

## 7.1 Introduction

The coastal environment contributes to the sense of place, character, heritage, recreational qualities and economic opportunities that give the Auckland Region its distinctive and unique identity. The relatively short distance between the east and west coasts, the extensive harbours, estuaries and embayments and the myriad of islands in the Hauraki Gulf give rise to an elaborate interweaving of land and sea.

The coastal environment of the Auckland Region is complex and diverse, with change occurring over short distances. It ranges from the intensive urban character of parts of the Waitemata Harbour, with its commercial, residential and recreational focus, through to the wild and rugged isolation of the west coast and the open space and natural values of parts of the Hauraki Gulf and its islands. In places, urban development abuts highly sensitive estuarine and harbour areas with high water quality and nationally significant wildlife habitats. Major infrastructure, urban and commercial uses share the coastal environment with recreational uses and amenity values. Activity on the land areas of the Region can have major and far-reaching effects on the quality, health and function of the marine areas. Although the coastal environment is a major proportion of the Auckland Region, the greatest pressure on coastal resources is concentrated in a relatively narrow band of land and water either side of Mean High Water Springs (MHWS).

The extent of the coastal environment of the Auckland Region varies from place to place, depending on the natural and physical characteristics. For the purposes of the RPS, the coastal environment is considered to include three interrelated parts. These are:

- Coastal Marine Area (CMA)
- active coastal zone
- landward component.

The extent of the coastal environment is determined by factors which principally test whether the coast is a significant element or part. These factors also recognise habitat, landform, landscape, cultural heritage and amenity values, the influence of coastal processes, flooding and surface runoff.

The RM Act in promoting sustainable management affords particular recognition to the coastal environment. The Minister of Conservation is required to prepare a New Zealand Coastal Policy Statement (NZCPS) which states

policies for the sustainable management of the coastal environment. Additional to this mandatory national policy statement is the Hauraki Gulf Marine Park Act 2000 (HGMPA); the RPS must not be inconsistent with either piece of legislation. The Act also requires regional councils to prepare a regional coastal plan for the CMA within their regions. This is the only mandatory plan regional councils are required to produce. The Minister of Conservation retains certain management responsibilities within the CMA, such as approving the regional coastal plan, and being the consent authority for certain resource consent applications within the CMA. The HGMPA provides for integrated management of the Gulf across 21 statutes including the Resource Management Act, Conservation Act and Fisheries Act.

This chapter in conjunction with other chapters of the RPS, including (but not limited to) Chapter 3 – Matters of Significance to Iwi, Chapter 6 – Heritage and Chapter 8 – Water Quality, gives effect to the provisions of the RM Act and takes into account the policies of the NZCPS within the context of the significant coastal management issues of the Auckland Region's coastal environment. This chapter is not inconsistent with the HGMPA.

## 7.2 Issues

### 7.2.1 Auckland's coastal environment ranges from areas which are predominantly in their natural state to areas which have been highly modified. This needs to be taken into account when preserving the natural character of the coastal environment and protecting it from inappropriate subdivision, use and development

The RM Act states that “the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development” is a matter of national importance (section 6(a)). In the context of the Auckland Region, the coastal environment ranges from areas which are predominantly in their natural state, characterised by high natural character, to areas which due to human modification have some remaining elements of natural character. Accordingly, preserving areas of high natural character and the remaining elements present in modified areas, and protecting them from inappropriate subdivision, use and development, requires different provisions to ensure the promotion of sustainable management.

The Auckland Region also has a number of areas with ecological and landform values of international, national and Regional significance. Other areas have landscape or spiritual and cultural values which contribute to the Region's own unique identity. Also, the majority of cultural heritage resources are found within the coastal environment. These areas also require protection from inappropriate subdivision, use and development to ensure that their values and character are maintained.

### **7.2.2 Subdivision, use and development within the coastal environment needs to be in an appropriate location, and of an appropriate form, which meets the purpose of the RM Act**

In the Auckland Region, the scale and intensity of the population and associated urban growth makes demands on the resources and values of much of the coastal environment. In recognising these demands, a major issue facing Auckland is the need to sustainably manage the natural and physical resources of the coastal environment in a way which enables people and communities to provide for their social, economic and cultural wellbeing, and which preserves and protects natural character from inappropriate subdivision, use and development.

Activities such as urban development (including coastal settlements); more intensive rural subdivision of land adjacent to the coast; the development of Regional infrastructure facilities such as ports and network utilities and other activities which are dependent on a location in the coastal environment for their operation, enable people to provide for their social, economic and cultural wellbeing. Although these activities are important to the Auckland Region, if inappropriately located, or of an inappropriate form, they have the potential to result in unsustainable management of the resources of the coastal environment. Inappropriate subdivision, use and development can potentially result in the loss of vegetation, coastal ecosystems and natural features, and increase or exacerbate coastal erosion. Inappropriate subdivision, use and development can also lead to a reduction in water quality arising from increased runoff and sedimentation from the land and the discharge of contaminants from both land and water. These adverse effects, in isolation or combination, affect natural character, landscape values, amenity values and the

intrinsic values associated with the natural functioning of coastal ecosystems. (See also Chapter 6 – Heritage, Chapter 8 – Water Quality and Chapter 12 – Soil Conservation.)

In providing for appropriate subdivision, use and development or protection, it needs to be recognised that the coastal environment is composed of finite resources that need to be used efficiently. For example, Auckland has a limited number of sandy beaches, sheltered harbours, coastal wetlands, gulf islands and limited areas of deep navigable water. These areas require protection from inappropriate subdivision, use and development to ensure that their values are maintained.

### **7.2.3 Some forms of subdivision, use and development are dependent on the natural and physical resources of the coastal environment for their operation and provision needs to be made for these in appropriate locations**

Some forms of subdivision, use and development are dependent on a coastal location for their operation. These activities include regional infrastructure such as port and wharf facilities, jetties, marinas, marine transport, marine farms, other water related industrial and commercial activities and the extraction of sand, shingle and shell. Other forms of use and development such as network utilities may need to use the coastal environment to meet technical or route requirements.

Port and wharf facilities are particularly significant physical resources and are important for the national and regional economy. There are numerous other minor wharves and harbour structures which are located in the coastal environment, which are important locations for cargo transport and ferry services, particularly to the islands of the Hauraki Gulf, or which serve other local needs. In addition, the Auckland coastal environment is the base for other water-related industries such as shipbuilding yards, vessel maintenance facilities and servicing of the fishing and aquaculture industries.

There is a need to provide for the efficient use and development of these activities to enable the Auckland community to provide for its social, economic and cultural wellbeing. However these activities need to be accommodated in a way that will result in the sustainable management of the natural and physical resources of the coastal environment.

#### **7.2.4 Subdivision, use and development within the coastal environment has the potential to enhance or inhibit public access to and along the CMA**

A significant part of the coastal environment is in public ownership including esplanade and other reserves, most beaches and much of the CMA. However, parts of the coastal environment are subject to ownership claims by Iwi under the Treaty of Waitangi Act 1975.

The RM Act states that the maintenance and enhancement of public access to and along the CMA is a matter of national importance. The public has an expectation that access to, use and enjoyment of this publicly owned resource is in most cases freely available and that the CMA should be retained in public ownership. Subdivision, use and development, or occupation of space on land both adjacent to and within the CMA has the potential to limit, reduce or restrict completely public access to and along the coast. However, there are some circumstances where it will be appropriate to restrict the right of access to, and use of this area, or to provide exclusive occupation of parts of the CMA. Such circumstances include protecting conservation values, ensuring public health and safety, preventing or mitigating coastal erosion or ensuring security.

Plans, and resource consents need to ensure that public access to and along the CMA, to other publicly owned areas in the coastal environment as well as to and along the margins of lakes and rivers, is maintained and enhanced. It also needs to be acknowledged that coastal subdivision, use and development can, in some cases, provide the opportunity to enhance public access to, and use and enjoyment of, the coastal environment.

#### **7.2.5 In many parts of the region there is a lack of understanding about coastal processes. Therefore, when providing for or assessing plan provisions or proposals relating to subdivision, use and development, or the protection of natural and physical resources, it is not always possible to determine with much certainty the likely environmental effects**

The coastal environment, particularly the interface between the land and water (the active coastal zone), is one of dynamic change with occasional extreme events and periods of flooding, erosion, inundation and other hazards. The effect that activities have on these processes, and the effects processes have on activities, is often not

well understood and at times cannot be determined with much certainty. Consequently, when significant adverse effects may potentially arise it is necessary that a precautionary approach be taken when managing the subdivision, use, development and protection of the coastal environment to reduce the risk of significant environmental damage arising from uncertainty or lack of knowledge.

#### **7.2.6 In some parts of the coastal environment recreation is a particularly important use which needs to be provided for in appropriate forms and locations**

Recreation is a particularly important use of the coastal environment enabling people and communities of the Auckland Region to provide for their social, economic and cultural wellbeing. Accordingly, plans need to provide for recreation in appropriate forms and locations while ensuring that any adverse effects on the environment can be avoided, remedied, or mitigated. Due to the range of recreational pursuits undertaken and the number of users, there is at times intense pressure on the natural and physical resources of the coastal environment. Moreover, there is also potential for conflict to arise between recreational users and between other users of the coastal environment.

#### **7.2.7 Dredging is necessary in some parts of the CMA and the disposal of dredged material and other solid matter in the CMA needs to be provided for in a way which avoids significant adverse effects**

Due to the relatively shallow nature of much of the Auckland CMA and the continuing discharge of sediment from the land, there is an ongoing requirement to dredge parts of the CMA to provide deep water navigation channels, anchorages and berths and to provide access to, or for other facilities. Options for the disposal of the dredged material or other solid matter, such as clean fill or contaminated soils include disposal at sea and on land, or use in reclamations or erosion protection works, where this material is of appropriate composition.

The disposal of this material can have adverse effects on the coastal environment depending on the amount, and type of material to be disposed of, and the disposal location. Any significant adverse effects from the disposal of dredged material and other solid matter in the coastal environment should be avoided.

### 7.2.8 The coastal environment is of special value to Tangata Whenua

The use, development and protection of the coastal environment is an important issue for Tangata Whenua. They hold that they have never willingly gifted, sold or transferred the resources of the coast. As a result, Tangata Whenua have made the following suggestions for action under the RM Act:

- The involvement of Iwi in managing the CMA resources (including transfers of responsibilities).
- The application of tribal tikanga to coastal activities including mahinga mataitai, mining and waste disposal.
- Ensuring that local authorities take into account Treaty claims involving the coastal area when dealing with resource consents so as not to prejudice the claim under consideration.
- That the adverse effects of activities on the harbours and coastal environment be avoided, remedied, or mitigated so as to protect ecosystems, fishery habitats, wetlands and cultural heritage resources.

### 7.2.9 Fragmented management of the land and water components of the coastal environment has, and could lead to, undesirable environmental outcomes

The land and water areas that make up the coastal environment are inseparable components. Historically there has been a lack of integrated management due to the number of agencies which have had statutory powers and duties within the coastal environment.

The inter-relationships between the land and sea in the coastal environment are complex. Nature does not recognise the boundary of Mean High Water Springs (MHWS) between land and water in the coastal environment, e.g. coastal wetlands. Rivers carry runoff from inland areas to the sea. Both sea and land are integral components of coastal landscapes. Moreover, structures such as wharves, jetties and boat ramps span the land/water interface and therefore the administrative MHWS boundary between the ARC and TAs. This boundary splits the primary resource management responsibilities for land and water in the coastal environment.

The local government boundaries between the adjoining regional councils define the jurisdictional boundaries between the Auckland, Waikato and Northland regions

(ie. the Firth of Thames and base of the Awhitu Peninsula in the south, and the Kaipara Harbour and Mangawhai in the north). This has resulted in areas such as the Kaipara Harbour and the Firth of Thames, which are naturally functioning ecosystems, being administered by two different regional councils, under different RPS and regional coastal plans. Other agencies also have statutory responsibilities under other legislation for the management of natural and physical resources in the coastal environment.

Achieving the environmental outcomes in relation to the key issue outlined above, through objectives, policies and methods of this chapter, requires an integrated management approach between all agencies with resource management responsibilities in the coastal environment.

## 7.3 Objectives

1. *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.*
2. *To protect outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and significant historic and cultural places and areas in the coastal environment.*
3. *To enable appropriate subdivision, use and development to be undertaken in the coastal environment.*
4. *To enable the use of the coastal environment for appropriate port purposes, other water-related industrial and commercial activities and network utilities.*
5. *To reduce the risk of environmental damage from subdivision, use and development within the coastal environment arising from uncertainty or lack of knowledge about coastal processes.*
6. *To maintain and enhance public access to and along the CMA and to publicly-owned land in the coastal environment.*
7. *To enable an appropriate range of recreational opportunities to be undertaken in the coastal environment.*

8. *To ensure that the disposal of dredged material, or other solid matter likely to cause significant adverse effects on the natural and physical resources of the coastal environment, occurs in a way which avoids, remedies, or mitigates those significant adverse effects on the natural and physical resources of the coastal environment, and meets the social, economic and cultural aspirations of the community.*
9. *To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga of the coastal environment.*
10. *To achieve integrated management of land and water areas in the coastal environment both within the Auckland Region and between adjacent regions.*
11. *To recognise as a matter of national significance the interrelationship between the Hauraki Gulf, its islands and its catchments, by providing for the protection, and where appropriate enhancement of those resources, features, characteristics and associations in accordance with s8 of the Hauraki Gulf Marine Park Act 2000.*

## 7.4 Policies, Methods and Reasons

### 7.4.1 Policy: Coastal environment

*The following policy and methods give effect to Objectives 7.3.1-10.*

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

- (i) *any vegetation or habitat adjacent to, or connected with, the 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 and Outstanding and Regionally*

*Significant Landscape Areas shown on Map series 2 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.*

### 7.4.2 Methods

1. *Local authorities will include provisions in their plans which recognise the coastal environment of their areas in a manner consistent with the factors in Policy 7.4.1.*
2. *In formulating plan provisions relating to the coastal environment, local authorities will consult with the adjacent TAs, the relevant regional council, DoC and Tangata Whenua.*

### 7.4.3 Reasons

The RPS does not define the coastal environment of the Auckland Region, but provides guidelines in Policy 7.4.1 on the areas and features which contribute to the coastal environment and which should be recognised in plan provisions relating to this area. Policy 7.4.1 identifies those natural and physical resources which, because of their form or function, give particular geographic parts of the Auckland Region a character which can be classified as being coastal. Within these areas the coast is a significant element or part and hence can be considered as being the coastal environment. Policy 7.4.1 further recognises that certain natural and physical resources such as vegetation and habitats, landforms and cultural heritage places or areas have characteristics which are coastal and which may in themselves, or together with other features, contribute to the visual and amenity values of the coast.

Other factors in Policy 7.4.1 recognise the operation of coastal processes and those activities which occur on land adjacent to the coast, which may have a functional link with the CMA, or which may generate effects which have direct impacts on the CMA. The land on which these activities occur forms part of the coastal environment. Although runoff into the CMA is generated

from throughout a catchment, Policy 7.4.1(vi) focuses only on surface runoff from adjacent land which flows directly into the CMA, rather than passing first through lakes, rivers or streams, or the stormwater system before reaching the sea.

Policy 7.4.1 does not indicate how the use, development and protection of the identified natural and physical resources of the coastal environment should be managed. The other objectives, policies and methods of this chapter and other relevant provisions of the RPS provide guidance on this matter. The purpose of the policy is to provide a framework for guiding where the application of Chapter 7 should apply.

#### **7.4.4 Policies: Natural character of the coastal environment**

*The following policies and methods give effect to Objective 7.3.1- 2.*

1. *The natural character of the coastal environment shall be preserved, and protected from inappropriate subdivision, use and development by:*

- (i) *In areas of high natural character, avoiding adverse effects on:*
  - (a) *the natural functioning and natural processes of sediment transport, substrate composition and movement of biota;*
  - (b) *areas of indigenous vegetation and habitats of indigenous fauna and associated processes;*
  - (c) *the physical integrity of coastal landforms and geological features and associated natural processes;*
  - (d) *features, elements and patterns which contribute to landscape value and scenic and visual value;*
  - (e) *natural features, sites and natural areas of historic, aesthetic, cultural or spiritual value;*
  - (f) *water or air quality;*
  - (g) *habitat important for preserving the range, abundance and diversity of indigenous and migratory coastal species;*

*(h) habitat important for breeding and feeding of coastal species;*

- (i) *the healthy functioning of estuaries, coastal wetlands, mangroves, dunes, sand spits and their margins.*
- (ii) *In all other areas, avoiding any adverse effects which result in the significant reduction in habitat important for preserving the range and diversity of indigenous and migratory coastal species within the Auckland Region.*

*In the context of Policy 7.4.4-1 (i) and (ii), adverse effects to be avoided include those listed in Chapter 6 – Heritage, Policy 6.4.1.*

- (iii) *In areas which are not of high natural character, avoiding where practicable or remedying, or mitigating the adverse effects of subdivision, use and development on the elements of natural character outlined in Policy 7.4.4-1 (i) (a) – (i) except those adverse effects which are to be avoided in 7.4.4-1 (ii) above.*

2. *Where appropriate, the natural character of the coastal environment shall be restored and rehabilitated.*

#### **7.4.5 Methods**

- 1. *District plans, the Regional Plan: Coastal and other regional plans will include appropriate provisions to give effect to Policies 7.4.4-1 (i), (ii) and (iii), and 7.4.4-2, and in conjunction with other relevant land management documents shall include appropriate measures to restore and enhance the natural character of the coastal environment, including those established under Chapter 18. Where restoration planting is carried out, preference shall be given to the use of indigenous species, with a further preference for the use of local genetic stock.*

*(Refer also to Chapter 3 – Matters of Significance to Iwi and Chapter 6 – Heritage.)*

#### **7.4.6 Reasons**

The RM Act requires the preservation and protection of the natural character of the coastal environment as a matter of national importance, although it contains no definition of what constitutes natural character. For the purpose of this policy statement, a definition of the natural character of the coastal environment of the

Auckland Region is included in Appendix D. The coastal environment of the Auckland Region ranges from areas which are predominantly in their natural state, characterised by high natural character, to those areas that due to human modification have only residual elements of natural character.

Nearly all parts of the coastal environment of the Auckland Region have been subject to human influence to a greater or lesser extent. The original character is now replaced by a character which is derived from a combination of natural values and processes and the impacts of human activity. Although the interaction and relative influence of natural and physical values and human activities varies throughout the Region, elements of natural character still exist in many areas of the coastal environment.

Auckland's coastal environment has special qualities which derive from the presence of its unique species, habitats and ecosystems and the operation of coastal processes. The habitats and ecosystems have intrinsic values which are worthy of protection in their own right, as well as contributing to the community's social, economic and cultural use and enjoyment of the coast. These coastal resources are limited, many of them have been modified or destroyed in the past through inappropriate use and development which makes it imperative that what remains is carefully managed. Policy 7.4.4-1 (i), (ii) and (iii), by avoiding, remedying, or mitigating the effect of activities on the individual components of natural character, preserves and protects natural character in accordance with section 6(a) of the RM Act. Regional policies for assessing whether subdivision, use or development is appropriate in the coastal environment, contained in clauses 7.4.10, include the consideration of natural character.

A high standard of water quality is an essential requirement for maintaining the quality and health of marine based ecosystems. Pressures for urban growth and intensification of some rural activities has led to concern about coastal water quality in some areas of the Region. The effects of urban and rural activities on coastal water quality are addressed in Chapter 2 – Regional Overview and Strategic Direction, Chapter 6 – Heritage and Chapter 8 – Water Quality.

Although emphasis is placed on the presence of natural values and processes as the major components of natural character, it is also recognised that areas of the coastal

environment which have been subject to substantial human modification may still contain elements of natural character which may be worthy of protection. Subdivision, use and development policies (7.4.10 later in this chapter) cover this issue.

#### **7.4.7 Policies: Areas of Special Value**

*The following policies and methods give effect to Objective 7.3-1 and 2.*

1. *Areas of significant indigenous vegetation, significant habitats of indigenous fauna, significant landforms and geological features, and significant places or areas of historic or cultural significance in the coastal environment shall be preserved and protected by avoiding, remedying, or mitigating the adverse effects of subdivision, use and development in a manner consistent with Policies 6.4.1-3 and 7.4.4-1 (i), (ii) and (iii).*
2. *The significance of these places, areas and features shall be assessed in accordance with Policies 6.4.7, 6.4.13 and 6.4.16.*
3. *Outstanding and Regionally Significant Landscapes in the coastal environment shall be preserved and protected in accordance with Policy 6.4.19-1.*
4. *Sub-tidal Areas of Special Value in the CMA shall be progressively identified and protected from the adverse effects of use and development.*
5. *Where Areas of Special Value extend both above and below MHWS local authorities shall adopt consistent and integrated management approaches which protect these values and natural processes.*
6. *Characteristics of the coastal environment of special value to Tangata Whenua, including waahi tapu, urupa, tauranga waka, mahinga mataitai and taonga raranga, shall be managed in accordance with the objectives and policies of Chapter 3 – Matters of Significance to Iwi.*

#### **7.4.8 Methods**

1. *Regional and district plans will include appropriate provisions to give effect to Policies 7.4.7-1 through 7.4.7-6.*
2. *The ARC will maintain and progressively update an inventory of Sub-tidal Areas of Significant Natural Heritage in the CMA and implement*

*appropriate methods to protect the values of these areas.*

3. *The ARC will support the establishment of marine protected areas as a method of sustainably managing Areas of Special Value within the coastal environment, provided that:*

- (i) *proposals are consistent with the purpose of the statute under which they are proposed;*
- (ii) *adequate background research and consultation in support of the proposal is undertaken;*
- (iii) *proposals are not inconsistent with the criteria for the identification and investigation of marine protected areas in the approved Conservation Management Strategy for the Auckland Conservancy of the Department of Conservation;*
- (iv) *that proposals in relation to the protection of Areas of Special Value to Tangata Whenua are not inconsistent with any relevant planning document recognised by an Iwi authority.*

*In addition to the matters outlined above, in supporting the establishment of marine protected areas, the ARC will have particular regard to:*

- (v) *sites which contribute to the provision of accessible marine protected areas Region-wide;*
  - (vi) *sites which relieve pressure from marine protected areas currently subject to intense use;*
  - (vii) *important marine resources and habitats adjacent to regional parks;*
  - (viii) *the practical expression of kaitiakitanga by Tangata Whenua as outlined in Method 3.4.14.*
4. *As a goal the ARC will support a move towards 10% of the area of representative marine habitat types in the Auckland CMA being fully protected marine reserves.*
  5. *The ARC will work co-operatively with TAs, DoC, MAF and Tangata Whenua, and in consultation with other agencies and interest groups, to identify*

*suitable sites for the establishment of marine protected areas (including marine reserves) in the Auckland Region.*

*(Refer also to Chapter 3 – Matters of Significance to Iwi and Chapter 6 – Heritage.)*

#### **7.4.9 Reasons**

The areas of significant natural, physical, historic and cultural heritage and areas of significant landscape value in the coastal environment are known collectively as Areas of Special Value. Chapter 6 – Heritage contains objectives, policies and methods relating to the identification of areas of significant ecological, landform, landscape and historical and cultural value throughout the Auckland Region and their preservation and protection from the adverse effects of subdivision, use and development. These objectives, policies and methods apply equally to the preservation and protection of the Areas of Special Value and these links are recognised in Policies 7.4.7-1 through 7.4.7-3.

**Chapter 3 – Matters of Significance to Iwi** outlines procedures for the management of areas of spiritual and cultural value to Tangata Whenua, including those in the coastal environment, in a manner which is determined by Tangata Whenua. This is provided for by Policy 7.4.7-6.

There is considerable information on Areas of Significant Natural Heritage in the landward parts of the coastal environment, but less information exists on these areas in the sub-tidal parts of the CMA (ie. those areas below Mean Low Water Mark which are permanently covered by water, See Appendix B). Policy 7.4.7-4 acknowledges the need to establish a more comprehensive Regional inventory of these sub-tidal areas. This inventory will include information on flora and fauna species. Its development requires a co-operative approach between agencies with management responsibilities in the CMA, based on the identification of priority areas for information collection. ARC priorities for the identification of Areas of Significant Natural Heritage are those inner areas of the CMA adjacent to land, or parts of the CMA which are subject to increasing development pressures.

The ARC is also progressively developing a Cultural Heritage Inventory (CHI) for the Region, covering both land and water areas (See Chapter 6 – Heritage – Method



6.4.17 and Reasons 6.4.18). Areas of Special Value (ecological, landform and geological, landscape, and cultural heritage) in the CMA have also been identified in the Regional Plan: Coastal.

Many sub-tidal Areas of Special Value, both natural and cultural, adjoin similarly important Areas of Special Value on land and there is a need to ensure that there is an integrated approach to the management of effects between the land and CMA to ensure the protection of both areas (Policy 7.4.7-5).

Methods 7.4.8-3 through 5 recognise that marine protected areas established under a range of other legislation can also give effect to the directives of section 6 (a), (b) and (c) of the RM Act as well as fulfilling their primary legislative purpose. A number of mechanisms are available for the legal protection of marine areas and these mechanisms are described in Appendix C.

The identification of suitable sites for marine protected areas and their establishment needs to be done within a co-ordinated Regional framework, which considers the reasons for protective status, and uses the most appropriate mechanism to achieve protection objectives. The Auckland Conservancy of the Department of Conservation has identified a strategy for marine protected areas in its Conservation Management Strategy (CMS), prepared under the Conservation Act 1987. This is considered a useful basis for co-operative work between agencies and interest groups in the Auckland Region aimed at establishing a Regionally agreed network of marine protected areas.

As of 1995, the Auckland Region had one marine protected area at Tawharanui, established under Fisheries Act regulations and three marine reserves. The marine reserves, established under the Marine Reserves Act, are Cape Rodney to Okakari Point- Leigh, Pollen Island in the upper Waitemata Harbour, and Long Bay-Okura. In addition, the Regional Parks Service and MAF are involved in ongoing joint work to assess whether there is any need for protection of marine life adjacent to Regional parks through the introduction of controls on fishing and shellfish gathering. Any controls implemented would be through the provisions of the Fisheries Act 1983 as section 30(2) of the RM Act specifically excludes regional councils from controlling the harvesting or enhancement of any fishery controlled by the Fisheries Act (refer also Appendix C).

#### **7.4.10 Policies: Subdivision, use and development**

*The following policies and methods give effect to Objectives 7.3-1-10.*

1. *The diverse range of values of the coastal environment shall be recognised and the need to enable people and communities to provide for their social, economic and cultural wellbeing shall be provided for in appropriate areas of the coastal environment.*
2. *In assessing the appropriateness of subdivision, use and development in the coastal environment particular regard shall be had to the following matters:*
  - (i) *natural character is preserved and protected in accordance with Policies 7.4.4-1 (i), (ii) and (iii), and 7.4.4-2;*
  - (ii) *public access is maintained or enhanced in accordance with Policies 7.4.13-1, 2 and 3;*
  - (iii) *amenity values are maintained or enhanced as far as practicable;*
  - (iv) *public open space is maintained or enhanced as far as practicable;*
  - (v) *there is a functional need for use and development within the CMA;*
  - (vi) *efficient use is made of the natural and physical resources of the coastal environment;*
  - (vii) *activities are of a scale, design and location that maintain or enhance landscape values in the area, including seascapes and landforms;*
  - (viii) *there are no significant adverse effects of activities on the CMA, or on adjacent land, including effects across the MHWS boundary;*
  - (ix) *adverse effects are avoided, remedied or mitigated in Areas of Special Value in accordance with policies in 7.4.7;*
  - (x) *activities are designed and located to avoid the need for hazard protection works;*
  - (xi) *provision is made for adequate utility services (including the disposal of waste);*
  - (xii) *effect is given to all other relevant provisions of this policy statement, in particular those stated in Chapter 2 – Regional Overview and Strategic Direction, Chapter 6 – Heritage and Chapter 8 – Water Quality.*

3. *A precautionary approach shall be taken by local authorities when providing for and assessing subdivision, use and development in the coastal environment where potentially significant adverse effects may arise.*

*(The precautionary approach is outlined in Chapter 1 – Introduction.)*

4. *Applications to reclaim part of the CMA, extract sand, shell and other natural material and rights to occupy the CMA shall have regard to any available alternatives to the proposal, which would avoid these activities.*

5. *Where existing subdivision, use and development is threatened by a coastal hazard, coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid or minimise adverse environment effects.*

*(Refer also to the Chapter 11 – Natural Hazards)*

6. *In determining the appropriate form and location of subdivision, use and development, it shall be recognised that some natural features may migrate inland as a result of dynamic coastal processes, including sea level rise.*

7. *Areas which derive their particular character and amenity value from the predominance of built structures, modifications or activities shall be recognised and, where appropriate, their values maintained or enhanced.*

8. *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.*

9. *Notwithstanding Policy 7.4.10-8, regard shall be had to the protection of those elements of remaining natural character which continue to exist in areas where human modifications or activities predominate.*

10. *Papakainga housing and marae developments shall be provided for in a manner that is consistent with Policies 7.4.10-1 through 9 in the coastal environment, where this would provide for the relationship of Maori and their culture and traditions with their land, water, sites, waahi tapu and other taonga.*

*(Refer also to Policy 2.6.4-3 in Chapter 2 – Regional Overview and Strategic Direction; and Chapter 3 – Matters of Significance to Iwi.)*

#### **7.4.11 Methods**

1. *Regional and district plans shall contain appropriate provisions to give effect to Policies 7.4.10-1 through 10.*
2. *Regional plans and district plans should include provisions which enable financial contributions (including contributions of money, land, works or services) for the purposes of remedying, or mitigating adverse effects of subdivision, use and development, to be secured by way of conditions on resource consents as provided by section 108 of the RM Act.*
3. *In order to give effect to Policies 7.4.10-1 through 10, regional and district plans shall incorporate the limits to urban coastal development within their areas as required by Method 4.4.2 of this RPS.*
4. *Regional and district plans shall include a provision requiring that the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy are to be notified of new structures and works in the CMA at the time permission is given for their construction.*

#### **7.4.12 Reasons**

The coastal environment has been the historical focus of human settlement in the Auckland Region. Subdivision, use and development within the coastal environment has played a major role in shaping the identity and functioning of the Auckland Region and in establishing the amenity values of the Regional community. However, due to the importance that people place on the coastal environment, some parts of it are subject to development pressure.

In providing for appropriate subdivision, use and development, it needs to be recognised that the preservation of the natural character of the coastal environment, and the protection of it from inappropriate subdivision, use and development, is a matter of national importance. In achieving this the NZCPS requires that policy statements and plans should:

*“Define what form of subdivision, use and development would be appropriate in the coastal environment and where it would be appropriate”*  
(Policy 3.2.1).

In giving effect to the RM Act and the NZCPS, Policy 7.4.10-2 identifies a number of matters to be given particular regard in assessing the appropriateness of subdivision, use and development in the coastal environment. It outlines a number of matters that shall be considered by local authorities in providing for appropriate subdivision, use and development in the preparation of plans and evaluations of specific proposals.

Some activities have a functional need to locate in the CMA (and the coastal environment). These include facilities for water based recreation, structures which provide access to and from the water, ports and water based industrial, commercial and transport activities. These activities are generally considered appropriate where any adverse effects can be avoided, remedied, or mitigated. Appropriate subdivision, use and development also includes making the most efficient use of space. Where possible, multiple use of any new, existing or approved facilities should be made. This is particularly important in the CMA, where there is a long-held public expectation that public use of and access to this area will in most cases have priority over private or exclusive occupancy.

The adoption of a precautionary approach by local authorities when setting objectives, policies, rules and other methods in plans and when evaluating proposals for subdivision, use and development in the Auckland Region is addressed by Policy 7.4.10-3. The precautionary approach requires that when potentially significant adverse effects which cannot be fully assessed due to inadequate information or understanding (particularly where this is due to lack of scientific or technical knowledge) may arise from the subdivision, use, development or protection of natural and physical resources, local authorities shall act cautiously and should consider such options as:

- Taking account of the level of uncertainty about the nature, extent, intensity and duration of potential adverse effects in classifying activities as permitted, controlled, discretionary, non-complying or prohibited, or framing assessment criteria or conditions to apply to particular consents for proposed activities.
- Declining or limiting the duration of a consent or requiring a review during the period of the consent so that the results of monitoring can be considered.
- The local authority undertaking monitoring and research to provide additional information and understanding.
- Applicants undertaking appropriate monitoring of the effects of their activities on the environment, as conditions of resource consents.
- Sharing information and knowledge gained about natural and physical values and processes, or the effects of activities on natural and physical values and processes, where this information and knowledge has changed or was previously unknown or little known.

The coastal environment has a finite capacity to absorb the effects of subdivision, use and development. Policy 7.4.10-4 recognises that some activities may have a significant adverse effect on the CMA and that alternatives need to be considered. This is in accordance with Policy 4.1.6 of the NZCPS.

The dynamic nature of coastal processes is recognised in Policies 7.4.10-5 and 6. The protection of subdivision, use and development from coastal hazards requires careful consideration of alternatives and long-term solutions including the abandonment or relocation of existing structures. Recognition of the dynamic nature of coastal processes is especially important in consideration of new subdivision, use and development so that further sites are not subject to coastal hazards.

Policy 7.4.10-7 recognises that there are parts of the coastal environment of the Auckland Region which have been subject to extensive human modification and which now possess a quality, identity or amenity value which is derived from the predominance of human activities and structures. Examples of such areas include Tamaki Drive, parts of the upper Waitemata Harbour, east coast beaches and cliffs from North Head to Browns Bay and parts of Kawau Island. Where appropriate these areas should be

recognised and their values maintained. Policy 7.4.10-8 recognises the desirability of concentrating subdivision, use and development, while 7.4.10-9 recognises the need to consider remaining elements of natural character in areas which are already modified. Furthermore, Policy 7.4.10-9 recognises the importance of the port to the Auckland Region, and the need to make provision for appropriate port activities along with other water related industrial and commercial facilities.

Policies 7.4.10-3 through 10 further identify other matters which shall be taken into account with respect to consideration of appropriate subdivision, use and development.

The special relationship Tangata Whenua have with the coastal environment is recognised in Policy 7.4.10-10 by the provision of papakainga housing and marae developments.

The policy direction of this chapter accepts a degree of flexibility in the provision of subdivision, use and development in the coastal environment. Policies and methods are likely to be more constraining on subdivision, use and development located outside the highly modified urban areas of the Region, where natural character is considered to be high, and in Areas of Special Value. In urban areas and locations where a built environment predominates, greater recognition may be given to other factors in considering whether it is appropriate to locate in the coastal environment. Such factors may include the contribution made to the efficient operation of urban areas, the enhancement of amenity values, and the provision of recreational opportunities.

#### **7.4.13 Policies: Public access**

*The following policies and methods give effect to Objective 7.3-6.*

**Note:** *These policies do not override the rights of private property owners.*

1. *Public access shall be maintained and enhanced to and along the CMA and to publicly owned land in the coastal environment.*
2. *Particular regard shall be had to enhancing public access to and along the CMA and to publicly owned land in the coastal environment where:*
  - (i) *areas are of high amenity or recreational value; or*
  - (ii) *areas are of importance to Tangata Whenua for carrying out customary activities and in order to exercise kaitiakitanga; or*

- (iii) *access would be of particular value or potential value for educational or scientific reasons; or*
- (iv) *areas are adjacent to the Areas of Special Value identified in Appendix B and Map Series 2, where this would be consistent with the protection of natural and cultural heritage values; or*
- (v) *a number of esplanade reserves or other public open spaces exist in the vicinity, and the enhancement of public access would contribute to the linking together of disconnected reserves.*

#### **3. Public access to and along the CMA should only be restricted where it is necessary to:**

- (i) *protect significant natural or cultural heritage values; or*
- (ii) *protect sites and areas of Maori spiritual and cultural value; or*
- (iii) *protect public health and safety; or*
- (iv) *ensure a level of security consistent with the purpose of a resource consent; or*
- (v) *protect areas of the coast which are sensitive to physical disturbance from the presence of people; or*
- (vi) *in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.*

*See also Chapter 3 – Matters of Significance to Iwi; Chapter 6 – Heritage; and Chapter 18 – Esplanade Reserves and Strips.*

#### **7.4.14 Methods**

1. *Local authorities will, in conjunction with DoC, identify areas in which public access to or along the CMA is poor or unavailable, and in which enhancement of public access is desirable, including access which is useable by people with disabilities, consistent with the criteria in Policy 7.4.13-2 and Chapter 18. These areas will be reviewed periodically. In the areas so identified, the local authorities will consult with landowners and other interest groups to, where possible, improve access.*

2. *The Regional Plan: Coastal and district plans will identify circumstances and/or areas where public access is to be restricted, in accordance with Policy 7.4.13-2. Consideration will be given to the use of alternative methods for restricting access to these areas.*
3. *Provision will be included in district plans for the setting aside of esplanade reserves, esplanade strips or access strips to enable public access to and along the CMA, in accordance with Policy 7.4.13-1 and Chapter 18.*
4. *The Regional Plan: Coastal will include provisions for maintaining or enhancing public access along the CMA, and from the water to publicly owned land in the coastal environment.*
5. *Regional and district plans will include provisions which enable environmental benefits to be obtained by financial contributions (section 108, RM Act) where there are unavoidable adverse effects on public access to and along the CMA from proposals for subdivision, use and development.*

#### **7.4.15 Reasons**

The maintenance and enhancement of public access to and along the CMA is a matter of national importance under the RM Act. This can be achieved in three main ways: by enabling access from the land to the coastal edge, from the water to the foreshore and along the foreshore itself. Accordingly, the maintenance and enhancement of public access to and over other publicly owned land in the coastal environment (such as esplanade and other coastal reserves) is important to ensure that access to and along the CMA is maintained or enhanced.

While Policy 7.4.13-1 provides for the maintenance and enhancement of public access, Policy 7.4.13-2 identifies particular circumstances where it shall be enhanced. However, recognition is also given in Policy 7.4.13-3 to those circumstances where public access may not be appropriate for a range of conservation, Maori cultural, health and safety or other reasons.

The main mechanisms for creating public access to and along the coast are the esplanade reserve, esplanade strip and access strip provisions of the RM Act. In some cases this may not be possible or appropriate. However environmental benefits may be able to be obtained by financial contributions as provided for by section 108 of the RM Act. Wherever possible, financial contributions

should be used to remedy or mitigate any actual adverse effects on public access at the site of the proposal, e.g. providing some alternative form of public access. However, this should not preclude the consideration of other options away from the site where this may result in a greater net benefit to the environment.

The mechanisms, and the circumstances where esplanade reserve, esplanade strip and access strip provisions should be used are described in Chapter 18. Preference is given in Chapter 18 to the setting aside of esplanade reserves on subdivisions, thus placing land in public ownership.

This preference acknowledges that the reasonably foreseeable needs of future generations must be recognised and provided for, and that access across the land/sea boundary is particularly important for Auckland, given the Region's strong identification with maritime activities. The ARC's Regional parks network plays an important part in facilitating access to the coast.

#### **7.4.16 Policies: Recreation**

*The following policies and methods give effect to Objective 7.3.7.*

1. *Recreational activities shall be provided for in appropriate locations and forms having regard to the provisions of Policy 7.4.10 and ensuring that the adverse effects on the environment are avoided, remedied, or mitigated.*
2. *Coastal areas of special recreational value shall be identified and provision made for their maintenance or enhancement.*

#### **7.4.17 Methods**

1. *The Regional Plan: Coastal and district plans will contain appropriate provisions to give effect to Policies 7.4.16-1 and 2.*
2. *The Regional Plan: Coastal and district plans will contain appropriate provisions to avoid, remedy, or mitigate the effects of recreational use on Areas of Special Value identified in Appendix B and Map Series 2 of this RPS, in a manner consistent with other provisions of this chapter.*
3. *Local authorities, in consultation with DoC, Iwi authorities, interested agencies and groups, will, where it is necessary in order to assess the effects of recreation, or the impact on recreation of other activities and uses, survey and subsequently monitor recreational resources, pressures and conflicts in the coastal environment.*

4. *The Regional Plan: Coastal and district plans will identify areas of special recreational value, and provide for the maintenance and enhancement of the recreational values and opportunities they provide.*
5. *Local authorities will encourage recreational users of the coast to avoid, remedy, or mitigate the effects of their activities on the natural and physical resources of the coastal environment, and to avoid conflict with other users.*
6. *Provision will be included in district plans for the setting aside of esplanade reserves or esplanade strips for the purpose of providing for public recreational use, in accordance with Chapter 18.*

#### **7.4.18 Reasons**

Recreation is one of the most extensive uses undertaken within the coastal environment of the Auckland Region. This ranges from active to passive pursuits. The large number of recreational users leads to the prospect that parts of the coastal environment will be subject to intense pressure, and that this is likely to increase in the future. In this respect there are certain areas within the coastal environment which are of such high recreational value to the Region that they should be identified and protected.

In order to carry out many recreational activities in the CMA of the Auckland Region, a wide variety of facilities and structures are necessary or desirable. These can include boat ramps, moorings, marinas, swimming platforms, jetties, wharves, boatsheds, changing rooms and boardwalks etc. To enable recreational activities to be undertaken it is necessary that plans make provision for recreational use and development. There is, however, the need to ensure that the adverse effects of this use and development are avoided, remedied, or mitigated. Policy 7.4.16-1 refers to the need to have regard to Policy 7.4.10 (Subdivision, use and development) when considering the appropriateness of such use and development.

Due to the importance of recreation, it is considered necessary to provide Regional guidance to ensure that adequate provision is made, and the effects of other activities on it are appropriately managed. Recreational users of the coast most often depend on elements of both land and sea for their enjoyment. Therefore, it is important that integrated management of recreation

across the land/sea boundary is achieved. The ARC and TAs must work closely to co-ordinate the management of coastal recreation.

Many recreational activities are permitted uses (e.g. boating, bathing, picnicking), and therefore not subject to control via the resource consent process. The cumulative effects of recreational use are, however, potentially major (e.g. littering, sewage disposal from boats, damage to coastal vegetation, conflicts between users detracting from public enjoyment). These effects arise from cumulative minor adverse effects of individual actions. It is considered that the most effective way to avoid, remedy, or mitigate these cumulative effects is to influence the choices made by individuals. Some methods that may be used by local authorities to achieve this include provisions of statutory documents, bylaws, esplanade reserves, public awareness programmes, provision of supporting facilities, use of signs, working with community groups and the use of voluntary beach and boat wardens.

The approach to managing coastal recreation is to provide for as wide a range of recreational uses as possible, while minimising conflicts between users, and avoiding adverse environmental effects.

#### **7.4.19 Policies: Ports, Network Utilities and Other Water Related Activities**

1. *Port and other water related industrial and commercial activities and network utilities which depend upon the use of the natural and physical resources of the coastal environment shall be provided for in a manner which is consistent with Policy 2.6.7: Regionally Significant Infrastructure or Services and Policies 7.4.10-1 through 10.*

#### **7.4.20 Methods**

1. *Regional and district plans will include appropriate provisions to give effect to Policy 7.4.19-1.*

#### **7.4.21 Reasons**

The Ports of Auckland and Onehunga are significant physical resources and are of particular importance to the Auckland Region and to the wider New Zealand economy. They require the presence of deep water and navigable channels, anchorages and berthage and back-up areas to operate effectively and efficiently. In some

instances, dredging of the CMA and further reclamation may be necessary to facilitate their continued operation.

There are many minor wharves and harbour structures located in the coastal environment which are important locations for cargo transport, ferry operations and other local needs. Various water related industrial and commercial activities such as ship building yards, vessel maintenance facilities, charter boat bases and fishing industry facilities also operate within the coastal environment. The geographic constraints of the Auckland Region also mean that network utilities may need to locate in the coastal environment and cross into the CMA.

Policy 7.4.19-1 provides for the subdivision, use and development of the coastal environment by those activities which are dependent upon the use of its natural and physical resources, recognising that the coastal environment of the Auckland Region is used for a wide diversity of social, economic and cultural purposes. The other provisions of this chapter in conjunction with relevant chapters of this RPS provide a framework for assessing the appropriateness of this subdivision, use and development.

#### **7.4.22 Policies: Dredging and the disposal of dredged material**

*The following policies and methods give effect to Objective 7.3-8.*

1. *The need to maintain or enhance adequate water depths for the safe navigation and berthing of vessels or to provide access to facilities shall be recognised and provision shall be made for the dredging of appropriate areas of the coastal marine area.*
2. *The natural character of the coastal environment shall be preserved and protected from significant adverse effects arising from the marine disposal of dredged materials or other solid matter.*
3. *A precautionary approach shall be taken where potentially significant adverse effects, which cannot be fully assessed due to inadequate information or understanding, (particularly where there is a lack of scientific or technical knowledge), may arise from a proposal for the marine disposal of dredged materials or other solid matter.*
4. *The disposal of dredged materials or other solid matter to the coastal environment shall be avoided, as far as practicable where, due to its volume, degree of contamination, physical composition or disposal method and location, such disposal is likely to result in the following:*

- (i) *Significant adverse effects on habitats, coastal ecosystems and fisheries;*
- (ii) *Significant alteration to natural processes;*
- (iii) *Significant adverse effects on amenity values and the natural character of the coastal environment;*
- (iv) *Significant adverse effects on the relationship of Maori and their culture and traditions with their taonga;*
- (v) *Significant adverse effects on the social, cultural and economic wellbeing of the community.*

*(Refer also to Policy 7.4.10 for further direction relating to the subdivision, use and development of the coastal environment.)*

5. *In assessing proposals for the marine disposal of dredged material in the Hauraki Gulf and other parts of the Auckland coastal marine area where relevant, regard shall be had to the conclusions and recommendations of the Disposal Options Advisory Group (DOAG) in terms of:*

- (a) *the disposal of significant quantities of dredged material;*
- (b) *the disposal of highly contaminated dredged material;*

*The DOAG process is described in more detail in Section 7.4.24: Reasons.*

#### **7.4.23 Methods**

1. *The Regional Plan: Coastal will include appropriate provisions to give effect to Policies 7.4.22.1-5.*
2. *The ARC will support where appropriate the identification of suitable areas for the disposal of significant quantities of dredged material in the coastal marine area*
3. *In recognition of the impacts of urban stormwater on sediment quality and quantity, including harbour sediments adjoining areas where dredging is undertaken, the ARC and TAs will develop a Regional Stormwater Strategy.*

*Refer also to Policy 8.4.21 and Method 8.4.22.4*

#### **7.4.24 Reasons**

Dredging of parts of the Auckland CMA has occurred in the past and will continue to be necessary in the future. The maintenance of adequate and approved water depths enables the use of the CMA for transport, recreational, defence and

commercial activities. To date most maintenance dredging has occurred around the commercial port and defence areas (including Devonport Naval Base) and in marina basins. There have been a number of monitoring studies undertaken as part of these maintenance dredging consents. These have indicated that generally the effects of maintenance dredging are localised and temporary.

Capital works dredging of sediment in the CMA may be necessary to provide improved water depths for vessels at existing facilities or in existing channels, or as part of a new port, marina or other similar developments. The effects on the environment will depend on the locality, quality and quantity of the material to be dredged and the scale of the operation. It is an activity which can be provided for in appropriate circumstances and this is recognised by Policy 7.4.22.1.

However, the disposal of dredged material or other solid matter to the marine environment may have potentially significant adverse environmental impacts. The type and scale of effects are mainly dependant on the amount of material to be disposed of, the level of contamination, the physical characteristics of the material, the method of dredging and the disposal site and the method of disposal.

The impact of the disposal of significant quantities of dredged material into the Hauraki Gulf in particular has been the focus of public concern. The Hauraki Gulf plays an important role in the image and identity of Auckland. As well as being used for port and shipping purposes, it is of major recreational, fisheries, economic and amenity value to the community. The Gulf also has special value for Tangata Whenua of the Region. These values have led to central government to establish the Hauraki Gulf Marine Park Act 2000.

The Manukau and Kaipara Harbours are also important regional resources. The Port of Onehunga is located in the Manukau Harbour and both harbours are noted as being Areas of Significant Natural Heritage in Appendix B. They are water bodies having special value (ecological, social, economic, cultural and spiritual) for Tangata Whenua in the Region.

In 1993 the Disposal Options Advisory Group (DOAG) was set up to examine and report on the options available for the disposal of dredged materials. DOAG was formed from a wide range of public agencies, community organisations and Tangata Whenua together with technical support from the private sector. DOAG considered both technical information and public concerns. In relation to marine disposal, DOAG concluded:

*“The group considered that, if marine disposal was continued, it would recommend disposal move to a site north of Cuvier Island which was located in more than 100 m of water.”*

*“The consequences of the above conclusions and recommendations are that the technical group gives preference to the following disposal options for the following categories of port dredging.*

*For highly contaminated dredged material:*

- (i) port reclamation*
- (ii) approved sanitary landfill.*

*For maintenance dredging that meets regulatory guidelines:*

- (i) port reclamation*
- (ii) marine disposal in water deeper than 100m.”*

The DOAG recommendations were made in relation to a particular proposal to dispose of dredged material in the Hauraki Gulf. However, it is appropriate that its conclusions and recommendations be taken into account in assessing proposals to dispose of similar types and amounts of dredged material in the Hauraki Gulf regardless of their source. This is recognised by Policy 7.4.22.5.

Policies 7.4.22.2 to 4 identify the matters that need to be addressed in the formulation of plan provisions and the assessment of proposals for the disposal of dredged material and other solid matter to the CMA.

The DOAG process identified sensitive areas in the Hauraki Gulf where the disposal of dredged material may have significant environmental effects. Method 7.4.23.2 recognises that a similar process may be useful for assessing the impact of marine disposal in the Manukau and Kaipara Harbours, where significant quantities of material are involved.

Stormwater discharges into the CMA are a significant source of contamination of sediments in some parts of the Region's harbours. Where dredging of these sediments is required, the disposal of the contaminated sediment is of concern. The Regional Stormwater Management Strategy undertaken jointly by the ARC and TAs addresses the issue of the urban stormwater contamination and includes those catchments which drain into those parts of the CMA that need to be regularly dredged. This is recognised in method 7.4.23.3.

#### **7.4.25 Policies: Integrated management**

*The following policies and methods give effect to Objective 7.3-10.*

- 1. Regional policy statements and regional plans of adjoining regional councils should be consistent with*



*each other to the extent that they will achieve integrated management across the regional boundaries.*

2. *In the preparation of regional and district plans, local authorities will have regard to the provisions of regional and district plans of adjoining local authorities to ensure integrated management of the coastal environment.*
3. *Local authorities, Tangata Whenua and statutory agencies with resource management responsibilities in the coastal environment shall consider joint initiatives when:*
  - (i) *there is potential for significant crossboundary adverse effects on the natural and physical values of the coastal environment; or*
  - (ii) *the natural and physical values are of regional significance or greater; or*
  - (iii) *the activities are of regional significance or greater; or*
  - (iv) *the activities may contribute to significant cumulative adverse effects; or*
  - (v) *this will result in consistent and efficient management of the coastal environment.*
4. *Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 will be given effect to in the preparation of the relevant planning documents of the region, and had regard to when considering resource consent application.*

#### **7.4.26 Methods**

1. *Regional plans and district plans will include appropriate provisions to give effect to Policies 7.4.25-1 and 7.4.25-2.*
2. *In order to promote consistent and sustainable management of the coastal environment, the ARC will prepare a Regional plan incorporating a Regional coastal plan. This plan will, over time, progressively include objectives, policies and rules as they relate to the functions of the ARC under section 30 of the RM Act.*
3. *Local authorities will give effect to Policy 7.4.25-3 through appropriate initiatives including, but not limited to,:*
  - (i) *preparation of joint plans;*
  - (ii) *non-statutory studies;*
  - (iii) *use of joint hearings;*

(iv) *transfer of powers;*

(v) *public education;*

(vi) *consultation with adjacent local authorities;*

(vii) *sharing information and knowledge gained by them about the coastal environment, particularly where it relates to coastal processes and/or to activities with previously unknown or little known effects.*

*(Refer also to Chapter 3 – Matters of Significance to Iwi)*

4. *The ARC will (jointly with the Hauraki Gulf Forum (“the Forum”) work on a project to identify how the provisions of the HGMPA could be further provided for in the relevant statutory documents of the Hauraki Gulf, including how to give effect to sections 7 and 8 of the Act as a NZCPS and a NPS.*
5. *The ARC will work with the Forum to achieve integrated management of the Hauraki Gulf, and identify methods for improving the integration between the Forum’s consistent parties on initiatives and actions to implement the Act, including both statutory and non-statutory methods.*
6. *Local authorities will have regard to the provisions of sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 when considering resource consent applications within the Hauraki Gulf, its islands and catchments.*

#### **7.4.27 Reasons**

Policy 7.4.25-1 addresses the inter-regional cross boundary issue, by providing policy that encourages regional councils to ensure consistency in their various statutory documents. In this regard, it is important that the relevant regional councils recognise that the ecosystems of the Kaipara Harbour, the Mangawhai-Pakiri section of the coast, the Firth of Thames and the Awhitu Peninsula area extend across regional boundaries. Similarly, Policy 7.4.25-2 identifies the need for local authorities to take into consideration adjoining regional and district plans. This will provide for linkages across the MHWS boundary between regional and district councils as well as linkages across district boundaries within the Auckland Region. Integrated management can also be achieved by joint initiatives between local authorities, other statutory agencies such as DoC and MAF, and Iwi authorities. In addition, the sustainable management of fisheries is important to the Hauraki Gulf and needs to be addressed in an appropriate manner.

Policy 7.4.25-3 lists the circumstances when joint initiatives are appropriate.

Section 64(2) of the RM Act enables a regional coastal plan to form part of a regional plan where this would promote the integrated management of land and water in the coastal environment. Examples of where such integration is considered desirable are: for the protection of natural character, Areas of Special Value, visual amenity, coastal hazards and particular works and activities. In addition Method 7.4.26-3 identifies a range of joint initiatives which may be implemented between local authorities. Such initiatives may range from the preparation of formal joint plans, including management plans through to informal studies and consultation, the use of joint hearing and public education programmes. The ARC may also transfer certain functions and powers for coastal management to other agencies in the Region, in accordance with section 33 of the RM Act. The extent and location of any transferred powers between the ARC and TAs will need to be negotiated.

The Hauraki Gulf Marine Park Act 2000 (HGMPA) recognises the national significance of the Hauraki Gulf and establishes objectives for its management (ss7-8 of the HGMPA). The purpose of the policy and methods listed above is to reflect the requirements of this Act and its link to the Resource Management Act 1991.

#### **7.4.28 Policy: Significant resource management issues for Tangata Whenua**

*This policy gives effect to Objective 7.3-9.*

##### **1. Maori cultural and traditional values shall be recognised and taken into account in the management of the coastal environment.**

*(Refer to Chapter 3 – Matters of Significance to Iwi for methods, reasons and other relevant provisions.)*

## **7.5 Environmental Results Anticipated**

- (a) Maintenance and enhancement of coastal water quality at a level which safeguards the life-supporting capacity of ecosystems.
- (b) Protection of areas in the coastal environment which have special ecological, landform, landscape, geological or cultural significance from inappropriate subdivision, use and development.
- (c) Protection of the coastal environment from inappropriate subdivision, use and development.
- (d) The maintenance and enhancement of the amenity value of the coastal environment.
- (e) Preservation of the natural character of the coastal environment.

- (f) Continued and enhanced access to, and use and enjoyment of, the coastal environment by people and communities.
- (g) Conflicts between competing uses in the coastal environment minimised.
- (h) Irreversible and/or unpredictable adverse effects of use and development on the coastal environment avoided, remedied, or mitigated.
- (i) The cumulative adverse effects of subdivision, use and development in the coastal environment avoided, remedied, or mitigated.
- (j) The appropriate use and development of the coastal environment in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

## **7.6 Monitoring**

1. In addition to the monitoring carried out in relation to water quality, heritage and natural hazards, the ARC will collect, analyse and report regularly on the following in relation to the coastal environment:
  - (i) Resource consent decisions and the compliance with conditions of consents approved by the ARC and the Minister of Conservation.
  - (ii) Relevant monitoring results obtained by TAs, in accordance with a programme agreed between the ARC and each territorial local authority.
  - (iii) Feedback obtained from the community by:
    - (a) seeking comments from organisations with a specific interest in coastal issues;
    - (b) periodic surveys and/or questionnaires;
    - (c) recording public complaints.
2. The ARC may require monitoring as a condition of resource consents approved by the ARC and recommend the Minister of Conservation requires monitoring, as appropriate, as a condition of resource consents approved by the Minister. Where practicable, performance standards or other guidelines for monitoring will be set out in the Regional Plan: Coastal.

*(Refer also to Method 6.6.1(v) in the Heritage chapter.)*