

Disturbance of Foreshore and Seabed III: Other than Dredging or Extraction – 16

This chapter contains objectives, policies and rules relating to disturbance of the foreshore and seabed, other than that associated with extraction or dredging. The provisions of this chapter apply to all disturbance activities, except those covered by, or consequential to an activity addressed by another chapter of this Plan, unless otherwise stated. Any discharge of contaminants which is consequential to a disturbance activity provided for in this chapter, is covered by the provisions of this chapter. That is, the provisions of Chapter 20: Discharge of Contaminants do not apply. Chapter 16 applies to all management areas in the Plan. If structures are required for the disturbance activity, reference to Chapter 12: Structures is required.

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

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

16.1 INTRODUCTION

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

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

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

The mangrove (*Avicennia marina subsp. australasica*) is an indigenous species whose existence in New Zealand can be dated some thousands of years before humans inhabited, or even visited, these islands. (Ref ARC. TP325 pg. 13,14)

Mangrove, or Manawa, habitats form an important component of estuarine ecosystems, and play an important role in erosion control and shoreline protection. These values need to be recognised and protected. Mangrove ecosystem values are recognised in many of the Coastal Protection Areas in the ARP:C. Mangroves also contribute to the natural ageing of estuaries and lead to accelerated raising of the seabed and the creation of intertidal flats.

However, over the last 50 years the rate of mangrove colonisation in many estuaries, harbours and rivers has increased substantially in response to human induced changes in the environment. In particular, land use activities have resulted in increased levels of sediment and nutrients entering the coastal environment.

Changes to the coastline, such as reclamations and the building of causeways and culverts, have resulted in changes to waterflow and sediment processes. Other factors, such as climate change, may also play a role.

In some areas mangroves are expanding into other habitats, such as intertidal flats. This may impact on biodiversity values and/or geological features, including in sensitive Coastal Protection Area 1 areas.

In some areas mangrove colonisation is affecting wading bird feeding and roosting areas. Intertidal flats and shellbanks that provide feeding and roosting areas are important for thousands of migratory and New Zealand native and endemic wading birds, including a number of threatened species. In some circumstances the control of mangroves may be necessary to ensure the long-term availability of these areas for wading birds.

Definitive answers are not yet available, but the increase in mangrove habitat will result in replacement of other habitat and their associated values. Mangrove colonisation may also compromise access, navigation, recreation and amenity values. In such cases, particularly where it is in the wider environmental, community or public interest, mangrove removal may be appropriate.

In some cases mangroves need to be removed in order to allow for the provision, maintenance and use of structures, and the functioning of drainage systems including drains and outlets. Infrastructure, such as roads, walkways and drainage systems, and jetties or similar structures may need to locate in or adjacent to the coastal marine area, and mangrove removal may be necessary to allow for their development and maintenance.

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

Disturbance activities, including vegetation removal, have potential adverse effects, in particular through degradation of natural character; detracting from, or loss of ecological or geological values; alteration of the landscape; modification, interruption or interference

with physical coastal processes, potentially leading to increased erosion and scouring; damage or destruction of habitat; and temporary decrease in water clarity and quality in the vicinity of works. The disturbance of the foreshore and seabed, or removal of vegetation, including mangroves, may directly or indirectly affect the values of Coastal Protection Areas.

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

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

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

16.2 ISSUE

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

16.2.2 Parts of some estuaries and harbours in the region are experiencing a rapid colonisation by mangroves. This is in response to increased sediment and nutrients entering the coastal marine area. Colonisation may also be a response to changes in coastal processes resulting from activities in the

coastal marine area such as reclamation, causeways and culverts. This expansion can affect the social, cultural, and economic use and value, and may result in reducing biodiversity as other types of habitat are replaced over time by mangroves.

16.2.3 Mangroves are having an adverse affect on some significant wading bird feeding and roosting areas. The ability for birds, including migratory birds, to relocate to other areas, particularly to alternative roosts, is limited. Further mangrove spread may need to be controlled, and in some areas mangroves removed, to ensure that these areas remain available for wading birds.

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

16.3 OBJECTIVE

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

16.4 POLICIES

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

- a it can be demonstrated that the disturbance is necessary to:
 - i rehabilitate or restore a coastal ecosystem, or areas identified as having significant geological, ecological or habitat values; or
 - ii maintain or enhance identified cultural heritage sites or areas of significant historic or archaeological value; or

- iii enhance or restore public access to areas used for recreation and to enable water access and navigation in the coastal marine area; or
 - iv protect public health and safety; or
 - v maintain or improve navigation and safety; or
 - vi enable the provision, operation, maintenance and use of lawful structures, infrastructure, such as roads, walkways and/or the efficient functioning of drainage systems, where there is no practicable alternative location outside of the coastal marine area that would achieve a better environmental outcome; or
 - vii avoid, remedy or mitigate adverse effects caused by natural processes; or
 - viii enable the carrying out of a lawful activity, consistent with the provisions of this chapter; and
- b there is no practicable alternative to disturbance of the foreshore and seabed; and
 - c the activity will not result in the permanent loss of any habitat of a threatened, rare or endangered species; and
 - d the activity will not have a significant adverse effect on Tangata Whenua values identified in accordance with Tikanga Maori; and
 - e the activity will not be likely to result in significant changes to natural coastal processes, or cause or exacerbate coastal erosion either within the coastal marine area or on adjacent coastal land; and
 - f the activity will not be likely to result in significant adverse effects on natural character; particularly on natural features or ecosystems; and
 - g the disturbance is not likely to lead to cumulative adverse effects, including those from regular or maintenance type disturbance in the same area.

16.4.2 Activities which are considered appropriate under Policy 16.4.1 shall:

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

NB: Pacific Oyster shell removal activities need to also comply with the provisions of the Fisheries Act 1996.

16.4.3 Disturbance of the foreshore and seabed, other than dredging or extraction (as addressed in Chapters 14 and 15), shall be avoided where it will:

- a result in more than minor modification of, or damage to, or the destruction of the values of any Coastal Protection Area 1; or
- b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

16.4.4 Mangrove removal within any Coastal Protection Area 1, or Coastal Protection Area 2, shall be avoided where it will threaten the viability or significance of the ecological or geological values identified in Schedule 3 for the Coastal Protection Area.

16.4.5 Mangrove removal within any Coastal Protection Area 1, in addition to the requirements of policy 16.4.4, shall be considered inappropriate unless it is for the purpose of:

- a maintaining or enhancing the geological or ecological values of the Coastal Protection Area where it can be demonstrated that these values are being adversely affected by mangrove colonisation; or
- b maintaining or restoring the open nature of wading bird feeding and roosting areas identified in Table 16.1 or Map Series 8 Sheets 1 to 5; or
- c maintaining the intrinsic heritage, historic and/or archaeological value of a site, place or area scheduled for preservation in Cultural Heritage Schedule 1; or
- d maintaining or enhancing public access, for example through developing boardwalks, consistent with protecting the geological or ecological values of the Coastal Protection Area; or
- e enabling the reasonable operation, maintenance and use of lawful structures, and/or allowing for the efficient functioning of drainage systems; or

- f enabling the provision, maintenance and use of public infrastructure, such as roads, walkways and drainage systems and any associated public health and safety requirements, where there is no practicable alternative location outside of the coastal protection area that would achieve a better environmental outcome.

16.4.6 Mangrove seedling removal is considered appropriate in Coastal Protection Area 1 areas that do not have significant values associated with mangroves recorded in Schedule 3, and that are identified in Table 16.1 or on Map Series 8 Sheets 1 to 5.

16.4.7 Mangrove removal, other than in a Coastal Protection Area 1, may be considered appropriate where, in addition to the criteria in policy 16.4.1 and 16.4.4:

- a mangrove colonisation can be demonstrated to be having an adverse impact on the values of heritage sites, or areas identified as having significant geological, archaeological, ecological or habitat values; or
- b Mangrove colonisation can be shown to be obstructing or interfering with areas of high public amenity or use, for example areas formerly or currently used for recreation, water access and navigation; or
- c Mangrove colonisation is adversely affecting the wading bird feeding and roosting areas identified on the Map Series 8 Sheets 1 to 5; or
- d mangrove colonisation is adversely affecting the operation, maintenance and use of lawful structures, infrastructure, such as roads or walkways, and/or the efficient functioning of drainage systems; or
- e the proposed removal is in the overall public benefit, as opposed to individual or private benefit; or
- f the proposal is in accordance with Policy 16.4.8.

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

- a should be considered within the context of a Comprehensive Coastal Management Plan, and;
- b may be considered more appropriate where they are in accordance with such a plan.

NB: The ARP:C definition of Comprehensive Coastal Management Plan refers to Appendix K that summarises the objective of their production and provides advice on their content and development process.

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

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

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

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

16.4.12 Motor vehicles should avoid using the coastal marine area, except where there are no practicable alternative methods of access, or for emergency or conservation management purposes, provided that the adverse effects on the environment can be avoided where practicable, remedied or mitigated.

16.4.13 Where motor vehicle use of the coastal marine area is necessary, all practical steps should be taken to avoid sensitive ecological and landform areas, including habitats of significant flora and fauna.

16.4.14 The grazing of cattle and stock on the foreshore and in sensitive parts of the coastal marine area, especially coastal protection areas, should generally be avoided.

16.5 RULES

Permitted Activities

16.5.1 Any disturbance of the foreshore or seabed for the purposes of removing litter or marine debris, provided that the disturbance shall not involve the removal of sediment from the foreshore, other than sediment that is reasonably attached to any litter or marine debris.

16.5.2 The removal of vegetation, including mangrove removal, that is necessary to enable the operation, maintenance and use of lawful structures and infrastructure and/or to allow for the functioning of drainage systems, or ensure public health and safety in the use or operation of infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges, subject to the following conditions:

- a the activity does not take place in a Coastal Protection Area 1; and
- b the total cleared area shall not at any time exceed 30 square metres in Coastal Protection Area 2 areas, or 200 square metres in the General Management Area, and shall be immediately adjacent to the structure or infrastructure or in, or immediately adjacent to, any drainage system; and
- c all cleared vegetation shall be disposed of outside the coastal marine area; and

- d the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
- e any consequential disturbance to the foreshore and seabed shall be able to be remedied by the operation of natural processes within 7 days.

16.5.3 The removal of mangrove seedlings, subject to the following conditions:

- a the removal does not take place in a Coastal Protection Area 1 other than those identified as significant wading bird areas, or that do not have values associated with mangroves and that are identified in Table 16.1 or on Map Series 8 Sheets 1 to 5, except where the area lies within a marine reserve; and
- b the removal does not take place under areas of mature mangrove vegetation; and
- c the ARC is notified of the proposed time and extent of removal where more than 30 square metres of clearance is proposed, at least three working days prior to the work being undertaken; and
- d that seedlings are removed by hand or by hand-held non-motorised tools; and
- e the removal and disposal activities do not involve motor vehicles being taken onto the intertidal area for transporting mangroves or debris; and
- f the removal will not disturb or damage areas of salt marsh and/or seagrass; and
- g all cleared vegetation shall be disposed of outside of the coastal marine area; and
- h the removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
- i the removal does not occur in areas where mangroves are serving to mitigate coastal erosion from wave action.

Table 16.1:
Coastal Protection Area 1 areas that do not have values associated with mangroves

CPA1 No:	Name (Schedule 3 & ARP:C map reference)	Feature / Value:
10 b, c	South Kaipara Head (Map 1 Sheet 3)	Papakanui Dune Field, Kaipara South Head (Kaipara Sand Dunes, Northern Unconsolidated Dune Area, and Papakanui Spit)
11	Oaia Island (Map 1 Sheet 8)	Oaia Island
13 b	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	Muriwai Miocene Fauna, Maori Bay
13 c - f	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	Muriwai Pillow Lavas, Maori Bay
13 g	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	Muriwai, Powell Bay Miocene Fauna
13 h	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	O'Neill Bay Crater
13 j	West Coast (Muriwai to Karekare) (Map 1 Sheet 8)	South Te Henga Pillows and Hyaloclastites
13 k	West Coast (Muriwai to Karekare) (Map 1 Sheet 9)	The Gap and Taitomo Cave, Piha & The Gap Volcaniclastic Conglomerate, South Piha
13 l	West Coast (Muriwai to Karekare) (Map 1 Sheet 9)	Mercer Bay Chimney
15 a	Omanawanui (Map 1 Sheet 9)	Marine fauna
15 b	Omanawanui (Map 1 Sheet 9)	Paratutae Wave-Cut Notch
23 b	Ambury (Map 1 Sheet 12)	Kiwi Esplanade Pahoehoe Lava Flow
26 b	Ihumatao (Map 1 Sheets 11, 12)	Ihumatao Pleistocene Buried Fossil Forest
27 b	Puhinui (Map 1 Sheets 12, 13)	Wairoa Island bird roost
28	Takanini Pumicite (Map 1 Sheet 14)	Takanini Pumicite
30 b	Clarkes Beach to Karaka Point (Map 1 Sheet 13)	Shellbanks (bird roost and wading bird feeding ground)
32 b	Waipipi (Map 1 Sheet 16)	Shellbanks (bird roost and wading bird feeding ground)
33	Te Toro Quaternary Sands (Map 1 Sheet 16)	Te Toro Quaternary Sands
34 b	Pollok Spit (Map 1 Sheet 16)	Sand spit (high tide roost)
38 b	Karioitahi (Map 1 Sheet 18)	Karioitahi Quaternary Sands
39 b	Firth of Thames (Map 1 Sheet 19)	Original vegetation grading to kowhai forest fragment
40 h, j	Kawakawa to Matingarahi (Map 1 Sheet 20)	Kawakawa Bay Deformed Chert Beds
43 b	Turanga Creek Estuary (Map 1 Sheet 23)	Shellbanks (bird roost)

CPA1 No:	Name (Schedule 3 & ARP:C map reference)	Feature / Value:
43 f	Turanga Creek Estuary (Map 1 Sheet 23)	Shellbanks (bird roost)
49 b	Tamaki Estuary West (Map 1 Sheet 25)	Point England Accretionary Lapilli (Chalazoidites)
49 c	Tamaki Estuary West (Map 1 Sheet 25)	Sand-shell spit (high tide roost)
50 b	Musick Point (Map 1 Sheet 25)	Musick Point Overthrust
50 c	Musick Point (Map 1 Sheet 25)	Eastern Beach Anticline
51 d	Hobson Bay – Orakei Basin (Map 1 Sheet 30)	Orakei Greensand Miocene Fossil Locality
61 b	North Head to Takapuna (Map 1 Sheet 30)	Narrow Neck Structural Discordance
61 c	North Head to Takapuna (Map 1 Sheet 30)	Belmont Cliffs Fault
61 d	North Head to Takapuna (Map 1 Sheet 30)	Takapuna Chabazite
62 a	Takapuna & Thorne Bay Fossil Forests (Map 1 Sheet 31)	Takapuna Reef Fossil Forest
63	Torbay Stack (Map 1 Sheet 31)	Torbay Stack
65 b	Weiti Estuary (Map 1 Sheet 34)	Weiti River Shell Spits
66 a	Hobbs Bay (Map 1 Sheet 33)	Shore Platform
67 c	Whangaparaoa Peninsula (Map 1 Sheet 33)	Whangaparaoa Head vertically tilted strata
67 d	Whangaparaoa Peninsula (Map 1 Sheet 33)	Point East of Army Bay displaced basalt
68	Whangaparaoa Peninsula Waitemata Group Deformation I (Map 1 Sheet 34)	Miocene Waitemata Group rocks deformation
69	Whangaparaoa Peninsula Waitemata Group Deformation II (Map 1 Sheet 34)	Miocene Waitemata Group rocks deformation
70	Red Beach Miocene Flysch (Map 1 Sheet 34)	Waitemata Group rocks deformation
71	Whangaparaoa Peninsula Waitemata Group Deformation III (Map 1 Sheet 34)	Whangaparaoa Peninsula Waitemata Group deformation
74 a	Waiwera Parnell Grit (Map 1 Sheet 35)	Waiwera Parnell Grit
75 b	Waiwera, Wenderholm & Puhoi (Map 1 Sheet 35)	Intertidal substrates and wave-cut platforms (array of habitats)
76 o	Mahurangi Harbour (Map 1 Sheet 37)	Grants Island Old Hat

CPA1 No:	Name (Schedule 3 & ARP:C map reference)	Feature / Value:
79	Algies Beach Melange (Map 1 Sheet 37)	Exposure of Northland Allocthon and Miocene Waitemata Group rocks
82 c	Tawharanui Peninsula (Map 1 Sheet 36)	Tawharanui Fossiliferous Jurassic rocks
83 b	Whangateau Harbour (Map 1 Sheet 38)	Sandspit (high tide roost & breeding ground for NZ Dotterel)
84 b	Mathesons Bay (Map 1 Sheet 38)	Miocene Reef Corals
88	Slater Point Fossil Sea Stack (Map 1 Sheet 36)	Slater Point Fossil Sea Stack, Kawau Island
89	Kawau Island Pillow Lavas (Map 1 Sheet 36)	Pillow lava tubes
90	Dispute Cove Channelled Flysch (Map 1 Sheet 36)	Dispute Cove Channelled Flysch
91	Beehive Island, Kawau (Map 1 Sheet 36)	Beehive Island, Kawau
92 a - b	Motuketekete island Waitemata Group Miocene Basal Limestone (Map 1 Sheet 36)	Motuketekete Island Waitemata Group Miocene Basal Limestone
97 a	Motuihe Island (Map 1 Sheet 40)	Limestone Point Basal Waitemata Group Sediments
99	Motukaha Island and Fossil Bay (Map 1 Sheet 41)	Fossil Bay Miocene transgressive sequence
100	Blackpool Spilite (Map 1 Sheet 41)	Spilitic pillow lava
109	Horuhoru Island (Map 1 Sheet 42)	Gannet breeding site
112	Onetangi Beach (Map 1 Sheet 41)	Small section of pingao
113	Waiheke island Miocene Macrofauna, Double 'U' Bay (Map 1 Sheet 41)	Miocene macrofauna
117 b, c	Northern Great Barrier island (Map 1 Sheet 45)	Rakitu Island Obsidian Breccia
133 a	The Noises (Map 1 Sheet 32)	Coastal birds
134	Mawhitipana Headland and Foredune (Map 1 Sheet 41)	Pingao

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

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

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

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

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

- a only hand held methods shall be used in Coastal Protection Areas 1 and 2; and
- b there shall be no disturbance of other biota in Coastal Protection Areas 1 and 2; and

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

NB: Pacific Oyster shell removal activities need to also comply with the provisions of the Fisheries Act 1996.

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

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

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

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

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

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

16.5.9 The activities in Rules 16.5.1 to 16.5.8 are permitted subject to the following further conditions:

- a the activity shall not lead to the destabilisation of any sand dune areas or the destruction or removal of any living vegetation, except as provided for in Rules 16.5.2 to 16.5.5 and 16.5.7; and
- b all equipment and materials shall be removed from the site on completion of the operation; and

- c there shall be no modification, damage, or destruction to any site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedule 1 or 2; and
- d the foreshore and seabed shall be reinstated in a manner which is, as far as practicable, in keeping with the pre-existing contour of the foreshore and seabed and the natural character and visual amenity of the area, as soon as is practicable.

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

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

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

- a the activity does not take place in a Coastal Protection Area 1; and
- b no more than 0.5 cubic metres of sand, shell, shingle or other uncompacted material may be taken in any 24 hour period; and
- c no more than 0.2 cubic metre of compact material, including rock and sandstone may be taken; and

- d any drilling device shall not have a head size of greater than 250mm; and
- e any disturbance at a site shall be limited to 5 cubic metres and where practicable the site shall be reinstated to its former condition following the activity.

16.5.12 The use of vehicles on existing lawful structures located in the coastal marine area.

NB: The use of vehicles in Coastal Protection Area 1 areas, other than on lawful structures, is subject to Rule 16.5.26.

Controlled Activities

16.5.13 The removal of vegetation, including mangrove removal in Coastal Protection Area 1 areas, that is necessary to enable the operation, maintenance and use of lawful structures and infrastructure and/ or to allow for the functioning of drainage systems, or ensure public health and safety in the use or operation of infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges, subject to the following standards and terms:

- a that the total cleared area shall not at any time exceed 30 square metres and shall be immediately adjacent to the structure or infrastructure or in, or immediately adjacent to, any drainage system.

16.5.13.1 The ARC will have control over the following matters:

- a The method and timing of removal; and
- b The measures required to avoid, remedy or mitigate any adverse effects from the removal activity and disturbance of the foreshore and seabed; and
- c The duration of the consent; and
- d The monitoring of the consent; and
- e The extent of any disturbance or damage to areas of salt marsh and/or seagrass.

16.5.14 The removal of vegetation, including mangrove removal, that is necessary to enable the operation, maintenance and use of lawful structures and infrastructure and/or to allow for the functioning of drainage systems, or to ensure public health and safety in the use or operation of existing infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges, which complies with all the conditions of Rule 16.5.2 other than the area of clearance provided for in Rule 16.5.2 b, subject to the following standards and terms:

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

16.5.14.1 The ARC will have control over the following matters:

- a The method and timing of removal; and
- b The area of mangroves that can be removed; and
- c The measures required to avoid, remedy or mitigate any adverse effects from the removal activity and disturbance of the foreshore and seabed; and
- d The duration of the consent; and
- e The monitoring of the consent.
- f The extent of any disturbance or damage to areas of salt marsh and/or seagrass.

16.5.15 Mangrove removal, that is necessary to maintain or restore the open nature of the significant wading bird areas identified in Table 16.1 or on Map Series 8 Sheets 1 to 5, subject to the following standards and terms:

- a that the area proposed for removal is demonstrated to be the minimum necessary to enable the viable use of the area for feeding or roosting by wading birds, and involves a volume, area or length of disturbance less than that referred to in Rule 16.5.23.

16.5.15.1 The ARC will have control over the following matters:

- a The method and timing of removal; and
- b The area of vegetation or mangroves that can be removed; and
- c The measures required to avoid, remedy or mitigate any adverse effects from the removal activity and disturbance of the foreshore and seabed; and
- d The duration of the consent; and
- e The monitoring of the consent.

Applications for controlled activities (Rule 16.5.13, 16.5.14 and 6.5.15) shall be considered without public notification pursuant to Section 95A(3)(a) unless the ARC decides there are special circumstances justifying public notification in accordance with Section 95A(4) of the RMA. Limited notification shall be undertaken in accordance with Section 95B of the RMA.

Restricted Discretionary Activities

16.5.16 The removal of Pacific Oyster shells from any location for any of the purposes in Policy 16.4.1a, where such removal fails to comply with conditions a and b of Rule 16.5.6, subject to the following standard and term:

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

16.5.17 Any disturbance of the foreshore or seabed, including excavation, drilling and tunnelling, and the removal of vegetation, including mangrove removal, sediment, or encrusting organisms that is not provided for as a permitted, controlled, discretionary or non-complying activity in any other rule contained in this chapter.

16.5.17.1 The ARC will restrict the exercise of its discretion under Rules 16.5.16 and 16.5.17 to the following matters:

- a the quantity and area of the disturbance, including disturbance associated with the removal of Pacific Oyster shells, or vegetation, with reference to likely environmental effects;
- b navigation and safety matters;
- c the effect of the disturbance, or vegetation removal on any cultural heritage site, building, place or area scheduled for preservation or protection in Cultural Heritage Schedules 1 or 2;
- d the effect of the disturbance, or vegetation removal, on the ecological or geological values, physical processes, and natural character;
- e the practicable alternatives to the disturbance or vegetation removal activity, including locating or undertaking the activity outside of the coastal marine area;
- f the effect of the disturbance, or vegetation removal, on public access;
- g the relevant conditions of the permitted activity with which the proposed activity fails to comply;
- h the appropriateness of mangrove removal activities in terms of policy 16.4.7 and 16.4.8;
- i the timing and method of the removal or disturbance, and the disposal of any removed material;
- j the measures proposed to avoid, remedy or mitigate any adverse effects from the disturbance or vegetation removal activity;
- k the duration of the resource consent; and
- l monitoring of the resource consent.

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

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

Applications under Rule 16.5.16 or 16.5.17 for;

- a the removal of Pacific Oyster shell; or
- b disturbance or vegetation removal activities that are in accordance with a Comprehensive Coastal Management Plan as provided for in policy 16.4.8 (a)

shall be considered without public notification pursuant to Section 95A(3)(a) unless the ARC decides there are special circumstances justifying public notification in accordance with Section 95A(4) of the RMA. Limited notification shall be undertaken in accordance with Section 95B of the RMA.

Discretionary Activities

16.5.18 Disturbance of the foreshore or seabed, or the removal of vegetation, that would be a permitted activity under Rules 16.5.1, 16.5.10 or 16.5.11, but does not meet the conditions.

16.5.19 Disturbance of the foreshore or seabed or the removal of vegetation, including mangrove removal, in the General Management Area that is equal to, or greater than, the volume, area or length of disturbance referred to in Rule 16.5.23.

16.5.20 The removal or vegetation, including mangrove removal, in any Coastal Protection Area 2, other than as provided for in Rule 16.5.2, 16.5.3, 16.5.14 or 16.5.15.

16.5.21 The removal of vegetation, including mangrove removal, in a Coastal Protection Area 1, other than as provided for in Rule 16.5.3, 16.5.13 or 16.5.15, for the purpose of:

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

- c maintaining the intrinsic heritage, historic and/or archaeological value of a site, place or area scheduled for preservation in Cultural Heritage Schedule 1; or
- d enabling the operation, maintenance and use of lawful structures and public infrastructure and/or allowing for the functioning of drainage systems, or to ensure public health and safety in the use or operation of infrastructure, including the trimming or removal of mangroves to retain sightlines on roads, walkways or bridges; or
- e providing public infrastructure where there is no practicable alternative location outside of the Coastal Protection Area that would achieve a better environmental outcome.

16.5.22 The remedy, control or eradication of exotic or introduced plant species that are not subject to an approved Pest Management Strategy.

Non Complying Activities

16.5.23 In any Coastal Protection Area 1, the disturbance of the foreshore or seabed and/or the removal or clearance of vegetation, including mangrove removal, that is not provided for as a permitted, controlled, discretionary or prohibited activity in another rule in this chapter.

16.5.24 The use of motor vehicles, except emergency response or conservation management vehicles, or the launching of vessels from any lawful structure, in any Coastal Protection Area 1.

Prohibited Activities

16.5.25 Any disturbance of the foreshore or seabed, other than dredging or extraction (as dealt with in Chapters 14 and 15), which would modify, other than for the purpose of maintaining intrinsic heritage values, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

16.5.26 The grazing of cattle and stock in any Coastal Protection Area 1.

16.6 OTHER METHODS

16.6.1 The ARC will liaise with DOC, territorial authorities and Ministry of Fisheries to prioritise the areas in the coastal marine area from which *Spartina* should be removed.

16.6.2 The ARC will liaise with Ministry of Fisheries in respect of the removal of Pacific Oyster shell.

16.6.3 The ARC will encourage applicants for the removal of Pacific Oyster shell to apply for long term consents, covering routine maintenance requirements over a number of years, rather than applying for one-off consents on an ad hoc basis.

NB: Other Method 16.6.3 is not intended to apply to marine farming. Applicants for marine farming should refer to Chapter 22: Aquaculture.

16.6.4 Bylaws under the Local Government Act will be used to control the use of motor vehicles in the coastal marine area, in accordance with policies 16.4.1, 16.4.2, 16.4.3, 16.4.12 and 16.4.13.

16.6.5 The ARC will encourage territorial authorities to provide appropriate mechanisms consistent with ARC's policies for managing activities involving the disturbance of the foreshore above Mean High Water Springs.

16.6.6 The ARC will encourage territorial authorities and landowners to manage land use activities, and undertake riparian management, to reduce the level of sediment and nutrients entering the coastal environment in the long term.

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

16.6.8 The ARC will raise public awareness of the issues of sediment and nutrient inputs into the coastal marine area, including the impact on mangrove colonisation, and promote and support activities such

as riparian planting that reduce sediment and nutrients from entering waterways.

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

16.7 PRINCIPAL REASONS FOR ADOPTING

16.7.1 Objective, Policies and Rules

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

16.7.2 Rules

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

16.7.3 Policies

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

16.7.4 Rules 16.5.1 to 16.5.12 (Permitted Activities)

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

Permitting mangrove seedling removal (subject to conditions) in the significant wading bird areas identified in Table 16.1 or the ARP:C Map Series 8 Sheets 1 to 5, enables the control of mangrove spread in these areas to ensure their long term availability for wading birds.

Permitting mangrove seedling removal in Coastal Protection Area 1 areas that have not been identified for significant coastal vegetation values in Schedule 3, subject to conditions, enables the control of mangroves in these areas without having any significant adverse effects on their identified values.

Rule 16.5.12 permits the use of vehicles on existing structures, such as bridges or tunnels, in the coastal marine area, as any adverse effects from vehicle use can be assessed at the time a resource consent is sought to establish the structure.

16.7.5 Rule 16.5.9 (Conditions on Permitted Activities)

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

16.7.6 Rule 16.5.6 and 16.5.16 (Removal of Pacific Oyster shell)

The removal of Pacific Oyster shells involves disturbance that could potentially have adverse effects, particularly on sensitive Coastal Protection Areas. For this reason Rule 16.5.6 a and b limit the method and level of disturbance that can be undertaken as a permitted activity in Coastal Protection Areas, and Rule 16.5.16 requires a resource consent to enable an assessment of proposals that cannot meet these conditions.

16.7.7 Rule 16.5.13 to 16.5.15 (Controlled Activities)

Enabling a minor level of vegetation or mangrove removal in Coastal Protection Area 1 areas for the operation, maintenance and use of lawful structures, infrastructure and drainage systems, subject to standards and terms, allows for a reasonable level of removal for maintenance and use while ensuring the adverse effects are minor.

The permitted activity limitation of 30 square metres of vegetation clearance in Coastal Protection Area 2 areas, or 200 square metres in the General Management Area, to enable the operation, use or functioning of lawful structures, infrastructure, drainage systems and for health and safety reasons will not always allow for sufficient clearance to achieve the intention of the rule. Allowing for a greater area of removal, subject to demonstrating that it is the minimum area necessary, and with the ARC retaining control over a range of matters, will achieve the intention of providing for reasonable use while ensuring that any adverse effects are minor.

Mangrove spread in the significant wading bird areas identified in Table 16.1 or on the ARP:C Map Series 8 Sheets 1 to 5, in some cases can adversely affect the use of these areas by birds. Allowing for mangrove removal in these areas, with the ARC retaining control over a range of matters, will assist in retaining valued wading bird areas while ensuring that any adverse effects are minor.

16.7.8 Rules 16.5.16 to 16.5.22 (Restricted Discretionary and Discretionary Activities)

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

Because of the significant effects that can result from restricted discretionary activities that involve the disturbance of large areas, or volumes, of the foreshore or seabed it is appropriate that they default to discretionary activity status and can be assessed as restricted coastal activities.

16.7.9 Rules 16.5.23 and 16.5.24 (Non Complying Activities)

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

16.7.10 Rules 16.5.25 and 16.5.26 (Prohibited Activities)

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

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

16.7.11 Other Methods 16.6.1, 16.6.2, 16.6.5, 16.6.6 and 16.6.9

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

16.7.12 Other Method 16.6.3

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

16.7.13 Other Methods 16.6.6, 16.6.7 and 16.6.8

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

16.8.3 The maintenance of the open nature of intertidal flats and shellbanks that provide significant feeding and roosting areas for international migratory and New Zealand native and endemic wading birds, including a number of threatened species.

16.7.14 Policies 16.4.12 and 16.4.13, Rule 16.5.24 and Other Method 16.6.4

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

16.8 ANTICIPATED ENVIRONMENTAL RESULTS

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

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

