

---

**AUCKLAND REGIONAL PLAN: COASTAL  
PROPOSED PLAN CHANGE 4  
MANGROVE MANAGEMENT**  
**(Chapter 16: Disturbance of Foreshore & Seabed III: Other than Dredging or  
Extraction)**

---

Proposed Plan Change under Part I of the First Schedule to the  
Resource Management Act 1991

EXPLANATION OF PLAN CHANGE [NOT PART OF CHANGE]

*This explanatory note provides a brief summary of the proposed amendments to the Auckland Regional Plan; Coastal and does not form part of the change.*

**All new text is shown in italics and underlined and deleted text is shown in ~~strikethrough~~.**

Proposed Plan Change 4 adds provisions to the Auckland Regional Plan: Coastal relating to mangroves, and mangrove removal activities. This proposed plan change addresses the need for policies and rules to provide guidance on the circumstances where mangroves should be protected, and the circumstances where it may be appropriate for mangrove removal activities to occur.

This proposed plan change amends the Auckland Regional Plan: Coastal to:

- Include a discussion of the values of mangroves and the issues associated with their rapid colonisation of some areas
- Recognise the causes of increased mangrove colonisation
- Include new policies that seek to protect mangroves where they have significant values, and provide guidance on the circumstances where mangrove removal may be appropriate
- Recognise the benefit of preparing integrated management plans, particularly where significant disturbance or vegetation removal activities are proposed
- Permit limited mangrove removal (30m<sup>2</sup>) outside of highest value Coastal Protection 1 Areas to enable reasonable use and operation of existing structures, drainage systems and infrastructure
- Provide a controlled activity resource consent process for permitted activities that need to undertake more than 30m<sup>2</sup> of removal
- Enable the control of mangrove expansion by permitting the hand-removal of mangrove seedlings, outside of highest value Coastal Protection 1 Areas, subject to conditions
- Limit the direction on the non-notification of resource consent applications (restricted discretionary activities) to pacific oyster shell removal, or disturbance or mangrove removal activities that are in accordance with an integrated management plan
- Address the anomalies with some of the operative provisions in Chapter 16
- Change the prohibited activity status for mangrove removal in all Coastal Protection Area 1 areas to enable an application to be made and to be assessed on its merits.

*Note: Only the parts of the Auckland Regional Plan: Coastal that are amended by Plan Change 4 are included in this document.  
The proposed changes are set out below.*

## CHANGES TO OPERATIVE AUCKLAND REGIONAL PLAN: COASTAL

Proposed changes are shown in *italics and underlined* and proposed deletions are shown in ~~strikethrough~~.

### **Definitions:**

Include the following new definitions in the Definition chapter;

**Drainage Systems:** *River and stream mouths, irrigation or land drainage canals, stormwater or wastewater pipes.*

**Mangrove Colonisation:** *Where it can be identified from historical records, including aerial or other photos, that mangroves are growing in areas where they were previously absent.*

**Mangrove Removal:** *Partially or wholly removing, burying or clearing mangroves, including the pruning of branches, removal at the trunk, digging out by hand or hand held implement, or machine, the removal of root systems, or the pulling-out of seedlings.*

Amend the existing definition of Comprehensive Coastal Management Plan in the Definitions chapter as follows:

**Comprehensive Coastal Management Plan** A plan prepared for one or more adjacent coastal compartments which:

- a characterises the predominant natural coastal processes operating within the compartment(s); and
- b identifies the ~~potential~~ natural coastal hazards in the compartment(s); and
- c details the proposed management plan for that area; and
- d may include guide lines on how use and development should avoid, remedy or mitigate the identified natural coastal hazards, taking into account the need to consider processes operating across the land - sea interface, as well as within the entire coastal compartment(s).

A Comprehensive Coastal Management Plan should be developed in consultation with the affected community.

**Mangrove Seedlings:** *A mangrove that:*

- a has a single supple stem and is no more than 60 cm (0.6 metres) tall; and*
- b shows no reproductive capability (i.e has no propagules (seed pods) or flowers).*

## CHAPTER 16 : DISTURBANCE OF FORESHORE AND SEABED III: OTHER THAN DREDGING OR EXTRACTION

*This chapter contains objectives, policies and rules relating to disturbance of the foreshore and seabed, other than that associated with extraction or dredging. The provisions of this chapter apply to all disturbance activities, except those covered by, or consequential to an activity addressed by another chapter of this Plan, unless otherwise stated. Chapter 16 applies to all management areas in the Plan. If structures are required for the disturbance activity, reference to Chapter 12: Structures is required.*

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

*Disturbance for the purpose of vegetation removal is addressed in this chapter. Disturbance for the purpose of planting in the coastal marine area is addressed in Chapter 18: Planting and Introduction of Plants and disturbance caused by recreational or other activities is addressed in Chapter 11: Activities. For river mouth clearance, cutting and realignment and the clearing of stormwater outfalls, other than vegetation removal, refer to Chapter 15: Dredging.*

### 16.1 INTRODUCTION

Sections 12(1)(c) and (e) of the RMA state that no person may, in the coastal marine area, destroy, damage or disturb the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, or on plants or animals or their habitat, unless expressly allowed by a rule in a regional coastal plan or a resource consent. Section 15(1)(a) of the RMA states that no person may discharge any contaminant or water into water unless the discharge is expressly allowed by a rule in a regional plan, a resource consent or regulations.

This chapter deals with activities that have the potential to destroy, damage or disturb the foreshore or seabed, along with any associated discharge of contaminants. These activities include, but are not limited to, drilling and tunnelling; beach grooming; the removal of Pacific Oyster shells (particularly prevalent in the inner harbour beaches of the Manukau Harbour); the removal of vegetation, *including mangrove removal*; the disturbance caused by the use of motor vehicles and the grazing of stock in Coastal Protection Areas 1; and the burial on the foreshore of dead marine mammals and other marine fauna.

Many of these activities are carried out to alleviate problems which threaten public safety or wellbeing. Others are designed to enhance the amenity value of the coastal environment, by improving public access to and enjoyment of these areas.

*Mangrove habitats form an important component of estuarine ecosystems, and play an important role in erosion control and shoreline protection. These values need to be recognised and protected. Mangrove ecosystem values are recognised in many of the Coastal Protection Areas in the ARP:C.*

*However, over the last 50 years the rate of mangrove colonisation in many estuaries, harbours and rivers has increased substantially in response to human induced changes in the environment. In particular land use activities have resulted in increased levels of sediment and nutrients entering the coastal environment. Changes to the coastline, such as reclamations and the building of causeways and culverts, have resulted in changes to waterflow and sediment processes. Other factors, such as climate change, may also play a role.*

In some areas mangroves are expanding into other habitats, such as intertidal flats. This may impact on biodiversity values and/or geological features, including in sensitive Coastal Protection Area 1 areas. In some areas mangrove colonisation is affecting wading bird feeding areas. Definitive answers are not yet available, but the increase in mangrove habitat will result in replacement of other habitat and their associated values. Mangrove colonisation may also compromise access, navigation, recreation and amenity values. In such cases, particularly where it is in the wider environmental, community or public interest, mangrove removal may be appropriate.

In some cases mangroves need to be removed in order to allow for the maintenance and use of structures, and the functioning of drains and outlets. Public infrastructure, such as roads, may need to locate in or adjacent to the coastal marine area, and mangrove removal may be necessary to allow for their development and maintenance.

The effective long term management of mangrove colonisation requires a reduction in the sediment and nutrient loads entering the estuarine areas, which needs to be addressed through greater integrated management of both catchments and marine receiving environments.

However, such Disturbance activities, including vegetation removal, have potential adverse effects, in particular through degradation of natural character; detraction from, or loss of ecological or geological values; alteration of the landscape; modification, interruption or interference with physical coastal processes, potentially leading to increased erosion and scouring; damage or destruction of habitat; and temporary decrease in water clarity and quality in the vicinity of works. The disturbance of the foreshore and seabed, or removal of vegetation, including mangroves, may directly or indirectly affect the values of Coastal Protection Areas.

The disturbance of the foreshore and seabed and/or removal of vegetation, may directly damage, destroy or modify cultural heritage sites, or areas of importance to Tangata Whenua. Such disturbance can alienate areas traditionally used for gathering kaimoana, and compromise the spiritual essence of the coastal waters and other taonga.

Many of these activities may have components both above and below Mean High Water Springs. A co-ordinated management approach between the ARC and the relevant territorial authority is thus important. However, these activities may be compatible with the sustainable management of the coastal environment, depending on the scale, timing and location of the activity, and the sensitivity of the environment, and the values and uses of the coastal marine area.

Where in this chapter reference is made to the disturbance of foreshore and seabed ~~associated with a structure~~ being able to be remedied within seven days, this does not include the disturbance of foreshore or seabed arising directly from the disturbance or displacement of material associated with the erection, or placement from the positioning of the a structure. itself.

## 16.2 ISSUE

16.2.1 Some disturbance of the foreshore and seabed may be necessary to undertake activities which enhance amenity values, and use and enjoyment of the coastal environment. However, these activities may result in adverse environmental effects.

16.2.2 Some estuaries and harbours in the region are experiencing a rapid colonisation by mangroves. This is in response to increased sediment and nutrients entering the coastal marine area. Colonisation may also be a response to changes in coastal processes resulting from activities in the coastal marine area such as reclamation, causeways and culverts. This expansion can affect the social, cultural, and economic use and value, and may result in reducing biodiversity as other types of habitat are replaced over time by mangroves.

16.2.3 The effective long term management of sediment and nutrient inputs that result in increased mangrove colonisation require the integrated management and planning of the land, riparian and coastal marine area.

**16.3 OBJECTIVE**

16.3.1 To provide for appropriate activities which involve the disturbance of the foreshore and seabed, while avoiding, remedying, or mitigating the adverse effects on the coastal environment.

**16.4 POLICIES**

16.4.1 Any activity other than dredging or extraction (as addressed in Chapters 14 and 15), including vegetation removal, which results in the disturbance of the foreshore and seabed shall be considered inappropriate unless:

- a it can be demonstrated that the disturbance is necessary to:
  - i rehabilitate or restore a coastal ecosystem; or
  - ii enhance public access to, use and enjoyment of the coastal marine area; or
  - iii protect public health and safety; or
  - iv improve navigation and safety; or
  - v enable the provision and use of public infrastructure where there is no practicable alternative location outside of the coastal marine area that would achieve a better environmental outcome; or
  - vi avoid, remedy or mitigate adverse effects caused by natural processes; or
  - vii enable the carrying out of a lawful activity, consistent with the provisions of this chapter; and
- b there is no practicable alternative to disturbance of the foreshore and seabed; and
- c the activity will not result in the permanent loss of any habitat of a rare or endangered species; and
- d the activity will not have a significant adverse effect on Tangata Whenua values identified in accordance with Tikanga Maori; and
- e the activity will not be likely to result in significant changes to natural coastal processes, or cause or exacerbate coastal erosion either within the coastal marine area or on adjacent coastal land; and
- f the activity will not be likely to result in significant adverse effects on natural features or ecosystems, or natural character; and
- g the disturbance is not likely to lead to cumulative adverse effects, including those from regular or maintenance type disturbance in the same area.

16.4.2 Activities which are considered appropriate under Policy 16.4.1 shall:

- a be undertaken at times of the day or year that will avoid as far as practicable, remedy or mitigate adverse effects on the environment, particularly on:
  - i the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding; and
  - ii stability of coastal features such as dunes and coastal vegetation; and
  - iii recreational use of the coastal marine area; and
  - iv other established activities located in the coastal marine area which are likely to be affected by the disturbance; and
  - v traditional Maori gathering, collection or harvest of kaimoana; and
- b ensure that the foreshore or seabed is, as far as practicable, reinstated in a manner which is in keeping with the natural character and visual amenity of the area; and
- c avoid significant adverse effects on biota caused by the release of contaminants; and
- d where the purpose of the activity is to remove vegetation or Pacific Oyster shell from the coastal marine area; and
  - i remove only the number of individual plants necessary or clear the minimum area necessary for the purpose; and
  - ii dispose of the vegetation or shell by an appropriate method or land-based disposal site.

NB: In the case of removing Pacific Oyster shell, the provisions of the Fisheries Act regarding the taking of live shellfish need to be complied with.

- 16.4.3 Disturbance of the foreshore and seabed, other than dredging or extraction (as addressed in Chapters 14 and 15), shall be avoided where it will:
- a result in more than minor modification of, or damage to, or the destruction of the values of any Coastal Protection Area 1; or
  - b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

16.4.4 Mangrove removal within any Coastal Protection Area 1 shall be avoided where it will threaten the viability or significance of the ecological or geological values identified in Schedule 3 for the Coastal Protection Area.

16.4.5 Mangrove removal within any Coastal Protection Area 1 that is in accordance with policy 16.4.4 shall be considered inappropriate unless it is for the purpose of:

- a maintaining or enhancing the geological or ecological values of the Coastal Protection Area where it can be demonstrated that these values are being adversely affected by mangrove colonisation; or
- b maintaining or enhancing public access, consistent with protecting the geological or ecological values of the Coastal Protection Area; or

c enabling the reasonable operation, maintenance and use of lawful structures, and/or allowing for the efficient functioning of drainage systems; or

d enabling the provision of public infrastructure and any associated public health and safety requirements, where there is no practicable alternative location outside of the coastal protection area that would achieve a better environmental outcome.

16.4.6 Mangrove removal, other than in a Coastal Protection Area 1, may be considered appropriate where, in addition to the criteria in policy 16.4.1:

a mangrove colonisation can be demonstrated to be having an adverse impact on the values of identified cultural heritage sites, or areas identified as having significant geological, ecological or habitat values; or

b mangrove colonisation can be shown to be obstructing or interfering with areas of high public amenity or use, for example areas used for recreation, access and navigation; or

c mangrove colonisation is adversely affecting the operation, maintenance and use of lawful structures, and/or the efficient functioning of drainage systems; or

d the proposed removal is in the overall public benefit, as opposed to individual or private benefit; or

e the proposal is in accordance with Policy 16.4.7.

16.4.7 In recognition of the interconnectedness of land and sea, significant disturbance and vegetation removal activities:

a should be considered within the context of an integrated management plan prepared in accordance with Appendix H, and;

b may be considered more appropriate where they are in accordance with such a plan.

16.4.68 Any application for mangrove removal shall include an assessment of the ecological value of mangroves affected, including their significance in the context of the wider estuary or area, and demonstrate that the proposed removal will not have a significant adverse effect on ecological values.

16.4.4.9 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to disturb the foreshore and seabed under this chapter.

16.4.5.10 The eradication or removal of exotic or introduced plants shall be provided for where:

- a an assessment of the effects and alternatives has been undertaken to determine that such a course of action will have a lesser adverse effect than taking no action; and
- b the method chosen is the most appropriate, having regard to Policy 16.4.3; and
- c there is compliance with any Pest Management Strategies prepared under the Biosecurity Act 1993.

- 16.4.611 Motor vehicles should avoid using the coastal marine area, except where there are no practicable alternative methods of access, or for emergency or conservation management purposes, provided that the adverse effects on the environment can be avoided where practicable, remedied or mitigated.
- 16.4.712 Where motor vehicle use of the coastal marine area is necessary, all practical steps should be taken to avoid sensitive ecological and landform areas, including habitats of significant flora and fauna.
- 16.4.813 The grazing of cattle and stock on the foreshore and in sensitive parts of the coastal marine area, especially coastal protection areas, should generally be avoided.

## 16.5 RULES

### Permitted Activities

- 16.5.1 Any disturbance of the foreshore or seabed for the purposes of removing litter or marine debris, provided that the disturbance shall not involve the removal of sediment from the foreshore, other than sediment that is reasonably attached to any litter or marine debris.
- 16.5.2 ~~The removal of vegetation, including indigenous vegetation, mangrove removal, that is necessary for the purpose of maintaining or gaining access to a lawful structure, to enable the operation, maintenance and use of lawful structures; allow for the functioning of drainage systems, or ensure public health and safety in the use or operation of infrastructure,~~ subject to the following conditions:
- a the activity does not take place in a Coastal Protection Area 1; and
  - b the total cleared area shall not at any time exceed 30 square metres and shall be immediately adjacent to the structure or infrastructure or in, or immediately adjacent to any drainage system; and
  - c all cleared vegetation, ~~removed from the site~~ shall be disposed of ~~via an approved land-based disposal system;~~ outside of the coastal marine area; and
  - d the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
  - e any consequential disturbance to the foreshore and seabed shall be able to be remedied by the operation of natural processes within 7 days.
- 16.5.3 The removal of mangrove seedlings, subject to the following conditions:
- a the removal does not take place in a Coastal Protection Area 1; and
  - b the ARC is notified of the proposed time and extent of removal where more than 30m<sup>2</sup> of clearance is proposed; and
  - c that seedlings are removed by hand-pulling and the removal does not involve the use of hand held tools or machinery; and
  - d the removal and disposal activities do not involve motor vehicles being taken onto the intertidal area for transporting mangroves or debris; and
  - e the removal will not disturb or damage areas of salt marsh and/or seagrass; and

*f all cleared vegetation shall be disposed of outside of the coastal marine area; and*

*g the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and*

*h the removal does not occur in areas where mangroves are serving to mitigate coastal erosion from wave action; and*

*i any consequential disturbance to the foreshore and seabed shall be able to be remedied by the operation of natural processes within 7 days.*

16.5.34 The removal of vegetation, sediment and encrusting organisms from any existing lawful structure, subject to the following conditions:

- a the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
- b any material deposited in the coastal marine area, which is capable of hand retrieval shall be removed as soon as practicable; and
- c any consequential disturbance other than that necessary for the clearance, shall be able to be remedied by the operation of natural processes within 7 days.

16.5.45 The control or eradication of any exotic or introduced plant or animal species where the eradication or removal has been provided for through an approved Pest Management Strategy prepared in accordance with the Biosecurity Act 1993, subject to the following conditions:

- a the eradication or removal is undertaken in accordance with the provisions of the approved Pest Management Strategy, including any provisions relating to the means of removal; and
- b the ARC is provided with a copy of the approved Pest Management Strategy and advised of the commencement and completion date of any proposed works; and
- c where monitoring is required as part of a Pest Management Strategy, the ARC is provided with a copy of the information collected.

16.5.56 The removal of Pacific Oyster shells (other than cultivated Pacific Oysters) from the coastal marine area for any of the purposes in Policy 16.4.1a, subject to the following conditions:

- a only hand held methods shall be used in Coastal Protection Areas 1 and 2; and
- b there shall be no disturbance of other biota in Coastal Protection Areas 1 and 2; and
- c the shell shall not be disposed of in the coastal marine area unless a resource consent has been granted for disposal.

NB: The activity will need to comply with the relevant Ministry of Fisheries regulations on the removal of shellfish.

The harvesting of cultivated live oysters from a marine farm is addressed in Chapter 22: Aquaculture.

~~16.5.67~~ The burial of dead marine mammals and other marine fauna that have been stranded or washed up on the foreshore, and which it is not practicable to remove.

NB: Marine Mammals are protected under the provisions of the Marine Mammals Protection Act 1978, administered by the Department of Conservation.

~~16.5.78~~ Any disturbance of the foreshore or seabed, other than dredging or extraction (as addressed in Chapters 14 and 15), which is not covered by another permitted activity rule, subject to the following condition:

- a any disturbance of the foreshore and seabed ~~shall be~~ is able to be remedied by the operation of natural processes within 48 hours of the completion of the activity within any Coastal Protection Area 1 and within 7 days in other parts of the coastal marine area.

NB: Removal of material is addressed by Chapters 11 and 15.

~~16.5.89~~ The activities in Rules 16.5.1 to 16.5.~~78~~ are permitted subject to the following further conditions:

- a the activity shall not lead to the destabilisation of any sand dune areas or the destruction or removal of any living vegetation, except as provided for in Rules 16.5.2, 16.5.3, 16.5.4 ~~to 4,~~ 16.5.5 and 16.5.~~67~~; and
- b all equipment and materials shall be removed from the site on completion of the operation; and
- c there shall be no modification, damage, or destruction to any site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedule 1 or 2; and
- d the foreshore and seabed shall be reinstated in a manner which is, as far as practicable, in keeping with the pre-existing contour of the foreshore and seabed and the natural character and visual amenity of the area, as soon as is practicable.

~~16.5.910~~ Disturbances of the foreshore including taking of samples by excavation and drilling, for scientific research or engineering investigations, subject to the following conditions:

- a the activity does not take place in a Coastal Protection Area 1; and
- b no more than 1 cubic metre of sand, shell, shingle or other uncompacted material may be taken or disturbed in any 24 hour period; and
- c no more than 0.2 cubic metre of compact material, including rock and sandstone, may be taken; and
- d any drilling device shall not have a head size of greater than 250mm; and
- e where practicable the site shall be reinstated to its former condition following the activity.

~~16.5.101~~ Disturbances of the seabed, including taking samples by excavation and drilling, for scientific research or engineering investigations, subject to the following conditions:

- a the activity does not take place in a Coastal Protection Area 1; and

- b no more than 0.5 cubic metres of sand, shell, shingle or other uncompacted material may be taken in any 24 hour period; and
- c no more than 0.2 cubic metre of compact material, including rock and sandstone may be taken; and
- d any drilling device shall not have a head size of greater than 250mm; and
- e any disturbance at a site shall be limited to 5 cubic metres and where practicable the site shall be reinstated to its former condition following the activity.

### **Controlled Activities**

16.5.12 *The removal of vegetation, including mangrove removal, that is necessary to enable the operation, maintenance and use of lawful structures, allow for the functioning of drainage systems, or to ensure public health and safety in the use or operation of existing infrastructure, which complies with all the conditions of Rule 16.5.2 other than the 30m<sup>2</sup> of clearance (Rule 16.5.2 b), subject to the following standards and terms:*

*a that the area proposed for removal is demonstrated to be the minimum necessary to enable the proposed activity.*

16.5.12.1 *The ARC will have control over the following matters:*

*a The method and timing of removal; and*

*b The area of mangroves that can be removed; and*

*c The measures required to avoid, remedy or mitigate any adverse effects from the removal activity and disturbance of the foreshore and seabed; and*

*d The duration of the consent; and*

*e The monitoring of the consent.*

16.5.12.2 *Applications for controlled activities shall be considered without public notification or the need to serve notice of the application on affected persons in accordance with Sections 94D(2) and 94D(3) of the RMA, unless in the opinion of the ARC there are special circumstances justifying public notification in accordance with Section 94C(2) of the RMA.*

### **Restricted Discretionary Activities**

16.5.14~~3~~ The removal of Pacific Oyster shells from any location for any of the purposes in Policy 16.4.1a, where such removal fails to comply with conditions a and b of Rule 16.5.5~~6~~, subject to the following standard and term:

a the shell shall not be disposed of in the coastal marine area unless a resource consent has been granted for disposal.

16.5.12~~4~~ Any disturbance of the foreshore or seabed, including excavation, drilling and tunnelling, and the removal of vegetation, *including mangrove removal (including indigenous vegetation)*, sediment, or encrusting organisms ~~which does not comply with Rules 16.5.2a to e, or 16.5.3a to c, or 16.5.7, or 16.5.8.~~ *that is not*

provided for as a permitted, discretionary or non-complying activity in any other rule contained in this chapter.

16.5.134.1 The ARC will restrict the exercise of its discretion under Rules 16.5.143 and 16.5.124 to the following matters:

- a the quantity and area of the disturbance, including disturbance associated with the removal of Pacific Oyster shells, or vegetation, ~~to be removed~~ with reference to likely environmental effects;
- b navigation and safety matters;
- c the effect of the disturbance, or vegetation removal on any cultural heritage site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedules 1 or 2;
- d the effect of the disturbance, or vegetation removal, on the ecological or geological values, ~~and~~ physical processes, and natural character;
- ~~e~~ the practicable alternatives to the disturbance or vegetation removal activity, including locating or undertaking the activity outside of the coastal marine area;
- ~~ef~~ the effect of the disturbance, or vegetation removal, on public access;
- ~~fg~~ the relevant conditions of the permitted activity with which the proposed activity fails to comply;
- ~~h~~ the appropriateness of mangrove removal activities in terms of policy 16.4.6 and 16.4.7;
- ~~gi~~ the timing and method of the removal or disturbance, and the disposal of any removed material;
- ~~h~~ ~~the quantity of material to be removed or disturbed;~~
- ~~j~~ the measures proposed to avoid, remedy or mitigate any adverse effects from the disturbance or vegetation removal activity;
- ~~ik~~ the duration of the resource consent; and
- ~~jl~~ monitoring of the resource consent.

NB: The removal of Pacific Oyster shell will need to comply with the relevant Ministry of Fisheries regulations on the removal of shellfish.

The harvesting of cultivated oysters from a marine farm is addressed in Chapter 22: Aquaculture.

~~16.5.14.2 An application for a resource consent will be considered without notification or the need to obtain the written approval of affected persons, in accordance with Section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification. Applications for:~~

- ~~a~~ the removal of Pacific Oyster shell; or
- ~~b~~ disturbance or vegetation removal activities that are in accordance with an integrated management plan as provided for in policy 16.4.7a

shall be considered without public notification or the need to serve notice of the application on affected persons in accordance with Sections 94D(2) and 94D(3) of the RMA, unless in the opinion of the ARC there are special circumstances justifying public notification in accordance with Section 94C(2) of the RMA.

### Discretionary Activities

- 16.5.145 ~~Any Disturbance of the foreshore or seabed or the removal of vegetation that is not provided for as a permitted, restricted discretionary, discretionary or prohibited activity would be a permitted activity under Rules 16.5.1, 16.5.910 or 16.5.110 but does not meet the conditions. in any other rule contained in this chapter.~~
- 16.5.156 The removal of vegetation, including mangrove removal, in any Coastal Protection Area 2, other than as provided for in Rule 16.5.2, 16.5.3 or 16.5.12.
- 16.5.157 ~~The removal of vegetation, including indigenous vegetation mangrove removal, in a Coastal Protection Area 1 for the purpose of: maintaining or gaining access to a lawful structure in a Coastal Protection Area 1.~~
- ~~a~~ maintaining or enhancing the geological or ecological values of a Coastal Protection Area where it can be demonstrated that these values are being adversely affected by vegetation, including mangrove colonisation; or
- ~~b~~ maintaining or enhancing public access, consistent with protecting the geological or ecological values of the Coastal Protection Area; or
- ~~c~~ enabling the operation, maintenance and use of lawful structures; and/or allowing for the functioning of drainage systems; or to ensure public health and safety in the use or operation of infrastructure; or
- ~~d~~ providing public infrastructure where there is no practicable alternative location outside of the Coastal Protection Area.
- 16.5.168 The remedy, control or eradication of exotic or introduced plant species that are not subject to an approved Pest Management Strategy.
- 16.5.17 ~~The removal or clearance of vegetation from within Coastal Protection Areas 1 or 2, for the purpose of habitat or geopreservation site maintenance and enhancement. This includes clearance associated with the erection and maintenance of an interpretative board walk~~

### Restricted Coastal Activities

- 16.5.189 Any discretionary or restricted discretionary disturbance of the foreshore or seabed other than dredging or extraction (as addressed in Chapters ~~13-14~~ and ~~14-15~~), involving, in any 12-month period, disturbance which:
- a is greater in volume than 300,000 cubic metres; ~~and or~~
- b is over an area equal to or greater than 10 hectares; ~~and or~~
- c extends 10,000 metres or more over the foreshore and seabed.
- 16.5.4920 Any non-complying disturbance of the foreshore or seabed other than dredging or extraction (as addressed in Chapters ~~13-14~~ and ~~14-15~~), involving, in any 12-month period, disturbance which:
- a is greater in volume than 50,000 cubic metres; ~~and or~~

- b is over an area equal to or greater than 4 hectares; ~~and~~ or
- c extends 1,000 metres or more over the foreshore and seabed.

**Non Complying Activities**

- 16.5.21 *In any Coastal Protection Area 1, the disturbance of the foreshore or seabed and/or the removal or clearance of vegetation, including mangrove removal, that is not provided for in Rule 16.5.17, or prohibited by Rule 16.5.23 or 16.5.24.*
- 16.5.22 *The use of motor vehicles, except emergency response or conservation management vehicles or the launching of vessels from any lawful structure, in any Coastal Protection Area 1.*

**Prohibited Activities**

- ~~16.5.20~~ ~~The removal of indigenous vegetation, including mangroves, from within any Coastal Protection Area 1, except where provided for under Rule 16.5.15.~~
- ~~16.5.24~~3 Any disturbance of the foreshore or seabed, other than dredging or extraction (as dealt with in Chapters 14 and 15), which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.
- ~~16.5.22~~ ~~The use of motor vehicles, except emergency response or conservation management vehicles or the launching of vessels from any lawful structure, in any Coastal Protection Area 1.~~
- ~~16.5.23~~4 The grazing of cattle and stock in any Coastal Protection Area 1.

**16.6 OTHER METHODS**

- 16.6.1 The ARC will liaise with DOC, territorial authorities and Ministry of Fisheries to prioritise the areas in the coastal marine area from which *Spartina* should be removed.
- 16.6.2 The ARC will liaise with Ministry of Fisheries in respect of the removal of Pacific Oyster shell.
- 16.6.3 The ARC will encourage applicants for the removal of Pacific Oyster shell to apply for long term consents, covering routine maintenance requirements over a number of years, rather than applying for one-off consents on an ad hoc basis.  
  
NB: Other Method 16.6.3 is not intended to apply to marine farming. Applicants for marine farming should refer to Chapter 22: Aquaculture.
- 16.6.4 Bylaws under the Local Government Act will be used to control the use of motor vehicles in the coastal marine area, in accordance with Policies 16.4.1 - 16.4.4.
- 16.6.5 The ARC will encourage territorial authorities to provide appropriate mechanisms consistent with ARC’s policies for managing activities involving the disturbance of the foreshore above Mean High Water Springs.
- 16.6.6 The ARC will encourage territorial authorities and landowners to manage land use activities, and undertake riparian management, to reduce the level of sediment and nutrients entering the coastal environment in the long term.

16.6.7 The ARC will review the provisions of the Auckland Regional Plan: Sediment Control and relevant provisions of the Proposed Auckland Regional Plan: Air, Land and Water and will promote provisions that will result in a reduction in sediment and nutrient inputs into the coastal marine area. The ARC will also consider the sediment control provisions of District Plans as they are being reviewed and submit on these to promote sediment control.

16.6.8 The ARC will raise public awareness of the issues of sediment and nutrient inputs into the coastal marine area, including the impact on mangrove colonisation, and promote and support activities such as riparian planting that reduce sediment and nutrients from entering waterways.

16.6.69 The ARC will liaise with territorial authorities, local landowners and Ministry of Fisheries to manage the effects of stock grazing in the coastal marine area.

## 16.7 **PRINCIPAL REASONS FOR ADOPTING**

### 16.7.1 **Objective 16.3.1, Policies 16.4.1 to 16.4.4, 16.4.5 and all the Rules**

Many activities which are undertaken in the coastal marine area have actual and potential effects on the environment. In order to ensure that sustainable management of natural and physical resources is properly promoted in this Plan, the objectives, policies and rules set out provisions to manage these effects. These provisions are intended to provide for most everyday activities which generally have minor or no adverse effects, and to manage, through more restrictive rules, those which have greater than minor effects or occur in particularly sensitive environments.

### 16.7.2 **Rules**

Section 12(1)(c) and (e) of the RMA states that no person may, in the coastal marine area, destroy, damage or disturb the foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed, or on plants or animals or their habitat, unless expressly allowed by a rule in a regional coastal plan or a resource consent. This is why rules are the principal method for managing “other” disturbances activities, including vegetation removal.

### 16.7.3 **Policies 16.4.5 to 16.4.8, and Rules 16.5.1 – 16.5.6**

~~These provisions deal with a number of specific activities which involve disturbance of the foreshore and seabed, occur frequently in the coastal marine area, and the effects of which are generally well known and considered to be minor.~~

The policies provide guidance on the circumstances and locations where disturbance activities, including vegetation removal, may be appropriate, or should be avoided, and the matters that will need to be addressed if a resource consent application is made.

### 16.7.4 **Rules 16.5.1 to 16.5.11 (Permitted Activities)**

These rules permit a minor level of disturbance, including vegetation removal, to enable activities associated with the reasonable use and management of the CMA, subject to conditions to ensure that any adverse effects will be minor.

### ~~16.7.4 **Rule 16.5.7**~~

~~This rule allows for activities involving disturbance, other than those specifically listed in the other rules, which are likely to have only a minor adverse effect. This is likely to include, among others, such activities as anchoring and movement of~~

vessels, excavating a hole for the replacement of a pile, or the drilling of geotechnical bores.

**16.7.56 Rule 16.5.89 [Conditions on Permitted Activities]**

These further conditions on permitted activities will ensure, as far as practicable, that their effects will be minor. If any of the conditions are not satisfied, the activity will ~~be treated as discretionary, default to rule 16.5.14, and will be assessed through a resource consent process.~~

**16.7.67 Rule 16.5.56 and 16.5.143**

~~While there is significant demand to provide for the removal of Pacific Oyster shell from the coastal marine area, the potential adverse effects are not well known. This is why the extent of the area cleared is to be controlled. Also, if inappropriate heavy equipment were used (eg, a heavy vehicle), or the work disturbed marine biota at a vulnerable stage in the life cycle, this could give rise to unacceptable adverse effects.~~

*The removal of Pacific Oyster shells involves disturbance that could potentially have adverse effects, particularly on sensitive Coastal Protection Areas. For this reason Rule 16.5.6 a and b limit the method and level of disturbance that can be undertaken as a permitted activity in Coastal Protection Areas, and Rule 16.5.13 requires a resource consent to enable an assessment of proposals that cannot meet these conditions.*

**16.7.8 Rule 16.5.12 Controlled Activities**

*The permitted activity limitation of 30m<sup>2</sup> clearance to enable the operation, use or functioning of lawful structures, drainage systems and health in safety for infrastructure will not always allow for sufficient clearance to achieve the intention of the rule. Allowing for a greater area of removal, subject to demonstrating that it is the minimum area necessary, and with the ARC retaining control over a range of matters, will achieve the intention of providing for reasonable use while ensuring that any adverse effects are minor.*

**16.7.79 Rules 16.5.142 13 to 16.5.178 (Restricted Discretionary and Discretionary Activities)**

Because the effects of many types of disturbance are difficult to predict unless a specific proposal is put forward, all other *most* activities which disturb, damage or destroy the foreshore or seabed are treated as restricted discretionary or discretionary activities. This allows consent to be declined if it is considered that the adverse effects would be unacceptable.

**16.7.810 Rules 16.5.189 and 16.5.1920 (Restricted Coastal Activities)**

These rules are required to be included in the Plan by the Minister of Conservation, pursuant to the RMA.

**16.7.11 Rules 16.5.21 and 16.5.22 (Non Complying Activities)**

*The intention is to generally avoid disturbance, including vegetation removal activities, in Coastal Protection 1 Areas as they have the highest ecological and/or geological values and are the most vulnerable areas. Accordingly any disturbance of the foreshore or seabed, other than in the limited circumstances provided for, will be a non-complying activity.*

**16.7.9~~12~~ Rules 16.5.22~~3~~ 20 to and 16.5.23~~4~~**

In Coastal Protection Areas 1, and in *The disturbance of some sites, buildings, places or areas in Cultural Heritage Schedule 1 (preservation), could have significant adverse effects on heritage values and the potential adverse effects of disturbance are considered to be so significant as to justify its prohibition.* This is consistent with Policy 3.3.1 of the NZ Coastal Policy Statement, regarding the taking of a precautionary approach towards proposed activities.

*The grazing of stock in any Coastal Protection Area 1 will have a significant adverse effect on either the ecological or geological values, or potentially both, from trampling and the grazing of vegetation. The high probability of these effects justifies the prohibition of cattle and stock in Coastal Protection Area 1 areas.*

**16.7.10 — Rules 16.5.9 and 16.5.10**

These rules provide for activities involving disturbance for scientific or engineering purposes, which are likely to have only a minor adverse effect.

**16.7.44.13 Other Methods 16.6.1, 16.6.2, 16.6.5, and 16.6.6**

Several of the disturbance activities addressed in this chapter have aspects that are the responsibility of other agencies. It is important that the ARC liaise with these agencies on such issues, to ensure that all relevant legislation is complied with, and to promote integrated management between agencies with overlapping responsibilities.

**16.7.12~~4~~ Other Method 16.6.3**

This method provides certainty over a longer period of time for applicants seeking to remove Pacific Oyster shell.

**16.7.15 Other Methods 16.6.6 and 16.6.7**

*These methods identify the actions the ARC will undertake and support in seeking to achieve a long term reduction in the sediment and nutrient inputs entering the coastal marine area. Reducing the level of sediment in the marine environment will, in the long term, influence the rate of mangrove colonisation.*

**16.7.43~~16~~ Policies 16.4.6~~11~~ and 16.4.7~~12~~, Rule 16.5.22 and Other Method 16.6.4**

Motor vehicles have traditionally been used in many parts of the coastal marine area for a variety of purposes, including life saving, litter removal, the launching and retrieving of boats, research, and access to parts of the coastal environment that are otherwise inaccessible. However, motor vehicles have potentially significant adverse effects, particularly on sensitive shellfish beds and vegetation, and on roosting and/or nesting birds. For these reasons, it is necessary to regulate the use of vehicles on beaches, while maintaining flexibility regarding the timing, location and extent of restrictions. It is considered that bylaws provide the most effective method to achieve this. It should be noted that territorial authorities have extended the limits of their jurisdiction to Mean Low Water Springs to manage these and other activities, except Franklin District Council which has only extended its east coast boundary, and Auckland City Council which has not altered its boundaries.

**16.8 ANTICIPATED ENVIRONMENTAL RESULTS**

16.8.1 The adverse effects of disturbance, *and vegetation removal* activities on the natural values of the coastal environment will be avoided, remedied, or mitigated.

- 16.8.2 The protection of Coastal Protection Areas from the adverse effects of disturbance and vegetation removal activities.

## APPENDIX H

### INTEGRATED MANAGEMENT PLANS

#### Introduction:

Integrated Management Plans (IMPs) provide a comprehensive long term management framework for part of the coastal environment. IMPs provide an overall goal or vision for the area, and provide a context for assessing future resource consent applications and projects. An IMP will be developed through a comprehensive assessment of the environment and a robust consultation process. IMPs provide agreed objectives for the future use, development and protection of an area and aim to avoid the adverse cumulative effects that can result from ad hoc decision making.

The emphasis and level of detail that will need to be provided in an IMP will depend on the particular matters that are addressed.

#### Integrated Management Plans:

Matters to be Addressed	Matters to be Considered Include:
An assessment of the current coastal environment (including land and coastal marine area)	<ul style="list-style-type: none"> <li>• A description of the current natural and physical environment, features, processes and values, such as ecology, natural character, water quality, coastal hazards, sedimentation rates and processes, and landscape values.</li> <li>• A description of any changes to the environment that have had a significant influence on the present characteristics and conditions such as new structures, sedimentation, changes in catchment use, or changes in mangrove extent.</li> <li>• Identification and description of the social, cultural, economic, heritage and amenity values and uses. Consideration should include access and navigation, identification of public roads, reserves, boat ramps, recreation areas and any significant adjoining land use or water activities (e.g industrial or urbanised areas, marine farms or mooring areas).</li> <li>• Identification of areas of high use, including a description of the activity and the geographical extent.</li> <li>• Identification and description of areas of significant environmental, social, cultural, or economic values.</li> <li>• Identification of particular areas for enhancement or protection.</li> </ul>
The issues and the visions/goals for the future	<ul style="list-style-type: none"> <li>• A description of the key concerns or problems, and who is affected.</li> <li>• The vision and goals for the area, and a description of how these were determined.</li> <li>• Analysis of the degree to which the vision and goals take into account the characteristics and values identified, and the consultation undertaken.</li> </ul>
The proposed actions to address the issues and vision/goals	<ul style="list-style-type: none"> <li>• A description of the proposed actions and an explanation of how these will achieve the vision.</li> <li>• Identification of the alternative options for achieving the vision and goals.</li> <li>• The reasons and process for identifying the preferred options.</li> <li>• Identification and description of any areas of particular use and value that are proposed for protection or enhancement.</li> <li>• Identification of the location and timing of proposed actions, taking into account the need to ensure an achievable programme of actions.</li> </ul>

	<ul style="list-style-type: none"> <li>• Identification of the persons who will be responsible for the proposed actions.</li> <li>• The measures proposed to:             <ul style="list-style-type: none"> <li>- mitigate or remedy any adverse effects from the proposed actions</li> <li>- protect or enhance areas identified as having significant values</li> <li>- monitor effects</li> </ul> </li> </ul>
<p>The consultation process</p>	<ul style="list-style-type: none"> <li>• Comprehensive and inclusive consultation should be undertaken with affected property owners, the local community (organisations/groups), iwi, stakeholders and user groups, and where significant works are proposed, the territorial authority and the ARC.</li> <li>• Identification of the parties consulted.</li> <li>• A description of the decision making process used.</li> <li>• Identification of the response and views of those consulted and any matters where agreement was not reached.</li> </ul>