

## 17.7 Boat Harbour Areas

### 17.7.1 Introduction

Special facilities are located for the mooring and servicing of boats in two coastal areas of the City – Half Moon Bay in Pakuranga and Pine Harbour in Beachlands. The boat harbour areas are a limited resource to be sustainably managed.

Additional marina facilities have been established adjacent to the original Half Moon Bay Marina by the Bucklands Beach Yacht Club and the area now includes Subritsky's Landing which provides commercial shipping services to the Hauraki Gulf.

The Pine Harbour marina at Beachlands was established following a planning application in 1985 and an extension was approved following a further application in 1988. A special zone, Pine Harbour Marina, was made operative in December 2012 which replaces the Boat Harbour Area around Pine Harbour except for that area occupied by the Tui Brae residential subdivision.

Business facilities and services associated with a marina are provided for at Pine Harbour in the Pine Harbour Marina Zone and within the adjacent Business 1 zone at Half Moon Bay Marina. [AM135]

### 17.7.2 Resource Management Issues

#### Issue

#### 17.7.2.1 Boat harbours may adversely affect the natural character of the coastline

The coastline is highly valued for its scenic, cultural and ecological values. Furthermore Section 6(a) of the Resource Management Act requires the Council '*... to recognise and provide for the following matters of national importance:*

*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.'*

The establishment of a boat harbour inevitably involves the modification of the natural character of the coastline. In most cases the construction of a boat harbour involves dredging, reclamation and the erection of a range of structures in coastal waters. Furthermore there is the potential for the pollution of coastal waters with the repair, maintenance and operation of pleasure craft. However, if carefully managed, adverse effects on the environment can be avoided and/or mitigated while enabling people and communities to provide for their social and economic well being.

The management of the two established boat harbour areas must also recognise the potential significant adverse effects on other parts of the coastline if the activities located at the boat harbour area were to be dispersed or relocated.

#### Issue

#### 17.7.2.2 Boat harbours may limit the recreational use by the public and restrict public access to the coastline.

That part of the coastline suitable for a boat harbour may also be suitable for water recreation activities and for public access along the foreshore. In addition, Section 6(d) of the Resource Management Act requires the Council to '*...recognise and provide for the following matter of national importance:*

*The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.'*

Public access to those areas of the coastline used for boat harbours may be facilitated by the general use of these facilities for recreational boating use only.

**Issue**

**17.7.2.3 Boat harbours may have adverse effects on the amenity values of surrounding land uses.**

Boat harbours contain a range of activities, some of which have the potential to generate adverse effects on neighbouring areas. In particular, there are effects from the servicing and repair of boats, the storage of hazardous fuels, and the use of club premises.

Boat harbours also have the potential for major impacts on the amenity values of neighbouring residential and rural areas. The visual amenity values of rural areas in particular may be adversely affected by intensive development at boat harbours. Traffic generated by a range of activities at rural boat harbours may also be a detraction to the quiet character of a rural area.

**17.7.3 Objectives****Objective**

**17.7.3.1 To protect the natural character of the coastline in boat harbour areas.**

*This objective relates to Issue 17.7.2.1.*

**Objective**

**17.7.3.2 To promote public access within boat harbour areas.**

*This objective relates to Issue 17.7.2.2*

**Objective**

**17.7.3.3 To ensure that the amenity values of residential, rural and business zones neighbouring boat harbours are protected.**

*This objective relates to Issue 17.7.2.3*

**17.7.4 Policies****Policy**

**17.7.4.1 Adverse effects of boat harbour activities on the natural coastal environment, including coastal waters should be avoided.**

*This policy seeks to achieve Objective 17.7.3.1*

**Explanation/Reasons**

*Given their location at the interface of land and water areas, boat harbours have the potential for major adverse effects on the coastline, including public access along the coastlines.*

**Methods**

- Zoning
- Rules — Development and Performance Standards

- Rules — Matters for Control
- Assessment Criteria

**Policy**

**17.7.4.2** The range of activities at boat harbour facilities should be limited to those that are related to boating and the enjoyment of the maritime environment.

*This policy seeks to achieve Objectives 17.7.3.1, 17.7.3.2 and 17.7.3.3.*

**Explanation/Reasons**

*Boat harbours are a scarce resource and a major aim of the policies above is to ensure that this resource is primarily directed towards meeting public demands for boating and water recreation. The limitation on activities in boat harbour will also ensure that the intensity of development is not so great as to preclude access by the general public to the coast. It will also ensure that activities do not impact significantly on the amenity values of surrounding areas.*

**Methods**

- Zoning
- Rules — Activity Table

**Policy**

**17.7.4.3** The type and intensity of activities permitted in the boat harbour zone should be limited to those which ensure the area is used efficiently.

*This policy seeks to achieve Objective 17.7.3.1, 17.7.3.2 and 17.7.3.3.*

**Explanation/Reasons**

*Activities at boat harbours should be limited so that the scarce resource is used efficiently. This will minimise the need for boat harbour activities to locate outside of the zone, in other parts of the coastal environment. Limiting the activities at boat harbour will also control the intensity of development and as a result promote the access by the public to the area, and avoid potential adverse effects on adjoining residential, rural and business areas.*

**Methods**

- Zoning
- Rules — Activity Table

**Policy**

**17.7.4.4** The potential adverse effects of boat harbours on the visual, aural and air amenity values of the surrounding areas should be avoided, remedied or mitigated.

*This policy seeks to achieve Objective 17.7.3.3.*

**Explanation/Reasons**

*Activities at boat harbour have the potential to generate noise, dust and fumes which adversely affect the amenity values of surrounding residential, rural and business areas. Visual amenity may be adversely affected by poor site layout and intensive development.*

**Methods**

- Rules — Development and Performance Standards

**17.7.5 Implementation****17.7.5.1 Regulatory Methods****17.7.5.1.1 Zone**

A special purpose zone was initially applied to the two established marinas in the City, the Half Moon Bay and Pine Harbour marinas. As a result of changing demand for land use activities on the landward component of the Pine Harbour Marina a new zoning, Pine Harbour Marina, was made operative in December 2012 to replace the Boat Harbour area at Pine Harbour except that area which has been developed as the Tui Brae residential subdivision.

The Boat Harbour zone now delineates the area in which the potential adverse effects of boat harbour development within the Half Moon Bay Marina will be avoided, remedied or mitigated by methods contained in the zone provisions. Although the Boat Harbour Area still applies to the Tui Brae residential area adjacent to Pine Harbour, it is unlikely that boat harbour related activities will establish in this area.

[AM135]

**17.7.5.1.2 Activity Types****17.7.5.1.2.1 Permitted Activities**

The range of permitted activities in the Boat Harbour zone are generally limited to those which are related to recreational boating. Those activities which are permitted are those which it is considered will not generate significant adverse effects on the environment in neighbouring areas.

**17.7.5.1.2.2 Controlled Activities**

Controlled activities in the Boat Harbour zone are those which have the potential to have adverse effects if not designed and sited with regard to the amenity values of adjoining sites. Such activities include the display, lease, hire or sale of pleasure craft.

**17.7.5.1.2.3 Discretionary Activities**

A resource consent and assessments of effects on the environment is required for these activities as they have the potential to generate adverse effects on the environment. Activities which are discretionary for these reasons include the manufacture of boats, club premises, shops selling convenience goods. The berthing and warehousing of boats other than pleasure craft are a discretionary activity on one site in the Boat Harbour zone to recognise the commercial nature of the existing operation and provide an exception to the general limitation of the zone to pleasure craft only.

### 17.7.5.1.3 Development and Performance Standards

Development standards are the rules that apply to the bulk and location of buildings and structures. Performance standards control the effects, such as noise, generated by activities undertaken within or outside buildings.

### 17.7.5.2 Non-Regulatory Methods

The Council will co-operate with the Regional Council and with boating firms and organisations to ensure that potential effects on the coastal environment are avoided, remedied or mitigated.

## 17.7.6 Anticipated Environmental Results

From the identification of the resource management issues and the objectives, policies and rules for the boat harbour areas the expected environmental outcomes are identified as follows:

- A high standard of amenity values in the areas surrounding the boat harbour zones.
- Retention of the boat harbour facilities with their future use primarily directed towards accommodating public demands for the mooring and servicing of pleasure craft.

## 17.7.7 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 the Boat Harbour Zone, the Council will develop a monitoring programme (see Chapter 1, section 1.7.3) which may include the following monitoring procedures:

- Monitoring complaints and enforcement action regarding the operation of boat harbour activities.
- Cooperating with the Auckland Regional Council in the monitoring of the coastal environment within and immediately adjoining the Boat Harbour Zone.

## 17.7.8 Description and Explanation of Zone

The Boat Harbour zone applies to the Half Moon Bay Marina and a small area of residential land adjoining Pine Harbour Marina. The landward component of Pine Harbour Marina is zoned Pine Harbour Marina. The zone recognises the continued use and development of Half Moon Bay Marina but seeks at the same time to avoid or mitigate any potential adverse effects on adjoining land uses which would be more than minor. [AM135]

The range of activities which are allowed as permitted activities in the Boat Harbour zone are those related to boating and water recreation activities, and associated activities such as administration offices. The range of activities is limited to boating activities as the establishment of non-boating activities would not make the most efficient use of the scarce resource. If non-boating activities were to establish in an unrestricted manner there would be an increased likelihood of demand for another marina, with consequential adverse effects on the natural coastal environment.

## 17.7.9 Rules – Activities

### 17.7.9.1 Activities in the Boat Harbour Zones

Activities in the Boat Harbour zone shall comply with the following:

- (a) All permitted activities in Rule 17.7.10.2 — Activity Table shall comply with Rule 17.7.11 Development and Performance Standards.
- (b) All controlled activities in Rule 17.7.10.2 — Activity Table shall comply with Rule 17.7.11 Development and Performance Standards and Council shall exercise control over those matters specified in Rule 17.7.12.
- (c) All Restricted Discretionary Activities in 17.7.10.2 Activity Table shall comply with Rule 17.7.11 — Development and Performance Standards, and shall be assessed against those matters to which the Council has restricted its discretion in Rule 17.7.13
- (d) All discretionary activities in Rule 17.7.10.2 – Activity Table will be assessed against 17.7.14 Assessment Criteria – Discretionary Activities, together with any relevant matters set out in Section 104 of the Act.
- (e) Any activity not listed in Rule 17.7.10.2 — Activity Table is deemed to be a non-complying activity.
- (f) Unless special circumstances exist, a resource consent application for a controlled activity or a restricted discretionary activity listed in 17.7.10.2 (Activity Table) shall not be notified, and the written approval of affected persons need not be obtained.
- (g) 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 of Chapter 5 — General Procedures and Rules.

#### **Note: Activities Sensitive to Aircraft Noise in the Boat Harbour Zone**

Any Activity Sensitive to Aircraft Noise (“ASAN”) and certain additions to an ASAN for which provision is made in this zone as a permitted, controlled, restricted discretionary or discretionary activity:

- are subject to Rule 5.21, and
- may also become a controlled, restricted discretionary, discretionary or non-complying activity by reason of Rule 5.21

if the subject site is located within the High Aircraft Noise Area or the Moderate Aircraft Noise Area. Therefore, in the case of an ASAN and certain additions to an ASAN in this zone, reference should be made to Rule 5.21.

(Refer to Chapter 18 for the definition of “Activity Sensitive to Aircraft Noise”)

## 17.7.9.2 Activity Table

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

P = Permitted Activity

C = Controlled Activity

D = Discretionary Activity

(R)D = Restricted Discretionary Activity

ACTIVITY	BOAT HARBOUR ZONE
Accessory buildings for any permitted activity	P
Accessory buildings for any controlled activity	C
Accessory buildings for any of the discretionary activity	D
Berthing, warehousing and ancillary facilities for boats other than pleasure craft provided that the activity is confined to Lot 1 DP 97518 and Lot 1 DP 96205.	D
Caretaker's residential accommodation for the use of caretakers employed within the zone <b>Note:</b> within the HANA and the MANA subject to Rule 5.21	C
Car parking	P
Club premises exceeding 185m <sup>2</sup> in gross floor area.	(R)D
Display, lease, hire or sale of pleasure craft, provided that any office does not exceed 80m <sup>2</sup> in gross floor area.	C
Facilities directly associated with marine recreation not specified as a permitted or controlled activity.	D
Launching ramps for pleasure craft	P
Locker and storage facilities for pleasure craft, <b>provided that</b> buildings for that purpose shall not exceed 185m <sup>2</sup> in gross floor area.	P
Locker storage facilities for pleasure craft exceeding 185m <sup>2</sup> in gross floor area	(R)D
Manufacturing of boats and boating equipment.	D
Maritime education facilities. <b>Note:</b> ASAN's in the HANA and the MANA are subject to Rule 5.21	P
Premises for the administration of a marina complex or for club premises <b>provided that</b> no building for these purposes shall exceed 185m <sup>2</sup> in gross floor area	P
Premises having a gross floor area exceeding 185m <sup>2</sup> for the administration of a marina complex, provided that such activities shall be wholly contained within one building	C
Public toilets, shelter and changing rooms	P
Residential and/or Motel accommodation in the Pine Harbour Boat Harbour Zone.	D
Restaurants not exceeding 185m <sup>2</sup> in gross ground floor area.	(R)D
Restaurants exceeding 185m <sup>2</sup> in gross ground floor area.	D
Storage, servicing, maintenance and repair of pleasure craft	P
Shops selling convenience and marina related goods only, in the Pine Harbour Boat Harbour zone.	D
Storage and sale of fuel and oil for pleasure craft	P
The storage, servicing, maintenance and repair of boats other than pleasure craft provided that the activity is confined to Lot 1 DP 97518 and Lot 1 DP 96205.	D

ACTIVITY	BOAT HARBOUR ZONE
The development or use of a public open space	P
Signs	Refer Chapter 5 General Procedures and Rules
Temporary Activities	Refer Chapter 5 General Procedures and Rules
Land Modification, Development Subdivision	Refer Chapter 9 Land Modification, Development and Subdivision
Hazardous Facilities and substances	Refer 10.1 Hazardous Facilities and Waste Management
Network Utility Services	Refer Chapter 7 Utility Services
Parking, Access and loading	Refer Chapter 8 Transportation

### 17.7.10 Development and Performance Standards

#### Height

##### 17.7.10.1

#### (a) Maximum Height

- (i) Buildings and other structures — 9.0m.
- (ii) Except accessory buildings and premises and installations for storage and the sale of fuel and oil — 3.5m.

#### (b) Height Recession Plane

Refer to Chapter 5 — General Procedures and Rules

#### **Explanation/Reasons**

*Given the location of boat harbour areas adjacent to the coastline the height of buildings has been limited in order to protect the visual amenity values of the coastal environment. Height is also limited due to the location of the boat harbour area to a residential area, to be compatible with the maximum height limit of 8m in that residential area.*

##### 17.7.10.2 Yards

The minimum yards to be provided are:

- (i) Front yards— 6m
- (ii) Side and rear yards— 3.5m
- (iii) Exceptions:



Provided that where the site does not abut a zone other than Boat Harbour no side or rear yard shall be required.

- (iv) Where a side or rear yard adjoins a residential zone all of the yard shall be landscaped in grassed areas, or planted in trees or shrubs.

### 17.7.10.3 Noise

Every activity in the Boat Harbour Zone shall be conducted, and the buildings shall be designed and located so as to ensure that the following noise levels in Table A and B are not exceeded:

**TABLE A**

ACTIVITY	AVERAGE MAXIMUM LEVEL		MAXIMUM	
	L <sub>10</sub> dBA MONDAY TO SUNDAY		L <sub>MAX</sub> dBA	
	7.00AM – 6.00PM (0700–1800)	6.00PM – 10.00PM (1800–2200)	AT ALL OTHER TIMES	10.00PM– 7.00AM (2200–0700)
Category 1  Residential sites other than those described in category 2 below	50	45	40	65 (or the background plus 30, whichever is lower)
Category 2  Residential sites located adjacent to business 4,5,6 zones, and, where the background noise level is 50 dBA or greater when measured during the period 7am to 6pm (0700 – 1800 hours)	55	50	45	70 (or the background plus 30, whichever is lower)

**Table B**

The noise level measured at the notional boundary of any site zoned Rural:

ACTIVITY	AVERAGE MAXIMUM LEVEL		MAXIMUM	
	L <sub>10</sub> dBA MONDAY TO SUNDAY		L <sub>MAX</sub> dBA	
	7.00AM – 6.00PM (0700–1800)	6.00PM – 10.00PM (1800–2200)	AT ALL OTHER TIMES	10.00PM– 7.00AM (2200–0700)
Household units only at the notional boundary	45	40	35	65

- (b) The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 *Measurement of Sound* and NZS 6802:1991 *Assessment of Environmental Sound* or their replacement.

The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): *Sound Level Meters, Type 1*.

- (c) Note: The notional boundary is a point 20m from any rural dwelling.

- (d) Notwithstanding the noise standards above, the Council may invoke the powers conferred on it under the relevant sections of the Resource Management Act 1991 to control any noise which has become an objectionable element or nuisance.

#### **17.7.10.4 Vibration**

All activities shall comply with the Vibration Rule (5.18.4.1) in Chapter 5 — General Procedures and Rules.

#### **17.7.10.5 Artificial Lighting**

Refer Rule 5.18.2 in Chapter 5 — General Procedures and Rules.

#### **17.7.10.6 Hazardous, Facilities and Substances**

Refer Chapter 10.1 Hazardous Facilities and Substances.

#### **17.7.10.7 Discharges to Coastal Waters**

All outdoor areas used for the cleaning, repair and maintenance of pleasure craft shall be managed in such a way as to avoid any significant adverse effects on coastal waters.

#### **17.7.10.8 Signs**

Refer to Chapter 5 — General Procedures and Rules.

#### **17.7.10.9 Subdivision — Controlled Activity**

Subdivision to create a lot for any permitted activity in Rule 17.7.10.2 Activity Table and for one of the following activities where a resource consent for the activity has been obtained shall be a controlled activity:

- (i) Premises for the administration of a marina complex;
- (ii) The display, lease, hire or sale of pleasure craft;
- (iii) Locker and storage facilities;
- (iv) Manufacture of boats and boating equipment;
- (v) berthing, warehousing and ancillary facilities for boats on Lot 1 DP 97518 and Lot 1 DP 96205;
- (vi) Club premises;
- (vii) Residential or motel accommodation in the Pine Harbour Boat Harbour Zone.
- (viii) Facilities directly associated with marine recreation. [AM135]

## 17.7.11 Rules — Matters for Control

### Rule

#### 17.7.11.1 Any controlled activity in the Boat Harbour Zone

### Rule

#### 17.7.11.1.1 Council reserves control over the following matters for controlled activity resource consent applications for any controlled activity in the Boat Harbour zone and may impose conditions in respect of each:

- (a) Relationship to adjoining activities
- (b) Design and external appearance of buildings
- (c) Public access
- (d) Landscape treatment
- (e) Interface with residential and rural zones

#### 17.7.11.2 When assessing an application for a controlled activity resource consent for any controlled activity in the Boat Harbour zone Council will have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:

##### (i) Relationship to Adjoining Activities

Whether the layout of the buildings and activities will detract from the environmental quality or amenity values, or operation of adjoining activities. In particular, buildings and activities should not detract from public places such as pedestrian walkways, and from access to the coastline and viewing areas.

##### (ii) Design and External Appearance of Buildings

Whether the design and external appearance of buildings is compatible with the maritime coastal environment.

Whether prominent and/or larger buildings and structures contain maritime or nautical features related to the special nature of the coastal environment. The establishment of larger utilitarian buildings that are not sensitive to the maritime environment should be avoided.

##### (iii) Public Access

Whether activities, buildings and structures maintain and enhance public access to the coastline.

##### (iv) Landscape Treatment

Whether the bulk and scale of buildings and other structures will be softened and relieved by appropriate landscape treatment.

In general terms, the larger the building and the more extensive the sealed area, the greater the requirement for landscape elements.

(v) **Interface with Residential and Rural zones**

Whether the activity will avoid, remedy or mitigate potential adverse effects on the amenity values of adjoining areas.

In particular, the protection of the visual amenity values of adjoining properties zoned residential may be achieved by screening, separation distances and buffer areas.

### **17.7.12 Matters for Discretion — Specified Restricted Discretionary Activities**

All Restricted Discretionary Activities shall comply with Rule 17.7.11 — Development and Performance Standards. In addition, the Council retains discretion over the following matters for specified activities and may impose conditions in respect of each of them.

**17.7.12.1 Locker storage facilities for pleasure craft exceeding 185m<sup>2</sup> in gross floor area, club premises exceeding 185m<sup>2</sup> in gross floor area and restaurants not exceeding 185m<sup>2</sup> in gross ground floor area.**

**17.7.12.1.1 The council restricts the exercise of its discretion to the following matters when assessing an application for a resource consent for the above specified restricted discretionary activities and may impose conditions in respect of each of them:**

- (a) Relationship to Adjoining Activities and Public Access;
- (b) Design and External Appearance of Buildings;
- (c) Landscape Treatment;
- (d) Interface with Residential and Rural Zones.

**17.7.12.1.2 When assessing an application for restricted discretionary activities listed under 17.7.13.1 in the Boat Harbour Zone, the Council will have regard to the following assessment criteria and any relevant matters set out in section 104 of the Act, and may impose conditions in respect of each of them:**

**(a) Relationship to Adjoining Activities and Public Access**

Whether the layout of the buildings and activities will detract from the environmental quality, amenity values, or operation of adjoining activities. In particular, buildings and activities should not detract from public places such as pedestrian walkways, and should not have an adverse impact on public access to the coastline and viewing areas.

**(b) Design and External Appearance of Buildings**

Whether prominent and/or larger buildings and structures contain maritime or nautical features related to the special nature of the coastal environment. The establishment of large utilitarian buildings that are not sensitive to the maritime environments should be avoided.

**(c) Landscape Treatment**

Whether the bulk and scale of buildings and other structures will be softened and relieved by appropriate landscape treatment. In general, the larger the building and the more extensive the sealed area, the greater the requirement for landscape elements.

**(d) Interface with Residential and Rural Zones**

Whether the activity will avoid, remedy or mitigate any potential adverse effects (including cumulative effects) on the amenity values of adjoining areas.

### **17.7.13 Assessment Criteria — Discretionary Activities**

#### **17.7.13.1 Any Discretionary Activity in the Boat Harbour zone.**

In assessing any discretionary activity in the Boat Harbour zone, Council will have regard to the following assessment criteria and relevant matters set out in Section 104 of the Act:

**(a) Site Layout**

Whether the layout of activities on the site maintains and enhances the amenity values of the site.

**(b) Coastal Environment**

Whether the activity has the potential to adversely affect the environmental quality and values of the coastal environment, and whether any such potential adverse effects can be avoided, remedied or mitigated.

**(c) Interface with Adjoining Zones**

Whether the activity will generate adverse effects on the amenity values and quality of environment of adjoining zones, and whether any potential adverse effects can be avoided, remedied or mitigated.

**(d) Public Access to the Coast**

Whether the activity will enhance public access to the coastline.

