

## PART 5B - COASTAL

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### Plan change annotations - key



Indicates where content is affected by proposed plan modification x.  
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is subject to appeal.

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See key on page 1  
of this section



## PART 5B - COASTAL

### 5B.1 CONTENT AND STRUCTURE

This Part of the Plan deals with the management of the Isthmus' coastline. The location of the Isthmus between the Waitemata Harbour and the Manukau Harbour provides a unique setting which necessitates particular provisions in the Plan. These provisions focus on the management of the land along the coast. This land is physically and ecologically complementary to the foreshore areas of the harbours and estuaries.

This coastal location offers an unparalleled natural environment consisting of dramatic coastal cliffs, subdued expanses of wetlands, complex tidal estuaries, sweeping sandy beaches and secluded, bush-clad coves. However, unlike that of the City's Gulf Islands, this coastline has been substantially modified by human activity.

The coastal environment plays a vital role in the economy and lifestyle of the citizens of the Isthmus. Indeed, many features of the coast are of regional and national significance and attraction. It provides a focus for a range of social, economic and cultural activity and offers places to live, to work and to play. No Auckland resident lives further than five kilometres from some part of the district's coastline and all are impacted by the activities which are located within it. Activities located within the City may also impact on habitats such as mangroves, wetlands and saltmarshes located outside the district. The coastline and its habitats is an unsurpassed asset which deserves protection and enhancement through the Plan.

The interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are recognised as matters of national significance by the Hauraki Gulf Marine Act 2000 and by the relevant District Plan provisions.

Provisions governing the protection, use and development of the Coastal Management Area are included in this Part. These provisions overlay and are in addition to the provisions of the various activity zones.

This Part is presented as follows -

- **Statutory Context**

This outlines the statutory obligations and limitations on the various authorities involved in coastal management.

- **Resource Management Issues**

This outlines the significant resource management issues concerning the coastal environment within the district.

- **Resource Management Objectives and Policies**

This outlines how this Part deals with the identified coastal activity issues.

- **Resource Management Strategy**

This outlines the strategy for managing activities and development within the coastal environment, explains the reasons for the management approach, and sets out the anticipated results.

- **Implementation**

This outlines and explains the methods adopted to meet the objectives, policies and strategy for the coastal environment.

- **Rules**

This outlines the range of controls adopted to ensure that the actual or potential effects of activities within the coastal environment do not adversely affect it.

- **Esplanade Reserves**

This outlines the requirements for esplanade reserves. The rules on esplanade reserves along rivers are also included. This avoids these provisions being repeated elsewhere in the Plan.

### 5B.2 STATUTORY CONTEXT

The responsibility for the management of the coastline is shared by all tiers of government. At the national level, there is the New Zealand Coastal Policy Statement.

Within this umbrella of national goals and objectives, the seaward margin of the coastal environment is the subject of a Regional Coastal Plan and is the responsibility of the Regional Council. The provisions of that document must not be in conflict with the New Zealand Coastal Policy Statement and will, in turn, guide the contents of this Plan. The specific part of the coastal environment subject to Regional Plan extends from the mean high water spring tide (MHWST) mark to the outer limits of the territorial sea. This delineation allows the formulation of regional policies for a well-defined component of the overall coastal environment.

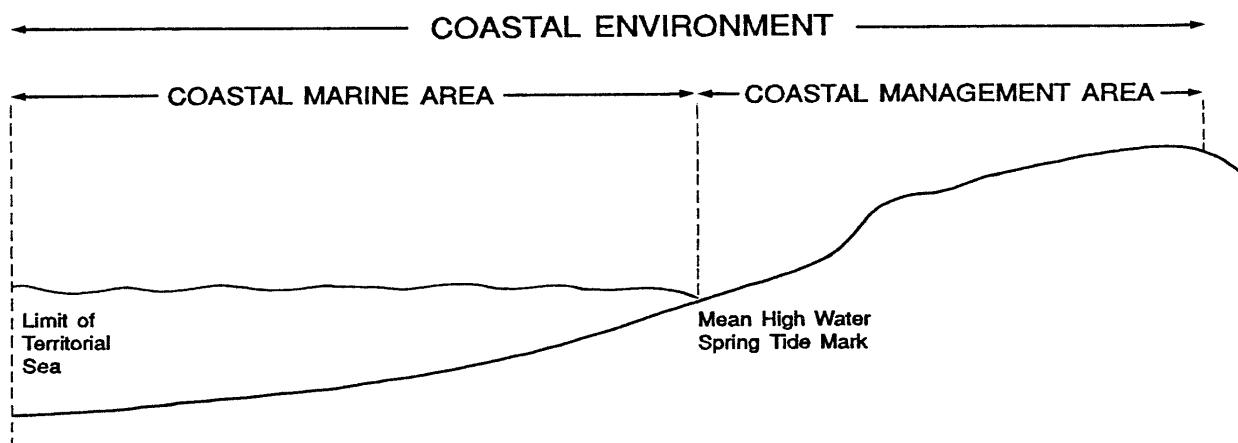
In addition, the Hauraki Gulf Marine Park Act 2000 requires that the provisions of the District Plan must not conflict with that Act. The Hauraki Gulf Marine Park Act 2000 seeks to integrate the management of the Hauraki Gulf, its islands and catchments and recognises that such management crosses territorial boundaries.



## Part 5B - Coastal

The Council's responsibility for the coastal environment extends from the landward side of MHWST. For the purpose of the Plan, a precise definition of the landward extent of the coastal environment has been formulated. This is so as to establish a clear geographical extent to the district's coastal environment, and to give certainty to the context of the coastal provisions of the Plan. This "Coastal Management Area" is defined and elaborated in Clause **5B.5 RESOURCE MANAGEMENT STRATEGY**. It reflects the "coastal environment" as defined in the New Zealand Coastal Policy Statement. Figure 5B.1 illustrates this relationship.

**Figure 5B.1 THE COASTAL ENVIRONMENT**



The New Zealand Coastal Policy Statement deals with the entire coastal environment. The Regional Coastal Plan deals with the Coastal Marine Area only, and the District Plan with the Coastal Management Area only.

### 5B.3 RESOURCE MANAGEMENT ISSUES

#### 5B.3.1 GENERAL

The principal resource management issues concerning the coastal environment are set out in the Act as the preservation of the natural character of the coastal environment, wetlands, and their margins, and the protection of them from inappropriate subdivision, use, and development. Further, the maintenance and enhancement of public access to and along the coastal marine area, also forms part of this national imperative. These principles are recognised in the Plan as is the fact that the Coastal Management Area is fundamentally a modified urban environment which is host to a wide range of activities.

The coastline is subject to a variety of demands for new and expanded uses, activities and works. As these urban pressures increase, protection of the natural character of the coastal environment will become increasingly important and there will be a need for clear management policies setting out the framework for environmental protection and enhancement.

A number of specific coastal resource management issues have been identified relating to the following matters:

- Coastal Landscape and Habitats;
- Water Quality;
- Activities and Public Access;
- Maori Issues.

#### 5B.3.2 COASTAL LANDSCAPE AND HABITATS

##### Landscape

Coastal cliffs and the landforms are the most striking landscape features in the Coastal Management Area.



Along the cliff faces and shoreline of both harbours are many mature trees which contribute individually and in groups to the overall character, physical stability, habitat protection and general amenity of the coastal environment.

The coastal cliffs are subject to the natural processes of erosion. While the fundamental cause of this process is the interaction of natural agents of erosion in the coastal environment such as wind and wave action, the actions and activities of man can modify the process of erosion. For example, active erosion by the sea of the sandstone cliffs along Tamaki Drive is now prevented by the impoundment of those cliffs by the Drive itself. Conversely, active removal of vegetation at some locations and careless surface drainage of residentially crowded cliff tops has accelerated the disintegration of cliff edges and led to slipping.

The Plan must ensure that activities occurring within the Coastal Management Area do not lead to erosion of these coastal cliffs.

In addition to their geological significance, these cliffs form imposing headlands at several locations along both harbours which provide unique coastal views as well as forming significant landmarks in their own right. The existence of some of the oldest and most mature stands of coastal native bush, dating back several hundred years, adds to this landmark significance. Only a fraction of that original forest cover remains today in the form of small and fragmented stands of pohutukawa on the cliffs at Hillsborough, Pt. Chevalier, Cox's Bay, Herne Bay, St Mary's Bay, Tamaki Drive, Glendowie and the lower reaches of the Tamaki Estuary. The Plan must ensure that the activities occurring within the Coastal Management Area are undertaken in a manner that ensures the retention and protection of the remaining coastal bush, particularly any established pohutukawa trees.

#### Habitats

The coastal forest of the Isthmus provides a significant habitat for native fauna, and is an active interface between marine and land based wildlife and ecosystems.

On the northern coast of the Manukau Harbour there are significant stands of regenerating native bush. In particular, the Hillsborough bush area has been recognised as representing some of the best coastal forest on the northern Manukau Harbour edge. It is part of the coastal fringe of forest which ecologically links the coast to the rest of the Isthmus. It is also an important ecological corridor through which birds move between feeding, roosting and breeding areas.

#### Human Interaction

The Isthmus coastline has been important in the history of human settlement and there is a rich tapestry of archaeological, cultural and historic sites, structures and buildings along the coastline. Action should be taken to ensure that such features are maintained and protected. There

are a large number of archaeological sites in the coastal area which are protected under the Historic Places Act 1991.

At some parts of the coast, the combination of physical and built features add up to a distinctive landscape of much value to the City and the wider region. The Tamaki Drive waterfront edge has been identified as such a landscape because of its unique situation at the interface between the City and the Waitemata Harbour, the significance of this part of the coastline as a recreational resource and its importance as a transport route to the eastern suburbs. The totality of the Tamaki Drive landscape forms a unique scenic way extending from Judge's Bay at its western end to Achilles Point in the east which warrants special consideration.

#### Climatic Changes

The coastal landscape may be affected in some as yet undetermined manner by the impact of long-term sea-level rise. While there is little consensus amongst the scientific community as to the rate of that rise, there is general agreement that a gradual change in level will occur in the next 50 to 100 years. Accurate monitoring and recording of climatic changes and sea-level behaviour will be required so that specific provisions for mitigation can be included in the Plan.

### 5B.3.3 WATER QUALITY

The waters of the rivers, streams, estuarine areas and harbours of the Isthmus have a special importance to the residents of the district. Traditionally, they have been a source of food, a place for recreation, a medium for transport, as well as providing scenic and spiritual value. The City's beaches are popular recreation areas and the contamination of these waters has become a matter of general concern.

Foreshores, estuaries, wetlands and urban streams are all components of the hydrological ecological system. The protection and conservation of these areas is especially important to the quality of the natural environment and the continuing existence of many species. Marine wetlands are particularly vulnerable to modification.

A major factor determining local water quality is land use, with water quality being affected by all types of urban development and activities. Contamination of coastal and estuarine waters comes from pollutants from residential and business wastes and also from sediment washing into the harbours. Sediment deposition in the streams, estuaries and harbours of the district smothers biological life and makes these waters less attractive for recreation activities.

Contamination is delivered to harbour waters by way of general surface runoff and specific discharge points through the stormwater system. The combined sewer and stormwater system has meant that the system frequently overflows into the few remaining urban streams and into the harbour.



### 5B.3.4 ACTIVITIES AND PUBLIC ACCESS

The nature of the City's coastline provides a range of opportunities for the citizens of the district and the region. First, the coastline is a distinctive, attractive and functional setting for urban growth. Secondly, it is a major location for recreational pursuits. Thirdly, the Waitemata and Manukau Harbours are scenic areas in their own right. Finally, the coast continues to be an attractive and sometimes essential location for business activities.

Direct access to the coastline is currently provided both by way of public roads and public reserves. A significant proportion of the coastline is in public ownership. At the same time, there are other areas of the district's coastline, such as the Rosebank peninsula where public access to the existing esplanade reserves is limited.

Human presence invites business and non-business impacts which, while adding interest and attracting people to the coastline, may cause disturbances to valued habitats, local neighbourhoods, historic and archaeological sites. These may result in a loss of the habitats themselves or of the neighbourhood amenity. Such losses may be as a result of physical intrusion, or air, water or noise pollution with such impacts resulting either from the activities themselves, or from structures and associated facilities. Traffic generation and parking needs are major impacts that can be a particular problem within the Coastal Management Area where space is limited and where the intrinsic natural attributes can be quickly degraded through pressure of human activity.

A regionally important and significant business use of the coastline is the Port of Onehunga which, with its special functional and operational needs, has placed some restrictions on public access to the Manukau Harbour. There is a need to balance the operational requirements of the port company with the desirability of securing more general public access to the shoreline at Onehunga.

### 5B.3.5 MAORI ISSUES

For Maori, particularly the iwi who have mana whenua, the physical environment is highly personalised. Certain values are applied to particular areas of land and water according to traditional associations, utilisation of food production and gathering, and their potential for satisfying social and cultural needs. Long before the arrival of the European, Maori had realised the value of the coastal waters, intertidal waters, harbours, rivers and streams for communication, fishing and cultural purposes.

The coastal environment of the Isthmus and its conservation has a dual significance to the Maori. In particular there is the conservation of the historically and spiritually significant

places, sites and objects associated with the occupancy of the land by the iwi who have mana whenua. Underpinning this is a broad-based attitude towards general conservation of the natural landscape, air and the sea.

There are a number of sites of cultural significance to the iwi who have mana whenua in the coastal environment, including the sites of ancient settlements. These will be recorded and protected in an appropriate manner in the Plan.

## 5B.4 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

### 5B.4.1 OBJECTIVE : COASTAL LANDSCAPE

*To conserve, protect and enhance the natural and physical resources and preserve the natural character of the coastal environment for the benefit of the City and the nation.*

#### Policies

- By protecting critical elements such as significant landforms, scenic values, trees, bush and cultural heritage values.
- By ensuring that new buildings or redevelopment of existing buildings in the Coastal Management Area do not adversely affect landscape values and have a demonstrable public benefit.
- By working with neighbouring local authorities to achieve integrated landscape protection along the Isthmus coast.
- By using various measures including esplanade areas to achieve conservation of the coast and streams.

### 5B.4.2 OBJECTIVE : COASTAL HABITATS

*To conserve, protect and enhance the flora and habitats of the coastal environment.*

#### Policies

- By ensuring that development and activities in the Coastal Management Area do not have an adverse effect on recognised habitats; minimise the need for vegetation removal; and promote suitable vegetation of indigenous species.
- By restricting access and creating buffers to protect sensitive habitats. (Refer [ANNEXURE 2](#) for listed significant environment features).
- By using various measures including esplanade areas to protect and conserve the coastal habitats.



- By opposing further reclamation of the coastal marine area unless any specific proposal can demonstrate that land based alternatives do not exist, and that the proposed reclamation is an efficient use of natural and physical resources.

### **5B.4.3 OBJECTIVE : WATER QUALITY**

*To maintain and, where practicable, enhance the water quality of the Waitemata and Manukau Harbours and all water bodies and waterways within the district.*

#### **Policies**

- By ensuring that appropriate controls are applied to activities to prevent hazardous substances contaminating waterways.
- By requiring adequate equipment and facilities to prevent runoff or spillage from industries located within the Coastal Management Area.
- By controlling the effects of development, earthworks and the removal of vegetation so as to minimise pollution or sedimentation of coastal waters.
- By securing appropriate buffers along waterways and the coast where practicable.
- By controlling the surface drainage of properties so as to minimise the erosion of cliff edges and land adjoining coastal waters. (Refer to Clause 4A.1E).
- By using various measures including esplanade areas to protect and enhance the water quality of the coast and streams.

### **5B.4.4 OBJECTIVE : ACTIVITIES AND PUBLIC ACCESS**

*To facilitate public access to and the enjoyment of the Coastal Management Area and the coastal marine area in locations and at a level which does not adversely affect the natural character of the coastal environment.*

#### **Policies**

- By maintaining and enhancing public access to the foreshore except where restrictions are necessary because of safety, security, damage to vegetation and wildlife or conflict with traditional Maori sites, or other exceptional circumstances.
- By using various measures including esplanade areas to achieve public access to the coast, rivers and streams.
- By providing for shoreline walkways and boardwalks where these do not conflict with environmental and cultural values or lead to the erosion of sensitive

- landforms.
- By controlling business activity on public reserves, streets and other public places within the Coastal Management Area.
- By investigating the feasibility of stopping unformed roads in the Coastal Management Area and seeking appropriate reserve classifications where this does not interfere with the provision of vehicular access to private property which fronts such roads.
- By working with neighbouring local authorities to achieve an integrated network of public access points to and along the coast.

### **5B.4.5 OBJECTIVE : MAORI**

*To recognise and provide for Maori values and principles with regard to matters affecting the coastal environment, including those of ecological or natural environmental concern and to recognise the historical and contemporary place of Maori in the coastal environment.*

#### **Policies**

- By developing procedures which ensure that identification and protection of the characteristics of the coastal environment of special value to the tangata whenua are carried out in accordance with tikanga maori.
- By compiling a register of those waahi tapu, and other historic sites within the Coastal Management Area identified as significant by the iwi who have mana whenua and by identifying appropriate means for their protection.
- By considering proposals from the iwi who have mana whenua for the establishment of appropriate facilities which provide tangible recognition of Maori occupancy of the coastal environment.
- By fostering access for gathering of kai moana.

### **5B.4.6 OBJECTIVE : USE AND DEVELOPMENT**

*To ensure that use, development and protection of the natural and physical resources of the Auckland Isthmus coastal environment are achieved in a fully integrated manner which preserves the natural character of the coastal environment.*

#### **Policies**

- By recognising the integrated nature of the coastal environment and the need to adopt a precautionary or conservative approach to use and development in this area.



- By requiring use and development in the Coastal Management Area to have a regard to the actual or potential effects of the proposed activity on the coastal environment and especially the coastal marine area.
- By ensuring use and development in the Coastal Management Area is not inconsistent with any New Zealand Coastal Policy Statement or Regional Policy Statement or Plan.

## **5B.5 RESOURCE MANAGEMENT STRATEGY**

### **5B.5.1 COASTAL MANAGEMENT AREA**

The Plan specifically defines the geographical extent over which the coastal provisions apply.

This gives certainty, both to those intending to establish activities or undertake work which may be affected by such provisions, and to those who wish to know how such proposals are to be assessed. The Coastal Management Area has been delineated on the planning maps. The Coastal Management Area extends from the MHWST mark inland to a line which has been established by reference to specific criteria (see Figure 5B.1). These criteria relate to those land-based activities and natural and physical features which may have a clear effect upon the coastline. Thus the Coastal Management Area includes land having any of the following elements:

- Any habitat or association of flora adjacent to the coastline which derives its intrinsic character from a maritime location;
- Any landform adjacent to the coastline which has been formed or modified by processes of marine erosion or deposition;
- Any feature, either natural or physical, which substantially contributes to the visual amenity of the coastline;
- Any site or part thereof adjacent to the coastline from which natural surface drainage may flow to the coastal marine area;
- Any reserve or part thereof adjacent to the coastline where activities may take place which have a connection with or impact on the coastal marine area;
- Any residential or business activity located adjacent to the coastline which engages in any activity which may have a direct impact on the coastline or coastal marine area;

- Any part of any road or railway or any transport or communication facility including any wharf, jetty or quay located adjacent to the coastline. Excluded from this are any working commercial wharfs and port facilities.

### **5B.5.2 PARTICULAR ELEMENTS**

The Coastal Management Area contains significant natural landscape features and habitats, many of which have been affected by development. It is intended that these be protected as far as practicable from further modification or degradation in order to retain, as much as possible, their natural character and value.

Recognition is also given to the existing built environment where this contributes to the overall coastal landscape and the amenity of the coastline. Future development is required to be integrated with the existing built environment in such instances and should not further detract from the natural coastal environment and habitats in such circumstances. The Auckland Isthmus coastline has a rich wealth of historic and archaeological sites, a number of which are protected under the Historic Places Act 1993. The Plan ensures that action will be taken to maintain and protect these sites.

Those areas of the coastline devoted to Port activities are recognised as being an important natural and physical as well as economic resource to the City. Maintaining the viable function of the Port requires a particularly considered resource management approach based on the unique features of these areas.

The matter of water quality is addressed in the Plan by controlling activities and development. Based on the principles of soil conservation and the control of hazardous substances the Coastal Management Area will be subject to controls for earthworks and vegetation removal, site development and layout in coastal areas and the use and storage of hazardous substances.

The Plan seeks to provide public access for uses which are complementary to the natural attributes of the area. Such access must respect the natural environment and must not threaten vulnerable coastal edges and lead to the possibility of accelerated erosion. Further, areas of scientific or natural historical interest or significance which give the coastal environment its educational and scientific worth must be open to public access while conserving those features which make them a valuable resource.

There are a number of sites of cultural significance to the iwi who have mana whenua in the coastal environment, including the sites of ancient settlements. It is the intention of the Council to seek the advice of the iwi who have mana whenua in ensuring that these be recorded in an appropriate manner and that acceptable mechanisms be put in place for their protection.



Also recognised is the significance of the Maori presence and their historical occupancy of the coastal environment. The Plan is supportive of Maori aspirations for the establishment of tangible recognition of this association.

In providing for the management of the Coastal Management Area, the Plan emphasises and promotes the public use of the coastline, the conservative management of the natural environment, and cultural sensitivity and awareness. It seeks to balance the need for provisions which focus on the maintenance and preservation of the natural environment (landforms, vegetation, water quality and natural habitats) while acknowledging the need to recognise and provide for the impact of people and effects on the coastal environment of physical, social, economic and cultural development.

### **5B.5.3 ESPLANADE AREAS**

The Act authorises the Council to secure esplanade reserves or esplanade strips along the coastal margin and the edges of rivers and streams. Esplanade reserves and esplanade strips have the effect of conserving and enhancing the coastal environment, separating offensive and potentially offensive activities from the coast or streams and achieving public access and recreational use.

Esplanade reserves are subdivided and vest in the Council's ownership, whereas esplanade strips are created by restrictions on titles to protect coastal conservation values or to achieve public access to the coast or river.

Esplanade reserves and esplanade strips therefore provide an opportunity for the protection of the quality of adjacent bodies of water, the protection and enhancement of habitats, the conservation of flora, the reservation of hazard areas, the provision of areas for public recreational use and the provision of public access to the coastal marine area.

The Act requires that esplanade reserves or esplanade strips are to be provided on subdivision of coastal land or land abutting the bank of any river where an allotment of less than 4 hectares is formed, or where significant development projects are undertaken as outlined in Part 4B of the Plan. In such circumstances an area with a width of 20 metres shall be set aside from that allotment along the mark of mean high water springs of the sea and the bank of any river.

The provision of esplanade reserves or esplanade strips will be required on subdivision of coastal land or land abutting the bank of any river where an allotment of less than 4 hectares is formed, or as part of significant development projects in such locations. Provision of such a reserve or strip may also be imposed as a condition of a land use consent.

Where an allotment of 4 hectares or more is to be formed on subdivision, an esplanade reserve or strip will be required only where the land concerned has demonstrably exceptional conservation value or public access value or value for the

mitigation of natural hazards and its width will be determined accordingly. In such a case, the Council will compensate for the reserve or strip in accordance with Section 237F of the Act.

An esplanade reserve or esplanade strip will generally be 20 metres wide. The width may be varied in particular locations. This recognises the wide variety in the character and topography of the coastline. The Council will consider applications to reduce or waive the required width of an esplanade reserve or esplanade strip. These will be assessed against specific Plan criteria.

The Council may require either a width greater than 20 metres to be vested as an esplanade reserve, where there are significant conservation values, recreational advantages or to improve public access. However, where conservation values indicate, an esplanade strip exceeding 20 metres will be required. When a reserve or strip greater than 20 metres is required the Council will compensate for the extra land in accordance with Section 237E of the Act.

The decision on the most appropriate method of achieving the Plan's coastal management objectives, either by setting aside esplanade reserves or by creating esplanade strips upon subdivision or development of land, will depend on the particular planning circumstances and the purpose for which the land is required

Esplanade reserves will be required to be set aside where:

- The land has a value for recreational use;
- The land has potential for providing public access to or along the water's edge;
- The land has outstanding conservation value for meeting the purposes of Section 229 of the Act.

Areas of outstanding conservation value, include -

- (i) those areas adjacent to or having a functional relationship with outstanding mangrove forests or other maritime flora and fauna.
- (ii) areas containing both mature and regenerating indigenous vegetation.
- (iii) areas where water quality and maritime habitats are significant and should be protected.
- (iv) areas where there is significant potential to improve both terrestrial and maritime habitat value in the future;
- A number of esplanade reserves exist in the immediate vicinity and the additional land is required to complete or to contribute to completing a chain of reserves.

The use of the powers available for creating esplanade reserves and esplanade strips will contribute to meeting resource consent obligations under the Act and to the achievement of the Plan's coastal objectives. The Plan will



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use esplanade strips rather than the setting aside of esplanade reserves.

- To protect those areas with moderate or low conservation value, which include:
  - i) areas adjacent to or having a functional relationship with mangrove forests where public access should be restricted, but where valued features can still be preserved in private ownership.
- To protect those coastal and river areas of land requiring limited protection.
- To protect public access along the coastline and streams to existing recreation reserves, which include:
  - i) areas which provide access between reserves, but which can be left in private ownership.

In both circumstances any decision to provide either an esplanade reserve or strip, which accords with the Esplanade Area Management Guidelines adopted by the Council will be deemed to have met the above criteria.

### 5B.5.3.1 ACCESS STRIPS

To enable access to be obtained to present and future esplanade reserves and esplanade strips the Council will make use of the provisions of Section 237B of the Act.

Access strips are an easement over private land negotiated between the Council and the landowner. These strips offer a means of enabling access to esplanade areas or other reserve land that would otherwise be inaccessible to the public.

There are a number of circumstances where access strips would be appropriate:

- Where access to the esplanade area is restricted during times of low tide;
- In locations where reserves networks have not been established and no other access to the esplanade area exists.

### 5B.5.4 EXPECTED OUTCOMES

It is expected that the measures adopted for the resource management of the Coastal Management Area will ensure the protection and enhancement of the unique environmental qualities of this part of the district. It is intended that future development be in sympathy with valued natural and built features of the coastal landscape. Further the quality of land based and aquatic habitats will be maintained while at the same time preserving and enhancing public access to and recreational use of the foreshore.

The significance of the coastal environment to Maori will be recognised and provided for. The Council will work with iwi who are mana whenua to facilitate the appropriate recognition and protection of waahi tapu and taonga. Such

exchange of information will enhance the awareness of all citizens of the district in matters of significance to the iwi who are mana whenua.

Requiring esplanade reserves or esplanade strips in accordance with the strategy outlined above will meet the purposes of the Act. This will protect conservation values, enable public access to and along the sea and rivers, and enable public recreational use of the esplanade reserves.

## 5B.6 IMPLEMENTATION

The Coastal Management Area is the main technique adopted to implement the objectives and policies of this Part.

The rules of this Part refer to:

- Activities and development;
- Buildings and structures;
- Public access;
- Landscape and visual amenity;
- Vegetation protection and removal.

Many of the provisions in other Parts apply to the coast. They are not repeated in the coastal section but are to be regarded as an integral part of the coastal policy. In particular [PART 4B - FINANCIAL CONTRIBUTIONS](#), [PART 5A - NATURAL RESOURCES](#), [PART 5C - HERITAGE](#), [PART 9 - OPEN SPACE AND RECREATION ACTIVITY](#), and [PART 11 - SUBDIVISION](#) should be referred to.

### Other Methods

The Act requires the Council to consider alternative methods of achieving the purpose of the Act in addition to Plan rules. For these alternative methods see [ANNEXURE 1](#).

## 5B.7 RULES : COASTAL MANAGEMENT AREA

The following provisions of the Coastal Management Area, overlay and are in addition to the provisions of the underlying zone. The exception to this is where there is an approved Concept Plan under the Open Space 5 zone provisions. In such instances the provisions of the Concept Plan take precedence. The Coastal Management Area shall also not apply to land within the Mixed Use Zone: Orakei Point.

All applications to undertake any works or structures including seawalls, below mean high water spring tide mark are subject to the provisions of the Regional Coastal Plan administered by the Auckland Regional Council.



Maintenance and construction of roads within the meaning of Section 43 of the Transit NZ Act 1989, are permitted activities within the Coastal Management Area. Refer to **PART 4a - GENERAL RULES, Clause 4A.4.6.B(ii).**

In addition to the particular assessment criteria listed in the following provisions, in considering an application for resource consent within the Coastal Management Area, the Council shall have regard to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000.

### **5B.7.1 BUILDINGS AND STRUCTURES**

All buildings and structures, other than network utility services, in the Coastal Management Area shall be deemed to be restricted controlled activities (in terms of Clause **4.3.2.5 RESTRICTED CONTROLLED ACTIVITIES**) except where they are located within a Coastal Protection Yard (refer Clause **5B.7.2 COASTAL PROTECTION YARD**) and except where they are located within the Mixed Use Zone: Orakei Point.

Any application for a controlled activity resource consent will be assessed against the following criteria:

- Any building shall be designed and constructed in a manner that minimises any change to the existing landform, disturbance or removal of existing vegetation and preserves the natural character and ecological values. Where necessary landscape planting shall be required to ensure that buildings blend with the existing natural character of the surrounding coastal landscape;
- Any earthworks necessary for the creation of building platforms or access shall create minimum disturbance to the landform and character of the site;
- Any driveway and parking and turning areas shall be constructed in a manner which requires minimal disturbance to existing landform or vegetation;
- The scale, form, and location of buildings shall not visually dominate and should be complementary to significant coastal landforms in the locality such as coastal cliffs;
- Any development in the Coastal Management Area shall not reduce the visual amenity of public buildings and open spaces which are also located in the Coastal Management Area; or are immediately adjacent to it;
- Any assessment of development in the Coastal Management Area within that area defined as the Tamaki Drive Scenic Way (refer Part **PART 5C - HERITAGE**) shall have, in addition particular regard to the provisions of Clause **5C.7.7 SCENIC WAY**;
- Development proposals shall ensure that any runoff of stormwater resulting from within the development does

not lead to a reduction in water quality in the coastal marine area;

- Any development in the Coastal Management Area within 20 metres of the mean high water springs shall ensure that the future potential for the taking of land for esplanade reserves along the coastline adjoining the subject site is not compromised by the proposed location of any building or structure. Compliance with the Council's Esplanade Area Management Guidelines for the relevant area will be deemed to meet this assessment criteria.

In granting consent to a controlled activity, conditions may be imposed relating to the following matters:

- Removal or retention of vegetation;
- Landscaping;
- Drainage;
- Visual screening of buildings, structures or yards;
- Orientation, cladding, signage, form, scale and colour of buildings or structures;
- Location of buildings or structures on a site;
- Location and construction of vehicle entry, egress, manoeuvring and parking.

### **Explanation**

*The coastal landscape is both highly visible and sensitive to modification. Buildings and structures may compromise the natural character of this landscape. It is therefore necessary that aspects of their design, appearance and location be subject to scrutiny to ensure that they are in sympathy with natural landforms and vegetation and the existing physical fabric of the coastline.*

### **5B.7.2 COASTAL PROTECTION YARD**

#### **5B.7.2A GENERAL PROVISIONS**

There shall be a Coastal Protection Yard imposed on all:

- business zoned and Mixed Use zoned land within 20 metres of MHWST mark; and
- other land (excluding roads) within 10 metres of MHWST mark.

Except for the Mixed Use Zone: Orakei Point, where no Coastal Protection Yard shall apply (note: the Coastal Protection Yard applies to the Open Space zoned land adjoining the Mixed Use Zone: Orakei Point).

The yard shall be measured in a horizontal plane in a landward direction from MHWST mark.



## Part 5B - Coastal

The following rules shall only apply to sites in the Coastal Protection Yard that do not meet the definition of an “urban environment allotment” in Part 13.

- i) The requirements of the Coastal Protection Yard shall be substituted for any other yard requirement over which the Coastal Protection Yard extends.
- ii) This yard shall be maintained and managed so as to retain the natural character of the coastal environment.
- iii) No person shall cut, damage, alter, injure, destroy or partially destroy:
  - (a) any indigenous tree or vegetation;
  - (b) any exotic tree greater than 6m in height or 600mm in girth (measured at 500mm above ground level).

This rule does not preclude trimming of the canopy (excluding the roots) of any tree which does not damage its health. Such works shall be limited to no more than 20% of live growth removal in any one year and must be in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is maintained.

If the trimming is undertaken by a qualified arborist or arboriculturalist, such works shall be limited to no more than 30% of live growth removal in any one year and must be in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is maintained.

The Council may grant an application for a discretionary activity resource consent to remove or pollard such vegetation or trees, or undertake works in excess of the permitted trimming controls if it is satisfied that such consent is justified by circumstances which include dangerous, diseased, or damaged conditions, compliance with any statutory or legal obligation or hardship, or any other cogent reason. Consent will not be granted where an improvement in view is sought unless the Council is satisfied that the natural character, of the coastal environment, the ecological amenity of the site and the health of the tree will not be affected.

- iv) Buildings used principally for the storage or maintenance of boats; launching ramps; retaining walls and fences; and decks may be erected in the Coastal Protection Yard but shall be deemed to be discretionary activities. Any application will be assessed in terms of the criteria below.
- v) No storage of goods or materials other than that associated with activities permitted in (iv) above, shall be provided within the Coastal Protection Yard.
- vi) Parking within the Coastal Protection Yard shall only be permitted on land zoned open space, in controlled parking areas and where it is to the satisfaction of the Council.

- vii) The width of the Coastal Protection Yard on any site may be reduced upon application to Council for consent to a discretionary activity. Any application will be assessed in terms of the criteria below.

### Discretionary Activity Criteria

An application for a discretionary activity resource consent in the Coastal Protection Yard will be assessed against the following criteria.

- The objectives and policies of the Plan for the coastal environment.
- The nature and extent of any proposed work and the degree to which it may disturb natural landforms or vegetation or create soil instability, or lead to a reduction of water quality or adverse ecological effects to natural habitats.
- The applicants particular reasons for requiring to locate the proposed building or structure in the Coastal Protection Yard.
- The degree to which the proposed work will affect the natural character of the coastal environment.
- Whether or not the proposal compromises any future potential to take land for esplanade reserves in the vicinity of the subject site. Compliance with the Council’s Esplanade Area Management Guidelines will be deemed to meet this criteria.
- Any alternative methods which may be available to the applicant in the achievement of his or her objectives.

Any application for a discretionary activity shall be notified unless the Council is satisfied that the following criteria can be met:

- The written approval of all parties who in the opinion of the Council, may be affected has been obtained by the applicant; and
- There is no need to remove any substantial tree or vegetated area in order to undertake the proposed development; and
- There is little probability of any material effect on the coastal marine area of the proposal, including effects on habitats or water quality.

### Explanation

*Limitations have been imposed on the erection of buildings and structures within the Coastal Protection Yard to ensure that only those which have a functional and visual link with the foreshore are erected, and that the works associated with their erection do not compromise environmental qualities of the foreshore.*



## 5B.7.2B ADDITIONAL TREE PROTECTION

The following tree protection rule shall only apply to sites in the areas defined below that do not meet the definition of an “urban environment allotment” in Part 13.

i) No person shall cut, damage, alter, injure, destroy or partially destroy:

- (a) any indigenous tree or vegetation;
- (b) any exotic tree greater than 6m in height or 600mm in girth (measured at 500mm above ground level).

The Council may grant an application for a discretionary activity resource consent to remove or pollard such vegetation or trees, or any substantial part thereof if it is satisfied that such consent is justified by circumstances which include dangerous, diseased, or damaged conditions, compliance with any statutory or legal obligation or hardship, or any other cogent reason. Consent will not be granted where an improvement in view is sought unless the Council is satisfied that the natural character, of the coastal environment, the ecological amenity of the site and the health of the tree will not be affected.

### St Marys Bay to Coxs Bay Cliffline

20m either side of the seaward boundary of those sites situated along the original cliff face and shoreline of St Marys Bay and the Herne Bay foreshore between the Harbour Bridge off-ramp (to Ponsonby) and the eastern boundary of the site at 16 Harbour Street, and from the western side of Curran Street to the point where West End Road first abuts Coxs Bay. This area is identified on the Planning Maps.

### Tamaki Drive Cliffline

30m inland from the seaward boundary of the sites adjacent to Tamaki Drive, as identified on the Planning Maps.

### Glendowie Cliffline

30 metres landward from the mean high water spring tide mark as identified on the Planning Maps.

### Parnell Cliffline

30 metres landward from the mean high water spring tide mark as identified on the Planning Maps.

### Hillsborough Cliffline

30 metres landward from the mean high water spring tide mark as identified on the Planning Maps.

### Coxs Bay to Pt Chevalier Cliffline

30 metres landward from the mean high water spring tide mark as identified on the Planning Maps.

### Explanation

*The coast is an environmentally and visually sensitive interface between the land and the sea. Any development which takes place in close proximity to the foreshore has potential to impact on visual amenity and on marine ecosystems. The imposition of a Coastal Protection Yard with strict limits on activities which can take place within that yard, ensures that the environmental and visual values of the coastal edge are conserved.*

*Mature trees and indigenous vegetation particularly pohutukawa, are an integral part of the coastal landscape of the City. Those which line the coastal cliffs have an important role in maintaining the stability of those cliffs and in reducing erosion. They also make a significant contribution to the visual amenity of these landforms. Therefore removal of indigenous vegetation or mature trees within the Coastal Protection Yard is strictly controlled in order to maintain the visual amenity of the coastline and, in certain locations, reduce the risk of erosion.*

## 5B.7.3 EARTHWORKS

### (a) Permitted Activities

Earthworks not exceeding a total of 5m<sup>3</sup> in volume, in any one site or in any one earthworks operation provided the face height does not exceed 2m, and provided further that no cliff face is affected. Cliff face means any land with a slope of 60° or more.

These figures may be exceeded where the earthworks are part of:

- a subdivision which has been granted a resource consent; or
- a network utility service of the type where specific provision has been made for earthworks in Clause 4A.4.6.B.

Provided however that the works are outside the driplines of any scheduled or protected trees and will not affect any scheduled archaeological or geological feature or cliff face.

**Note:** The above rule does not obviate the need to obtain the written consent of Council to excavate or otherwise interfere with any land in the vicinity of a public work of the Council if the excavation or interference is likely to produce, directly or indirectly, a subsidence onto that work or a subsidence of that work or of the soil under it (refer to Section 237 Public Works Act 1981) Refer also to Annexure 14 for silt and sediment control methods.

### (b) Discretionary Activities

Except as provided for in Clause 4A.4 NETWORK UTILITY SERVICES, a discretionary activity resource



## Part 5B - Coastal

consent is required for any earthworks in the Coastal Management Area which:

- is not a permitted activity;
- is on or affects any cliff face.

**Note:** Clause 4A.4.6.D provides for network utility services, which are not on a road and which are located in a Coastal Protection Yard, as discretionary activities.

In considering any application for a discretionary activity the proposal will be considered against the following criteria:

- The Plan's objectives and policies, particularly those in respect of the coast;
- The applicant's need to obtain a practicable building site, access, a parking area, or install engineering services to the land;
- Any alternative methods which may be available to the applicant in the achievement of his/her objectives;
- All previous applications made in respect of the land which involves consideration of landscape conservation;
- The extent to which the existing landscape contributes to the visual amenity of the locality;
- The nature and extent of the proposed work and the degree to which it may disturb natural landforms or vegetation or create soil instability, or lead to adverse ecological effects to natural habitats, watercourses, wetlands, estuaries and coastal waters.

Appropriate conditions may be imposed in relation to these matters.

Applications shall include details of proposed methods of rehabilitation of any areas of cut and fill through appropriate landscaping, revegetation and drainage or other stabilising measures where these are necessary.

Rule 5B.7.3 shall not apply to earthworks on land zoned Mixed Use Zone: Orakei Point.

### Explanation

*Earthworks may result in modification of the natural landscape and reduction of water quality through surface runoff and sedimentation. Earthworks may create unstable cliffs and result in alteration to the natural character of the coastal environment. The application of the rule should ensure that any earthworks undertaken are in keeping with existing landforms and landscapes and will minimise the movement of soil and the destruction of coastal vegetation and habitats.*

Rule 5B.7.3 shall not apply to earthworks on land zoned Mixed Use Zone: Orakei Point.

Refer also to:

**Part 4A** General Rules

**Part 5C** Heritage

**Part 5E** Hazardous Facilities

## 5B.8 RULES : ESPLANADE RESERVES

### 5B.8.1 GENERAL PROVISIONS

(1) Where:

- (i) a survey plan is approved under Section 223; or
  - (ii) the construction of one or more new residential units on a site other than:
    - (a) the first new unit on a vacant site; or
    - (b) a new unit which replaces a residential unit located outside the Coastal Protection Yard which has been demolished or removed from the site within the past three years; or
    - (c) conversion of an uninhabitable building located outside the Coastal Protection Yard into a residential unit where there is no existing residential unit on the site;
- is granted a resource consent or a building consent; or
- (iii) the construction of a building or additions to an existing building for business activity on a site where the value of such construction and associated drainage works exceeds \$250,000 is granted a resource consent or a building consent;

for or on any land abutting the coastal marine area or any river, the landowner shall provide for an esplanade reserve with a minimum width of 20 metres measured from the mark of mean high water springs (MHWS) of the sea or the bank of the river to be vested in the Council except that:

- (a) the esplanade reserve requirement may be replaced by a requirement to create an esplanade strip of the same width by way of an application for a discretionary activity consent. Where this option is to be considered regard shall be had to Clause 5B.5.3 ESPLANADE AREAS.
- (b) where an allotment of 4 hectares or more is to be formed, an esplanade reserve or esplanade strip shall be provided only when the land concerned has demonstrably exceptional conservation, recreation or public access value.



(c) the Council may require an esplanade reserve or esplanade strip to be of a width greater than 20 metres to satisfy the purposes of Section 229 of the Act. [260]

#### Advice Note

The renovation or alteration of an existing residential unit will not constitute the construction of a new residential unit unless the renovations or alterations have the effect of converting the existing residential unit into two or more residential units.

- (2) Any building or structure located within any proposed reserve or esplanade strip shall be removed by the owner at his or her expense prior to the vesting of the esplanade reserve in the Council or the creation of the esplanade strip except that the Council may dispense with this requirement where such building or structure does not conflict with the purpose of the reserve or strip.
- (3) On the stopping of any road, adjacent to the MHWST mark, under the Local Government Act 1974, such stopped road will become a local purpose (esplanade) reserve; provided however that the Council may resolve to reduce the width of such reserve to not less than 20 metres at any one point.
- (4) Where an esplanade reserve is set aside on subdivision or development of any site zoned for residential activities, such reserve area shall be included in the assessment of the density limitations and maximum buildings coverage for that site.
- (5) Where an allotment has been subdivided or developed and includes land in the coastal marine area, or part of the bed of a river, then that land will vest with the esplanade reserve taken in the manner set out in Section 237A of the Act.
- (6) Where an esplanade reserve set aside on subdivision or development of a site zoned for residential activity fails to satisfy the reserves requirement set out in Clause 4B.4.3 RULES : APPLICATION OF FINANCIAL CONTRIBUTIONS the balance owing shall be met either in land or in cash, and assessed on the basis set out in Clauses 4B.4.4 RULES : CALCULATION OF FINANCIAL CONTRIBUTIONS or 4B.4.5 RULES : EXEMPTIONS, whichever is relevant to the particular circumstances.

### 5B.8.2 APPLICATION TO REDUCE OR WAIVE AN ESPLANADE AREA REQUIREMENT

Applications to reduce or waive an esplanade reserve or esplanade strip requirement will be considered as applications for discretionary activity resource consent.

The applications will be assessed against the objectives and policies for this Part and the following criteria.

Whether an application will have an impact on:

- The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent sea or river;
- The water quality of the adjacent sea or river;
- The land and water based habitats on or adjacent to the subject land area;
- The extent of the public's ability to obtain access to and along the sea or river edge;
- The extent to which any recreational use of the land may be hindered;
- The extent to which natural hazards are mitigated;
- The compatibility of the proposed reserve or strip with physical characteristics of the land;
- The extent to which the natural character and visual quality of the coastline or river bank will be preserved within the proposed reserve or strip;
- The future purpose and use of any existing permanent building that would otherwise encroach on, or be within an esplanade reserve or esplanade strip of 20 metres width;
- The security and safety of people and property;
- Business activity and whether direct access to the sea is required for the commercial operation or development of port or other water related facilities. (This does not necessarily include marinas and slipways for recreational boating).

Notwithstanding the above criteria, the applicant must demonstrate that:

- With a reduction, the purposes of the esplanade reserve or esplanade strip specified in Section 229 of the Act are not significantly diminished;
- With a waiver, the land has little or no value in terms of the purposes specified in Section 229 of the Act or the policies of this Plan.

The width of any esplanade reserve or esplanade strip reduced in accordance with these criteria may be irregular so as to include features of importance to the functioning of the reserve.

To assist both the applicant and the Council in determining these matters the Council has published Esplanade Area Management Guidelines.

Any application to waive the esplanade requirement, or to vary or cancel an esplanade strip under Section 234 of the Act will be publicly notified.

Refer also to:

#### PART 5D - NATURAL HAZARDS

