

Introduction – 1

1.1 PLAN OUTLINE

1.1.1 Need to Prepare a Regional Coastal Plan

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

1.1.2 Plan Purpose

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

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

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

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

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

1.2 AREAS TO WHICH THE PLAN APPLIES

1.2.1 Coastal Marine Area

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

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

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

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

1.2.2 Coastal Environment

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

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

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

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

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

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

Policy 7.4.1 states:

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

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

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

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

Method 7.4.2 states that:

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

Figure 1.1: Auckland Region Coastal Marine Area



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

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

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

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

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

1.3 THE RESOURCE MANAGEMENT ACT 1991

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

1.3.1 Section 5 of the RMA

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

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

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

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

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

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

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

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

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

1.3.2 Section 6 of the RMA

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

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

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

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

1.3.3 Section 7 of the RMA

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

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

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

1.3.4 Section 8 of the RMA

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

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

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

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

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

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

1.4 HOW THE PLAN PROMOTES SUSTAINABLE MANAGEMENT OF THE COASTAL ENVIRONMENT

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

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

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

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

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

1.5 PLAN STRUCTURE

1.5.1 Overview

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

VOLUME 1

1.5.2 Part I: Introduction (Chapter 1)

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

1.5.3 Part II: Management Areas (Chapter 2)

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

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

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

1.5.4 Part III: Values (Chapters 3 to 9)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regional plan: coastal – structure

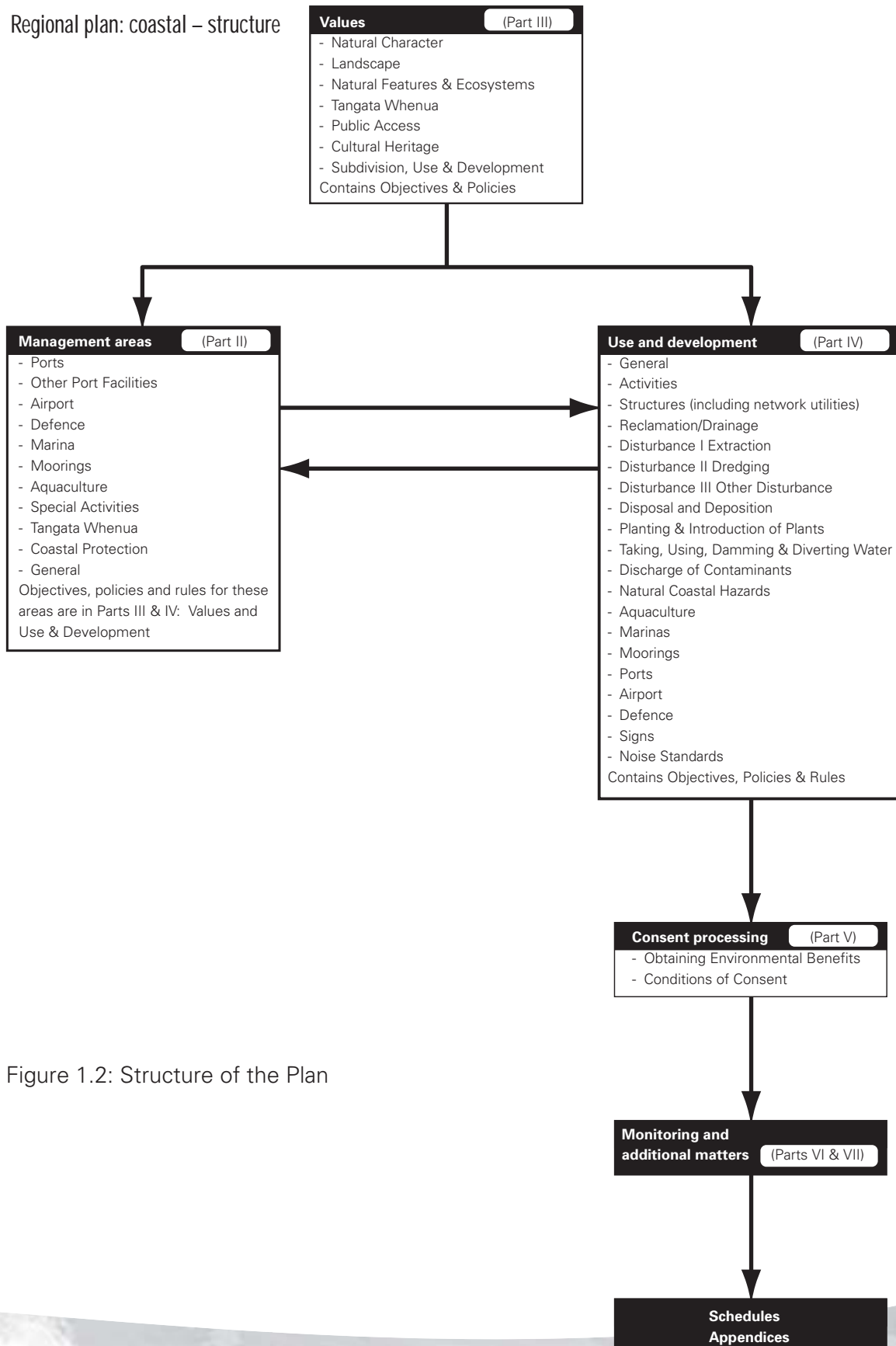


Figure 1.2: Structure of the Plan

1.5.9 Schedules

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

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

1.5.10 Appendices

- Appendix A: Marine Protected Areas
- Appendix B: ARC policies relevant to the Regional Plan: Coastal (Fisheries and Future of the Hauraki Gulf).
- Appendix C: RMA Fourth Schedule: Assessment of effects on the environment.
- Appendix D: Restricted Coastal Activities as listed in the New Zealand Coastal Policy Statement.
- Appendix E: Landscape Values and Assessment
- Appendix F: Resource Management (Marine Pollution) Regulations 1998
- Appendix G: Auckland International Airport Specification for Obstacle Limitation Surfaces
- Appendix H: Auckland International Airport Requirements for Runway End Protection Areas.
- Appendix I: Maritime Safety Authority Guidelines on Applications for Coastal Permits Relating to Marine Farming.

1.5.11 Definitions

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

VOLUME 2

1.5.12 Auckland Regional Plan: Coastal – Maps

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

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

The maps also show information of a general nature including:

- View shafts in the Port Management Area 1C
- Airport height restrictions
- Some prohibited anchorage
- Location of some network utilities such as gas and telecommunication lines crossing the coastal marine area.

1.6 POLICY FRAMEWORK

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

1.6.1 New Zealand Coastal Policy Statement

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

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

The policies set out in the New Zealand Coastal Policy Statement cover the entire coastal environment and have provided a framework for the development of this Plan. The restricted coastal activities listed in Schedule 1 of New Zealand Coastal Policy Statement have been provided in the Plan and are listed for information purposes in Appendix D.

1.6.1.1 Hauraki Gulf Marine Park Act 2000

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

1.6.2 Auckland Regional Policy Statement

The Auckland Regional Policy Statement became operative on 31 August 1999. The purpose of the

Regional Policy Statement, pursuant to section 59 of the RMA, is:

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

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

1.6.3 Transitional Regional Coastal Plan

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

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

- Waitemata Harbour Maritime Planning Scheme, prepared under the Town and Country Planning Act 1977
- Manukau Harbour Maritime Planning Scheme, prepared under the Town and Country Planning Act 1977
- District Schemes, prepared under the Town and Country Planning Act 1977
- Determinations of the Ministry of Fisheries under Section 4(4) of the Marine Farming Act 1971.
- Directions of the Minister of Conservation as to Restricted Coastal Activities.

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

1.6.4 Bylaws

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

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

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

1.6.5 Other Regional Plans

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

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

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

1.6.6 District Plans

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

1.6.7 Iwi Planning Documents

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

1.6.8 Conservation Management Strategy (CMS)

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

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

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

1.7 OTHER STATUTES

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

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

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

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

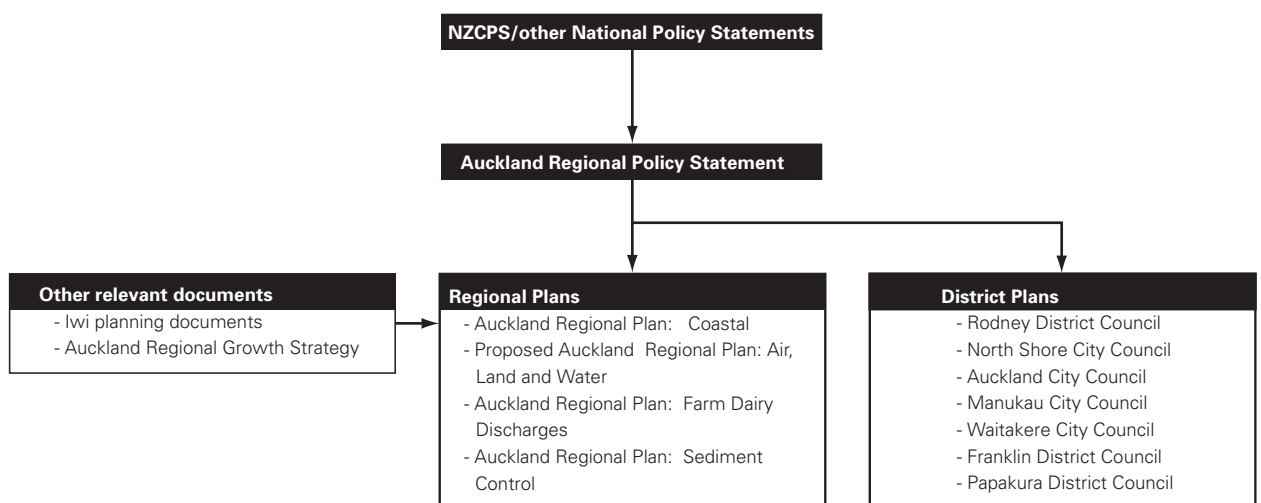


Figure 1.3: Resource Management Act 1991 – Policy-Planning Framework

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

Compliance with any other relevant legislation is also required.

1.7.1 Fisheries

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

1.7.2 Hauraki Gulf Marine Park Act 2000

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

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

1.7.3 Te Uri o Hau Claims Settlement Act 2002

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

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

1.8 ADMINISTRATIVE FRAMEWORK

1.8.1 Statutory Agencies

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

1.8.2 Minister of Conservation

The New Zealand Coastal Policy Statement prepared and recommended by the Minister of Conservation, became operative in 1994. It specifies the restricted coastal activities (being "types of activities which have or are likely to have a significant or irreversible

adverse effect on the coastal marine area”, in terms of s58(e) of the RMA) for which the Minister of Conservation is the consent authority for coastal permits. The restricted coastal activities specified in the New Zealand Coastal Policy Statement are set out in Appendix D for reference.

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

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

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

1.8.3 Department of Conservation (DOC)

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

1.8.4 Minister for the Environment

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

1.8.5 Ministry of Fisheries (MoF)

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

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

1.8.6 Maritime Safety Authority

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

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

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

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

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

1.8.7 National Topo/Hydro Authority at LINZ

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

1.8.8 Ministry of Commerce

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

1.8.9 Auckland Regional Council

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

- (i) Land and associated natural and physical resources
- (ii) The occupation of space on foreshore and seabed of the Crown or vested in the regional council, and extraction of any natural material from such areas

- (iii) The taking, use, damming and diversion of water
- (iv) Discharge of contaminants into or onto foreshore and seabed, air or water and discharges of water into water
- (v) Any actual or potential effects of the use, development or protection of the foreshore or seabed, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances
- (vi) The emission of noise and the mitigation of the effects of noise
- (vii) Activities in relation to the surface of the water.

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

1.8.10 Territorial Authorities

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

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

1.8.11 Cross Boundary Issues

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

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

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

1.9 INTERNATIONAL OBLIGATIONS

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

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

These international treaties have been incorporated into New Zealand statute by the enactment of the

Maritime Transport Act 1994 and the Resource Management (Marine Pollution Regulations) 1998.

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

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

1.10 OWNERSHIP OF THE COASTAL MARINE AREA

Most of the foreshore and seabed in the coastal marine area is land of the Crown. Prior to 1991 all statutes referred to Mean High Water Mark. Accordingly some coastal properties subdivided before that time had their boundaries at this mark.

This includes esplanade reserves and marginal strips created prior to 1991. Generally it is only on those properties adjoining the Manukau Harbour which were subdivided prior to this date, that the boundary is set at Mean High Water Springs. Since 1991 all new titles have Mean High Water Springs boundaries.

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

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

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

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

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

1.11 CATEGORIES OF ACTIVITIES

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

1.11.1 Permitted Activities

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

1.11.2 Controlled Activities

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

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

1.11.3 Discretionary (including Restricted Discretionary) Activities

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

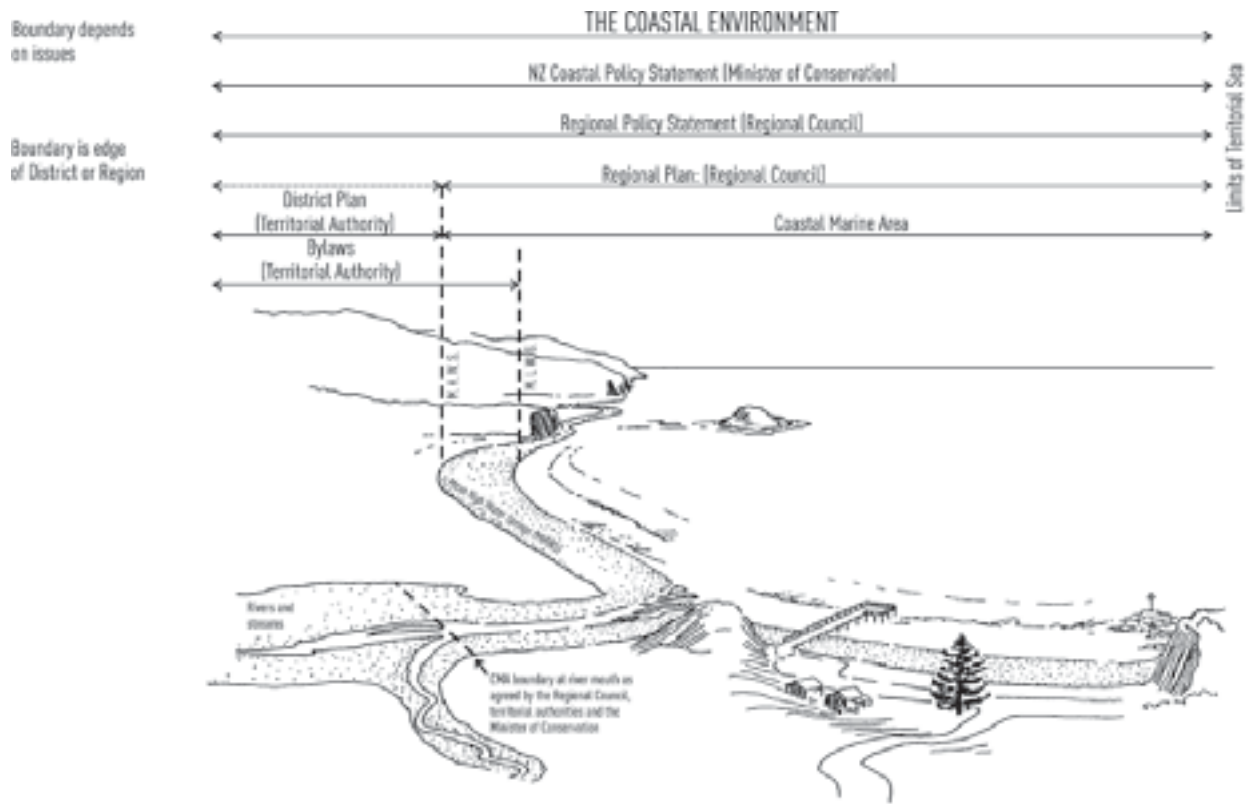


Figure 1.4: Administrative jurisdictions

1.11.4 Non-complying Activities

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

1.11.5 Restricted Coastal Activities

These may be either discretionary or non-complying activities. They are assessed in the same manner as such activities, the only difference being that the Minister of Conservation is the consent authority, in lieu of the ARC. The hearings committee includes a representative of the Minister of Conservation and

the recommendation of that committee goes to the Minister, who makes the final decision.

1.11.6 Prohibited Activities

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

1.12 APPLICATIONS FOR CONSENT

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

Section 12 has three distinct parts:

- Section 12(1) states that certain works may be undertaken only if this Plan allows them to occur, or if a resource consent is obtained;

- Section 12(2) requires an occupation consent to be obtained if any use or development occupies space in the coastal marine area, as defined by section 12(4);
- Section 12(3) requires a resource consent for any activity which contravenes a rule in this Plan.

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

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

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

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

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

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

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

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Management Areas and Areas Of Significant Conservation Value – 2

2.1 INTRODUCTION

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

The Management Areas are:

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

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

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

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

2.2 PORT MANAGEMENT AREAS

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

- 1A Bledisloe Terminal to Ferguson Container Terminal;
- 1B Onehunga Wharf;
- 1C Marsden, Captain Cook and Queens Wharf (excluding the south western edge);
- 2 South western edge of Queens Wharf; Hobson Wharf to a boundary east of Wynyard Wharf, the area south of the Cement Wharf on the western side of the Western Reclamation, the Viaduct Basin;
- 3 Princes Wharf;
- 4A Wynyard and Cement Wharves;
- 4B Gabador Place, Tamaki River;
- 4C LPG Terminal – Papakura Channel;
- 5 Devonport Wharf.

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

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

2.2.1 Other Port Facility Management Areas

The Other Port Facility Management Areas define four wharf facilities and one vehicular landing used principally for passenger ferry services and small scale cargo services. Wharves in these Management Areas comprise Birkenhead Wharf, Northcote Wharf, Victoria Wharf, Orakei Wharf and Half Moon Bay Vehicular Landing. Each specific Other Port Facility

Management Area will be defined by the existing structure of the wharf or vehicular landing (including gangways and fenders) and waterspace as shown in Plan Map Series 2.

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

2.3 AUCKLAND AIRPORT MANAGEMENT AREA

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

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

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

2.4 DEFENCE MANAGEMENT AND EXERCISE AREAS

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

under other legislation and these are also shown for information purposes on the Plan Maps in Volume 2.

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

2.5 MARINA MANAGEMENT AREAS

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

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

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

2.6 MOORING MANAGEMENT AREAS

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

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

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

2.7 AQUACULTURE MANAGEMENT AREAS

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

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

2.8 SPECIAL ACTIVITY AREAS

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

The main purposes of the Special Activity Areas are to:

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

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

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

2.9 COASTAL PROTECTION AREAS

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

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

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

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

2.9.2 Coastal Protection Areas 1

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

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

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

2.9.3 Coastal Protection Areas 2

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

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

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

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

Shaded text indicates variations 1 – 6

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

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

2.9.4 Areas notated above Mean High Water Springs

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

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

2.10 TANGATA WHENUA MANAGEMENT AREAS

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

- Whatapaka Creek
- Pukaki-Waiokauri Creek

2.10.1 Whatapaka Creek

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

2.10.2 Pukaki-Waiokauri Creek

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

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

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

2.11 GENERAL MANAGEMENT AREA

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

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

2.12 AREAS OF SIGNIFICANT CONSERVATION VALUE (ASCV)

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

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

Natural Character – 3

3.1 INTRODUCTION

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

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

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

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

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

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

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

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

3.2 ISSUE

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

3.3 OBJECTIVES

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

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

3.4 POLICIES

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

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

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

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

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

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

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

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

3.5 RULES

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

3.6 OTHER METHODS

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

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

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

3.7 PRINCIPAL REASONS FOR ADOPTING

3.7.1 Objective 3.3.1, Policies 3.4.1 to 3.4.4

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

3.7.2 Objective 3.3.2, Method 3.6.1

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

3.7.3 Method 3.6.2

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

3.8 ANTICIPATED ENVIRONMENTAL RESULTS

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

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

Landscape – 4

4.1 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the coastline to be rated as Regionally Significant or Outstanding.

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

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

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

4.2 ISSUE

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

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

4.3 OBJECTIVES

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

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

4.4 POLICIES

4.4.1

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

4.4.2

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

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

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

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

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

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

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

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

4.5 RULES

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

4.6 OTHER METHODS

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

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

4.6.3 Where Outstanding and Regionally Significant Landscapes are located wholly or partly above Mean

High Water Springs and within areas of territorial authority jurisdiction, activities which require a resource consent should take into account the information contained in the landscape assessment studies discussed in Appendix E.

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

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

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

4.7 PRINCIPAL REASONS FOR ADOPTING

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

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

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

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

4.7.2 Policy 4.4.4

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

4.7.3 Policy 4.4.6, Methods 4.6.1 to 4.6.4 and 4.6.6

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

4.7.4 Method 4.6.5

District Plans presently contain provisions identifying and protecting volcanic sight lines. These are being reviewed and updated. Once this work is completed it will need to be incorporated in this Plan as these sight lines cross areas of the coastal marine area. Future work may also identify the need to protect sight lines to other significant features, such as the Auckland War Memorial Museum.

4.8 ANTICIPATED ENVIRONMENTAL RESULTS

4.8.1 The protection of Outstanding Landscapes of the coastal environment

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

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

Natural Features and Ecosystems – 5

5.1 INTRODUCTION

5.1.1 Natural Features

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

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

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

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

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

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

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

5.1.2 Ecosystems

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

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

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

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

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

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

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

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

5.2 ISSUES

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

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

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

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

5.3 OBJECTIVES

5.3.1 To protect the dynamic functioning of physical coastal processes.

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

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

5.4 POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

5.5 RULES

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

5.6 OTHER METHODS

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

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

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

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

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

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

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

5.7 PRINCIPAL REASONS FOR ADOPTING

5.7.1 All Objectives and Policies

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

5.7.2 Objectives 5.3.1, 5.3.2, Policies 5.4.4 and 5.4.5

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

5.7.3 Objective 5.3.3, Policies 5.4.1 to 5.4.3

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

5.7.4 Policy 5.4.6

This policy gives effect to NZCPS Policy 1.1.5.

5.7.5 Policy 5.4.7 and Methods 5.6.1 and 5.6.2

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

5.7.6 Method 5.6.3

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

5.7.7 Method 5.6.4

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

5.7.8 Method 5.6.5

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

5.8 ANTICIPATED ENVIRONMENTAL RESULTS

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

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

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

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

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

6.1 INTRODUCTION

6.1.1 Legislation

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

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

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

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

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

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

In relation to the Treaty of Waitangi, it states:

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

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

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

6.1.2 Significance of Coastal Marine Area to Tangata Whenua

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

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

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

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

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

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

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

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

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

6.2 ISSUE

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

6.3 OBJECTIVES

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

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

6.4 POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

6.5 RULES

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

6.6 OTHER METHODS

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

6.7 PRINCIPAL REASONS FOR ADOPTING

6.7.1 Objectives 6.3.1 and 6.3.2, Policies 6.4.1 – 6.4.4

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

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

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

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

6.8 ANTICIPATED ENVIRONMENTAL RESULTS

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

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

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

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

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

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

Public Access – 7

7.1 INTRODUCTION

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

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

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

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

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

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

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

7.2 ISSUES

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

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

7.3 OBJECTIVES

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

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

7.4 POLICIES

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

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

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

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

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

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

7.5 RULES

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

7.6 OTHER METHODS

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

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

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

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

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

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

7.7 PRINCIPAL REASONS FOR ADOPTING

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

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

7.7.2 Objective 7.3.2, Policy 7.4.1 and Other Method 7.6.4

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

7.7.3 Policies 7.4.1(b) and 7.4.3

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

7.8 ANTICIPATED ENVIRONMENTAL RESULTS

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

NOTE

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

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

Cultural Heritage – 8

8.1 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

8.2 ISSUES

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

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

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

8.3 OBJECTIVES

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

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

8.4 POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

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

8.5 RULES

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

8.6 OTHER METHODS

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

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

of significant maritime cultural heritage value in the coastal environment.

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

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

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

8.7 PRINCIPAL REASONS FOR ADOPTING

8.7.1 Objective 8.3.1, Policies 8.4.1 – 8.4.7

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

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

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

8.7.2 Objective 8.3.2, Other Methods 8.6.1 – 8.6.4

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

8.8 ANTICIPATED ENVIRONMENTAL RESULTS

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

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

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

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

Subdivision, Use and Development – 9

9.1 INTRODUCTION

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

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

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

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

9.2 ISSUES

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

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

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

9.3 OBJECTIVES

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

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

9.4 POLICIES

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

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

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

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

9.5 RULES

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

9.6 OTHER METHODS

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

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

9.7 PRINCIPAL REASONS FOR ADOPTING

9.7.1 All objectives and policies

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

9.7.2 Objective 9.3.1

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

9.7.3 Objective 9.3.2, Policy 9.4.2

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

9.7.4 Policy 9.4.1

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

9.7.5 Policies 9.4.1 and 9.4.2

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

9.7.6 NB at the end of the policies

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

9.7.7 Other Methods 9.6.1 and 9.6.2

Some land-based activities and the demand for public access to and along the coastal marine area can result in conflict with use and development in the area. Consultation and co-operation between the ARC and territorial authorities, tangata whenua, landowners, the Crown, occupiers and users of the coastal marine area and other interest groups is necessary to avoid or reduce any such conflicts.

9.8 ANTICIPATED ENVIRONMENTAL RESULTS

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

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

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

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