

# Chapter 11 — Coastal Environment and Surface of Rivers

## CONTENTS

Each of the sections 11.1 and 11.2 are presented as follows:

### **.1 Introduction**

This describes the statutory context relating to the coastal environment and the surface of rivers and describes the resources.

### **.2 The Resource Management Issues**

This outlines the significant resource management issues.

### **.3 Objectives**

This sets out the overall desired environmental outcomes.

### **.4 Policies**

This describes how Council intends to ensure that the objectives are met. An explanation of the policies is given. A summary of the range of methods that are used to implement each policy is also included.

### **.4A Coastal Environment Strategy [In section 11.1 only]**

The strategy summarises the overall approach to the Council's role in managing the coastal environment.

### **.5 Implementation**

This broadly describes the regulatory and non-regulatory methods used to implement the policies for the management of natural and physical resources.

### **.6 Anticipated Environmental Results**

This outlines the environmental outcomes anticipated from the implementation of the policies and methods.

### **.7 Procedures for Monitoring**

This outlines how Council will monitor the effectiveness of the provisions.

In section 11.2 there are the following additional sections:

### **11.2.8 Description and Explanation of the Surface of Rivers**

The surface of rivers are described here.

### **11.2.9 Rules — Activities**

This sets out the permitted and discretionary activities for the surface of rivers of the City.

### **11.2.10 Rules — Development and Performance Standards**

The development and performance standards that activities are to comply with in order to establish on the surface of rivers are outlined here.

### **11.2.11 Assessment Criteria — Discretionary Activities**

This section outlines the assessment criteria that Council will consider in addition to relevant matters set out in Section 104 of the Act when assessing resource consents for discretionary activities.

## **11.1 COASTAL ENVIRONMENT**

### **11.1.1 Introduction**

#### **11.1.1.1 Statutory Context**

The coastal environment has been given special status and the requirement for treatment in a particular way in the Resource Management Act 1991. As well as the general purpose and principles of the Act which are relevant to the coast and set out in Chapter 1 (Introduction), several coastal issues are specifically identified as matters of national importance. These are:

- Section 6a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- Section 6d) the maintenance and enhancement of public access to and along the coastal marine area;
- Section 6e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- Section 6g) the protection of recognised customary activities.

[AM89]

In relation to the coast, Section 7(a) and (aa) are also relevant as it requires that particular regard be had to Kaitiakitanga and the ethic of stewardship. The tangata whenua are kaitiaki of the coastal environment. [AM89]

The coastal environment is not defined in the Act but the Planning Tribunal has previously defined it under the Town and Country Planning Act 1977 as:

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

The coastal environment does include the coastal marine area which extends from mean high water spring (MHWS) tide to the outer limits of the territorial sea. Where MHWS crosses a river the landward boundary of the coastal marine area is the lesser of:

- (i) One kilometre upstream of the mouth of the river; or
- (ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.

The position of a river mouth boundary is determined by agreement between the Minister of Conservation, the Auckland Regional Council, and Manukau City Council. If agreement cannot be reached the boundary is determined by the Planning Tribunal.

**(NOTE:** The boundary of the coastal marine area at the Wairoa River, Mangemangeroa/Turanga Stream and Rotopiro Stream has not been resolved and is to be determined by the Planning Tribunal.)

Responsibility for the management of the coastal environment is shared between the Department of Conservation, regional councils and city or district councils.

The Minister of Conservation has the following functions:

- the preparation and recommendation of New Zealand Coastal Policy Statements (NZCPS);
- the approval of regional coastal plans;
- the making of decisions on applications for coastal permits in relation to restricted coastal activities;
- the monitoring of the effect and implementation of the NZCPS and the regional coastal plan and coastal permits granted by the Minister of Conservation.

The coastal environment is the only area for which a national policy statement must be prepared. The NZCPS was gazetted on 5 May 1994. The purpose of the NZCPS is set out in section 56 of the Act. It is:

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

Section 58 of the Act lists the matters which a NZCPS may address. The District Plan must give effect to any NZCPS.

[AM89]

The Auckland Regional Policy Statement, prepared by the Auckland Regional Council, also addresses coastal issues. A Regional Coastal Plan is required to be prepared by the Auckland Regional Council for the coastal marine area. The Auckland Regional Plan Coastal became operative in part in 2004.

[AM89]

The District Plan must have regard to the Proposed Regional Coastal Plan and not be inconsistent with an operative regional plan. There is also a need to refer to relevant regional planning documents and/or the

Auckland Regional Council when assessing consent applications for any land modification, development or subdivision in coastal locations. The Regional Council also grants resource consents for activities in the coastal marine area, except for a number of restricted coastal activities for which the Minister of Conservation is the consent authority.

The Act specifically identifies two functions in relation to the coastal environment which must be addressed in District Plans. These are the location and extent of esplanade reserves, and the avoidance and mitigation of natural hazards. Esplanade reserves are dealt with in Section 15.15.3 Chapter 15, Public Open Space. Council's responsibility with respect to natural hazards are set out in Chapter 9, Land Modification, Development and Subdivision. Potential coastal natural hazards include coastal erosion, tsunamis, flooding, and sea-level rise as a result of climate change.

As well as these specific responsibilities, the Manukau community has the general duty to avoid, remedy or mitigate adverse effects on the environment including the coastal environment.

The Act provides for the transfer of powers from one local authority to another and to iwi authorities. It is therefore possible that Council and iwi authorities could receive additional powers for the management of the coast from the Auckland Regional Council. Manukau City Council has had powers transferred to it by the Auckland Regional Council for administering certain functions relating to the coastal marine area including considering and deciding on applications for coastal permits (with some exceptions), administering foreshore and mooring licences, coastal permits and a number of other functions.

#### 11.1.1.2 Coastal Resources

Manukau City has a total of approximately 382 kilometres of coastline. Of these 129 kilometres are on the Manukau Harbour, 80 on the Tamaki Estuary and 173 on the Hauraki Gulf. These comprise a range of coastal types including steep cliffs, sandy beaches, and wide tidal estuaries with areas of salt marsh and mangroves.

All these coastal environments have significant visual, recreational, ecological and cultural values. Particular areas are of regional and national ecological significance including parts of the Manukau Harbour, Tamaki Estuary, the Mangemangeroa/ Turanga/ Waikopua Estuary complex and the Wairoa Estuary.

For the Purpose of this Chapter and the District Plan the determination of the landward boundary of the coastal environment, the following areas and features shall be taken into consideration:

- (i) any vegetation or habitat adjacent to or connected with, the CMA which derives its intrinsic character from a coastal location or which contributes to the natural character of the coastal environment;
- (ii) any landform adjacent to the CMA which is presently being formed or modified by processes of coastal erosion or deposition;
- (iii) any feature or collection of features, either natural or physical, that derives its intrinsic character from a coastal location and which substantially contributes to the visual quality or amenity value of the coast;
- (iv) any site, building, place or area of cultural heritage value adjacent to, or connected with, the CMA which derives its heritage value from a coastal location;
- (v) areas of Significant Natural Heritage listed in Appendix B of the Auckland Regional Policy Statement and Outstanding and Regionally Significant Landscape Areas shown on Map series 2 of the Auckland Regional Policy Statement which are adjacent to the CMA;

- (vi) any land adjacent to the coast from which surface drainage may flow directly to the CMA;
- (vii) any land adjacent to the coast which is affected by, or could be affected by, coastal flooding and other identified coastal hazards;
- (viii) any land adjacent to the coast where activities may take place which have a direct physical connection with or impact on the CMA;
- (ix) the CMA.

The coast and waters adjacent to the City are of spiritual, historical and cultural significance to the tangata whenua. Management of these waters, particularly the Manukau Harbour, has long been a source of concern to the tangata whenua.

The land adjacent to the coastline is used for a wide range of activities. These include residential, business, marina, marine farming and farming activities. Part of the coastal environment is used for public open space activities including esplanade reserve, other Council reserves and regional reserves. The Manukau Harbour coastal environment also includes two major facilities of regional importance, the Auckland International Airport, and the Wastewater Treatment Plant at Mangere.

The waters adjacent to the City are an important recreational resource. There are many facilities such as boat ramps and jetties around the coast providing access to the water. Some commercial fishing and marine farming operates from the City.

With parts of the coastal environment being urbanised, and the rest being close to the urban area, greater demands are being placed on the coastal environment for a range of activities with a corresponding range of effects. This raises a number of issues which need to be addressed by this Plan.

## **11.1.2 Resource Management Issues**

### **11.1.2.1 Introduction**

This section sets out the resource management issues relating to the land component of the coastal environment in Manukau City.

There are several resource management issues which relate to the coast but which are not dealt with in this chapter. These relate to:

- the impact of activities on coastal water quality such as the discharge of land contaminated storm water and the discharge of sewage. The issues are described in Chapter 2 on the City's Resources, and objectives, policies and rules are incorporated in the various activity chapters.
- the impact of activities on the stability of the coastal environment. This issue is addressed in Chapter 9, Land Modification, Development and Subdivision.
- the effect of natural hazards and sea level rise on activities in the coastal environment. This issue is addressed in Chapter 9, on Land Modification, Development and Subdivision.
- the impact of activities on heritage in the coastal environment. This issue is addressed in Chapter 6, on Heritage.

There are many other issues relating to the coastal marine area which are of concern to the community but these are outside the jurisdiction of Manukau City Council because responsibility for the coastal marine area lies with the Auckland Regional Council and the Department of Conservation. In some cases, issues such as the harvesting of shellfish beds, are outside the jurisdiction of the Resource Management Act and are the responsibility of agencies such as the Ministry of Agriculture and Fisheries.

**Issue****11.1.2.2 Activities and structures in the coastal environment can have adverse effects on the natural character and landscape qualities.**

Much of the natural character of the coastal environment of Manukau City has been modified by human activity. This includes traditional Maori occupation, such as terraced pa sites, urban development and rural development.

Elements making up natural character include the dynamic functioning of physical coastal processes and the presence of native vegetation along the coastal edge, unmodified coastal landforms and natural features, clean water, and coastal landscapes. As Manukau City's coast is either adjacent to, or relatively close to the metropolitan area, many activities continue to seek to locate in the coastal environment.

In parts of the City activities such as reclamations, wharves, jetties, marinas, roads, residential and business buildings adjoining the shore, and the removal of native vegetation, have modified the coast's natural character and features. However, such modified coastal environments may retain amenity value which should be protected.

Despite the modification of areas of the coast there are parts of the coastal environment which still retain a natural character which is worth protecting. The NZCPS states that it is a national priority to preserve the natural character of the coastal environment and restore and rehabilitate the natural character of the coastal environment where appropriate.

The coastal environment frequently has high landscape values and is sensitive to development. A landscape assessment of the rural Hauraki Gulf coastal environment contained in the report South East Manukau Visual Assessment (1994) identified a number of issues. One issue was "The sensitivity of much of the City's coastal edge and the intactness of a large proportion of the coastal landscape".

Because the coastal environment comprises the edge between land and water it can have limited ability to absorb activities and structures. Jetties and wharves, for example, intrude into the coastal marine area from the land and are therefore often conspicuous. Clearly, such structures have to be located in the coastal environment. The challenge in these cases is to carefully site and design the structures and avoid their proliferation and resulting cumulative effect. Similarly, buildings can be a vertical intrusion into the coastal landscape when viewed from both the sea and the land.

**Issue****11.1.2.3 Activities and structures in the coastal environment can damage native vegetation and habitats.**

Habitats at the coastal edge are of considerable importance to the whole coastal marine area. They are often highly productive and are important in the marine food chain and as nursery and roosting areas. They also often occur as associations which gradually change away from the coastal marine area and thus cross planning boundaries. Parts of coastal habitats can therefore lie within Manukau City's jurisdiction.

Such coastal habitats can be adversely affected by a range of land and marine based activities. They are also often sensitive and vulnerable to change which can have impacts on wider ecosystems. Vegetation could be physically removed for structures, e.g. boat ramps, covered by sediment from earthworks, affected by contaminated runoff, or damaged by stock and recreational activity such as horse-riding or trail bikes.

Particular areas of the coastal environment adjoining Manukau City and, above Mean High Water Springs within Manukau City, are of regional and national ecological significance. These include the Manukau Harbour, the Tamaki Estuary, the Mangemangeroa/Turanga/Waikopua Estuary complex and the Wairoa Estuary. In respect to such areas the NZCPS provides that it is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. It is therefore important that activities on the land do not result in adverse environmental effects in these significant areas of the coastal environment.

**Issue****11.1.2.4 It is a national priority to maintain and enhance public access to and along the coastal marine area. Activities and structures can impede public access.**

The coastal marine area is generally public land owned by the Crown with the exception being where some privately owned land extends below Mean High Water Springs to Mean High Water Mark. It is a matter of national importance to maintain public access to the coastal marine area and this is required by the NZCPS. Manukau City's coastlines have scientific, educational and recreational importance and interest to different groups in the community.

As the City's coastline is either adjacent to, or relatively close to a large urban area, there is considerable demand for access to the coast. It is therefore important that opportunities for public access on public land, or by agreement with landowners on private land, are provided and protected. Structures such as jetties can impede public access in the coastal environment. It is therefore necessary to ensure that the extent to which this occurs is avoided or minimised.

Some coastal activities e.g. marinas or port facilities clearly may require limits on public access to parts of the coast for reasons of security and public safety. Public access may also need to be limited in circumstances where there are sensitive ecological or heritage values. It also needs to be recognised that the coastal environment in parts of the City is used for commercial purposes such as farming. The provision of public access can impact on such activities.

It is also important to inform the public of their responsibilities in the coastal environment in terms of adverse environmental effects such as litter, fires, damage to plants, disturbance of wildlife e.g. from dogs, the depletion of shellfish and other marine food resources and the effects some of these impacts can have on adjacent land uses.

It is recognised that, some parts of the coastal marine area i.e below mean high water springs, in addition to much of the land in the coastal environment, are in private ownership. As such the owners have the right to deny public access.

**Issue****11.1.2.5 The coastal environment includes areas of considerable significance to tangata whenua and it needs to be protected from the adverse effects of activities on the land, particularly sites of special value.**

The tangata whenua are kaitiaki of the coastal environment and are therefore concerned about activities on the land which can impact on the coastal environment.

Early Maori settlement of Manukau City was oriented to the harbour and sea for food sources, communication and transport. It is still important as a food source and has considerable spiritual significance. The coastal environment therefore includes waahi tapu such as pa, turanga waka and urupa, which are of cultural significance. Importance is also placed on cultural materials found in the coastal environment e.g. material for weaving and dyeing processes.

Activities on the land have the potential to adversely affect the relationship of Maori and their culture and traditions with their ancestral water, sites, waahi tapu and other taonga in the coastal environment. Effects of particular concern include the discharge of human sewage into the coastal environment, the degradation of water quality generally, damage and destruction of waahi tapu, and any action that degrades or depletes marine life, particularly species used by tangata whenua.

The NZCPS states that:

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

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



The NZCPS also requires the identification and protection of characteristics of special value to tangata whenua to be carried out in accordance with tikanga Maori.

### 11.1.3 Objectives

#### Objective

**11.1.3.1 To preserve the natural character and protect natural features and landscape qualities of the coastal environment from inappropriate subdivision, use and development.**

*(This objective relates to Issue 11.1.2.2)*

#### Objective

**11.1.3.2 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment.**

*(This objective relates to Issue 11.1.2.3)*

#### Objective

**11.1.3.3 To maintain and enhance public access to and along the coastal marine area.**

*(This objective relates to Issue 11.1.2.4)*

#### Objective

**11.1.3.4 To recognise and protect the characteristics of the coastal environment of special spiritual, historical and cultural significance to tangata whenua in accordance with tikanga Maori.**

*(This objective relates to Issue 11.1.2.5)*

### 11.1.4 Policies

#### Policy

**11.1.4.1 The scale, location and design of buildings, structures and activities in the coastal environment should:**

- preserve the elements which contribute to its natural character;
- protect the landscape values of the coastal environment, particularly regionally significant landscapes and sensitive coastal margins;
- have regard to the landscape assessment in the Regional Plan: Coastal;
- not detract from the amenity values of the coastal environment;
- not result in adverse cumulative effect.

*(This policy relates to Objective 11.1.3.1)*

#### Explanation/Reasons

*Buildings, structures and activities occurring in the coastal environment can have adverse effects on the elements making up its natural character. Buildings and structures can modify the coastal environment and create a visual intrusion into the landscape. As the coast is the edge between the land and sea the impact*



can be accentuated. It is a national priority in the NZCPS that the natural character and the landscape values of the coastal environment be protected.

*The Auckland Regional Plan: Coastal identifies regionally significant coastal landscapes and the District Plan has to recognise these. Council has also identified sensitive coastal margins in the rural area of the City in which care needs to be taken in locating buildings. The urban areas of the coast, while in some cases not retaining much (if any) natural character, still contribute to the amenity value of the environment in terms of openness, visual appeal and access, especially areas adjacent to roads. It is therefore important to retain these values.*

[AM89]

## Methods

- Coastal Protection Yards
- Esplanade reserves
- Controls on siting activities and buildings in coastal margins
- Density controls
- Design guidelines
- Matters for control and discretion and assessment criteria
- Information

## Policy

### 11.1.4.2

**Buildings and structures which locate in the coastal environment and cross into the coastal marine area should:**

- have a functional need to cross from land into the coastal marine area and should only do so when no reasonable or practicable alternative location is available; or
  - in the case of network utility services, assessment of alternative locations has identified the coastal environment, including the coastal marine area as the most suitable location or alignment for the utility;
- and
- the purpose for which the building, structure or network utility is proposed cannot be accommodated by existing structures which cross between the land and the coastal marine area;
  - efficient use will be made of the coastal environment by using the minimum area of the coastal environment necessary for the building, structure or network utility.
  - appropriate subdivision, use or development will be encouraged in areas where the natural character has already been compromised, and sprawling or sporadic subdivision, use or development will be avoided.

*(This policy relates to Objectives 11.1.3.1 and 11.1.3.2)*

**Explanation/Reasons**

*Some structures such as jetties and boat ramps have to locate in the coastal environment must cross between the land and the coastal marine area. The NZCPS concluded that some activities were appropriate in the coastal environment. The criteria in the policy are aimed at ensuring only those activities with a clear need to locate across the land/sea interface do so and that no alternatives are available. This policy will help reduce the cumulative effect of structures and buildings on the coastal environment.*

**Methods**

- Coastal Protection Yards
- Matters for discretion and assessment criteria

**Policy**

**11.1.4.3** Activities in the coastal environment should as far as practicable avoid adverse environmental effects on coastal habitats, particularly those adjacent to coastal protection areas identified in the Auckland Regional Plan: Coastal, and the values and functioning of natural habitats and ecosystems. Where complete avoidance is not practicable the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

[AM89]

*(This policy relates to Objective 11.1.3.2)*

**Explanation/Reasons**

*Buildings, structures and activities occurring in the coastal environment can involve the removal or damage and destruction of native vegetation in the coastal environment and impact on habitats in the coastal marine area. Effects such as sedimentation or pollution can have an impact over wide areas because of the dynamic nature of the sea. As a result, Coastal Protection Areas identified in the Regional Coastal Plan need to be recognised in assessing activities. It is a national priority in the NZCPS to protect areas of significant indigenous vegetation and habitats of indigenous fauna.*

**Methods**

- Coastal Protection Yards
- Esplanade reserves
- Controls on siting activities and buildings in coastal margins
- Design guidelines
- Matters for control and discretion and assessment criteria
- Information

**Policy**

**11.1.4.4** Where activities do occur in the coastal environment, appropriate steps should be taken to rehabilitate the surrounding area as far as practicable.

*(This policy relates to Objectives 11.1.3.1, 11.1.3.2)*

**Explanation/Reasons**

*Where activities have to occur in the coastal environment rehabilitation of the surrounding area will assist in restoring and retaining the natural character, landscape values and indigenous vegetation and habitats.*

**Methods**

- Coastal Protection Yards
- Controls on siting activities and buildings in coastal margins
- Design guidelines
- Matters for control and discretion and assessment criteria
- Information

**Policy**

**11.1.4.5 Public access to and along the coastal marine area should be maintained and enhanced except where restrictions are necessary:**

- to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- to protect Maori cultural values;
- to protect public health and safety;
- to ensure a level of security consistent with the purpose of a resource consent;
- in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

*(This policy relates to Objective 11.1.3.3)*

**Explanation/Reasons**

*The maintenance and enhancement of public access to the coast is a matter of national importance and is required by the NZCPS which also requires the restrictions outlined.*

**Methods**

- Esplanade reserves and strips
- Information
- Restrictions on access to activities in Reserve Management areas

**Policy**

**11.1.4.6 Activities in the coastal environment should avoid or mitigate adverse effects on the relationship of Maori with the coastal environment in particular effects on waahi tapu and other taonga.**

*(This policy relates to Objective 11.1.3.4)*

**Explanation/Reasons**

*The coastal environment contains many places of significance to tangata whenua and their identification (unless tangata whenua choose not to do so) and recording will better enable their protection. However, this should not be done in a way that offends tikanga Maori. Sometimes tangata whenua prefer not to disclose the location of waahi tapu. It is important that each hapu and iwi determines the protocol most appropriate for the protection of their waahi tapu, and that these values are protected from activities on the land.*

**Methods**

- Scheduling
- Assessment of effects on heritage resources
- Involvement of tangata whenua authorities in vetting resource consent applications for assessment of effects
- Co-management of taonga in Council ownership
- Public acquisition of waahi tapu

**11.1.4A COASTAL ENVIRONMENTAL STRATEGY**

**The essential elements of the coastal strategy include:**

- to reflect the special status of the coastal environment conferred by the Resource Management Act 1991.
- to preserve the natural character of the coastal environment.
- to protect natural features, landscape qualities, significant vegetation, fauna, and habitat.
- to maintain and enhance public access to the coastal marine area.
- to recognise that tangata whenua are kaitiaki and protect characteristics of the coastal environment of special spiritual, historical and cultural significance to tangata whenua.
- appropriate subdivision, use and development shall be encouraged to locate in areas where the natural character has already been compromised, thereby avoiding sprawling or sporadic subdivision use and development in the coastal environment.

The objectives and policies of the Chapter provide a framework to recognise the special characteristics of the environment and ensure that activities, buildings and structures are appropriate, adverse environmental effects are avoided, remedied, or mitigated, and affected areas are rehabilitated where appropriate.

Implementation of the objectives and policies is to be achieved by regulatory and non-regulatory methods specified in the various activity chapters and cross-referenced in Section 11.1.6.

### 11.1.5 Implementation

#### 11.1.5.1 Regulatory Methods

A range of regulatory methods are used to implement the policies and objectives. These appear throughout the plan in the various activity chapters.

Coastal Protection Yards are utilised to provide a buffer between activities and the coastline. Controls are placed on the activities which can occur in the yard. The rules relating to yards appear in the various activity chapters.

In Chapter 12, Rural Areas, “sensitive coastal margins” have been identified in landscape terms, and the construction of buildings made a controlled activity. They will be assessed to determine their impact on the coastal landscape. (See Rule 12.12.3. Chapter 12, Rural Areas). Chapter 12 also makes provision for activities such as marina complexes (Section 12.14.2.2) and travellers’ accommodation (Section 12.14.2.3).

Chapter 14, Business Areas, contains rules which make activities within 50 metres of MHWS variously controlled, restricted discretionary and discretionary activities depending on the zone. The activities are assessed in terms of site layout, and the design and external appearance of buildings. (See Chapter 14, Business Areas, Rules 14.11.3 and 14.12.5).

The acquisition of esplanade reserve is an important method to achieve the Plan’s objectives and policies. This method is important for providing public access to the coastal environment and also providing a buffer between activities on the land and the coastal marine area. However, esplanade reserves have wider purposes than just public access. These other purposes are set out in the Act and include maintaining and enhancing water quality, habitats, landscape values, and mitigating the potential of natural hazards. (See 15.15.3, Chapter 15, Public Open Space)

The preparation of structure plans for future development areas, and the identification of areas of public open space are also an important means of protecting the coastal environment. (See Chapter 16, Future Development Areas, Rule 16.6.1.2)

Chapter 6, Heritage, contains rules relating to the protection of particular heritage resources including archaeological sites. These rules apply to the coastal environment.

Chapter 9, Land Modification, Development and Subdivision addresses land modification and development on sites located on foreshore cliffs and low lying coastal sites.

#### 11.1.5.2 Non-Regulatory Methods

The provision of information and guidelines is one approach the Council will take in the planning period. It is intended that the Council will prepare design guidelines, for buildings in the coastal environment. Land owners will be able to incorporate these guidelines into their building design which will assist in protecting the landscape values of the coastal environment.

The Council will also work with other agencies such as the Auckland Regional Council in developing and providing information on issues such as native vegetation conservation and riparian management. It will also support land owner-initiated approaches such as Landcare programmes.

Council will also utilise financial incentives to help protect sensitive coastal habitats. Council operates a “Heritage Assistance Fund” to provide financial assistance to owners of heritage features who undertake to maintain that feature in the public interest. This could include protective fencing of coastal margins. (See also Chapter 6, Heritage). Rates relief for such areas will also be pursued.

Council will also pursue the purchase of coastal reserve as part of its Public Open Space Strategy. This will provide protection of the coastal environment from development and facilitate public access. (See Chapter 15, Public Open Space). Reserve Management Plans will also be important in managing activities occurring on the reserves. Matters such as controlling access and providing information will be important in protecting the values of the coastal environment.

### 11.1.6 Anticipated Environmental Results

The anticipated environmental results for the City are:

- The elements that make up the natural character of the coastal environment are retained or enhanced.
- A natural coastal environment where the coastal landscape is not dominated by buildings or structures and retains its current “intactness”, diversity and quality.
- Coastal habitats are retained and enhanced and can exist in as undisturbed a state as possible.
- Degraded areas of the coastal environment are restored and rehabilitated.
- Public access to the coastal environment and coastal marine area is maintained and enhanced without adverse effects on the natural and heritage values of the coastal environment.
- Waahi tapu and other taonga in the coastal environment are appropriately protected.

### 11.1.7 Procedures for Monitoring

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results contained in this section, the Council will develop a monitoring programme (see Chapter 1, Section 1.7.3) which may include the following monitoring procedures:

- A coastal landscape survey of areas of the rural coastal environment subject to intensive use and development.
- Undertaking surveys of residents to ascertain their satisfaction with access to and along the coastal area.
- Monitoring resource consents for activities within the coastal environment including the number of applications granted consent, compliance with consent conditions and the effectiveness of those conditions.
- Monitoring and assessing the cumulative effect of activities and structures in the coastal environment.
- Monitoring surveys and programmes undertaken by the Auckland Regional Council and the Department of Conservation relating to the quality and health of the coastal environment.
- Monitoring the acquisition of esplanade areas and their purpose.

## 11.2 SURFACE OF RIVERS

### 11.2.1 Introduction

#### 11.2.1.1 Statutory Context

Section 9 of the Act sets out restrictions on the use of land. The definition of land includes the surface of water of any lake or river. The District Plan must therefore address issues relating to the management of the surface of rivers upstream of the defined boundary of the coastal marine area. Because of this jurisdictional boundary, water upstream of the boundary of the coastal marine area, whether tidal or not, is by definition “river”. However, the boundary of the coastal marine area has not been determined for the Wairoa River, Mangemangeroa/Turanga Stream and Rotopiro Stream.

Responsibility for navigation and safety on tidal rivers is dealt with under the Harbours Act 1950 and the Water Recreation Regulations 1979 administered by the Maritime Safety Authority.

The Auckland Regional Council has responsibility for the bed of a river. Resource consents are required from the ARC for structures and activities on the bed of a river.

This section of the plan only applies to the surface of rivers shown as such in the planning maps. These are generally rivers where the bed of the river is not in private title. The surface of rivers not shown on the planning maps as such are managed by the rules of the zone in which they occur and any other relevant rules in the District Plan and any Regional Plan relating to the bed of rivers.

#### 11.2.1.2 River Resources

The main river which presents issues in terms of the management of its surface is the Wairoa River. The river, particularly its lower reaches, has important ecological, landscape and amenity values because it is part of a wider estuary system. The river is navigable upstream as far as Clevedon village at high tide, and is an important recreational resource which is used for the mooring of boats. The Clevedon Cruising Club and the Brooklands Boating Club have moorings on the river and facilities adjacent to the river. There are also a number of private moorings on the river.

### 11.2.2 Resource Management Issues

Many of the issues arising in relation to the rivers of Manukau City are similar to those relating to the coastal environment. The landscape systems, values and uses, particularly of tidal rivers, are a natural progression from the boundary of the coastal marine area and are often part of the coastal environment.

Issues relating to the surface of rivers are:



**Issue**

- 11.2.2.1** Activities and structures on or over the surface of a river can have adverse effects on the natural character, landscape values and native vegetation and habitats of the riverine environment.

**Issue**

- 11.2.2.2** Activities on or over the surface of a river, eg wharves, jetties and moored vessels can impact on the navigation of the river.

**Issue**

- 11.2.2.3** The effects of recreational activities on rivers can cause river-bank erosion and nuisance to other water users and adjacent land users.

It is recognised that activities such as jetties and moorings must locate on or over the surface of a river. The issue is to ensure that such activities occur with minimal adverse effect on the environment.

### 11.2.3 Objectives

**Objective**

- 11.2.3.1** To protect the natural character, landscape qualities, amenity values of rivers, and native vegetation and habitat of the riverine environment, and protect them from inappropriate use and development.

*(This objective relates to Issues 11.2.2.1, 11.2.2.2, 11.2.2.3).*

### 11.2.4 Policies

**Policy**

- 11.2.4.1** Only buildings, structures and activities which are functionally dependant on a river should locate on or over its surface.

**Policy**

- 11.2.4.2** Buildings and structures that locate on or over the surface of rivers should be designed and sited in a manner which maintains the natural character and landscape value of the river environment, avoids potential flood hazards and avoids remedies or mitigates adverse effects on native wildlife.

**Policy**

- 11.2.4.3** Activities which occur on the surface of a river should not generate excessive noise.

*(These policies relate to objective 11.2.3.1)*

### Explanation/Reasons

*The tidal rivers of Manukau are popular for boating. The sheltered waters of the rivers are an appealing place to explore and moor vessels. Structures such as jetties and boat ramps are necessary to access the waters and moorings. Such activities while needing to locate on the rivers, need to do so with minimal adverse effects on the natural character and landscape values of the riverine environment. Activities on the surface of the water should also not detract from the amenities of the area.*

**Methods**

- Assessment criteria

- Noise standards
- Controls on scale and appearance of buildings and structures

### **11.2.5 Implementation**

#### **11.2.5.1 Regulatory Methods**

##### **11.2.5.1.1 Rules — Activities on the Surface of Rivers**

#### **Permitted Activities**

Permitted activities on the surface of rivers include those activities which are unlikely to generate significant adverse effects on the environment. The imposition of development and performance standards are to control the effects of permitted activities without further need for the Council to control these matters by way of resource consent procedures.

#### **Discretionary Activities**

Discretionary Activities are those which may be appropriate and whose adverse effects can be avoided, remedied or mitigated. However, due to their scale, location, intensity or operational characteristics, they need assessment to determine whether they are appropriate, or under what circumstances they may be appropriate in certain locations. Any aspect of a discretionary activity can be assessed, therefore the assessment criteria are broad and they will also be assessed against the objectives, policies and rules of the District Plan.

#### **Rules — Development and Performance Standards**

Development standards are the rules which apply to the establishment of structures and relate to scale and appearance. The effects which these standards are addressing include the effect on the natural character of rivers and amenity values. Performance standards are conditions that apply to activities to ensure that amenity values and the quality of the natural environment is maintained and enhanced and that the health and wellbeing of people are protected.

#### **Mooring Management Areas**

Existing mooring areas located on the Wairoa River have been identified as Mooring Management Areas and are shown in the Planning Maps. The mooring of vessels is encouraged in these areas as opposed to elsewhere. Outside these areas a resource consent is required for the mooring of a vessel at a new mooring. It should be noted that the mooring itself will require a resource consent from the Auckland Regional Council.

#### **Rules in Other Chapters**

Chapter 9, Land Modification, Development and Subdivision also addresses activities occurring near streams and rivers in relation to flood hazard.

## Other Legislation

Navigation and safety on tidal rivers is dealt with under the Harbours Act 1950 and the Water Recreation Regulations 1979. These control the speed of vessels which aids in mitigating the effect of vessels on other activities and by reducing damage to the margins of the river from their wash.

### 11.2.5.2 Non Regulatory Methods

The provision of information and guidelines on the landscape qualities of the riverine environment and on design guidelines for buildings and structures will be pursued by Council. This will assist in protecting the landscape and natural values of the riverine environment.

Council will also work with other agencies such as the Auckland Regional Council who have responsibility for the management of the bed of rivers and the adjacent coastal marine area to ensure an integrated approach in the management of rivers, especially the co-ordination of consent processes and coastal resources.

Liaison with the Maritime Safety Authority in relation to navigation and safety will also be necessary.

### 11.2.6 Anticipated Environmental Results

The anticipated environmental results for the City are:

- The natural character of the riverine environment is retained or enhanced.
- The riverine landscape is not dominated by buildings or structures.
- Safe access is available on the rivers.
- Activities on rivers do not generate adverse environmental effects.

### 11.2.7 Procedures for Monitoring

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results contained in this section, Council will develop a monitoring programme (see Chapter 1, section 1.7.3) which may include the following monitoring procedures:

- Landscape surveys of the riverine areas of the City.
- Monitoring resource consents granted for activities on or over the surface of rivers including the number of applications granted consent, compliance with consent conditions and the effectiveness of those conditions.
- surveys of native flora and fauna in riverine areas.

### 11.2.8 Description and Explanation of Zone

These rules apply to the areas shown as surface of rivers in the Planning Maps.

## 11.2.9 Rules – Activities

### Rule

#### 11.2.9.1 Activities on the Surface of Rivers

Activities on the Surface of Rivers shall comply with the following:

- (a) All permitted activities in 11.2.9.2 Activity Table shall comply with 11.2.10 General Development and Performance Standards.
- (b) All discretionary activities in 11.2.9.2 Activity Table will be assessed against the Assessment Criteria — Discretionary Activities in 11.2.11 together with the relevant matters in s.104 of the Act.
- (c) Resource consents for activities which involve the bed of a river may also require a resource consent from the Auckland Regional Council.
- (d) For notification procedures under the Resource Management Act 1991 see Rules 5.2.2, 5.2.3, 5.2.4 and 5.3.3.1.

### Rule

#### 11.2.9.2 Activity Table

In the table below the terms used have the following meanings:

P=Permitted Activity;

D = Discretionary Activity.

ACTIVITY (USE/BUILDING)	
The navigation and passage of vessels.	P
Mooring of vessels within a Mooring Management Area.	P
Existing structures that were lawfully established prior to 29 June 1995	P
Any activity not involving a building or a structure.	P
The maintenance and repair of any authorised structure on or over the surface of a river.	P
The removal or demolition of structures on or over the surface of a river.	P
The erection, placement, extension, or maintenance of and repair of navigational aids on or over the surface of a river.	P
The mooring of vessels at new moorings outside a Mooring Management Area.	D
The erection or placement of any new structure on or over the surface of a river.	D
The addition to, alteration or replacement of existing authorised structures on or over the surface of a river.	D
Hazardous Facilities and Substances — Refer to Chapter 10.1 Hazardous Facilities and Substances Network Utilities refer to Chapter 7	

**11.2.10 Rules: Development and Performance Standards****Rule**

**11.2.10.1** Activities shall comply with the noise standards applying to the zone adjacent to the surface of the river unless specific noise standards are provided for the activity elsewhere in the Plan.

**Rule**

**11.2.10.2** Any work shall be undertaken in a manner which avoids the deposition of any construction material on the surface of the river, and any deposited material is removed immediately from the surface of the river.

**Rule**

**11.2.10.3** Any work shall not result in any significant change in the scale or external appearance of structures.

**Rule**

**11.2.10.4** Other Rules — See the following chapters for general rules and provisions relating to:

- Artificial lighting, Rule 5.18.2 Chapter 5, General Procedures and Rules
- Signs, Rule 5.14.9 Chapter 5, General Procedures and Rules
- Hazardous Facilities and Substances, Chapter 10.1, Hazardous Facilities and Substances
- Chapter 9, Land Modification, Development and Subdivision, including:
  - Wastewater and Stormwater Disposal
  - Earthworks
  - Natural Hazards
- Heritage, Chapter 6

Where there are no specific provisions relating to the surface of rivers, those applying to the adjacent zone shall apply to the surface of rivers. Where the surface of a river is adjacent to more than one zone, then the more restrictive provisions shall apply.

**Explanation/Reasons**

*Noise limits are imposed to ensure that noise from activities does not damage public health or have an adverse effect on the amenity of the receiving environment. The maintenance or repair of structures should not result in a detracting of the natural character or amenity values of an area from an increase in the scale of structures. Any work should also not have an adverse effect on the quality or appearance of the surface of the water.*

**11.2.11 Assessment Criteria: Discretionary Activities**

**11.2.11.1** For discretionary activities on the surface of rivers Council will have regard to the following assessment criteria and relevant matters set out in s.104 of the Act:

- (a) the functional need for the activity or structure to locate on or over the surface of the river.

- (b) whether any reasonable or practicable alternative location away from the river is available.
- (c) whether the activity or structure can be accommodated by existing facilities.
- (d) the impact of the activity or structure on the natural character, landscape quality and amenity of the river.
- (e) the impact on public access over the surface of the river.
- (f) the impact of the structure on the ecology and hydrology of the river.
- (g) whether account has been taken of any potential hazard such as flooding or tsunami.
- (h) whether waste disposal facilities are available.

