m³ of the foreshore or seabed must be disturbed.

(2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in

areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.

- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.

F2.21.5.3. Coastal marine area disturbance: not otherwise provided for; associated with removal of litter or marine debris; associated with removal of sediment, vegetation and encrusting organisms from any existing lawful structure; associated with the burial of dead marine mammals; associated with movement of up to 1500m³ of beach sediment per calendar year within the same coastal cell; associated with control or eradication of any exotic or introduced plant or animal species

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (2) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment which may result in spills being used for the activity.
- (3) There must be no discharge of chemical herbicides in the coastal marine area, other than as provided for in an approved pest management strategy.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Any disturbance associated with control or eradication of any exotic or introduced plant or animal species must be:
 - (a) in accordance with an approved pest management plan prepared under the Biosecurity Act 1993; and
 - (b) written advice must be given to the Council at least 10 working days prior to the work starting.
- (6) Non-compliance with F2.21.5.3(1), (2), (3), (4) or (5) is a non-complying activity.

F2.21.5.4. Livestock access in the coastal marine area

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in

areas identified in the Outstanding Natural Character Overlay, Outstanding Natural Features Overlay and Significant Ecological Areas – Marine 1 Overlay and within seven days in other areas of the coastal marine area.

- (2) Any livestock access in the coastal marine area for droving of stock or horse riding must ensure:
 - (a) the droving does not occur in estuarine areas or areas of salt marsh or mangroves or adjacent to a marine farm and no grazing of intertidal vegetation must be allowed to occur;
 - (b) the stock must be moved along at all times and not left unattended;
 - (c) horses must be kept under control at all times;
 - (d) horses must not graze on intertidal vegetation; and
 - (e) horses must not be ridden or taken into bird breeding areas.
- (3) Any livestock exclusion measures must be effective and can include a permanent fence or temporary hot-wire, dense vegetation or natural barriers that prevent stock gaining access to the coastal marine area.

Note 1

Rules on livestock access to waterways are also provided in [E3 Lakes, rivers, streams and wetlands](#).

F2.21.5.5. Pacific oyster shell removal other than as part of aquaculture activities or dredging of Pacific oyster shell reefs

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (2) Only handheld methods may be used in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#).
- (3) There must be no more than minor disturbance of other biota in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#).
- (4) Shells must not be disposed of in the coastal marine area unless otherwise authorised.

F2.21.5.6. Mangrove removal

- (1) Mangrove seedling removal and mangrove seedling removal in significant wading bird areas identified in [Appendix 5 Wading bird areas](#), must meet all of the following:
 - (a) removed vegetation must be disposed of outside the coastal marine area;
 - (b) the removal must not involve any discharge of chemical herbicides in the coastal marine area other than as provided for in an approved pest management plan prepared in accordance with the Biosecurity Act 1993;
 - (c) any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area;
 - (d) removal must be done by hand or by hand-held tools;
 - (e) removal must not be in areas where mangroves are serving to mitigate coastal erosion from wave action;
 - (f) removal must not damage or disturb areas of salt marsh or seagrass;
 - (g) written advice must be given to the Council at least 10 working days prior to removal, other than for the removal of 30m² or less of seedlings. The advice will include the location and extent of the mangroves to be removed, the timing and methods of removal and the matters in F2.21.5.6(1)(h); and
 - (h) in a significant wading bird area identified in [Appendix 5 Wading bird areas](#), removal must be timed to avoid bird roosting and nesting seasons and minimise adverse effects on birds using roosting areas.
- (2) Mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure, or to ensure public health and safety in the use or operation of infrastructure to a maximum of 200m², all of the following apply:
 - (a) removed vegetation must be disposed of outside the coastal marine area;
 - (b) the removal must not involve any discharge of chemical herbicides in the coastal marine area, other than as provided for in an approved pest management plan prepared in accordance with the Biosecurity Act 1993;

- (c) any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area;
- (d) the removal must be immediately adjacent to the structure or infrastructure, or any drainage system;
- (e) removal must not damage or disturb areas of salt marsh or seagrass; and
- (f) written advice must be given to the Council at least 10 working days prior to removal. The advice will include the location and extent of the mangroves to be removed and the timing and methods of removal.

F2.21.5.7. Vegetation alteration or removal for routine operation, repairs and maintenance within 3m of existing buildings and structures, roads excluding mangrove, seagrass or salt marsh removal

- (1) No more than 20m² of vegetation must be removed.
- (2) Removed vegetation must be disposed of outside the coastal marine area.
- (3) The removal must not involve any discharge of chemical herbicides in the coastal marine area other than as provided for in an approved Pest Management Plan prepared under the Biosecurity Act 1993.
- (4) Vegetation alteration or removal must be undertaken by hand or by handheld tools.
- (5) Vegetation alteration or removal must not be in areas where the vegetation mitigates coastal erosion from wave action.
- (6) Vegetation alteration or removal must not damage or disturb areas of salt marsh or seagrass.

F2.21.6. Standards - Planting

Activities listed as permitted in Table F2.19.5 must comply with the standards in F2.21.1 and the standards in F2.21.6.

F2.21.6.1. Planting of native vegetation

- (1) Planting of native vegetation shall be sourced from the same ecological district.

F2.21.7. Standards - Taking, use and damming or diverting coastal water

Activities listed in Table F2.19.6 must comply with the general standards in F2.21.1 and the specific standards listed in F2.21.7.

F2.21.7.1. Taking, use and diversion of coastal water other than for the operational needs of vessels and fire fighting

- (1) A screen with a mesh size spacing no greater in one dimension than 5mm must be used.

Note 1

Any structure must also comply with the standards for structures.

- (2) Maximum water velocity into the entry point of the intake structure must be no greater than 0.3m/second.
- (3) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.

F2.21.8. Standards - Discharges

Activities listed as permitted and restricted discretionary activity in Table F2.19.7 must comply with the standards in F2.21.1 and the standards listed in F2.21.8.

F2.21.8.1. All permitted activities (other than discharges from firefighting and other emergency response activities undertaken by Fire and Emergency New Zealand or the New Zealand Defence Force)

- (1) The discharge must not, after reasonable mixing, give rise to any or all of the following effects:
 - (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - (b) any conspicuous change in the colour or visual clarity water in the coastal marine area;
 - (c) any emission of objectionable odour; and
 - (d) any significant adverse effects on aquatic life.

F2.21.8.2. Discharge of untreated sewage from a vessel or offshore installation

- (1) The discharge must be in water depths greater than 5m.
- (2) The discharge must be more than 500m (0.27 nautical miles) from mean high water springs.
- (3) The discharge must be more than 500m (0.27 nautical miles) from an aquaculture activity.

- (4) The discharge must be more than 500m (0.27 nautical miles) from a mataitai reserve.
- (5) The discharge must be more than 200m (0.108 nautical miles) from a marine reserve.
- (6) Notwithstanding F2.21.8.2(1) to (5) the discharge must not be inside two headlands (point to point) of the following specific locations:
 - (a) Waitemata Harbour from North Head to Orakei Wharf;
 - (b) Mahurangi Harbour from Pudding Island to Sadler Point;
 - (c) Bostaquet Bay Kawau Island, from Brownrigg Point to Challenger Island;
 - (d) Port Fitzroy Great Barrier Island, inside Paget rock in Man O War Passage to a line between the NE tip of Kaikoura Island and Kotutu point;
 - (e) Nagle Cove Great Barrier Island from Tortoise Head and Wood island;
or
 - (f) Tryphena Harbour Great Barrier Island from Tryphena Point to Bird Islet.
- (7) Notwithstanding in harbours, bays and embayments listed in F2.21.8.2(6), during rough weather conditions when wind conditions at the mouth of the harbour, bay or embayment exceed 15-18 knots untreated sewage may be discharged as necessary for health and safety reasons.

Note 1

Discharges that do not meet these requirements are prohibited activities under the Resource Management (Marine Pollution) Regulations 1998 which control the discharges of treated sewage from a vessel or offshore installation.

F2.21.8.3. Discharge of any contaminant, other than hull fouling, resulting from the cleaning, (other than removal of hull bio-fouling organisms), application or removal of anti-fouling coating or painting of vessels, not otherwise provided for

- (1) The discharge or escape of contaminant materials or debris onto the foreshore, seabed or into the water must be collected as far as practicable and removed from the coastal marine area. This may require the use of collection devices such as ground covers, nettings or similar or suction pumps if in-water.

F2.21.8.4. Discharge of dye or tracer material for investigative purposes

- (1) Notice of the intended discharge must be given to the Council at least 12 hours prior to the discharge occurring.
- (2) The dye or tracer must be of a type that is designed to be used in natural water and must be used in accordance with manufacturer’s recommendations and any relevant and recognised standards and practices.

F2.21.8.5. Discharge of potable water from the water supply network

- (1) The discharge must occur during the upper half of the tide unless the discharge occurs directly into open water without disturbing sediment.
- (2) The discharge, after reasonable mixing, must result in a free available chlorine concentration of less than or equal to 20 µg/l in the receiving water.

F2.21.8.6. Discharges into the coastal marine area which are not covered by another rule in this Unitary Plan, and not covered by the Resource Management (Marine Pollution) Regulations 1998

- (1) The discharge must not contain human sewage or hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996 and any regulations made under section 75 of that Act.
- (2) The discharge must not change the natural temperature of the receiving water, after reasonable mixing, by more than 3 degrees celcius.
- (3) The discharge must not involve any visible disturbance to the substrate of the coastal marine area that cannot be remedied or restored within 48 hours in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) areas and within seven days in other areas of the coastal marine area.
- (4) Public access to and along the coast must not be restricted by the volume or movement of the discharge.

F2.21.8.7. Discharges of hull bio-fouling organisms from cleaning of vessels

Rule	Activity	Standards
(A71)	Removal of micro-fouling (LOF 0-1) and goose barnacles	(1), (2), (5) and (7)
(A72)	Small scale manual removal of macro-fouling (up to 5 per cent of the hull surface area, including niche areas) not provided for in Rule (A71) or (A73)	(2), (3), (5) and (7)
(A72)	Removal of macro-fouling where the fouling is: <ul style="list-style-type: none"> • of international origin; or 	(2), (3), (5) and (7)

	<ul style="list-style-type: none"> of domestic origin but more than low biosecurity risk or has not had a risk assessment (or extensive to very heavy macro-fouling) 	
(A73)	<p>Removal (including small scale manual removal) of macro-fouling where the fouling is:</p> <ul style="list-style-type: none"> from within Auckland; or of domestic origin following a risk assessment that determined a relative biosecurity risk of negligible or low 	(2), (5) and (7)
(A76)	Treatment methods that render bio-fouling organisms non-viable	(2), (6) and (7)

- (1) Gentle non-abrasive cleaning techniques must be used.
- (2) The cleaning method will not compromise the existing anti-fouling coating system.
- (3) Cleaning technologies should capture debris greater than 50 micrometres in diameter. All captured debris shall be collected and disposed of appropriately.
- (4) *[deleted]*
- (5) If unusual organisms or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) are found, the vessel owner or operator must take the following steps:
 - (a) all cleaning must cease;
 - (b) the Council must be immediately notified; and
 - (c) cleaning may not recommence until notified by Council to do so.

Note 1

Council may contact the Ministry for Primary Industries for advice on the nature of the species and the appropriate measures to be taken.

- (6) The discharge or escape of hull bio-fouling organisms or debris onto the foreshore, seabed or into the water must be collected as far as practicable and removed from the coastal marine area.
- (7) The anti-fouling coating on the hull and niche areas to be cleaned shall not have exceeded its planned service life as specified by the manufacturer.

Note 2

The standards apply to the above activities according to the level of risk associated with the origin and extent of the biofouling.

- Cleaning of low-level fouling, fouling of regional origin (from within Auckland) and fouling of domestic (NZ) origin that has been assessed and confirmed as low-risk are considered low-risk activities and are encouraged through less stringent standards. Capture of debris is not required.
- Small-scale removal of any fouling is enabled but, unless the fouling is from within the Auckland region, capture is required due to the fact that the fouling has not been assessed as negligible or low biological risk and the relative ease of capturing small amounts of fouling (Standard 3).
- Fouling of international origin or domestic (NZ) origin that has not been assessed and confirmed as low-risk species are considered highest risk and are therefore subject to the most stringent standards, including capture of all bio-fouling debris (Standard 3).
- Methods that render the organisms non-viable are subject to a less stringent standard for capture (Standard 6) as the organisms cannot spread after removal; however, chemical treatments may be subject to other controls within this plan (e.g. discharges).

F2.21.8.8. Passive discharges of hull bio-fouling organisms from commercial and military vessels

- (1) The vessel must be subject to an approved Bio-fouling Management Plan that implements the guidelines of the International Maritime Organisation, adherence to which can be demonstrated through the maintenance of a Bio-fouling Record Book which is available for inspection upon request by Council.
- (2) For military vessels, implementation of the following measures may serve as an alternative to implementation of the Biofouling Management Plan required under F2.21.8.8(1):
 - (a) The measures recorded in a Craft Risk Management Plan prepared in accordance with section 24(k) of the Biosecurity Act 1993 and approved by the Ministry for Primary Industries; and
 - (b) the additional measures proposed by the operator of the vessel(s) to effectively minimise the transfer of hull bio-fouling organisms while military vessels remain in Auckland waters.
- (3) The measures proposed under F2.21.8.8(2)(b) shall be provided to the Council. In order to demonstrate the effectiveness of these measures, or in the event of disagreement between the vessel operator and the Council regarding the effectiveness of these measures, technical advice may be obtained from the Ministry for Primary Industries or other suitably qualified agent agreed by the parties.

F2.21.9. Standards - Use and activities and associated occupation

Activities listed as permitted, controlled or restricted discretionary in Table F2.19.8 must comply with the standards in F2.21.1 and the standards listed in F2.21.9.

F2.21.9.1. Use of the coastal marine area not otherwise provided for in the Plan and that does not involve occupation of the common marine and coastal area

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.
- (2) The activity or use must not require occupation of the common marine and coastal area.
- (3) The activity or use must not require exclusion of public use and access to an area.

Note 1

For temporary events in the coastal marine area refer to [E40 Temporary activities](#).

F2.21.9.2. Anchoring of vessels to the foreshore or seabed in the same position for no more than 28 consecutive days, other than in a cable protection area or for longer times as necessary for navigation safety, emergency response or maintenance and repair of structures (anchoring does not include occupation by a vessel at a wharf, jetty or other lawful berth or mooring or at any designated anchorage for commercial shipping)

- (1) Vessels must not obstruct the safe navigation of other vessels or obstruct the approach to any wharf or jetty.
- (2) Vessels must not create a hazard to other vessels at anchor or on a mooring.

F2.21.9.3. Marine and port activities including repair and maintenance of vessels

- (1) Any excess building material, spoil, construction equipment or litter must be removed from the coastal marine area within 24 hours of completion of any works.
- (2) Any discharge will not, after reasonable mixing, give rise to any or all of the following effects:

- (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (b) any conspicuous change in the colour or visual clarity of the water in the coastal marine area;
- (c) any emission of objectionable odour; or
- (d) any significant adverse effects on aquatic life

Note 1

Compliance with Standard F2.21.9.3(2) 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.

- (3) Any activity involving the storage or handling of hazardous substances must comply with [E31 Hazardous substances](#).

F2.21.9.4. Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels

- (1) Provisions in [E27 Transport](#) apply.
- (2) Parking must be located so that it does not obstruct pedestrian and vehicle access, and allows for passenger and cargo loading/unloading.

F2.21.9.5. Vehicle use of the foreshore and seabed, or on existing lawful coastal marine area structures, not otherwise provided for

Note 1

Vehicle use is controlled by bylaws as well as this Plan.

Note 2

Refer also to [F9 Vehicles on beaches](#) for objectives and policies for that activity.

F2.21.9.6. Archaeological investigations

- (1) Any archaeological investigations in the area covered by [D17 Historic Heritage Overlay](#) must not include disturbance of the foreshore and seabed except for the temporary insertion of a probe or peg not exceeding a diameter of 10mm.

F2.21.9.7. Temporary military training activities

- (1) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas identified in [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#) and within seven days in other areas of the coastal marine area.

- (2) There must be no damage to or destruction of the values listed in the schedules for [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#).
- (3) There must be no modification to known heritage values listed in the Schedule 14 Historic Heritage Schedule, Statements and Maps.
- (4) All equipment, materials and litter must be removed from the coastal marine area on the completion of the activity.
- (5) The activity or use must not require exclusion of public use and access to an area except where a restriction is necessary to protect public health and safety or where public access would be in conflict with the Defence Act 1990.
- (6) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (7) Temporary military training activities involving weapons firing and/or the use of explosives must have the separation distance from any noise sensitive land use, and not exceed the noise levels, set out in [E40 Temporary activities](#) at [E40.6.8](#).

F2.21.10. Standards - Structures

Activities listed as permitted or restricted discretionary in Table F2.19.10 must comply with the standards in F2.21.1 and the standards in F2.21.10.

F2.21.10.1. Maintenance, repair and reconstruction of existing lawful coastal marine area structures or buildings

Purpose: ensure works are undertaken to an acceptable standard.

- (1) The work must maintain the structure or building in a good and safe working condition.
- (2) The work must not alter the form or external appearance of the structure in more than a minor way.
- (3) The work must not increase the existing footprint occupied by the structure.

F2.21.10.2. Demolition or removal of any buildings or coastal marine area structures

Purpose: manage removal and demolition of buildings and coastal marine area structures to ensure safety and public access and to ensure the coastal marine area is left in a safe and acceptable condition.

- (1) Any part of a structure or building that is not removed must not protrude above the foreshore or seabed so that they create a hazard to safe navigation or public access.

F2.21.10.3. Coastal marine area structures located below the surface of the foreshore and seabed

Purpose: ensure sub-surface structures are appropriately located and designed.

- (1) The structure must not be capable of being uncovered or moved by natural coastal processes, other than exceptional hazard events such as tsunamis.
- (2) Written advice must be given to the council and the National Topo/Hydro Authority at Land Information New Zealand at least five working days prior to the work starting.

F2.21.10.4. Temporary coastal marine area structures or buildings

Purpose: ensure temporary structures are in place for the minimum period required and occupy the minimum area necessary so effects on other users are minimised.

- (1) The temporary structure must be in place for no longer than 14 days within any six month period (except that temporary structures associated with maintenance, repair, reconstruction, alteration, extension or construction works (including scaffolding and fencing) must be in place for no longer than the duration of the construction project or 40 working days, whichever is the lesser).
- (2) The temporary structure must be removed within seven days of the completion of the event or use for which it was erected.
- (3) The temporary structure must occupy the minimum area necessary for its purpose.
- (4) The temporary structure must maintain safe navigation access.

F2.21.10.5. Navigational aids

Purpose: provide for safe navigation while complying with any required standards.

- (1) Written advice must be given prior to the work being undertaken to the council harbourmaster, and the National Topo/Hydro Authority at Land Information New Zealand at least five working days prior to the work starting.

F2.21.10.6. Maimai

Purpose: ensure permitted maimai are of an acceptable size and used appropriately, and do not obstruct coastal processes.

- (1) Structures made from permanent materials with a floor must be piled.
- (2) The floor area must not exceed 10m².
- (3) The height must not exceed 3m above mean high water springs.
- (4) Any maimai not displaying a tag issued under the Wildlife Act 1953 for two years consecutively must be removed from the coastal marine area.
- (5) A maimai must not be used for residential purposes.
- (6) The structure must not be located in the sites identified in [Schedule 4 Significant Ecological Areas - Marine Schedule](#) under ID: 2b-j; 10b-c; 27c; 30b; and 34b.

F2.21.10.7. Minor infrastructure upgrading of network utilities

Purpose: ensure infrastructure upgrading work meets required standards.

- (1) Upgrading works must meet the relevant standards in [E26 Infrastructure](#) in [E26.2.5.3\(1\)](#).
- (2) In the: [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D17 Historic Heritage Overlay](#); [D21 Sites and Places of Significance to Mana Whenua Overlay](#); [D11 Outstanding Natural Character and High Natural Character overlays](#); and [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#); minor infrastructure upgrading must not increase the size or alter the existing location of the existing footprint and must otherwise be in accordance with the permitted activity standards for minor infrastructure upgrading in [E26.2.5.3\(1\)](#).
- (3) Any upgrading of infrastructure that does not comply with the standards for minor infrastructure upgrading specified above, shall be subject to the relevant activity status for that activity specified in Activity Table F2.19.10, not the activity tables in [E26 Infrastructure](#).

F2.21.10.8. Occupation of the common marine and coastal area by infrastructure structures

Purpose: ensure existing infrastructure structures are managed so that adverse effects on the environment are avoided, remedied or mitigated.

- (1) Occupation of the common marine and coastal area by infrastructure structures, that form part of a network operated or managed by a network utility operator, and are existing at 23 October 2001, and any subsequent upgrade to such a structure, must meet all of the following:
 - (a) the structure must be located so that it does not cause more than minor erosion, depositing, or disturbance;
 - (b) the structure must be not redundant, in that it is being used and is physically capable of being used for its required purpose;

(c) the structure and/or its location must be shown on a plan with the NZMS grid references (seven digit easting and northing), and by a photograph, both of which are provided to the Council; and

(d) any upgrade must comply with the standards for minor infrastructure upgrading of network utilities in [E26 Infrastructure](#) at [E26.2.5.3\(1\)](#).

F2.21.10.9. Cables located within cable protection areas

Purpose: ensure the appropriate authorities are notified of cable locations.

- (1) Written notice must be given to the Council and the National Topographic/Hydro Authority at LINZ at least five working days prior to the work starts.

F2.21.10.10. Cables and pipes operated by network utility operators attached to existing bridge structures

Purpose: ensure that pipes and cables attached to bridges are of a limited scale so that they do not have adverse environmental effects and do not exacerbate any existing effects.

- (1) The cable or pipe must be securely affixed to the existing structure.
- (2) Any visible disturbance to the substrate of the coastal marine area created during the installation of the cable or pipe must be remedied or restored within 48 hours of the completion of the works in areas identified in the [D11 Outstanding Natural Character Overlay](#), [D10 Outstanding Natural Features Overlay](#) and [D9 Significant Ecological Area Overlay – Marine 1](#); and within seven days in other areas of the coastal marine area.
- (3) The cable or pipe must not reduce the air draft between the low-point of the existing structure and the water level so that it does not form an impediment to navigation.
- (4) The cable or pipe must be affixed so that it is unobtrusive and does not alter the form or external appearance of the existing bridge in more than a minor way.
- (5) Installation works must not create a hazard to safe navigation or public access.
- (6) The pipes must not be for the purpose of conveying hazardous substances.

F2.21.10.11. Relocation of structures with harmful aquatic organisms attached

- (1) Any structure being relocated to a different part of Auckland should be clear of suspected harmful aquatic organisms prior to relocation, unless the new location already has that organism.

F2.22. Assessment – controlled activities

F2.22.1. Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure or to ensure public health and safety in the use or operation of infrastructure (maximum of 30m² in: [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#)):
 - (a) methods and extent of removal, timing and hours of operation;
 - (b) effects on values of [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#); and
 - (c) consent duration.
- (2) demolition or removal of any buildings or coastal marine area structures:
 - (a) works or methods, timing and hours of the operation; and
 - (b) consent duration.

F2.22.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities:

- (1) mangrove removal to enable the operation, maintenance, use and functioning of existing lawful structures, infrastructure or to ensure public health and safety in the use or operation of infrastructure (maximum of 30m² in [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#)):
 - (a) whether the works avoid, remedy or mitigate any adverse effects arising from:
 - (i) disturbance of the foreshore and seabed;
 - (ii) depositing material in the coastal marine area;
 - (iii) the removal of indigenous vegetation; and
 - (iv) discharge of contaminants.
 - (b) whether the effect on the values of the [D9 Significant Ecological Areas Overlay](#); [D10 Outstanding Natural Features Overlay and Outstanding](#)

[Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#) areas have been avoided, remedied or mitigated; and

- (c) consent duration and monitoring.
- (2) demolition or removal of any buildings or coastal marine area structures:
 - (a) whether the works avoid, remedy or mitigate any adverse effects arising from:
 - (i) disturbance of the foreshore and seabed;
 - (ii) depositing material in the coastal marine area;
 - (iii) the removal of indigenous vegetation; and
 - (iv) discharge of contaminants.
 - (b) consent duration and monitoring.

F2.23. Assessment – restricted discretionary activities

F2.23.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) All restricted discretionary activities:
 - (a) the effects of construction or works methods, and the timing and hours of operation;
 - (b) the effects of the location, extent, design and materials;
 - (c) effects on coastal processes, ecological values, water quality and natural character and landscape values;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities (including infrastructure);
 - (f) effects on Mana Whenua values;
 - (g) effects on historic heritage; and
 - (h) consent duration and monitoring.
- (2) Additional matters for: (Do not apply to applications for replacement coastal permits for existing marine farms that are subject to the NES-MA. The regulations prevail over this rule.)
 - (a) activities in a [D9 Significant Ecological Areas Overlay](#) – Marine 1 and 2; [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#); and [D17 Historic Heritage Overlay](#); and
 - (i) effects on the characteristics and qualities that contribute to an area's values;

- (ii) effects on the ecological values of the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); and
 - (iii) effects on views, visual amenity and landscape values in a [D10 Outstanding Natural Landscape Overlay](#), [D11 Outstanding Natural Character Overlay](#) or [High Natural Character Overlay](#).
- (b) activities affecting a place identified in [Schedule 14.1 Schedule of Historic Heritage](#):
- (i) effects on the identified historic heritage values.
- (c) occupation of the common marine and coastal area:
- (i) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.
- (d) structures in the coastal marine area:
- (i) effects on views to and from the surrounding area, and visual amenity effects from the presence of the structure.
- (e) discharge of untreated wastewater overflows from a combined sewer and wastewater network:
- (i) implementation and ongoing maintenance of measures necessary to achieve the best practicable option to prevent or minimise the adverse effects of the wastewater overflows; and
 - (ii) implementation of the wastewater network operations plan and the operational and maintenance programme.
- (3) Specific matters for identified activities:
- (a) the matters for discretion in F2.23.1(1) do not apply to F2.23.1(3)(b)-(f);
 - (b) discharges of hull bio-fouling organisms from in-water cleaning:
 - (i) the effects of the proposed cleaning method, including the capture and disposal of bio-fouling material;
 - (ii) the presence and condition of an anti-fouling treatment and the anti-fouling treatment manufacturer's recommendations (including expected service life of the treatment); and
 - (iii) consistency with the 2013 "Anti-fouling and in-water cleaning guidelines" (Australian Department of Agriculture, Fisheries and Forestry and Department Sustainability, Environment, Water, Population and Communities and New Zealand Ministry for Primary Industries).
 - (c) underwater blasting, impact and vibratory piling, marine seismic surveys:

- (i) the health and well-being of marine fauna (including threatened and at-risk species) and people from the underwater noise associated with the proposal;
 - (ii) the practicability of being able to control the underwater noise effects;
 - (iii) the social and economic benefits of the proposal; and
 - (iv) the extent to which non-transitory or more than minor adverse effects on threatened or at risk indigenous species (including Maui's Dolphin and Bryde's Whale) are avoided.
- (d) *[Matters of discretion removed as they duplicate or conflict with NES-MA regulations 18 to 21 for replacement coastal permits for existing marine farms.]*
- (e) extensions and realignment of established aquaculture activities (Do not apply to applications where the realignment is subject to NES-MA regulation 16. The regulation prevails over this rule.):
- (i) the effects from construction or works methods;
 - (ii) the effects of the location, extent, design and materials of the marine farm;
 - (iii) the effects on coastal processes, Mana Whenua values and ecological values and, water quality;
 - (iv) the effects on public access, navigation and safety;
 - (v) the effects on existing uses and activities;
 - (vi) consent duration and monitoring;
 - (vii) where the activity is within an overlay, effects on the characteristics and qualities of the overlay; and
 - (viii) the existing level of economic investment in lawfully established aquaculture activities.
- (f) experimental aquaculture activities (Do not apply to applications for replacement coastal permits for existing marine farms that include a change in consented species and are regulated under NES-MA regulations 26, 29, 32 or 35. The regulations prevail over this rule.):
- (i) the effects from construction or works methods;
 - (ii) the effects of location, extent, design and materials of the marine farm;
 - (iii) the effects on coastal processes, ecological values, water quality and natural character;

- (iv) the effects on public access, navigation and safety;
- (v) the effects on existing uses and activities;
- (vi) the effects on Mana Whenua values;
- (vii) the effects of introducing food and antibiotics; and
- (viii) consent duration and monitoring.

F2.23.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

(1) All restricted discretionary activities:

(a) construction or works methods, timing and hours of operation:

- (i) whether construction or works methods avoid, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
- (ii) whether construction or works are to be done at a time that will avoid or minimise, adverse effects on marine mammals, bird roosting, nesting and feeding, and recreational users of the coastal marine area; and
- (iii) whether construction or works hours of operation are limited to minimise effects of noise and disruption on existing activities, and on nearby residential and open space areas.

(b) location, extent, design and materials:

- (i) whether the work is located and designed to avoid, remedy or mitigate adverse effects on the environment;
- (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces;
- (iii) whether works and structures ensure efficient use of the coastal marine area is made by using the minimum area necessary for their purpose; and
- (iv) whether the materials used are compatible with the surrounding coastal environment and consistent with the natural materials at the site; taking into account the physical characteristics of the materials used, including texture, colour, composition, grain size, level of contamination and potential for leaching.

(c) effects on coastal processes, ecological values, water quality and natural character and landscape values:

- (i) whether measures can be taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character and landscape values; and
 - (ii) whether proposals have had particular regard to the policies in [B8.2 Natural character](#), [B4.2 Outstanding natural features and landscapes](#) and [B7.2 Indigenous Biodiversity](#).
- (d) effects on public access, navigation and safety:
- (i) whether the effects on existing public access arrangements have been avoided by minimising the extent and duration of work and by providing alternative access routes where practicable;
 - (ii) whether the proposed activity or development adversely affects navigation and safety;
 - (iii) whether the effects on vessel access and berthage has been avoided, remedied or mitigated;
 - (iv) whether the layout of structures and activities enhances public access, including pedestrian access, to the coastline and particularly to any areas of public open space; and
 - (v) whether any loss of public access to, along and within the coastal marine area has been mitigated, including through provision of facilities such as public boat ramps, lookout platforms, and alternative access.
- (e) effects on existing uses and activities (including infrastructure):
- (i) whether proposals avoid, remedy or mitigate adverse effects on existing activities as far as practicable, taking into account both activities in the coastal marine area and on adjacent land; and
 - (ii) whether activities avoid, remedy or mitigate adverse effects on the amenity of adjacent residential and open space zoned land.
- (f) effects on Mana Whenua values:
- (i) whether the proposal has included an assessment of Mana Whenua and how any effects have been avoided, remedied or mitigated.
- (g) consent duration and monitoring:
- (i) whether the consent duration should be limited to the minimum duration necessary for the functional or operational needs of the activity;
 - (ii) whether the consent duration should be limited as part of an adaptive management approach; and

- (iii) whether monitoring is required in order to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity
- (h) effects on historic heritage
 - (i) whether proposals avoid, remedy or mitigate adverse effects on historic heritage.
- (2) Activities in the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#) (Do not apply to applications for replacement coastal permits for existing marine farms that are subject to the NES-MA. The regulations prevail.):
 - (a) whether the proposed activity provides greater opportunities for the movement or introduction of animal and plant pests that threaten indigenous biodiversity;
 - (b) whether proposals avoid, remedy or mitigate any adverse effect on the ecology and wildlife of the area and, where relevant, on the following:
 - (i) nesting, feeding and breeding of species;
 - (ii) biological processes;
 - (iii) connections between ecosystems;
 - (iv) the diversity of species;
 - (v) the habitat of threatened or protected species, both terrestrial and aquatic; or
 - (vi) cumulative effects
 - (c) whether the proposal has included an assessment of the extent to which:
 - (i) alternative methods or locations are available to the applicant to avoid effects on the identified values in [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
 - (ii) the degree to which a reduction in water quality and/or the depositing of material will affect the natural ecological functioning of the area;
 - (iii) existing use and development already, and in combination with any proposal, impacts on the habitat, or impedes the operation of ecological and physical processes;
 - (iv) there are similar habitat types within other [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#) in the same harbour or estuary or, where the D9 Significant Ecological Areas Overlay – Marine 1 and 2 is located on open coast, within the same vicinity; and

- (v) there will be positive benefits for the ecological functioning and values of the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#).
 - (d) whether the structure in a [D9 Significant Ecological Areas Overlay – Marine 1](#) is necessary for:
 - (i) scientific and research purposes or for public education and will enhance the understanding and long-term protection of the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
 - (ii) navigation and safety;
 - (iii) habitat maintenance and enhancement; or
 - (iv) their benefit to the regional and national community, including infrastructure, and there is no reasonable or practicable alternative location on land or elsewhere in the coastal marine area.
 - (e) the extent to which any proposal to extend or alter any existing lawful structure in the [D9 Significant Ecological Areas Overlay – Marine 1](#) has demonstrated the following:
 - (i) the existing structure has no significant adverse effect on the values and ecological and physical processes operating in the [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#);
 - (ii) the extension or alteration does not involve significant disturbance of foreshore or seabed, clearance of indigenous vegetation;
 - (iii) significantly increase the need to dredge in order to obtain access to the structure from the coastal marine area; or
 - (iv) purpose of the extension cannot practicably be met by a land-based alternative.
 - (f) proposals should have particular regard to the policies in [B7.2 Indigenous Biodiversity](#).
- (3) Activities in an Outstanding Natural Features Overlay (Do not apply to applications for replacement coastal permits for existing marine farms that are subject to the NES-MA. The regulations prevail.):
- (a) whether the proposal has included an assessment of:
 - (i) whether the nature, form and extent of the proposed works or activity adversely affects the feature or features for which the item was scheduled;
 - (ii) whether the proposed works or activity adversely affect landscape values;

- (iii) the degree to which the feature or features have already been modified so that further modification will not cause significant additional loss of geological information;
 - (iv) the extent to which the modification is necessary;
 - (v) the purpose of the proposed works or activity and whether it has specific connections or relevance to the scheduled item;
 - (vi) whether alternative methods and locations are available to the applicant for carrying out the work or activities that do not affect a scheduled feature; and
 - (vii) the extent to which the proposed works will protect the feature from further damage, such as erosion protection, or remediate it from previous damage. This excludes potential damage from the activity for which consent is sought.
- (4) Activities in the Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character Overlay (Do not apply to applications for replacement coastal permits for existing marine farms that are subject to the NES-MA. The regulations prevail.):
- (a) whether the proposal has considered the potential impacts on landscape, natural character, visual, amenity and experiential values by assessing the extent to which:
 - (i) it avoids adverse effects on Outstanding Natural Character Overlay and Outstanding Natural Landscapes Overlay;
 - (ii) it gives effect to the policies in [B4.2 Outstanding natural features](#) and landscapes and [B8.2 Natural character](#);
 - (iii) the proposal will adversely affect amenity and identified natural character values;
 - (iv) whether the proposed mitigation measures can ensure there will be no more than minor effects on amenity values or views, both from land and sea, landscape and natural character values and people's experience and values associated with an area, including the predominance of nature and wilderness values;
 - (v) the siting of the building adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories;
 - (vi) the building can be located in a less prominent location taking into account the characteristics of the site, and is located within an area that has the greatest potential to absorb change to the landscape;

- (vii) the building will be visually obtrusive from any public road or public place, including from beaches and the sea;
 - (viii) the location, scale, height, design, external appearance and overall form of the building is appropriate to the rural and coastal context, and the colours and material used for roofs, walls and windows is of low reflectivity and merges with the surrounding landscape;
 - (ix) the building will result in adverse cumulative effects, having regard to other buildings or use and development;
 - (x) adverse visual and ecological effects from any earthworks, landform modification and vegetation removal associated with creating a building platform, driveways or other servicing requirements;
 - (xi) the building, driveways and servicing are set back from mean high water springs to avoid being affected by coastal erosion, natural coastal hazards or sea level rise, taking into account predicted risk over a 100-year time frame;
 - (xii) the proposed building or structure will impact on Mana Whenua values;
 - (xiii) the proposed building or structure has a functional need to be in the location proposed; and
 - (xiv) the proposed building or structure will improve the resilience and security of the infrastructure network.
- (5) Activities affecting a place identified in [Schedule 14.1 Schedule of Historic Heritage](#) (Do not apply to applications for replacement coastal permits for existing marine farms that are subject to the NES-MA. The regulations prevail.):
- (a) refer to the assessment criteria listed in [D17 Historic Heritage Overlay](#).
- (6) Noise:
- (a) the extent to which the management of noise emissions from activities in the coastal marine area has taken into account:
 - (i) the adverse effects on the health, well-being, and amenity values of the people who reside in or use the area;
 - (ii) the health and well-being of coastal and marine fauna from the noise associated with the proposal;
 - (iii) the extent to which the noise may add to a cumulative noise effect, taking into account the existing noise generated at or near the site;
 - (iv) the practicability of being able to control the noise levels;

- (v) the extent to which any social and economic benefits to the community offset the impact of noise associated with the application; and
 - (vi) the extent to which the effects of the noise will be mitigated.
- (7) Underwater blasting, impact and vibratory piling, marine seismic surveys (note that no other criteria apply):
- (a) whether the proposal has included an assessment of:
 - (i) the extent to which the underwater noise associated with the proposal adversely affects the health and well-being of marine fauna and people;
 - (ii) the practicability of being able to control the underwater noise effects;
 - (iii) the social and economic benefits of the proposal; and
 - (iv) the extent to which the adverse effects of the underwater noise will be mitigated.
- (8) Lighting:
- (a) refer to the assessment criteria in [E24 Lighting](#).
- (9) Occupation (Do not apply to applications for replacement coastal permits for existing marine farms that are subject to the NES-MA. The regulations prevail.):
- (a) whether occupation of the common marine and coastal area has been limited in spatial and temporal extent to minimise:
 - (i) the extent to which people will be excluded from using a structure, or by the activity, from the coastal marine area;
 - (ii) the effect the proposal may have on existing resource consent holders of occupation within the same locality or the vicinity; and
 - (iii) cumulative effects of the occupation.
 - (b) whether occupation of the common marine and coastal area has been limited to circumstances where it can be demonstrated that:
 - (i) there are no similar areas, structures or activities nearby which could be utilised for the same or similar purpose;
 - (ii) it is not practicable to locate the structure or activity on land outside the coastal marine area;
 - (iii) the use or development has a functional or operational need to locate in the coastal marine area; or

- (iv) it is necessary to provide for the cultural and traditional needs of Mana Whenua.
- (c) whether or not exclusive occupation of the common marine and coastal area that will have a significant adverse effect on public access and recreational use of the coastal marine area should be granted; and
- (d) the extent to which the duration of rights of occupation are determined having regard to the following:
 - (i) extent of public use and access to the area and the impact of restrictions;
 - (ii) level of investment in the development and need for security of tenure to ensure the financial and economic viability;
 - (iii) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans; and
 - (iv) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.
- (e) whether the proposal has had particular regard to policy F2.14.3(2) and policy F2.14.3(4).
- (10) Minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation:
 - (a) whether reclamations mitigate adverse effects through their form and design, taking into account the following:
 - (i) the compatibility of the design with the location;
 - (ii) the degree to which the materials used are visually compatible with the adjoining coast; and
 - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards.
- (10A) Coastal marine area depositing of material:
 - (a) whether the depositing of material:
 - (i) uses methods that include appropriate sediment retention methods, such as using coarser sediment, combining with planting or frequency of sand transfer, to retain the deposited material within the coastal cell in which it is placed;
 - (ii) avoids the introduction of waste, contaminants or harmful aquatic organisms; and

- (iii) is designed to provide beach elevations and contours that provide environmental, scientific, cultural, amenity or social benefits, or is for erosion control.
- (11) River mouth dredging; dredging to maintain or gain access to an existing lawful structure; dredging to clear the exit of any lawful stormwater outfall or pipe (maximum of 5000m³, maximum of 500m length) and maintenance dredging in specified zones:
- (a) whether dredging:
 - (i) causes or exacerbates erosion or flooding within the coastal marine area or on adjacent land;
 - (ii) causes damage to existing lawful structures;
 - (iii) results in the permanent loss of any habitat of a rare or endangered species; and
 - (iv) results in adverse effects on significant surf breaks identified in [Appendix 4 Surf breaks](#);
 - (b) the extent to which dredging minimises sediment or contaminant mobilisation and dispersal by using best practicable methods and procedures, particularly for dredging contaminated sediments;
 - (c) whether proposals for dredging have demonstrated:
 - (i) that there are reasonably practicable alternatives to provide for a use or activity which would avoid or reduce the need for dredging; and
 - (ii) any seabed disturbance and resulting turbidity other than which is localised and limited in duration.
 - (d) whether maintenance dredging provides for the ongoing use of the Port Precinct, the Coastal – Minor Port Zones, Coastal – Marina Zone, Coastal – Ferry Terminal Zone and Coastal – Defence Zone; and
 - (e) whether works have avoided effects on any sites or areas in [D17 Historic Heritage Overlay](#).
- (12) Mangrove removal that does not meet the standards in F2.21.1 or F2.21.5.6:
- (a) whether removal of mangroves, including seedlings, has been avoided in areas:
 - (i) where mangroves provide important ecological values;
 - (ii) of potential coastal erosion where mangroves provide a buffer against coastal processes causing erosion; and
 - (iii) where the sediments contain high levels of contaminants at risk of being re-suspended.

- (b) whether proposals to remove mangroves have assessed the sediment inputs in the area and identification of catchment initiatives to reduce sediment and nutrient inputs;
- (c) whether mangrove removal has:
 - (i) minimised the disturbance of the foreshore and seabed, and sediment and contaminant discharges;
 - (ii) disposed of removed mangroves outside the coastal marine area using an appropriate method and avoided burning mangroves within the coastal marine area;
 - (iii) utilised a disposal method that results in significant adverse effects on the coastal marine area where landward disposal is not proposed;
 - (iv) taken an adaptive management approach where a significant area of removal is proposed and there is uncertainty over the extent of adverse effects; and
 - (v) provided for the long-term maintenance of cleared areas.
- (d) whether mangrove removal is granted where there is clear evidence that they have spread and the proposed removal is necessary to enable, maintain, restore or enhance:
 - (i) public access to, or along, the coastal marine area;
 - (ii) connections with reserves or publicly owned land and the sea;
 - (iii) public use and amenity values;
 - (iv) water access and navigation, including waka portage routes;
 - (v) public health and safety, including sightlines and traffic safety;
 - (vi) access to the coast from marae, or to areas of customary use;
 - (vii) natural character, biodiversity and ecological values, including significant wading bird feeding or roosting areas; and
 - (viii) cultural or historic heritage or natural features.
- (e) whether mangrove removal should be granted consent where there is no practicable alternative, and removal is necessary to allow for:
 - (i) the operation, maintenance and use of existing lawful structures, or infrastructure;
 - (ii) the provision of infrastructure, that cannot practically be located in an alternative area, that would avoid the need for mangrove removal; and

- (iii) removal of areas identified for clearance in a reserve management plan, comprehensive coastal management plan or similar plan that has been subject to a public consultation process where the potential adverse effects have been considered.

(13) Discharges:

- (a) whether facilities are to be provided for the treatment, collection and disposal of any discharge where practicable.

(14) Discharge of wastewater from a wastewater network:

- (a) the extent to which the proposed best practicable option:

- (i) prevents or minimises adverse effects particularly on public health, safety and amenity, potable water supplies, Mana Whenua values, freshwater systems and coastal waters;
- (ii) provides for wastewater discharges generated as a result of potential urban growth, urban redevelopment, and land use intensification within the catchment, taking into account the growth and intensification provisions of the Plan;
- (iii) progressively reduces overflows to an average of no more than two events per discharge location per annum by 2040 and where the overflow frequency exceeds an average of two events per discharge location per annum, an alternative discharge frequency must be established using a best practicable option;
- (iv) progressively reduces overflows and associated adverse effects, and the priorities for doing so, having particular regard to areas of contact recreation and public use, receiving environments that are sensitive to the adverse effects of wastewater overflows and areas with high Mana Whenua values; and
- (v) takes account of consultation with key stakeholders, including Mana Whenua and the community.

- (b) the operations and maintenance plans and programmes provided will ensure the effective operation of the combined sewer network and minimise dry and wet weather overflows;
- (c) whether the response procedures and processes provided will mitigate the adverse effects of overflows;
- (d) whether the design of engineered overflow points minimises public health risks, ecological effects, nuisance and/or damage and prevents erosion or scouring at the point of discharge.

(15) A discharge of hull bio-fouling organisms from in-water cleaning:

- (a) whether the proposal has included an assessment of the extent to which the in-water hull cleaning will ensure that unusual organisms or suspected

harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) are not caused to spread, with particular consideration of the following matters:

- (i) the method of cleaning;
- (ii) the existing anti-fouling treatment manufacturer's recommendations for cleaning;
- (iii) whether the existing anti-fouling treatment is within its expected service life;
- (iv) the extent to which bio-fouling material is captured;
- (v) the method of disposal of any captured bio-fouling material;
- (vi) whether a risk assessment is required, and if so, that assessment has been undertaken by a suitably qualified and approved person; and
- (vii) any other matter included in the "In-water cleaning technologies: Review of information" Ministry of Primary Industries Technical Paper No: 2015/38

(16) Discharge of wastewater from a combined sewer network:

- (a) the extent to which the proposed best practicable option :
 - (i) prevents or minimises adverse effects particularly on public health, safety and amenity, potable water supplies, Mana Whenua values, freshwater systems and coastal waters;
 - (ii) provides for wastewater discharges generated as a result of potential urban growth, urban redevelopment, and land use intensification within the catchment, taking into account the growth and intensification provisions of the Plan;
 - (iii) progressively reduces overflows and associated adverse effects, and the priorities and timeframes for doing so, having particular regard to areas of contact recreation and public use, receiving environments that are sensitive to the adverse effects of wastewater overflows and areas with high Mana Whenua values;
 - (iv) takes account of consultation with key stakeholders, including Mana Whenua and the community; and
 - (v) considers potential impacts on stormwater management.
- (b) whether the operations and maintenance plans and programmes provided will ensure the effective operation of the combined sewer network and minimise dry and wet weather overflows;

- (c) whether the response procedures and processes provided will mitigate the adverse effects of overflows; and
 - (d) whether the design of engineered overflow points minimises public health risks, ecological effects, nuisance and/or damage and prevents erosion or scouring at the point of discharge.
- (17) Structures and buildings in the coastal marine area (Do not apply to applications for replacement coastal permits for existing marine farms that are subject to the NES-MA. The regulations prevail.):
- (a) whether proposals for structures in the coastal marine area have considered more efficient use of space on existing wharves or adjacent land that would avoid the need for the structure or reduce its size;
 - (b) whether the structure has a functional or operational need to be located in the coastal marine area, and/or can practicably be located outside of the coastal marine area;
 - (c) whether the quality of building design and its location, including consideration of scale, size, design and external appearance is appropriate, acknowledging the functional and operational requirements of marine and port activities where relevant;
 - (d) whether the building material used for structures is appropriately marine-treated, or if relocated or recycled building material is used, treated to prevent the transference or introduction of harmful aquatic organisms;
 - (e) whether buildings in the coastal marine area have interactive frontages where they face public streets and accessways;
 - (f) whether developments have landscaping and screening treatments to minimise adverse visual effects on adjoining land uses, including the effective screening of parking areas and outside storage or servicing areas; and
 - (g) the extent to which the reconstruction, alteration or extension of existing structures:
 - (i) do not have significant adverse effects on other uses and values;
 - (ii) result in greater, more efficient, or multiple use of the structure for marine activities;
 - (iii) reduce the need for a new structure elsewhere;
 - (iv) provide for activities that cannot practicably be located on land outside of the common marine and coastal area;
 - (v) where they provide for activities that do not have a functional need to be undertaken in the coastal marine area, those activities will enhance amenity values and not conflict with marine activities; and

(vi) any necessary land-based infrastructure can be provided.

(18) Effects on views and visual amenity:

- (a) whether structures and buildings adversely affect the natural character, landscape and visual amenity of the area taking into account the following:
- (i) visual dominance of the building in terms of views from adjoining areas including the coastal marine area;
 - (ii) interface and amenity of adjacent zones, particularly residential zoned land;
 - (iii) scale and location of the proposed building in relation to any nearby buildings;
 - (iv) the type, including colour, of exterior materials used for construction;
 - (v) any lighting proposed on the building; or
 - (vi) any signs proposed to be attached to or painted on proposed building.
- (b) whether the height of the structure or building contribute to adverse cumulative effects of development in the area, taking into account:
- (i) visual amenity of the area;
 - (ii) scale and intensity of existing development; and
 - (iii) character of the zone.

(19) *[Assessment criteria removed as they related to matters of discretion that duplicate or conflict with NES-MA regulations 18 to 21 for replacement coastal permits for existing marine farms.]*

(20) Extensions and realignment of established aquaculture activities (Do not apply to applications where the realignment is subject to NES-MA regulation 16. The regulation prevails.):

- (a) whether any extensions and or realignment of established aquaculture activities has:
- (i) demonstrated it is an efficient use of the coastal marine area;
 - (ii) does not have adverse effects on other uses and values;
 - (iii) resulted in greater or more efficient use of the established aquaculture activities, and
 - (iv) that any adverse effects have been avoided, remedied or mitigated.
- (b) construction or works methods:

- (i) whether measures to ensure construction works avoid adverse effects and avoid, remedy or mitigate other adverse effects, particularly on water quality have been implemented;
- (c) location, extent, design and materials:
- (i) whether the extension/realignment is located and designed to avoid adverse effects and avoid, remedy or mitigate other adverse effects on the environment;
 - (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces; and
 - (iii) whether the materials used are compatible with the surrounding coastal environment and, where practicable, consistent with the existing materials at the site.
- (d) effects on coastal processes, ecological values and water quality:
- (i) whether measures to avoid adverse effects and avoid, remedy or mitigate other adverse effects on coastal processes, ecological values, and water quality have been assessed.
- (e) effects on public access, navigation and safety:
- (i) whether measures to ensure adverse effects on existing public access arrangements are minimised to the extent and duration of work and via the provision of alternative access routes where practicable have been implemented; and
 - (ii) whether measures have been provided to avoid, remedy or mitigate adverse effects on navigation and safety.
- (f) effects on existing uses and activities:
- (i) whether measures to avoid adverse effects on existing activities, on amenity of adjacent residential and open space zoned land, taking into account both activities in the coastal marine area and on adjacent land, have been implemented.
- (g) consent duration and monitoring:
- (i) whether the term of consent is appropriate in order to provide for the operational needs of the extension / realignment and to manage its environmental effects;
 - (ii) whether the consent duration need to be limited to allow an adaptive management approach; and

- (iii) whether any monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.
- (h) effects on the characteristics and qualities of overlays:
 - (i) the relevant assessment criteria are those included for structures / activities in: [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#); [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscape Overlay](#); and [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#).
 - (i) the level of economic investment in the existing lawfully established aquaculture activity:
 - (i) whether information demonstrating the value of existing infrastructure supporting the ongoing use of the aquaculture activity has been provided.
- (21) Experimental aquaculture activities (Do not apply to applications for replacement coastal permits for existing marine farms that include a change in consented species and are regulated under NES-MA regulations 26, 29, 32 or 35. The regulations prevail.):
 - (a) whether experimental aquaculture activities:
 - (i) provide scientific evidence on new or established species and / or new or innovative techniques;
 - (ii) efficiently use the coastal marine area, including the collaboration between research agencies to share the same experimental aquaculture activities sites; and
 - (iii) will have an adverse effect on other uses and values.
 - (b) construction or works methods:
 - (i) whether measures ensure construction works avoid, remedy or mitigate adverse effects, particularly on water quality.
 - (c) location, extent, design and materials:
 - (i) whether the extension/realignment is located and/or designed to avoid, remedy or mitigate adverse effects on the environment;
 - (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces; and
 - (iii) whether the materials used are compatible with the surrounding coastal environment and, where practicable, consistent with the existing materials at the site.

- (d) effects on coastal processes, ecological values, water quality and natural character:
 - (i) whether measures to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character have been implemented.
- (e) effects on public access, navigation and safety:
 - (i) whether measures ensure adverse effects on existing public access are minimised and whether alternative access is necessary and has been provided; and
 - (ii) whether measures to avoid, remedy or mitigate adverse effects on navigation and safety have been implemented.
- (f) effects on existing uses and activities:
 - (i) whether measures to avoid, remedy or mitigate adverse effects on existing activities, amenity of adjacent residential and open space zoned land taking into account both activities in the coastal marine area and on adjacent land have been implemented.
- (g) effects on Mana Whenua values:
 - (i) whether the proposal has included an assessment of Mana Whenua values and how any adverse effects have been avoided, remedied or mitigated.
- (h) effects of introducing food and antibiotics:
 - (i) whether measures have been implemented to minimise the potential risks associated with the introduction of food and antibiotics to the coastal marine area as part of the experimental aquaculture activities; and
 - (ii) whether any monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.

F2.24. Special information requirements

There are no special information requirements in this zone.

F3. Coastal – Marina Zone

F3.1. Zone description

The Coastal – Marina Zone provides for the development and operation of various established marinas, including both land and water components. The zone covers land and the coastal marine area to promote integrated management of activities and effects that cross mean high water springs.

The Coastal – Marina Zone applies to the following marinas:

- Sandspit, Warkworth;
- Mahurangi, Wilson Road, Warkworth;
- Gulf Harbour, Whangaparāoa;
- Milford;
- Bayswater;
- Hobsonville Marina, West Harbour;
- Westhaven;
- Outboard Boating Club, Hobson Bay;
- Ōrākei;
- Half Moon Bay;
- Pine Harbour, Beachlands; and
- Hobsonville Point.

F3.2. Objectives [rcp/dp]

- (1) The adverse effects of marinas on the coastal environment are avoided, remedied or mitigated.
- (2) Marina activities are located within the Coastal – Marina Zone which encompasses the coastal marine area and any adjoining land used for marina related activity.
- (3) Marina and related supporting facilities are developed, used, maintained, refurbished, reconstructed and berthage maximised.
- (4) Marina development and redevelopment above and below mean high water springs is integrated.
- (5) Activities in the Coastal – Marina Zone that have a functional need for a coastal location have priority over those that do not.
- (6) Access to the waterfront for berth holders and the public is maintained or enhanced.

- (7) Limited expansion of existing marinas in the coastal marine area is enabled provided there is adequate infrastructure to support it and any adverse environmental effects are avoided, remedied or mitigated.

F3.3. Policies [rcp/dp]

- (1) Provide for use, development, repair, maintenance, refurbishment, and reconstruction of existing marinas, and their expansion, that avoids remedies or mitigates adverse effects on the coastal environment, including adjacent land zoned for residential or open space purposes.
- (2) Provide for marine-related and other compatible business activities, while avoiding, remedying or mitigating adverse effects on the coastal environment and adjacent land zoned for residential or open space purposes.
- (3) Provide for maritime passenger operations and maritime passenger facilities at marinas.
- (4) Provide for adequate and convenient facilities in marinas for the containment, collection and appropriate disposal of all of the following:
 - (a) rubbish from vessels;
 - (b) sewage from vessels;
 - (c) recyclable material including waste oils;
 - (d) residues from vessel construction and maintenance;
 - (e) spills from refuelling operations and refuelling equipment; and
 - (f) stormwater generated from the marina complex.
- (5) Encourage additional berthage to be created at existing marinas where this is practicable and will avoid, remedy or mitigate adverse effects on the environment including:
 - (a) the natural character of the coastal environment;
 - (b) landscape and visual amenity values;
 - (c) coastal processes;
 - (d) water quality;
 - (e) biosecurity;
 - (f) historic heritage and Mana Whenua values;
 - (g) land-based facilities including parking, access and the adjoining road network; and
 - (h) public access.

- (6) Minimise the size of any wave attenuation devices associated with a marina development while also ensuring the safe and efficient operation of the marina.
- (7) Require any marina development to be of a scale, design and location that remedies or mitigates adverse effects on the coastal environment, particularly in relation to the following matters:
 - (a) the natural character of the coastal environment;
 - (b) effects on the recreational, visual and amenity values in the locality, including lighting effects;
 - (c) public access to, along and within the coastal marine area;
 - (d) effects on the landscape elements and features;
 - (e) effects on historic heritage or Mana Whenua values;
 - (f) noise effects including construction noise and ongoing operational noise, such as halyard slap;
 - (g) effects on coastal processes including wave sheltering, downstream effects, sediment movement, erosion and depositing, littoral drift, and localised effects on water currents;
 - (h) effects on significant surf breaks;
 - (i) the need for capital works and maintenance dredging within the marina and any approach/entrance channel;
 - (j) effects on other users of the coastal marine area including existing maritime passenger operations, moorings and public boat ramps;
 - (k) effects on navigation and safety and the need for any aids to navigation;
 - (l) shore-based facilities including car and trailer parking, boat storage and maintenance areas, administration buildings, public toilets, boat racks, lockers, public access and esplanade reserves, landscaping and urban design treatment;
 - (m) the effects of additional traffic generation on the road network and any measures to mitigate these effects; and
 - (n) consideration of any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.
- (8) Provide for public access to be restricted only where it is necessary for public health, safety, security or operational reasons.

- (9) Require mitigation for any loss of public access to, along and within the coastal marine area, including providing facilities such as public boat ramps, and alternative access for other recreational users.
- (10) Allow activities that do not have a functional need for a coastal location only where all of the following can be demonstrated:
- (a) the proposed activities will not conflict with, or limit, the operation of marina activities, maritime passenger operations or other marine-related activities that are undertaken in the Coastal – Marina Zone;
 - (b) no reclamation is required to enable the activity and it will not create a demand for future reclamation;
 - (c) adequate provision remains for existing activities that have a functional or operational need for a coastal location;
 - (d) public access to and use of the coastal marine area will be maintained or enhanced;
 - (e) the development is integrated with public transport, where relevant; and
 - (f) the development is designed to complement its particular coastal location.

F3.4. Activity table

Table F3.4.1 Activity table below specifies the activity status of works in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991 and the activity status of any associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F3.4.1 to F3.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table F3.4.1 Activity table

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation	D	NA
(A2)	Maintenance dredging	RD	NA
(A3)	Capital works dredging	RD	NA

Table F3.4.2 Activity table below specifies the activity status of use and activities on land pursuant to section 9(3) of the Resource Management Act 1991; use and activities in the coastal marine area pursuant to section 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the discharge of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

Those activities in the coastal marine area marked with ¹ apply when the activity is on an existing coastal marine area structure or where consent is being sought for that structure.

Table F3.4.2 Activity table

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A4)	Workers accommodation	NC	P
(A5)	Dwellings	NC	NC
(A6)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource	Pr	NA

	Management Act 1991)		
(A7)	Public amenities ¹	P	P
(A8)	Food and beverage ¹	RD	RD
(A9)	Storage and sale of fuel and oil for vessels – maximum of 100m ² gross floor area ¹	P	P
(A10)	Dairies – maximum of 100m ² gross floor area	NC	P
(A11)	Marine retail ¹	P	P
(A12)	Clubrooms for marine-related clubs ¹	P	P
(A13)	Offices accessory to marine and port activities ¹	P	P
(A14)	Offices not otherwise provided for	NC	NC
(A15)	Marine industry ¹	RD	P
(A16)	Helicopter landing areas	D	D
(A17)	Maritime passenger operations lawfully existing at 30 September 2013	P	P
(A18)	Maritime passenger operations established after 30 September 2013	RD	RD
(A19)	Vehicle parking on lawfully existing CMA structures associated with a marina	P	NA
(A20)	Marine and port activities	P	P

Table F3.4.3 Activity table below specifies the activity status of structures on land and in the coastal marine area pursuant to sections 9(3) and 12(1) of the Resource Management Act 1991; the occupation of the common marine and coastal area pursuant to sections 12(2) of the Resource Management Act 1991; and their use pursuant to section 12(3) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

Those activities in the coastal marine area marked with ² apply when the activity is on a coastal marine area structure.

Table F3.4.3 Activity table

Note 1. Rule F3.4.3(A34) applies where occupation is proposed in an area that has an existing occupation consent. Rule F3.4.3(A34) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A21)	Marine and port facilities ²	P	P
(A22)	New coastal marine area structures or buildings (excludes marine and port facilities, marine and port accessory structures and services) ²	RD	P
(A23)	Temporary coastal marine area structures or buildings	P	NA
(A24)	Marine and port accessory structures and services	P	P
(A25)	Maritime passenger facilities established after 30 September 2013	RD	RD
(A26)	Public transport facilities	NA	P
(A27)	Wave attenuation devices	RD	RD
(A28)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A29)	Observation areas, viewing platforms and boardwalks	RD	RD
(A30)	New and existing swing moorings and marina berths including occupation and use by vessel to be moored	P	NA
(A31)	New and existing pile moorings including occupation and use by the vessel to be moored	P	NA
(A32)	Maimai	NC	NC
(A33)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	NA
(A34)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

F3.5. Notification

- (1) Any application for resource consent for dwellings in the Coastal – Marina Zone must be publicly notified.
- (2) Any application for resource consent for an activity listed in Tables F3.4.1, F3.4.2 and F3.4.3 above and which is not listed in F3.5(1)(a) above, will be subject to

the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

F3.6. Standards

All activities listed as a permitted activity or a restricted discretionary activity in Tables F3.4.1, F3.4.2 and F3.4.3 must comply with the following standards.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

F3.6.1. Building height

- (1) Buildings entirely within the coastal marine area must not exceed 5m in height above mean high water springs.
- (2) Structures for haulage or lifting must not exceed 18m in height above mean high water springs in the coastal marine area.
- (3) Buildings must not exceed 9m in height above ground level when located on land except within that area of Half Moon Bay shown on Figure F3.6.1.1 Half Moon Bay Marine – Area where the height and yard standards do not apply, where the maximum height must not exceed 12m. Those buildings located partially within the coastal marine area must not exceed 9m in height.
- (4) Structures such as travel lifts and boat stacking (not within buildings) must not exceed 12m in height above ground level when located on land.

Figure F3.6.1.1 Half Moon Bay Marina – Area where the height and yard standards do not apply



F3.6.2. Yards

- (1) All structures must be set back from the relevant boundary by the minimum depth listed in Table F3.6.2.1 Yards.
- (2) Goods, materials, refuse or refuse containers must not be stored in a yard.

Table F3.6.2.1 Yards

Yard	Minimum depth
Front	3m
	Yards are not required for internal roads or service lanes

Rear	5m where a rear boundary adjoins a residential or open space zone; or a reserve vested in the Council
Side	5m where the side boundary adjoins a residential or open space zone; or a reserve vested in the Council except that no side yard is required within that area of Half Moon Bay shown on Figure F3.6.1.1 Half Moon Bay Marine – Area where the height and yard standards do not apply.
Water	3m from the edge of a river where a boundary adjoins a river whose bed has an average width of 3m or more

F3.6.3. Building coverage

- (1) The maximum permitted building coverage or cumulative total area of buildings on land must not exceed 35 per cent of the land area.

F3.6.4. Height in relation to boundary

- (1) No part of any building may exceed a height equal to 2.5m plus the shortest horizontal distance between that part of the building and any site boundary, where the boundary is adjacent to a residential or open space zone, except that no height in relation to boundary control applies to that area within Half Moon Bay Marina shown in Figure F3.6.1.1 Half Moon Bay Marine – Area where the height and yard standards do not apply.

F3.6.5. Storage and screening

- (1) Any outdoor storage or rubbish collection areas that directly face and are visible from a residential, rural or open space zone must be screened from those areas by a solid wall or fence at least 1.8m high.

F3.6.6. Marine retail

- (1) The gross floor area of an individual retail tenancy must not exceed 300m².
- (2) The total cumulative gross floor area of retail activities within the marina must not exceed 1000m².

F3.6.7. Workers’ accommodation

- (1) No more than one workers’ accommodation per marina.

F3.7. Assessment – controlled activities

There are no controlled activities in this section.

F3.8. Assessment – restricted discretionary activities

F3.8.1. Matters of discretion

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) for all restricted discretionary activities:
 - (a) the effect of the construction or works methods, timing and hours of operation;
 - (b) the location, extent, design materials and landscaping;
 - (c) the effects on coastal processes, ecological values, water quality and natural character;
 - (d) the effects on public access, navigation and safety;
 - (e) the effects on existing uses and activities;
 - (f) the effects on Mana whenua values; and
 - (g) consent duration and monitoring.
- (2) For food and beverage:
 - (a) traffic and parking.
- (3) for marine industry other than the maintenance and servicing of vessels:
 - (a) the effects from additional traffic as well as any parking requirements.
- (4) for maritime passenger operations and facilities established after 30 September 2013:
 - (a) the effects from additional traffic as well as any parking requirements.
- (5) for structures or buildings in the coastal marine area and buildings on land:
 - (a) effects on views to and from the surrounding area, and the visual amenity effects from the presence of the structure.
- (6) for occupation of the common marine and coastal area:
 - (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

[PC 71 \(see Modifications\)](#)

[PC 71 \(see Modifications\)](#)

F3.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) location, extent, design and materials used:
 - (a) whether any marina development is of a scale, design and materials and located so that it remedies or mitigates adverse effects on the coastal environment, particularly the following matters:
 - (i) the natural character of the coastal environment;
 - (ii) effects on the recreational, visual and amenity values in the locality, including lighting effects;

- (iii) public access to, along and within the coastal marine area;
- (iv) effects on the landscape elements and features;
- (v) effects on cultural and historic heritage values in the locality;
- (vi) noise effects including construction noise and ongoing operational noise, such as halyard slap;
- (vii) effects on coastal processes including wave sheltering, downstream effects, sediment movement, erosion and deposits, littoral drift, and localised effects on water currents;
- (viii) effects on significant surf breaks as identified in [Appendix 4 Surf breaks](#);
- (ix) the need for capital works and maintenance dredging within the marina and any approach/entrance channel, options for disposal, measures to address any contaminants in dredged material, and effects of dredging on water quality;
- (x) effects on other users of the coastal marine area including existing moorings and public boat ramps;
- (xi) effects on navigation and safety and the need for any aids to navigation;
- (xii) the provision of shore-based facilities including car and trailer parking, boat storage and maintenance areas, administration buildings, public toilets, boat racks, lockers, public access and esplanade reserves, landscaping and urban design treatment; and
- (xiii) consideration of any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

(2) for existing uses and activities:

- (a) whether the effects of proposed buildings and activities have been considered in relation to existing activities including marine-related industries, other marina activities and/or adjoining residential/coastal activities, and what measures have been put in place to avoid, remedy or mitigate any adverse effects.

(3) for traffic and parking:

- (a) refer to any relevant assessment criteria in [E27.8.2 Transport](#);
- (b) whether the proposal, including any additional vehicle movements, adversely affects the safe and efficient operation of the road network, including the operation of public transport and the movement of pedestrians, cyclists and general traffic; and

PC 71 ([see Modifications](#))

(c) whether the provision of parking is adequate for the site and the proposal, having considered any alternative parking available in the area and access to public transport.

(4) for marine industry other than the maintenance and servicing of vessels, maritime passenger facilities:

(a) whether measures have been implemented to address reverse sensitivity effects on the surrounding Coastal – Marina Zone activities;

(b) the extent to which the activity is complementary to, and will not limit the primary use of the site for marina purposes, including the operation of marina activities, maritime passenger transport or other marine-related activities;

(c) whether measures have been taken to maintain or enhance public access to the coastal marine area;

(d) whether the design reflects the high visibility and coastal nature of the site;

(e) whether the activity avoids, remedies or mitigates the adverse effects on the amenity of the locality arising from use of the facility, including by controlling noise and hours of operation; and

(f) the extent to which the need for parking or transport facilities conflicts with the main marina use and should be integrated with public transport.

PC 71 ([see Modifications](#))

(5) for the intensification of berthage:

(a) the extent to which intensification of berthage within the Coastal – Marina Zone is enabled, allowing for more efficient use of the coastal marine area.

(6) for occupation of the common marine and coastal area:

(a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

F3.9. Special information requirements

There are no special information requirements in this section.

F5. Coastal – Minor Port Zone

F5.1. Zone description

Auckland has a range of water transport facilities in addition to the city centre port that are important for business and industry. Maintaining such sites as part of an efficient national network of safe ports is recognised in the New Zealand Coastal Policy Statement (policy 9).

The purpose of the Coastal – Minor Port Zone is to provide for the integrated and efficient operation and development of particular minor ports in the Auckland region. The zone includes the Port of Onehunga, the Gabador Place wharves, the LPG Terminal in the Papakura Channel, and the Chelsea Sugar Factory Wharf.

These facilities are important in serving and supporting local, regional and national business opportunities, and providing for the social and economic well-being of Auckland. The purpose of the Coastal – Minor Port Zone is to provide for these facilities and associated marine and port activities as they rely on proximity to the harbour for operational purposes.

The Coastal – Minor Port Zone provides for the integrated and efficient operation and development of the Port of Onehunga by incorporating both the land and coastal marine area and providing for the operation, development, and expansion of marine and port activities, and marine and port facilities at this facility.

The Port of Onehunga is managed by Ports of Auckland Limited and is identified in the Auckland Plan as part of critical infrastructure and plays an important role in the regional economy. It provides for general port operations (including for cargo handling and general wharf operations), fishing fleet operations, and marine services (such as towage, pilotage, and line handling), storage and warehousing. These activities are supported by a range of services including, logistics, port infrastructure, and port security.

The Port of Onehunga is an important base for the Auckland west –coast-based fishing industry, because there is currently no alternative location north of Taranaki for the west-coast-based fishing fleet.

The Port of Onehunga contains the only all-tide access that could serve communities around the Manukau Harbour. Over time the port may transition to a mixed-use marine industrial, water borne transportation, recreation, community, business, emergency services and visitor complex. Transitional uses do not preclude this long-term vision.

Gabador Place on the Tāmaki River is used for handling and transferring bulk liquids, including hazardous substances, and the movement of sand and shingle. This area also has a wharf, marina and travel lift associated with boat-building operations.

The LPG terminal in the Papakura Channel is used for off-loading LPG from sea tankers through a 5km-long submarine pipeline to the shore. It is located off-shore and away from other development. Any further development of this area is considered inappropriate due the potential adverse effects on the high natural character values of the nearby significant ecological area.

The Chelsea Sugar Refinery has a deep-water wharf supporting its refinery operations.

The zone applies to the coastal marine area at the Port of Onehunga, Gabador Place, Chelsea Sugar Refinery and the LPG terminal in the Papakura Channel within the coastal marine area only. The landward component of Port of Onehunga is also zoned the Coastal – Minor Port Zone to provide for the activities there.

F5.2. Objectives [rcp/dp]

- (1) Efficient and safe operation is continued for the following water transport facilities for freight and business:
 - (a) Port of Onehunga;
 - (b) Gabador Place, Tāmaki River;
 - (c) LPG Terminal, Papakura Channel; and
 - (d) Chelsea Sugar Refinery wharf;in a manner which:
 - (i) minimises the exposure of people and the natural environment to risks arising from hazardous activities and hazardous substances; and
 - (ii) avoids, remedies or mitigates significant adverse effects from these facilities on the surrounding environment.
- (2) Existing water transport facilities for freight and business are protected from inappropriate subdivision, use and development that may compromise their ability to operate safely and efficiently, or adversely affect their connections with other transport modes.
- (3) Public access, use and enjoyment of the coastal marine area is maintained and where practicable enhanced, provided this does not adversely affect the efficient and safe operation of marine and port activities and marine and port facilities.
- (4) Structures and the water space of the coastal marine area in and adjacent to water transport facilities for freight and business are used efficiently.
- (5) Potential adverse effects of Coastal – Minor Port Zone activities on neighbouring areas are avoided, remedied or mitigated.
- (6) Activities on land that are not light industrial in nature and which do not require proximity to the harbour and marine and port facilities are directed to other areas of Auckland.

F5.3. Policies [rcp/dp]

- (1) Avoid subdivision, use, or development which adversely affects the safe and efficient operation of water transport facilities for freight and business located within the Coastal – Minor Port Zone or their connections with other transport modes.

- (2) Restrict public access to the coastal marine area only where necessary to protect human health, safety or security or the efficient and safe operation of activities, particularly to areas where hazardous substances are being transferred, off-loaded, or stored within the zone.
- (3) Enable the intensification, development and maintenance of buildings, structures and works for marine and port activities, subject to avoiding, remedying or mitigating potential adverse effects on the environment.
- (4) Require activities within the zone to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on coastal processes, water quality, biosecurity, historic heritage and the surrounding road network.
- (5) Design and locate buildings and other significant structures to avoid, remedy or mitigate significant adverse effects on landscape values and visual amenity, and to contribute positively to the visual quality of the area while having regard to the function and context of those buildings and structures.
- (6) Require port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.
- (7) Require the provision of adequate and convenient facilities for:
 - (a) the collection of rubbish from vessels;
 - (b) sewage from vessels; and
 - (c) the containment and disposal of residues from vessel maintenance.
- (8) Require structures in the coastal marine area used for handling hazardous substances to be maintained at all times to a standard that minimises potential risks to people and the environment.
- (9) Require the off-loading or transfer of hazardous substances on structures in the coastal marine area to be done at all times in a manner that minimises potential risks to people and the environment.
- (10) Restrict any further development or expansion of the LPG Terminal in the Papakura Channel beyond the Coastal – Minor Port Zone.
- (11) Avoid office and residential activities, except where they are ancillary to marine and port activities.
- (12) Avoid retail land use activities, except for convenience-type retail servicing the local worker population.
- (13) Enable use and development that is not related to marine and port activities only where:
 - (a) the use and development:

- (i) has a functional need to locate in or adjacent to the coastal marine area;
 - (ii) is accessory to a structure or activity which has a functional need to locate in or adjacent to the coastal marine area; and
 - (iii) the use or development will not adversely affect the primary function of any established structure, or the use of the area for marine and port activities;
- (b) the use or development will, where appropriate, enhance amenity values and public use and enjoyment of the coastal marine area;
 - (c) the use or development will, where appropriate, retain and reflect character features, structures and elements that demonstrate the historic heritage and maritime history of the working waterfront;
 - (d) the use or development will not result in either increased pressure for the expansion of the existing port outside the Coastal – Minor Port Zone, or the establishment of a completely new port outside those areas;
 - (e) any landward development associated with the use or development can be accommodated; and
 - (f) adverse effects on the environment can be avoided, remedied, or mitigated.
- (14) Require proposals for further reclamation to demonstrate that: there is no practical alternative; the reclamation will provide significant regional benefit; that reclamation is the most appropriate form of development; and, that the potential adverse effects can be avoided, remedied or mitigated.
- (15) Enable dredging within the Coastal – Minor Port Zone that is necessary to provide for the safe and efficient navigation, manoeuvring and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.
- (16) Require the design of new buildings and coastal marine area structures to take into account the functional and operational needs of the marine and port activities in the Coastal – Minor Port Zone.
- (17) Provide for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, as well as for reclamation that is carried out as part of rehabilitation or remedial works of an existing reclamation or coastal marine area structure, while avoiding, remedying or mitigating any adverse effects on the environment.

F5.4. Activity table

Table F5.4.1 below specifies the activity status of works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991 and the activity status of the use of the land pursuant to sections 9(3) of the Resource Management Act 1991.

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for the following rules which do not apply:

- (1) Standards for lighting in section [E24 Lighting](#); and
- (2) The following standards in [E25 Noise and vibration](#).
 - (a) Standards [E25.6.2](#) - [E25.6.13](#);
 - (b) Standards [E25.6.23](#) - [E25.6.26](#);
 - (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
 - (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F5.4.1 to F5.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table F5.4.1 Activity table

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation not otherwise provided for	D	NA
(A2)	Minor reclamation for the purpose of maintaining,	RD	NA

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	repairing or upgrading a reclamation		
(A3)	Declamation	RD	NA
(A4)	Maintenance dredging	C	NA
(A5)	Capital works dredging	RD	NA
(A6)	Reclamation or drainage carried as out as part of rehabilitation and remedial works	RD	NA
(A7)	Maintenance and repair of a reclamation	P	P

Table F5.4.2 below specifies the activity status of use and activities on land and in the coastal marine area pursuant to section 9(3) and section 12(3) of the Resource Management Act 1991 and the associated occupation of the common marine area pursuant to section 12(2) of the Resource Management Act 1991.

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for the following rules which do not apply:

- (1) Standards for lighting in section [E24 Lighting](#); and
- (2) The following standards in [E25 Noise and vibration](#).
 - (a) Standards [E25.6.2](#) - [E25.6.13](#);
 - (b) Standards [E25.6.23](#) - [E25.6.26](#);
 - (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
 - (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

Those activities marked with ¹ have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

Table F5.4.2 Activity table

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A8)	Marine and port activities, including the landing and taking off of helicopters associated with the loading and unloading of cargo	P	P

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(A9)	Workers' accommodation	P	P
(A10)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr	NA
(A11)	Industrial activities accessory to marine and port activities	P	P
(A12)	Industrial activities within the Port of Onehunga	NC	P
(A13)	Public amenities	P	P
(A14)	Food and beverage up to 100m ² gross floor area	NC	RD
(A15)	Offices with gross floor area not exceeding 100m ² accessory to marine and port activities	P	P
(A16)	Offices accessory to marine and port activities exceeding 100m ² gross floor area	RD	RD
(A17)	Offices not accessory to marine and port activities	D	D
(A18)	Maritime passenger operations	P	P
(A19)	Marine retail where the goods sold are manufactured on site	NC	RD
(A20)	Clubrooms for marine-related clubs	NC	NC
(A21)	Artificial lighting ¹	P	P
(A22)	Car parking accessory to permitted activities ¹	P	P
(A23)	Residential, commerce, community and industry activities not otherwise provided for	NC	NC
(A24)	Helicopter facilities (including the landing and taking off of helicopters and associated fuelling and service facilities) not otherwise provided for	D	D
(A25)	Mangrove and mangrove seedling removal	P	NA

Table F5.4.3 below specifies the activity status of structures in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991; the occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and their use pursuant to section 12(3) of the Resource Management Act 1991

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for:

- (1) Standards for lighting in section [E24 Lighting](#); and

(2) The following standards in [E25 Noise and vibration](#).

- (a) Standards [E25.6.2](#) - [E25.6.13](#);
- (b) Standards [E25.6.23](#) - [E25.6.26](#);
- (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
- (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

Those activities marked with ¹ have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

Table F5.4.3 Activity table

Note 1. Rule F5.4.3(A43) applies where occupation is proposed in an area that has an existing occupation consent. Rule F5.4.3(A43) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity Status	
		Coastal marine area [rcp]	Land [dp]
(A26)	Maintenance, repair or reconstruction of existing lawful structures or buildings	P	P
(A27)	Extension or alteration of existing lawful structures or buildings	RD	RD
(A28)	New buildings used for marine and port activities and external alterations or additions to structures or buildings ¹	P	P
(A29)	Marine and port facilities excluding wharves, landings and drydocks	P	P
(A30)	Wharves, landings and drydocks	RD	RD
(A31)	Marine and port accessory structures and services excluding new pile moorings	P	P
(A32)	Artificial lighting support structures, fittings, cables and pipes	P	P
(A33)	Demolition of buildings or structures	P	P
(A34)	Maritime passenger facilities	P	P
(A35)	Wave attenuation devices or hard protection structure	RD	RD
(A36)	Coastal marine area structures or buildings not otherwise provided for	D	NA

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(A37)	Observation areas, viewing platforms and boardwalks	P	P
(A38)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A39)	New pile moorings established 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A40)	Maimai	NC	NC
(A41)	Structures or buildings not otherwise provided for	D	D
(A42)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	NA
(A43)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

F5.5. Notification

- (1) Any application for resource consent for an activity listed in tables F5.4.1, F5.4.2 and F5.4.3 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

F5.6. Standards

F5.6.1. All activities

All activities listed in tables F5.4.1, F5.4.2 and F5.4.3 must comply with the following standards.

- (1) The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.
- (2) The standards in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.
- (3) Structures and buildings in the coastal marine area and on land must also comply with the standards in F5.6.1.1 Building Height, F5.6.1.2 Maximum impervious area and F5.6.1.3 Yards.

F5.6.1.1. Building height

- (1) Buildings must not exceed the maximum building height specified for the zone in Table F5.6.1.1.1 Maximum height below.
- (2) Up to an additional 10m in height will be considered as a restricted discretionary activity at the Port of Onehunga and Gabador Place.
- (3) Buildings exceeding the additional height provided under F5.6.1.1(2) is a discretionary activity.

Table F5.6.1.1.1 Maximum Height

Location	On land	Within the coastal marine area
Onehunga Port	20m	18m above mean sea level
Gabador Place	Refer to I315 Gabador Place Precinct	8m above mean sea level
Chelsea Sugar Refinery	Refer to the relevant business zone	10m above mean sea level
LPG Terminal	Refer to the relevant business zone	10m above mean sea level

F5.6.1.2. Maximum impervious area

- (1) Maximum impervious area on land must not exceed 80 per cent of site area.

F5.6.1.3. Yards

- (1) A front yard with a minimum depth of 2m is required.
- (2) Yards are not required for internal roads or service lanes.
- (3) A rear or side yard with a minimum depth of 5m is required where a rear or side boundary adjoins a residential or open space zoned site or a reserve vested with the Council.
- (4) A coastal protection yard with a minimum depth of 15 m is required.

F5.6.2. Workers' accommodation

- (1) No more than one dwelling for the accommodation of workers associated with a marine or port activity at each of Gabador Place and Port of Onehunga.

F5.6.3. Works within the coastal marine area

- (1) The standards in the Coastal – General Coastal Marine Zone apply to a building or structure in the coastal marine area unless otherwise specified.

F5.6.4. Noise on land and within the coastal marine area

- (1) The maximum noise level arising from any activity within the Coastal – Minor Port Zone at Onehunga Wharf and Gabador Place when measured at or within the boundary of any adjoining site must not exceed:
 - (a) 7am-11pm 70dB L_{Aeq} ;
 - (b) 11pm-7am 60dB L_{Aeq} ; and
 - (c) 85dB L_{AFmax} .
- (2) The noise limits above do not apply to:
 - (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels) including noise arising on wharves and adjacent land from the loading and unloading of vessels and transport of cargo; and
 - (b) temporary activities in [E40 Temporary activities](#).

F5.6.5. Lighting

- (1) Lighting must not exceed a maximum artificial lighting illuminance of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level. Except that illumination associated with vehicles, mobile plant, and quay cranes is exempt from this standard.

F5.6.6. Occupation of the common marine and coastal area

- (1) Any occupation of the common marine and coastal area where the Port of Auckland Limited has been granted an occupation consent will require the written approval of Ports of Auckland Limited or the written approval of any party to whom Ports of Auckland Limited has transferred the water space management.

F5.7. Assessment – controlled activities

F5.7.1. Matters of control

The Council will reserve its control to all the following matters when assessing a controlled activity resource consent application:

- (1) for maintenance dredging:
 - (a) the effects on water quality;
 - (b) the effects on harbour traffic, navigation and safety;
 - (c) monitoring; and
 - (d) duration of the consent.

F5.7.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) for maintenance dredging:
 - (a) the effects on water quality:
 - (i) whether methods have been implemented to avoid, remedy or mitigate the release of contaminated sediment.
 - (b) The effects on harbour traffic, navigation and safety:
 - (i) whether methods have been implemented to avoid, remedy or mitigate effects on harbour traffic, navigation and safety.
 - (c) monitoring:
 - (i) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.
 - (d) duration of the consent:
 - (i) whether a consent period of less than 35 years is required.

F5.8. Assessment – restricted discretionary activities

F5.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters and the relevant matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

- (1) for food and beverage up to a maximum of 100m² gross floor area and marine retail where the goods sold are manufactured on site:
 - (a) the hours of operation;
 - (b) the effects on public access, navigation and safety;
 - (c) the effects on existing uses and activities;
 - (d) the effects on traffic and parking; and
 - (e) the consent duration and monitoring.
- (2) for offices accessory to marine and port activities greater than 100m²:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials;
 - (c) effects on coastal processes, ecological values, water quality and natural character;

- (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) effects on Mana Whenua values; and
 - (g) consent duration and monitoring.
- (3) for declamation:
- (a) effects on the marine environment, hydrogeology and coastal processes;
 - (b) effects associated with the method of construction, timing and hours of works;
 - (c) location, extent, design and materials used;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities; and
 - (f) consent duration.
- (4) for maintenance dredging and capital works dredging:
- (a) effects on coastal processes, ecological values, and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring.
- (5) for the extension or alteration of existing structures or buildings:
- (a) effects associated with the method of construction, including coastal processes;
 - (b) effects on public access;
 - (c) effects on navigation and safety;
 - (d) effects on visual amenity; and
 - (e) consent duration and monitoring.
- (6) for wharves, landings and drydocks:
- (a) efficient and safe operation of the port and its capacity for shipping;
 - (b) location and design of the wharf, landing or drydock;
 - (c) effects on navigation and safety;
 - (d) effects on wave hydraulics;
 - (e) construction or works methods, timing and hours of operation; and

- (f) construction duration.
- (7) for wave attenuation devices and hard protection structures:
 - (a) location and design of the wave attenuation device or hard protection structure;
 - (b) effects on navigation and safety;
 - (c) effects on wave hydraulics;
 - (d) construction or works methods, timing and hours of operation; and
 - (e) consent duration and monitoring.
- (8) for new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
 - (a) effects on public access;
 - (b) effects on visual amenity; and
 - (c) consent duration.
- (9) for the occupation of the common marine and coastal area:
 - (a) effects on the safe and efficient use, operation and development of the Port of Onehunga.
- (10) for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, or reclamation or drainage carried out as part of rehabilitation or remedial works:
 - (a) the form and design of the reclamation;
 - (b) contaminated material;
 - (c) the safe and efficient operation of marine and port activities;
 - (d) identified landscapes or sites and places of significance to Mana Whenua; and
 - (e) construction or works methods, timing and hours of operation

F5.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below and the relevant assessment criteria in the Coastal – General Coastal Marine Zone:

- (1) the effects on traffic and parking:
 - (a) refer to any relevant assessment criteria in [E27.8.2 Transport](#);

- (b) whether the proposal, including any additional vehicle movements, should adversely affect the safe and efficient operation of the internal or adjacent road network, including the operation of public transport and the movement of pedestrians, cyclists and general traffic; and
 - (c) whether parking is adequate for the site and the proposal.
- (2) for food and beverage up to a maximum of 100m² gross floor area and marine retail where the goods sold are manufactured on site:
- (a) whether measures have been taken to address reverse sensitivity effects on the surrounding Coastal – Minor Port Zone;
 - (b) whether the activity is complementary to, and does not limit the primary use of the site for marine and port activities;
 - (c) whether measures have been taken to enhance public access to the coastal marine area and the activity does not conflict with the requirements of marine and port activities;
 - (d) whether the design reflects the high visibility and coastal nature of the site; and
 - (e) whether the activity avoids, remedies or mitigates adverse effects on the amenity of the locality arising from use of the facility, including by noise control and hours of operation.
- (3) for offices accessory to marine and port activities greater than 100m²:
- (a) whether measures have been taken to avoid, remedy or mitigate adverse construction effects, including those related to coastal processes;
 - (b) the extent to which public access is required to be restricted where it is necessary to protect human health and/or for safety, security, biosecurity, customs and operational reasons, or other exceptional circumstances sufficient to justify the restriction;
 - (c) the extent to which proposals for offices demonstrate that there will be no more than minor adverse effects on navigation and safety in the coastal marine area;
 - (d) whether any extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on the natural character, landscape and visual amenity of the area taking into account the following:
 - (i) the visual dominance of the structure or building in terms of views from adjoining areas including the coastal marine area;
 - (ii) the interface and amenity of adjacent zones, particularly residential zoned sites;

- (iii) the scale, and location of the proposed structure or building in relation to any nearby structures and buildings; and
- (iv) the type, including colour, of exterior materials used for construction.

(e) consent duration and monitoring:

- (i) whether the duration of the consent facilitates the functional and operational needs of the activity; and
- (ii) whether monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the construction; and

(f) whether proposals can demonstrate that there are adequate provisions for parking and vehicle access that will not unduly interfere with the functional or operation requirements of minor port.

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(4) for declamation:

- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area; and
 - (ii) hydrogeology (ground water).
- (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
- (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the water edge; and
- (d) consent duration and monitoring:
 - (i) whether consent duration should be limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and
 - (ii) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.

(5) for the extension or alteration of existing structures or buildings:

- (a) whether measures have been taken to avoid, remedy or mitigate adverse construction effects, including those related to coastal processes;

- (b) the extent to which public access is required to be restricted where it is necessary to protect human health and/or for safety, security, biosecurity, customs and operational reasons, or other exceptional circumstances sufficient to justify the restriction;
 - (c) whether proposals for extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on navigation and safety in the coastal marine area;
 - (d) whether extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on the natural character, landscape and visual amenity of the area taking into account the functional and operational requirements of the marine and port activities in the Coastal – Minor Port Zone;
 - (e) consent duration:
 - (i) whether consent duration should be limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and
 - (f) whether, where located within the coastal marine area, monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the construction.
- (6) for wharves, landings and drydocks:
- (a) whether the location and design of the structures provides for the efficient and safe operation of the port and the development of its capacity for shipping;
 - (b) whether the location and design of the structure avoids, remedies or mitigates the adverse effects on marine-related industries, other marine and port activities and/or adjoining residential/coastal activities, and navigation and safety;
 - (c) whether the location and design of the structure has considered the effects of wave hydraulics on other users of the coastal marine area;
 - (d) whether construction work has avoided, remedied or mitigated the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants; and
 - (e) construction duration:
 - (i) whether construction duration is limited to the minimum reasonably necessary.
- (7) for wave attenuation devices and hard protection structures:

- (a) whether the location and design of the wave attenuation device or hard protection structure has considered the effects on existing activities including marine-related industries, other marine activities and/or adjoining residential/coastal activities;
 - (b) whether the location and design of the wave attenuation device or hard protection structure has considered the effects of wave hydraulics on other users of the coastal marine area; and
 - (c) whether construction works avoids, remedies or mitigates the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (8) for new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
- (a) refer to assessment criteria set out for pile moorings in the Coastal – General Coastal Marine Zone.
- (9) for occupation of the common marine and coastal area:
- (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.
- (10) for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, or reclamation or drainage carried out as part of rehabilitation or remedial works:
- (a) whether the reclamation mitigates adverse effects through its form and design, taking into account:
 - (i) the compatibility of the design with the location;
 - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
 - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
 - (iv) the effects on coastal processes; and
 - (v) the effects on hydrology;
 - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
 - (c) whether the reclamation enables the efficient operation of port infrastructure;
 - (d) whether the reclamation will affect identified landscapes or sites or places of significance to Mana Whenua; and

- (e) whether construction works avoids, remedies or mitigates the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.

F5.9. Special information requirements

There are no special information requirements in this zone.

F6. Coastal – Ferry Terminal Zone

F6.1. Zone description

The purpose of the Coastal – Ferry Terminal Zone is to provide for the integrated and efficient operation and development of ferry terminal facilities. These sites play an important part in Auckland's public transport network. Due to this there is a need to restrict inappropriate use and development on land and in the coastal marine area that could compromise the use of these facilities as key passenger transport nodes.

The zone applies to terminals at Devonport (includes Devonport and Victoria wharves), Stanley Bay, Northcote, Birkenhead, Beach Haven, Hobsonville, Mātiatia (Waiheke Island), Kennedy Point (Waiheke Island), Whangaparapara, Tryphena and Port Fitzroy (Great Barrier Island).

Several ferry terminal facilities are components of larger coastal developments. Their operation and growth, and relationship with surrounding activities, must be considered in an integrated and comprehensive manner. The ferry terminals at Devonport and Mātiatia are large complexes of ferry-related and complementary activities.

The existing facilities at Gulf Harbour, Bayswater, West Harbour, Half Moon Bay and Pine Harbour are within marinas. These ferry terminal facilities form an important part of the ferry network but are managed within the Coastal – Marina Zone.

Stand-alone ferry terminal facilities that form part of the public ferry transport network are particularly important for local communities, including the smaller facilities on the Waitematā Harbour, and at Waiheke Island and Great Barrier Island.

Ferry terminal facilities in the inner and upper Waitematā include a landward component that provides for activities associated with the provision of ferry services, such as passenger facilities, ancillary facilities supporting passenger operations, commuter and short-term parking, public amenities and small-scale food and beverage operations.

The city centre facilities at the ferry terminal, Queens Wharf and at Wynyard Wharf are vital components of the ferry network. They are managed through the waterfront precincts of the Business – City Centre Zone to recognise their strong relationship with the city centre.

The provisions in [F2 Coastal – General Coastal Marine Zone](#) apply to the coastal marine area in the Coastal – Ferry Terminal Zone unless otherwise specified.

F6.2. Objectives [rcp/dp]

- (1) The safe and efficient development and operation of ferry services and ferry terminal facilities which are transport nodes in the Auckland public transport network.
- (2) The ability of existing ferry services and ferry terminal facilities to provide for public transport is not compromised by subdivision, use and development.
- (3) Appropriate expansion of existing ferry services and ferry terminal facilities within existing Coastal – Ferry Terminal Zone, or the development of new ferry services

and ferry terminal facilities elsewhere in the coastal marine area, is enabled in appropriate locations where a transport need is identified.

- (4) Public access, use and enjoyment of the coastal marine area is maintained and, where practicable enhanced, and any associated use and development does not compromise the ability of ferry services and ferry terminal facilities to provide for public transport passenger and goods needs.
- (5) Efficient use is made of the structures and water space of the coastal marine area in and adjacent to ferry terminal facilities.
- (6) Ferry terminals are located and designed so they are vibrant, active, high-quality public spaces that complement and integrate with the local surroundings, including by maintaining the historic heritage values of the terminal site.
- (7) The Coastal – Ferry Terminal Zone provides, where practicable, for activities associated with ferry terminal facilities and ferry services in an integrated manner across the boundary between land and the coastal marine area.

F6.3. Policies [rcp/dp]

- (1) Maintain and enhance the safe and efficient operation and development of ferry services and ferry terminals by:
 - (a) enabling use and development that provides for safe and convenient passenger access and circulation, and cargo transfer;
 - (b) enabling accessory activities that support ferry services and ferry terminal facilities and visitor and tourist use such as administration offices, shops, cafes and services located in the coastal marine area only where there is no demonstrated practicable alternative on land;
 - (c) enabling accessory activities on land that support ferry services and ferry terminal facilities and visitor and tourist use, such as administration offices, shops, cafes and services, while minimising adverse effects on the amenities of adjacent residential and open space zoned land;
 - (d) requiring ferry terminal redevelopment to provide enough sheltered passenger waiting areas convenient to the ferry berthage area to comfortably accommodate peak service users;
 - (e) requiring sufficient parking and loading facilities;
 - (f) supporting linkages and facilities for other public transport modes such as buses, walking and cycling; and
 - (g) managing and locating facilities to minimise conflict between different uses and activities.

- (2) Avoid subdivision, use, or development which adversely affects the continued operation of ferry services and ferry terminals located within the Coastal – Ferry Terminal Zone.
- (3) Maintain, and where practicable enhance, public access, use and enjoyment within the Coastal – Ferry Terminal Zone where this will not adversely affect the terminal's development, operation and maintenance.
- (4) Maintain and enhance the visual and amenity values of ferry terminal facilities by requiring any further development to:
 - (a) integrate the height, bulk and form of any new structure with existing structures that are to be retained, so they are compatible with or complement the character of the surrounding land and the coastal marine area;
 - (b) make adequate provision for land-based activities associated with the development;
 - (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;
 - (d) avoid or where it cannot be avoided minimise the obstruction of views from the facility out to the coastal marine area, particularly from public areas and accessways;
 - (e) be designed with regard to how the structure will be viewed from public places as well as from the coastal marine area, including consideration of how any development on Devonport and Victoria wharves will be viewed from Victoria Street, Devonport;
 - (f) include high-quality public spaces with a sense of spaciousness, particularly in any internal accessways and public areas; and
 - (g) require building materials, colours and any proposed signage to be sensitive to, and complement, the maritime context and prominent visual location.
- (5) Avoid, remedy or mitigate any significant adverse effects on the environment from the development, operation and maintenance of the ferry terminal facilities, particularly on coastal processes, water quality and historic heritage.
- (6) Limit the size of any new structures to the minimum necessary to support ferry services and ferry terminal operations and associated activities.
- (7) Require the provision of adequate and convenient facilities for the containment, collection and appropriate disposal of:
 - (a) rubbish from the public, passengers and vessels;
 - (b) sewage and bilge water from vessels;

- (c) recyclable material including waste oils;
 - (d) residues from vessel construction and maintenance;
 - (e) spills from refuelling operations and refuelling equipment;
 - (f) spills, residues and debris from cargo operations; and
 - (g) the discharge of stormwater generated from the ferry terminal complex.
- (8) Require use and development at Devonport and Victoria wharves to:
- (a) retain the open space and beach between the wharves and Marine Square free of structures and available for recreational use, unless new structures would enhance public experiences and connections between the land and ferry terminal facility while retaining some public visibility of the beach;
 - (b) include a mix of commercial and public uses that support and complement the primary role of Devonport Wharf as a ferry terminal so that the wharf is an active and vibrant space that adds to the urban form and activities of the Devonport town centre;
 - (c) not include private residential or hotel accommodation on Devonport Wharf, and restrict office activities other than a ferry administration office to only the upper levels of the Devonport Wharf facility; and
 - (d) provide adequate bicycle, car and bus parking spaces and facilities to support the transport node.
- (9) Provide for the appropriate development and use of expanded or new ferry services and ferry terminal facilities outside the Coastal – Ferry Terminal Zone, provided any:
- (a) proposal is not inconsistent with the objectives and policies in the Plan for the Auckland public transport network;
 - (b) proposal is consistent with the objectives and policies for ferry terminal facilities in the Coastal – Ferry Terminal Zone; and
 - (c) adverse effects on the environment are avoided, remedied or mitigated, with particular regard to effects on traffic, parking, amenity, water quality and coastal processes.

PC 71 ([see Modifications](#))

F6.4. Activity table

Table F6.4.1 Activity table below specifies the activity status of works in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F6.4.1 to F6.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table F6.4.1 Activity table

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation other than maintenance or repair of a lawful reclamation or drainage system, or minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	D	NA
(A2)	Maintenance dredging	RD	NA
(A3)	Capital works dredging	RD	NA

Table F6.4.2 Activity table below specifies the activity status of use and activities on land pursuant to section 9(3) of the Resource Management Act 1991; use and activities in the coastal marine area pursuant to section 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the discharge of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

Table F6.4.2 Activity table

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A4)	Maritime passenger operations established at or after 30 September 2013	P	P
(A5)	Aquaculture activities (including any activities under RMA sections 12(1), 12(2), 12(3) and 15	Pr	NA
(A6)	Public amenities	P	P
(A7)	Public transport facilities	NA	P
(A8)	Food and beverage	P	P
(A9)	Offices that are accessory to ferry terminal facilities and services	P	P
(A10)	Offices at Devonport Wharf that are not otherwise a permitted activity and not at ground floor level	P	P
(A11)	Retail other than at Devonport Wharf	D	D
(A12)	Retail at Devonport Wharf	P	P
(A13)	Clubrooms for marine-related clubs	NC	NC
(A14)	Mangrove and mangrove seedling removal	P	NA

Table F6.4.3 Activity table below specifies the activity status of structures in the coastal marine area and the occupation of the common marine and coastal area pursuant to sections 12(1) and 12(2) of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

Those activities marked with ¹ have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf), a different activity status will apply.

Table F6.4.3 Activity table

Note 1. Rule F6.4.3(A24) applies where occupation is proposed in an area that has an existing occupation consent. Rule F6.4.3(A24) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A15)	Coastal marine area structures or buildings not listed as a permitted activity ¹	RD	NA
(A16)	Marine and port facilities	RD	NA
(A17)	Marine and port accessory structures and services excluding new pile moorings	P	NA
(A18)	Wave attenuation devices	RD	NA
(A19)	Observation areas, viewing platforms and boardwalks	RD	NA
(A20)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A21)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A22)	Maimai	NC	NA
(A23)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	NA
(A24)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

F6.5. Notification

- (1) Any application for resource consent for an activity listed in Tables F6.4.1, F6.4.2 and F6.4.3 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

F6.6. Standards

F6.6.1. Structures and works

- (1) Structures and works in the coastal marine area must comply with the standards in [F2.6 Coastal – General Coastal Marine Zone](#).

F6.6.2. Building height

- (1) Buildings must not exceed the height specified in Table F6.6.2.1 Building height.

Table F6.6.2.1 Building height

Location	Maximum height in the coastal marine area	Maximum height on land
Devonport, Matiatia and Birkenhead wharves	9m above wharf deck level	9m above ground level
Other ferry terminals	5m above wharf deck level	5m above ground level

F6.6.3. Ceiling height

- (1) At Devonport Wharf, the average floor to ceiling height above wharf deck level must not be less than 4m with a minimum height of 3m.

F6.6.4. Marine and port accessory structures and services

- (1) Pontoons must be no more than 30m long.

F6.6.5. Yards and open space protection

- (1) No part of any building or structure may be constructed in the open space between Devonport and Victoria wharves and Marine Square.
- (2) Any structures on Victoria Wharf must maintain a 7m wide vehicle accessway and a 3m wide pedestrian accessway.
- (3) At Devonport Wharf, no less than 30 per cent of the building floor area at wharf level must be freely available for public use and access. This public use area must include an indoor passenger waiting area adjacent to the ferry berth.

F6.6.6. Gross floor area

- (1) Other than at Devonport Wharf, the gross floor area of:
- (a) office premises must not exceed 100m²; and
 - (b) food and beverage premises must not exceed 100m²; and
 - (c) premises used for retail accessory to public transport facilities must not exceed 25m².

F6.7. Assessment – controlled activities

There are no controlled activities in this section.

F6.8. Assessment – restricted discretionary activities

F6.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters and the matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

- (1) for all restricted discretionary activities:
 - (a) the effects from the construction or works methods, timing and hours of operation.
 - (b) the effects of the location, extent, design and materials used.
 - (c) the effects on coastal processes, ecological values, water quality and natural character.
 - (d) the effects on public access, navigation and safety.
 - (e) the effects on existing uses and activities.
 - (f) consent duration and monitoring.

F6.8.2. Assessment criteria

The Council will consider the relevant assessment criteria the Coastal – General Coastal Marine Zone in addition to the matters below.

- (1) for all restricted discretionary activities:
 - (a) whether there will be any adverse effects on the operation of the ferry terminal facility.
 - (b) effects on views and visual amenity:
 - (i) whether the quality of building design reflects the high visibility of ferry terminals from surrounding areas and the functional and operational requirements of marine and port activities;
 - (ii) whether buildings have interactive frontages where they face public streets and public accessways;
 - (iii) whether the height of the building adversely affects the natural character, landscape and visual amenity of the area, taking into account the following:
 - visual dominance of the building in terms of views from adjoining areas including the coastal marine area;
 - the interface and amenity of adjacent zones, particularly residential zones;
 - the scale and location of the proposed building in relation to any nearby industrial plant and buildings;

- the type, including colour, of exterior materials used for construction;
 - any lighting proposed on the building; and
 - any signs proposed to be attached to or painted on proposed building.
- (iv) whether the height of the building contributes to any adverse cumulative effects of development in the area, taking into account the following:
- visual amenity of the area;
 - the scale and intensity of existing development; and
 - character of the zone.
- (2) For food and beverage and offices that do not meet the gross floor area standards:
- (a) whether the proposal demonstrates how it will avoid, remedy or mitigate any adverse effects on the transport network.
 - (b) the extent to which measures are taken to address reverse sensitivity effects on the surrounding the Coastal – Ferry Terminal Zone activities.
 - (c) whether the proposed use is complementary to the primary use of the site for ferry terminal purposes.
 - (d) whether the proposal demonstrates how it will avoid, remedy or mitigate any adverse effects on the amenity of the locality arising from use of the facility, including noise and hours of operation.

F6.9. Special information requirements

There are no special information requirements in this section.

F7. Coastal – Defence Zone

F7.1. Zone description

The Coastal – Defence Zone provides for the continued operation of defence activities in the coastal marine area adjacent to the Royal New Zealand Navy Devonport Naval Base and the Onetaunga Bay Wharf (Kauri Point).

F7.2. Objective [rcp]

- (1) Effective operation of defence facilities at Devonport and Onetaunga Bay Wharf (Kauri Point) is continued.

F7.3. Policies [rcp]

- (1) Avoid use and development adjacent to the Coastal – Defence Zone which would adversely affect the efficient operation of defence activities.
- (2) Recognise the importance of the Devonport Naval Base and Onetaunga Bay Wharf by:
 - (a) including those parts of the coastal marine area containing major wharves and other access structures within the zone; and
 - (b) providing for continued operation while encouraging the use of appropriate management techniques to avoid, remedy, or mitigate adverse effects.
- (3) Require any proposal to erect a structure in the Coastal – Defence Zone, other than those for marine and port activities, to demonstrate that:
 - (a) the area proposed for the structure is no longer needed and is not likely to be needed in the foreseeable future for marine and port activities;
 - (b) the loss of the proposed area will not result in increased pressure for the expansion of the Coastal – Defence Zone beyond its existing boundaries; and
 - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied, or mitigated.
- (4) Enable dredging within the Coastal – Defence Zone that is necessary to provide for the safe and efficient navigation, manoeuvring and berthing of vessels, while avoiding, remedying or mitigating any potential adverse effects.
- (5) Require the provision of port facilities and structures to provide adequate and convenient facilities to meet the needs of all vessels berthing or anchoring within the Coastal – Defence Zone for the collection and appropriate disposal of:
 - (a) sewage, bilge water and litter from vessels;
 - (b) residues from vessel servicing, maintenance and repair;
 - (c) spills from refuelling operations and refuelling equipment; and

- (d) spills, residues and debris from cargo operations.
- (6) Avoid reclamation and drainage in the Coastal – Defence Zone unless:
 - (a) it will not result in increased pressure for the expansion of the zone beyond its existing boundaries;
 - (b) it will not increase the intensity of activities where those activities will have adverse effects on the surrounding residential environment;
 - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied or mitigated; and
 - (d) it is consistent with the reclamation and drainage provisions of the Coastal – General Coastal Marine Zone.
- (7) Design and locate buildings and other structures in the Coastal – Defence Zone to avoid, remedy or mitigate significant adverse effects on views from and to the adjoining land and water.
- (8) Manage the visual effects of buildings and other structures in the Coastal – Defence Zone while having regard to the function and context of the buildings and structures, to maintain or enhance:
 - (a) the visual environment of the area; and
 - (b) the landscape and amenity links between the harbour, the zone and adjacent commercial and residential areas.
- (9) Recognise that Calliope Dry Dock is a functioning dry dock and require any maintenance, repair, alteration, or reconstruction of this facility to be undertaken in a way which does not cause significant adverse effects on the integrity of the place and its identified historic heritage values.
- (10) Enable activities undertaken for defence purposes in the Coastal – Defence Zone subject to avoiding, remedying or mitigating adverse effects on the surrounding land and coastal environment.

F7.4. Activity table

Table F7.4.1 Activity table below specifies the activity status for works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F7.4.1 to F7.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table F7.4.1 Activity table

Activity		Activity status
(A1)	Reclamation other than maintenance or repair of a lawful reclamation or drainage system, or minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	D
(A2)	Maintenance dredging	RD
(A3)	Capital works dredging	RD

Table F7.4.2 Activity table below specifies the activity status of the taking, use and damming or diverting of coastal water pursuant to section 14 of the Resource Management Act 1991, and the discharge of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence). For the avoidance of doubt, the following provisions have precedence over the rules for discharges of hull bio-fouling organisms resulting from cleaning of a vessel (F2.19.7(A71) to (A78)).

Table F7.4.2 Activity table

Activity		Activity status
(A4)	Taking, use, damming, diversion and discharge of seawater and contaminants from the operation of the Calliope Dry Dock	P

Table F7.4.3 Activity table below specifies the activity status of works and activities in the coastal marine area pursuant to section 12(1) and 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

Table F7.4.3 Activity table

Activity		Activity status
(A5)	Workers' accommodation	P
(A6)	Marine industry	P
(A7)	Aquaculture activities (including any activities pursuant to sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr
(A8)	Clubrooms	NC
(A9)	Public amenities	P ¹
(A10)	Marine and port activities	P
(A11)	Activities undertaken for defence purposes (excluding temporary military training activities) not otherwise provided for in the Coastal – Defence Zone or the Coastal – General Coastal Marine Zone	RD

Table F7.4.4 Activity table below specifies the activity status for structures in the coastal marine area and occupation of the common marine and coastal area pursuant to sections 12(1) and 12(2) and 12(3) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

Those activities marked with ¹ have the listed activity status only when that activity is located on an existing coastal marine area structure (e.g. a new building on an existing wharf). If that activity and any associated structure is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

Table F7.4.4 Activity table

Note 1. Rule F7.4.4(A23) applies where occupation is proposed in an area that has an existing occupation consent. Rule F7.4.4(A23) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity status
(A12)	Marine and port facilities	P ¹
(A13)	Marine and port facilities except as specified as a permitted activity	RD
(A14)	Marine and port facilities for the refuelling of vessels	P
(A15)	Marine and port accessory structures and services excluding new pile moorings	P
(A16)	Coastal marine area structures or buildings used for marine and port activities	P ¹
(A17)	Coastal marine area structures or buildings not otherwise provided for	RD
(A18)	Wave attenuation devices	RD
(A19)	Observation areas, viewing platforms, and boardwalks	RD
(A20)	New pile moorings established after 30 September 2013 including occupation and use by vessel to be moored	RD
(A21)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P
(A22)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD
(A23)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD

F7.5. Notification

- (1) Any application for resource consent for an activity listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

F7.6. Standards

- (1) Activities listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 Activity table above must comply with the following standards.

F7.6.1. Height

- (1) The maximum height of the building or structure must be no more than 10m above mean sea level.

F7.6.2. Noise

- (1) The L_{Aeq} (15 min) noise level and maximum noise level (L_{AFmax}) arising from any activity within the Coastal – Defence Zone when measured at or within the boundary of any property in a residential zone must not exceed the limits in Table F7.6.2.1 Noise limits.
- (2) The noise limits in F7.6.2(1) do not apply to:
 - (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels); and
 - (b) temporary activities.

Table F7.6.2.1 Noise limits

Time	Noise Limit
Monday to Saturday 7am -10pm	L_{Aeq} (15 min) 55dB
Sundays 9am - 8pm	L_{Aeq} (15 min) 50dB
All other times	L_{Aeq} (15 min) 45dB L_{AFmax} 75dB

F7.6.3. Use and activities and associated occupation of the common marine and coastal area

- (1) Port activities:
 - (a) for vessel construction in the Devonport area of the Coastal - Defence zone, but not the Calliope Dry Dock, in addition to the Coastal – General Coastal Marine Zone standards:
 - (i) 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.
 - (b) any water blasting using low pressure washing systems must not exceed 1000 psi (6900 kPa), or any high volume wash down must not exceed 100 psi (690 kPa).

F7.6.4. Taking, use, damming, diversion and discharge of coastal water

- (1) Taking, use, damming, diversion and discharge of coastal water and contaminants for the operation of the Calliope Dry Dock:
 - (a) as far as practicable, all contaminants or waste material from the cleaning and maintenance of ships must be swept up and removed from the dock prior to the dock being flooded and the gates being opened to re-float ships;

- (b) any existing collection or treatment facilities for liquids must be maintained in good working order and used to the fullest extent practicable when the dock is in operation.

F7.7. Assessment – controlled activities

There are no controlled activities in this section.

F7.8. Assessment – restricted discretionary activities

F7.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application.

(1) for all restricted discretionary activities:

- (a) the effects from the construction or works methods, timing and hours of operation;
- (b) the effects of the location, extent, design and materials used;
- (c) the effects on coastal processes, ecological values, water quality and natural character;
- (d) the effects on public access, navigation and safety;
- (e) the effects on existing uses and activities; and
- (f) consent duration and monitoring.

(2) for occupation of the common marine and coastal area:

- (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

F7.8.2. Assessment criteria

The Council will consider the following assessment criteria in when assessing a restricted discretionary resource consent application.

(1) All restricted discretionary activities.

- (a) construction or works methods, timing and hours of operation;
 - (i) whether construction or works methods avoids, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
 - (ii) whether construction or works are to be done at a time that will avoid or minimise, adverse effects on marine mammals, bird roosting, nesting and feeding, and recreational users of the coastal marine area; and
 - (iii) whether construction or works hours of operation are limited to minimise effects of noise and disruption on existing activities, and on nearby residential and open space areas.

- (b) location, extent, design and materials;
 - (i) whether the work is located and designed to avoid, remedy or mitigate adverse effects on the environment;
 - (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces;
 - (iii) whether works and structures ensure efficient use of the coastal marine area is made by using the minimum area necessary for their purpose; and
 - (iv) whether the materials used are compatible with the surrounding coastal environment and consistent with the natural materials at the site; taking into account the physical characteristics of the materials used, including texture, colour, composition, grain size, level of contamination and potential for leaching.
- (c) effects on coastal processes, ecological values, water quality and natural character and landscape values:
 - (i) whether measures can be taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character and landscape values.
- (d) effects on public access, navigation and safety:
 - (i) whether the effects on existing public access arrangements have been avoided by minimising the extent and duration of work and by providing alternative access routes where practicable;
 - (ii) whether the proposed activity or development adversely affects navigation and safety;
 - (iii) whether the effects on vessel access and berthage has been avoided, remedied or mitigated;
 - (iv) whether the layout of structures and activities enhances public access, including pedestrian access, to the coastline and particularly to any areas of public open space; and
 - (v) whether any loss of public access to, along and within the coastal marine area has been mitigated, including through provision of facilities such as public boat ramps, lookout platforms, and alternative access.
- (e) effects on existing uses and activities (including infrastructure):
 - (i) whether proposals avoid, remedy or mitigate adverse effects on existing activities as far as practicable, taking into account both activities in the coastal marine area and on adjacent land; and

(ii) whether activities avoid, remedy or mitigate adverse effects on the amenity of adjacent residential and open space zoned land.

(f) consent duration and monitoring:

(i) whether the consent duration should be limited to the minimum duration necessary for the functional or operational needs of the activity;

(ii) whether the consent duration should be limited as part of an adaptive management approach; and

(iii) whether monitoring is required in order to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.

(2) For occupation of the common marine and coastal area:

(a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

F7.9. Special information requirements

There are no special information requirements in this section.

I202. Central Wharves Precinct

I202.1. Precinct description

The zoning of the land within the Central Wharves Precinct is the Business – City Centre Zone and the underlying zoning of the part of the Central Wharves Precinct within the coastal marine area is the Coastal – General Coastal Marine Zone.

The Central Wharves Precinct incorporates the finger wharves between Viaduct Harbour precinct and the Port Precinct, including Princes Wharf, Queens Wharf and Captain Cook Wharf and the adjacent coastal marine area. The extent of the Central Wharves Precinct is shown on Precinct plan 1. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 3.

The precinct is characterised by its active water edge, maritime passenger operations (including cruise ships), marine and port activities, proximity to the city core, and areas of low-rise character buildings.

Captain Cook Wharf currently forms part of the working port infrastructure where public access is necessarily restricted. It may be appropriate to provide for public access and development if this wharf is no longer required for port operations.

The purpose of the precinct is to provide for ongoing use for maritime passenger operations and other marine and port activities, and in parts of the precinct to provide an environment and an appropriate scale of built form for public activities, marine facilities and events, while maintaining public access to the waterfront and providing for sustainable land and coastal management within the precinct.

I202.2. Objectives [rcp/dp]

- (1) A world-class visitor destination that is recognised for its quality buildings, public open spaces, recreational opportunities, marine and port activities and facilities and events.
- (2) Development which is of a medium to low scale on the waterfront which integrates and does not conflict with the scale of development in neighbouring precincts.
- (3) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and connections to the waterfront and to the core central business district, in public areas of the precinct.
- (4) Public wharf space developed and used for predominantly public activities for the benefit of the people of Auckland and visitors while also enabling marine and port activities and maritime passenger operations.
- (5) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.

The overlay, Auckland-wide, Business – City Centre Zone and Coastal – General Coastal Marine Zone objectives apply in this precinct in addition to those specified above.

I202.3. Policies [rcp/dp]

The policies are as listed in the Coastal – General Coastal Marine Zone for the coastal marine area in the precinct in addition to those specified below, with the exception of Policy [F2.5.3\(4\)](#).

For Captain Cook Wharf, the Business – City Centre Zone Policies [H8.3\(19\)-\(23\),\(25\),\(30\),\(34\) and \(36\)](#) apply to land within the precinct in addition to those specified below while the wharf is still being operated by Ports of Auckland Ltd for marine and port activities.

For all other areas in the precinct, and for Captain Cook Wharf when it is available for public use, the Business – City Centre Zone policies apply in addition to those specified below:

- (1) Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the coastal marine area, including maritime passenger operations, marine and port activities and maritime passenger facilities including for the cruise ship industry.
- (2) Enable the use of Captain Cook Wharf for marine and port activities while also:
 - (a) enabling the potential future redevelopment of this wharf for other activities in accordance with the objectives and policies for the Central Wharves Precinct; and
 - (b) enabling public access, events, and associated activities in a manner that does not constrain or conflict with the use of the wharf for marine and port activities.
- (3) Enable a diverse range of activities while:
 - (a) avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities and maritime passenger operations; and
 - (b) maintaining and enhancing public access to the water's edge, except where public access must be excluded for safety, security, biosecurity, Customs, maintenance or operational purposes.
- (4) Provide for continued use of all berthage areas adjacent to public open spaces for maritime passenger operations and other marine and port activities.
- (5) Manage building height to:
 - (a) achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location;
 - (b) provide a sense of intimacy along streets and waterfront public space frontages;

- (c) complement the height enabled in the adjacent Britomart, and Viaduct Harbour precincts; and
- (d) provide a transition in height between the core city centre and the harbour.
- (6) Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation and temporary activities.
- (7) Provide for a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.
- (8) Enable public access and events along Queens Wharf in a manner that does not constrain or conflict with the use of this wharf as a terminal and berthage for maritime passenger operations, cruise ship operations, other visiting non-cargo vessels and public transport facilities.
- (9) Enable public access, events, and associated activities along Captain Cook wharf in a manner that does not constrain or conflict with the use of the Port Precinct for marine and port activities.
- (10) Manage the land and coastal marine area to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the ecology of the city centre coastal environment.
- (11) Limit the loss of identified significant public views from the city to the harbour and adjacent landscape features.
- (12) Enable dredging within the precinct that is necessary to provide for the safe and efficient navigation, manoeuvring, and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.

I202.4. Activity table

Table I202.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use (including dredging) in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- (1) The activities in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Central Wharves Precinct unless otherwise specified in Table I202.4.1 Activity table.
- (2) The activities in the Business – City Centre Zone apply to land in the Central Wharves Precinct unless otherwise specified in Table I202.4.1 Activity table.
- (3) Those activities marked with * have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an

existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

- (4) The temporary activities provisions applying to the use of public places within the Business – City Centre Zone as set out in [E40 Temporary Activities](#) apply to existing coastal marine area structures within the Central Wharves Precinct.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I202.4.1 to I202.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table I202.4.1 Activity table

Activity		Activity status	
		CMA [rcp]	Land [dp]
Reclamation, declamation, drainage, deposition and dumping			
(A1)	Maintenance or repair of a reclamation or drainage system	P	P
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation	RD	RD
Dredging, extraction and disturbance			
(A5)	Maintenance dredging	C	NA
(A6)	Capital works dredging	RD	NA
Use and activities and associated occupation			
Residential			

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(A7)	Dwellings on Princes Wharf	P	NA
(A8)	Visitor accommodation on Princes Wharf	RD	NA
Commerce			
(A9)	Aquaculture activities	Pr	NA
(A10)	Commercial services on Princes Wharf	P*	NA
(A11)	Entertainment facilities on Princes Wharf	P*	NA
(A12)	Maritime passenger operations	P*	P
(A13)	Offices on Princes Wharf	P*	NA
(A14)	Parking on wharves accessory to marine and port activities, maritime passenger operations and events	P*	NA
(A15)	Parking on wharves that is not accessory to marine and port activities and maritime passenger operations and events (excluding Princes Wharf)	NC*	NA
(A16)	Parking on Princes Wharf	P*	NA
(A17)	Retail on Princes Wharf	P*	NA
(A18)	Offices, retail, commercial services and entertainment facilities not specified as a permitted or non-complying activity	D*	D
Community			
(A19)	Public amenities	P*	P
Industry			
(A20)	Marine and port activities	P	P
(A21)	Industrial activities not otherwise specified as a permitted or restricted discretionary activity	D	D
Development			
(A22)	Occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA
(A23)	Permanent refuelling facilities for boats	RD	RD
(A24)	Marine and port facilities except for permanent refuelling facilities for boats	P*	P
(A25)	Marine and port accessory structures and services, excluding new pile moorings	P	P
(A26)	Marinas	P	NA
(A27)	Demolition or removal of any buildings or coastal marine area structures	P	P
(A28)	Hard protection structures including wave attenuation devices	RD	RD

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(A29)	Observation areas, viewing platforms, and boardwalks	RD	RD
(A30)	New and existing swing moorings including occupation and use by vessel to be moored	P	NA
(A31)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A32)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A33)	Maimai	NC	NC
(A34)	Minor cosmetic alterations and repairs to a building that does not changes its external design and appearance	P*	P
(A35)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A36)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A37)	Development that does not comply with Standard I202.6.1.2	NC	NC
(A38)	Development that does not comply with Standard I202.6.1.8	NC	NC
(A39)	Development that does not comply with I202.6.1.10(1)-(3)	NC	NC

I202.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table I202.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table I202.4.1 Activity table and which is not listed in I202.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I202.6. Standards

I202.6.1. Land and water use standards

The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Central Wharves Precinct and the standards in the Business –

City Centre Zone apply to land in the Central Wharves Precinct unless otherwise specified below, except that:

- (a) the Coastal – General Coastal Marine Zone Standard [F2.21.9.4](#) Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels does not apply to Captain Cook Wharf while it is still operated by Ports of Auckland Limited for marine and port activities; and
- (b) the Auckland-wide Noise rules [E25.6.2-E25.6.13](#); [E25.6.23-E25.6.26](#); [E25.6.27-E25.6.29](#) and [E25.6.31](#); [E25.6.32](#); [E25.6.33](#) do not apply to land and coastal marine area in the Central Wharves Precinct..

I202.6.1.1. Activities on Princes Wharf

- (1) Activities on Princes Wharf must comply with the following in Table I202.6.1.1.1:

Table I202.6.1.1.1 Activities on Princes Wharf

Activity	Maximum gross floor area allowed as a proportion of the overall gross floor area of buildings on Princes Wharf allowed in I202.6.1.8 Site intensity below
Visitor accommodation	30 per cent
Retail	5 per cent
Offices (except the Ports of Auckland building or offices that are accessory to marine and port activities)	10 per cent
Parking buildings and areas	35 per cent

I202.6.1.2. Parking

- (1) The number of parking spaces on Princes Wharf must not exceed 850, of which:
 - (a) at least 60 per cent of the spaces must be for short term parking (non-accessory); and
 - (b) at least five must be loading spaces.
- (2) On Princes Wharf, parking buildings or areas must not locate within 80m of the northern end of the wharf. This rule does not apply to parking associated with marine and port activities or loading associated with a permitted activity.

I202.6.1.3. Maintenance or repair of a lawful reclamation or drainage system

- (1) The work must not change the area occupied by the reclamation or drainage system.

- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in ONC, ONF and SEA-M1 overlay areas and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the council at least 10 working days prior to the work starting.

I202.6.1.4. Noise

- (1) These standards do not apply to temporary activities allowed under the [E40 Temporary Activities](#) rules.
- (2) These standards do not apply to the operational requirements of commercial vessels including cargo vessel, tugs, passenger liners, naval vessels and commercial fishing vessels operating within the coastal marine area.
- (3) The noise level arising from any activity within the Central Wharves Precinct must not exceed the following:
 - (a) when measured beyond the inner control boundary shown on Precinct Plan 3 in the Port Precinct:

Table I202.6.1.4.1 Noise limits

Time	Noise level
7am – 11pm	65 dB LAeq
11pm to 7am	60 dB LAeq 70 dB Leq at 63 Hz 65 dB Leq at 125 Hz 75 dB LAFmax

I202.6.1.5. Construction noise

- (1) Construction activity within the Central Wharves Precinct must not exceed the noise levels specified in [E25.6.28](#) Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone, when measured 1m from the façade of any building on the south side of Quay Street.

I202.6.1.6. Lighting

- (1) Artificial lighting illuminance associated with marine and port activities must not exceed 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level.

Illumination associated with vehicles, mobile plant, and quay cranes are exempt from this standard.

- (2) Lighting sources associated with marine and port activities must be sited, directed and screened to avoid, as far as practicable, creating a navigation and transport safety hazard.
- (3) Lighting sources associated with marine and port activities must be sited, directed and screened to ensure, as far as practicable, that glare resulting from the lighting does not cause an unreasonable and appreciable level of discomfort to any persons.
- (4) Lighting sources associated with marine and port activities shall not exceed an added illuminance of 50 lux measured horizontally or vertically at any point on or directly above the kerblines on the southern side of Quay Street.
- (5) Artificial lighting illuminance not associated with marine and port activities must comply with the [E24 Lighting](#) rules.

I202.6.1.7. Building height

Purpose: manage the height of buildings to achieve Policy I202.3(5) of the Central Wharves precinct.

- (1) Buildings must not exceed the heights specified on Precinct plan 1.

I202.6.1.8. Site intensity

Purpose: manage the scale, form and intensity of development to maintain the character of Princes Wharf.

- (1) The gross floor area of all buildings on Princes Wharf must not exceed 100,000m².

I202.6.1.9. Public spaces and accessways

Purpose: manage public spaces and accessways to achieve Policy I202.3(9) of the Central Wharves Precinct and Policy [H8.3\(37\)](#) of the Business – City Centre Zone.

- (1) Public accessways must be provided at ground level around the perimeter of Princes Wharf and Queens Wharf. The public accessways must have minimum dimensions as follows:
 - (a) Princes Wharf: 6m

(b) Queens Wharf: 10m

- (2) All public accessways within and around Princes Wharf and Queens Wharf must be available to the public at all times except where it is necessary to temporarily restrict access for security, safety or operational needs associated with marine and port activities or temporary events permitted under the Auckland-wide temporary activity rules or by resource consent.
- (3) Buildings or structures must not locate within the accessways. This standard does not apply to verandahs or lawful temporary buildings or structures.

(4) On Princes Wharf:

- (a) a minimum of 35 per cent of the overall wharf deck area must be maintained as external public space. A minimum of 30 per cent of this space must be located at the northern end of the wharf. For a length of 64m, external steps, ramps or landings must be provided to enable access from within the development down to the public areas at wharf deck level; and
- (b) a minimum of 15 per cent of the total gross floor area of the wharf deck level and the first upper level of all buildings must be in the form of internal public spaces and accessways and must 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 at least 500m² on the first upper level of any development, commencing within 80m of the northern exterior wall, and designed to enable maximum views of the coastal marine area.

I202.6.1.10. Viewshafts

Purpose: manage development to maintain identified public views from the city to the harbour and adjacent landscape features.

- (1) Buildings or structures must not locate within those areas of land identified as viewshafts on Precinct plan 2. This standard does not apply to verandahs, existing buildings or structures, temporary activities, or marine and port accessory structures and services.
- (2) Coastal marine area structures must not locate within or over those parts of wharves and waterspace identified as viewshafts on Precinct plan 2. This standard does not apply to existing coastal marine area structures or

their reconstruction, temporary activities, or marine and port accessory structures and services.

- (3) Marine and port facilities that do not comply with I202.6.1.10(1)-(2) above are a restricted discretionary activity.

I202.7. Assessment – controlled activities

I202.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) maintenance dredging:
- (a) effects on coastal processes, ecological values and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety;
and
 - (c) consent duration and monitoring.

I202.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) maintenance dredging:
- (a) whether methods are implemented to avoid, remedy or mitigate the release of contaminated sediment;
 - (b) whether methods are implemented to avoid, remedy or mitigate effects on other users of the coastal marine area, navigation and safety;
 - (c) whether measures are taken to avoid, remedy or mitigate significant adverse effects on sediment quality;
 - (d) whether measures are taken to avoid, remedy or mitigate significant adverse ecological effects; and
 - (e) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.

I202.8. Assessment – restricted discretionary activities

I202.8.1. Matters of discretion

The Council will reserve its discretion to all the following matters when assessing a restricted discretionary resource consent application:

- (1) declamation:
- (a) construction or works methods, timing and hours of construction works;

- (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities; and
 - (f) consent duration
- (2) capital works dredging:
- (a) effects on coastal processes, ecological values, and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring.
- (3) visitor accommodation on Princes Wharf:
- (a) the matters of discretion in [H8.8.1\(3\)](#) of the Business – City Centre Zone rules apply.
- (4) hard protection structures including wave attenuation devices:
- (a) location and design of the hard protection structure;
 - (b) effects on navigation and safety;
 - (c) effects on coastal processes including wave hydraulics;
 - (d) construction or works methods, timing and hours of operation; and
 - (e) consent duration and monitoring.
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
- (a) form and design of the reclamation;
 - (b) contaminated material;
 - (c) the safe and efficient operation of marine and port activities;
 - (d) identified landscapes or sites of significance to Mana Whenua;
 - (e) construction or works methods, timing and hours of operation; and
 - (f) effects on natural hazards, coastal process, ecological values, water quality.
- (6) observation areas, viewing platforms, boardwalks and boat launching facilities:

- (a) the matters of discretion in [F2.23.1\(1\)](#) of the Coastal – General Coastal Marine Zone rules apply.
- (7) new buildings, and alterations and additions to buildings not otherwise provided for:
 - (a) the matters of discretion in [H8.8.1\(1\)](#) of the Business - City Centre Zone rules apply; and
 - (b) effects on public access, navigation and safety.
- (8) pile moorings established after the date of notification of this Unitary Plan including occupation and use by the vessel to be moored:
 - (a) the matters of discretion in [F5.8.1\(8\)](#) of the Coastal – Minor Port Zone apply.
- (9) permanent refuelling facilities for boats
 - (a) the matters of discretion in [F2.23.1\(1\)](#) of the Coastal – General Coastal Marine Zone apply.
- (10) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
 - (a) the matters of discretion in [F2.23.1\(1\)](#) and [F2.23.1\(2\)\(c\)](#) of the Coastal – General Coastal Marine Zone apply; and
 - (b) effects on the safe and efficient use, operation and development of the CMCA subject to Ports of Auckland's existing occupation consents.
- (11) noise and construction noise:
 - (a) effects on land uses beyond the precinct;
 - (b) measures to avoid, remedy and mitigate the adverse effects of noise; and
 - (c) operational requirements of the Port of Auckland.
- (12) lighting:
 - (a) effects on adjacent land uses;
 - (b) measures to avoid, remedy and mitigate the adverse effects of lighting; and
 - (c) operational requirements of the Port of Auckland.
- (13) building height:
 - (a) building scale and dominance / visual amenity effects;
 - (b) effects on the current or planned future form and character of the precinct; and

- (c) pedestrian access and amenity.
- (14) public spaces and accessways:
 - (a) pedestrian access and amenity; and
 - (b) operational requirements.
- (15) marine and port facilities within identified viewshafts:
 - (a) effects on the visual integrity of the identified viewshaft; and
 - (b) operational requirements of the Port of Auckland.

I202.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) declamation:
 - (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area;
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area.
 - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
 - (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the waters edge whether on land or on the adjacent water space.
- (2) capital works dredging:
 - (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
 - (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
 - (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;

- (d) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (3) hard protection structures including wave attenuation devices:
- (a) whether the location and design of the hard protection structure consider existing activities including marine related industries, other marine activities and/or adjoining residential/coastal activities;
 - (b) whether the location and design of the hard protection device consider the effects of wave hydraulics on other users of the coastal marine area and on the adjacent coastline;
 - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (4) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
- (a) whether reclamation, as far as practicable, mitigates adverse effects through their form and design, taking into account:
 - (i) the compatibility of the design with the location;
 - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
 - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
 - (iv) the effects on coastal processes;
 - (v) the effects on hydrology.
 - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
 - (c) the Council will consider the extent to which the reclamation will affect identified landscapes or sites of significance to Mana Whenua;
 - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (5) visitor accommodation on Princes Wharf:
- (e) the assessment criteria in [H8.8.2\(3\)](#) of the Business – City Centre Zone rules apply.
- (6) observation areas, viewing platforms, and boardwalks:

- (a) the assessment criteria in --clauses [F2.23.2\(1\)](#) and [F2.23.2\(17\)](#) of the Coastal –General Coastal Marine Zone rules apply in addition to the criteria below;
 - (b) the extent to which the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages.
- (7) new buildings, and alterations and additions to buildings not otherwise provided for:
- (a) the assessment criteria in [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below;
 - (b) whether effects on public access, navigation and safety are avoided or mitigated.
- (8) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
- (a) the assessment criteria in [F5.8.2\(8\)](#) of the Coastal – Minor Port Zone apply.
- (9) permanent refuelling facilities for boats:
- (a) the assessment criteria in [F2.23.2\(1\)](#) of the Coastal – General Coastal Marine zone apply.
- (10) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
- (a) the assessment criteria in [F2.23.2\(1\)](#) and [F2.23.2\(9\)](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below;
 - (b) whether the actual or potential adverse effects on the safe and efficient use, operation and development of the coastal marine area occupied by Ports of Auckland are avoided.
- (11) noise and construction noise:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected are avoided, remedied and mitigated, taking into account the existing noise environment, the frequency and duration of the proposed infringement and the practicality of managing the noise emissions; and
 - (b) the operational requirements of the Port of Auckland.
- (12) lighting:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected are avoided, remedied and mitigated, taking into account existing light levels; and

(b) the operational requirements of the Port of Auckland.

(13) building height:

(a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard;

(b) where building height is exceeded, Policy I202.3(5) of the Central Wharves Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered.

(14) public spaces and accessways:

(a) whether public access to the water's edge is provided;

(b) whether operation of marine and port activities are enabled.

(15) marine and port facilities within identified viewshafts:

(a) whether the location, number, design and operation of the marine and port facilities limit the loss of identified significant public views from the city to the harbour and adjacent landscape features;

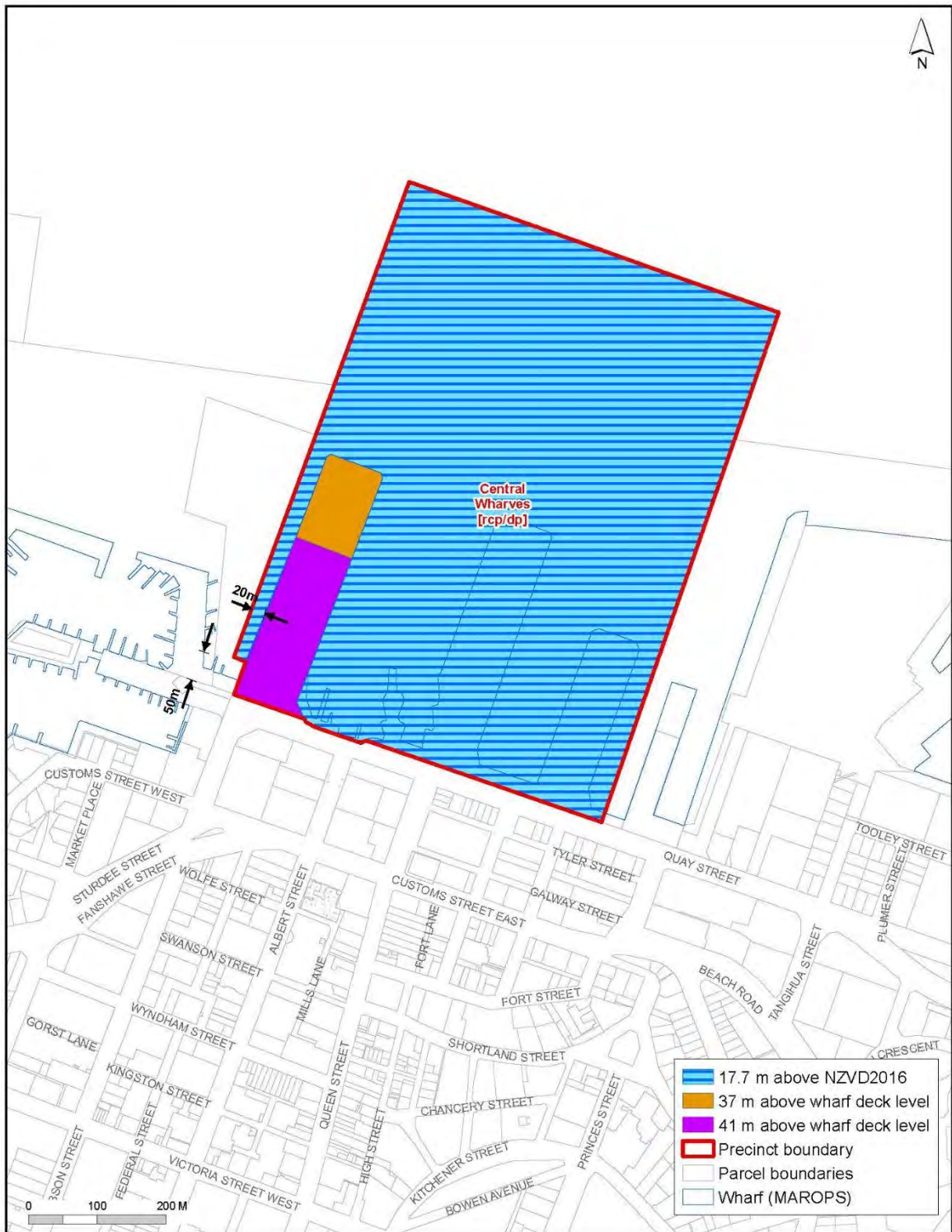
(b) the operational requirements of the Port of Auckland.

I202.9. Special information requirements

There are no special information requirements in this section.

I202.10. Precinct plans

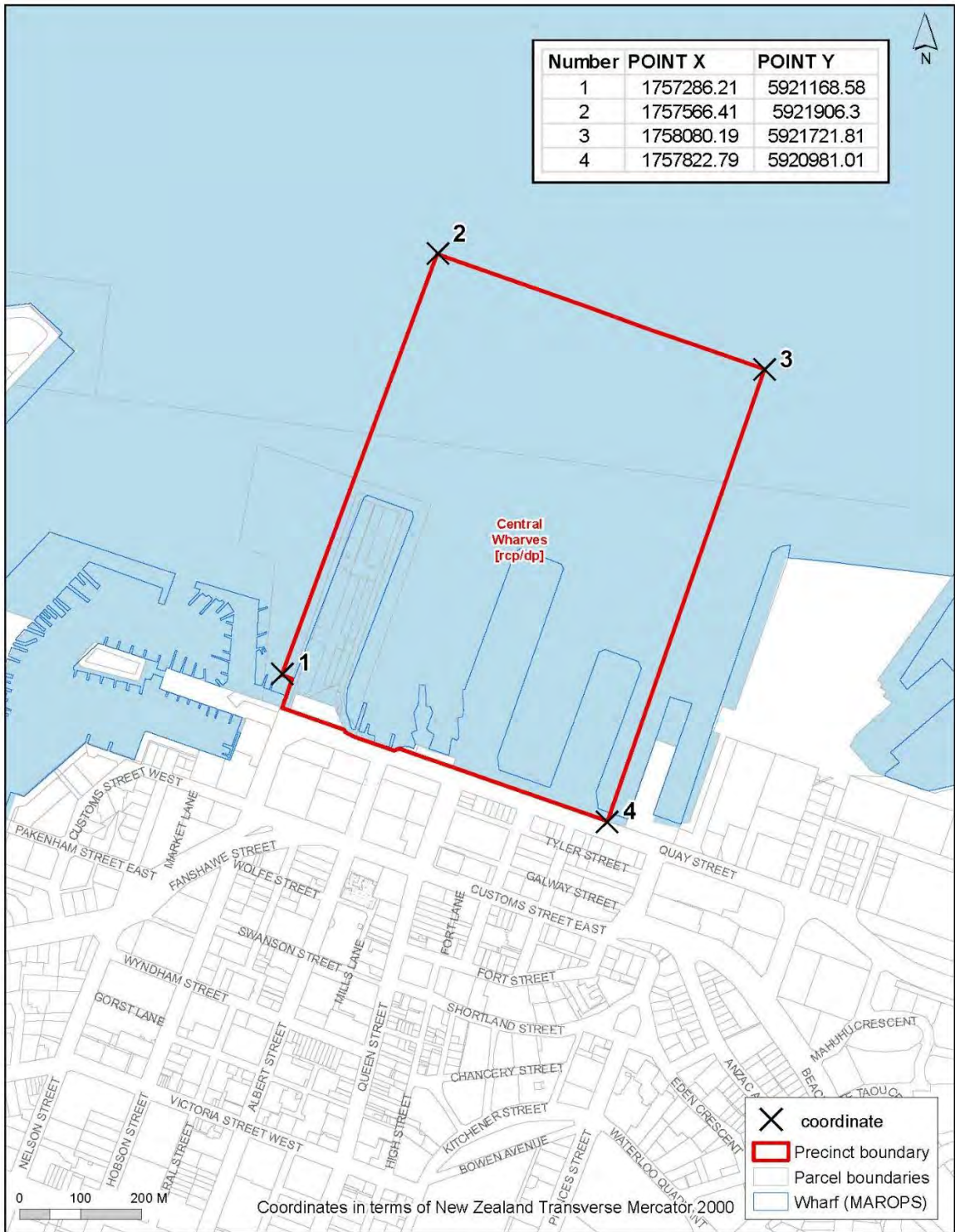
I202.10.1 Central Wharves: Precinct plan 1 - Building heights



I202.10.2 Central Wharves: Precinct plan 2 - Viewshafts



I202.10.3 Central Wharves: Precinct plan 3 - Precinct boundary coordinates in the coastal marine area



I208. Port Precinct

I208.1. Precinct description

The purpose of the Port Precinct is to provide for a nationally and regionally significant component of Auckland and New Zealand's transport infrastructure and trade network. The precinct primarily consists of land and coastal areas owned or controlled by Ports of Auckland Limited.

The zoning of the land within the Port Precinct is the Business – City Centre Zone and the zoning of the part of the Port Precinct within the coastal marine area is the Coastal – General Coastal Marine Zone.

The Port Precinct includes the land and the coastal marine area north of Quay Street between the western side of Marsden Wharf and the eastern side of the Fergusson Reclamation. The reclaimed land and wharf structures named Bledisloe Terminal, Bledisloe Wharf, Jellicoe Wharf, Freyberg Wharf, and Fergusson Wharf and Fergusson Terminal are primary vessel loading and unloading areas. Cargo storage, cargo handling and ancillary port activities are undertaken on the balance of the area fronting Quay Street. Teal Park and a range of community and emergency facilities and food and beverage activities are located at the eastern end of the precinct.

The Port Precinct includes structures and activities located both on land and within the coastal marine area. For this reason, the activities and development within the precinct on land and within the coastal marine area (including wharves) are generally defined under the same activity category.

Within the precinct it is recognised that the coastal environment has already been modified by structures and port activities and that the land adjoining the coastal marine area provides for the infrastructure to service the marine and port activities. It is therefore appropriate to suitably recognise this, and make provision for the continued use and development of the precinct, while avoiding, remedying, or mitigating adverse effects.

Development within the precinct is guided by Precinct plans 1 – 3. Precinct plan 1 sets out the maximum height controls across the Port Precinct. Precinct plan 2 shows the area (named Area A) within the Port Precinct where buildings require design assessment due to their proximity and visibility from Quay Street and Queens Wharf. Precinct Plan 3 sets out the inner and outer noise control boundaries. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 4.

I208.2. Objectives [rcp/dp]

- (1) The efficient operation, growth and intensification of marine and port activities and marine and port facilities, including the development of the Port's capacity for shipping and its connections with other transport modes.
- (2) The use and development of non-port related activities and buildings do not compromise the existing or future operation of the precinct.
- (3) Adverse effects arising from activities and development are avoided, remedied or mitigated.

- (4) Adverse reverse sensitivity effects on the efficient and safe operation of marine and port activities are avoided, remedied or mitigated.
- (5) Buildings adjacent to Quay Street complement and enhance the gateway to the city centre, while recognising any functional and operational requirements of marine and port activities.
- (6) Public access to, and use and enjoyment of, the coastal marine area is maintained, and where practicable, enhanced, provided it does not adversely affect the efficient and safe operation of marine and port activities and development of the precinct.

The overlay, Auckland-wide, Business – City Centre Zone and Coastal – General Coastal Marine Zone objectives apply in this precinct in addition to those specified above.

I208.3. Policies [rcp/dp]

The policies are as listed in the Coastal – General Coastal Marine Zone for the coastal marine area in the precinct in addition to those specified below, with the exception of Policy [F2.5. 3\(4\)](#).

The Business – City Centre Zone Policies [H8.3\(1\), \(11\), \(19\), \(21\) – \(23\), \(25\), \(30\), \(35\) and \(37\)](#) apply to land within the precinct in addition to those specified below.

- (1) Enable the consolidation, intensification, redevelopment and growth within the precinct for a wide range of marine and port activities and associated structures, to provide for the development of the Port's capacity for shipping, and its connections with other transport modes.
- (2) Provide a wide range of berthage facilities to accommodate vessels of different types and sizes.
- (3) Ensure that non-port related activities or non-port related development within the precinct does not compromise the primary function or development of the precinct for marine and port activities and marine and port facilities.
- (4) Require activities within the precinct to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on the surrounding road network.
- (5) Require the establishment of dwellings outside of the precinct to avoid, remedy or mitigate adverse effects on efficient and safe operation of marine and port activities.
- (6) Restrict public access to the coastal marine area only where it is necessary to protect human health and/or safety, to facilitate the efficient and safe operation of activities including the requirements of customs and quarantine, or to maintain security.

- (7) Provide for intensification, development and maintenance of marine and port facilities and associated works which contribute to the efficient use, operation, and management of marine and port activities while avoiding, remedying or mitigating potential adverse effects on the environment.
- (8) Limit maximum building height to an appropriate scale to provide a transition in height between the city centre core and the harbour, with the exception of specifically identified container and cargo-handling facilities, vessels, structures and equipment associated with marine and port activities.
- (9) Encourage buildings within Area A on Precinct plan 2, to be of a high quality design to complement and enhance this city centre gateway and to contribute positively to the visual quality, amenity, interest and public safety of streets and public open spaces, while recognising any functional and operational requirements of marine and port activities.
- (10) Avoid further reclamation, unless:
 - (a) there are no practicable alternative methods of providing the proposed activity, including on land outside the coastal marine area;
 - (b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;
 - (c) it will provide a significant regional or national benefit;
 - (d) it is the most appropriate form and design of development; and
 - (e) potential adverse effects will be avoided, remedied or mitigated.
- (11) Provide for minor reclamations and for reclamations carried out as part of rehabilitation or remedial works of an existing reclamation or coastal marine area structure, while avoiding, remedying or mitigating any adverse effects on the environment.
- (12) Enable dredging within the precinct that is necessary to provide for the safe and efficient navigation, manoeuvring, and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.
- (13) Require port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.
- (14) Require the provision of adequate and convenient facilities for:
 - (a) the collection of rubbish from vessels;
 - (b) sewage and waste from vessels; and
 - (c) the containment and disposal of residues from vessel servicing, repairs and maintenance.

I208.4. Activity table

The activities, standards and assessment criteria in the overlays and Auckland-wide rules apply in the Port Precinct, unless otherwise specified below.

The activities, standards and assessment criteria in the underlying General Coastal Marine zone apply to the coastal marine area in the Port Precinct, unless otherwise specified below.

The activities, standards and assessment criteria in the Business – City Centre Zone do not apply to land in the Port Precinct, unless otherwise specified below.

Table I208.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant. The activities in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Port Precinct unless otherwise specified in the Port Precinct activity table below.

- (1) The following table also specifies the activity status of activities on land in the Port Precinct.
- (2) Those activities marked with * have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.
- (3) In this table, the activity status for occupation of the common marine and coastal area (section 12(2) of the Resource Management Act 1991) has the same activity status for the use or activity (section 12(3) of the Resource Management Act 1991) or for the construction of a structure (section 12(1) of the Resource Management Act 1991) that the occupation relates to.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I208.4.1 to I208.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table I208.4.1 Activity table

Activity		Activity status	
		CMA [rcp]	Land [dp]
Works in the coastal marine area			
(A1)	Maintenance or repair of a reclamation or drainage system	P	P
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation	RD	RD
(A5)	Maintenance dredging, including dredging within a historic heritage overlay area	C	NA
(A6)	Capital works dredging, including dredging within a historic heritage overlay area	RD	NA
Use and activities and associated occupation			
Residential			
(A7)	Workers accommodation	P*	P
Commerce			
(A8)	Offices accessory to marine and port activities	P*	P
(A9)	Offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct Plan 1 not accessory to marine and port activities	NA	RD
(A10)	Maritime passenger operations	P	P
(A11)	Food and beverage east of Solent Street	NA	P
(A12)	Marine retail	NA	P
(A13)	Alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets	NA	RD
(A14)	Service stations not otherwise provided for on those sites with frontage to Quay Street, between the western boundary of the Port Precinct and Plumer Street	NA	D
(A15)	Aquaculture activities (including any activities	Pr	NA

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	under RMA s.12(1), s. 12(2), s. 12(3) and s.15)		
Community			
(A16)	Artworks	P	P
(A17)	Community facilities, education facilities and healthcare facilities east of Solent Street	P*	P
(A18)	Information facilities	P*	P
(A19)	Emergency services	P	P
(A20)	Helicopter facilities (including the landing and taking off of helicopters and associated fuelling and service facilities), except as specified below	D	D
Industry			
(A21)	Marine and port activities, including the landing and taking off of helicopters associated with the loading and unloading of cargo	P	P
(A22)	Artificial lighting	P*	P
Development			
(A23)	Marine and port facilities other than wharves, landings and drydocks	P	P
(A24)	Wharves, landings and drydocks, including alterations and additions to these structures	RD	RD
(A25)	Maritime passenger facilities	P	P
(A26)	Marine and port accessory structures and services	P	P
(A27)	Repair and maintenance services ancillary to marine and port activities	NA	P
(A28)	New buildings and alterations and additions to buildings on land or on coastal marine area structures outside of Area A shown on Precinct plan 2	P*	P
(A29)	Minor cosmetic alterations and additions to a building within Area A shown on Precinct plan 2 that does not change its external design or appearance	P*	P
(A30)	Maintenance, repair and reconstruction of existing coastal marine area structures or buildings	P	P
(A31)	New buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct Plan 2	RD*	RD
(A32)	Alterations and additions to existing coastal marine area structures or buildings not otherwise provided for	P	P
(A33)	Demolition or removal of buildings or coastal marine area structures except as otherwise	P	P

	specified below		
(A34)	Public amenities	P*	P
(A35)	Hard protection structures including wave attenuation devices	RD	RD
(A36)	Observation areas, viewing platforms and boardwalks	P	P
(A37)	New and existing swing moorings and pile moorings including occupation and use by vessel to be moored	P	NA
(A38)	Occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA
(A39)	Buildings not listed as a permitted or restricted discretionary activity	D	D

I208.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table I208.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table I208.4.1 which is not listed in I208.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I208.6. Standards

I208.6.1. Land and water standards

The land and water use standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Port Precinct, unless otherwise specified below, except that the following Coastal – General Coastal Marine Zone standards do not apply:

- [F2.21.1.1](#) Noise and vibration;
- [F2.21.1.2](#) Lighting;
- [F2.21.2.1](#) Maintenance or repair of a lawful reclamation or drainage systems; and
- [F2.21.9.4](#) Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels.

The Business – City Centre Zone standards do not apply to land in the Port Precinct, unless otherwise specified below.

The Auckland-wide Lighting rules [E24](#) and Noise rules [E25.6.2 - E25.6.29](#) and [E25.6.31 - E25.6.33](#) do not apply to land and the coastal marine area in the Port Precinct.

I208.6.1.1. Noise

- (1) These standards do not apply to temporary activities allowed under the [E40 Temporary activities](#) rules.
- (2) Within the coastal marine area, these standards do not apply to the operational requirements of commercial vessels including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels.
- (3) The $L_{Aeq}(15 \text{ min})$ noise level and maximum noise levels (L_{AFmax}) arising from any activity (except construction or blasting activities) within the Port Precinct must not exceed the following:
 - (a) when measured 1m from the façade of any building (measured as the incident level with facade reflections excluded) located on the southern side of Quay Street, beyond the inner control boundary shown on Precinct plan 3:

Table I208.6.1.1 Noise levels 1

Time	Noise level
11pm to 7am	60dB L_{Aeq} 85dB L_{AFmax}

- (b) when measured 1m from the façade of any residential building (measured as the incident level with facade reflections excluded) located beyond the outer control boundary shown on Precinct plan 3:

Table I208.6.1.2 Noise levels 2

Time	Noise level
7am to 11pm	55dB L_{Aeq}
11pm to 7am	50dB L_{Aeq} 75dB L_{AFmax}

- (4) In determining compliance with the above the following applies:

- (a) the long term average sound level, averaged over any 7 days (i.e. 7 days of short-term average levels) must not exceed the specified levels by more than 3dBA due to statistical variation over those days;
- (b) there must be no exceedance of the specified short-term average levels by more than 5dBA. The short-term $L_{Aeq(15\text{ min})}$ sound level will be the average of any four $L_{Aeq(15\text{ min})}$ values obtained during a single night or day when the wind speed at the site where measurement is taken is less than 2m per second. If the wind speed in the vicinity of both the subject site and the receiver, or any intervening area is known to have exceeded 2m per second during any measurement interval or a temperature inversion is present, then that measurement must not be used to determine the short-term average sound level. Measurements must be accompanied by records of air temperature. There must be no other restrictions on weather conditions;
- (c) care must be taken to ensure that the short-term average sound level represents noise from port activities and is not influenced by noise from other sources. The time period between 3:00am and 5:00am is the preferred time for noise measurements. If the short-term average level is wholly or partly determined from measurements at other times, then records must be adequate to demonstrate that the short-term average sound level was not influenced by noise from non-port sources;
- (d) except as noted above, the noise levels must be measured and assessed in accordance with New Zealand Standard on Acoustics - Measurement of Environmental Sound (NZS 6801:2008) and New Zealand Standard on Acoustics – Environmental Noise (NZS 6802:2008).

I208.6.1.2. Construction noise

- (1) Construction noise within the Port Precinct must not exceed the levels specified in [E25.6.28](#) Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone, when measured 1m from the façade of any building located outside of the Port Precinct.

I208.6.1.3. Lighting

- (1) Artificial lighting illuminance must not exceed 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level.
- (2) Illumination associated with vehicles, mobile plant, and quay cranes are exempt from this control.

- (3) Lighting sources must be sited, directed and screened to avoid, as far as practicable, creating a navigation safety hazard.

I208.6.1.4. Parking

- (1) Standard [E27.6.2](#) Number of parking and loading spaces does not apply to land and coastal marine area west of Solent Street.

I208.6.1.5. Maintenance or repair of a lawful reclamation or drainage system

- (1) The work must not change the area occupied by the reclamation or drainage system.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in ONC, ONF and SEA-M1 overlay areas and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the council at least 10 working days prior to the work starting.

I208.6.1.6. Public access

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Port Precinct.

I208.6.1.7. Natural Hazards and flooding:

The activity status for activities listed in Table [E36.4.1](#) of [E36 Natural hazards and flooding](#) do not apply and are replaced by standards I208.6.1.7.1 and I208.6.1.7.2 below:

- (1) Buildings or structures including fences and retaining walls located in 1 per cent annual exceedance probability (AEP) overland flow paths:
 - (a) any ponding of floodwater caused by any new building or structure must not extend beyond (upstream of) the inland boundary of the Port Precinct; or an alternative flow path of equivalent hydraulic capacity must be provided within the site; and
 - (b) the entry point of the flow path into the Precinct must not be altered.
- (2) Habitable rooms of new buildings shall be located above the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI1).

I208.6.1.8. Building height

Purpose: manage the height of buildings to achieve Policy I208.3(8) of the Port Precinct.

- (1) Buildings, structures, marine and port facilities, maritime passenger facilities and marine and port accessory structures and services must not exceed the heights specified on Precinct Plan 1.
- (2) For the avoidance of doubt, building height excludes: reefer gantries, cargo and containers, telecommunications equipment, masts, lighting poles and associated equipment and aerials that are accessory to marine and port activities.
- (3) The height of buildings and structures on land must be measured in accordance with Standard [H8.6.8](#) Measuring building height in the Business – City Centre Zone rules.
- (4) The height of buildings and structures within the coastal marine area must be measured above NZVD2016.

I208.7. Assessment – controlled activities

I208.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) maintenance dredging:
 - (a) effects on water quality;
 - (b) effects on harbour traffic, navigation and safety; and
 - (c) duration and monitoring.

I208.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) maintenance dredging:
 - (a) effects on water quality:
 - (i) whether methods are implemented to avoid, remedy or mitigate the release of contaminated sediment.
 - (b) effects on harbour traffic, navigation and safety:
 - (i) whether methods are implemented to avoid, remedy or mitigate effects on harbour traffic, navigation and safety.
 - (c) duration and monitoring:

- (i) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.

I208.8. Assessment – restricted discretionary activities

I208.8.1. Matters of discretion

The Council will reserve its discretion to all the following matters when assessing a restricted discretionary resource consent application:

- (1) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation and reclamation or drainage carried out as part of rehabilitation or remedial works:
 - (a) form and design of the reclamation;
 - (b) contaminated material;
 - (c) the safe and efficient operation of marine and port activities;
 - (d) construction or works methods, timing and hours of operation;
 - (e) effects on natural hazards, coastal processes, ecological values and water quality; and
 - (f) consent duration and monitoring
- (2) declamation:
 - (a) construction or works methods, timing and hours of construction works;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values and water quality;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) effects on Mana Whenua values; and
 - (g) consent duration and monitoring
- (3) capital works dredging:
 - (a) effects on coastal processes, ecological values and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring.
- (4) hard protection structures including wave attenuation devices:

- (a) location and design of the hard protection structure;
 - (b) effects on navigation, safety and existing activities;
 - (c) effects on coastal processes including wave hydraulics;
 - (d) construction or works methods, timing and hours of operation; and
 - (e) consent duration and monitoring.
- (5) new buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct Plan 2:
- (a) building design and external appearance;
 - (b) effects on public access, navigation and safety; and
 - (c) potential adverse effects of any ponding or diversion of floodwater upstream of the Port Precinct caused by changes to the overland flow path.
- (6) offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct Plan 1 not accessory to marine and port activities:
- (a) efficient use of port precinct land and resources;
 - (b) public access; and
 - (c) duration of consent.
- (7) alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets:
- (a) the matters of discretion in [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply;
 - (b) location and design of vehicle and pedestrian access; and
 - (c) provision for the on-site manoeuvring of vehicles and pedestrians.
- (8) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
- (a) the matters of discretion in [F2.23.1\(1\)](#) and [F2.23.1\(2\)\(c\)](#) of the Coastal – General Coastal Marine Zone apply; and
 - (b) effects on the safe and efficient use, operation and development of the coastal marine area subject to Ports of Auckland's existing occupation consents.
- (9) wharves, landings and drydocks within the Port Precinct:

- (a) location and design;
 - (b) construction or works methods, timing and hours of operation;
 - (c) effects on coastal processes;
 - (d) effects on navigation and safety;
 - (e) effects on the visual amenity values of the Waitemata Harbour;
 - (f) effects on Mana Whenua values; and
 - (g) consent duration and monitoring.
- (10) noise and construction noise
- (a) effects on land uses beyond the precinct;
 - (b) measures to avoid, remedy and mitigate the adverse effects of noise; and
 - (c) operational requirements of the Port of Auckland.
- (11) lighting:
- (a) effects on adjacent land uses;
 - (b) measures to avoid, remedy and mitigate the adverse effects of lighting;
and
 - (c) operational requirements of the Port of Auckland.
- (12) building height:
- (a) building scale and dominance / visual amenity effects;
 - (b) effects on the current or planned future form and character of the precinct;
and
 - (c) reasons for the non-compliance.

I208.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation and reclamation or drainage carried out as part of rehabilitation or remedial works:
 - (a) whether reclamation, as far as practicable, mitigates adverse effects through their form and design, taking into account:
 - (i) the compatibility of the design with the location;
 - (ii) the ability to avoid consequential erosion and accretion, and other natural hazards;

- (iii) the effects on coastal processes; and
 - (iv) the effects on hydrology.
- (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
 - (c) whether the reclamation enables the efficient operation of port infrastructure; and
 - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (2) declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area;
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area.
 - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants; and
 - (c) whether declamation east of Solent Street is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the water's edge whether on land or on the adjacent water space;
 - (d) the extent to which declamation will affect Mana Whenua values.
- (3) capital works dredging:
- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
 - (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
 - (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and

- (d) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (4) hard protection structures including wave attenuation devices:
- (a) whether the location and design of the hard protection structure avoid, remedy or mitigate adverse effects on existing activities including marine related industries, other marine activities and/or adjoining coastal activities;
 - (b) whether the location and design of the hard protection structure avoid, remedy or mitigate adverse effects of wave hydraulics on other users of the coastal marine area and on the adjacent coastline; and
 - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (5) new buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct plan 2:
- (a) the assessment [H8.8.2\(1\)\(a\)\(i\), \(ix\), \(xii\), \(xiii\), \(xv\), \(xvi\), \(xviii\), \(xix\) and \(c\)\(xi\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below;
 - (b) the extent to which buildings within Area A shown on precinct plan 2 have clearly defined public fronts that address the street to positively contribute to the public realm and pedestrian safety. Where this is not possible, where practicable be designed to avoid long, unrelieved frontages and excessive bulk and scale when viewed from Quay Street;
 - (c) the extent to which building mass is visually broken up into distinct elements. Techniques include the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and façade modulation and articulation;
 - (d) the extent to which any parking, loading and servicing activities including the storage and collection of wastes associated with a building is screened and occur behind the buildings and away from Quay Street;
 - (e) the extent to which the quality of building design reflects and recognises Quay Street's importance as a gateway to the city centre. In particular, it should have regard to the area's high visibility in views along Quay Street
 - (f) the extent to which the functional and operational requirements of marine and port activities to be accommodated within the building are recognised when considering the assessment criteria above; and

- (g) the extent to which the adverse effects of any ponding or diversion of floodwater upstream of the Port Precinct caused by changes to the overland flow path will be avoided or mitigated.
- (6) offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct plan 1 not accessory to marine and port activities:
- (a) whether the office activity reduces or compromises the efficient use of port land or resources or the future growth or intensification of port activities and facilities;
 - (b) whether safe and unencumbered public access is provided between the building and the city centre; and
 - (c) whether the duration of consent is limited to ensure the building is available for marine and port activity when the demand arises.
- (7) alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets:
- (a) the assessment criteria in [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply;
 - (b) whether separate pedestrian and vehicle access is provided to and through the site and there is adequate manoeuvring space for vehicles on the site; and
 - (c) the extent to which the design of any alterations or additions contribute to the visual quality, interest and safety of Quay Street and Tinley Street, where practicable.
- (8) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
- (a) the assessment criteria in clause [F2.23.2\(1\)](#) and [F2.23.2\(9\)](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and
 - (b) whether the actual or potential adverse effects on the safe and efficient use, operation and development of the coastal marine area occupied by Ports of Auckland are avoided.
- (9) wharves, landings and drydocks within the Port Precinct:
- (a) whether the location and design of the structure avoid, remedy or mitigate adverse effects on existing activities, marine related industries, other marine and port activities and navigation and safety;

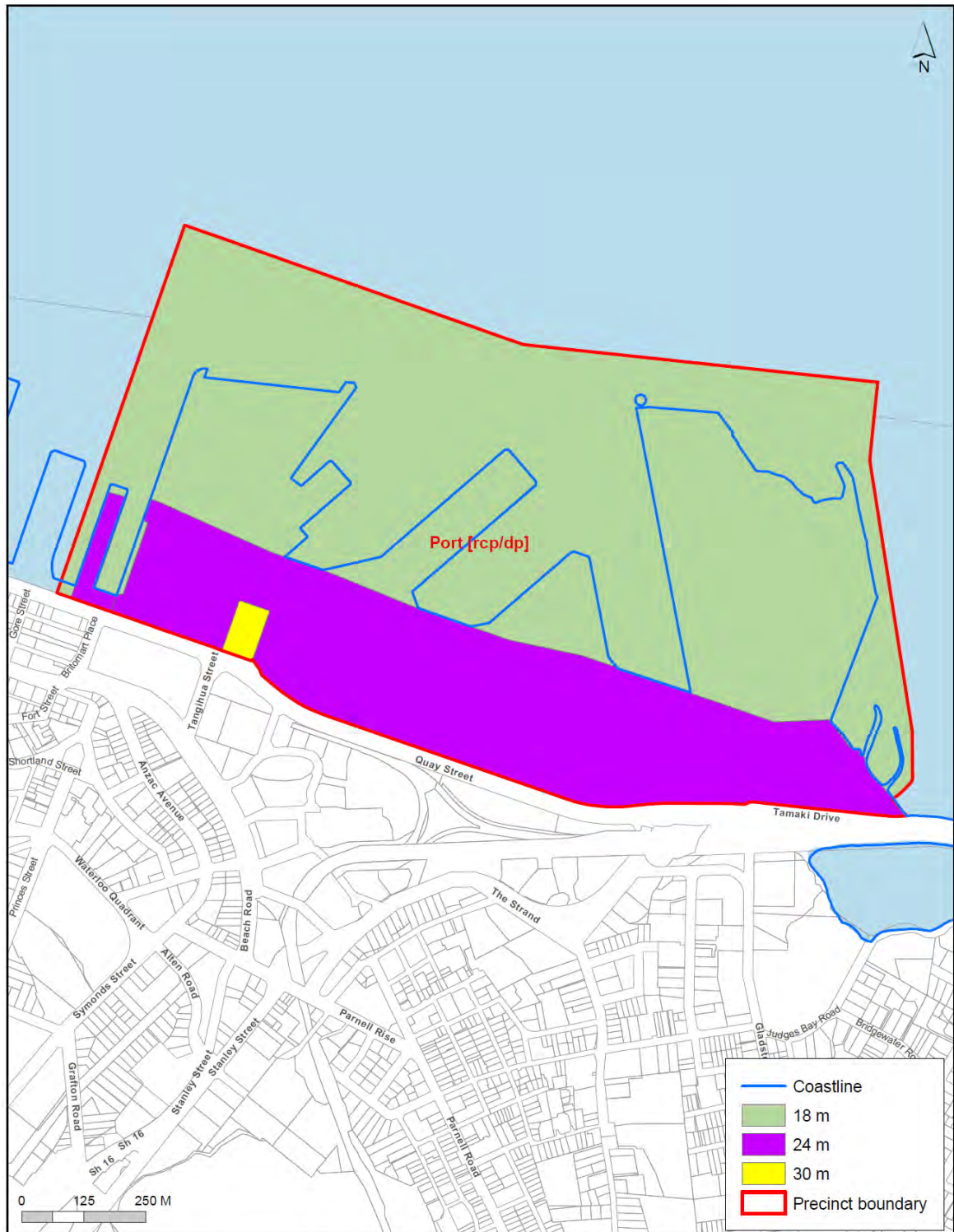
- (b) whether the location and design of the structure avoid, remedy or mitigate adverse effects on coastal processes and on other users of the coastal marine area;
 - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
 - (d) whether duration for construction is limited to the minimum duration reasonably necessary;
 - (e) the extent to which monitoring of construction is required in order to demonstrate the extent and type of effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity; and
 - (f) whether the form, scale and design of the wharf, landing or drydock structures avoid, remedy or mitigate adverse visual amenity effects to and from the Waitemata Harbour;
- (10) noise and construction noise:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected beyond the Port precinct are avoided, remedied and mitigated, taking into account the existing noise environment, the frequency and duration of the proposed infringement and the practicality of managing the noise emissions;
 - (b) the operational requirements of the Port of Auckland.
- (11) lighting:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected beyond the Port precinct are avoided, remedied and mitigated, taking into account existing light levels;
 - (b) the operational requirements of the Port of Auckland.
- (12) building height:
- (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard;
 - (b) where building height is exceeded, Policy I208.3(1) and (8) of the Port Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered.

I208.9. Special information requirements

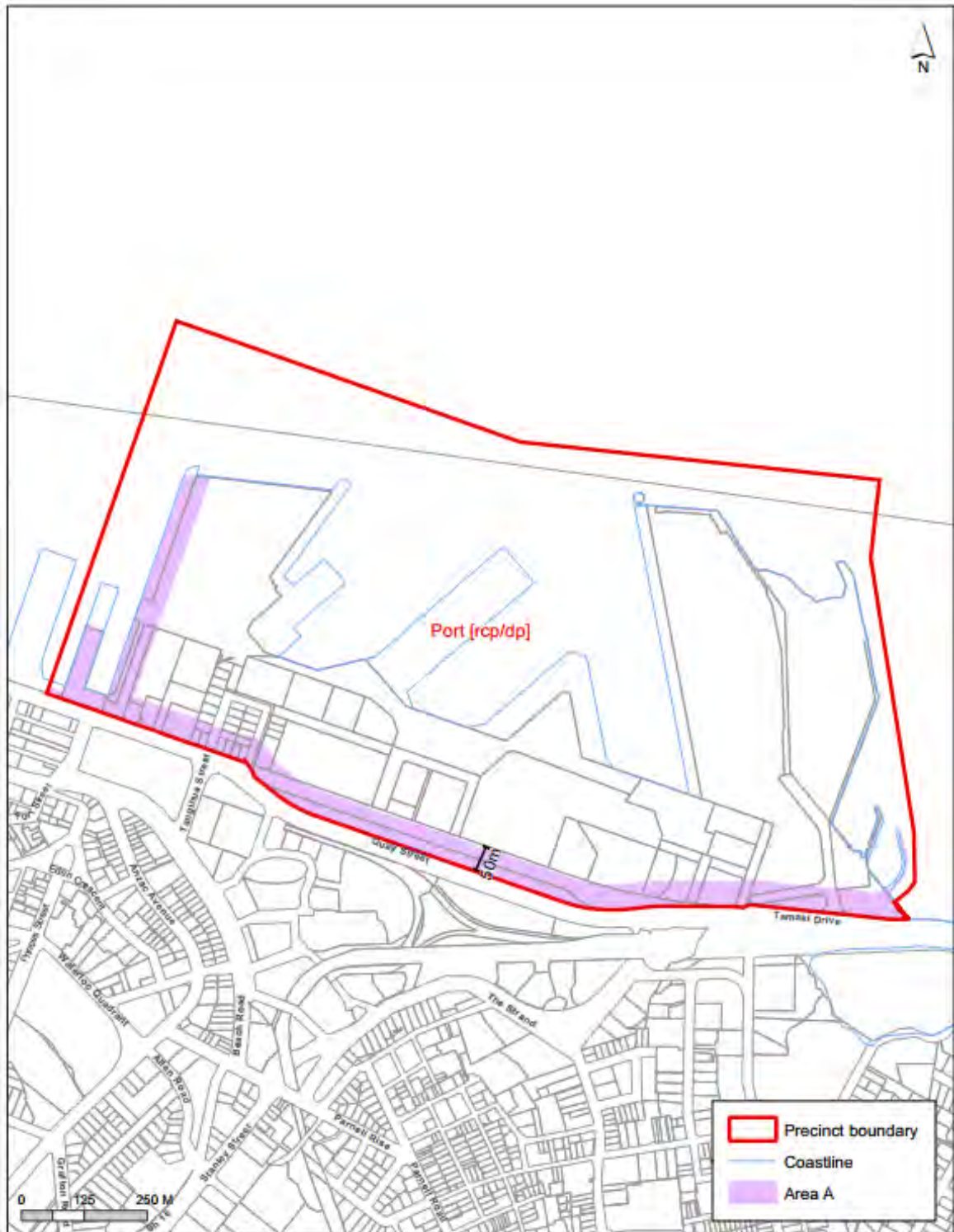
- (1) The special information requirements of the Coastal – General Coastal Marine Zone do not apply in the Port Precinct.

I208.10. Precinct plans

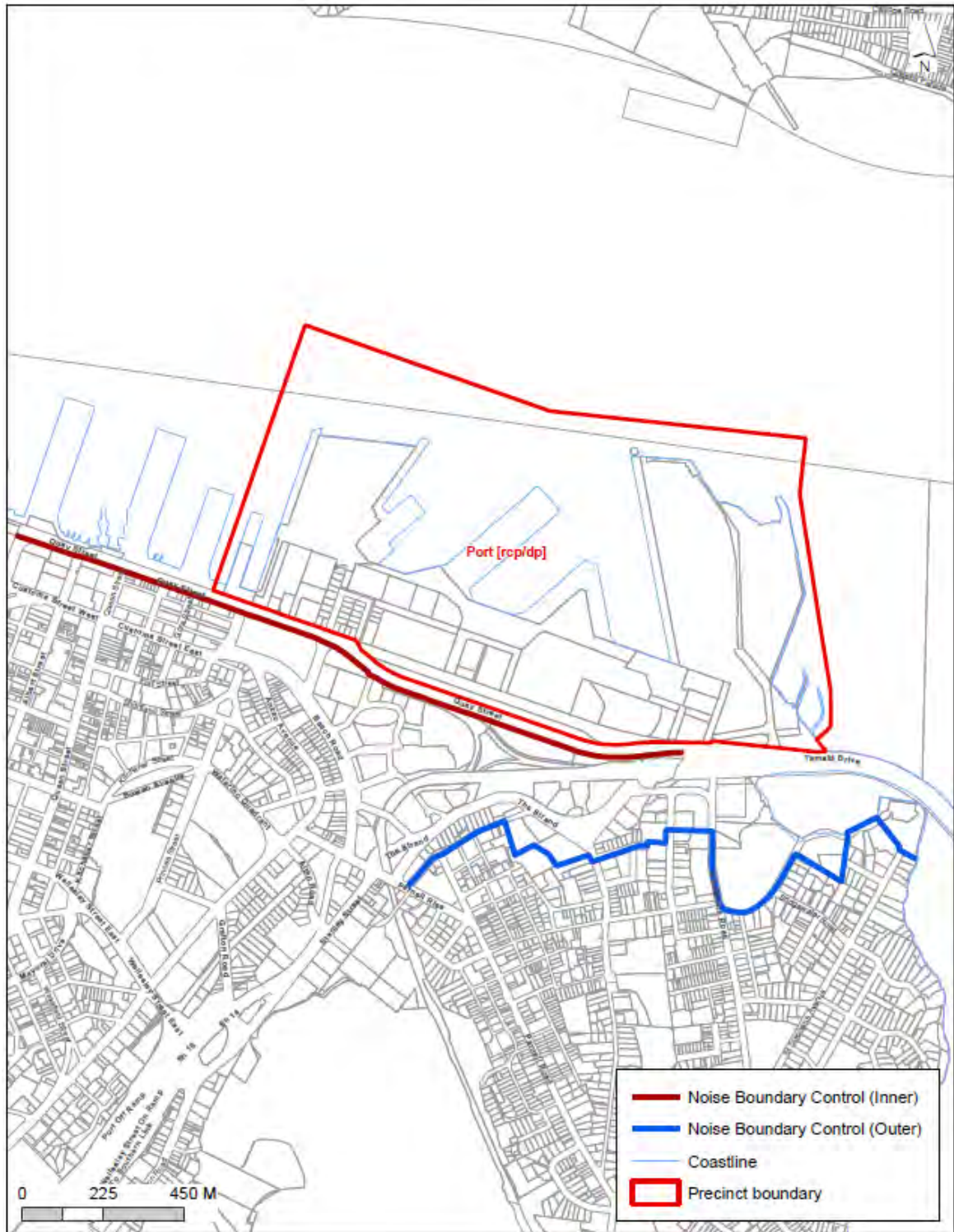
I208.10.1 Port: Precinct plan 1 - Building height



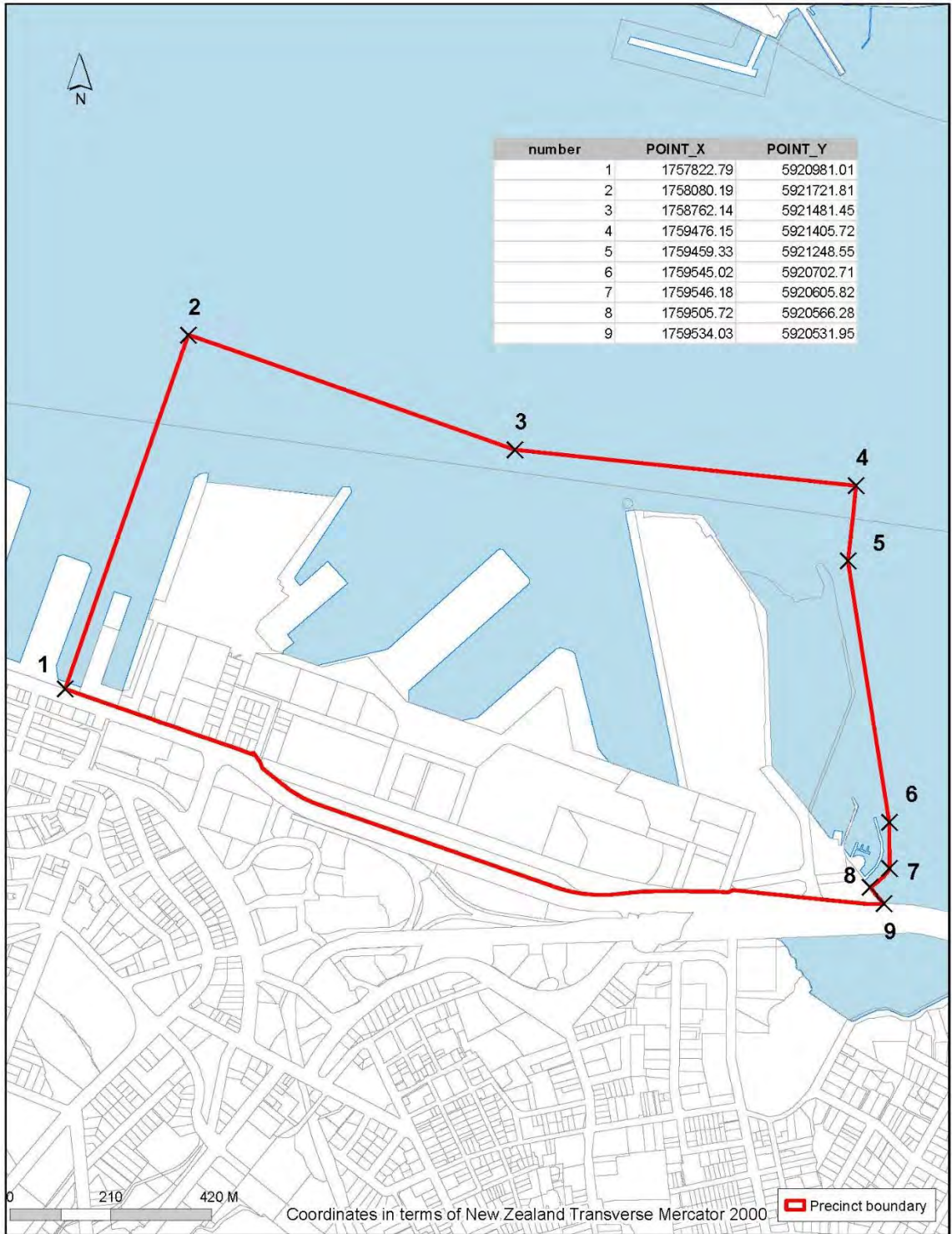
I208.10.2 Port: Precinct plan 2 - Extent of Area A



I208.10.3 Port: Precinct plan 3 - Noise boundaries



I208.10.4 Port: Precinct plan 4 - Precinct boundary coordinates in the coastal marine area



I211. Viaduct Harbour Precinct

I211.1. Precinct description

The Viaduct Harbour precinct incorporates Viaduct Harbour and the land fronting the harbour (including Hobson Wharf), and the adjacent coastal marine area. The precinct is characterised by its enclosed water space, interesting water edge, proximity to the city core, and areas of low-rise character buildings. Refer to Viaduct Harbour Precinct plan 1 for the location and extent of the precinct. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 6.

The purpose of the Viaduct Harbour precinct is to provide for a scale of development and a range of uses which reflect and complement the Viaduct Harbour as a special place of character within the city centre. Building height, bulk and design controls are intended to provide a framework which, while providing flexibility in building design, encourages well-defined edges to public spaces, a sense of enclosure at the built edges of public space and a visual transition in the height of built form extending from the water's edge of Viaduct Harbour to the established central commercial area.

To build upon and reinforce the Viaduct Harbour's attributes, provision is made for a wide range of activities. In particular, the establishment of a mix of recreation, leisure, retail, entertainment and community/cultural activities is encouraged along the water's edge, open spaces and certain roads where pedestrian activity is likely to be highest.

The open space network, identified as sub-precinct B, incorporates a range of different sizes, widths and shapes to cater for varying recreational needs. The width of space around the Basin perimeter is also sufficient for the coexistence of maritime-related activities, pedestrian promenades, open air cafe seating and similar activities.

The residential area, identified as Sub-precinct C, recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety and amenity of the precinct.

The zoning in the Viaduct Harbour Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

I211.2. Objectives [rcp/dp]

- (1) An attractive public waterfront and world-class visitor destination that is recognised for its distinctive character, quality buildings, public open spaces, recreational opportunities, community and cultural facilities and events.
- (2) Maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct.
- (3) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

PC 78 (see
Modifications)

PC 78 (see
Modifications)

- (4) An attractive place for business and investment is provided for marine and port activity, maritime passenger operations and commercial business activity which benefit from a high amenity waterfront location.
- (5) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.
- (6) A mix of activities is encouraged including residential, business, tourism and events that create a vibrant environment.
- (7) Maintain the residential character and amenity in Sub-precinct C as an attractive place for permanent residents.

The overlay, Auckland-wide and Business – City Centre Zone objectives apply in this precinct in addition to those specified above.

I211.3. Policies [rcp/dp]

- (1) Enable the efficient operation and development of the precinct by providing for activities which have a functional need to locate in or adjacent to the coastal marine area.
- (2) Enable a diverse range of activities while:
 - (a) avoiding, mitigating or remedying potential adverse effects in an integrated manner across mean high water springs, including reverse sensitivity effects on marine and port activities; and
 - (b) maintaining and enhancing public access to the waters edge.
- (3) Provide for continued use of all berthage areas adjacent to public open spaces for commercial vessel activities and other marine and port activities and marina-activities.
- (4) Manage building height and bulk to:
 - (a) achieve an appropriate scale in relation to the street network and the precinct's prominent waterfront location;
 - (b) complement and maintain the distinctive low-medium rise character established by development in Viaduct Harbour, including a sense of intimacy along streets and other public space frontages;
 - (c) complement the height enabled in the adjacent Downtown West, Central Wharves and Wynyard precincts; and
 - (d) provide a transition in height between the core city centre and the harbour.
- (5) Encourage the development of a diverse range of high-quality visitor experiences including promenading, coastal recreation, community and cultural activities and temporary activities.

PC 78 ([see Modifications](#))

- (6) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.
- (7) Encourage an integrated network of attractive streets and lanes to increase pedestrian and cycling permeability and accessibility through the precinct.
- (8) Enable and maintain a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points.
- (9) Manage the land and coastal marine area to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the water quality and ecology of the city centre coastal environment.
- (10) Limit the loss of significant public views from the city to the harbour and adjacent landscape features.
- (11) Maintain the residential character and amenity values in Sub-precinct C by avoiding activities that adversely affect the residential character and its related amenity values.
- (12) Provide for permanent residents in Sub-precinct C to:
 - (a) maintain and enhance the character and vitality of the precinct; and
 - (b) promote the safety and amenity for pedestrians through passive surveillance.

The overlay, Auckland-wide and Business – City Centre Zone policies apply in this precinct in addition to those specified above.

I211.4. Activity table

Table I211.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- Within sub-precinct B, activities marked # in the activity table are limited to the area of the Eastern Viaduct shown on Precinct plan 1.
- Those activities marked with * have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.
- The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Viaduct Harbour Precinct unless otherwise specified in the activity table below.

- For parking on land refer to [E27 Transport](#), except where a more specific activity status applies in the table below.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I211.4.1 to I211.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table I211.4.1. Activity table

Activity		CMA [rcp]	Land [dp]
Works in the coastal marine area			
(A1)	Maintenance or repair of existing seawalls, reclamations or drainage systems	P	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation#	RD	RD
(A5)	Maintenance dredging	RD	NA
(A6)	Capital works dredging	RD	NA
Use and activities and associated occupation			
Residential			
(A7)	Dwellings and visitor accommodation within Sub-precinct C	NA	P
Commerce			
(A8)	Dairies, restaurants and cafes, hairdressers, drycleaning agents, retail and healthcare facilities on the ground floor of an existing building within	NA	RD

I211 Viaduct Harbour Precinct

	Area A of Sub-precinct C		
(A9)	Office activities within Sub-precinct C	NA	D
(A9A)	Swimming, exercising and leisure activities in the part of the site legally described as Lot 4 Deposited Plan 317103 within Sub-Precinct C by occupants of the site undertaking office activities	NA	P
(A10)	Maritime passenger operations, excluding freight movement and storage#	P*	P
(A11)	Parking accessory to marine and port activities, maritime passenger operations and events within Te Wero Island and the Eastern Viaduct in sub-precinct B	P*	NA
(A12)	Parking that is not accessory to marine and port activities and maritime passenger operations and events on coastal marine area structures	NC*	NA
(A13)	Short-term parking (non accessory) within sub-precinct B	NA	RD
(A14)	Aquaculture activities	Pr	NA
Industry			
(A15)	Permanent refuelling facilities for boats	RD	RD
(A16)	Marine and port activities except for permanent refuelling facilities for boats	P	P
(A17)	Industrial activities not specified as a permitted or restricted activity	D*	D
Community			
(A18)	Artworks, open air markets, kiosks, stalls, displays, tables and seating within Waitemata Plaza and Market Square, including those used in association with food and beverage activities located on adjacent sites	NA	P
(A19)	Marinas	P	P
(A20)	Marina berths	P	N/A
(A21)	Community facilities#	P	P
(A22)	Public amenities	P*	P
(A23)	Activities within sub-precinct B and C listed in the City Centre zone activity table and not specified in this activity table	NC	NC
Development			
(A24)	Marine and port facilities within sub-precinct A or B	NA	RD
(A25)	Marine and port facilities located outside of sub-precinct A and B	P*	P
(A26)	Marine and port accessory structures and	P	P

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	services, excluding new pile moorings		
(A27)	Wave attenuation devices	RD	RD
(A28)	Observation areas, viewing platforms and boardwalks	RD	RD
(A29)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A30)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A31)	Maimai	NC	NC
(A32)	A bridge across the Viaduct Harbour	RD	RD
(A33)	Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
(A34)	New buildings, and alterations and additions to buildings not otherwise provided for	RD*	RD
(A35)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A36)	Development that does not comply with Standard I211.6.10(1)-(3) or I211.6.11(1)-(2)	NC	NC

I211.5. Notification

- (1) Any application for resource consent for an activity listed in Table I211.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I211.6. Standards

The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Viaduct Harbour Precinct and the standards in the Business – City Centre Zone apply to land in the Viaduct Harbour Precinct unless otherwise specified below

I211.6.1. Temporary activities Events

- (1) Temporary activities within the Viaduct Harbour precinct must comply with the general noise limit in [E25 Noise and Vibration](#). Temporary activities may exceed the general noise limit (deemed to be a noise event) no more than 15 times in total within the Viaduct Harbour Precinct (regardless of venue) in any calendar year (1 January to 31 December inclusive).

- (2) The general noise levels in [E25 Noise and Vibration](#) may be exceeded for a cumulative duration of not more than 6 hours within any 24 hour period for a noise event.
- (3) For the purpose of this rule and except where otherwise stated, the Eastern Viaduct, Te Wero, Waitemata Plaza and Market Square as defined on Precinct plan 1, are all separate venues.
- (4) For the 15 noise events, the maximum noise levels must not exceed:
 - (a) For no more than 3 of the 15 noise events and for a cumulative duration of not more than 3 of the total 6 hours permitted in I211.6.1(1) above (exclusive of one sound check of no more than one hour duration prior to each event):

82dB $L_{Aeq(15min)}$
90dB $L_{A1(15min)}$
76dB $L_{eq(15min)}$ at 63Hz 1/1 Octave Band
76dB $L_{eq(15min)}$ at 125Hz 1/1 Octave Band
(high noise event)

At all other times during the 15 noise events:

72dB $L_{Aeq(15min)}$
80dB $L_{A1(15min)}$
76dB $L_{eq(15min)}$ at 63Hz 1/1 Octave Band
76dB $L_{eq(15min)}$ at 125Hz 1/1 Octave Band
(medium noise event)
- (5) Except as provided elsewhere in this rule, noise levels must be measured in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of environmental sound and must be assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise except that clause 6.3 must not be used.
- (6) Within Waitemata Plaza and Market Square as shown on Precinct plan 2 the following additional restrictions apply:
 - (a) there must be no high noise events;
 - (b) there must be no more than two noise events in any four week period;
 - (c) of the total 15 noise events there must be no more than six in any one calendar year and the general noise level in in [E25 Noise and Vibration](#) of the Auckland-wide rules must not be exceeded for a cumulative duration of more than three hours for any one noise event.
- (7) For the purpose of the restrictions in I211.6.1(6) above, Waitemata Plaza and Market Square are counted as a single venue.
- (8) Noise levels exceeding the standard in [E25 Noise and Vibration](#) of the Auckland-wide rules including sound checks, must start no earlier than

9am and must finish no later than 10:30 pm Sunday to Thursday inclusive, 11pm Friday and Saturday and 1am New Year's Day.

- (9) The noise limits applying to noise events must be met when measured as the incident level 1m from any adjacent building outside the venue that is occupied during the event.
- (10) Not less than four weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
 - (a) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in clause 4 above;
 - (b) the person(s) and procedures for monitoring of compliance with noise levels; and
 - (c) the nominated alternative date in the event of postponement due to the weather.
- (11) The council will keep a record of all noise events held and provide this information upon reasonable request.
- (12) Consultation must be undertaken with the majority freehold land owner within the Viaduct Harbour Precinct.

I211.6.2. Parking

- (1) There must be no parking on Hobson Wharf except for parking accessory to marine and port activities, including any short-term servicing requirements.
- (2) The number of parking spaces must not exceed the maximum rates specified in Table I211.6.2.1.

Table I211.6.2.1. Maximum parking rates

Activity/site		New development	
(T37)	Dwellings	Dwellings <75m ² GFA	0.7 per dwelling
(T38)		Dwellings ≥75 and < 90m ² GFA	1.4 per dwelling
(T39)		Dwellings ≥90m ² GFA	1.7 per dwelling
(T40)		Visitor spaces	0.2 per dwelling
(T41)	All other activities		1:150m ² GFA

I211.6.3. Public access

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Viaduct Harbour Precinct.

I211.6.4. Building height

Purpose: manage the height of buildings to achieve Policy I211.3(4) of the Viaduct Harbour precinct and respect the heritage values of specifically identified buildings.

- (1) Buildings must not exceed the heights specified on Precinct plan 3.
- (2) The height of buildings and structures on land will be measured in accordance with [H8.6.8](#) of the Business – City Centre Zone rules.
- (3) The height limit in Sub-precinct A and Sub-precinct C may be exceeded by no more than 2m for roofs, including any roof top projections, subject to the building complying with I211.6.5 below (site intensity).
- (4) Buildings must not exceed a height of 24m on the site legally described as LOT 1 DP 183125, except that buildings must be setback at least 3m from the northern and eastern facades of the former Auckland Harbour Board Workshops building, referenced as 01969 in Schedule 14.1 Schedule of Historic Heritage, above 16.5m, measured above mean street level.

I211.6.5. Site intensity

Purpose: manage the scale, form and intensity of development to maintain the character and amenity of the precinct.

- (1) Buildings must not exceed the floor area ratios shown on Precinct plan 4.

I211.6.6. Building coverage

Purpose: manage the scale of development within Waitemata Plaza and Market Square to maintain their open space character.

- (1) Buildings, temporary tents, marquees, air supported canopies, structures and tables and seating must not occupy more than 20 per cent in area of Waitemata Plaza or Market Square as shown on Precinct plan 2.

I211.6.7. Vehicle access restriction

Purpose: ensure safe and efficient access from and to Sturdee Street and Fanshawe Street.

- (1) Vehicular access from and to Sturdee Street and Fanshawe Street (except 7-9 Fanshawe Street, being the land in Certificate of Title 7B/1437), must be for left turn manoeuvres only, provided that nothing in this clause will limit the Council's powers in relation to roads under the Local Government Act 1974 and, in particular, its powers to construct median strips in roads where it considers that such works are necessary for traffic safety reasons.

I211.6.8. Special yard A

Purpose: ensure that buildings do not restrict public access along the water's edge.

- (1) Buildings must not locate within special yard A shown on Precinct plan 5.
- (2) The yard applies from average ground level of the land affected to a height of 3m.

- (3) The yard must have a minimum width of 7m.

I211.6.9. Special yard B

Purpose: maintain unobstructed pedestrian access between Customs Street West and the water's edge in Waitemata Plaza.

- (1) Buildings, tents, marquees, air supported canopies, tables, seating and structures must not be located within 10m of special yard B shown on Precinct plan 5.

I211.6.10. Public spaces and accessways

Purpose: manage public spaces and accessways to achieve Policies I211.3(2), (3), (7) and (8) of the Viaduct Harbour Precinct.

- (1) The pedestrian accessway on the southern side of the eastern viaduct shown on Precinct plan 5 must be not less than 10m wide.
- (2) All public accessways within sub-precinct B must be available to the public at all times except when written approval has been obtained from the council to temporarily restrict access for security, safety or operational needs associated with port activities or events or where restricted for operational or safety reasons specified in the conservation covenants applying to the area.
- (3) Buildings or structures must not be located within the accessways. This standard does not apply to verandahs or lawful temporary buildings or structures.

I211.6.11. Viewshafts

Purpose: manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour precinct.

- (1) Buildings or structures must not be located within those areas of land identified as landward viewshafts on Precinct plan 5. This standard does not apply to the following:
 - (a) verandahs;
 - (b) lawful temporary buildings or structures;
 - (c) road lighting and support structures;
 - (d) traffic and direction signs and road name signs;
 - (e) traffic control devices, traffic signals and support structures, cabinets and other equipment accessory to traffic signals;
 - (f) parking meters, pay and display kiosks and traffic cameras; or
 - (g) cycle facilities.
- (2) Buildings and structures must not be located within or over those parts of coastal marine area structures and waterspace identified as viewshafts coastal marine area and viewshaft horizontal plane 5m above existing wharf deck

level on Precinct plan 4. This control does not apply to lawful temporary buildings or structures.

I211.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I211.8. Assessment – restricted discretionary activities

I211.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

- (1) declamation:
 - (a) construction or works methods, timing and hours of construction works;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) consent duration and monitoring; and
 - (g) effects on Mana Whenua values.
- (2) maintenance dredging and capital works dredging:
 - (a) effects on coastal processes, ecological values, and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring;
- (3) wave attenuation devices:
 - (a) location and design of the wave attenuation device;
 - (b) effects on navigation, safety, and existing activities;
 - (c) effects on wave hydraulics;
 - (d) construction or works methods, timing and hours of operation; and
 - (e) consent duration and monitoring;
- (4) marine and port facilities within sub-precinct A or B:

- (a) The matters of discretion in [F2.23.1 of the Coastal - General Coastal Marine Zone](#) apply.
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
 - (a) form and design of the reclamation;
 - (b) contaminated material;
 - (c) the safe and efficient operation of marine and port activities;
 - (d) effects on Mana Whenua values;
 - (e) construction or works methods, timing and hours of operation; and
 - (f) effects on natural hazards, coastal processes, ecological values and water quality.
- (6) short-term parking (non-accessory) within Sub-precinct B:
 - (a) location, extent, design and materials used;
 - (b) effects on existing uses and activities; and
 - (c) amenity, effects on views and visual amenity;
- (7) observation areas, viewing platforms and boardwalks
 - (a) The matters of discretion in [F2.23.1\(1\) of the Coastal – General Coastal Marine Zone](#) rules apply.
- (8) a bridge across the Viaduct Harbour:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) amenity, effects on views and visual amenity; and
 - (g) consent duration and monitoring;
- (9) new buildings, and alterations and additions to buildings not otherwise provided for
 - (a) the matters of discretion in clause [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply; and

- (b) effects on public access, navigation and safety.
- (10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
 - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) rules apply.
- (11) permanent refuelling facilities for boats:
 - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal - General Coastal Marine Zone](#) apply;
- (12) infringing the building height standard:
 - (a) building scale, dominance and visual effects;
 - (b) effects on current or planned future form and character; and
 - (c) pedestrian amenity and function;
- (13) infringing the site intensity standard:
 - (a) building scale, dominance and visual effects;
 - (b) effects on current or planned future form and character; and
 - (c) effects on the transportation network including safety and efficiency;
- (14) infringing the building coverage standard:
 - (a) building scale, dominance and visual effects; and
 - (b) public use amenity and function of the Waitemata Plaza;
- (15) infringing the vehicle access restriction standard:
 - (a) effects on the transportation network (including safety and efficiency); and
 - (b) pedestrian amenity and function;
- (16) infringing the special yards A and B standard:
 - (a) effects on public open space and pedestrian access.
- (17) activities on the ground floor within Area A of sub-precinct C:
 - (a) effects on the residential character and amenity values; and
 - (b) noise, lighting and hours of operation.

I211.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

(1) declamation:

- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area;
- (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
- (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space; and
- (d) The extent to which declamation will affect Mana Whenua values;

(2) maintenance dredging and capital works dredging:

- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
- (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
- (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;
- (d) whether monitoring may be required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity;

(3) wave attenuation devices:

- (a) whether the location and design of the wave attenuation device consider existing activities including marine related industries, other marine activities and/or adjoining coastal activities;
- (b) whether the location and design of the wave attenuation device consider the effects of wave hydraulics on other users of the coastal marine area;

- (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (4) marine and port facilities within sub-precinct A or B:
 - (a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone rules apply;
- (5) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
 - (a) whether reclamation, as far as practicable, mitigate adverse effects through their form and design, taking into account:
 - (i) the compatibility of the design with the location;
 - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
 - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
 - (iv) the effects on coastal processes; and
 - (v) the effects on hydrology;
 - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
 - (c) the extent to which the reclamation will affect Mana Whenua values; and
 - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
- (6) short-term parking (non-accessory) within sub-precinct B:
 - (a) the extent to which the short-term parking is located and designed to:
 - (i) maintain safe public access to and along the edge of the coastal marine area and the perimeter of existing wharves;
 - (ii) avoid or mitigate and adverse amenity effects on public access areas and residents; and
 - (iii) avoid or mitigate effects on existing marine and port facilities;
- (7) observation areas, viewing platforms and boardwalks:
 - (a) the assessment criteria in [F2.23.2\(1\)](#) and [F2.23.2\(17\)](#) for coastal marine area structures and buildings in the Coastal - General Coastal Marine Zone rules apply in addition to the criteria below; and

(b) the extent to which the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages;

(8) a bridge across the Viaduct Harbour:

(a) whether the bridge contributes to a high quality maritime and urban environment and meet the following outcomes:

(i) the bridge design avoids significant visual intrusion into views from public areas across the harbour, or from the harbour out to the wider Waitemata Harbour;

(ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precincts by:

- providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;
- having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
- not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
- 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;

(iii) the bridge is designed and operated to provide for:

- vessel access to and from the inner Viaduct Harbour without undue delay;
- navigation and berthage by the existing range of vessels in the inner Viaduct Harbour;
- any reduction in berthage area to be minimised as far as practicable;
- convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;
- appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and
- a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;

(iv) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use sub-precinct) to accommodate marine

and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;

(v) the bridge has a high quality design that:

- enhances the character of the Viaduct Harbour;
- is simple and elegant;
- is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
- has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage Overlay; and
- utilises high quality and low maintenance materials and detailing;

(vi) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the Wynyard Precinct and the city centre; and

(vii) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;

(9) new buildings, and alterations and additions to buildings not otherwise provided for:

(a) the assessment criteria in clause [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below; and

(b) the building should avoid or mitigate effects on public access, navigation and safety;

(10) new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:

(a) the assessment criteria in [F2.23.2](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and

(b) whether the new pile moorings avoid or mitigate effects on public access, navigation and safety;

(11) permanent refuelling facilities for boats:

(a) refer to the assessment criteria in [F2.23.2\(1\)](#) of the Coastal - General Coastal Marine Zone;

(12) infringing the building height standard:

(a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard; and

(b) where building height is exceeded, Policy I211.3(4) of the Viaduct Harbour Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered;

(13) infringing the site intensity standard:

- (a) the extent to which development is of a scale and form appropriate to the setting;
- (b) the extent to which the scale of the development is consistent with the current and future character of Viaduct Harbour as established through the objectives and policies for the Viaduct Harbour Precinct;
- (c) whether adverse effects on the transportation network are avoided, minimised or mitigated; and
- (d) whether development compromises marine and port activities;

(14) infringing the building coverage standard:

- (a) the extent to which the scale and form of development within Waitemata Plaza and Market Square maintains their open space character;

(15) infringing the vehicle access restriction standard:

- (a) whether access from and to Sturdee Street and Fanshawe Street is safe and efficient; and
- (b) unobstructed operation of the transportation network should be safe and efficient;

(16) infringing the Special Yards A and B standard:

- (a) whether unobstructed public access to and along the water's edge is maintained;

(17) activities on the ground floor within Area A of sub-precinct C:

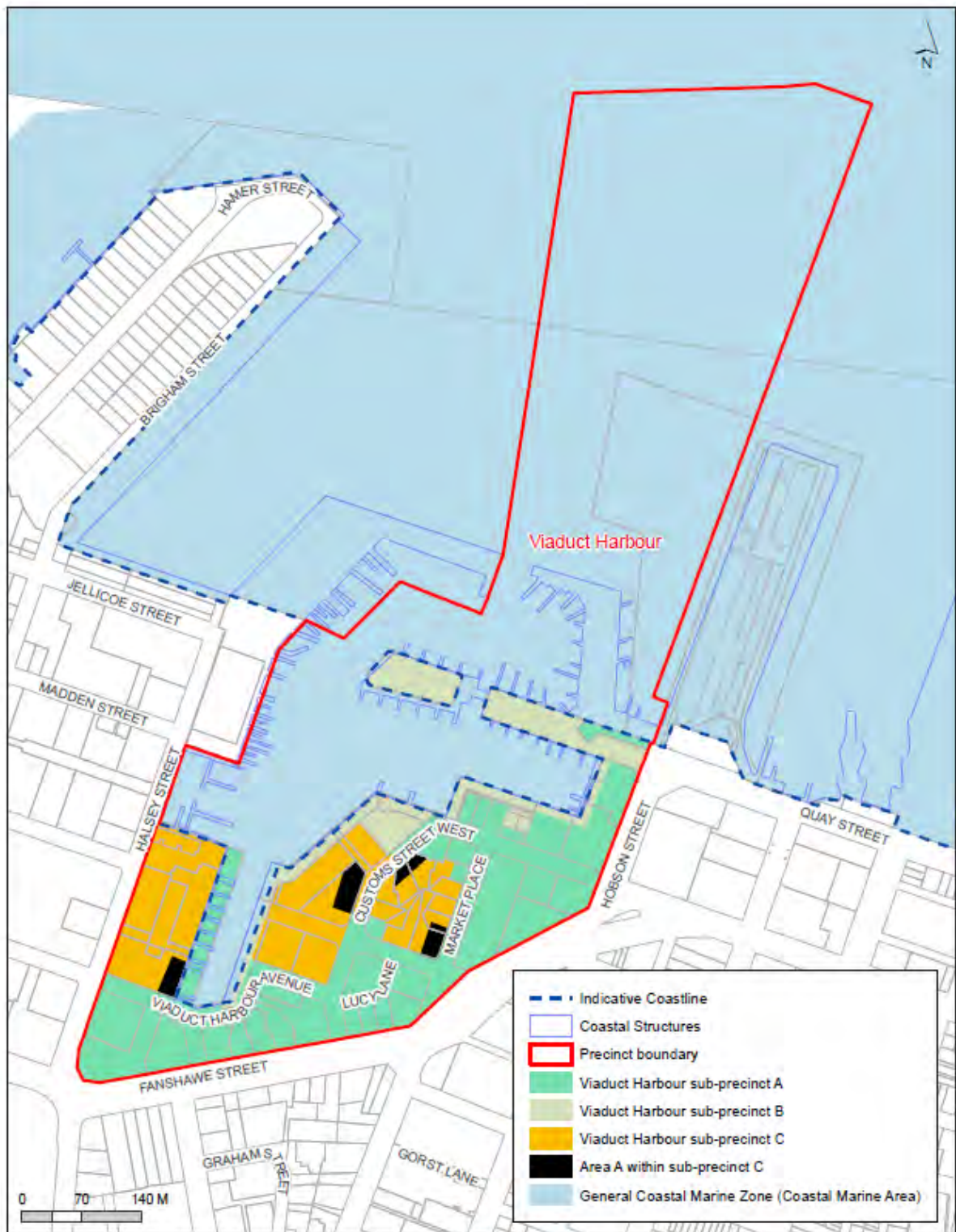
- (a) the extent to which activities are compatible with and do not detract from the residential character and amenity values of sub-precinct C; and
- (b) whether activities generate noise levels that would adversely affect residential amenity. The Council may impose conditions on the activity's hours of operation and/or permitted levels of low frequency noise.

I211.9. Special information requirements

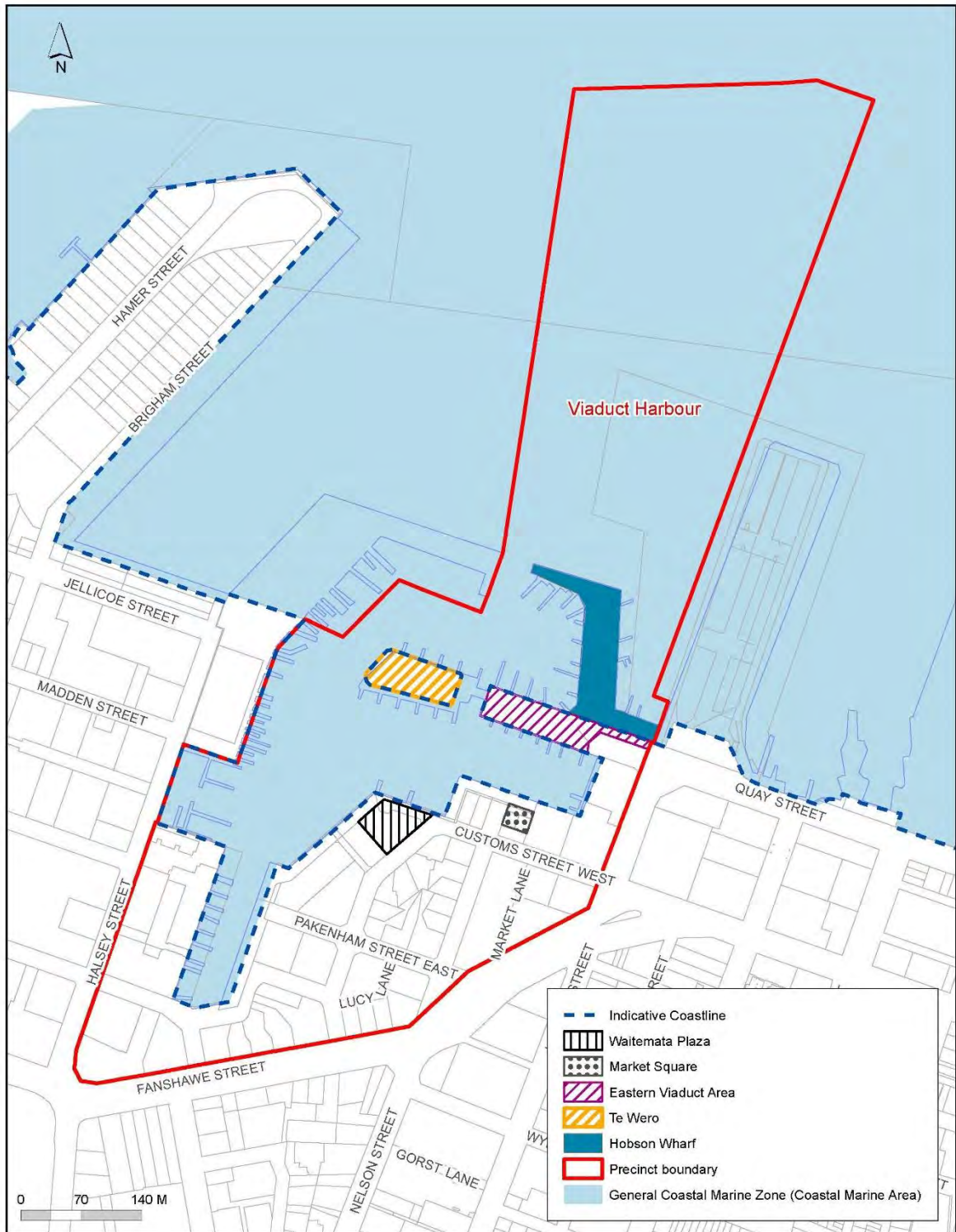
- (1) An application for marine and port facilities on land within the Viaduct Harbour area shown on Precinct plan 1 must be accompanied by a site management plan detailing operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.

I211.10. Precinct plans

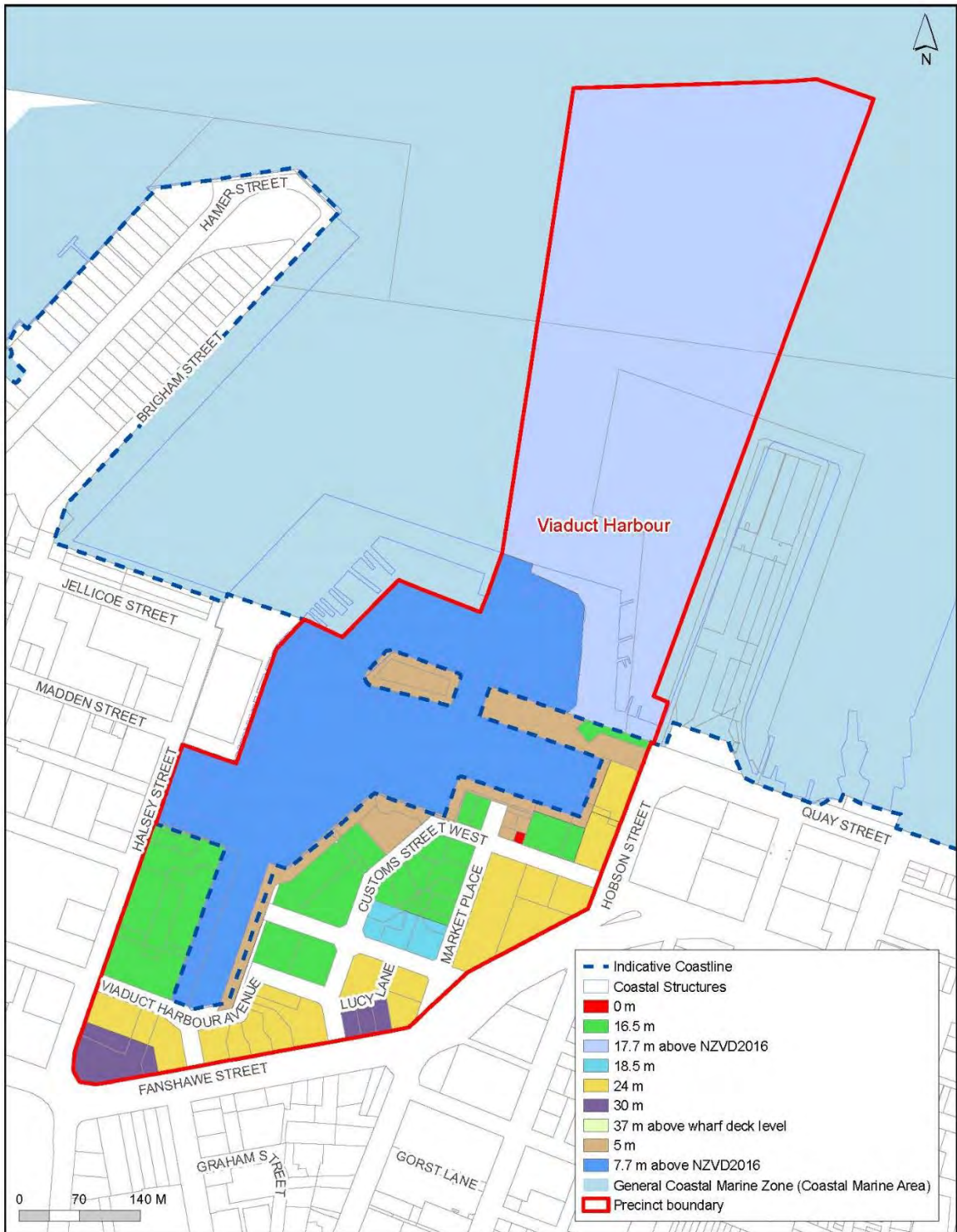
I211.10.1 Viaduct Harbour: Precinct plan 1 – Precinct and sub-precincts



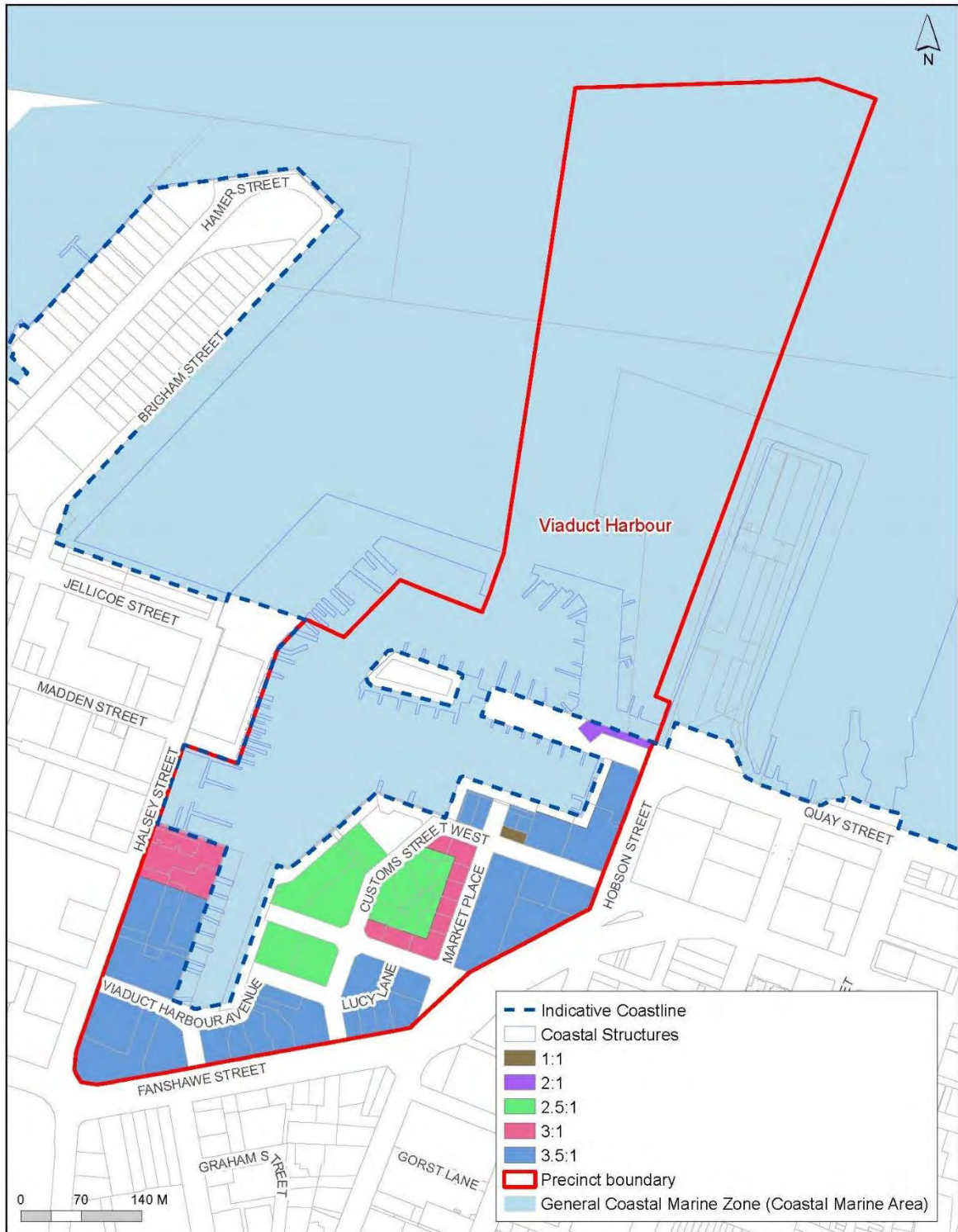
I211.10.2 Viaduct Harbour: Precinct plan 2 - Wharves and open spaces



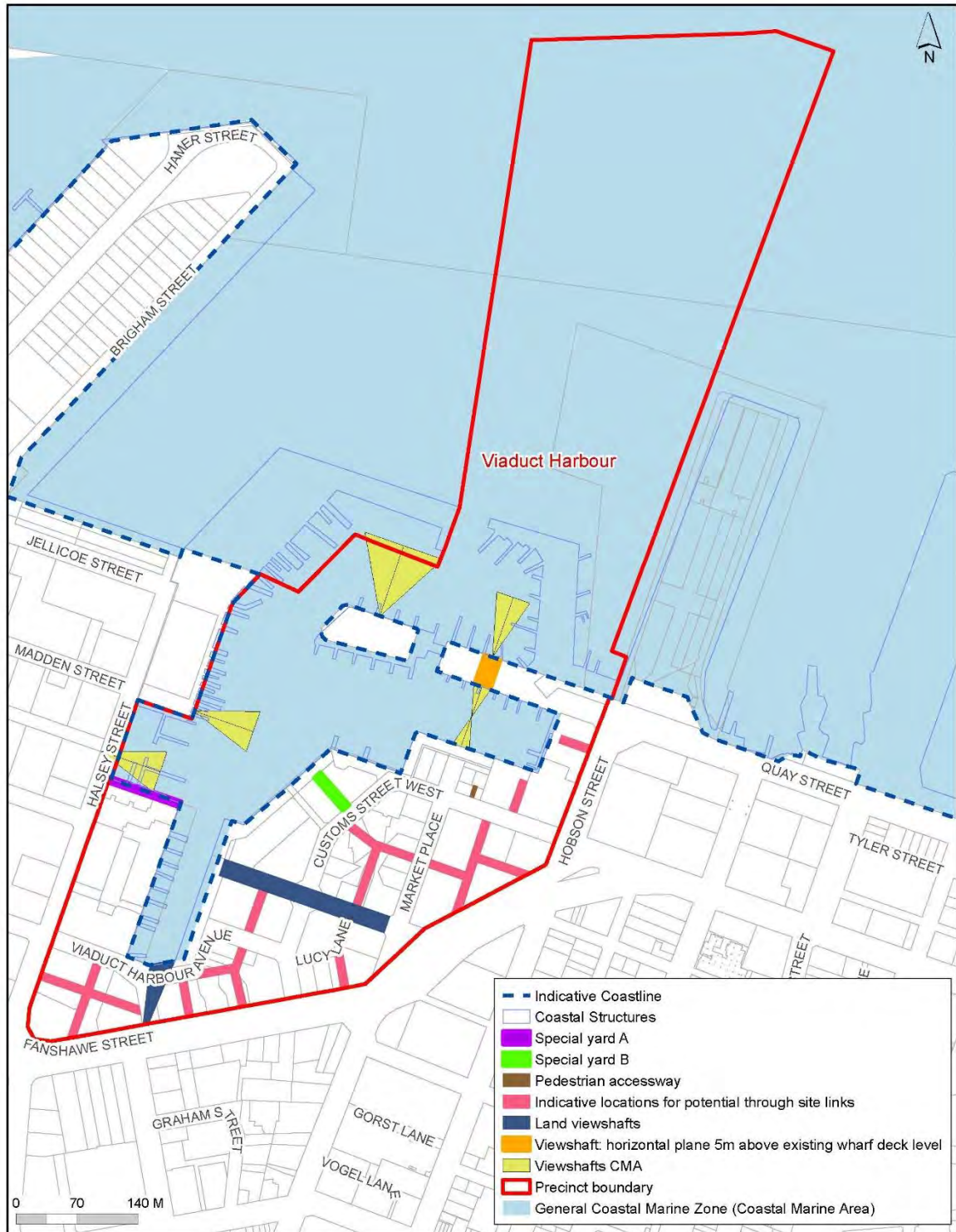
I211.10.3 Viaduct Harbour: Precinct plan 3 - Building height controls



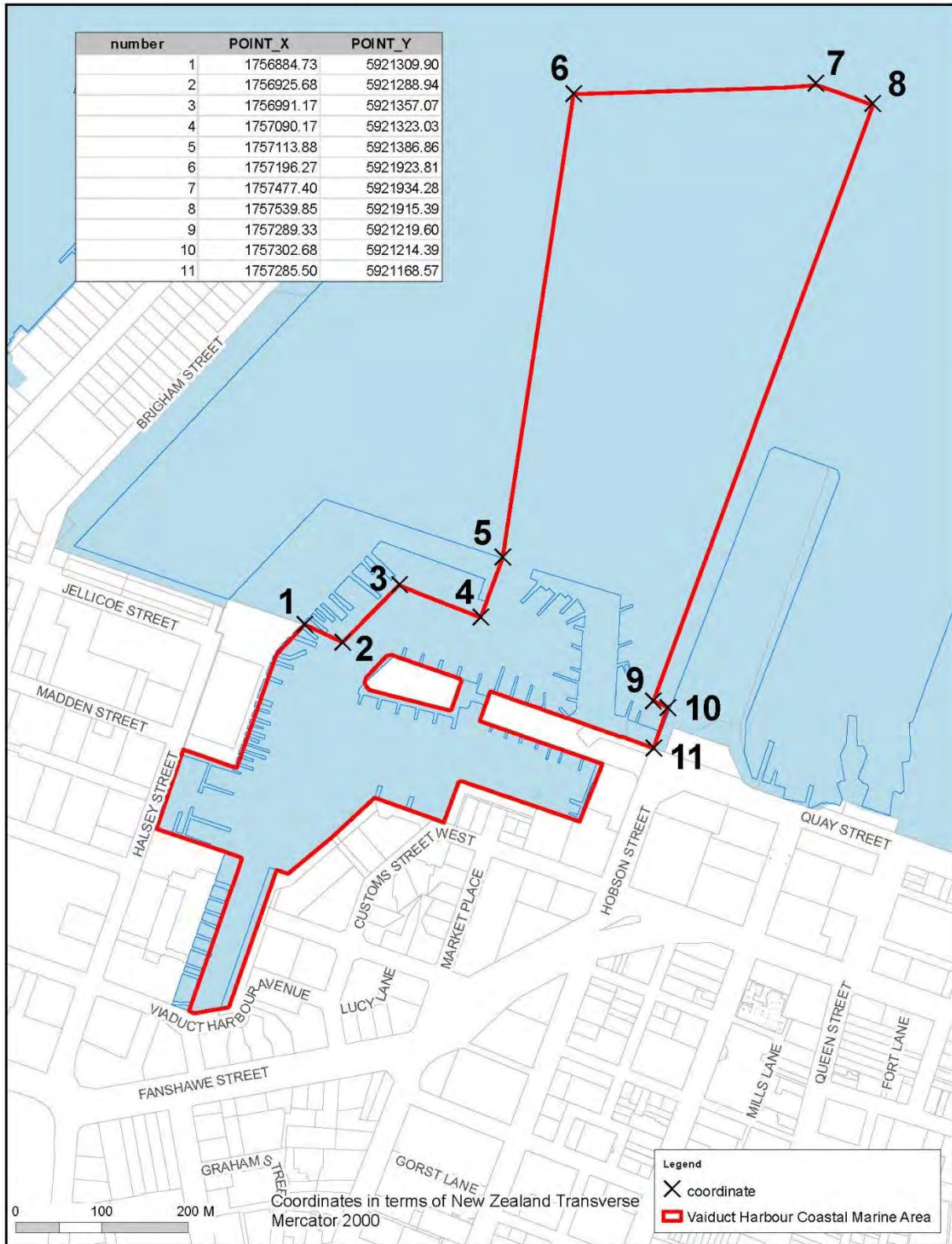
I211.10.4 Viaduct Harbour: Precinct plan 4 - Site intensity controls



I211.10.5 Viaduct Harbour: Precinct plan 5 - Pedestrian accessways and viewshafts



I211.10.6 Viaduct Harbour: Precinct plan 6 - Precinct boundary coordinates in the coastal marine area



I213. Westhaven – Tamaki Herenga Waka Precinct

I213.1. Precinct description

The Westhaven – Tamaki Herenga Waka Precinct is located at the western edge of the city centre and comprises the land and coastal marine area occupied by Westhaven marina. The extent of the Westhaven – Tamaki Herenga Waka Precinct is shown on Precinct plan 1. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 2.

The purpose of the Westhaven – Tamaki Herenga Waka Precinct is to provide for the use and development of one of the largest marinas in the southern hemisphere. For more than 100 years, Westhaven has been a significant focus for recreational and competitive boating activities in Auckland and this remains the principal function of the precinct. Along with the Wynyard Precinct, this precinct is a hub of recreational boating, charter services, boat clubs, coastal services and the marine industry. Reflecting its principal function, the precinct provides for the operation of the marina and a limited range of supporting commercial activities.

Westhaven forms an important part of Auckland's waterfront, providing pedestrian and cycling access between the city centre and St Marys Bay. It is located adjacent to the Harbour Bridge and its southern approaches, but functions independently from the motorway infrastructure. The precinct encourages pedestrian and cycling access within the precinct to be enhanced provided such activities do not compromise the current and future function and growth of the marina.

The marina provides an important visual edge to the city centre, with low-level buildings separated by public open spaces, allowing for landscape views of the marina. Development within the Westhaven – Tamaki Herenga Waka Precinct is guided by Precinct plan 1.

The land and coastal marine area in the Westhaven – Tamaki Herenga Waka Precinct is zoned Coastal – Marina Zone.

I213.2. Objectives [rcp/dp]

- (1) A world-class marina for recreational boating and water sport activities that is supported by other marine and port activities and a limited range of commercial business activities that rely on and benefit from a waterfront and marina location and contribute to the efficient operation of the marina and amenity of the waterfront.
- (2) A safe, convenient and interesting environment, which provides for and encourages pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the city.
- (3) The efficient use and development of Westhaven marina, principally for recreational and competitive boating activities.
- (4) Adverse effects arising from activities and development are avoided, remedied or mitigated, in an integrated manner across mean high water springs.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified below.

I213.3. Policies [rcp/dp]

- (1) Enable the efficient operation and development of the marina by providing for activities that have a functional need to locate in or adjacent to the coastal marine area, while avoiding, mitigating or remedying any significant adverse effects across mean high water springs.
- (2) Enable the use of Westhaven Marina for a limited range of non-marina based activities provided the current and future function and growth of the marina for recreational boating and accessory activities is not compromised.
- (3) Limit maximum building height and the location of building platforms to an appropriate scale to the marina waterfront setting and maintain identified views to and from the city centre.
- (4) Encourage development and use of the marina to enhance pedestrian and cycling access to and along the city centre waterfront and adjoining residential areas to the extent that such activities do not compromise the current and future function and growth of the marina for recreational boating and accessory activities.
- (5) Public open space and ancillary buildings and structures are established to connect Westhaven Precinct to Point Erin in a manner that provides for increased opportunity for recreation and access to, along, or over the coastal marine area.
- (6) Manage the land and coastal marine area to maintain and enhance the ecology of the natural coastal environment and built environment within the precinct.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I213.4. Activity table

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

Table I213.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- (1) The activities in the Coastal – Marina Zone apply in the Westhaven – Tamaki Herenga Waka Precinct unless otherwise specified in the activity table below.
- (2) Those activities marked with * have the listed activity status only when that activity is located on an existing coastal marine area structure (e.g. a new

building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I213.4.1 to I213.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table I213.4.1 Activity table

Activity		Activity status	
		CMA [rcp]	Land [dp]
Works in the coastal marine area			
(A1)	Maintenance or repair of a reclamation or drainage system	P	NA
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation	RD	RD
(A5)	Maintenance dredging	RD	NA
(A6)	Capital works dredging	RD	NA
Use and activities and associated occupation			
Residential			
(A7)	Workers accommodation	NC	P
(A8)	Dwellings, visitor accommodation, home occupations, boarding houses, retirement villages and supported residential care	NC	NC
Commerce			
(A9)	Maritime passenger operations, excluding freight movement and storage	P*	P

I213 Westhaven – Tamaki Herenga Waka Precinct

(A10)	Marine retail	P*	P
(A11)	Food and beverage	P*	P
(A12)	Retail	P*	P
(A13)	Storage and sale of fuel and oil for vessels – maximum of 100m ² gross floor area	P*	P
(A14)	Service stations, excluding storage and sale of fuel and oil for vessels – maximum of 100m ² gross floor area	NC*	Pr
(A15)	Offices accessory to marine and port activities or maritime passenger operations	P*	P
(A16)	Offices that are not accessory to marine and port activities or maritime passenger operations	NC	NC
(A17)	Retail, commercial services and entertainment facilities not specified as a permitted activity	D*	NC
Community			
(A18)	Clubrooms for marine-related clubs	P*	P
(A19)	Educational facilities accessory to marine and port activities or maritime passenger operations	P*	P
(A20)	Community facilities and education facilities not specified as a permitted activity and healthcare facilities, care centres and emergency services	D*	D
(A21)	Hospitals and major recreation facilities	NC	NC
Industry			
(A22)	Marine and port activities	P	P
(A23)	Marine industry	RD*	RD
(A24)	Industrial activities not specified as a permitted or restricted discretionary activity	D*	D
(A25)	Parking accessory to permitted activities	P*	P
Development			
(A26)	Marine and port facilities	P*	P
(A27)	Marina berths	P	NA
(A28)	Marine and port accessory structures and services	P	P
(A29)	Demolition or removal of buildings or coastal marine area structures	P	P
(A30)	Wave attenuation devices	RD	RD
(A31)	Observation areas, viewing platforms and	RD	RD

	boardwalks		
(A32)	New and existing swing moorings and pile moorings including occupation of the waterspace by vessel to be moored	P	NA
(A33)	Maimai	NC	NC
(A34)	Helicopter landing areas	D	D
(A35)	Public amenities	P*	P
(A36)	Minor cosmetic alterations to a building that does not change its external design or appearance	P*	P
(A37)	New buildings and alterations and additions to buildings not otherwise provided for as permitted activities	RD*	RD
(A38)	Coastal marine area structures or buildings not otherwise provided for	D	NA
(A39)	Development that does not comply with Standards I213.6.1.1(1)-(2), I213.6.1.2(1) or I213.6.1.3(1)-(2)	NC	NC
(A40)	Development that does not comply with Standard I213.6.1.8(1)	NC	NC

I213.5. Notification

- (1) Any application for resource consent for an activity listed in Table I213.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I213.6. Standards

I213.6.1. Land and water use standards

The land and water use standards in the Coastal – Marina Zone apply in the Westhaven – Tamaki Herenga Waka Precinct unless otherwise specified below.

I213.6.1.1. Retail

- (1) The gross floor area of an individual retail tenancy must not exceed 200m².
- (2) The total cumulative gross floor area of retail activities within the precinct must not exceed 500m².

I213.6.1.2. Marine retail

- (1) The gross floor area of a marine retail tenancy must not exceed 200m².

I213.6.1.3. Food and beverage

- (1) The gross floor area of a food and beverage tenancy must not exceed 200m².
- (2) The total cumulative gross floor area of food and beverage activities in the precinct must not exceed 500m².
- (3) This standard does not apply to food and beverage accessory to clubrooms.

I213.6.1.4. Parking

- (1) [Deleted]
- (2) Standard [E27.6.2](#) Number of parking and loading spaces does not apply.

I213.6.1.5. Public access

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Westhaven – Tamaki Herenga Waka Precinct

I213.6.1.6. Building platforms

Purpose: manage building location to ensure development is of a scale and form appropriate to the marina waterfront setting.

- (1) Buildings must not locate outside of the building platforms shown on Precinct plan 1.
- (2) This standard does not apply to marine and port facilities, and marine and port accessory structures and services.

I213.6.1.7. Building height and coverage

Purpose: limit building height and coverage to achieve Policy I213.3(3) of the Westhaven – Tamaki Herenga Waka Precinct.

- (1) Buildings on the building platforms on Precinct Plan 1 must not exceed the heights and building coverage as set out in Table I213.6.1.7.1:

Table I213.6.1.7.1 Building height and coverage

Building platform	Maximum building height	Maximum building coverage
1	8m for 60% of the platform 10m for 45% of the platform	60%
2	12m	60%
3	10m	100%

4	4m for 100% of the platform 8m for the area specifically identified within the platform	100%
5	8m	100%
6	6m for 100% of the platform 8m for 50% of the platform	100%
7	12m	100%

- (2) Buildings on land must not exceed 8m in height when located outside of the building platforms shown on Precinct plan 1.
- (3) The height of buildings on land will be measured in accordance with Standard [H8.6.8 of the Business – City Centre Zone](#).
- (4) Buildings and structures in the coastal marine area must not exceed a height of 4.7m above NZVD2016.
- (5) The maximum floor area of buildings, including marine and port facilities, and marine and port accessory structures and services on land located outside of the building platforms on Precinct Plan 1 must not exceed 50m² for any one structure and a maximum total cumulative floor area of 300m² within the precinct.

I213.6.1.8. Viewshafts

Purpose: manage development at the north of the marina to maintain views between the marina and the Waitemata Harbour.

- (1) At least two 15m wide view shafts crossing building platform 1 generally in a north-south direction must be provided and kept free of buildings and structures from the ground level upwards.

I213.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I213.8. Assessment – restricted discretionary activities

I213.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

- (1) declamation:
 - (a) construction or works methods, timing and hours of construction works;

- (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) consent duration; and
 - (g) effects on Mana Whenua values.
- (2) maintenance dredging and capital works dredging:
- (a) effects on coastal processes, ecological values and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring.
- (3) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
- (a) form and design of the reclamation;
 - (b) contaminated material;
 - (c) the safe and efficient operation of marine and port activities;
 - (d) effects on Mana Whenua values;
 - (e) construction or works methods, timing and hours of operation; and
 - (f) effects on natural hazards, coastal processes, ecological values and water quality.
- (4) marine industry:
- (a) the matters of discretion in clauses [F3.8.1\(1\)](#) and [F3.8.1\(3\)](#) of the Coastal – Marina Zone for marine industry other than the maintenance and servicing of vessels apply.
- (5) wave attenuation devices:
- (a) location and design of the wave attenuation device;
 - (b) effects on navigation, safety and existing activities;
 - (c) effects on wave hydraulics;
 - (d) construction or works methods, timing and hours of operation; and
 - (e) consent duration and monitoring.

- (6) new buildings and alterations and additions to buildings not otherwise provided for:
 - (a) the matters of discretion in [F3.8.1\(1\) of the Coastal – Marina Zone](#) apply;
 - (b) effects on public access, navigation and safety.
- (7) observation areas, viewing platforms and boardwalks:
 - (a) the matters of discretion in [F2.23.1\(1\) of the Coastal – General Coastal Marine Zone](#) rules apply.
- (8) building platforms:
 - (a) building scale and form, and dominance/visual amenity effects;
 - (b) effects on public open space and pedestrian access; and
 - (c) effects on the operation and development of the marina.
- (9) building height and building coverage:
 - (a) building scale and form, and dominance/visual amenity effects; and
 - (b) effects on current and planned future form and character. building platforms.

I213.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the Coastal – Marina Zone provisions:

- (1) declamation:
 - (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment, including coastal processes, water quality, sediment quality and ecology, of the coastal marine area;
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area.
 - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
 - (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space;

- (d) the extent to which declamation will affect Mana Whenua values.
- (2) maintenance dredging and capital works dredging:
- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
 - (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
 - (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity;
 - (d) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (3) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation:
- (a) whether reclamation, as far as practicable, mitigate adverse effects through their form and design, taking into account:
 - (i) the compatibility of the design with the location;
 - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
 - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
 - (iv) the effects on coastal processes; and
 - (v) the effects on hydrology.
 - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
 - (c) the extent to which the reclamation will affect Mana Whenua values;
 - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (4) marine industry:
- (a) the assessment criteria in [F3.8.2\(4\) of the Coastal – Marina Zone](#) rules apply.
- (5) wave attenuation devices:
- (a) whether the location and design of the wave attenuation device avoid, remedy or mitigate adverse effects on existing activities including marine

related industries, other marine activities and/or adjoining coastal activities;

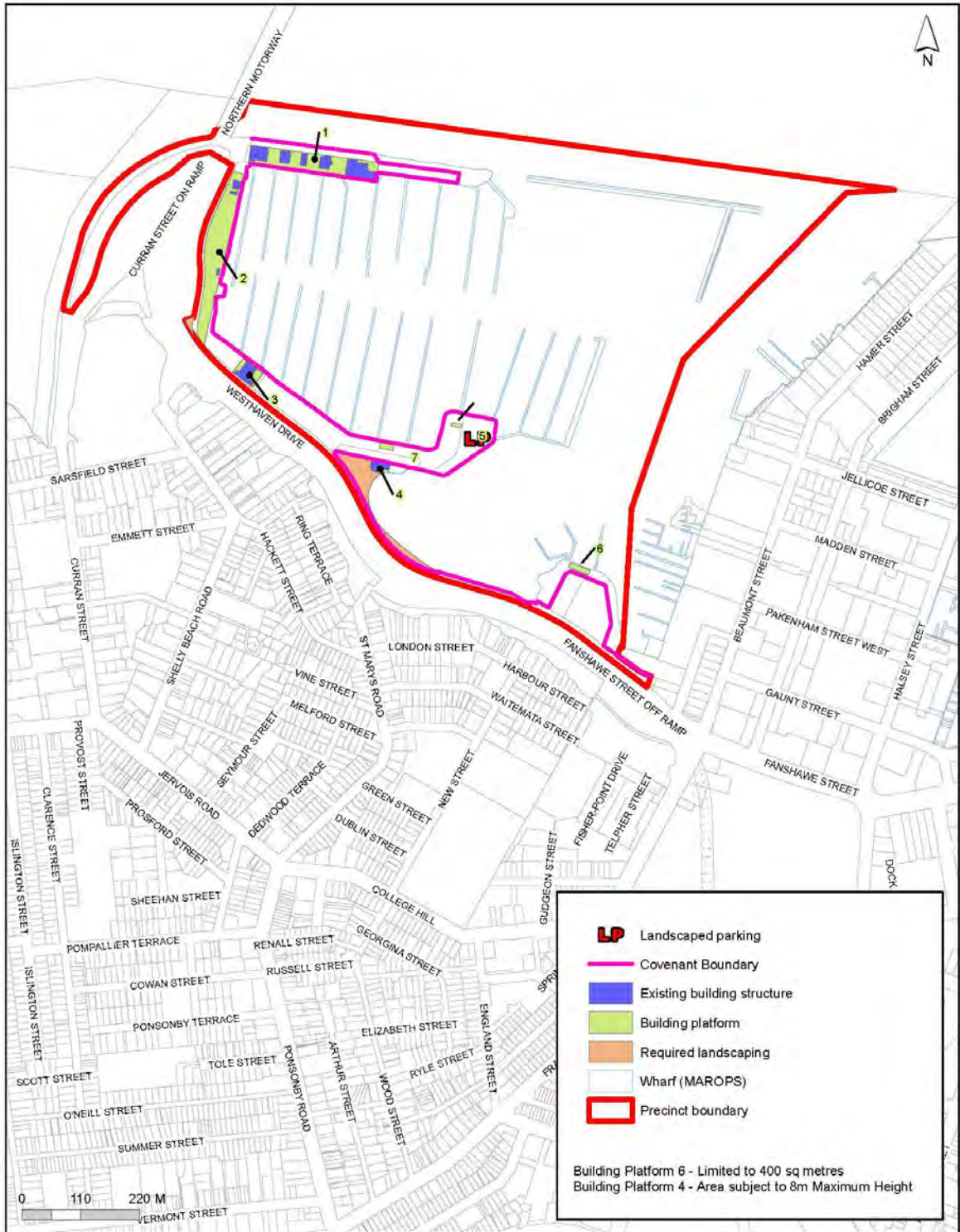
- (b) whether the location and design of the wave attenuation device avoid, remedy or mitigate adverse effects of wave hydraulics on other users of the coastal marine area;
 - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (6) new buildings and alterations and additions to buildings not otherwise provided for:
- (a) the relevant assessment criteria in [F3.8.2 Coastal – Marina Zone](#) apply;
 - (b) whether the building avoid or mitigate effects on public access, navigation and safety.
- (7) observation areas, viewing platforms and boardwalks:
- (a) the assessment criteria in [F2.23.2\(1\) and F2.23.2\(17\) of the Coastal – General Coastal Marine Zone](#) rules apply, in addition to the criteria below;
 - (b) whether the design and finish complement and enhance the coastal environment, open spaces and pedestrian linkages.
- (8) building platforms:
- (a) whether buildings are of a scale and form appropriate to the marina waterfront setting;
 - (b) whether the building location and scale maintains the open space character of the marina appropriate to the waterfront setting and maintain views to and from the city centre;
 - (c) whether the building location compromises the current and future function and growth of the marina.
- (9) building height and building coverage:
- (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard;
 - (b) where building height is exceeded, Policy I213.3(3) of the Westhaven – Tamaki Herenga Waka Precinct should be considered.

I213.9. Special information requirements

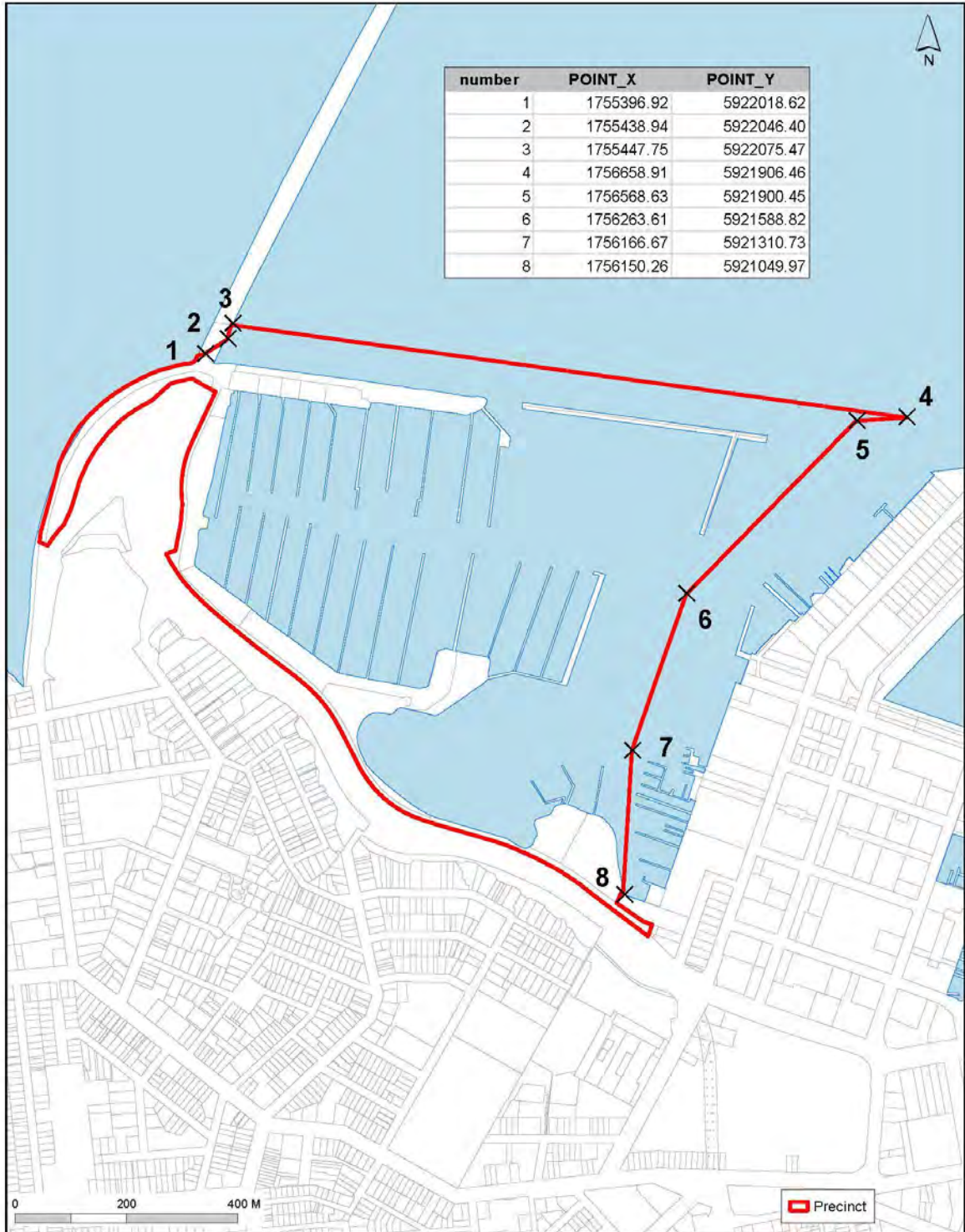
There are no special information requirements in this precinct.

I213.10. Precinct plans

I213.10.1 Westhaven – Tamaki Herenga Waka Precinct: Precinct plan 1 - Building platforms



I213.10.2 Westhaven – Tamaki Herenga Waka Precinct: Precinct plan 2 - Precinct boundary coordinates in the coastal marine area



I214. Wynyard Precinct

I214.1. Precinct description

The Wynyard Precinct represents the north-western end of the city centre. The land is bound on three sides by the sea and by Fanshawe Street on its southern boundary. It is the largest brownfield area within the city centre. The precinct also includes an area of the coastal marine area to the west and the north. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 11.

The purpose of the Wynyard Precinct is to provide for the comprehensive and integrated redevelopment of this large brownfields area while enabling the continued operation of marine industry and hazardous industry.

Wynyard Precinct is an evolving environment characterised by a mix of activities and development including:

- high-quality open space areas, restaurants, offices and cafés fronting Jellicoe Street and North Wharf;
- office activity fronting Fanshawe Street;
- a marine focus along the western edge; and
- a bulk liquids storage industrial activity focus within the northern finger of the precinct.

Marine-related activities, including marine services, ship repairs, fish processing, berthage and marine-related events, will continue to play an important economic and social role for the area.

Existing built form includes a collection of special character buildings, marine and industrial structures, and features that provide a background context to the area's stages of development. Collectively, these elements create an overall industrial aesthetic of structures and buildings, with robust materials and simple details.

To retain the existing character of the area, a design-based approach has been implemented, with all building development and redevelopment requiring assessment.

Although hazardous industry is likely to relocate progressively from the area, risk must still be managed in the transition period, particularly within the northern part of Wynyard Precinct.

Redevelopment of this area should have regard to the existing and planned infrastructure connections that are adjacent to or pass through the precinct, for example, the Additional Waitemata Harbour Crossing.

The zoning in the Wynyard Precinct is Business – City Centre Zone and Coastal – General Coastal Marine Zone.

I214.2. Objectives [rcp/dp]

Social and economic

- (1) Wynyard precinct is redeveloped while managing potential conflicts between different uses to achieve:

- (a) a high-quality visitor destination which showcases the City's diverse communities and the importance of the harbour;
- (b) maintenance and enhancement of the regionally significant economic function of the marine, fishing and other industries and maritime passenger operations to the Hauraki Gulf islands;
- (c) a vibrant community with a mix of activities and experiences for all people including a community focal point, high quality public open space and community facilities;
- (d) public open space on the waterfront, and an area for events and entertainment activity for the social and economic benefit of the wider Auckland Region;
- (e) access to and along the coast and enjoyment of the coastal environment with a network of open space while recognising the need to manage access with competing commercial activities; and
- (f) the maintenance and where practicable enhancement of navigation and berthage within the Wynyard Precinct coastal marine area for a wide range of recreational and commercial vessels, including maritime passenger transport and fishing industry operations, excluding in areas subject to potential risk and public safety effects.

Built form

- (2) An integrated urban environment is created which:
 - (a) exhibits high-quality and diverse built form and urban design which reflects the marine attributes of the precinct;
 - (b) has appropriate building heights that enhance its prominent waterfront location and which complements the central area and wider city landforms, skyline and views; and
 - (c) avoids, remedies or mitigates adverse effects on existing infrastructure.
- (3) Individual buildings or collections of buildings are designed to achieve an appropriate form and scale in relation to:
 - (a) existing and proposed public open spaces; and
 - (b) identified view shafts.

Special character

- (4) Identified special character buildings are protected and enhanced and the unique character within Wynyard precinct, which is reflective of its maritime and industrial history, is retained.

(5) *Public open space*

- (6) A significant area of waterfront public park space is provided for the benefit of the Auckland Region with a complementary hierarchy of interconnected, high quality, public open space for current and future residential and commercial occupants and visitors.

Risk and public safety

- (7) Adverse environmental effects and risks presented by hazardous or dangerous activities or facilities within the precinct are avoided or mitigated.

Remediation

- (8) The adverse effects of contamination are minimised through comprehensive management of contaminated sites and materials.

Reverse sensitivity and amenity

- (9) Conflicts between different uses are managed to ensure the efficient operation of marine industry and fishing industry, other industry and regionally significant transport infrastructure while enabling the marine events centre and public spaces to be used for a range of public events.

Pedestrian access, street quality and safety

- (10) A safe, convenient and interesting environment, which optimises pedestrian and cycling use and improves connectivity within the precinct and to adjacent areas of the City.

Transport

- (11) The safety and capacity of the transport network is maintained and, where appropriate, enhanced.

Integrated development

- (12) The development of buildings and activities and the provision of infrastructure in a comprehensive and integrated manner which achieves high quality urban design outcomes and which avoids, remedies or mitigates adverse effects on existing and planned infrastructure.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I214.3. Policies [rcp/dp]

Built form

- (1) Encourage the location, bulk, outlook, access to, and servicing of buildings to be planned and designed on a comprehensive and integrated basis rather than on an ad hoc individual building basis.
- (2) Encourage the integration of built form with the existing and proposed public open space network on a comprehensive land area basis, rather than a site by site

basis, to create a sound framework for a well-designed and high-quality environment.

- (3) Ensure that maximum building height:
 - (a) is appropriate in scale to the street network and the prominent waterfront location;
 - (b) provides a transition between the core of the precinct and the coastal edge with site-specific opportunities for taller buildings located and designed to reinforce key public open space and waterfront connections while avoiding intrusion of public views into and through Wynyard Precinct;
 - (c) complements development in the Viaduct Harbour Precinct; and
 - (d) provides a transition in height between the core central business district and the harbour.
- (4) Identify and protect public view shafts from open space across, within, and to Wynyard precinct to reinforce connections with the central area, harbour, and wider Auckland.
- (5) Promote excellence and diversity in architecture and urban design that enhances the relationship of buildings with public open space, and reflects the coastal, topographical, and historical qualities of the precinct.

Special character

- (6) Recognise the contribution that identified special character buildings make to the marine, fishing, and industrial heritage aesthetic within the precinct.
- (7) Encourage the retention and re-use of identified special character buildings, features, structures and elements within the precinct.
- (8) Encourage developments adjoining or adjacent to identified special character buildings to respond sympathetically to the historic context by reference to characteristics such as form, scale, materials and setbacks.
- (9) Encourage development and design that is reflective of the precinct's maritime location.
- (10) Promote and encourage the important role the marine and fishing industries play in defining the character and amenity of the precinct.

Social and economic

- (11) Enabling a diverse range of activities, high quality visitor experiences, entertainment, events and development to occur, while recognising and maintaining the economic importance of the marine and fishing industry, the bulk liquid industry and Hauraki Gulf Islands maritime passenger operations to the Auckland Region.

- (12) Recognise the significant local and regional socio-economic benefits associated with providing high-quality waterfront public open space and events activity while also providing for the operational and access requirements of the marine and fishing industries, other industrial activities and maritime passenger operations.
- (13) Ensure that sufficient and suitably located land, wharf, waterspace and appropriate, convenient and adequate navigation and berthing facilities are provided to accommodate the current and future operation and growth of the marine and fishing industries and maritime passenger operations, including Sub-precinct C, 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.
- (14) Encourage activities and built form which contribute to the maintenance of pedestrian interest and vitality at ground level at Jellicoe Harbour to foster a vibrant community focal point.
- (15) Establish and maintain a network of coastal edge, public open space and public access along waterfront areas, linking the precinct to the wider central area while also providing the operational and access requirements of the marine and fishing industries, other industrial activities and maritime passenger operations.

Public open space

- (16) Establish a framework which supports the development of key interconnected public open space across the precinct, including:
 - (a) a high-quality waterfront park of regional significance, including the potential for a high quality public building;
 - (b) a network of coastal edge promenades and pedestrian accessways enabling access to and along the coast comprising a minimum width of 20 metres, with the exception of Sub-precinct C;
 - (c) a high-quality linear park linking Victoria Park to the waterfront park;
 - (d) High quality areas of public open space for the public, residents, workers and local occupants designed to enliven the urban core of the precinct, including a significant park space within Sub-precinct B; and
 - (e) a network of small pocket parks, linking spaces and plazas.
- (17) Encourage the use of the precinct's internal street network to function as part of the public open space network, and provide for the creation of internal canals, ponds and plazas.

Pedestrian access, street quality and safety

- (18) Encourage the construction of a bridge for pedestrians, cyclists and local public transport connecting the Eastern Viaduct with Jellicoe Street to improve public connectivity between Wynyard precinct and the city centre.

- (19) Facilitate the reconnection of Daldy Street between Pakenham Street and Madden Street to provide a physical north-south connection through Wynyard precinct and enable the establishment of activities with greater people-or traffic-generation potential.
- (20) Provide mechanisms to manage and, in some cases temporarily restrict, public access to and along some parts of the water's edge to enable marine and fishing industry, maritime passenger operations and events to operate.
- (21) Encourage an integrated network of streets and lanes to increase pedestrian permeability and accessibility through the precinct.
- (22) Encourage a high level of pedestrian amenity along identified existing and future routes, including Te Wero Bridge, which reinforces the ease, comfort and safety of the pedestrian environment.
- (23) Enhance the connection between Wynyard precinct and adjoining areas through the provision of additional pedestrian linkages across Fanshawe Street.
- (24) Discouraging parking within buildings visible from existing and proposed public open space.
- (25) Require planning and development of transport and road changes within and on the fringe of the precinct, including Fanshawe Street, to consider any effects on or contribution to the amenity of the precinct and adjacent areas.

Risk and public safety

- (26) Require new activities, buildings and works to be designed, located, and managed to avoid unacceptable levels of risk.
- (27) Require new hazardous industry or changes to existing hazardous industry to be designed, located and managed to avoid levels of risk which are incompatible with existing sensitive activities.
- (28) Require new industry or changes to existing industry at existing or future public interfaces to implement management measures to avoid, remedy or mitigate existing or potential adverse public safety effects.

Reverse sensitivity and amenity

- (29) Provide for the continued efficient operation of existing and future marine, fishing and other industries, including maritime passenger operations.
- (30) Manage establishing permanent or temporary accommodation within or directly adjacent to areas identified for marine or fishing operations or events, or on sites subject to potentially unacceptable levels of risk associated with existing hazardous industry.

- (31) Require new development, or changes to existing marine, fishing and other industries, to protect and enhance amenity values of specified existing and future public interfaces.

Remediation

- (32) Encourage remediation, including clean-up and mitigation methods, to be addressed on a comprehensive basis.
- (33) Encourage remediation of contaminated land to include consideration of future activity and prospective site topography and likely pathways to the contaminant.

Transport

- (34) Constrain and manage private vehicle travel in and out of Wynyard Precinct, particularly during peak travel periods.
- (35) Encourage walking, cycling and the provision of passenger transport services and facilities compatible with the character and amenity of the area.
- (36) Enable the improvement of public connectivity between Wynyard Precinct and the city centre for pedestrians, cyclists and public transport.
- (37) Maintain and enhance maritime passenger transport operations by providing adequate vehicular, pedestrian and public transport access to ferry terminal facilities.
- (38) Protect the safe and efficient operation of Fanshawe Street as a key arterial route connecting the central city area with wider Auckland and an important element of Auckland's frequent and rapid transit network.

Integrated development

- (39) Use integrated assessment for future development that has regard to:
- (a) land ownership;
 - (b) character;
 - (c) activities;
 - (d) existing and proposed street pattern; and
 - (e) existing and planned infrastructure.
- (40) Encourage built form, activities, public open spaces and infrastructure to be planned and designed on a comprehensive land area basis, rather than on an individual site basis.

The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above

I214.4. Activity table

Table I214.4.1 and I214.4.2 specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant.

- (1) The activities on land in the precinct are as specified in the table below and are also subject to compliance with Precinct plan 7.
- (2) The activities in the Coastal – General Coastal Marine Zone and Business – City Centre Zone apply in the Wynyard Precinct unless otherwise specified in the activity table below.
- (3) Activities marked # in the activity table are deemed to be risk-sensitive activities and are subject to additional assessment.
- (4) Within Sub-precinct F and Area 1 and Area 3 shown on Precinct plan 10, the activity status of activities marked * in the activity table applies until the date when all hazardous industry located within Sub-precinct F discontinue operation. After that time, those activities are permitted unless an alternative activity status not marked * is shown.
- (5) The requirements in [E40 Temporary activities](#) apply to:
 - (a) all temporary activities within Sub-precincts A, B, C (south of Area 3 as shown on Precinct plan 10), G, Halsey Street Extension Wharf and Western Viaduct Wharf;
 - (b) all sports events provided that the event only passes through, and is not based in, sub-precincts D, E, F or areas 1, 3, 4, 5, and 6 as shown on Precinct Plan 10: Risk areas, and the event does not involve motor racing; and
 - (c) all temporary activities occurring within Sub-precincts D, E, F and areas 1, 3, 4, 5, and 6 as shown on Precinct plan 10: Risk areas, except an event.
- (6) Events located within sub-precincts D, E and F and areas 1, 3, 4, 5, and 6 as identified on Precinct plan 10, will be subject to the requirements set out in Wynyard Precinct. From the date on which all hazardous industry located within Sub-precinct F and Area D discontinue operations, the requirements set out in [E40 Temporary activities](#) apply to events within Sub-precinct F and areas 1, 3, 4, 5, and 6 as identified on Precinct plan 10 - Risk areas.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I214.4.1 to I214.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table I214.4.1. Activity table – Land use

Activity		Sub-precinct A and Sub-precinct B	Sub-precinct C	Sub-precinct D	Sub-precinct E and Sub-precinct G	Sub-precinct F	Coastal marine area [rcpl]
(A1)	Dwellings or visitor accommodation #	P	NC	RD*	RD*	NC*	NA
(A2)	Dwellings in the areas identified on Precinct plan 7, as being subject to a no-complaint covenant where no such covenant has been entered into #	Sub-precinct A NA Sub-precinct B D	D	D	D	NC* D	NA
(A3)	Workers accommodation #	P	Areas 1 and 3 - RD* South of Area 3 - P	RD*	RD*	RD*	Areas 4 – 6 RD* Outside of Areas 4 - 6 P
(A4)	Offices accessory to marine and port activities and marine retail located on another site within Sub-precinct C or on land fronting Beaumont Street identified on Precinct plan 7, as 'areas where ground level activity is limited to	NA	C	C	C	NA	NA

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	marine and port industry and marine retail only' #						
(A5)	Artworks	P	P	P	P	P	P
(A6)	Community facilities #	P	NC	RD*	RD*	NC*	NC* D
(A7)	Education facilities #	P	NC	RD*	RD*	NC*	NC* D
(A8)	Entertainment facilities, except within lawfully established buildings on Halsey Street extension wharf #	P	NC	RD*	RD*	NC*	NC* D
(A9)	Entertainment facilities, food and beverage up to 100m2 gross floor area and ancillary office activities on the Halsey Street extension wharf within lawfully established buildings	NA	NA	NA	NA	NA	P
(A10)	An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time; and ii. occupies a venue for a maximum cumulative duration of not more than 5 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - P South of Area 3 - NA	P	P	NC	Area 5 - NC Area 6 - P Area 4 - RD Outside of Areas 4, 5 and 6 - NA
(A11)	An event and associated buildings and structures that: i. attracts no more than 1000 people at any one time; and ii. occupies a venue for a maximum cumulative duration of more than 5 days but not more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - C South of Area 3 - NA	C	C	NC	Area 5 - NC Area 4 - RD Area 6 - C Outside of Areas 4, 5 and 6 - NA
(A12)	An event and associated buildings and structures that either: i. attracts more than 1000 people at any one time; or ii. occupies a venue for a maximum cumulative duration of more than 21 days inclusive of the time required for the establishment and removal of structures	NA	Areas 1 and 3 - RD South of Area 3 - NA	RD	RD	NC	Area 5 - NC Areas 4 and 6 - RD Outside of Areas 4, 5 and 6 - NA
(A13)	A major marine event up to 60	NA	NA	NA	NA	NA	P -

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	consecutive days						Halsey St extension wharf and the Western Viaduct wharf
(A14)	Food and beverage up to 100m ² gross floor area per site #	P	Areas 1 and 3 - RD* South of Area 3 - P	RD*	RD*	NC*	Area 5 - NC* - D Outside of Area 5 - D
(A15)	Food and beverage greater than 100m ² gross floor area per site #	P	D	RD*	RD*	NC*	Area 5 - NC* - D Outside of Area 5 - D
(A16)	Industrial activities	D	D	D	D	D	D
(A17)	Information facilities	P	P	P	P	NC*	NC*
(A18)	Marine retail #	P	Areas 1 and 3 - RD* South of Area 3 - P	RD*	RD*	RD*	NC
(A19)	Marine and port activities	RD	C	RD	RD	RD	P
(A20)	Maritime passenger operations #	P	Areas 1 and 3 - RD* South of Area 3 - P	RD*	RD*	NC*	Area 5 - NC* - P Outside of Area 5 - P
(A21)	Offices located within the area identified on Precinct plan 7	P	NA	NA	NA	NA	NA
(A22)	Offices located outside of the area identified for offices on Precinct plan 7 #	P	NC	RD*	RD*	NC*	NC
(A23)	Office activity that exceeds the maximum office activity gross floor area in I214.6.2(1) below, subject to compliance with the maximum office activity gross floor area in I214.6.2(2) below #	RD	NC	RD	RD	RD	NA
(A24)	Private use of coastal access areas either vested in the council or areas over which council has a covenant for public access	NA	RD	RD	RD	RD	NA
(A25)	Public amenities, excluding Wynyard Wharf #	P	P	P	P	NC*	P
(A26)	Public amenities on Wynyard Wharf #	NA	NA	NA	NA	NA	NC*

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(A27)	Drive-through facilities on sites fronting onto Fanshawe Street	D	NA	NA	NA	NA	NA
(A28)	Retail, excluding marine retail, up to 1000m ² gross floor area per retail tenancy or shop #	P	NC	RD*	RD*	NC*	NC
(A29)	Retail, excluding marine retail, greater than 1000m ² but not greater than 5000m ² per retail tenancy or shop #	RD	NC	RD*	RD*	NC*	NC
(A30)	Retail, excluding marine retail, greater than 5000m ² per retail tenancy or shop #	D	NC	D*	D*	NC*	NC
(A31)	Commercial services #	P	NC	RD*	RD*	NC*	NC
(A32)	Short term car parking (non-accessory)	D	NC	D	D	D	NA
(A33)	Short term parking (accessory) on coastal marine area structures	NA	NA	NA	NA	NA	P
(A34)	Offices, offices accessory to marine retail and marine and port activities, maritime passenger operations, marine retail, retail, food and beverage, entertainment facilities and education facilities greater than 100m ² gross floor area per site	RD	RD	RD	RD	NC* RD	RD
(A35)	Any activity not listed as a permitted, controlled, restricted discretionary or non-complying activity which has a functional need to locate in the coastal marine area	NA	NA	NA	NA	NA	D

Table I214.4.2. Activity table – development

Activity		Land	Coastal marine area [rcp]
Works in the coastal marine area			
(A36)	Reclamation	NA	D
(A37)	Declamation	RD	RD
(A38)	Maintenance dredging	NA	RD
(A39)	Capital works dredging	NA	RD
Buildings and structures including construction in the coastal marine area and occupation of the common marine and coastal area			
(A40)	Marine and port accessory structures and services	P	P
(A41)	Marine and port facilities	RD	RD
(A42)	Maintenance, repair or reconstruction of lawful marine and port facilities	P	P
(A43)	Demolition or removal of marine and port facilities	P	P
(A44)	Structures below the surface of the foreshore and seabed	NA	P
(A45)	Construction of a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street	RD	RD

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(A46)	Conversion of a buildings or part of buildings to dwellings or visitor accommodation	RD	NC
(A47)	Demolition or removal of any buildings or coastal marine area structures	C	P
(A48)	Substantial demolition or any demolition of the front facade of a special character building within the Wynyard precinct identified on Business – City Centre Zone – Map H8.11.1	RD	RD
(A49)	Coastal marine area structures and buildings, and alterations and additions to coastal marine area structures and buildings	NA	RD
(A50)	Minor cosmetic alterations to a building that does not change its external design and appearance	P	NA
(A51)	New buildings, and alterations and additions to buildings (not otherwise provided for as a permitted activity)	RD	NA
(A52)	Roads or lanes	RD	NA
(A53)	Subdivision	RD	NA
(A54)	The transfer of identified character building floor space	C	NA
(A55)	Development that does not comply with Standard I214.6.1(1) Parking ratios	NC	NC
(A56)	Development that does not comply with Standard I214.6.2(2) Maximum office gross floor area	NC	NC
(A57)	Development that does not comply with Standard I214.6.3(1)-(3) Calculating maximum office gross floor area	NC	NC
(A58)	Development that does not comply with I214.6.7(1) Maximum site intensity	NC	NC
(A59)	Development that does not comply with I214.6.7(2) for the building footprint of an identified special character building	NC	NC
(A60)	A lane that does not meet the requirements of I214.6.12(5) Lanes and view shafts	NC	NC
(A61)	Development that does not comply with I214.6.6. Building height	D	D

PC 78 ([see Modifications](#))

PC 78 ([see Modifications](#))

I214.5. Notification

(1) Any application for resource consent for a controlled and restricted discretionary risk-sensitive activity marked with a # in Table I214.4.1. Activity table – Land use will be considered without public notification, except that limited notification may be undertaken to the parties listed for the risk sensitive activities below:

(a) for dwellings or visitor accommodation within Area 1 or Area 3 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within Sub-precinct F who has not provided written approval;

- (b) for dwellings or visitor accommodation within Area 2 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any fish processing plant owner or operator located within Sub-precinct E who has not provided written approval;
 - (c) for events within sub-precincts D and E or Area 1, 2, 3, 4, 5 and 6 shown on Precinct plan 10, notice of an application will not be served on any person or party other than any hazardous industry owner or operator within Sub-precinct F or fish processing plant owner or operator within Sub-precinct E who has not provided written approval.
- (2) Notwithstanding the requirements of I214.5(1)(a) and (b) above, notice of an application need not be served on hazardous industry owners or operators if it can be clearly demonstrated that the land area subject to the application falls outside the hazardous industry toxic injury risk contour caused by the particular hazardous industry owner or operator within Sub-precinct F.
- (3) Any application for resource consent for a restricted discretionary activity to exceed the maximum office activity gross floor area requirement in Standard I214.6.2(1), and which complies with Standard I214.6.2(2) below, will be considered without public notification or served on any person or party other than the freehold land owner of the subject land and the relevant national and regional statutory roading agency or authority.
- (4) An application for resource consent for a controlled activity listed in Table I214.4.1. Activity table – Land use and Table I214.4.2. Activity table – development above and which is not listed in I214.5(1)-(3) will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (5) New buildings, and alterations and additions to buildings provided for as a restricted discretionary activity will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (6) Any application for resource consent for an activity listed in Table I214.4.1. Activity table – Land use and Table I214.4.2. Activity table – development and which is not listed in I214.5(1)-(5) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (7) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I214.6. Standards

All permitted, controlled and restricted discretionary activities listed in Table I214.4.1 and Table I214.4.2 must comply with the following standards.

The land and water use standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Wynyard Precinct.

The following standards in the Business – City Centre Zone apply to land in the Wynyard Precinct:

- [H8.6.26](#) Verandahs;
- [H8.6.28](#) Wind;
- [H8.6.29](#) Glare;
- [H8.6.32](#) Outlook space; and
- [H8.6.25](#) Building frontage alignment and height except as specified in I214.6.8 below

All other standards that apply to land in the precinct are specified below.

I214.6.1. Parking

Purpose: To maintain or enhance both the safety and capacity of the internal and wider road network and to significantly reduce single occupancy vehicle commuter trips to and from the Wynyard precinct.

(1) Parking ratios:

- (a) the number of parking spaces on a site on land within the precinct must not exceed the rates specified in Table I214.6.1.1:

Table I214.6.1.1 Parking ratios

Activity	Maximum parking ratio
Offices	1 space per 150m ² of gross floor area
Retail	1 space per 150m ² of gross floor area
Visitor accommodation	1 space per 200m ² of gross floor area
Dwellings - excluding gross floor area of servicing and common areas within buildings	1 space per 80m ² of gross floor area
All other listed activities	1 space per 105m ² of gross floor area

- (i) on Wynyard wharf, parking accessory to marine and port activities operating from buildings on the wharf must not exceed a ratio of one space per 105m² of gross floor area of the building;
- (ii) the combined number of parking spaces on Halsey Street Extension and Western Viaduct wharves must not exceed 50.

I214.6.2. Maximum office gross floor area

Purpose: To limit office activity, because of its potential to generate traffic during morning and evening peak travel times and particularly in the direction of peak traffic flow.

- (1) The amount of office gross floor area allowed on a site must not exceed the rates specified in Table I214.6.2.1:

Table I214.6.2.1. Maximum office gross floor area 1

Sub-precinct	Maximum permitted office gross floor area per sub-precinct	Maximum permitted office activity ratio per site
A	98,000m ²	Lot 1 DP 179403 0:1 Lots 2-10 DP9097, Lot 1 DP197609, Lot 2 DP360738, Lot 3 DP8709 and Part Blk V Deeds Plan 226 - 3:1 All other sites - 3.62:1
B	69,300m ²	2.48:1
C	5000m ²	Only on Lot 28 DP133386 - 0.41:1
D	34,000m ²	0.94:1
E	35,000m ²	1.02:1
F	13,000m ²	0.86:1
G	0m ²	0

- (2) It is a restricted discretionary activity to exceed the maximum office gross floor area rates specified in I214.6.2(1), provided the amount of office gross floor area on a site does not exceed the rates specified in Table I214.6.2.2:

Table I214.6.2.2. Maximum office gross floor area 2

Sub-precinct	Maximum additional office gross floor area	Maximum restricted discretionary office activity ratio per site	Total office gross floor area - permitted + restricted discretionary
A	12,000m ²	Only on Lot 1 DP179403 - 3:1	110,000m ²
B	14,700m ²	3:1	84,000m ²
D	14,000m ²	1.32:1	48,000m ²
E	8500m ²	1.27:1	43,500m ²
F	5000m ²	1.18:1	18,000m ²

I214.6.3. Calculating maximum office gross floor area

Purpose: To provide a methodology for calculating office gross floor area which meets the purpose of I214.6.2 Maximum office gross floor area above.

- (1) When calculating or allocating office activity in accordance with I214.6.2 above:
 - (a) the maximum permitted office activity ratio and restricted discretionary office activity ratio is to be applied to the site area excluding any area of land shown on Precinct plan 6, as 'public open space inclusive of land subject to public access easement', but including any land shown as 'indicative lane'.
- (2) Office activity may be transferred between sub-precincts A, B, D, E, F and G subject to:
 - (a) the maximum amount of office activity able to be established on the donor land in accordance with I214.6.2(1) above not being increased as a consequence of the transfer;
 - (b) office activity must not be transferred from Lot 1 DP360738 and Lot 1 DP309925 to any other site.
- (3) Offices accessory to marine and port activities and marine retail must not exceed:
 - (a) 15 per cent of the total gross floor area on any site, unless otherwise specified in I214.6.3(3)(b) below;
 - (b) 3000m² or 15 per cent total gross floor area on the Sanford site (Lot 1 DP 70740 (NA27B/649), Lot 1 DP 57246 (NA29A/54), Lots 27 & 28 Block VI Deeds 226 (NA29A/56) and Lot 1 DP 89281 (NA46B/682)) in Sub-precinct E, whichever is the greater.

I214.6.4. Noise

Purpose: to minimise reverse sensitivity effects on existing industrial and maritime land uses by providing a minimum level of internal acoustic amenity for occupants of buildings from external noise sources generated by activities in the Wynyard Precinct and a maximum level of noise that activities other than accommodation may generate.

- (1) Sound insulation of accommodation buildings:
 - (a) All dwellings must be designed and constructed to provide an indoor noise level of 35dBA L10 in every bedroom and 45dBA L10 in any other habitable spaces (as defined in the NZ Building Code), based on both:
 - (i) an external traffic noise level of 65dBA L10 at the boundary of any road between 11pm and 7am;

(ii) the noise levels standards in I214.6.4(2) below as applicable to the Noise Area within which the accommodation units are located as shown on Precinct plan 9;

(b) At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces are to be adequately ventilated in accordance with clause G4 of the NZ Building Code.

(2) External noise levels:

(a) Noise from activities in Wynyard Precinct must comply with the following limits in Table I214.6.4.1, measured at 1m from the façade of any building containing habitable spaces (as defined in the NZ Building Code) located in the noise areas shown on Precinct plan 9.

Table I214.6.4.1. External noise levels

Noise source location	Noise limit		Noise receiver location
	Day - 7am-11pm	Night - 11pm-7am	
Noise Areas 1,2	L10 60dBA	55dB L _{Aeq} (15 min) 66dB L _{eq} (15 min) @ 63Hz 62dB L _{eq} (15 min) @ 125Hz 90dB L _{AFmax}	Noise Area 2
Noise Areas 1,2	L10 70dBA	70dB L _{Aeq} (15 min) 76dB L _{eq} (15 min) @ 63Hz 73dB L _{eq} (15 min) @ 125Hz 90dBA L _{AFmax}	Noise Area 1

(3) Internal noise levels for adjacent tenancies:

(a) Where an activity shares a common building element such as floor or wall with a separate tenancy it must not exceed the following noise levels in Table I214.6.4.2 when measured in any habitable spaces (as defined in the NZ Building Code):

Table I214.6.4.2 Internal noise levels

Time	Noise limit
7:00am to 11:00pm	L10 45dBA
11:00pm to 7:00am	L10 40dBA L10 55dB @ 63Hz L10 50dB @ 125Hz

(4) Noise levels for events:

- (a) events in sub-precincts D, E, F and G and on coastal marine area structures must comply with I214.6.4(2) above, except that for no more than 15 noise events in any calendar year (1 January to 31 December inclusive) those levels may be exceeded subject to:
- (i) the noise level specified in I214.6.4(2) above not exceeding a cumulative duration of more than six hours within any 24 hour period for a noise event, and
 - (ii) the maximum noise levels not exceeding:
 - 75dBA L10 and 80dBA L01 (medium noise level) for at least 12 of the 15 noise events, and
 - 85dBA L10 and 90dBA L01 (high noise level) for a cumulative duration of not more than 3 of the total 6 hours permitted in I214.6.4(4)(a)(i) above exclusive of one sound check of no more than one hour duration prior to each event, and for no more than 3 of the 15 noise events.
 - (iii) the medium and high noise levels must be determined from the logarithmic average of the L10 values for any measurement periods not exceeding 15 minutes during the event. The L01 values must be determined from the logarithmic average of the L01 values for representative periods not exceeding 15 minutes within the timeframe of the event. The noise levels must not be exceeded by more than 5 dBA for medium noise levels and 3dBA for high noise levels in any representative measurement period not exceeding 15 minutes during the noise event.
 - (iv) Noise levels exceeding the standard in I214.6.4(4)(a)(iii), including sound checks, must start no earlier than 10.00am and must finish no later than 10.30 pm Sunday to Thursday inclusive, 11.00pm Friday and Saturday and 1.00am New Year's Day.
- (b) at least 4 weeks prior to the commencement of the noise event, the organiser must notify the council in writing of:
- (i) the names and types of the acts and whether they are anticipated to be within the medium noise level or high noise level as defined in I214.6.4(4)(a)(ii) above;
 - (ii) the person(s) and procedures for monitoring compliance with noise levels; and
 - (iii) the nominated alternative date in the event of postponement due to the weather;
- (c) the council will keep a record of all noise events held and provide this information upon reasonable request.

(5) Noise measurement and assessment:

- (a) measurement and assessment must be in accordance with the requirements of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sounds". Noise must be measured with a sound level meter complying with at least the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

I214.6.5. Financial contributions

Purpose: to provide for the acquisition and development of public open space in the Wynyard precinct, and/or for enhancing public pedestrian facilities, and/or for enabling public access to and enjoyment of the coastal environment.

(1) Public open space:

- (a) a financial contribution may be taken for development on any site for the specific purposes of providing for the acquisition and development of public open space in the precinct, and/or for enhancing public pedestrian facilities;
- (b) financial contributions must not be levied for subdivisions or refurbishments.

(2) Public access to the coastal environment:

- (a) with the exception of Sub-precinct C, a financial contribution may be taken in the form of either a conservation covenants, or land to be vested in the council for development on any site adjoining the coastal marine area or any site within 20m of the coastal marine area for the specific purpose of enabling public access to and enjoyment of the coastal environment. This rule does not apply to any site where an esplanade reserve or conservation covenant of 20m or greater in width (or such lesser width as provided by I214.6.4(2)(c) below) has been created prior to 13 July 2007.
- (b) within sub-precincts E and F, where the site adjoins the coastal marine area, the land to be vested in the council or otherwise secured shall be of a minimum width of 20m and shall not exceed 30m in width measured perpendicular from the coastal mean high water springs mark, except where specified in I214.6.5(2)(c), below.
- (c) the total width of land over which public access is secured within Sub-precinct G is limited to the area identified as public open space as shown on Precinct plan 6.
- (d) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision or development within the Wynyard Precinct.

(3) Interpretation:

- (a) for the purpose of this rule "development" includes site works, building construction and alterations; and

- (b) for the purpose of this rule "refurbishment" means the cosmetic alteration, restoration or redecoration to the interior or exterior of a building or site and includes replacement of services such as lifts or air-conditioning. "Refurbishment" excludes increases to the gross floor area of a building and changes in activity such as conversion of office premises to retail premises or conversion of offices to residential apartments.

I214.6.6. Building height

Purpose: To ensure the height of buildings complements and reinforces key public open spaces within Wynyard Precinct and development within the Viaduct Harbour precinct while providing an appropriate scale and transition in relation to the street network, the harbour and coastal environment and the core central business district. Refer Policy I214.3(3) of the Wynyard Precinct.

- (1) Buildings must not exceed the heights specified on Precinct plan 5.
- (2) For sites on precinct plan 5 with a maximum permitted height of 52m, the maximum cumulative floor plate area per floor must not exceed:
 - (a) sub-precinct B: 1200m² GFA and a maximum dimension of 45m by 45m for that part of the building exceeding a height of 31m;
 - (b) sub-precinct E at the corner of Halsey and Jellicoe streets: 1200m² GFA and a maximum dimension of 40m by 30m for that part of the building exceeding a height of 27m; and
 - (c) sub-precincts C and E, except for the site at the corner of Halsey and Jellicoe streets: 900m² GFA and a maximum dimension of 30m by 30m for that that part of the building exceeding a height of 31m.
- (3) In land areas shown on sub-precinct E with a height limit of 25m, the height limit may be exceeded by no more than 2m for roofs, including any roof top projections, subject to a maximum of 6 building storeys and compliance with clause I214.6.7 below for maximum site intensity.

I214.6.7. Maximum site intensity

Purpose: manage the scale, form and intensity of development in the Wynyard precinct. Refer Policies I214.3(1)-(4) of the Wynyard Precinct.

[PC 78 \(see Modifications\)](#)

- (1) Buildings on a site must not exceed the maximum site intensity specified for the site on Precinct plan 3, except as specified in I214.6.7(2) below
- (2) The maximum floor area ratio applying to the building footprint of an identified special character building (refer Map [H8.11.1 of the Business – City Centre Zone](#)) may be transferred to another site within the precinct subject to:
 - (a) resource consent being obtained as controlled activity;
 - (b) the total area of transferable floor space being calculated on the following basis:

$(A \times B) - (A \times C) =$ total area of transferable floor space
A = Area of identified special character building floorplate*
B = Maximum floor area ratio shown on Precinct plan 3
C = Floor area ratio of 1:1

(i) the bonus floor space transferred not increasing the floor area ratio on the recipient site by more than 1:1 above the maximum floor area ratio shown on Precinct plan 3

*Except that the for the character building located on Lots 9 and 10 DP 9092, A = 1655m².

- (3) When calculating gross floor area, where the vertical distance between building storeys exceeds 6m, the gross floor area of the building or part of the building so affected must be calculated as gross floor area as opposed to the volume of that airspace.
- (4) 'Character building floor plate' means that part of the site covered by a special character building identified on Map [H8.11.1 of the Business – City Centre Zone](#) including a curtilage of a depth of 2m contained within the legal boundaries of the site and surrounding the character building to enhance the visual integrity of the character building.
- (5) Where a special character building is incorporated in a development or a new development is proposed on the residual site area and the special character building is subject to an approved character plan, the gross floor area of the special character building is excluded from the floor area ratio calculations.
- (6) For the purpose of calculating maximum site intensity the subject land area of any proposed development may be considered as one site, provided the maximum total cumulative gross floor area across all sites within the subject land area is not exceeded.

I214.6.8. Building frontage alignment and height

Purpose: ensure streets are well defined by buildings and provide a sense of enclosure to enhance pedestrian amenity, while avoiding buildings dominating public open space.

- (1) [H8.6.25](#) Building frontage alignment and height applies except that:
 - (a) where the maximum building height is less than the minimum frontage height requirement in Map [H8.11.5 of the Business – City Centre Zone](#), [H8.6.25 of the Business – City Centre Zone](#) rules does not apply; and
 - (b) in Sub-precinct G, the ground floor along the eastern boundary must be set back from the public open space identified on Precinct plan 6 by a minimum width of 2.5m measured perpendicular from the public open space for a minimum height of 4m.

I214.6.9. Special industrial frontage

Purpose: avoid unacceptable levels of human injury risk associated with accidental ammonia release from the fish processing plant

- (1) For any building proposed for dwellings or visitor accommodation, facades of buildings fronting the Industrial Frontage identified on Precinct plan 8 must not incorporate opening windows or balconies.

I214.6.10. Marine retail at ground level

Purpose: Provide for marine and fishing industry and marine and fishing retail activity at ground level on specific sites identified on Precinct plan 7. Some flexibility has also been built into the control to allow specific sites identified as Transitional Ground Level Activity to accommodate other activities in the future.

- (1) Except as specified in I214.6.10(2) below, activities at ground level must be restricted to the extent and in the manner identified on Precinct plan 7.
- (2) Activities at ground level on a site identified on Precinct plan 7 as transitional ground level activity must be limited to marine and port activities and/or marine retail until any of the following occurs on that site:
 - (a) the marine and port activity and/or marine retail at ground level occurring on the site as at 1 November 2009 has either relocated off-site or ceased operating from the site, or
 - (b) the lease (including all rights of renewal) for the site existing as at 1 November 2009 which, as at 1 November 2009, is used for marine and port activities and/or marine retail at ground level expires; or
 - (c) the road widening works along the frontage of the site authorised by a designation are constructed.
- (3) At any time any one of the Standards I214.6.10(2)(a)-(c) above occur on the site, the limitation to marine and port activities and/or marine retail is lifted from that site and those activities listed in the precinct activity table may establish at ground level.

I214.6.11. Vehicle access

Purpose: To avoid potential adverse traffic safety and efficiency effects on the regional arterial and rapid transit functions of Fanshawe Street, as well as protecting traffic capacity and pedestrian and cyclist amenity along Beaumont Street, Halsey Street, Daldy Street and Jellicoe Street.

- (1) Except from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761), vehicle entry or exit must not be established directly from Fanshawe Street.
- (2) Vehicle entry or exit from the land legally described as Pt Lot 2 DP179403 (contained in NA110C/761) to Fanshawe Street is limited to one entry and one exit providing left turn manoeuvres only.

- (3) Vehicle entry or exit must not be established directly from Beaumont Street (south of Jellicoe Street), Daldy Street, Jellicoe Street or the western side of Halsey Street where alternative access via another road or service lane is available.
- (4) Notwithstanding I214.6.11(1)-(3), the total crossing width for any front or corner site must not exceed 50 per cent of the frontage to any road in which it adjoins.

I214.6.12. Lanes and view shafts

Purpose: To build upon the existing grid pattern of streets that characterise the precinct by requiring additional lane connections to serve a finer urban grain. The minimum required widths provide the opportunity for some lanes to be used as service lanes while also contributing to pedestrian permeability within the development blocks. The widths also provide the opportunity to include landscaping features, furniture and artworks.

The viewshafts identified along required lanes are designed to enhance the visual connections of the precinct with the harbour, other features of the surrounding landscape, the CBD and the wider city.

- (1) Lanes must be provided at ground level, generally in the locations shown on Precinct plan 6 and must comprise:
 - (a) a minimum width of 10m where provided for pedestrians, cyclists and service vehicles; or
 - (b) a minimum width of:
 - (i) 6m where lanes are 50m or less in length, or
 - (ii) 7m where lanes are up to 100m in length, or
 - (iii) 8m where lanes are over 100m in length
 - (iv) where provided for pedestrians and cyclists only.

For the purpose of this standard, the length of the lane must be measured as the dimension between the lane intersections and/or the lane termination points as shown on Precinct plan 6.

- (2) Where the lanes shown on Precinct plan 6 are also shown as view shafts on land, the minimum width must be 10m.
- (3) Where a view shaft on land is indicated alone, it must have a minimum width of 10m.
- (4) The minimum widths specified in I214.6.12(1)-(3) above, must be clear and unobstructed by buildings or structures from ground level upwards, except that verandahs may be provided where they meet [H8.6.26](#) Verandahs of the Business – City Centre Zone rules.

- (5) The lane must be available for public use at all times unless written approval has been obtained from the council. In all circumstances the lane must be available for public use between the hours of 7am and 11pm.
- (6) The registration of an access easement on the title to which the lane applies is required to ensure preservation of the lane and its ongoing maintenance by the owner(s) of the land concerned.
- (7) Structures and buildings, including marine and port facilities, must not be located within or over those parts of wharves and water space identified as coastal view shafts on Precinct plan 6.

I214.6.13. Public access ways - wharves

Purpose: Maintain and enhance public access to the Wynyard Precinct wharves.

- (1) Public access ways on wharves must be provided at ground level in the following locations and to the following dimensions in Table I214.6.13.1:

Table I214.6.13.1. Public access ways - wharves

Wharf	Location	Public accessway dimension
Halsey Street Extension	Western, northern and eastern edge	10m
Western Viaduct	Southern edge	10m
Wynyard	Eastern and northern edge	8m

- (2) The access ways must be available to the public at all times unless written approval has been obtained from the council to be temporarily restrict access from time to time for security, safety or operational needs associated with marine and port activities, maritime passenger operations or temporary events.
- (3) Except as allowed by I214.6.13(2) above, the access ways must be clear and unobstructed by structures and buildings, including marine and port facilities from ground level upwards.
- (4) Structures and buildings, including marine and port facilities must not be erected or placed on North Wharf or the Western Viaduct Wharf other than temporary structures or buildings.

I214.6.14. Buildings and structures on the Halsey Street extension wharf

Purpose: Limit building and structures on the Halsey Street extension wharf

- (1) Structures and buildings, including marine and port facilities on the Halsey Street extension wharf must be located within the building platform area shown on Precinct plan 1 and must not cover more than 60 per cent of the building platform.

I214.6.15. Temporary structures or buildings

Purpose: to enable temporary structures while managing public access and risks associated with hazardous industry.

- (1) Temporary structures or buildings within sub-precinct D, and E, and Areas 1, 3, 4 and 6 as identified on Precinct plan 10 must comply with the following:
 - (a) 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.
- (2) Temporary structures or buildings within the Halsey Street extension wharf, and the Western Viaduct wharf as identified on Precinct plan 1:
 - (a) where the temporary structures or buildings 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 must 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. Where the temporary structures or buildings are not for the purpose of a major marine event related to an internationally recognised boat race or race series, I214.6.15(1)(a) above applies;
 - (b) when it is necessary to place vehicles, tents, marquees, seating, canopies and other structures within the 10m 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 8m wide accessway along Wynyard wharf, alternative public accessways must be provided and be free of charge and clearly marked; and
 - (c) public access around the Viaduct Events Centre shall be available at all time and free of charge except for special events when public access can be restricted provided the restriction is for no more than 60 days in any 12 month period and no more than 20 days consecutively.

I214.7. Assessment – controlled activities

I214.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table:
 - (a) transfer of office space.
- (2) events and associated buildings and structures specified as a controlled activity in the activity table:
 - (a) duration, demographic and number of people attending the event;

- (b) transportation effects and management;
 - (c) visual amenity;
 - (d) emergency response and management processes; and
 - (e) risk to the activity from adjacent storage and use of hazardous substances.
- (3) marine and port activities and marine and port facilities specified as a controlled activity in the activity table:
- (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on views and visual amenity;
 - (e) effects on public access, navigation and safety;
 - (f) effects on existing uses and activities;
 - (g) consent duration; and
 - (h) traffic and parking.
- (4) the transfer of identified character building floor space:
- (a) recording the use/transfer of floor space on the certificate of title.
- (5) building demolition:
- (a) the matters of control in [H8.8.1\(5\) of the Business – City Centre Zone](#) apply.

PC 78 ([see Modifications](#))

I214.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) offices accessory to marine and port activities and marine retail specified as a controlled activity in the activity table:
 - (a) whether the amount of ancillary office gross floor area constructed on another site within Sub-precinct C or on land fronting Beaumont Street is recorded by covenant on the donor freehold and leasehold title(s) upon which the ancillary office gross floor area is transferred from to ensure the amount transferred does not exceed the limit specified in the definitions of marine and port activities and marine retail;

- (2) events and associated buildings and structures specified as a controlled activity in the activity table:
- (a) the relevant assessment criteria in [E40.8.2 Temporary activities](#) in addition to the following criteria; and
 - (b) whether adverse risk or transport related effects are able to be adequately remedied or mitigated through the preparation and implementation of an emergency evacuation and management plan and event transport plan;
- (3) marine and port activities specified as a controlled activity in the activity table:
- (a) the relevant assessment criteria in [F2.23.2 Coastal – General Coastal Marine Zone](#) rules apply in addition to the following criteria;
 - (b) the activity should protect and enhance amenity values and public safety at the sub-precinct interface with existing and proposed public open space (as shown on Precinct plan 6);
- (4) the transfer of special character building floor space:
- (a) the assessment criteria in [H8.9.2.2\(5\) of the Business – City Centre Zone](#) rules for the transfer of special character building floor space apply;
- (5) building demolition:
- (a) the relevant assessment criteria in [H8.8.2\(5\) of the Business – City Centre Zone](#) rules for building demolition apply in addition to the following criteria; and
 - (b) whether adverse effects on the marine environment (including water, sediment quality, and ecology) of the coastal marine area are avoided, remedied or mitigated;

PC 78 ([see Modifications](#))

I214.8. Assessment – Restricted discretionary activities

I214.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) risk sensitive activities marked # in the activity table identified as a restricted discretionary activity (excluding events):
 - (a) location, extent, design and staging of buildings;
 - (b) design occupancy;
 - (c) risk to the activity from adjacent storage and use of hazardous substances;
 - (d) emergency response processes, including accessibility and the content of evacuation plans; and

- (e) reverse sensitivity effects;
- (2) an event and associated buildings and structures identified as a restricted discretionary activity in the activity table:
 - (a) duration, demographic and number of people attending the event;
 - (b) transportation effects and management;
 - (c) emergency response and management processes;
 - (d) risk to the activity from adjacent storage and use of hazardous substances; and
 - (e) effects on the navigation and safety of commercial vessels operation in these areas;
- (3) marine and port activities and marine and port facilities:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) the location, bulk and scale of the activities and facilities relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location;
 - (e) effects on public access, safety and navigation;
 - (f) effects on existing uses and activities including existing and planned significant infrastructure;
 - (g) consent duration; and
 - (h) traffic, parking and access;
- (4) private use of coastal access areas either vested in the council or areas over which council has a covenant for public access:
 - (a) duration and frequency of the activity; and
 - (b) public access and safety.
- (5) offices that exceed the thresholds of I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
 - (a) travel management;
 - (b) traffic generation; and
 - (c) operational capacity and safety of the adjacent road network;

- (6) offices, offices accessory to marine retail and marine and port activities, maritime passenger operations, marine retail, retail, food and beverage, entertainment facilities and education facilities greater than 100m² gross floor area per site:
 - (a) travel management; and
 - (b) traffic generation;
- (7) declamation:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities; and
 - (f) consent duration;
- (8) maintenance dredging and capital works dredging:
 - (a) effects on coastal processes, ecological values, and water quality;
 - (b) effects on other users of the coastal marine area, navigation and safety; and
 - (c) consent duration and monitoring;
- (9) a bridge across the Viaduct Harbour, linking the Eastern Viaduct to Jellicoe Street:
 - (a) construction or works methods, timing and hours of operation;
 - (b) location, extent, design and materials used;
 - (c) effects on coastal processes, ecological values, water quality and natural character;
 - (d) effects on public access, navigation and safety;
 - (e) effects on existing uses and activities;
 - (f) amenity, effects on views and visual amenity; and
 - (g) consent duration and monitoring;
- (10) new buildings, and alterations and additions to buildings:
 - (a) the matters of discretion in [H8.8.1\(1\) of the Business – City Centre Zone](#) rules for new buildings and/or alterations and additions to buildings apply;

- (b) the location, bulk and scale of buildings relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location; and
 - (c) where one or more buildings infringes the basic site intensity or basic building heights on Precinct plans 2 and 4, but complies with the maximum site intensity and maximum building heights on Precinct Plans 3 and 5:
 - (i) location, physical extent and design of streets, pedestrian connections and open space;
 - (ii) location, form and scale of buildings;
 - (iii) location and staging of activities;
 - (iv) provision of adequate infrastructure.
- (11) subdivision:
- (a) the matters of discretion set out in [E38 Subdivision - Urban under E38.12.1](#); and
 - (b) the location, bulk and scale of buildings relative to overall development, including the layout and design of roads, lanes, open spaces, earthworks areas and land contours, and infrastructure location;
- (12) conversion of a building or part of a building to dwellings or visitor accommodation:
- (a) the matters of discretion in [H8.8.1\(3\) in the Business – City Centre Zone](#) apply;
- (13) substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on Business – City Centre Zone – Map [H8.11.1](#):
- (a) the matters of discretion in of the Business – City Centre Zone apply;
- (14) retail specified as a restricted discretionary activity in the activity table:
- (a) the matters of discretion in [H8.8.1\(4\) of the Business – City Centre Zone](#) apply;
- (15) roads or lanes:
- (a) scale, form and dominance/ visual amenity effects;
 - (b) effects on the transportation network (including safety and efficiency);
 - (c) amenity and function of public open space and pedestrian access; and
 - (d) the location, physical extent and design of the transport network and any pedestrian linkages;

- (16) infringing the building height standard:
 - (a) building scale, form, dominance and visual amenity effects; and
 - (b) effects on current or planned future form and character;
- (17) building frontage alignment and height:
 - (a) building scale, form, dominance and visual amenity effects; and
 - (b) amenity and function of public open space and pedestrian access.
- (18) infringing the special industrial frontage standard:
 - (a) risk and safety;
- (19) infringing the access to sites with multiple frontages standard:
 - (a) effects on the transportation network (including safety and efficiency); and
 - (b) amenity and function of public open space and pedestrian access;
- (20) infringing the vehicle access over footpaths standard:
 - (a) effects on the transportation network (including safety and efficiency); and
 - (b) amenity and function of public open space and pedestrian access;
- (21) infringing the lanes and viewshafts standards:
 - (a) scale, form, dominance and visual amenity effects;
 - (b) effects on the transportation network (including safety and efficiency); and
 - (c) amenity and function of public open space and pedestrian access;
- (22) infringing the public accessways – wharves standard:
 - (a) building scale, form, dominance and visual amenity effects; and
 - (b) amenity and function of public open space and pedestrian access;
- (23) infringing the buildings and structures on the Halsey Street extension wharf standard:
 - (a) building scale, form, dominance and visual amenity effects;
 - (b) reverse sensitivity effects;
 - (c) amenity and function of public open space and pedestrian access; and
 - (d) risk and safety;
- (24) infringing the temporary structures or buildings standard:
 - (a) building scale, form, dominance and visual amenity effects;
 - (b) reverse sensitivity effects; and

- (c) amenity and function of public open space and pedestrian access.

I214.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) marine and port activities and marine and port facilities:
- (a) the assessment criteria in [F2.23.2 of the Coastal – General Coastal Marine Zone](#) rules, including [F2.23.2\(17\)](#) for coastal marine area structures & buildings, apply in addition to the criteria below; and
 - (b) whether the activity protects and enhances amenity values and public safety at the interface with existing and proposed public open space (as shown on Precinct plan 6 and the amenity values of existing or approved residential activity, and, in particular, visual and aural privacy;
- (2) offices that exceed the thresholds in I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
- (a) whether the activity together with existing, permitted and consented activities, will adversely affect the current and future operational capacity and safety of the adjacent road network and specifically the Beaumont Street/Fanshawe Street, Daldy Street /Fanshawe Street and Halsey Street/Fanshawe Street intersections. In determining the extent of any potential transportation effects, the following matters shall be taken into account:
 - (i) the extent to which it is demonstrated that the proposed office activity will result in vehicle trips consistent with a maximum formula of:
 - 0.38 trips per parking space, plus
 - 0.16 trips per 100m² proposed office gross floor area;
 - (ii) whether it is demonstrated that:
 - the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the following trip generation ceiling targets for all activities from Wynyard Precinct:
 - 3650 vehicles per hour two way; and
 - 2500 vehicles per hour one way inbound or outbound during the weekday morning peak (7.00am - 9.00 am)
 - 2500 vehicles per hour one way outbound or inbound during the weekday afternoon peak (4.00pm-6.00pm);
 - the proposed office activity, together with all other existing, permitted and consented activities, will not exceed the total allowable gross floor area and the predicted total trips for the

relevant sub-precinct set out in Table 2 of Part A of the Wynyard Precinct Transport Plan;

- the proposed office activity will not exceed the number of trips per hour inbound or outbound during the weekday morning and afternoon peaks for each sub-precinct set out in the table below:

Sub-precinct	Trips per hour one way in peak direction
A and B	968
C	21
D-F	451
G	0

- (iii) any available information demonstrating the success or otherwise of travel management measures implemented within the precinct;
 - (iv) any planned or constructed transport infrastructure improvements;
 - (v) the proximity of the site to a regular public transport service;
 - (vi) when assessing any application in sub-precincts D, E and F, any agreed reduction in allowable office gross floor area provided in these sub-precincts or sites below that specified in I214.6.2 above;
 - (vii) where the proposed activity does not comply with criteria I214.8.2(2)(a)(i) and (ii) above, the council shall have regard to whether the proposed activity could comply with these criteria if either:
 - less than the maximum permitted parking is proposed in the application for the proposed office activity gross floor area, or
 - no parking is proposed in the application for the proposed office activity gross floor area;
- (b) in granting any resource consent the council may impose resource consent conditions relating to any of the matters listed in these criteria, including a requirement for ongoing morning and afternoon peak vehicle trip generation monitoring results and supporting review condition(s);
- (3) retail specified as a restricted discretionary activity in the activity table:
- (a) The assessment criteria in [H8.8.2\(4\) of the Business – City Centre Zone](#) rules apply;
- (4) offices (including offices accessory to marine and port activities and marine retail), maritime passenger operations, marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m² per site:

- (a) whether it can be demonstrated by the measures and commitments outlined in a detailed site travel management plan that the activity or activities will be managed to minimise private vehicle travel to and from precinct to achieve Policies I214.3(34)-(37) of the Wynyard Precinct using methods outlined in Part A of the Wynyard Precinct Transport Plan (19 August 2010) refer I214.11.1 Appendix 1;
- (5) private use of coastal access areas either vested in the Council or areas over which council has a covenant for public access:
- (a) whether:
 - (i) the requirement for the use of coastal access areas is based on the operational nature of the activity, including any available alternatives to avoid the use of coastal access areas;
 - (ii) the proposed duration and frequency of the use of the coastal access area is minimised, including the level of certainty provided (through conditions offered by the applicant, site management plans and monitoring) that usage will be appropriately managed and the conditions of use adhered to;
 - (iii) the existing and future potential public use of the subject coastal access area could be compromised, including the timing of the proposed use in relation to peak pedestrian activity;
 - (iv) alternative access along the coastline is available during any periods of closure;
 - (v) the level of public safety risk posed will be avoided, remedied or mitigated, including the provision of a site management plan;
- (6) risk sensitive activities marked # in the activity table identified as a restricted discretionary activity (excluding events):
- (a) whether any unacceptable levels of risk can be avoided or mitigated based on the following:
 - (i) the location of the development, including service areas, parking and outdoor areas, with respect to industrial hazard sources;
 - (ii) the design occupancy of the development, including anticipated design occupation numbers, the predominant and most vulnerable age demographic, hours of operation, estimated mean and maximum occupancy times for individual site dwellers in hours/days and any other pertinent occupancy information;
 - (iii) a description of alternative layout plans considered in order to mitigate risk arising from offsite hazard sources;
 - (iv) methods for advising occupiers of the development of potential safety risks including methods of risk mitigation and control;

- (v) building design methods for avoiding or mitigating occupant risk resulting from exposure to toxic vapour, thermal radiation and explosion debris from offsite hazard sources;
 - (vi) details of any proposed development staging and any voluntary site occupancy controls to be implemented during the transition period leading up to hazardous industry relocation;
- (b) for open markets that attract more than 1000 people at any one time, the criteria in I214.8.2(7) below also apply;
- (7) an event and associated buildings and structures identified as a restricted discretionary activity in the activity table:
- (a) whether measures outlined in an emergency, evacuation and management plan and event transport plan avoid or mitigate 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 including for events within Areas 4 and 6, whether the activity will adversely affect marine and port activities and the navigation, safety or commercial vessels operating in these areas;
- (8) substantial demolition or any demolition of the front façade of a special character building within the Wynyard precinct identified on Business – City Centre Zone Map [H8.11.1](#);
- (a) the assessment criteria in [H8.8.2\(5\) of the Business – City Centre Zone](#) rules for the demolition of special character buildings apply in addition to the criteria below; and
 - (b) the contribution the identified special character building (including its association with any nearby identified character buildings) makes to the character or streetscape quality of the precinct and whether its removal or partial demolition adversely impacts upon those qualities. In assessing proposals against this criterion particular regard should be had to retaining a link to the past marine industrial aesthetic of the precinct;
- (9) new buildings, and alterations and additions to buildings:
- (a) the relevant assessment criteria in [H8.8.2\(1\) of the Business – City Centre Zone](#) rules for buildings or alterations and additions to buildings apply in addition to the criteria below; and
 - (b) the proposed building, or alteration or addition to buildings, relative to the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area;
 - (c) whether internal space at all levels within the building are designed to maximise outlook onto existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6;

- (d) the extent to which activities which engage and activate existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 at ground level are encouraged;
- (e) at grade private parking areas and parking areas located within buildings which are visible from existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 are strongly discouraged. It is expected that activated building space will be provided between parking areas within buildings and existing and proposed street and public open space frontages;
- (f) whether vehicle access to sites are designed and located to complement the road function and hierarchy, while avoiding conflict with the function of existing public open space and proposed public open space, streets and lanes shown on Precinct plan 6 and public transport priority lanes, balancing the requirements of access and through-movement;
- (g) where alternative vehicle access is available, the creation of new vehicle crossings across frontages along Jellicoe, Beaumont, Halsey and Daldy Streets is discouraged;
- (h) Precinct plan 6 illustrates the locations of publicly accessible lanes which should be provided to create alternative, shorter, or more convenient pedestrian routes at ground level;
- (i) whether a safe and practical 24hr east-west public pedestrian walkway is provided through the block bound by Daldy, Jellicoe, Beaumont and Madden Streets to provide connectivity between Beaumont and Daldy Streets;
- (j) where a building accommodates greater than 100m² gross floor area of office, marine and fishing retail, retail, food and beverage, entertainment/gathering or education activity, the criteria listed in I214.8.2(4) above, also apply;
- (k) the design of building frontages and elevations facing streets and/or other public open spaces should have regard to the setback, form and character of any identified character building(s) adjoining or adjacent to the site. This requires consideration of important character elements and qualities through building design on frontages and elevations visible from streets and other public open spaces;
- (l) a new building abutting, or adjacent to, an identified character building which is set back from the street frontage, may not be required to be constructed predominantly to the street boundary, where a better urban design outcome could be achieved by respecting the spatial location of the character building;

- (m) building elevation, design and materials should respect (rather than replicate) the architectural design composition of the identified special character building(s), and new and contemporary interpretations in form, elevational composition, material and detail may be used;
- (n) where the building works are undertaken within the coastal marine area, the assessment criteria for buildings/structures in the Coastal - General Coastal Marine Zone apply in addition to the following:
 - (i) whether adverse effects associated with the methods of construction on water quality and coastal processes can be avoided, remedied or mitigated;
 - (ii) whether adverse effects on navigation and safety can be avoided, remedied or mitigated; and
 - (iii) whether the buildings or structures are 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 Precinct plan 6; and
 - (iv) with the exception of Wynyard wharf and Halsey Street extension wharf, 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
 - (v) where practicable, enhance public access to the coastal marine area; and
 - (vi) whether the building or structure is required for significant infrastructure;
- (o) where one or more buildings infringes the basic site intensity or basic building heights on Precinct plans 2 and 4, but complies with the maximum site intensity and maximum building heights on Precinct plans 3 and 5:
 - (i) Refer to Policies 1, 2, 3, 39 and 40;
 - (ii) Whether building footprints, profile and height (as opposed to detailed building design) establishes an integrated and legible built form and also:
 1. Integrates with other approved development (including approved Integrated Development Plans);
 2. Enhances the form and function of existing and proposed streets, lanes and public open space, including complementing and enhancing the function of Daldy Street as a major tree-lined boulevard linking Victoria Park to the public open space in sub-precinct F as shown on precinct plan 6;

3. Avoids monotonous built form when viewed from public open space through variation in building footprints, height and form;
 4. Maintains the ability for marker buildings within sub-precincts B, C and E to be established to the maximum height provided for on Precinct plan 5;
 5. Within sub-precincts D, E, F and G, the extent to which the location or orientation of buildings, and the type and location of any known prospective activities marked # in the activity table, including the use of public open space areas:
 - a. Avoids or mitigates reverse sensitivity issues associated with existing industry, marine industry, fishing industry and maritime passenger operations;
 - b. Avoids unacceptable levels of risk associated with existing hazardous industry, including the adjacent ammonia refrigerant based fish processing plant;
 6. Enables or maintains efficient vehicle access to existing industry, marine industry, fishing industry and maritime passenger operations;
 7. Supports the role of Jellicoe Street as the major community and visitor focal point of the precinct;
- (iii) The extent to which the building footprints, height, floor to floor heights and profile of buildings enable them to accommodate a wide range of activities and to be adapted to accommodate differing uses in the future;
- (iv) Whether the location and staging of anticipated activity types and/or the location, orientation or layout of buildings avoids or mitigates potential conflicts between activities within the subject land area and adjacent land areas;
- (v) Whether buildings may provide opportunities for the establishment of community facilities, such as health, educational and care facilities, for future people in the area;
- (vi) Whether the layout and design of public open space within the subject land area will ensure well-connected, legible and safe vehicular and pedestrian routes with appropriate provision for footpaths, servicing, infrastructure services and landscape treatment;
- (vii) Whether the layout and design of public open space and lanes within the subject land area will integrate with and complement the form and function of existing and proposed public open space and lanes network;
- (viii) Whether stormwater, wastewater, water supply, electricity and telecommunication infrastructure will be provided to adequately

service the nature and staging of anticipated development within the subject land area;

- (ix) Whether consideration has been given to integration of parking, loading and servicing areas within the subject land area taking account of location and staging of anticipated activity types;

(10) a bridge across the Viaduct Harbour:

(a) the bridge should contribute to a high quality maritime and urban environment and meets the following outcomes:

- (i) the bridge design avoids 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 Precinct plan 6.

(ii) the bridge contributes to the pedestrian character and amenity of the Viaduct Harbour and Wynyard precinct by:

- providing safe and pleasant pedestrian and cycle access east and west across the Viaduct Harbour;
- having a landscape design, character and quality which integrates with existing pedestrian priority areas and other accessways around the Viaduct Harbour;
- not causing significant adverse effects on the use and enjoyment of Te Wero Island as an area of pedestrian-oriented public space; and
- 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;

(iii) the bridge is designed and operated to provide for:

- vessel access to and from the inner Viaduct Harbour without undue delay;
- navigation and berthage by the existing range of vessels in the inner Viaduct Harbour; and
- any reduction in berthage area to be minimised as far as practicable;

(iv) convenient and easily accessible systems for communicating with vessel users regarding scheduled and unscheduled bridge opening/closing;

(v) appropriate lighting, navigation aids, safety systems and fail-safe mechanisms; and

- (vi) a minimum clearance height of 3m above mean high water springs for a 10m wide navigable channel;
 - (b) the ongoing viable use of the Viaduct Harbour (particularly the Wynyard Precinct mixed use Sub-precinct G) to accommodate marine and port activities and marine events, such as boat shows and internationally recognised boating events such as the America's Cup event, is maintained;
 - (c) the bridge has a high quality design that:
 - (i) enhances the character of the Viaduct Harbour;
 - (ii) is simple and elegant;
 - (iii) is appropriate within the context of the Viaduct Harbour locality and Auckland's coastal setting;
 - (iv) has an appropriate relationship with the Viaduct Lifting Bridge identified in the Historic Heritage overlay; and
 - (v) utilises high quality and low maintenance materials and detailing;
 - (d) the bridge is designed in a manner which may provide in the future for enhanced connectivity for the public between the precinct and the city centre; and
 - (e) the bridge has no more than minor adverse effects on coastal processes including sedimentation within the Viaduct Harbour;
- (11) declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
 - (i) the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area;
 - (ii) hydrogeology (ground water) and hydrology; and
 - (iii) sediment accumulation and the need for ongoing maintenance dredging of the coastal marine area;
 - (b) whether declamation works, including the construction of seawalls avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
 - (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access along the water's edge whether on land or on the adjacent water space;
- (12) maintenance dredging and capital works dredging:

- (a) the assessment criteria in [F2.23.2\(1\) and F2.23.2\(11\) of the Coastal - General Coastal Marine Zone](#) rules apply in addition to the criteria below;
 - (b) whether the dredging is necessary to achieve the outcomes sought by the objectives and policies for the Wynyard precinct.
- (13) conversion of a building or part of a building to dwellings or visitor accommodation:
- (a) the assessment criteria in [H8.8.2\(3\) in the Business – City Centre Zone](#) apply; and
- (14) subdivision:
- (a) the assessment criteria set out in [E38 Subdivision - Urban under E38.12.2](#); and
 - (b) the location of infrastructure servicing the area and open space should result in an integrated network that is adequate to meet the needs of the overall development area;
- (15) roads and lanes:
- (a) the extent to which pedestrian permeability is maintained and enhanced through the site layout;
 - (b) whether pedestrian access to the water's edge is maintained;
 - (c) the integration of the site with the wider Wynyard Precinct; and
 - (d) whether intrusion of public views into and through Wynyard Precinct are avoided;
- (16) infringing the building height standard:
- (a) where building height is exceeded, Policies I214.3(3) of the Wynyard Precinct and Policy [H8.3\(30\) of the Business – City Centre Zone](#) should be considered.
- (17) infringing the building frontage alignment and height standards:
- (a) the extent to which buildings are of a scale and form appropriate to the setting; and
 - (b) the extent to which pedestrian access and amenity is enhanced through the design of the building;
- (18) infringing the special industrial frontage standard:
- (a) whether the design avoid, remedy or mitigate human injury risks associated with accidental ammonia release associated with the ammonia refrigerant based fish processing plant;
- (19) infringing the access to sites with multiple frontages standard:

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- (a) the extent to which access to sites are located to allow safe and efficient access to and from the site;
 - (b) whether the access location and traffic generation from the site compromise the safe and efficient operation of the transportation network; and
 - (c) whether pedestrian function, and safety of pedestrians on footpaths is compromised;
- (20) infringing the vehicle access over footpaths standard:
- (a) whether the pedestrian function, and safety of pedestrians on footpaths is compromised; and
 - (b) whether an alternative access location would better maintain pedestrian and cyclist safety and amenity.
- (21) infringing the lanes and view shafts standard:
- (a) the extent to which pedestrian permeability is maintained and enhanced through the site layout;
 - (b) whether pedestrian access to the water's edge is maintained;
 - (c) the integration of the site with the wider Wynyard precinct; and
 - (d) avoid intrusion of public views into and through Wynyard Precinct.
- (22) infringing the public access ways – wharves:
- (a) the extent of public access to the water's edge; and
 - (b) whether the development control infringement is required to enable marine and fishing industry, maritime passenger operations and events to operate;
- (23) infringing the buildings and structures on the Halsey Street extension wharf standard:
- (a) Whether pedestrian access is maintained.
 - (b) the extent to which the building design is consistent with the character and amenity of Halsey Street extension wharf.
 - (c) whether buildings and structures adversely affect the current and future operation and growth of the marine and fishing industries and maritime passenger operations.
- (24) infringing the temporary structures or buildings standard:
- (a) the extent to which buildings are of a scale appropriate to the waterfront setting; and

- (b) whether building location compromises the function of the Wynyard Precinct.

I214.9. Special information requirements

In addition to the general information that must be submitted with a resource consent application (refer [C1.2\(1\)](#) Information requirements for resource consent applications), applications for the activities listed below must be accompanied by the additional information specified.

- (1) Events specified as a controlled activity in the activity table:
- (a) an emergency evacuation and management plan and event transport plan.
- (2) Marine and port activities:
- (a) a site management plan that details operational procedures and physical measures to be put in place to avoid, remedy or mitigate public safety effects.
- (3) The transfer of special character building floor space:
- (a) the special information required in [H8.6.13 of the Business – City Centre zone](#) rules for the transfer of special character building floor space apply.
- (4) Offices that exceed the permitted thresholds in I214.6.2(1) above but do not exceed the restricted discretionary thresholds in I214.6.2(2) above:
- (a) the Council will require independently verified actual morning and afternoon peak vehicle trip generation monitoring results from existing office activity within and, if appropriate, adjacent to the precinct with similar operational characteristics to the office activity proposed. The trip generation formula set out in the assessment criteria for the activity must be used to predict trips from the proposed, permitted and consented office activities.
- (5) Offices (including offices accessory to marine and port activities and marine retail), marine and fishing retail, retail, food and beverage, entertainment facilities or education facilities greater than 100m² per site:
- (a) a site travel management plan must be provided corresponding to the scale and significance of the activity and containing the following information as a minimum to demonstrate how the development will achieve the objectives of the Wynyard Precinct Transport Plan including:
 - (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 timetables and route maps; internet service to enhance awareness of alternative transportation services;

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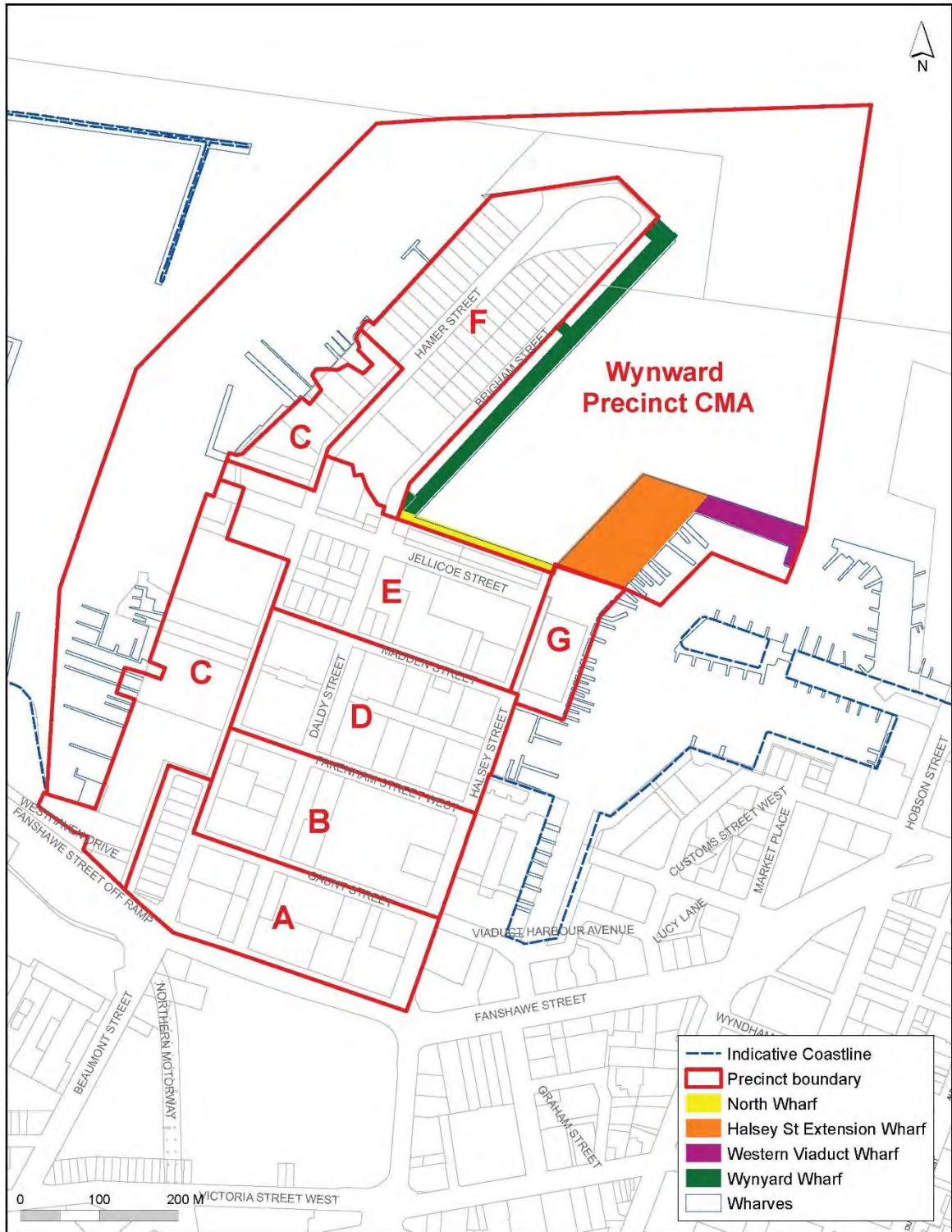
- (ii) the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources;
 - (iii) operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Wynyard precinct, including car sharing schemes, public transport use incentives, flexitime, staggered working hours;
 - (iv) operational measures to be established to restrict the use of any short term parking area(s) during peak periods;
 - (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;
 - (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 Precinct wide travel management measures outlined in part B of the Wynyard Precinct Transport Plan (refer I214.11.1 Appendix 1) and use the travel demand management measures outlined in part C of that plan, or other appropriate initiatives.
- (6) private use of the coast access areas either vested in the council or areas over which council has a covenant for public access:
- (a) a site management plan corresponding to the scale and significance of the activity detailing the operational measures to be establish to address the matters listed in assessment criteria for the activity.
- (7) risk sensitive activities marked # in the activity table located in sub-precinct D, E, F, G or areas 1-6 shown on Precinct plan 10 (excluding events):
- (a) an emergency and evacuation plan prepared by an independent authority or competent safety professional, which clearly indicates communication roles and responsibilities, location of egress points and assembly areas.
- (8) events within sub-precinct D and E and areas 1, 3, 4 and 6 shown on Precinct plan 10:
- (a) 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;

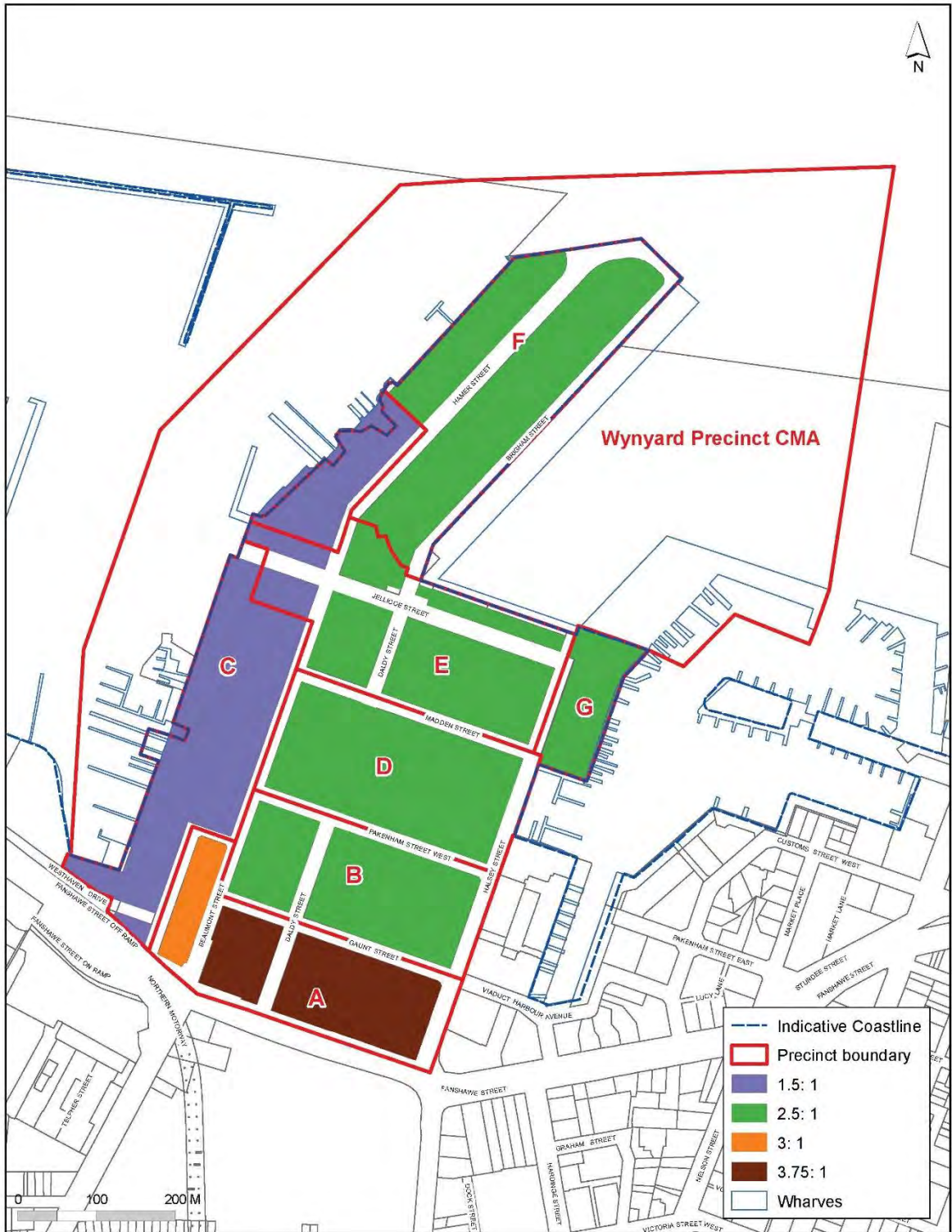
- (b) an event transport plan, developed in consultation with adjacent hazardous industry, marine industry and maritime passenger operators, which addresses the following matters:
 - (i) measures to ensure the maintenance of safe and efficient access (including at least two access points for emergency service vehicles) to existing hazardous industry, marine industry and maritime passenger operations for the full duration of the event;
 - (ii) measures to prevent event attendees entering into, or parking within Sub-precinct F or Wynyard wharf for the full duration of the event;
 - (iii) 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
 - (iv) 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.

I214.10. Precinct plans

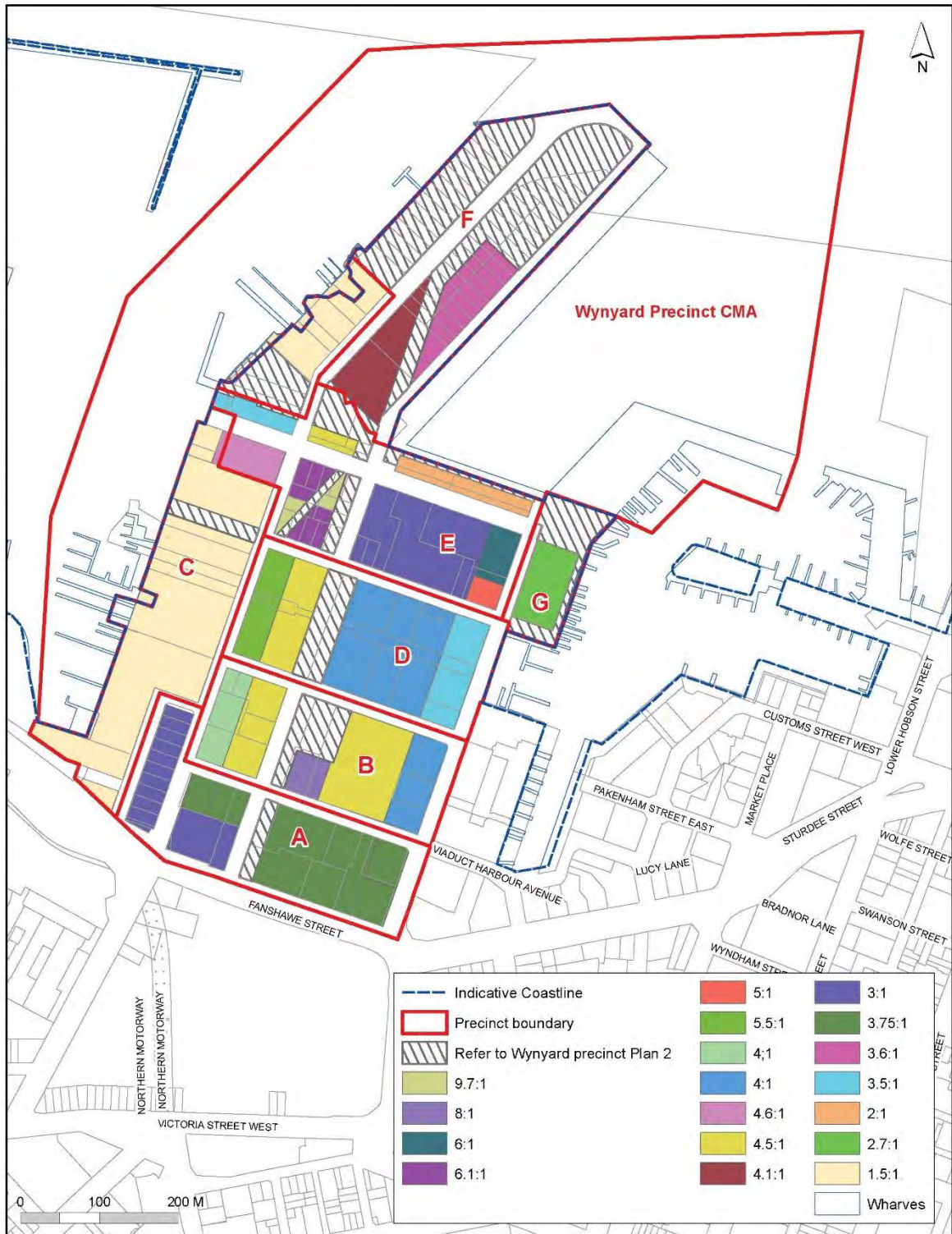
I214.10.1 Wynyard: Precinct plan 1 - Sub-precincts



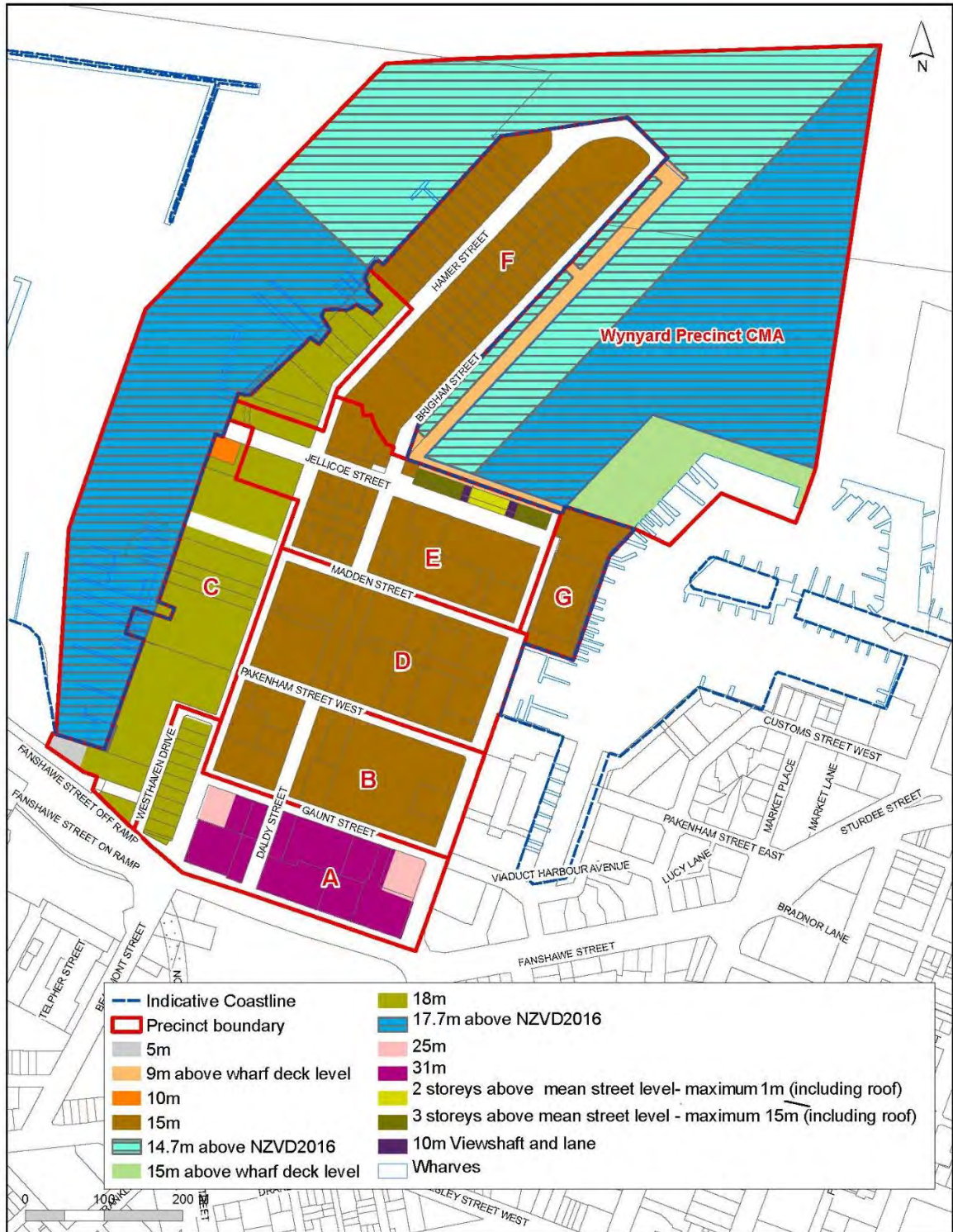
I214.10.2 Wynyard: Precinct plan 2 - Basic floor area ratio



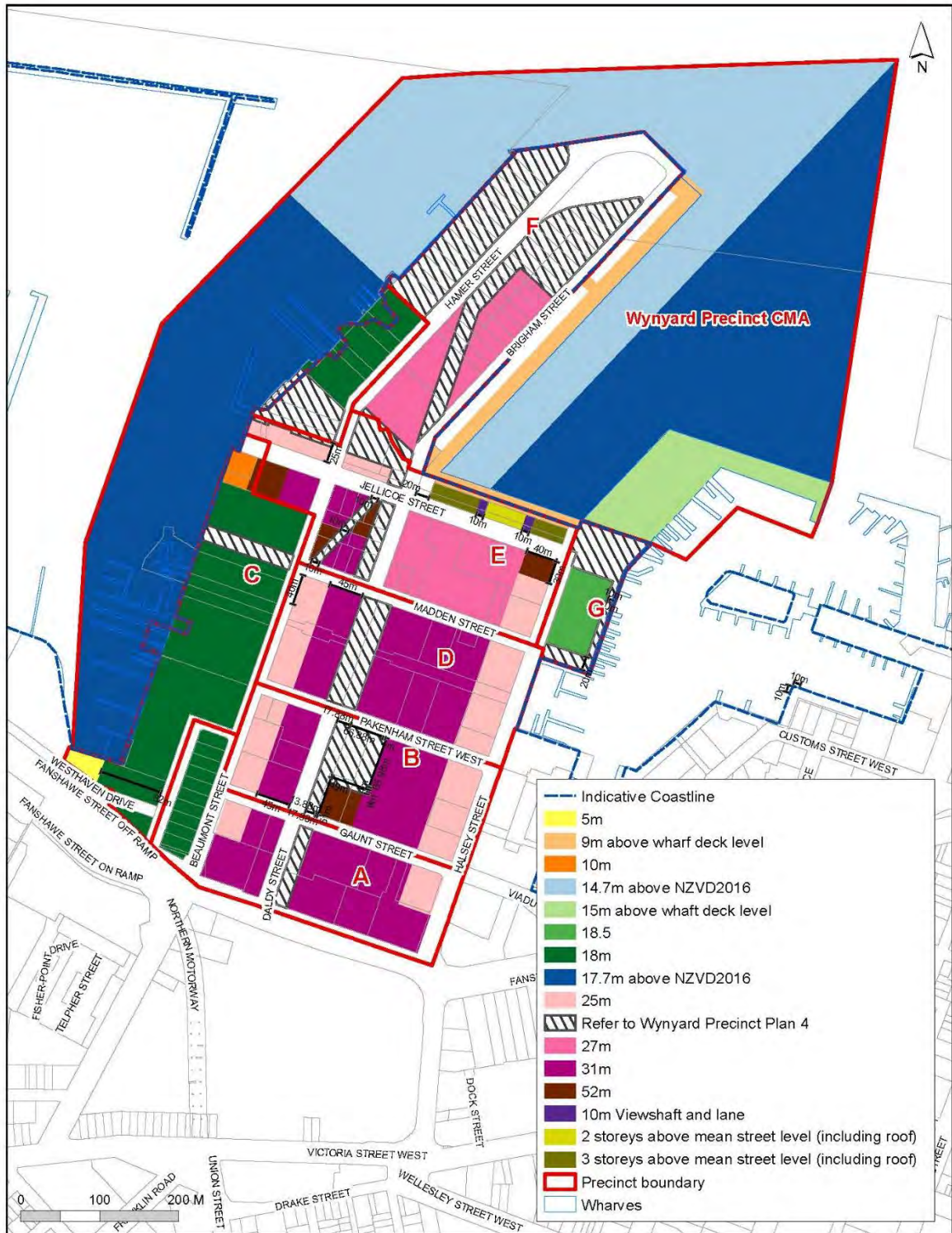
I214.10.3 Wynyard: Precinct plan 3 - Maximum floor area ratio



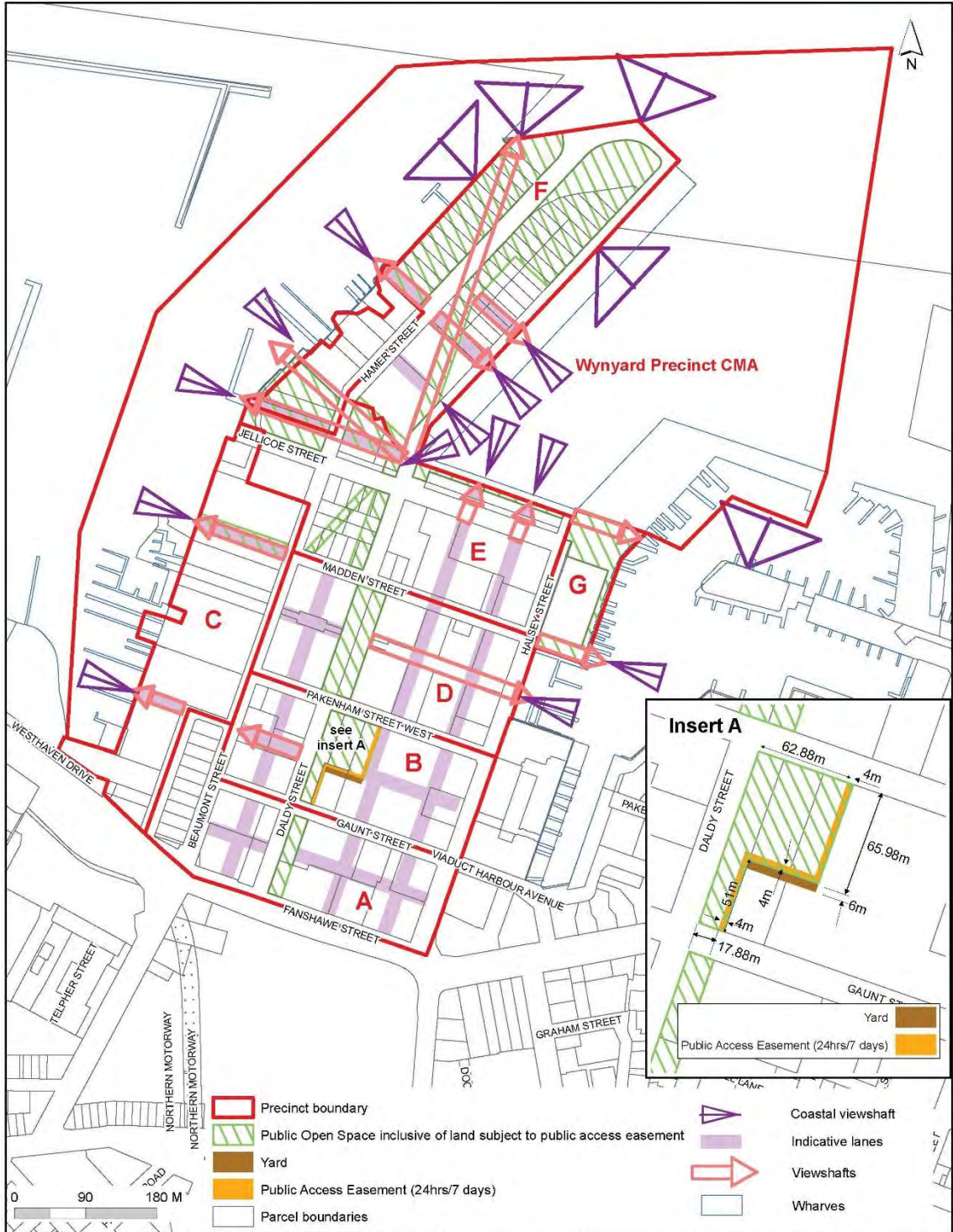
I214.10.4 Wynyard: Precinct plan 4 – Basic height



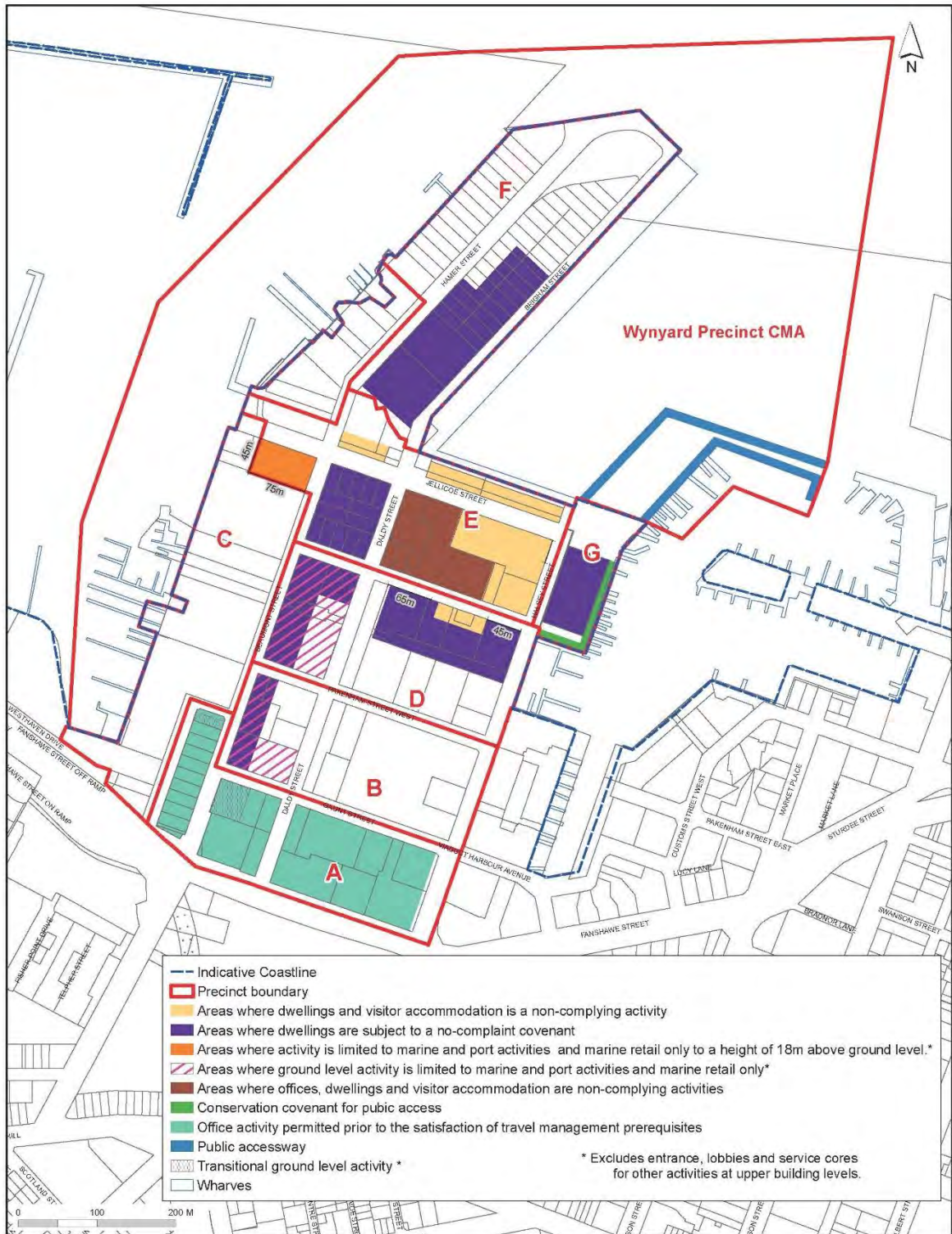
I214.10.5 Wynyard: Precinct plan 5 – Maximum height



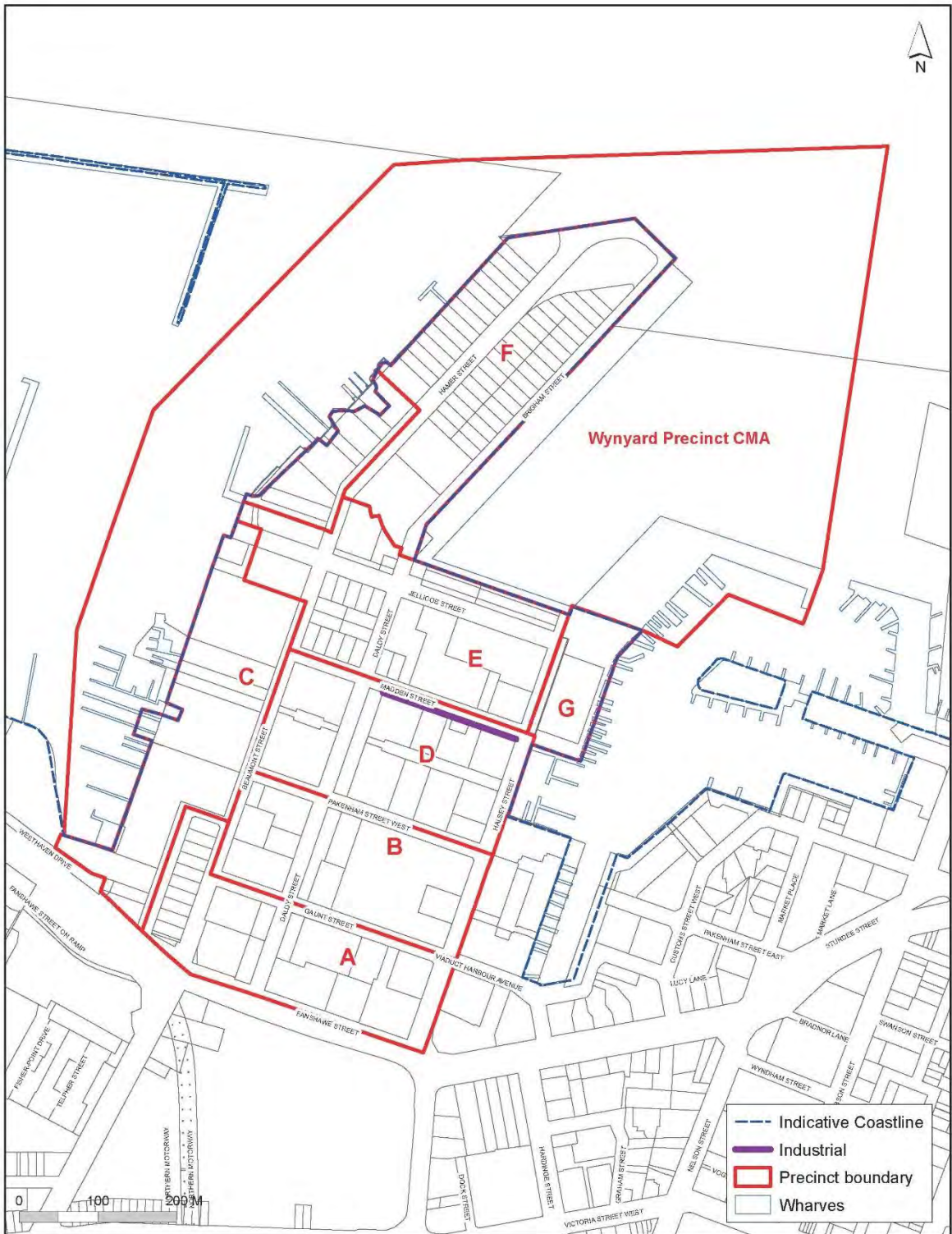
I214.10.6 Wynyard: Precinct plan 6 - Indicative lanes and viewshafts



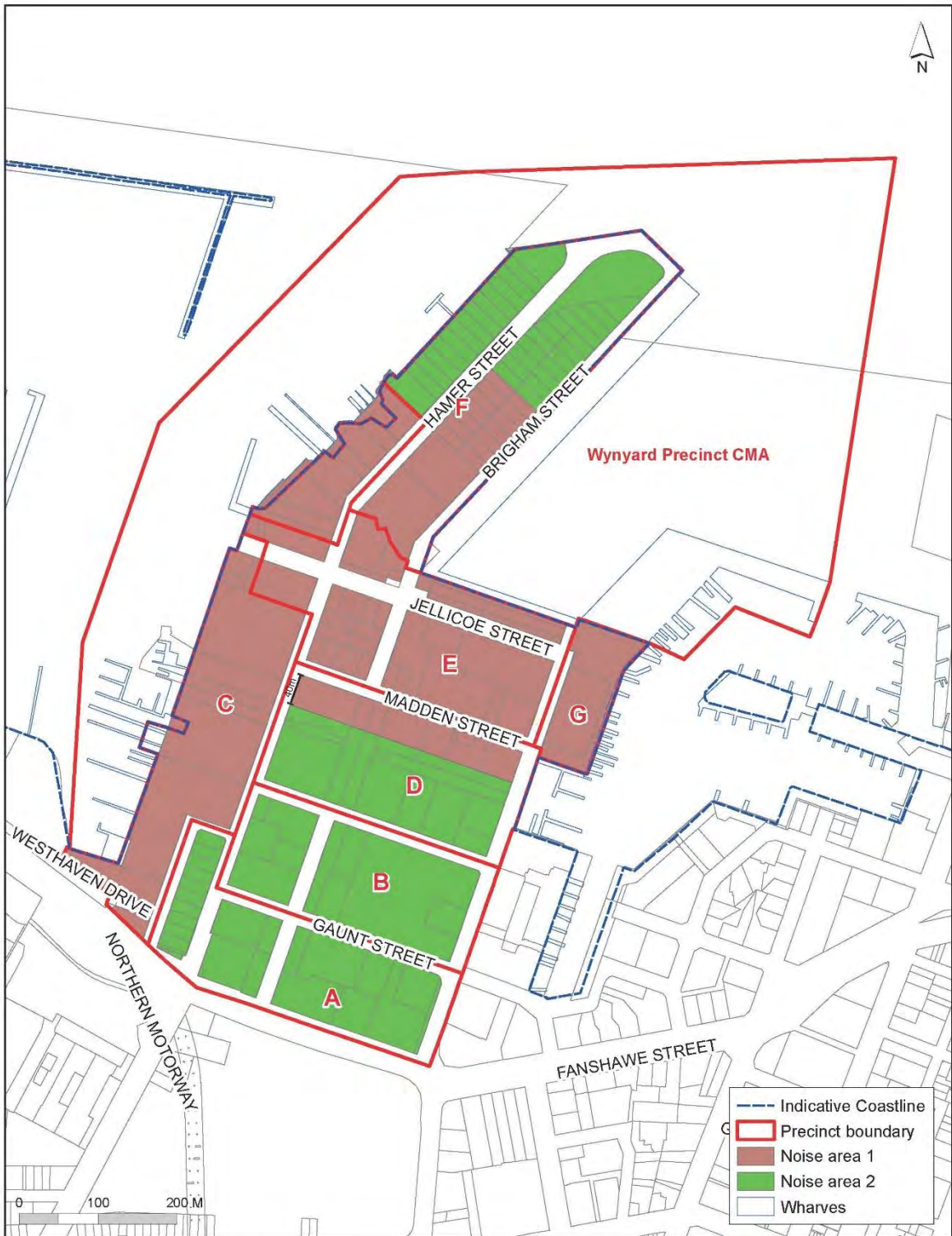
I214.10.7 Wynyard: Precinct plan 7 – Additional activity restrictions



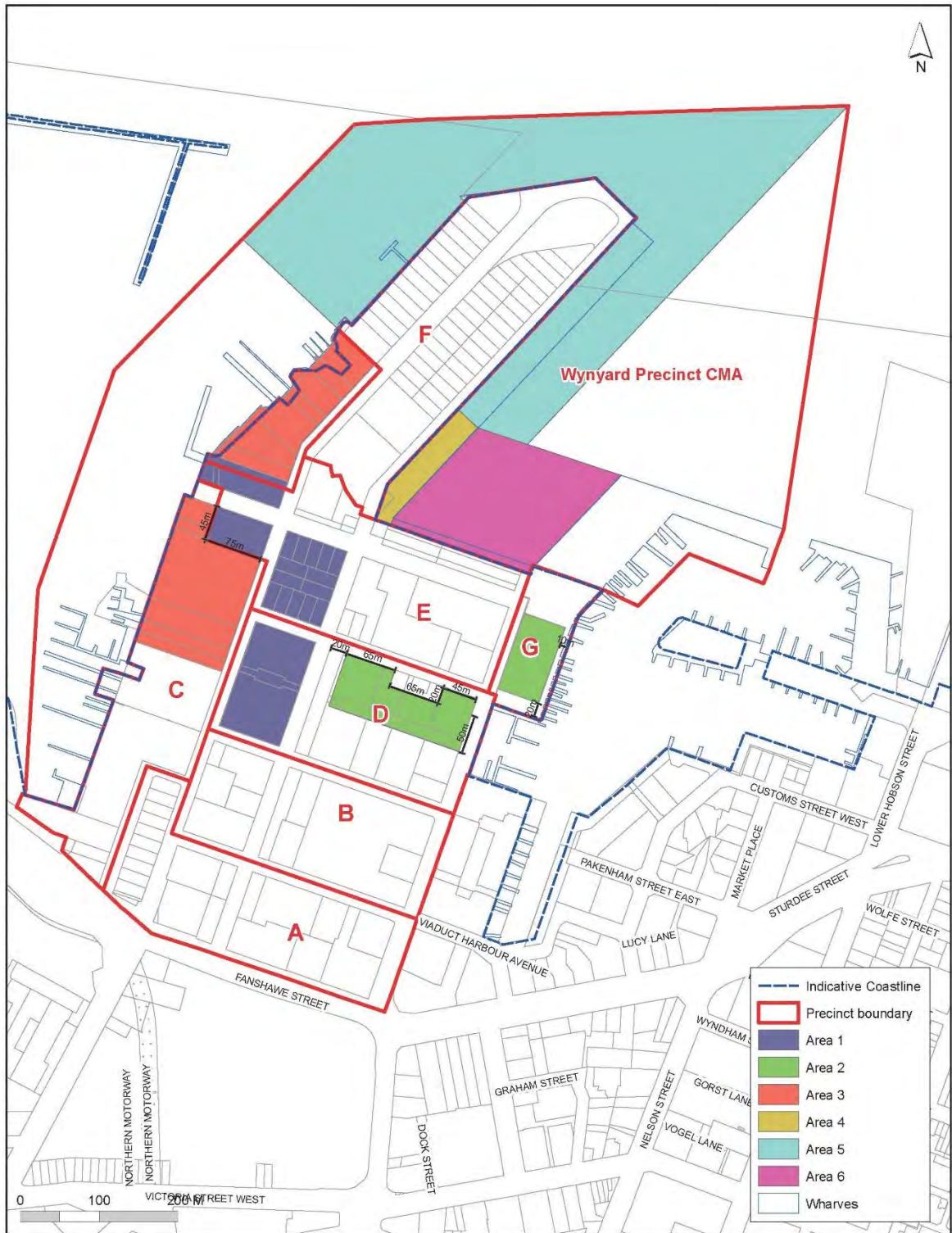
I214.10.8 Wynyard: Precinct plan 8 - Industrial frontages



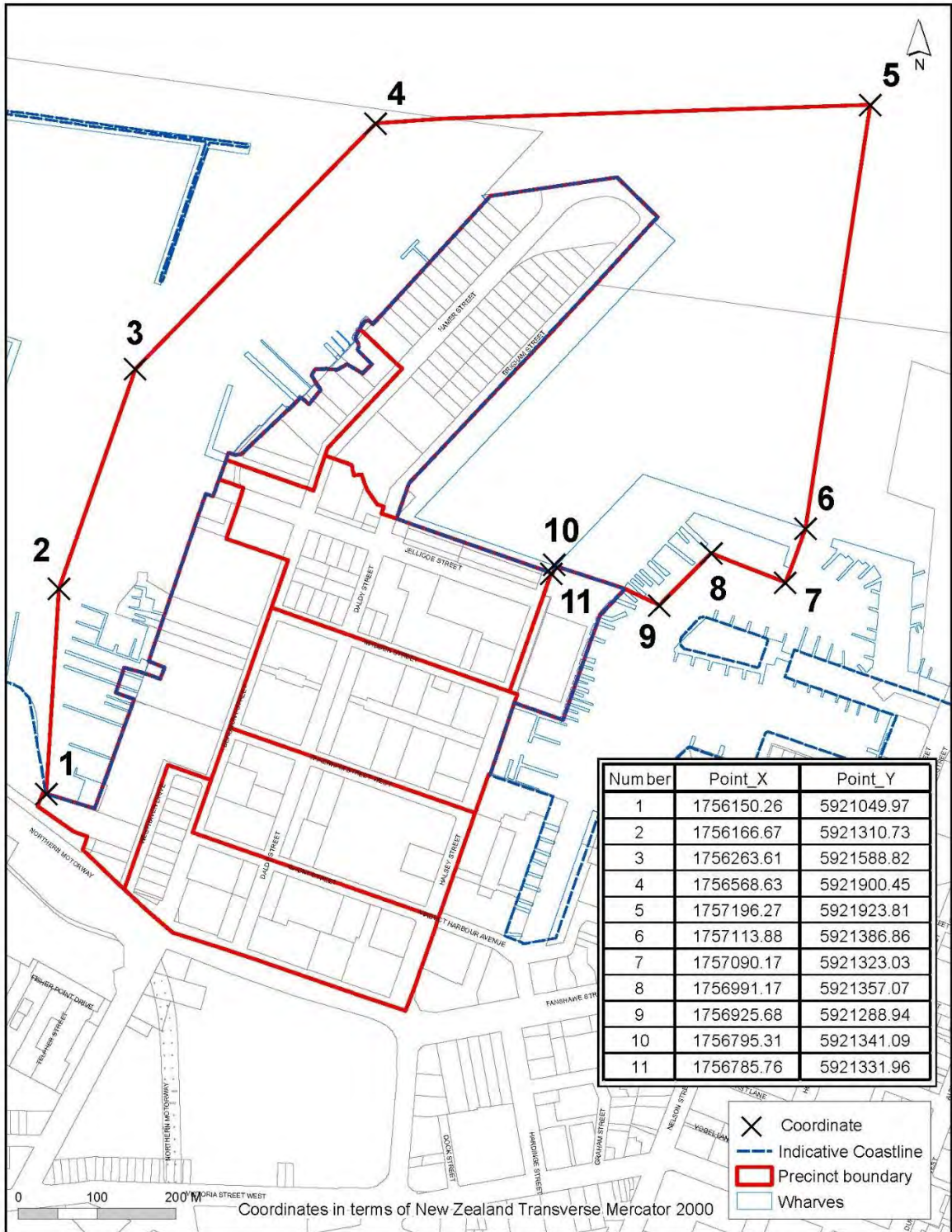
I214.10.9 Wynyard: Precinct plan 9 - Noise areas



I214.10.10 Wynyard: Precinct plan 10 – Risk areas



I214.10.11 Wynyard: Precinct plan 11 – Precinct boundary coordinates in the coastal marine area



I214.11. Appendices

I214.11.1 Appendix 1 - Methodology for undertaking traffic generation surveys in Wynyard Quarter (non-statutory)

I409. Clevedon Waterways Precinct

I409.1. Precinct description

The Clevedon Waterways precinct comprises 234.1 hectares of land next to the Wairoa River located approximately 5km to the northeast of Clevedon Village. The precinct includes 123.3 hectares to the east of North Road that will support residential canal housing and 110.8 hectares to the west of North Road to be utilised partly as a wastewater disposal field (if not connected to the Clevedon system), and open space.

The purpose of the Clevedon Waterways precinct is to allow for a canal-based maritime village of up to 350 dwellings together with surrounding public open space, green infrastructure, a small village hub, a lock and weir and a network of walking and cycle trails.

The development of the Clevedon Waterways Precinct will necessitate the declaration of the land required to create the canals. The canals will become part of the Coastal Marine Area (CMA) and will require a number of coastal permits for the design and construction of the works which abut and form the bed of the CMA. It will be necessary to obtain the permits at an early stage of the development process.

The holder of the coastal permits will be responsible for compliance with the terms of the applications and for on-going requirements and conditions of the permits and the terms of any occupation of the CMA by structures. At a subsequent stage the consent holder will need to transfer the permits to an appropriately constituted body made up of those who have secured the right to access the CMA created by the canal development.

It is expected that these permits will include a range of environmental management provisions that will be implemented through some form of berth holders or mooring holders licence that will require the holders of those berths or moorings to be obliged to accept individual responsibility for management of adverse effects on the coastal environment.

The Clevedon Waterways: Precinct plan 1 applies to the whole precinct area and shows sub-precinct boundaries. Key features include canal locations, open space, and indicative walkways. Clevedon Waterways: Precinct plan 2 – Landscape design provides the landscape design vision for the precinct. Figure 1 – Entrance road and Figure 2 – Perimeter road show the indicative road typologies. The precinct is made up of four sub-precincts A, B, C and D:

Sub-precinct A

Sub-precinct A applies to the flat land between North Road and the Wairoa River and is approximately 56 hectares in area. The purpose of the sub-precinct is to create a unique form of canal housing with the associated waterways, boat berths, and the access to the Wairoa River via a lock and weir. Specific design controls for the sub-precinct will reduce the visual impact of the buildings, create building platforms above the 1% AEP floodplain, provide for sea level rise, and give effect to a maritime village identity.

Sub-precinct B

Sub-precinct B is situated adjacent to the main road entrance to the precinct where it meets the canals and is approximately 4.0 hectares in area. The purpose of the sub-precinct is to reinforce the area as a local service centre for Clevedon Waterways precinct and to recognise appropriate business and community uses. More intensive housing options are to be enabled.

Sub-precinct C

The Precinct Plan identifies this area as being located around the perimeter of the precinct and is approximately 62 hectares in area. It provides a buffer and transition between the village area and the surrounding farmland and river/coastal environment. The purpose of Sub-precinct C is the creation of open space intended to reduce the potential impacts of the canal development on the rural and river environment, provide public access to the river, and passive recreation opportunities. It also incorporates the enhancement of the existing natural streams with riparian margin planting and wetlands.

Sub-precinct D

This sub-precinct relates to the 110.8 hectare block of land to the west of North Road. The purpose of Sub-precinct D is to provide a wastewater disposal field on farmland, bush protection, plus walking trails for village residents.

Sub-precinct E

This sub-precinct relates to the canal areas which will have a current zoning of Rural and Coastal Settlement Zone and when development is completed will become part of the Coastal – General Coastal Marine Zone.

The zoning of the Clevedon Waterways precinct is as follows:

- (a) Clevedon Waterways Sub-precinct A is zoned Residential - Rural and Coastal Settlement Zone;
- (b) Clevedon Waterways Sub-precinct B is zoned Business - Neighbourhood Centre Zone;
- (c) Clevedon Waterways Sub-precinct C is zoned Open Space - Informal Recreation Zone;
- (d) Clevedon Waterways Sub-precinct D is zoned Rural - Mixed Rural Zone;
- (e) Clevedon Waterways Sub-precinct E is zoned Residential - Rural and Coastal Settlement Zone but will become Coastal – General Coastal Marine Zone when the canal development is completed.

I409.2. Objectives [rcp/rp/dp]

- (1) The declaration for the canal development and the proposed use and occupation of the Coastal Marine Area for activities associated with the canal development including access and berthing of vessels authorised by the necessary coastal permits.

- (2) On-going responsibility for the exercise of the coastal permits transferred to a body representing those persons who have purchased water frontage sites in the development.
- (3) Subdivision and development occurs in accordance with the Clevedon Waterways precinct plan.
- (4) A new maritime community is created in an integrated and sustainable manner that protects and enhances the existing rural and natural coastal environment.
- (5) A network of appropriately designed canals and islands are created to provide stable building platforms that minimise hazards from flooding and sea level rise, while protecting water quality.
- (6) A unique housing and lifestyle choice is provided through the creation of a high quality residential environment comprising a range of housing densities, and typologies that integrate with the canals.
- (7) A surrounding open space area which mitigates visual impacts to the adjoining rural zones and provides public access to the river and streams, and boat access to the coastal marine area is created.
- (8) Existing streams are enhanced.
- (9) Sites of Value to Mana Whenua and archaeology are sustainably managed.
- (10) Implementation of a stormwater management network that uses Integrated stormwater management, as a core development approach, protects the ecological and cultural values of the receiving environment and integrates with the public open space network is implemented.
- (11) Subdivision and development is integrated and avoids, remedies or mitigates adverse effects on the existing road network.
- (12) The neighbourhood centre is developed in a way that achieves its key functions and role as a commercial and community centre with higher density living for the precinct with a maritime identity and without adversely affecting the Clevedon Village centre.

The overlay, Auckland-wide and underlying zone objectives apply in this precinct in addition to those specified above.

I409.3. Policies [rcp/rp/dp]

- (1) Obtain coastal permits for areas that will abut or form the bed of the Coastal Marine Area at an early stage so that the requirements for design and construction of these areas can be established prior to detailed design of earthworks and site development.
- (2) Require structural elements of the Clevedon Waterways precinct plan to be incorporated into all subdivision and development within the precinct to achieve:

- (a) a network of canals and islands designed to maximise canal water quality;
 - (b) a lock and a weir at the entrance to the Wairoa River to control canal water levels, water quality, sedimentation, recreational boat access and allow public access around the perimeter of the precinct;
 - (c) a perimeter park that provides for pedestrian and cycleway connections and provides areas of native lowland forest, along with riparian planting for existing streams flowing through it;
 - (d) public access to canals adjoining the village business centre via open space where the canal access aligns to provide a visual focus into the precinct; and
 - (e) a landscape design in accordance with the Clevedon Waterways: Precinct plan 2 – Landscape design to frame the canals, integrate the precinct with the rural landscape and restore riparian vegetation.
- (3) Make provision for the constitution of a body representing those persons who have purchased water frontage sites in the development and enable transfer of the exercise of overall coastal permits to that body at an appropriate time.
- (4) Ensure that those persons who have purchased water frontage sites in the development are licenced to use and occupy the Coastal Marine Area subject to compliance with specific provisions to protect the coastal environment in accordance with the requirements of the overall coastal permits.
- (5) Ensure that development provides a mix of lot sizes, housing typologies and densities to reflect a choice in living environment.
- (6) Ensure that the design of buildings at key building locations as defined on Clevedon Waterways: Precinct plan 1 are sensitive to their visually prominent siting and reflect the maritime architectural style.
- (7) Require that development achieves a cohesive maritime architectural style and character with reference to:
- (a) materials and levels of detailing;
 - (b) colour palettes;
 - (c) high quality building and facade designs that are well articulated;
 - (d) building block sizes and envelopes that are limited in length to break up the appearance of mass, weight and bulk; and
 - (e) variation in the canal edge.
- (8) Ensure that the building platforms address potential hazards and do not compromise the hydrology of the Wairoa River during flood events.

- (9) Employ an integrated water management system encompassing water, stormwater and wastewater that maintains or enhances the ecological function of the existing streams and the Wairoa River.
- (10) The relationship of Mana Whenua with the coastal environment is recognised and provided for, and that any land use or development activities within the precinct, and particular those in close proximity to the Wairoa River, do not have significant adverse effects on wāhi tapu and other taonga.
- (11) Require the internal road network to provide for pedestrians and cyclists, to ensure low vehicle speeds, and incorporate lowland native forest plantings.
- (12) Ensure that the intersection with North Road is upgraded to provide safe access into the precinct.
- (13) Enable the establishment of business uses at an appropriate village scale within Sub-precinct B including marine and port activities for the benefit of canal residents.
- (14) Enable community uses, such as clubs directly related to the use of the maritime environment, within Sub-precinct B provided that the scale of use and the design of any structures associated with the use are appropriate.

The overlay, Auckland-wide and underlying zone policies apply in this precinct in addition to those specified above.

I409.4. Activity table

The provisions in any relevant overlays, Auckland-wide provisions and the underlying zone apply in this precinct unless otherwise specified below.

Table I409.4.1 Activity table specifies the activity status of land use, development and subdivision activities in the Clevedon Waterways Sub-precinct A pursuant to section 9(3) of the Resource Management Act 1991. The activity status of works, use and occupation of the coastal marine area is specified in Tables I409.4.5 Activity Table - Works (and associated discharges) in the coastal marine area, I409.4.6 Activity Table - Use and activities and associated occupation of the common marine and coastal area and I409.4.7 Activity Table - Structures, occupation of the Coastal Marine Area and their use below.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I409.4.1 to I409.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most

restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

Table I409.4.1 Activity Status in Sub-precinct A

Activity		Activity status
Residential		
(A1)	Visitor accommodation up to 200m ² gross floor area per site	RD
(A2)	Stand alone dwellings	P
(A2A)	Attached dwellings	P
Commerce		
(A3)	Restaurants and cafes up to 100m ²	D

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(A4)	Maritime passenger operations	D
Community		
(A5)	Clubrooms for marine-related clubs	D
(A6)	Recreation facilities	D
(A7)	Organised sport and recreation	P
Development		
(A8)	Alterations and additions to dwellings	RD
(A9)	Accessory buildings not complying with permitted activity controls	RD
(A10)	New buildings	The same activity status and standards as applies to the land use activity that the new building is designed to accommodate
Subdivision		
(A11)	Subdivision in Sub-precinct A that is in accordance with the subdivision controls below	RD
(A12)	Subdivision in Sub-precinct A that is not in accordance with the subdivision controls below, or prior to the approval of a structure plan	NC
(A13)	Subdivision that does not comply with I409.6.1 below or will create households over the development cap.	NC

Table I409.4.2 Activity Status in Sub-precinct B specifies the activity status of land use, development and subdivision activities in the Clevedon Waterways Sub-precinct B pursuant to section 9(3) of the Resource Management Act 1991. The activity status of works, use and occupation of the coastal marine area is specified in Table I409.4.5 Activity Table - Works (and associated discharges) in the coastal marine area, I409.4.6 Activity Table - Use and activities and associated occupation of the common marine and coastal area and I409.4.7 Activity Table - Structures, occupation of the Coastal Marine Area and their use below.

Table I409.4.2 Activity Status in Sub-precinct B

Activity		Activity status
Residential		
(A14)	Visitor accommodation up to 200m ² gross floor area per site	D
Commerce		
(A15)	Marine retail	P
(A16)	Marine industry	D
(A17)	Maritime passenger operations	D
(A18)	Storage and sale of fuel and oil for vessels – maximum of 100m ² gross floor area	D

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Community		
(A19)	Community facilities	RD
(A20)	Clubrooms for marine-related clubs	RD
(A21)	Recreation facilities	RD
(A22)	Organised sport and recreation	P
(A23)	Public transport facilities	P
(A24)	Public amenities	P
Development		
(A25)	Maritime passenger facilities	D
(A26)	Park and ride facilities	D
Subdivision		
(A27)	Subdivision in Sub-precinct B that is in accordance with the subdivision controls below	RD
(A28)	Subdivision in Sub-precinct B that is not in accordance with the subdivision controls below, or prior to the approval of a structure plan	NC
(A29)	Subdivision that does not comply with I409.6.1 below or will create households over the development cap.	NC

Table I409.4.3 Activity Status in Sub-precinct C specifies the activity status of land use, development and subdivision activities in the Clevedon Waterways Sub-precinct C pursuant to sections 9(2) and 9(3) of the Resource Management Act 1991. The activity status of works, use and occupation of the coastal marine area is specified in Table I409.4.5 Activity Table - Works (and associated discharges) in the coastal marine area, I409.4.6 Activity Table - Use and activities and associated occupation of the common marine and coastal area and I409.4.7 Activity Table - Structures, occupation of the Coastal Marine Area and their uses below.

Table I409.4.3 Activity Status in Sub-precinct C [rp/dp]

Activity		Activity status
Residential		
(A30)	Visitor accommodation up to 200m ² gross floor area per site	NC
Commerce		
(A31)	Restaurants and cafes, up to 100m ² excluding a drive-through facility, which are up to 100m ² gross floor area and accessory to a permitted activity	D
Infrastructure		
(A32)	Wastewater treatment plant	D
(A33)	Stormwater management devices	RD
(A34)	Lock and weir for boat passage and associated earthworks	RD
(A35)	Vehicle parking and associated vehicle access	D
Community		
(A36)	Clubrooms for marine-related clubs	D
(A37)	Recreation facilities	D

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(A38)	Organised sport and recreation	P
Development		
(A39)	New buildings and external alterations to existing buildings	RD
(A40)	Floodlighting, fittings and supports and towers	RD
(A41)	Observation areas, viewing platforms, and boardwalks	P
Subdivision		
(A42)	Subdivision in Sub-precinct C apart from network utilities	NC
(A43)	Subdivision that does not comply with I409.6.1 below or will create households over the development cap.	NC

Table I409.4.4 Activity Status in Sub-precinct D specifies the activity status of land use, development and subdivision activities in the Clevedon Waterways Sub-precinct D pursuant to section 9(3) and 15 of the Resource Management Act 1991. The activity status of works, use and occupation of the coastal marine area is specified in Table I409.4.5 Activity Table - Works (and associated discharges) in the coastal marine area, I409.4.6 Activity Table - Use and activities and associated occupation of the common marine and coastal area and I409.4.7 Activity Table - Structures, occupation of the Coastal Marine Area and their uses below.

Table I409.4.4 Activity Status in Sub-precinct D [rp/dp]

Activity		Activity status
Use		
Residential		
(A44)	Existing Dwellings and accessory buildings	P
(A45)	Any land use, activity not in accordance with the Clevedon Waterways precinct plan, except as specified	D
Farming		
(A46)	Farming	P
Development		
(A47)	Wastewater treatment activities related to Clevedon Waterways precinct	RD
(A48)	Any development not in accordance with the Clevedon Waterways precinct plan, except as specified	D
Subdivision		
(A49)	Any subdivision not in accordance with the Clevedon Waterways precinct plan, except as specified	D
(A50)	Subdivision that does not comply with I409.6.1 below or will create households over the development cap.	NC

Tables I409.4.5 Activity Table - Works (and associated discharges) in the coastal marine area, I409.4.6 Activity Table - Use and activities and associated occupation of the common marine and coastal area and I409.4.7 Activity Table - Structures, occupation of the CMA and their uses specify the activity status on use of coastal marine area pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991

including any associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area of the Coastal – Marina Zone unless otherwise specified in the following provisions.

Table I409.4.5 Activity Table - Works (and associated discharges) in the coastal marine area (Sub-precinct E) [rcp]

Activity		Status in the coastal marine area [rcp]
Works (and associated discharges) in the coastal marine area		
(A51)	Declamation	D
(A52)	Declamation for boat berths adjoining residential and neighbourhood centre canal lots that do not exceed 8m width and 12m depth.	RD

Table I409.4.6 Activity Table - Use and activities and associated occupation of the common marine and coastal area (Sub-precinct E) [rcp]

Activity		Status in the coastal marine area [rcp]
Use and activities		
(A53)	Maritime passenger operations	D
(A54)	Dwellings	NC
(A55)	Recreation facilities when the activity is on an existing CMA structure or where consent is being sought for that structure	P
(A56)	Organised sport and recreation when the activity is on an existing CMA structure or where consent is being sought for that structure	P
(A57)	Storage and sale of fuel and oil for vessels – maximum of 100m ² gross floor area when the activity is on an existing CMA structure or where consent is being sought for that structure	D
(A58)	Marine retail when the activity is on an existing CMA structure or where consent is being sought for that structure	P
(A59)	Clubrooms for marine-related clubs when the activity is on an existing CMA structure or where consent is being sought for that structure	P
(A60)	Marine industry when the activity is on an existing CMA structure or where consent is being sought for that structure	RD
(A61)	Vehicle parking on lawfully existing CMA structures associated with a marina	P
(A62)	Marine and port activities.	P

Table I409.4.7 Activity Table - Structures, occupation of the CMA and their use (Sub-precinct E) [rcp]

Activity		Status in the coastal marine area [rcp]
Structures, construction and their use		
(A63)	Lock and weir for boat passage and associated earthworks	RD
(A64)	Marina Berths including occupation and use by vessel to be moored	RD
(A65)	Wharves, jetties, piers and boat ramps	RD
(A66)	Marine and port accessory structures and services	RD
(A67)	Maritime passenger facilities	RD
(A68)	Public transport facilities	P
(A69)	Observation areas, viewing platforms and boardwalks	RD
(A70)	CMA structures or buildings not otherwise provided for	D

I409.5. Notification

- (1) Any application for resource consent for an activity listed in Table I409.4.1 Activity Status in Sub-precinct A above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I409.6. Standards

The overlay, Auckland-wide and underlying zone standards apply in this precinct.

All activities listed as permitted in Table I409.4.1 Activity table in Sub-precinct A and Table I409.4.2 Activity table in Sub-precinct B must comply with the following permitted activity standards.

I409.6.1. Development cap

Purpose: To ensure that the wastewater system can meet demand.

- (1) The total number of households must not exceed 350 over the precinct.

I409.6.2. Density

- (1) The number of dwellings in Sub-precinct A on a site must not exceed the limits specified below.

Table I409.6.2.1 Number of dwellings in Sub-precinct A

House Typology	Dwellings
Single dwelling	1 dwelling per site

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Attached Housing site Duplex – two units side by side sharing a common wall	2 dwellings
Attached Housing site Triplex – three units side by side sharing a common wall between each unit	3 dwellings

(2) Attached housing sites cannot exceed 20 per cent of the total number of dwellings in the whole of the Sub-precinct A.

I409.6.3. Maximum height of buildings

- (1) Buildings in Sub-precinct A must not exceed a height of 8m.
- (2) Buildings in Sub-precinct B must not exceed a height of 10m.
- (3) Development that does not comply with this standard is a discretionary activity.

I409.6.4. Height in relation to boundary

Purpose: To ensure that buildings are orientated to the canals and incorporate maritime design features.

- (1) The height in relation to boundary control does not apply to the boundaries on the canal frontage.

I409.6.5. Common walls

Purpose: enable attached dwellings where provided in Sub-precincts A and B.

- (1) The side yard in I409.6.6(1) below does not apply in Sub-precincts A and B where a common wall is proposed.

I409.6.6. Yards

Purpose:

- Front, and Rear yards: to promote a feeling of spaciousness in the village setting.
- Canal Frontage Yard: to maintain a separation to the canals to allow access and an openness in keeping with the maritime setting.

Note: for the purposes of this standard "Canal Frontage Yard" means a yard between the boundary fronting any canal and a parallel line to this extending the full width of the site.

- (1) Yards must comply with the following:

Table I409.6.6.1 Yard distances

Yard	Sub-precinct A	Sub-precinct B
Front	6m	0m
Side	1m	1m
Rear	3m	3m
Canal Frontage Yard	2m	2m

- (2) Buildings, decks and terraces must not exceed a height of 0.5m above ground level in any Canal Frontage yard. Any associated handrail shall not exceed a height of 1m above such a deck or terrace.
- (3) Carports and garages must not be located in the front yard.

I409.6.7. Building coverage and impervious areas

Purpose: Provide for a suitable dwelling floor area whilst still maintaining a rural/coastal character, and manage the stormwater runoff generated on-site.

- (1) The maximum building coverage and maximum impervious area for all sites in Sub-precincts A and C shall not exceed the percentages set out below

Table I409.6.7.1 Building coverage and impervious areas

Sub-precinct	A	C
Building coverage	45% for Attached Housing sites	5%
Impervious area	60%	Lesser of 10% or 5000m ²

I409.6.8. Fences

Purpose: provide an open character to the canals and roads in the precinct to reflect the coastal and rural setting.

- (1) There shall be no fences within the front yard or canal frontage yard.

I409.6.9. Landscaping

Purpose: Provide for the integration of the precinct into the rural and coastal landscape, and to create a unique canal character, minimising the discharge of stormwater contaminants.

- (1) In Sub-precinct A, landscaped areas which in total comprise at least 40 per cent of each site must be provided. The landscaped area must be in accordance with a Council approved planting plan.
- (2) Within Sub-precinct C no less than 30 per cent shall be planted for re-vegetation purposes in accordance with a Council approved planting plan. The planted area may include areas re-vegetated for the purposes of on-site stormwater mitigation and riparian restoration.
- (3) Planting must be maintained for a period of not less than 2 years and any plants that die during that time must be replaced.

I409.6.10. Water supply

Purpose: ensure new dwellings and activities have adequate water supply and wastewater services that minimise effects on water quality.

- (1) All new dwellings are designed to achieve the following:
 - (a) water conservation devices in all proposed buildings must, as a minimum, include:
 - (i) Dual flush 11/5.5 litre toilets or 6/3 litre flush toilets with standard fixtures;

- (ii) Showerhead flow restrictors; and
- (iii) Aerator taps;
- (b) potable water requirements supplied by rainwater tanks. Rain tank capacity for attached housing and apartment typologies can be provided in either individual or as communal rainwater systems. Provision may be made for topping up the tanks from a supplementary communal groundwater source;
- (c) provision must be made for sufficient water supply and access to water supplies for fire fighting consistent with NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008;
- (d) within Sub-precincts A and B water storage tanks must be screened from the street frontage and Open Space zones; and
- (e) where a site is serviced by a reticulated potable water supply, standard I409.6.10(1)(b) shall not apply.

I409.6.11. Minimum lot size Sub-precinct A

- (1) Subdivision for stand-alone dwellings in Sub-precinct A must not create sites having a site area of less than 450m² and the average net site area of the sites in any application must not be less than 700m²
- (2) Attached housing developments must comply with the following minimum net site areas:
- (3) *[deleted]*

Table I409.6.11.1 Minimum net site size Sub-precinct A

Sub Precinct A	Minimum net site area
Duplex (Two units side by side sharing a common wall)	500m ²
Triplex (Three units side by side sharing a common wall between each unit)	750m ²

I409.6.12. Site Layout

- (1) The layout of the sites within Sub-precinct A shall have a minimum frontage of 12m to the canals.
- (2) Sub-precinct B shall provide an open space as a village square with frontages to the canals and entrance road to the precinct, and be of at least 1200m² in size.
- (3) There are to be central open spaces, and headland open spaces abutting the main canal on each island, and open spaces opposite these on the canal perimeter.

I409.6.13. Roading Standards

Purpose: Provide a safe and legible street network within the precinct, and appropriate improvements to existing roads immediately adjoining the precinct.

- (1) Roads and bridges within the precinct must be located generally as illustrated

I409 Clevedon Waterways Precinct
on the Clevedon Waterways: Precinct plan 1, and in general accordance with
the roading typologies shown on Figure 1 – Entrance road and Figure 2 –
Perimeter road.

- (2) All roads must be constructed at least 0.5m above the 1% AEP floodplain.
- (3) The entrance and perimeter roads shall be designed to maximise pedestrian and cycling access in accordance with Figure 1 – Entrance road and Figure 2 – Perimeter road and in accordance with relevant infrastructure design standards.
- (4) The roads on the islands shall be shared spaces.
- (5) Subdivision applications must be accompanied by a programme detailing the upgrading of North Road at the intersection into the proposed precinct, including a description of any upgrade works that will be undertaken, and the timing of the upgrade works.
- (6) The roads shall be planted with street trees in accordance with Clevedon Waterways: Precinct plan 2 - Landscape design and in conjunction with stormwater management devices as per Clause I409.6.13(7) below
- (7) Stormwater management devices shall be located within the road reserve to fully mitigate the effects of stormwater discharges from accessways and roads, on the canal and river water quality.
- (8) Driveways and vehicle crossings shall be located so that they integrate with on-road stormwater treatment devices and on-street vehicle parking areas and runoff shall not flow directly onto the road surface.

I409.6.13 Figure 1: Entrance road



I409.6.13 Figure 2: Perimeter road



I409.6.14. Wastewater servicing

Purpose: To ensure wastewater disposal is provided by a system that can function effectively.

- (1) Every residential and commercial unit shall be connected to the Clevedon Waterways Wastewater Treatment Plant and shall include any primary on-site treatment facility.
- (2) If the precinct is to be serviced by a reticulated public wastewater network, clause I409.6.14(1) above shall not apply.

I409.6.15. Stormwater Management

Purpose: To minimise the adverse effects on the quality of stormwater entering the canals and river.

- (1) 100% of the total constructed impervious areas are required to be mitigated (excluding roofs) to remove 75% of total suspended solids on a long-term average basis.
- (2) For Sub-precinct C:
 - (a) all riparian margins are to be planted in accordance with a Council approved planting plan, and incorporate any stormwater management devices in accordance with Clevedon Waterways: Precinct plan 2 – Landscape design.

I409.6.16. Landscaping

Purpose: To integrate the precinct with the surrounding rural landscape, restore a native backdrop to the river edge, and to create a unique canal character.

- (1) Any subdivision in Sub-precincts A and B shall be designed in accordance

I409 Clevedon Waterways Precinct
with Clevedon Waterways: Precinct plan 2 – Landscape design. All applications for subdivision must be accompanied by a landscaping plan as specified in the special information requirements of this precinct.

- (2) Within Sub-precincts A and B the planting and landscaping must be provided in the road corridors and other identified open spaces in accordance with an approved landscaping plan.
- (3) The design of the parkland in Sub-precinct C shall incorporate the enhancement of existing natural streams and riparian planting, along with native kahikatea planting in accordance with Clevedon Waterways: Precinct plan 2 – Landscape design.

I409.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I409.8. Assessment – restricted discretionary activities

I409.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) Matters of discretion for all restricted discretionary activities listed in Tables I409.4.1 to I409.4.7:
 - (a) consistency with Clevedon Waterways: Precinct plan 1;
 - (b) consistency with Clevedon Waterways: Precinct plan 2 – Landscape design;
 - (c) geotechnical matters including site stability and flooding;
 - (d) canal engineering and earthworks methodology;
 - (e) stormwater management, effects on coastal processes, and water quality;
 - (f) development design and its interface with the public open spaces including canals and roads;
 - (g) traffic and parking;
 - (h) noise levels, lighting and hours of operation; and,
 - (i) views and visual amenity.
- (2) Additional Matters for discretion for the following activities:
 - (a) subdivision in Sub-precincts A and B that is in accordance with the Clevedon Waterways precinct plan:
 - (i) the extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape

features;

- (ii) protection or enhancement of cultural heritage and archaeological sites;
- (iii) intensity and scale, including in relation to adjoining rural and coastal amenity;
- (iv) design of open spaces, and effects on public access, navigation and safety;
- (v) on-going maintenance and ownership structure; and
- (vi) subdivision into sites for attached housing.

(b) visitor Accommodation.

(c) recreation facilities.

(d) new buildings and alterations to existing buildings in Sub-precinct C:

- (i) the extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape features;
- (ii) protection or enhancement of cultural heritage and archaeological sites;
- (iii) intensity and scale, including in relation to adjoining rural and coastal amenity; and
- (iv) design of open spaces, and effects on public access, navigation and safety.

(e) Alterations and additions to dwellings and accessory buildings:

- (i) The extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape features;
- (ii) Protection or enhancement of cultural heritage and archaeological sites;
- (iii) Intensity and scale, including in relation to adjoining rural and coastal amenity; and,
- (iv) Design of open spaces, and effects on public access, navigation and safety.

(f) Restaurants and Cafes:

- (i) Protection or enhancement of cultural heritage and archaeological sites;

- (ii) Intensity and scale, including in relation to adjoining rural and coastal amenity; and
 - (iii) Design of open spaces, and effects on public access, navigation and safety.
- (g) Weir and lock:
- (i) Protection or enhancement of cultural heritage and archaeological sites;
 - (ii) Design of open spaces, and effects on public access, navigation and safety; and
 - (iii) On-going maintenance and ownership structure.
- (h) Observation areas, viewing platforms, and boardwalks:
- (i) The extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape features;
 - (ii) Protection or enhancement of cultural heritage and archaeological sites;
 - (iii) Intensity and scale, including in relation to adjoining rural and coastal amenity;
 - (iv) Design of open spaces, and effects on public access, navigation and safety; and
 - (v) On-going maintenance and ownership structure.
- (i) Marine industry and other marine and port activities:
- (i) The extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape features;
 - (ii) Protection or enhancement of cultural heritage and archaeological sites; and
 - (iii) Intensity and scale, including in relation to adjoining rural and coastal amenity.
- (3) Additional matters of discretion for the following activities:
- (a) Marine and Port facilities:
- (i) The extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape features;
 - (ii) Protection or enhancement of cultural heritage and archaeological

sites;

(iii) Intensity and scale, including in relation to adjoining rural and coastal amenity;

(iv) Design of open spaces, and effects on public access, navigation and safety; and

(v) On-going maintenance and ownership structure.

(b) Wharves, jetties, piers and boat ramps.

(c) Marina berths, including occupation and use by vessel to be moored.

(d) Marine and port accessory structures and services:

(i) The extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape features;

(ii) Protection or enhancement of cultural heritage and archaeological sites;

(iii) Intensity and scale, including in relation to adjoining rural and coastal amenity;

(iv) Design of open spaces, and effects on public access, navigation and safety; and

(v) On-going maintenance and ownership structure.

(e) Community facilities:

(i) The extent of retention, protection and enhancement and adverse effects on natural features including existing native (and significant exotic) vegetation, riparian planting, ecosystems and stream and riparian environments and their natural, ecological and landscape features;

(ii) Protection or enhancement of cultural heritage and archaeological sites;

(iii) Intensity and scale, including in relation to adjoining rural and coastal amenity; and

(iv) On-going maintenance and ownership structure.

(f) Declaration for boat berths adjoining residential and neighbourhood centre canal lots that do not exceed 8m width and 12m depth:

(i) Protection or enhancement of cultural heritage and archaeological sites;

(ii) Intensity and scale, including in relation to adjoining rural and coastal amenity; and

(iii) Design of open spaces, and effects on public access, navigation and safety.

- (4) Matters of discretion for the following activities:
- (a) Infringement of standard I409.6.6 Yards:
- (i) Location of carports and garages;
 - (ii) Orientation of buildings to the canals;
 - (iii) Access adjoining the canals; and
 - (iv) Landscape character of the coastal environment.
- (b) Infringement of standard I409.6.7 and I409.6.9, building coverage, impervious areas and landscaping:
- (i) Landscape character of the coastal environment; and
 - (ii) The avoidance of impacts on water quality of the canals and Wairoa River.

I409.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) Subdivision in Sub-precincts A and B that is in accordance with the Clevedon Waterways precinct plan and amendments to structure plan:
- (a) the extent to which the proposal is consistent with the precinct objectives and policies and Clevedon Waterways: Precinct Plan 1, Clevedon Waterways: Precinct Plan 2 – Landscape design, and Figure 1 – Entrance road and Figure 2 – Perimeter road;
 - (b) whether the proposed layout creates a canal environment where the majority of the lots within the neighbourhood centre have frontage to the canals;
 - (c) whether the proposed open spaces within the islands and canal perimeter are designed to create bands of kahikatea dominant planting through the housing areas and provide a natural element to the main canal;
 - (d) the extent to which the edge of the canal is varied and indented to create interest and a unique coastal character, and to allow a variety of marina berth options;
 - (e) whether the design provides lots for buildings in key locations, particularly along the main canal to create a distinctive character;
 - (f) the extent to which the subdivision demonstrates appropriate sediment control techniques to create the canals to ensure that water quality of the Wairoa River is not altered during construction;

- (g) whether building platforms of engineered fill are of sufficient height to be above the 1% AEP floodplain flood level plus 1m sea level rise, following the settlement of fill;
- (h) whether sufficient public access is provided to the canals by way of shore based facilities;
- (i) the extent to which the roading layout provides safe and attractive, non-linear transport routes that maximise the safety of cyclists and pedestrians, integrates stormwater treatment devices and landscaping, and are safe with respect to natural hazards;
- (j) the extent to which the sites of value to Mana Whenua and archaeological sites are avoided where possible particularly in proximity to the riverbank of the Wairoa River, with the resulting design recognising Mana Whenua values;
- (k) whether building design themes established through design guidelines achieve cohesive high quality architecture integrated with the waterways, with an emphasis on maritime and natural character;
- (l) the extent to which subdivision into sites of not less than 500m² for attached housing developments ensure that:
 - (i) the proposed attached housing development area and associated housing typology is in accordance with any approved structure plan;
 - (ii) the number of dwellings in all attached housing areas within the precinct will not exceed 20% of the likely total number of dwellings in the whole of the precinct;
 - (iii) each dwelling unit has least an 8m frontage to the canals or immediately adjacent public access to the canals; and
 - (iv) the site is not a rear site.
- (2) Infringements of standards I409.6.6, I409.6.7 and I409.6.9:
 - (a) whether carports and garages located in the front yard avoid adverse effects on the maintenance of the rural/coastal character;
 - (b) whether buildings are orientated towards the canals, while maintaining privacy between sites;
 - (c) whether access is maintained adjoining the canals to allow for engagement with the canal 'streets';
 - (d) whether landscape character of the coastal environment and precinct is maintained; and
 - (e) whether the proposal appropriately manages any potential impact on the water quality of the canals and of the Wairoa River.

- (3) The Council will consider the relevant assessment criteria below for the other activities listed in I409.8.1 above:
- (a) the objectives and policies for the precinct;
 - (b) whether visitor accommodation is small in scale and complements the canal environment, providing a boat-house style of accommodation;
 - (c) whether the design of buildings engages with the canals, with their primary orientation to the water, with materials employed to merge with the rural/coastal landscape;
 - (d) the extent to which any proposed development design accords with design guidelines;
 - (e) whether buildings on CMA structures are minor in extent, have regard to navigational moorings and the coastal environment;
 - (f) whether community/recreation buildings demonstrate the ability to be used for a variety of purposes;
 - (g) the extent to which redevelopment, additions and alterations complement the existing maritime character and have regard to the architectural elements which contribute to character such as cladding and the relationship with the canal edge;
 - (h) the extent to which landscape treatment creates a woodland setting with a lowland native theme, softens the canal edge and is integrated with planting on the road reserve to provide a high standard of amenity;
 - (i) the extent to which business uses serving the local community in the Neighbourhood Centre are designed, developed, and operated to:
 - (i) be easily accessible by walking, cycling or boat;
 - (ii) have an attractive canal and street frontage; and
 - (iii) provide a wide esplanade walkway along the canal edge for public access;
 - (j) whether marine industry is provided to service the local community or maritime transport;
 - (k) whether changes to the canal edge are minor in extent and provide variation in the canal edge;
 - (l) whether the lock and weir provides public access across, and is located to minimise adverse effects on the river, including its cultural heritage and ecology;

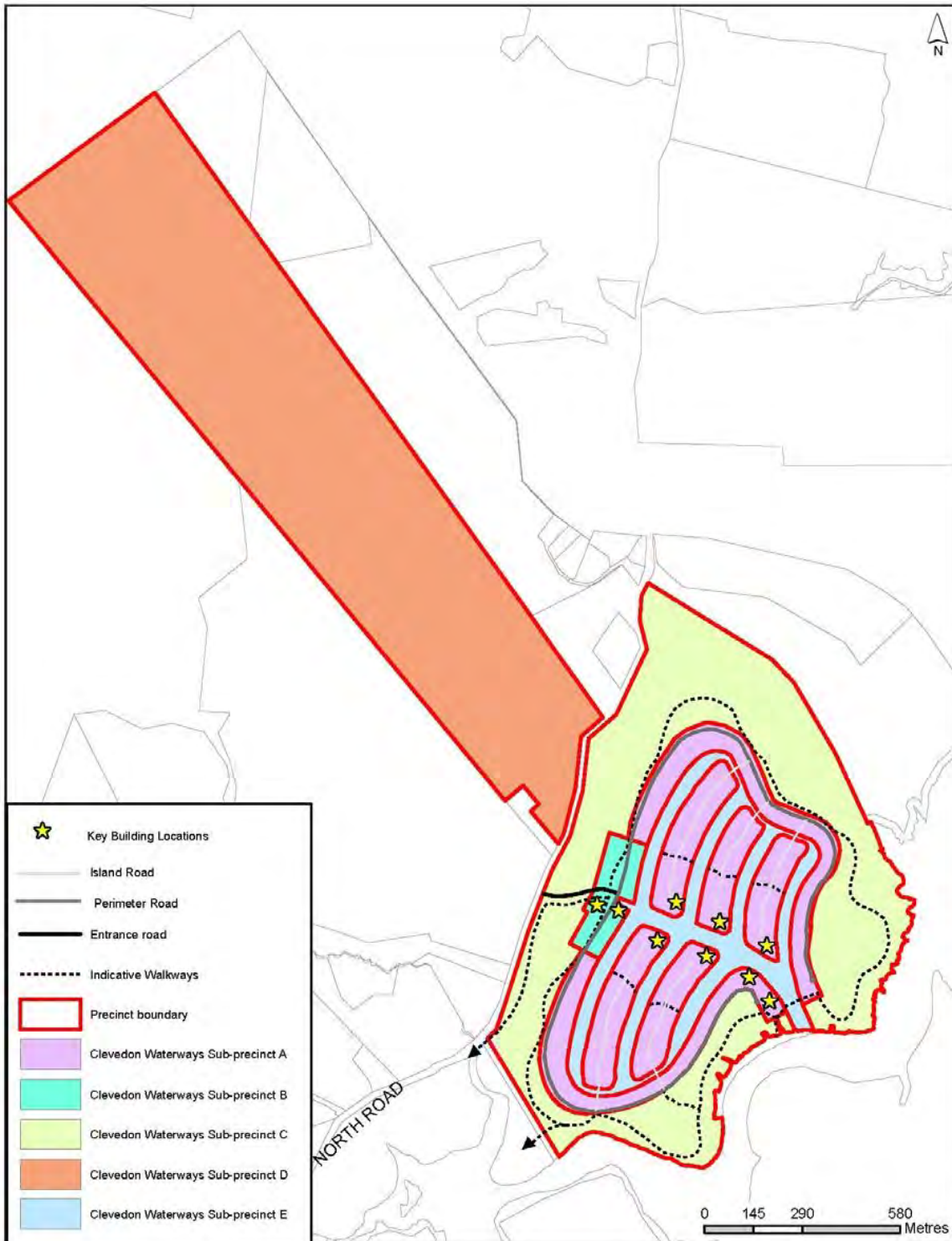
- (m) the extent to which car parking avoids large areas of sealed parking unrelieved by landscape work or planting and demonstrates consistency with the Precinct planting plan;
- (n) the extent to which infrastructure for stormwater, wastewater and water supply are designed to ensure minimisation of water use, stormwater and wastewater generation and maximise water re-use; and
- (o) whether sites of value to Mana Whenua and archaeological sites are avoided to the extent possible, particularly in proximity with the riverbank of the Wairoa River where known sites are given enhanced protection.
- (p) Whether Mana Whenua values are recognised.

I409.9. Special information requirements

- (1) An application for restricted discretionary activities and dwellings must be accompanied by:
 - (a) a landscape plan which must include the following information:
 - (i) identification of the area of land to be planted;
 - (ii) identification of all existing areas of vegetation and any riparian or coastal planting;
 - (iii) details of soil quality and depth including any required soil reconditioning of compacted areas as the result of declamation and fill processes;
 - (iv) species types, source of plant material, maturity of planting and density of planting;
 - (v) details of timing of planting and possible staging of planting;
 - (vi) details of maintenance programme to be implemented and a programme for replanting where the survival rate of planting is less than 90 per cent;
 - (vii) details of on-going maintenance and ownership structure; and
 - (viii) identification of areas of land on which cultural heritage and archaeological sites are located, and details of appropriate planting, fencing and on-going maintenance of those areas.
- (2) Applications for development in Sub-precinct A and B may be accompanied by a design assessment report from the Clevedon Waterways Design Review Panel subject to such a panel being constituted.
- (3) Any application for subdivision must be accompanied by a site/development design guide for the relevant Sub-precinct.

I409.10. Precinct plans

I409.10.1. Clevedon Waterways: Precinct plan 1



I409.10.2. Clevedon Waterways: Precinct plan 2 - Landscape design

