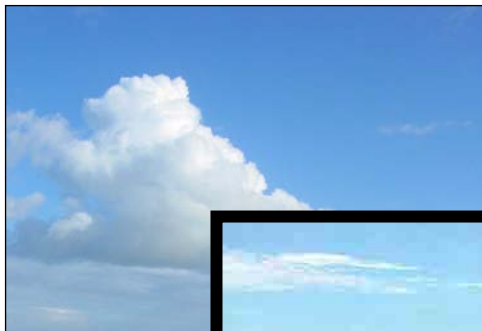


***REGIONAL***

# **COASTAL PLAN**

***FOR NORTHLAND***



**Putting Northland first**



# Regional Coastal Plan for Northland

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Northland Regional Council



## Changes to the Regional Coastal Plan for Northland

The following table outlines changes made to the Regional Coastal Plan for Northland. Note – it does not include proposed plan changes.

Plan change	Plan change description	Operative date	Editor
Plan Change 2 (Marine 1 Review – Whangarei Harbour)	Addition of a suite of Marine 1 (Protection) Management Areas in Whangarei Harbour. Changes to appendices and maps only.	30 July 2010	Ben Lee
Plan Change 3 (Mangroves)	Changes to Section 9 (Indigenous Vegetation) and relevant mangrove removal and pruning rules. Addition of assessment criteria for mangrove removal to Section 32.	30 July 2010	Ben Lee
Giving effect to policy 29 of New Zealand Coastal Policy Statement 2010 (NZCPS)	In accordance with Policy 29 of the NZCPS, (without using the Schedule 1 RMA process) all references to restricted coastal activities have been removed. These changes affect rules in all six Marine Management Areas.	08 December 2010	Michael Day
Plan Change 1 (Moorings and Marinas)	New policies and rules for how moorings and marinas are managed, primarily focusing on Section 28 Marine 4 (Moorings including Marinas) Management Area and the associated rules for this Marine Management Area but also applies to the other Marine Management Areas.	01 August 2014	Michael Day
Plan Change 4	This sets out the way aquaculture will be managed in Northland. It includes policies and rules for managing existing aquaculture and directing how and where new aquaculture is located.	09 May 2016	Ben Lee

## Resource Management Act 1991

### ADOPTION OF THE REGIONAL COASTAL PLAN

The Northland Regional Council hereby certified that it has adopted the Regional Coastal Plan for Northland by resolution dated 19 November 2003.

The common seal of the Northland Regional Council was hereto affixed in the presence of:



Chief Executive Officer



### APPROVAL OF THE REGIONAL COASTAL PLAN

The Minister of Conservation approved the Regional Coastal Plan for Northland by signing it on 21 June 2004.



Chris Carter  
Minister of Conservation

The Regional Coastal Plan became operative on 30 June 2004.

**ADOPTION OF PLAN CHANGE 2 (MARINE 1 REVIEW –  
WHANGAREI HARBOUR) TO THE REGIONAL  
COASTAL PLAN**

The Northland Regional Council hereby certified that it has adopted Plan Change 2 (Marine 1 Review – Whangarei Harbour) to the Regional Coastal Plan for Northland by resolution dated 16 July 2008.

The common seal of the  
Northland Regional  
Council was hereto  
affixed in the presence  
of:


  
Chief Executive Officer



**Resource Management Act 1991**

**APPROVAL OF PLAN CHANGE 2 (MARINE 1 REVIEW  
– WHANGAREI HARBOUR) TO THE REGIONAL  
COASTAL PLAN**

The Minister of Conservation approved Plan Change 2 (Marine 1 Review – Whangarei Harbour) to the Regional Coastal Plan for Northland by signing it on *17<sup>th</sup> February 2010*.

  
Hon Kate Wilkinson  
Minister of Conservation

**Resource Management Act 1991**

**ADOPTION OF PLAN CHANGE 3 (MANGROVES) TO  
THE REGIONAL COASTAL PLAN**

The Northland Regional Council hereby certified that it has adopted Plan Change 3 (Mangroves) to the Regional Coastal Plan for Northland by resolution dated 10 December 2008.

The common seal of the  
Northland Regional  
Council was hereto  
affixed in the presence  
of:


  
Chief Executive Officer



**Resource Management Act 1991**

**APPROVAL OF PLAN CHANGE 3 (MANGROVES) TO  
THE REGIONAL COASTAL PLAN**

The Minister of Conservation approved Plan Change 3 (Mangroves) to the Regional Coastal Plan for Northland by signing it on *17<sup>th</sup> February* 2010.

  
Hon Kate Wilkinson  
Minister of Conservation

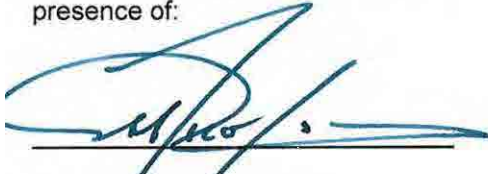


**Resource Management Act 1991**

**ADOPTION OF PLAN CHANGE 1 (MOORINGS AND  
MARINAS) TO THE  
REGIONAL COASTAL PLAN**

The Northland Regional Council hereby certified that it has adopted Plan Change 1 (Moorings and Marinas) to the Regional Coastal Plan for Northland by resolution dated 21 May 2013.

The Common seal of the  
Northland Regional Council  
was hereto affixed in the  
presence of:



Chief Executive Officer



**Resource Management Act 1991**

**APPROVAL OF PLAN CHANGE 1 (MOORINGS  
AND MARINAS) TO THE  
REGIONAL COASTAL PLAN**

The Minister of Conservation approved Plan Change 1 (Moorings and Marinas) to the Regional Coastal Plan for Northland by signing it on *5th June* 2014

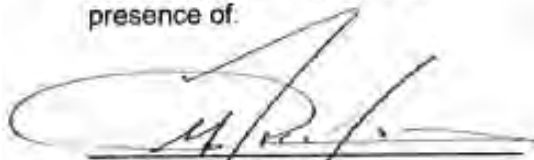
  
Hon Dr Nick Smith  
Minister of Conservation

**Resource Management Act 1991**

**ADOPTION OF PLAN CHANGE 4  
(AQUACULTURE) TO THE  
REGIONAL COASTAL PLAN**

The Northland Regional Council hereby certified that it has adopted Plan Change 4 (Aquaculture) to the Regional Coastal Plan for Northland by resolution dated 15 September 2015.

The Common seal of the Northland Regional Council was hereto affixed in the presence of.


  
Malcolm Nicolson  
Chief Executive Officer



**Resource Management Act 1991**

**APPROVAL OF PLAN CHANGE 4  
(AQUACULTURE) TO THE  
REGIONAL COASTAL PLAN**

The Minister of Conservation approved Plan Change 4 (Aquaculture) to the Regional Coastal Plan for Northland by signing it on *2<sup>nd</sup> February 2016*

  
Hon Maggie Barry  
Minister of Conservation



## "Whatungarongaro Te Tangata Toitu Te Whenua"

Ko te wehi ki a Ihowa te timatatanga o ngaa whakaaro nui  
He maungaarongo ki te mata o te whenua.  
He whakaaro pai ki ngaa taangata katoa.  
Kia noho ai te aroha a Ihowa  
ki runga ia taatou katoa.  
Tihewa Mauri Ora!

E ngaa iwi, e ngaa tini karangaranga taangata,  
Teena anoo taatou katoa.

E mihi tonu ana ki te tini o a taatou maatua tuupuna  
kua wehe atu ki te poo.  
Ngaa mate no teena iwi, no teena iwi;  
"He raarangi maunga tuu te ao tuu te poo;  
He raarangi taangata ka ngaro, ka ngaro, na e ngaro tonu nei."  
Haere koutou, haere, haere, haere.

E ngaa huihuinga taangata  
E noho mai raa i roto i te Tai Tokerau,  
Teena koutou, teena koutou, teena anoo taatou katoa.

Ko eenei Ngaa Tikanga Mo Nga Hau a  
Te Kaunihera Whaanui o te Taitokerau.  
Kahore anoo i whakatuuturu eenei kaupapa,  
heoi anoo maa te iwi whaanui e whakatutuki.  
Kia tiaki ai taatou i eenei taaonga tuku iho;  
Ngaa taaonga o Te Tai Ao, o Te Ao Tuuroa

Ko te tumanako, kia tau mai ngaa manaakitanga o te  
Runga Rawa ki teena ki teena o taatou.

Teena koutou, teena koutou  
Kia ora mai anoo taatou katoa.

## **"Man Will Pass, But the Earth Remains"**

Greetings to all people of the Northland Region.

Firstly, we acknowledge those who have gone before us,  
From whom we derive our heritage,  
Farewell.

To us who remain,  
Greetings.

We present here the Regional Coastal Plan for Northland  
In setting it down we look to you, the people of Northland,  
For the mandate to carry it out,  
So that together we may achieve the wise management of the environment.

May we be blessed in doing so,  
Greetings to you all.

## **CHAIRMAN'S FOREWORD**

As Northlanders we are privileged to enjoy one of the nation's most unique and diverse coastlines – a 1700km regional treasure. When we think of Northland we think of the coastal environment.

This Regional Coastal Plan is a crucial document, providing the basis upon which the Northland Regional Council will carry out its responsibilities for managing the region's extensive coastal marine area (which extends from Mean High Water Springs right out to the 12-nautical mile limit).

The Plan is the culmination of a lengthy, involved process that has involved significant resources and many years of diligent, careful work from staff and Councillors alike.

The wider Northland community too has played a vital role, with the Plan drawing heavily on the public's views and aspirations.

In developing this Plan, the Regional Council has always kept in mind its environmental stewardship role. The coastal environment needs to be managed in a sustainable manner that empowers people to go about their lives with as little hindrance as possible.

The Plan is guided by the Resource Management Act 1991. It is a 'living document'. It will afford Northlanders a welcome degree of certainty as to how coastal matters will be dealt with. As new information comes to light, or if any unforeseen problems are found over time, the Council can initiate a plan change to address these matters.

My sincere thanks to everyone who has taken the time over the past decade to contribute to the development of this extremely important Plan.

Mark Farnsworth, Chairman, Northland Regional Council.



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# **PART I: RESOURCE DESCRIPTION**

*This Part provides a brief description of the Northland coast in terms of its physical and ecological character. The present day use and development of the coast is also described.*



# 1. THE NORTHLAND COAST

## 1.1 INTRODUCTION

Northland is a long narrow peninsula, less than 100 km across at its widest point. No part of the region is more than 40 km from the sea. It is, therefore, perhaps not surprising that for most Northlanders, recreational use of the coast is a part of everyday life.

Northland is home to around 132,000 people, most of whom are generally concentrated along the region's east coast, especially in the Whangarei and Bay of Islands areas. The population, particularly on the east coast, is growing as a result of a steady stream of new residents drawn by the area's scenic beauty and hospitable climate. The increase is also partially attributable to the return of Maori to ancestral lands, together with trends of retirement to coastal areas and growth in tourism.

Northland is only a few hours' drive from Auckland, New Zealand's largest city. The coast provides a playground for increasing numbers of holidaymakers from Auckland and further afield. Nearly one million visitors come to Northland each year, mainly during the summer, to enjoy the attractions of the coastline.

These visitors, combined with the increasing resident population, put pressure on the region's limited resources. On the coast, the demands of settlement and tourism, along with associated development and industry, must be reconciled with the preservation of natural values and the sea's importance as a food resource, at both domestic and commercial levels.

The region's large Maori population has traditionally depended on the sea for food, viewing fisheries and coastal resources as taonga and the "food basket" of the people. Increasing numbers of Northland residents have turned to the coastline as a food source during difficult economic times. In addition, commercial marine farming (principally oyster farming) and the harvesting of crayfish are significant sources of revenue for the region.

## 1.2 PHYSICAL CHARACTER

Northland's most distinctive physical feature is its long and varied coastline, with 3025 kilometres of rugged cliffs, sandy beaches and sheltered harbours.

The east coast, bounded by the Pacific Ocean, is characterised by enclosed mangrove-lined harbours and estuaries, rocky headlands and sheltered bays. Offshore islands, including those in the Bay of Islands, the Cavalli Islands and the world-renowned Poor Knights Islands offshore from Tutukaka Harbour, are a distinctive feature. The east coast is sheltered from the prevailing westerly winds, but is occasionally lashed by northeasterly gales and the remnants of tropical cyclones.

By contrast, the west coast has a relatively smooth outline, broken only by the mouths of several extensive shallow harbours. It is more exposed to the elements than the east coast, with long sandy beaches swept by oceanic swells from the Tasman Sea.

Northland is prone to coastal erosion because of its proximity to the sea, and there are possible risks from rising sea levels or tsunamis. Preliminary investigations into these hazards and potential hazards have covered the shoreline from Bland Bay to Bream Bay, as well as Doubtless Bay, Ahipara Bay, and the Omapere-Opononi area of the Hokianga Harbour.

### 1.3 ECOLOGY

Despite the impact of human habitation, particularly since European settlement, Northland's coastline is home to a wide range of native animal and plant species, some of which are found nowhere else in New Zealand. As the region's population increases, the impacts of continuing use and development can, unless properly managed, pose a threat to endemic plants and animals by destroying or damaging their habitats.

Northland's beach and dunefield habitats are significant in several respects. Several endangered plant species grow only on coastal dunes, while beaches are important roosting, nesting and feeding areas for birds such as the threatened New Zealand dotterel and the rare and endemic variable oystercatcher. The west coast harbours (Kaipara, Hokianga, Herekino and Whangape), as well as numerous coastal lakes and swamps, are valuable feeding grounds for migratory waders such as plovers, godwits, turnstones and tattlers.

Extensive areas of mangrove forest and salt-marsh are present in harbours on both the east and west coasts of Northland. These habitats are invaluable as a rearing ground for juvenile fish, including many commercially harvested species, and are important feeding and roosting areas for birds.

On the east coast, marine habitats containing locally endemic species and species which are very rare elsewhere are present in the Cape Reinga area. This area and also Cape Karikari, the Cavalli Islands, Cape Brett, and the Poor Knights Islands are influenced by the warm, subtropical East Auckland current. This current brings with it the larvae of Indo-Pacific species including several species of shellfish and sea-eggs and a variety of fish. The larvae mature within the areas washed by the current, and along with many endemics, make these areas ecologically unique.

The west coast of Northland is exposed to almost continuous onshore oceanic swells that cause turbulence, turbidity and sediment movement in shallow marine and intertidal habitats. Marine species occupying this type of environment are consequently few and hardy; the toheroa and tuatua being the most important.

Indigenous terrestrial coastal vegetation in Northland has been largely removed or otherwise modified by human influences. Unmodified coastal forest is now very rare, being present on some islands, and at only a few localities on the mainland, such as the Herekino Harbour mouth and Ninety Mile Beach. Indigenous dune field vegetation is similarly rare and restricted to areas such as North Cape, the North Heads of the Kaipara and Hokianga harbours and isolated areas on the east coast.

Meanwhile, some exotic species, both plant and animal, have become established on the Northland coast. Among the most significant are the invasive estuarine grass *Spartina*, which was introduced deliberately, and the Asian Date Mussel *Musculista senhousia*, which probably arrived either via the ballast water discharges of, or as a hull attachment on, overseas vessels. The Pacific oyster is another accidental import, which has since been exploited by an extensive marine farming industry.

#### 1.4 USE AND DEVELOPMENT

**Tourism** contributes around \$230 million each year to the regional economy. Nearly one million visitors come to Northland each year, of which 20% are international visitors. Domestic tourism is concentrated during the seasonal summer holiday period near the region's beaches and harbours, with a relatively small proportion visiting land-based attractions such as kauri forests.

Northland's residents and visitors must be provided with adequate **sewage and rubbish disposal** facilities. There are two currently operating landfills located immediately adjacent to Northland's coastal marine area. These are at Pohe Island in Whangarei and Whangae in the Bay of Islands. Landfills at Taipa, Houhora, and at Pahi in the Kaipara Harbour have been closed. There are no proposals to establish new public landfills in the coastal marine area in future.

At present there are 14 sewage treatment plants discharging either directly into Northland's coastal waters or into rivers or streams within one kilometre of the coast. These range from small plants which discharge less than 1,000 cubic metres of treated wastewater per day, to the Whangarei City plant which discharges over 12,000 cubic metres per day. Septic tanks and boats also discharge partially treated or raw sewage into Northland's coastal waters or contributing waterways.

Associated partially with the tourism industry is the burgeoning **recreational boating** activity. Tourists and Northland residents alike make use of the coastal marine area for fishing, diving, gamefishing and sailing. Associated with the extensive boating activity is the demand for permanent mooring facilities especially for larger craft. Northland currently has a total of around 3060 permanent moorings including 2294 swing moorings, 538 pile moorings, 45 mooring jetties, and 440 marina berths. There are four marinas in Northland. These are located in the upper Whangarei Harbour; at the head of Tutukaka Harbour; at Doves Bay, in the lower Kerikeri Inlet and in Whangaroa Harbour. These boat users require navigation aids and boat cleaning and repair facilities, and there is also an increasing demand for rubbish collection and other onshore facilities for recreational and commercial boats.

Most of Northland's **manufacturing** industry is based in or around Whangarei Harbour and the Bay of Islands, and is therefore near the coast. Such industries include ship repair and boat building and servicing. New Zealand's only oil refinery is based at Marsden Point. Other industries near Whangarei include a fertiliser works, a cement works, and several small fish and shellfish processing plants.

Major port facilities in Northland are in the Whangarei Harbour. Port Whangarei in the upper harbour receives around 500 ship visits each year, mainly transferring bulk fertiliser, forestry products and general cargoes. The Marsden Point port terminal contains a jetty and tug berthage facility. There are proposals and consents granted for major expansion of this facility as a deep water port. The Marsden Point oil refinery jetties near the entrance of the harbour are used to handle bulk oil brought from overseas fields and from Taranaki by around 350 tankers per year. These include large tankers of around 100,000 tonnes DWT which bring crude oil to the refinery jetties at approximately fortnightly intervals. Smaller coastal tankers are used to distribute some of the refined product around New Zealand. Currently, Port Whangarei handles over one million tonnes of cargo per annum with over eight million tonnes handled at Marsden Point. This current volume of imports and exports comprises some 28% of the gross bulk tonnage over the whole of New Zealand. The proposed deep water port at Marsden Port will result in an increase in the handling of cargo in the region. The specialised cement loading facility at Portland allows the transportation of around 55 shiploads per year to ports within New Zealand and overseas. In the Bay of Islands, the Port of Opuia services cruise liners as well as recreational and commercial boats. Opuia is the first port of call for many overseas yachts.

Up until the mid-1980s, a coastal barging system carried sand and fertiliser between Auckland, Whangarei and the Far North. This has diminished considerably in recent years, but it is anticipated that forest products and other products will be barged in the future.

Northland is one of New Zealand's major **marine farming** regions, producing nearly half of the country's exports of Pacific oysters and three-quarters of its mussel spat. The oyster farming industry is concentrated in the Bay of Islands, Parengarenga, Houhora, Whangaroa and Kaipara harbours. In Northland, there are approximately 140 developed marine farms covering a total area of approximately 710 hectares. There has been recent interest in the development of more oyster farms in the Far North harbours, and in oyster spat catching in the Kaipara. There is also growing interest in mussel farming.

The region also has a small **commercial fishing** industry concentrated on inshore fin species, particularly snapper. Crayfish, scallops, tuatua, pipi and cockles are also taken commercially.

**Mining**, especially of sand, is a significant contributor to the regional economy. In future, demand for building sand from Northland's coastal marine area is expected to increase, and the extent of any development will depend on the sustainable limit of available resources. Major existing and potential sand extraction areas include Pouto Point at the entrance to the Kaipara Harbour, and the Mangawhai-Pakiri coast. Mineral sand is also taken from around the entrance of Parengarenga Harbour to be used in glass manufacture.

# **PART II:**

# **BACKGROUND**

*This Part explains the purpose of the Regional Coastal Plan. It also sets out the statutory and administrative resource management frameworks within which the Plan is required to operate.*





## 2. INTRODUCTION

### 2.1 PURPOSE OF THE PLAN

The Resource Management Act came into force on 1 October 1991. The Act aims to promote the sustainable management of New Zealand's natural and physical resources through, among other things, a system of policy statements and plans. This includes the compulsory preparation of a Regional Coastal Plan for each region.

The purpose of this Regional Coastal Plan is to assist the Northland Regional Council, in conjunction with the Minister of Conservation, to promote the sustainable management of the natural and physical resources in relation to the coastal marine area.

"Sustainable management" of natural and physical resources is defined under the Act as meaning:

*Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while-*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

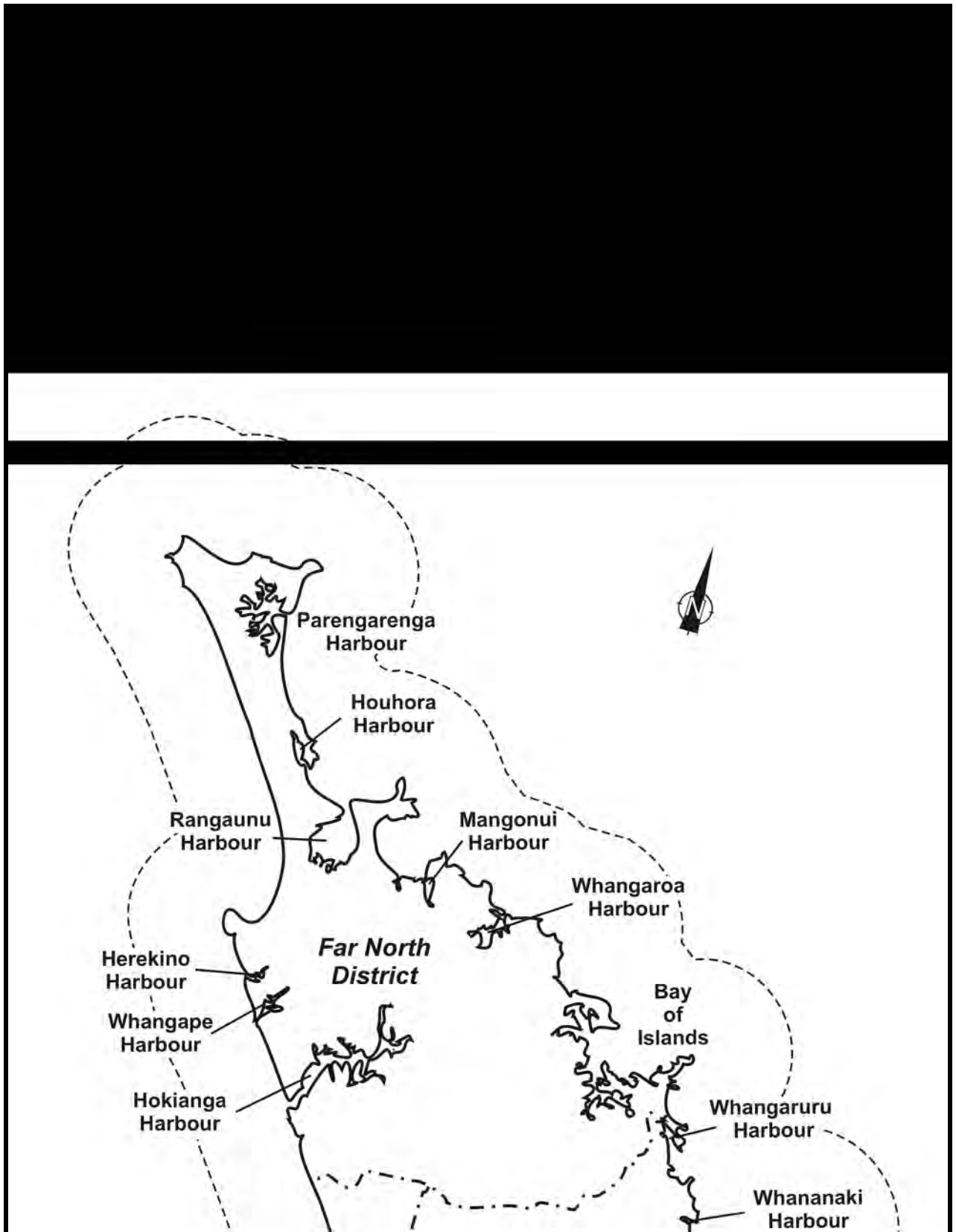
The term "natural and physical resources" referred to, includes:

*Land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.*

### 2.2 PLAN AREA COVERAGE

The Regional Coastal Plan covers the area around Northland's coast from Mean High Water Springs (MHWS) to the 12 nautical mile (22.3 kilometre) limit of New Zealand's territorial sea (Figure 1) including the air space above this area. This area is referred to in the Resource Management Act as the "coastal marine area".

Figure 1: The Northland Coast



The Resource Management Act recognises that there may be problems in defining the landward boundary of the coastal marine area, where the line of MHWS crosses a river estuary. Where this occurs, the cross-river boundary has been determined by agreement between the Northland Regional Council, the Department of Conservation and the relevant district council in accordance with the provisions of the Act. The agreed cross-river boundaries for Northland's coastal marine area are shown in Appendix 1.

It should be noted that there is provision in the Resource Management Act for the Regional Coastal Plan to be part of a larger regional plan, which could cover the whole or part of the wider coastal environment. While this approach may allow greater control of cross-boundary issues, the Northland Regional Council has decided that the Regional Coastal Plan should cover the coastal marine area only. Cross-boundary issues are dealt with via policy recommendations directed toward those statutory agencies which have direct control over the use, development and protection of resources on coastal land: primarily district councils and the Department of Conservation.

### **2.3 PLAN PREPARATION PROCESS**

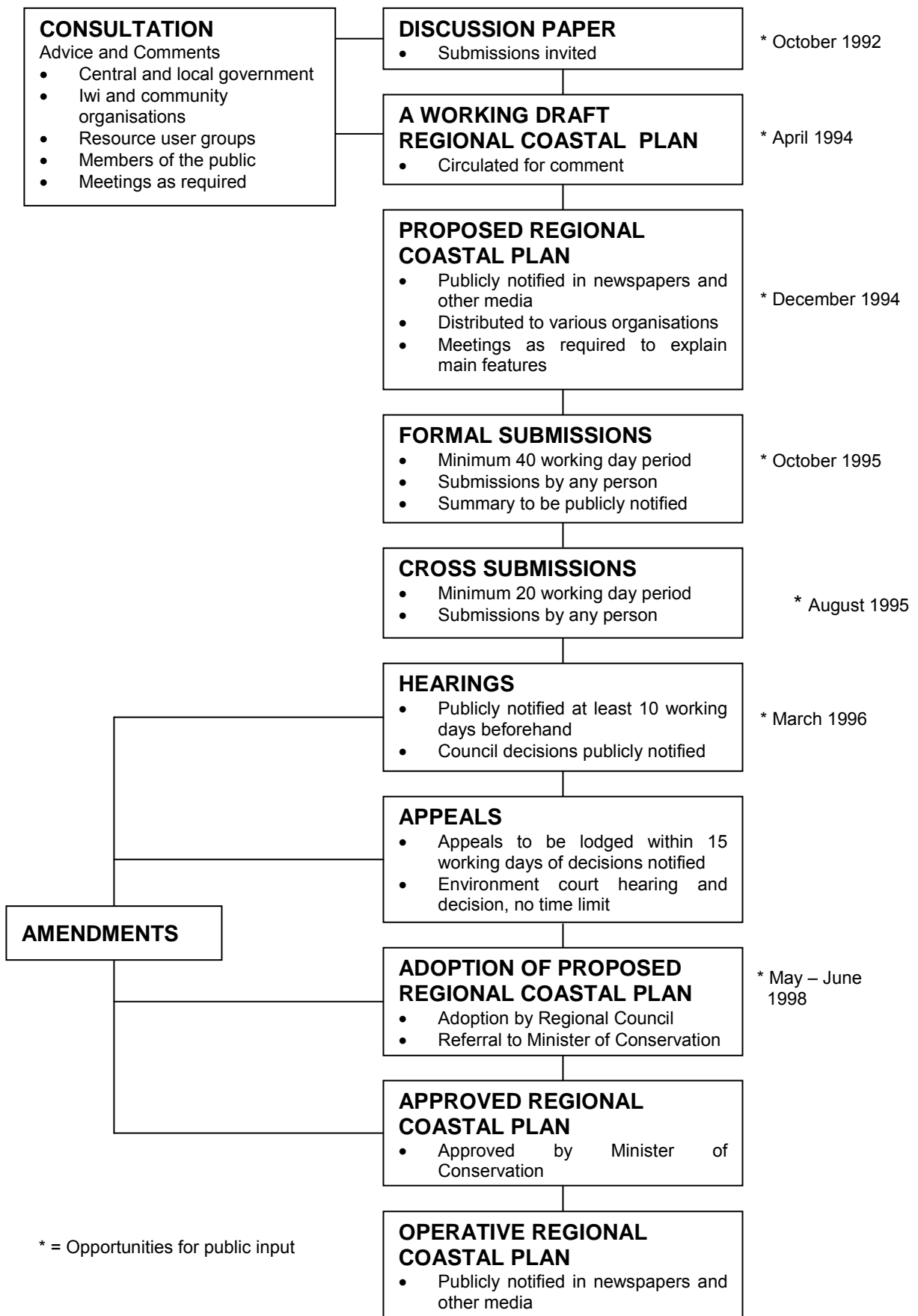
The plan preparation process for the Regional Coastal Plan commenced in early 1992 with consultation with government departments (Ministry of Transport, Ministry of Agriculture and Fisheries, Department of Conservation), all three district councils (Kaipara, Whangarei, and the Far North), key interest groups (Royal Forest and Bird Protection Society, New Zealand Yachting Federation, Northland Port Corporation, NZ Fishing Industry Board, Tourism Northland) and runanga (Maori tribal authorities). The primary purpose of this early consultation was to identify key coastal issues within the Northland region.

Having identified the key issues, a discussion paper 'Towards a Regional Coastal Plan for Northland' was prepared. This was released in October 1992 and widely circulated to interested parties and the general public. The discussion paper set out the legislative framework for preparing the Plan, gave an overview of the coastal issues within the region, and asked for submissions on the direction of future coastal management in Northland.

There were 115 submissions on the discussion paper. These were considered and, where appropriate, used in the preparation of a working draft of this Regional Coastal Plan. The working draft was circulated to those who had previously made submissions on the discussion paper and comments were again sought. Thirty-eight responses were received and were used to refine the working draft to produce a Proposed Regional Coastal Plan. The statutory process set out in Schedule 1 of the Act was then followed to make this Plan operative.

The preparation process of the Regional Coastal Plan is depicted in Figure 2.

**Figure 2: Preparation Process For Regional Coastal Plan**



## 2.4 PLAN STRUCTURE

The structure of the remainder of this plan is as follows:

- Section 3 explains the new coastal resource management system including the purpose and principles of the Resource Management Act, and the nature of the various policy statements and plans that are required to be produced under the Act.
- Section 4 sets out the responsibilities of the principal statutory authorities involved in the new coastal resource management regime (the Minister of Conservation, the Northland Regional Council and district councils). Other government agencies with important roles in coastal management under legislation other than the Resource Management Act are also mentioned, as integration with these agencies is part of achieving sustainable management.

### **PART III - MANAGEMENT APPROACH**

- Section 5 sets out the philosophical management approach underlying the objectives, policies, and rules specified within this plan.
- Section 6 sets out the objectives, policies, and methods relating to the division of the coastal marine area into five types of Marine Management Area. These areas are used, for the purposes of this plan, to manage the effects of protection, use and development of the coastal marine area.

### **PART IV - PROTECTION POLICY**

- Sections 7 to 15 set out the objectives, policies, and methods of implementation to be used for the general protection of natural and physical resources within the coastal marine area, including those relating to the matters of national importance listed in Section 6 of the Resource Management Act.

### **PART V - USE AND DEVELOPMENT POLICY**

- Sections 16 to 24 set out the objectives, policies, and methods of implementation for controlling the adverse effects of specific activities within the coastal marine area.
- Sections 25 to 30 set out marine management area policy, objectives and methods of implementation to best manage these different zones and control the adverse effects of specific activities within the coastal marine area.

### **PART VI - RULES**

- Section 31 sets out rules for the use and development of natural and physical resources within each marine management area. This includes specifying activities for which a coastal permit is required.
- Section 32 sets out the assessment criteria to be used in respect of applications for coastal permits.

### **PART VII - ADMINISTRATIVE ISSUES**

- Section 33 provides details of the procedures which relate to the processing of coastal permit applications.
- Section 34 provides details of key administrative issues which relate to coastal resource management including charges, rents and royalties and the coastal tendering provisions of the Act.

### **PART VIII - ADVOCACY**

- Sections 35 to 37 set out the Regional Council's position in relation to fisheries management, marine reserves, taiapure and maataitai reserves.

### **PART IX - PLAN EFFECTIVENESS**

- Section 38 details the environmental results expected as a direct result of the implementation of this plan.
- Section 39 sets out the processes for monitoring, changing or reviewing this plan to help ensure that the environmental results expected are achieved.

## **2.5 KEY TERMS**

Throughout this plan, the terms "issue", "objective", "policy", "method of implementation" and "rule" are used. For the purposes of this plan:

- An issue is a matter of concern over existing or potential effects of the protection, use or development of natural and physical resources within Northland's coastal marine area.
- An objective is a measurable aim or end result to which efforts to address an issue are directed.
- A policy is a specific statement that guides or directs decision-making. A policy indicates a commitment to a general course of action in working toward an objective.
- A method of implementation is a practical action by which a policy is put into effect and can include:
  - regulations or rules;
  - provision of information;
  - provision of facilities or services;
  - economic incentives or disincentives.
- A rule is a specific requirement to which a person or persons using or developing the coastal marine area must conform. This may be applied generally or in relation to a specific type of use or development. The provision of rules is important because section 12 of the Resource Management Act lists a range of activities which cannot be carried out in the coastal marine area *unless expressly allowed by a rule in a regional coastal plan .... or by a resource consent*. Sections 68, 69 and 70 of the Resource Management Act set out what may or may not be included in a rule for regional plans.

### 3. POLICY FRAMEWORK

#### 3.1 INTRODUCTION

The policy framework for managing coastal resources under the Resource Management Act consists largely of a clearly defined system of policy statements and plans which involve all levels of government - national, regional and district. The key elements in this system are:

- (a) The Purpose and Principles of the Resource Management Act
- (b) The New Zealand Coastal Policy Statement
- (c) A Regional Policy Statement for each region
- (d) A Regional Coastal Plan for each region
- (e) District Plans for each district

This system can be supplemented by additional regional plans covering specific management issues. The relationship of each of these statutory documents to the Regional Coastal Plan is illustrated in Figure 3 and explained more fully below.

#### 3.2 PURPOSE AND PRINCIPLES OF THE RESOURCE MANAGEMENT ACT

As stated in Section 2.1, the purpose of the Act is to promote the sustainable management of natural and physical resources, including those in the coastal marine area. Sections 6, 7, and 8 of the Act specify a set of principles which are binding on all persons who exercise functions and powers under the Act and which, therefore, must be reflected in any policy statement or plan prepared under the Act.

Section 6 of the Act requires that this plan give recognition to, and make provision for, the following matters which are considered to be of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), ... and the protection of (it) from inappropriate subdivision, use, and development;*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area....;*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

Section 7 of the Act requires that this plan be developed, and that it will be implemented and administered, with particular regard to:

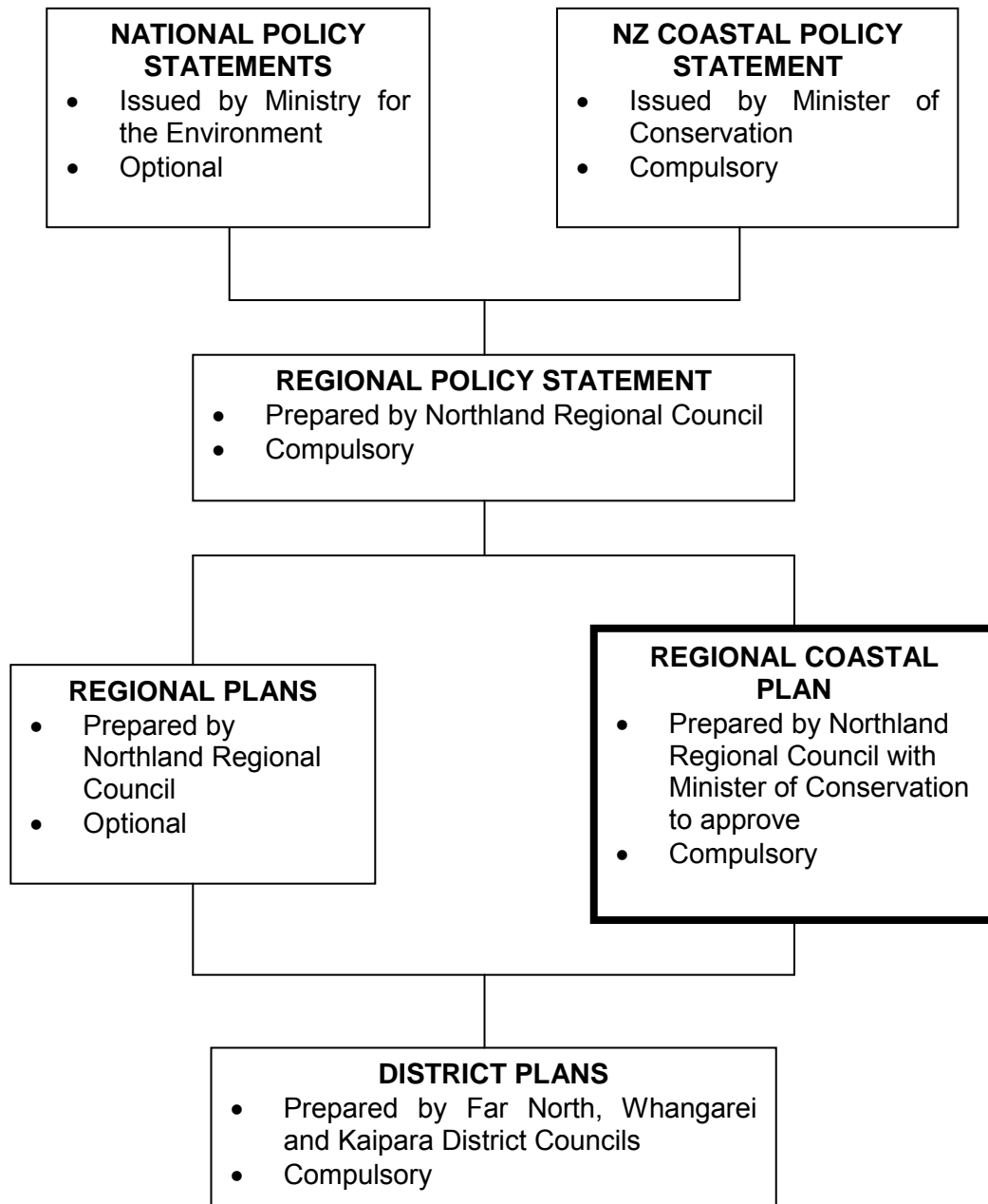
- (a) *Kaitiakitanga;*



- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (d) Intrinsic values of (coastal) ecosystems;*
- (e) Recognition and protection of the heritage values of sites, buildings, places or areas;*
- (f) Maintenance and enhancement of the quality of the environment;*
- (g) Any finite characteristics of natural and physical resources.*

Finally, Section 8 of the Act requires that the implementation and administration of this Plan takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Figure 3: Policy Statements and Plans



**Each Policy Statement or Plan must not be inconsistent with any Policy Statement or Plan at a higher level.**

### 3.3 NEW ZEALAND COASTAL POLICY STATEMENT

Under the Resource Management Act, the Minister of Conservation is required to prepare a New Zealand Coastal Policy Statement (NZCPS). The purpose of the New Zealand Coastal Policy Statement is:

*To state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.*

The NZCPS sets the national framework for managing the natural and physical resources in the coastal environment (which includes the coastal marine area). The Act requires that there must at all times be at least one New Zealand Coastal Policy Statement, and that regional coastal plans must not be inconsistent with it.

After following the preparation process set out in the Resource Management Act, which included public submissions and detailed consideration by a Board of Inquiry, the first New Zealand Coastal Policy Statement was issued by notice in the Gazette on 5 May 1994. Regard has been given to the policies contained in the NZCPS in the preparation of the Regional Coastal Plan.

### 3.4 REGIONAL POLICY STATEMENT

As required under the Act, the Northland Regional Council has prepared a Proposed Regional Policy Statement (RPS). The RPS provides an overview of resource management issues within Northland, including those in the coastal marine area. It sets out the general objectives, policies and methods to be used in the region as a whole to achieve integrated resource management.

The Act requires that when preparing or changing this Regional Coastal Plan, the Regional Council must have regard to any regional policy statement for the region. This Regional Coastal Plan must not be inconsistent with the Regional Policy Statement.

The Regional Policy Statement for Northland was publicly notified in October 1993. Formal submissions on the document were received and summarised. Further submissions on the primary submissions were called for and received. Public hearings have been held. The RPS was made operative in July 2002.

### 3.5 OTHER REGIONAL PLANS

Although not compulsory, the Resource Management Act contains provisions for the preparation of regional plans other than the Regional Coastal Plan. The Act envisages that the development of additional regional plans could be desirable where the following circumstances or considerations arise or are likely to arise:

- (a) *Any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict;*

- (b) Any significant need or demand for the protection of natural and physical resources or of any site, feature, place, or area of regional significance;*
- (c) Any threat from natural hazards or any actual or potential adverse effects of the storage, use, disposal, or transportation of hazardous substances which may be avoided or mitigated;*
- (d) Any foreseeable demand for or on natural and physical resources;*
- (e) Any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources;*
- (f) The restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration;*
- (g) The implementation of a national policy statement or New Zealand coastal policy statement;*
- (h) Any use of land or water that has actual or potential adverse effects on soil conservation or air quality or water quality;*
- (i) Any other significant issue relating to any function of the regional council under this Act.*

The Regional Coastal Plan must not be inconsistent with any other regional plan.

As well as preparing this Regional Coastal Plan, the Northland Regional Council is also currently preparing a Regional Water and Soil Plan and has prepared a Regional Air Quality Plan. These Plans will cover the management of land and freshwater resources, and air discharges respectively. Notwithstanding the preparation of a Regional Air Quality Plan, air quality issues in the coastal marine area will be dealt with in the Regional Coastal Plan. The policies and rules within these Plans must not be inconsistent with those within this Plan. They will also play an important role in dealing with so-called cross-boundary issues such as the management of land developments which affect coastal water or air quality.

### **3.6 DISTRICT PLANS**

District Councils are also required to prepare plans under the Resource Management Act. The purpose of District Plans is to assist district councils to carry out their functions in order to achieve the purpose of the Act. Of particular relevance to this plan is the district councils' function to control the use of coastal land, including subdivision.

A District Plan cannot be inconsistent with the New Zealand Coastal Policy Statement, the Regional Policy Statement, the Regional Coastal Plan or any other regional plans.

### 3.7 STATUTORY ACKNOWLEDGEMENTS

A “statutory acknowledgement” is a formal acknowledgement by the Crown of the mana of tangata whenua over a specific area. It recognises the particular cultural, spiritual, historical or traditional association of an iwi or hapū with the site, which is known as a Statutory Area. Statutory Areas only relate to Crown-owned land and include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas.

It is a legal requirement set out in the relevant settlement legislation to attach statutory acknowledgements to regional plans. Rather than attaching statutory acknowledgements to every regional plan and the Regional Policy Statement, the approach taken by the regional council is to have a single companion document recording all statutory acknowledgement areas - *Te Ture Whakamana ngā Iwi o Taitokerau: Statutory acknowledgements in Northland*.

It is anticipated that further statutory acknowledgements will be agreed between the Crown and tangata whenua during the lifetime of this plan. These statutory acknowledgements will be recognised in *Te Ture Whakamana ngā Iwi o Taitokerau: Statutory acknowledgements in Northland* as they are enacted.

Statutory acknowledgements are for public information only, and are neither part of the plan nor subject to the provisions of the First Schedule to the Resource Management Act 1991.

## **4. ADMINISTRATIVE FRAMEWORK**

### **4.1 INTRODUCTION**

As well as the policy framework, managing natural and physical resources in the Coastal Marine Area also requires an understanding of the administrative roles of the various statutory agencies which are derived from the Resource Management Act or which otherwise have an important bearing on coastal resource management under the Act. These are summarised in Table 1 and explained below.

### **4.2 MINISTER OF CONSERVATION**

In addition to preparing the New Zealand Coastal Policy Statement, the Minister of Conservation has several other key functions or roles in managing the natural and physical resources of Northland's coast. These are:

- (a) The final approval of regional coastal plans including this Regional Coastal Plan for Northland.

This process may include the Minister requiring the Northland Regional Council to amend parts of this Plan, prior to approval being given.

- (b) The statutory ability to advise the Governor-General to set aside, by Order in Council, all or any part of Northland's coastal marine area which will be subject to the coastal tendering provisions of the Act and the control of the associated tendering process.

Part VII of the Act establishes a coastal tendering process which enables the Crown, through the Minister of Conservation, to choose between competing applicants for the same coastal space, and to maximise financial return to the Crown for the occupation and use of coastal space, or the extraction of sand, shingle or other natural material from it.

The particulars of any Order in Council made under Part VII must be endorsed on the Regional Coastal Plan or Regional Coastal Plan maps but do not form part of the Regional Coastal Plan. The Order in Council does not affect existing coastal permits or activities permitted under this Plan or coastal permit applications received and processed to a specified stage at the time of issue.

**Table 1: Statutory Agencies and their Key Roles**

Minister of Conservation	<ul style="list-style-type: none"> <li>• New Zealand Coastal Policy Statement</li> <li>• Areas of Significant Conservation Value</li> <li>• Approval of Regional Coastal Plans</li> <li>• Coastal Tendering</li> </ul>
Department of Conservation	<ul style="list-style-type: none"> <li>• Advocacy for the conservation of natural and historic resources</li> <li>• Management of marine reserves, wildlife refuges, marine mammal sanctuaries and other coastal marine protected areas</li> <li>• Administration of Crown foreshore and seabed</li> </ul>
Ministry for Primary Industries	<ul style="list-style-type: none"> <li>• Fisheries management</li> <li>• Aquaculture decision (undue adverse effect test) on proposed aquaculture activities</li> <li>• Concluding any forfeiture action started</li> </ul>
Ministry of Fisheries	<ul style="list-style-type: none"> <li>• Fisheries management</li> <li>• Marine farm lease and licence administration</li> <li>• Fisheries Permits for marine farms</li> <li>• Biosecurity issues in relation to international craft and shipping</li> </ul>
Maritime Safety Authority	<ul style="list-style-type: none"> <li>• Oil pollution control</li> <li>• Navigation and safety</li> <li>• Regulation of surface water activity outside Harbour Limits</li> </ul>
Ministry of Commerce	<ul style="list-style-type: none"> <li>• Allocation of Crown mineral resources</li> </ul>
Regional Councils	<ul style="list-style-type: none"> <li>• Regional Policy Statement</li> <li>• Regional Coastal Plans</li> <li>• Coastal Permits</li> <li>• Oil pollution control</li> <li>• Navigation and safety within Harbour Limits including regulation of surface water activity</li> </ul>
District Councils	<ul style="list-style-type: none"> <li>• District Plans</li> <li>• Coastal Subdivision</li> <li>• Local Government Act Bylaws</li> </ul>

### 4.3 REGIONAL COUNCILS

Prior to the advent of the Resource Management Act on 1 October 1991, the Northland Regional Council's coastal management responsibilities were:

- (a) as harbour board, for
  - (i) the administration of harbour bylaws;
  - (ii) the control of oil pollution within harbours.

The bylaws covered such matters as ship navigation, mooring and berthing, the licensing of moorings and the control of discharges from vessels. These bylaws have been retained by the Northland Regional Council.

- (b) as regional water board for the management of coastal water quality particularly in regard to the control of wastewater discharges.

With the introduction of the Resource Management Act, the Northland Regional Council was given greater responsibility for controlling the use, development and protection of resources within Northland's coastal marine area. While retaining key Harbours Act functions, the Regional Council, in conjunction with the Minister of Conservation, is now also responsible for controlling:

- (a) the foreshore, seabed and waters within the coastal marine area and any associated natural and physical resources;
- (b) the occupation of space on areas of foreshore and seabed the Crown or vested in the Regional Council, and the extraction of sand, shingle, and other natural material from those areas;
- (c) the taking, use, damming, and diversion of water;
- (d) discharges of contaminants into or onto the foreshore or seabed, air, or water and discharges of water into water;
- (e) any actual or potential effects of the use, development, or protection of the foreshore and seabed within the coastal marine area, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;
- (f) the emission of noise and the mitigation of the effects of noise;
- (g) activities in relation to the surface of water.

The purpose of this Regional Coastal Plan is to assist the Regional Council, in conjunction with the Minister of Conservation, in carrying out these functions for the purpose of giving effect to the Resource Management Act.

Regional councils also have responsibilities in the coastal marine area under both the Harbours Act 1950 and the Building Act 1991. Under the Harbours Act, the Northland Regional Council continues to be responsible for



navigation and safety within harbour limits. This responsibility is carried out using the Navigation Safety Bylaws prepared under that Act.

Under the Building Act 1991, the Northland Regional Council is responsible for issuing building consents for the construction and alteration of structures within the coastal marine area.

Under the Maritime Transport Act, the Regional Council is required to take on the additional responsibility of controlling oil pollution to the 12 nautical mile limit.

#### **4.4 DEPARTMENT OF CONSERVATION**

The Department of Conservation, as distinct from the Minister of Conservation, is responsible for the following functions within the coastal marine area:

- General advocacy for the protection of conservation values
- The protection of marine mammals
- Establishing and administering marine reserves
- Establishing and administering wildlife refuges

The Department also administers any land adjacent to the coastal marine area which has been acquired under, and/or is subject to, the Conservation Act 1987.

#### **4.5 DISTRICT COUNCILS**

There are three District Councils in Northland: the Kaipara District Council, the Whangarei District Council and the Far North District Council. The management responsibilities of these district councils within the coastal marine area is generally limited to the administration of Local Government Act bylaws.

These bylaws generally deal with such matters as the regulation of land vested in the council. Their area of application varies depending on the location of the seaward district boundaries. In most areas the seaward boundary is Mean High Water Mark and the bylaws therefore only apply in the narrow strip between the line of Mean High Water Springs and the line of Mean High Water. However, in the Far North and Whangarei Districts, the seaward boundary traverses the entrance of some harbours and embayments. Within these areas the Local Government Act bylaws apply down to the line of Mean Low Water Mark.

Section 89 of the Resource Management Act sets out some special situations where a District Council has the role of consent authority in relation to the coastal marine area. The first is in the case where an application for a subdivision is requested and part, or all, of the land proposed to be subdivided is in the coastal marine area. Under these circumstances, the relevant District Council is the consent authority and will treat that land as if it were part of the district. Consent authority is also vested with the District Council when an application is made for an activity that will take place once the proposed location of the activity has been reclaimed. This provision applies even if the location is still in the coastal marine area on the date of the application.

Notwithstanding the restricted nature of their involvement in the management of the coastal marine area, district councils are directly responsible for the day-to-day management of protection, use and development of adjacent coastal land. Because use and development of coastal land often has direct links with the coastal marine area, effective coastal resource management requires a close working relationship between regional and district councils.

#### **4.6 MINISTRY FOR PRIMARY INDUSTRIES**

The Ministry for Primary Industries (MPI) is responsible for the management of fisheries within the coastal marine area under a variety of legislation, including the Fisheries Act 1983, the Fisheries Act 1996 and subsequent amendments, the Maori Fisheries Act 1989, Maori Fisheries Act 2004, which specifies the method for allocation of Maori Fisheries Assets and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. This management principally involves:

- The evaluation of fish stocks (population sizes) of commercially harvested species, the setting of catch limits, and allocation of quota under the Quota Management System (QMS) to commercial users.
- Responsibility for the establishment of taiapure and mataitai reserves (areas set aside for non-commercial traditional and customary fishing).
- Setting and policing daily limits and equipment restrictions for recreational fisheries.

The Ministry of Fisheries (now MPI) was responsible for monitoring compliance of marine farmers with leases and licences for marine farming issued under the Marine Farming Act 1971. Responsibility for approving and monitoring marine farms has now passed to regional councils under the Resource Management Act 1991, although in the case of derelict or abandoned marine farms, any forfeiture action begun by the Ministry of Fisheries under the Marine Farming Act will be concluded.

Upon the granting of a coastal permit for a marine farm, MPI must make an aquaculture decision. This involves MPI making a formal assessment on whether the proposed aquaculture activity will have an undue adverse effect on customary, recreational or commercial fishing.

MPI is also responsible, under the Biosecurity Act 1993, for controlling the deliberate or accidental importation of foreign organisms into New Zealand, including via the ballast water of ocean-going vessels.

#### **4.7 MARITIME SAFETY AUTHORITY**

The Maritime Safety Authority (formerly the Ministry of Transport Maritime Division) is responsible for:

- Setting and policing of safety standards for ships and shipping activity.
- Navigation and safety outside harbour limits.
- Co-ordinating oil spill response planning and operations.

#### **4.8 MINISTRY OF COMMERCE**

Under the Crown Minerals Act 1991, the Ministry of Commerce is responsible for the management and allocation of mineral resources in the coastal marine area. The Ministry may prepare a minerals programme for particular minerals. Such programmes form the basis for the allocation of rights to prospect for and mine Crown-owned minerals, and the basis for the Crown's financial return from the mining process. The preparation process is subject to public notification and submissions.



# **PART III:**

# **MANAGEMENT**

# **APPROACH**

*This Part sets out key elements in the approach taken in this Plan toward the sustainable management of natural and physical resources in Northland's coastal marine area. This approach underlies the objectives, policies and rules within this Plan and includes the division of the coastal marine area into five types of marine management area to assist in dealing with the effects of protection, use and development within it.*



## 5. PHILISOPHICAL APPROACH

### 5.1 USE OF THE COAST AS PUBLIC SPACE

Under New Zealand common law, the foreshore and seabed are generally deemed to be land of the Crown. In practice, this means that the coastal marine area is treated fundamentally differently from 'dry' land. Most dry land is under private ownership, with owners being able to buy, sell, use and develop the land relatively freely. The coastal marine area, on the other hand, is generally perceived as public space with private occupation and use being a privilege rather than a right.

The approach taken in this Plan is that, with the exception of privately owned foreshore areas, Northland's Coastal Marine Area is public space and therefore, wherever possible, the public should benefit from private occupation and use of the area. For example, where rights are granted for private occupation of space within the coastal marine area, it is considered that these rights should generally either facilitate public access to and along the coastal marine area, or provide some other compensating environmental, social, or economic benefit for the public. Occupation of the Coastal Marine Area for the exclusive benefit of private individuals or organisations is considered to warrant special scrutiny and control within the context of the promotion of sustainable resource management.

### 5.2 IWI PERSPECTIVE

As a partner to the Treaty of Waitangi, Maori are given special recognition in the Resource Management Act. All persons exercising powers and functions under the Act, including the Northland Regional Council, are required 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 (Section 6(e))*
- *have particular regard to kaitiakitanga (Section 7(a))*
- *have particular regard to the recognition and protection of the heritage values of sites, buildings, places or areas (Section 7(e))*
- *take into account the principles of the Treaty of Waitangi (Section 8)*

The New Zealand Coastal Policy Statement also requires the Northland Regional Council to:

- *recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Policy 4.2.1)*

For the purposes of this Plan, complying with these requirements of the Resource Management Act and the New Zealand Coastal Policy Statement is considered to entail the Northland Regional Council:

- (a) being fully informed as to the requirements of the Resource Management Act in regard to Maori values;

- (b) being fully informed as to the meaning and application of the Treaty principles as developed by the Waitangi Tribunal, the Court of Appeal and the Environment Court;
  - (c) in decision-making, requiring information on the application of the Treaty principles to individual proposals for resource protection, use, and development, and weighing this information against other matters under consideration;
- and, subject to the constraints of current legislation,
- (d) the allowance for the right of each iwi to indicate its own customary, traditional, and cultural preferences for coastal resource management within its tribal territories;
  - (e) ensuring that the spiritual, social, and economic connections between tangata whenua as kaitiaki and coastal resources are actively protected.

Notwithstanding the above, it is emphasised that the Regional Coastal Plan is not a vehicle for the settlement of Treaty claims. This is the responsibility of central government under the provisions of the Treaty of Waitangi Act 1975 and other related legislation.

### 5.3 RECOGNITION OF EXISTING USES

While the Resource Management Act establishes a new system for managing natural and physical resources, Northland's coastal marine area has obviously been used and developed for hundreds of years. The Act provides for certain existing structures, reclamations or other activities within the coastal marine area which have been authorised under other legislation, e.g. the Harbours Act 1950, to continue at least until the expiry of the existing authorisation. This allows a phase-in period whereby existing uses and developments will gradually be brought under the planning framework of the Resource Management Act. In the interim, these authorisations are considered "deemed coastal permits" under the transitional provisions of the Act. Similar provisions also apply to proposed structures, reclamations and other activities which received authorisation prior to the Resource Management Act coming into force, but which authorisations have not yet been exercised.

However, there are many structures, reclamations and other activities in the coastal marine area which are not authorised. For the purposes of this Plan, it is considered desirable that these activities be identified and suitable provision made within this Plan. Special provisions apply to those activities which previously did not require authorisation but which will either contravene a rule in this Plan or require a resource consent as a result of a rule in this Plan. Section 20 of the Resource Management Act refers to this.

The Act contains specific saving provisions in relation to moorings which existed prior to 1 October 1991. These are allowed to remain until one year after the approval of this Plan after which time they become subject to its provisions. In addition, the ability to use bylaws under the Harbours Act has been extended until 30 September 1996.



#### 5.4 ADOPTING A CAUTIOUS APPROACH TO USE AND DEVELOPMENT

It has been found through practical experience both within New Zealand and, more especially, in developed countries overseas, that there are limits to how much use and development coastal resources can withstand without being adversely affected. In the past, many uses and developments around Northland's coast were carried out without adequate understanding of the adverse environmental effects which may have since resulted. It may be argued that such development was undertaken in genuine ignorance of the long-term environmental implications, and in any case, was an essential part of establishing Northland as a region. However, the current level of use and development of Northland's coast, together with our present-day awareness of the environment and the effects of use and development on it, means that uncontrolled coastal development is no longer tenable.

To achieve the sustainable management of natural and physical resources within the coastal marine area, the Resource Management Act requires that, among other things, the focus of this Plan is on controlling the adverse effects of activities on the environment. Effective control of environmental effects requires a thorough knowledge of the environment; both the natural and physical resources that it is comprised of, and the interactions between them.

There have been a number of detailed studies in particular coastal areas – notably the Whangarei and Rangaunu Harbours and, to a lesser extent, the Bay of Islands and Parengarenga Harbour (see Appendix 2). On the basis of this and other information, some reasonable assumptions may be made as to the general environmental qualities of those and other areas. Other site-specific information has also been collected as part of particular development proposals. However for many coastal areas, there is a lack of environmental information and understanding to accurately assess long term and cumulative effects of human uses and developments. For example, there is a general lack of knowledge of the distribution and abundance of aquatic life in subtidal areas. There is also a lack of detailed knowledge of the tolerance levels of Northland's marine life to physical disturbance and pollutants.

Given our increased awareness of the importance of protecting Northland's natural and physical coastal resources, the limited amount of detailed information on Northland, and the lack of understanding about coastal processes and the effects of the coastal processes, a cautious approach is adopted in this Plan toward providing for use and development of the coastal marine area. This approach does not mean precluding use and development but is considered to require:

- (a) avoiding, remedying or mitigating the adverse effects of the use and development of the coastal marine area through the application of rules and environmental performance standards within each management area; and
- (b) where appropriate, encouraging future use and development to locate in Management Areas (zones) which already contain similar use or development; and

- (c) monitoring the environmental effects of use and development with particular emphasis on those uses and developments with existing, or known potential for, significant adverse effects; and
- (d) identifying areas of high conservation value, including areas of significant cultural value, and affording them special protection from the adverse effects of use and development.

It is important to note that because of the lack of detailed resource information, the ability to provide site-specific controls within this Plan has been limited. Because such provisions are clearly desirable in the long-term, a major emphasis in this Plan is toward implementing work programmes to fill information gaps. Appropriate changes to the Plan can be made as this information comes to hand.

## 5.5 CROSS BOUNDARY ISSUES

Integrated management of air, land, and water resources is one of the aims of the Resource Management Act. To achieve this requires recognition of the fact that addressing coastal issues may require consideration of:

- (a) the interrelationships between land, water, and air (media boundary issues);
- (b) environmental factors on both sides of the administrative boundary line of Mean High Water Springs, and of regional and district boundaries, and therefore the administrative responsibilities of various organisations under the Resource Management Act (administrative boundary issues);
- (c) the provisions of legislation other than the Resource Management Act which may be more appropriate for dealing with a particular coastal issue (legislative boundary issues).

To effectively address these 'cross-boundary' issues, there needs to be:

- (a) a close linkage between the policy statements and plans produced under the Resource Management Act, namely the New Zealand Coastal Policy Statement, the Regional Policy Statement, Regional Coastal Plan, other regional plans, and district plans; and
- (b) as far as practicable, a close linkage between the provisions of the Resource Management Act and those of other relevant legislation, e.g. the Harbours Act 1950, the Marine Farming Act 1971, the Marine Pollution Act 1974, the Fisheries Act 1983, Fisheries Act 1996, the Conservation Act 1987, the Maritime Transport Act and any new legislation which supersedes these enactments.

In regard to the latter requirement, if a resource management issue identified in this Plan is considered to be more appropriately dealt with under the provisions of legislation other than the Resource Management Act, those provisions will be identified and policies will be directed toward the agencies responsible for implementing that legislation.

With regard to the integration of cross-Mean High Water Springs issues, there are a number of possibilities for dealing with such issues within the planning framework of the Resource Management Act:

- (a) specific reference to the relevant policies of the New Zealand Coastal Policy Statement;
- (b) specific reference to the relevant policies of the Regional Policy Statement;
- (c) identification of necessary linkages between this Plan and the forthcoming Regional Water and Soil Management Plan and Regional Air Quality Management Plan;
- (d) where considered necessary, preparation in the future of other regional plans such as a Regional Coastal Environment Plan;
- (e) where appropriate, co-ordination with and support of the responsibilities of other organisations under the Resource Management Act including District Councils, the Department of Conservation, and Iwi authorities.

In regard to the last method, it is considered vital to this approach that a good working relationship is established and maintained between the Northland Regional Council and the three district councils within the region who are generally responsible for the day-to-day management of the 'dry' part of the coastal environment.

The southern boundary of the Northland region runs across the middle of the Kaipara Harbour over to the east coast just south of the entrance to Mangawhai Harbour. Coastal resource management of the Kaipara harbour and the Mangawhai/Pakiri coast is therefore shared between the Northland and Auckland Regional Councils, in conjunction with the Minister of Conservation. In the process of preparing this Plan, the Northland Regional Council has consulted with the Auckland Regional Council on resource management matters of mutual concern, with a view to establishing as far as practicable a consistent approach to addressing these matters. The matters of mutual concern raised to date are the preservation of the natural character in the two shared coastal areas, eradication of the introduced aquatic weed *Spartina*, and the management of the adverse effects of:

- sand extraction
- marine farming
- moorings, jetties, and other coastal structures

Where appropriate, the policies and rules within this Plan reflect mutually agreed management approaches to dealing with each of the identified issues. This is to avoid inconsistencies between this Plan and the Regional Policy Statement and the Regional Coastal Plan of the Auckland Region.

## 5.6 COMMUNITY INVOLVEMENT

Although the Northland Regional Council has been given direct responsibility for the management of natural and physical resources in Northland's coastal marine area, it is recognised that local communities have a role to play in making this Regional Coastal Plan effective. It is local communities which are

generally most aware of, and most affected by, the effects of use, development, and protection of specific coastal areas.

Community involvement with this Plan began with the input into its preparation. Within the context of this Plan, further provisions for community involvement in coastal management include:

- (a) promotion of public awareness of this Plan, its purpose, and provisions; and
- (b) ongoing promotion of direct links between the Northland Regional Council and community-based organisations; and
- (c) provision for public education in regard to specified environmental issues.
- (d) the statutory provisions for public involvement in submissions, cross-submissions, hearings and reference to the Environment Court on the content of this Plan.
- (e) the statutory provisions for public involvement in submissions, cross-submissions, pre-hearing meetings, hearings and appeals and inquiries to the Environment Court in regard to coastal permit applications.

## 6. MARINE MANAGEMENT AREAS

### 6.1 INTRODUCTION

In the long-term, achieving sustainable resource management within Northland's coastal marine area will require, among other things, developing a greater understanding of the relative sensitivity of different parts of the area to use and development. This will enable those resource uses and developments which are inappropriate in particular areas to be more easily identified. This Plan contains policies which are intended to provide for the gradual development of this understanding.

However, as a starting point, it is important to:

- (a) acknowledge existing patterns of use and development within the coastal marine area; and,
- (b) provide for the protection of identified areas of important conservation value; and,
- (c) in accordance with Policy 3.2.2 of the New Zealand Coastal Policy Statement, control adverse effects of use and development through the application of Marine Management Areas.

Existing patterns of use and development are a product of the region's historical development and as such are part of the coast's essential character. Many of these uses and developments also contribute to the social, economic and, in some cases, cultural well-being of the people and communities of Northland.

As outlined in Section 4, the four main types of uses of Northland's coastal marine area at the present time are:

- General shore-based recreation and tourism.
- Recreational and commercial boating activity including mooring activity.
- Marine farming.
- Port operations.

Of these, permanent mooring areas, marine farms, wharves and port areas occupy large sections of the region's coastal marine area and/or have resulted in intensive development. It is therefore considered appropriate to establish zones or marine Management Areas both to acknowledge this fact and to facilitate the management of the site-specific environmental effects of these activities.

In addition, it is important for this Plan to identify those coastal areas which warrant a higher level of protection. The Minister of Conservation has provided information identifying Areas of Significant Conservation Value. These areas include the existing marine protected areas, namely the Poor Knights Islands Marine Reserve, Mimiwhangata marine park, and the Whangarei Harbour Wildlife

Refuge, and foreshores adjoining nature and scientific reserves such as the Hen and Chickens Islands Nature Reserve.

For the sake of consistency, and to facilitate appropriate controls on use and development, it is appropriate that the remainder of the coastal marine area is also identified as being within a marine management area.

## 6.2 ISSUES

1. Existing area-specific use, development and protection of resources within Northland's coastal marine area need to be acknowledged and, where appropriate, brought into the framework of sustainable resource management.
2. Areas of important conservation value need to be recognised and their conservation values protected from the effects of inappropriate use and development.
3. The preservation of natural character of the coastal marine area, particularly in relatively undeveloped areas where, because of the lack of basic resource information, the appropriateness/inappropriateness of particular types or intensity of use and development is difficult to accurately assess.

## 6.3 OBJECTIVE

**The development of an integrated coastal resource management regime which recognises areas of differing levels of subdivision, use, development and conservation value.**

## 6.4 POLICIES

For the purposes of this Plan, Northland's coastal marine area has been divided up under the following five zones or Marine Management Areas:

- Marine 1 (Protection)
  - Marine 2 (Conservation)
  - Marine 3 (Marine Farming)
  - Marine 4 (Moorings)
  - Marine 5 (Port Facilities)
  - Marine 6 (Wharves)
1. To define areas, within Northland's coastal marine area, which are considered to have important conservation value as Marine 1 (Protection) Management Areas and manage them in such a manner that the conservation values of the individual areas are protected.

**Explanation.** *Within the context of sustainable management, it is important to recognise and protect areas of important conservation value.*

*cross-reference*

*Appendix 9*

2. To define all parts of the coastal marine area which are not either Marine 1 (Protection), Marine 3 (Marine Farming), Marine 4 (Mooring), Marine 5 (Port Facilities) or Marine 6 (Wharves) Management Areas as Marine 2 (Conservation) Management Areas and without precluding the provision for appropriate subdivision, use and development to manage those remaining areas in such a way as to protect, and where practicable, enhance natural, cultural and amenity values.

**Explanation.** *In general, Northland's coast has high natural character and amenity value. It also has significant cultural value. The creation of the Marine 2 (Conservation) Management Area allows these characteristics to be recognised and an appropriate level of restraint applied to the use and development of natural and physical resources within it, while also recognising that this management area is one where new uses and developments may be accommodated.*

3. To define areas to be managed principally for aquaculture activities as Marine 3 (Aquaculture) Management Areas which are:

- (a) specific areas to which coastal permits to occupy space in the coastal marine area for the purposes of aquaculture activities applied as at 20 December 1994; or
- (b) specific areas to which Marine Farming Act 1974 leases or licences applied as at 20 December 1994; or
- (c) new areas established through the Resource Management Act 1991 Plan Change process,

as a means of providing for such activities, where appropriate, and facilitating the management of any adverse environmental effects associated with them. Other activities are provided for within Marine 3 (Aquaculture) Management Areas only where they are compatible with aquaculture activities.

4. To define areas, considered to be appropriate for permanent moorings, and which are being managed primarily for this purpose as Marine 4 (Mooring) Management Areas, that include:

- (a) all, or the major part of those existing mooring areas designated under Navigation safety bylaws; and
- (b) other existing mooring areas where, at the time of preparation of this Plan, 10 or more moorings existed in close proximity to one another;
- (c) any new Marine 4 (Moorings including Marinas) Management area identified in accordance with policy 28.4.2

as a means for providing for the continuation of such activity, where appropriate and of facilitating the management of any adverse environmental effects associated with them.

5. To define areas being managed primarily for port-related purposes as Marine 5 (Port Facilities) Management Areas as a means for providing for the continuation of such activity, where appropriate and of facilitating the management of any adverse environmental effects associated with them.

For the purpose of this Plan, "port areas" are areas within the coastal marine area which contain or are directly associated with wharves, jetties

or other structures used commercially for loading or unloading goods or passengers. More specifically a “port area” is:

A harbour area where marine terminal facilities such as jetties and wharves are provided at which commercial ships of 4500 Dead Weight Tonnes (DWT), or greater, regularly berth to load and unload cargo or passengers. Such areas can also include ship construction and/or maintenance activity, barging operations and any related structures.

Port areas which currently meet these criteria are Port Whangarei, Portland and Marsden Point.

**Explanation.** *The definition of the three types of area will allow the Plan to reflect the major existing uses of Northland's coastal marine area which require exclusive occupation of coastal space. This is intended to establish a benchmark against which future expansion of these uses and developments can be measured.*

6. To define those wharf areas being managed primarily for commercial and mixed use purposes as Marine 6 (Wharves) Management Areas as a means for providing for the continuation of such activity, where appropriate and of facilitating the management of any adverse environmental effects associated with them.
7. Where adverse effects of activities that are external to a Marine Management Area impact on the values of that area, then the objectives and policies of that Marine Management Area shall be taken into account.

**Explanation.** *The purpose of Regional Coastal Plans is to promote the integrated management of natural and physical resources. This policy is designed to promote this by acknowledging that adverse environmental effects of an activity may extend into an adjoining management area. The adverse effects on the adjoining marine management area shall be taken into account. This policy gives effect to Objective 6.3.*

8. The Northland Regional Council will initiate a review of the areas classified as Marine 2 for the purpose of identifying those areas that meet the criteria for being areas of important conservation value. For this review the Council will seek input from the Department of Conservation and from relevant interest groups including iwi. The Council will initiate this review through the first annual plan budgetary round following the Regional Coastal Plan becoming operative. The review will be based on the following order of priority:

High Priority:

Whangarei Harbour

Medium Priority:

Hokianga, Herekino, Whangape, Mangonui and Whangaroa Harbours  
The Cavalli Islands  
Te Puna Inlet  
The areas zoned marine 2 in the Bay of Islands District Planning Scheme, Second Review, Operative 21<sup>st</sup> December 1992



Low Priority:

All remaining Marine 2 areas of the Regional Coastal Plan for Northland

## 6.5 METHODS OF IMPLEMENTATION

1. For the purposes of this Plan, Northland's coastal marine area extends from the landward boundary of Mean High Water Spring out to the 12 nautical mile limit. The agreed cross-river boundaries for Northland's coastal marine area are shown in Appendix 1. The coastal marine area has been divided up under the following six zones or Marine Management Areas:

- Marine 1 (Protection)
- Marine 2 (Conservation)
- Marine 3 (Marine Farming)
- Marine 4 (Moorings)
- Marine 5 (Port Facilities)
- Marine 6 (Wharves)

The **Marine 1 (Protection) Management Area** is applied to those areas within Northland's coastal marine area identified as being Areas of Important Conservation Value. The priority in these areas will be the protection of those significant described values specifically identified as occurring within each particular area. The boundaries and values of these areas are summarised in Appendix 6. For more specific boundary location information contact the Northland Regional Council.

The **Marine 2 (Conservation) Management Area** is applied to any part of the coastal marine area which is not otherwise covered by any of the other five classes of management area as indicated on the Coastal Plan Maps. Any new Coastal Marine Area that is not otherwise indicated on the Coastal Plan Maps will be classified as a Marine 2 Management Area. This category is applied to areas to be managed to conserve ecological, cultural, and amenity values.

**Marine 3 (Aquaculture) Management Areas** are those to be managed principally for aquaculture activities and include:

- (a) specific areas to which coastal permits to occupy space in the coastal marine area for the purposes of aquaculture activities applied as at 20 December 1994; and
- (b) specific areas to which Marine Farming Act 1974 leases or licences applied as at 20 December 1994; or
- (c) new areas established through the Resource Management Act 1991 Plan Change process.

All Marine 3 (Aquaculture) Management Areas within Northland's Coastal Marine Area are shown on the Coastal Plan Maps. Individual marine farm boundaries within Marine 3 (Aquaculture) Management Areas are derived from the specified grid coordinates provided in the resource consent applications. For more specific boundary location information, contact the Northland Regional Council. Other activities should only be provided for within Marine 3 (Aquaculture) Management Areas where they are compatible with aquaculture activities.

**Marine 4 (Moorings including Marinas) Management Areas** are those defined as being appropriate for permanent moorings and which are being managed primarily for this purpose. These Marine 4 (Moorings including Marinas) Management Area boundaries are shown on the Coastal Plan Maps, for more specific boundary location information contact the Northland Regional Council.

**Marine 5 (Port Facilities) Management Areas** are those being managed primarily for port-related purposes. For the purposes of this Plan, "port areas" are areas within the coastal marine area which contain or are directly associated with wharves, jetties or other structures used commercially for loading and unloading goods or passengers. More specifically, a "port area" is:

a harbour area where marine terminal facilities such as jetties and wharves are provided at which commercial ships of 4500 Dead Weight Tonnes (DWT), or greater, regularly berth to load and unload cargo or passengers. Such areas can also include ship construction and/or maintenance activity, barging operations and any related structures.

Port areas which currently meet these criteria are Port Whangarei, Portland and Marsden. For more specific boundary location information contact the Northland Regional Council.

**Marine 6 (Wharves) Management Areas** are those areas that should be managed as small commercial wharves. These wharves are predominately commercial, and include mixed uses such as vessel loading/unloading, commercial passenger services, public access and buildings. The nature of operation at these wharves is not such that the public needs to be generally excluded from the facility, although some minor exclusion may be required at times for safety reasons. The boundaries of these areas are listed in Appendix 8.

2. Where previously unidentified sites in the Marine 2 (Conservation) Management Area of important ecological, cultural, historic, scientific, landscape and amenity value are identified in accordance with the criteria set out in Appendix 9, the Northland Regional Council will give full consideration (including ensuring the recognition of, and provision for, any customary right of Iwi/Hapu determined to exist by any court or tribunal given competent jurisdiction by Government, or subsequent Appellate Courts) to promoting a plan change to the Regional Coastal Plan to incorporate those sites into the Marine 1 (Protection) Management Area. The Northland Regional Council may facilitate private plan changes which are rigorously documented.

## 6.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective, policies, and methods are set out in the introduction and policy explanations. In using a precautionary approach to the subdivision, use and development of Northland's coastal marine area, the Plan should ideally be more definitive in terms of allowable environmental effects. However because of the previously mentioned lack of

detailed information on Northland's coastal marine area, many management issues will be decided primarily through the resource consent application process. This Plan sets out a proposed programme for a number of work programmes and investigations so that the second Regional Coastal Plan will be more definitive. An additional reason for the establishment of Marine Management Areas 3, 4, and 5 is to set a benchmark against which future expansion of these uses and developments can be measured. As far as is practicable within the constraints of the Resource Management Act, these areas will be used to concentrate similar uses and development within these coastal areas over the 10-year term of this Plan.



# PART IV:

# PROTECTION

# POLICY

*As part of the promotion of sustainable resource management, the Resource Management Act requires:*

- *The preservation of the natural character of the coastal environment (including the coastal marine area) and the protection of the coastal environment from inappropriate subdivision, use and development.*
- *The protection of outstanding natural features and landscapes within the coastal environment from inappropriate subdivision, use and development.*
- *The protection of areas of significant indigenous vegetation and significant habitats of fauna.*
- *The maintenance and enhancement of public access to and along the coastal marine area.*
- *The recognition of and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

*This Part sets out the objectives, policies, and methods of implementation for complying with these requirements as well as addressing the more particular issues of protection of cultural heritage values and water quality, and coastal hazard management.*

*Unless otherwise specified, the policies and methods of implementation stated within this Part apply to all Marine Management Areas.*



## 7. PRESERVATION OF NATURAL CHARACTER

### 7.1 INTRODUCTION

Under the Resource Management Act, it is a matter of national importance to preserve the natural character of the coastal environment (which includes the coastal marine area) and to protect the coastal environment from "inappropriate" subdivision, use and development.

The emphasis on the coastal environment as a whole reflects the fact that, to a large extent, the natural character of the coastal marine area is inextricably linked to that of adjacent land. Therefore, the preservation of the natural character of the coastal marine area cannot be divorced from the preservation of the natural character of adjacent coastal land.

The natural character of the coastal environment is comprised of a number of key qualities which include:

- Coastal land forms.
- Native flora and the habitats of native fauna.
- Water quality.
- Scenic values.
- Cultural heritage values, including historic places and sites of special significance to Maori.
- Natural movement of sediment and water.
- Air quality.

All parts of the coast have some or all of these qualities and, to that extent, all parts of the coastal marine area have some degree of natural character. Some coastal areas are readily recognised and appreciated by people and communities as being of high natural character. However, because of the range of qualities which make up the natural character, it is often difficult to assess the relative 'naturalness' of specific coastal areas.

Notwithstanding this difficulty, it is generally accepted that the more used or developed an area is, the more likely it is that the area's natural character will be impacted upon. In order to preserve the natural character of the coastal marine area, it is therefore necessary to tightly control subdivision, uses and developments which may significantly diminish one or more of those qualities making up natural character.

Determining what is an "inappropriate" (or appropriate) subdivision, use and development of a given area requires a detailed consideration of the specific qualities of that area and of the known actual or potential adverse effects of subdivision, use and development on those qualities. Consent authorities should, when considering the matters set out in this chapter, take into account the objectives and policies of Northland Regional Council's Regional Policy Statement, in particular the provisions of policies 23.4.A1 and 23.4.A2, when addressing issues of heritage and values other than natural character of land adjoining the Coastal Marine Area. Because of the complexity of this task, assessment of the appropriateness of activities has in the past generally been carried out on a case-by-case basis in response to resource consent applications for particular subdivision, uses or developments. However, this approach can result in the progressive degradation of natural character as the individual and cumulative environmental effects of subdivision, use and

development within a particular area may take time to become apparent. As a safeguard, it is therefore advantageous to identify those areas where subdivision, use and development will be restricted and/or closely monitored. To provide the necessary balance, it is also necessary to recognise those areas where natural character has already been reduced and therefore where further subdivision, use and development could be less restricted.

In the long term, it is intended to develop a broad classification of the natural character of Northland's coastal environment based upon databases on natural and physical resources within the region's coastal area. Some of this information has already been used to classify particular coastal areas and/or the resources within them (see Appendix 2).

## 7.2 ISSUES

1. The lack of available information on the key qualities which make up the natural character of Northland's coastal environment, including sites of cultural significance to Maori, and therefore the difficulty, at least in the short term, of defining the natural character of Northland's coastal marine area in a way which facilitates its preservation.
2. The lack of detailed knowledge of the cumulative effects of subdivision, use and development on the natural character of the coastal marine area and the consequent difficulty of ensuring the preservation of the natural character of the coastal marine area against the long-term effects of subdivision, use and development.
3. The long-term adverse effects of some past subdivision, use and development on natural character of the coastal marine area and the difficulty, in some cases, of remedying or mitigating the changes brought about by this activity.
4. The close interrelationship between the natural character of the coastal marine area and that of adjoining coastal land and the consequent need for integrated management of subdivision, use, development and protection of the coastal environment.
5. The requirement to ensure the coastal environment is protected from inappropriate subdivision, use and development within the coastal marine area and the need to provide guidance on what is considered to be appropriate subdivision, use and development within the coastal marine area.

## 7.3 OBJECTIVE

**The preservation of the natural character of Northland's coastal marine area, and the protection of it from inappropriate subdivision, use and development.**

## 7.4 POLICIES

1. In assessing the actual and potential effects of an activity to recognise that all parts of Northland's coastal marine area have some degree of natural character which requires protection from inappropriate subdivision, use and development.



**Explanation.** *Section 6(a) of the Act is not restricted to unmodified areas. While modified areas may have lost a portion of their natural character, that which remains defines the environmental quality of the area, provides its life-supporting capacity, and contributes to a fuller human experience of the coast.*

2. As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities which collectively make up the natural character of the coastal marine area including:
  - (a) natural water and sediment movement patterns;
  - (b) landscapes and associated natural features;
  - (c) indigenous vegetation and the habitats of indigenous fauna;
  - (d) water quality;
  - (e) cultural heritage values, including historic places and sites of special significance to Maori;
  - (f) air quality;

and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

**Explanation.** *Uses and developments are appropriate within Northland's coastal marine area because of the actual or potential effects on natural character.*

*The difficulty in defining natural character means that in practice, to effectively protect it from inappropriate subdivision, use and development requires consideration of each of the individual elements which go toward defining it in any particular area.*

3. Within Marine 1 and Marine 2 Management Areas and the rules that apply to each of those, identify what subdivision, uses and developments may be appropriate taking into consideration the actual or potential effects on natural character as required by, amongst others, Policy 1.1.1 of the New Zealand Coastal Policy Statement.

**Explanation.** *As explained in section 5.4, because of our general lack of understanding of ecological processes within the coastal marine area, the identification of discrete Marine Management Areas is an essential part of the approach to subdivision, use and development taken in this Plan and is required to ensure that natural character is preserved and the life-supporting capacity of the coast safeguarded.*

4. *Subject to Policies 1 and 2 above, through the use of rules in this Plan, to provide for appropriate subdivision, use and development in areas where natural character has already been compromised, including within Marine 3, Marine 4, Marine 5, and Marine 6 Management Areas.*

**Explanation.** *Notwithstanding the general need to protect the coastal marine area, there is obviously a need to provide for appropriate existing subdivision, use and development so that people and communities are able to provide for their social, economic, and cultural well-being and, for that reason, development is provided for in the Marine 3, Marine 4, Marine 5 and Marine 6 Management Areas. For the purposes of this Plan, it is considered better that, subdivision use and development is consolidated rather than expanding into new areas where the adverse effects are uncertain or unknown.*

5. To ensure a consistent approach to the assessment of the natural character of Northland's coastal marine area.

**Explanation.** *Even in unmodified environments, natural character may exhibit different qualities within different areas, e.g. the east coast vs the west coast. To minimise inconsistencies in assessing (and therefore protecting) the natural character of specific areas, a standardised method of assessment needs to be developed and implemented.*

6. To promote an integrated approach to the preservation of the natural character of Northland's coastal environment as a whole.

**Explanation.** *The natural character of a specific coastal area is generally comprised of elements both on land and within the coastal marine area. Therefore, to preserve the natural character of the coast there is a need to integrate management of the coastal marine area with coastal land management.*

7. To promote, where appropriate, the restoration and rehabilitation of the natural character of the coastal marine area where it has been significantly degraded.

**Explanation.** *There may be situations where it is appropriate to identify the restoration or rehabilitation of the natural character as a remediation measure or to support community initiatives seeking to improve areas that are considered to be significantly degraded.*

## 7.5 METHOD OF IMPLEMENTATION

*(for Policy 1)*

1. Provide assessment criteria within this Plan, applicable in all Marine Management Areas, to facilitate the consideration of the effects of the proposed activities on the preservation of natural character when processing coastal permit applications.

### cross-references

32.1(11)

*(for Policy 2)*

2. Provide specific policies relating to the protection of the qualities identified as comprising part of the natural character of the coastal marine

area including provision for the identification and preservation of areas of high natural character.

cross-references

8.4(1 - 4)	10.4(2)	14.4(1-4)
9.1.4(1 - 5)	12.4(1 - 3)	15.4(1-2)
9.2.4(1 - 4)	13.4(1 - 3)	

3. Require baseline monitoring of all major new subdivision, uses and developments within the coastal marine area including, where relevant, ecological monitoring.
4. Carry out regular monitoring of those activities classed as controlled, discretionary or non-complying activities within this Plan and take prompt action when conditions of coastal permits are not complied with or if unforeseen adverse effects arise.
5. Establish and implement "state-of-the-environment" monitoring programmes for areas undergoing development, including provision for comparative sampling in undeveloped areas.
6. Prepare an annual summary report of the results of monitoring for coastal permits and the more general "state-of-the-environment" monitoring and, where shown as necessary by the results, institute changes to this Plan in order to provide more effective preservation of natural character.

*(for Policy 3)*

7. Include rules within this Plan making subdivision, uses and developments within Marine 1 and Marine 2 Management Areas which are known to have significant adverse effects, either discretionary or non-complying or, for specific geographic areas, prohibited.

cross-references

31.3.4	31.3.6	31.4.5
31.3.5	31.4.4	31.4.6

*(for Policy 4)*

8. Provision, via rules within this Plan, for specific subdivision, uses and developments which already occur in Marine 3, Marine 4, Marine 5, and Marine 6 Management Areas or which are otherwise complementary to existing subdivision, use and development.

cross-references

31.5.2	31.6.2	31.7.2
31.5.3	31.6.3	31.7.3

*(for Policy 5)*

9. Establish and maintain an information database identifying key qualities within Northland's coastal marine area including:
  - (a) preparing a bibliography of published material on the natural and physical resources within Northland's coastal marine area.
  - (b) liaising with the Department of Conservation, district councils, iwi authorities and other relevant organisations in order to provide within one year of the approval of this Plan:
    - (i) a detailed summary of the nature and extent of resource information currently held; and
    - (ii) an assessment of the costs and benefits of establishing a shared resource information database.

*(for Policy 6)*

10. Wherever possible, use the joint hearing provisions of the Resource Management Act to consider resource consent applications for the effects of activities which traverse the coastal marine area at the line of Mean High Water Springs or at cross-river boundaries.
11. Maintain regular liaison with district councils, the Department of Conservation, iwi authorities and other relevant organisations over protection, subdivision, use, and development of the coastal environment of Northland, with particular reference to the effectiveness of this Plan, District Plans, and any other relevant resource management documents in preserving the natural character of the region's coastal environment.
12. Promote, by appropriate submissions to district plans and conservation management strategies, policies and rules on or relevant to the preservation of natural character of the coastal environment which are complementary to those within this Plan.
13. In consultation with the Department of Conservation, District Councils and other relevant organisations, investigate the costs and benefits of establishing a descriptive framework for classifying the natural character values of Northland's coastal environment and to complete the investigation within two years of the approval of this Plan.

*(for policy 7)*

14. Provide assessment criteria within this Plan to promote the consideration of restoration and rehabilitation of natural character as a remediation measure when processing coastal permit applications.
15. Promote through regional environmental funding mechanisms, some community initiatives to restore and rehabilitate natural character, where appropriate.

## 7.6 PRINCIPAL REASONS FOR ADOPTING

The objective is a matter of national importance under the Act and is addressed in several policies in the New Zealand Coastal Policy Statement. The principal reason for each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules (Methods 7 and 8) and associated assessment criteria (Method 1) allows site-specific control of subdivision, uses and developments which may adversely affect natural character.

The use of assessment criteria (Method 14) allows for restoration or rehabilitation of natural character to be considered as a remediation measure when assessing the appropriateness of an activity.

### Investigations/Monitoring

Monitoring of the individual and cumulative effects of subdivision, uses and developments within the coastal marine area (**Methods 3, 4, and 5**) is required to be able to assess whether the objective is being achieved. Such assessment needs to be done on a regular basis to ensure that prompt action can be taken if the objective is not being achieved (**Method 6**).

### Co-ordination

An information database on key qualities of the coastal marine area is essential for monitoring the effectiveness of this Plan (**Method 9**).

The use of joint hearings (**Method 10**) allows the adverse effects of specific subdivision, uses and developments which traverse the line of Mean High Water Springs to be addressed together. This helps ensure a consistent approach to preserving the natural character of the coast as a whole.

Management of the coastal environment is shared between the Minister of Conservation, the Regional Council and district councils. Regular liaison with these other agencies (**Method 11**) is therefore necessary to ensure that management is consistent and natural character is preserved.

**Method 13** will also facilitate a consistent approach to managing the natural character of the coastal environment.

### Other

Natural character is comprised of a number of different qualities; each of which requires specific policies within this Plan to ensure that it is preserved. If each quality is preserved, then natural character should also be preserved (**Method 2**).

In order to ensure a consistent approach toward the preservation of the natural character of the coast as a whole, it is important that the policies and rules within district plans are consistent with those within this Plan (**Method 12**).

The establishment of environmental funding initiatives allows for support of some community proposals to restore or rehabilitate areas of significantly degraded natural character in the coastal marine area (**Method 15**).

## 8. NATURAL FEATURES AND LANDSCAPES

### 8.1 INTRODUCTION

The Resource Management Act specifically requires that outstanding natural features and landscapes be protected from inappropriate subdivision, use and development.

For the purposes of this section, natural features are considered to be relatively discrete coastal landforms or geological formations. A coastal landscape is generally comprised of some combination of landforms, coastal water surfaces, vegetation and other significant visual elements.

Landscape values and the presence of distinctive natural features are among the qualities which go to make up the natural character of particular coastal areas. Among other things, scenic or landscape values and natural features add to the "amenity value" of the coastal environment, including the coastal marine area. The Act defines "amenity value" as:

*those natural or physical qualities and characteristics of an area (e.g. the coast) that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*

Distinctive natural features within or immediately adjacent to the coastal marine area can include beaches, sand spits, rocky headlands, islands, and reefs. As these natural features and landscapes have high amenity value they are, in many cases, pivotal to the region's tourism and recreation industry. Consequently, they are particularly important to the social and economic well-being of people and communities.

To date, natural features within Northland's coastal marine area that have been formally identified as outstanding include Parengarenga Harbour, and the subtidal cliffs, caves and arches of the Poor Knights Islands. To these may be added those landforms and/or geological features ranked as being of either international, national or regional significance in the New Zealand Geopreservation Inventory of the Joint Earth Sciences Societies.

However, there are a significant number of other coastal areas, islands, harbour entrances, capes and headlands around Northland's "coastal environment" which constitute outstanding natural features (or landscapes), which are wholly or partially within Northland's coastal marine area, and have been identified in recent landscape assessment studies, such as those commissioned by the Far North District Council and the Whangarei District Council. These studies assess the landforms and landscapes of both the coastal marine area and "dry land" areas.

Currently, there is no equivalent assessment of the coastal marine area of the Kaipara District. However, it is envisaged that a study will be commissioned in the future, for that area. This study may be jointly funded by the Kaipara District Council and the Northland Regional Council, or may require the Northland Regional Council to commission a study that considers the coastal marine area only.

The use of the landscape assessment studies, as a method for identifying outstanding landforms and landscapes, provides two main advantages.

Firstly, the studies use sound methodology, which enable it to be easily understood and applied again, if necessary. Secondly, it facilitates a consistent approach to the identification of outstanding landforms, between the Northland Regional Council and the district councils of the region. In the assessment of landscape and landforms, the studies include the following variables: Aesthetic value, heritage value, landscape rarity and landscape sensitivity. These areas include:

- Cape Maria van Diemen/Cape Reinga/North Cape
- Kokota sandspit, Parengarenga Harbour entrance
- Matai Bay, Cape Karikari
- Whangaroa Harbour entrance including Pekapeka Bay
- The Cavalli Islands
- The islands of the outer Bay of Islands<sup>1</sup>
- The Cape Brett peninsula including Motukokako (Piercy) Island
- Bream Head and Mount Manaia
- The Poor Knights Islands
- Ngunguru Sandspit
- The Hen and Chickens Islands
- Mangawhai sandspit
- Whangape Harbour entrance
- Hokianga Heads
- Maunganui Bluff
- North Head, Kaipara Harbour entrance

Many of these areas, or parts of them, are recognised by the public as being special and a number already have some degree of statutory protection such as having Scenic or Scientific Reserve status. However, such status is generally applied to the land area only. The level of protection from inappropriate use and development can therefore be enhanced by complementary policies and rules over subdivision, use and development of the adjacent coastal marine area.

The Northland Regional Council recognises that the landscape values and natural features within the coastal marine area are, in many cases, inextricably linked to those of features in the adjacent land. Although this Plan has focused on the coastal marine area, it is recognised that landscape values and natural features that occur in both areas cannot be viewed separately.

## 8.2 ISSUES

1. The contribution of outstanding natural features and landscapes to the natural character of Northland's coastal environment and the consequent need to protect them from inappropriate subdivision, uses and development.
2. The lack of a region-wide assessment of natural features and/or coastal landscape values and the consequent difficulty identifying all natural features and landscapes which may be considered outstanding.

<sup>1</sup> The islands referred to, are those encompassed within the group defined by Motuarohia (Roberton) Island, Urupukapuka Island and Okahu (Red Head) Island.



3. The importance of natural features and landscapes to the amenity values of both the coastal marine area and adjacent coastal land and the consequent need for their integrated management.

### 8.3 OBJECTIVE

**The identification, and protection from inappropriate subdivision, use and development of outstanding natural features and landscapes which are wholly or partially within Northland's coastal marine area.**

### 8.4 POLICIES

1. To recognise and provide for the protection from inappropriate subdivision, use and development of outstanding landscape values, such as those identified in the landscape assessment studies that have been commissioned by district councils of the Northland region of the following areas:

- Cape Maria van Diemen/Cape Reinga/North Cape
- Kokota sandspit, Parengarenga Harbour entrance
- Matai Bay, Cape Karikari
- Whangaroa Harbour entrance including Pekapeka Bay
- The Cavalli Islands
- The islands of the outer Bay of Islands<sup>2</sup>
- The Cape Brett peninsula including Motukokako (Piercy) Island
- Bream Head and Mount Manaia
- The Poor Knights Islands
- Ngunguru Sandspit
- The Hen and Chickens Islands
- Mangawhai sandspit
- Whangape Harbour entrance
- Hokianga Heads
- Maunganui Bluff
- North Head, Kaipara Harbour entrance

**Explanation.** *To effectively protect outstanding landscapes, these need to be individually identified. The landscape values of the listed areas are considered outstanding.*

2. To recognise and provide for the protection from inappropriate subdivision, use and development of landforms and/or geological features of international, national or regional importance which are wholly or partially within Northland's coastal marine area.

**Explanation.** *As with landscapes, to effectively protect outstanding natural features these need to be individually identified. The New Zealand Geological Society has identified features within Northland which are of international, national or regional significance. For the purposes of this Plan, features within these categories are considered outstanding.*

<sup>2</sup> The islands referred to, are those encompassed within the group defined by Motuarohia (Roberton) Island, Urupukapuka Island and Okahu (Red Head) Island.

3. To identify and protect from inappropriate subdivision, use and development any other regionally outstanding features and landscapes within Northland's coastal marine area in a co-ordinated and consistent manner.

**Explanation.** *While some outstanding landscapes and natural features are known, there is much of the coastal marine area, particularly the subtidal area, which has yet to be investigated. Provision therefore needs to be made to allow these to be identified and appropriately dealt with.*

4. To promote the identification and protection of outstanding natural features and landscapes immediately adjacent to Northland's coastal marine area in a co-ordinated and consistent manner.

**Explanation.** *As with natural character, landscapes and natural features are generally comprised of elements both on land and within the coastal marine area. Therefore, to effectively protect these landscapes and natural features requires integrated management of the coastal marine area and coastal land.*

## 8.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. In processing resource consent applications for subdivision, use and development in the vicinity of the areas listed in policy 1, require specific assessment of the adverse visual effects of the proposed activity and where landscape values are significantly adversely affected, particular consideration be given to either:
  - (a) declining consent to the application; or
  - (b) requiring as a condition of the permit, mitigation and/or remedial measures to be instituted as far as practicable.

### cross-references

32.1(13)

*(for Policy 2)*

2. List in Appendix 3 to this Plan, those areas listed in the New Zealand Geopreservation Inventory of the Joint Earth Sciences Societies as being of international, national or regional significance and which are wholly or partly within Northland's coastal marine area.
3. In processing resource consent applications for subdivision, use and development in the vicinity of those listed areas, require specific assessment of the impact of the proposed activity on these landforms and/or geological features of international, national or regional importance. Where the proposed use or activity is likely to lead to the disturbance and/or destruction of part or all of the listed natural features, decline the consent application.

cross-references

32.1(14)

(for Policies 3 and 4)

4. Promote, by appropriate submissions to district plans and conservation management strategies, the recognition of the listed areas and features identified as outstanding landscapes or natural features and the inclusion of policies and rules on or relevant to the protection of these areas or features which are complementary to those within this Plan.
5. In consultation with the Department of Conservation, district councils, iwi authorities, and other relevant groups or individuals:
  - (a) Carry out a region-wide assessment of Northland's coast, with particular reference to the coastal marine area, in order to identify further important coastal landscapes, significant representative landforms, those vulnerable to change and those with potential for enhancement.
  - (b) Establish methods for objectively ranking the relative significance of natural features and landscapes within or immediately adjacent to Northland's coastal marine area, and for assessing possible methods of formally protecting such features.
  - (c) Develop criteria for assessing the visual impacts of proposed subdivision, uses and developments on outstanding natural features and landscapes in the coastal marine area.
  - (d) When completed, institute plan changes to incorporate the relevant outcomes of the tasks set out in (a), (b) and (c).

cross-references

39.3

6. In processing resource consent applications for subdivision, use and development within the coastal marine area, to give particular consideration to any adverse effects on any adjoining natural features and landscapes.

## 8.6 PRINCIPAL REASONS FOR ADOPTING

The objective is a matter of national importance under the Act and is also addressed in several policies in the New Zealand Coastal Policy Statement. The principal reason for each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The inclusion of assessment criteria (**Methods 1, 3 and 6**) allows control of uses and developments which may adversely affect the outstanding values of identified natural features and landscapes.

### **Investigations/Monitoring**

A survey of natural (geological) features has already been carried out and those which may be considered outstanding need to be recognised in this Plan (**Method 2**). However, the protection of other outstanding natural features and landscapes requires these to also be identified (**Method 5**).

### **Co-ordination**

Management of the coastal environment is shared between the Minister and Department of Conservation, the Regional Council and district councils. Effective protection of outstanding landscapes and natural features requires that these also be recognised and provided for in district plans and conservation management strategies (**Method 4**).

## 9. PROTECTION OF SIGNIFICANT INDIGENOUS VEGETATION AND THE HABITATS OF SIGNIFICANT INDIGENOUS FAUNA

The Resource Management Act requires, as a matter of national importance, that areas of significant indigenous (native) vegetation and significant habitats of indigenous fauna within Northland's coastal marine area are protected.

### 9.1 INDIGENOUS VEGETATION

#### 9.1.1 INTRODUCTION

Significant types of indigenous vegetation that occur within Northland's coastal marine area are:

- Salt marshes (usually comprised of Juncus and Leptocarpus species).
- Mangrove forest (Avicennia marina var resinifera).
- Eelgrass (Zostera).
- Intertidal and subtidal seaweed areas, including endemic species of seaweed and kelp forests.

Of these, mangroves may be considered the most unique, because Northland is one of only four regions in New Zealand in which these trees flourish (the other regions being Auckland, Waikato, and Bay of Plenty).

Extensive forests of large mangrove trees exist only in Northland's harbours and estuaries and in the Hauraki Gulf. Northland has 13 harbours and major estuaries which contain over 100 hectares each of mangroves, and five of the larger harbours contain over 1000 hectares each (Kaipara, Hokianga, Rangaunu, the Bay of Islands and Whangarei). South of the Kaipara Harbour on the west coast and the Hauraki Gulf on the east, mangroves progressively dwindle in size and abundance. They cease altogether at Kawhia Harbour on the west coast and near Opotiki on the east coast of the North Island.

While geographically confined to temperate Northern harbours and estuaries, mangroves are neither a rare nor a threatened species in Northland or New Zealand. There is evidence to suggest that mangroves are expanding in Northland Harbours.

Land-use changes, deforestation, and structural modifications in the estuarine environment (e.g. causeways) have caused significant changes in sediment dynamics and input in some estuaries. This has resulted in elevated intertidal areas and subsequent increases in the amount of habitat suitable for mangroves. Nutrient runoff from the land is likely to increase mangrove growth although it is unclear whether it plays a part in their spread. Consequently mangrove expansion is generally a symptom of wider issues in the catchment.

Mangroves can have both positive and negative effects on the social, economic and cultural wellbeing of communities.

Mangroves are an important part of the estuary ecosystem. The known benefits they can provide include:

- Erosion control and shoreline protection
- An important source of organic material to nearby habitats
- Habitat for various marine and terrestrial animals
- An important nursery habitat for short-finned eels, grey mullet and parore
- Reducing the release of urban stormwater contaminants that bind to sediments, like zinc and copper, by trapping and retaining the contaminated sediment.

However, mangroves can have adverse effects, including:

- Colonising the habitat of other indigenous coastal flora and fauna (e.g. seagrass beds, bird roosting sites and shellfish beds)
- Accelerating estuary infilling
- Restricting usability of coastal structures
- Limiting walking and vessel access
- Decreasing space for recreational activity
- Blocking stormwater outlets and water courses
- Damaging power lines
- Limiting visibility on roads

As such, there may be situations where the removal of mangroves is appropriate and/or necessary.

Although to date mangroves have received the most scientific attention in New Zealand, salt marshes and eelgrass are also significant in terms of their contribution to the productivity of coastal ecosystems and as habitat for indigenous birds and/or fish and other marine fauna. Mangroves and salt marshes can also have additional important functions in stabilising foreshore areas, and assisting in maintaining coastal water and sediment quality.

In the subtidal environment, indigenous vegetation in the form of seaweed tends to be associated with rocky shores or reefs. There have been very few detailed studies of the distribution and abundance of seaweed in Northland's subtidal area. Those that have been done have largely focused on specific areas of the region's east coast which are or have been subject to investigation to gather support for their formal protection. The areas investigated to date are the Poor Knights Islands (Marine Reserve), Mimiwhangata (Marine Park), the outer Bay of Islands and Motukaroro Island in Whangarei Harbour (possible marine reserve areas), and Bream Head.

Virtually all areas of significant vegetation exist within Marine 1 and Marine 2 Management Areas. However, eelgrass is present within Marine 3 (Marine Farming) Management Areas in the three Far North harbours, and mangroves occur within the Marine 5 (Port Facilities) Management Areas at Portland and Port Whangarei.

Significant threats to indigenous vegetation within these areas largely occur within harbours and estuaries and include:

- Cattle grazing and trampling of mangroves and saltmarsh areas.
- Reclamation and impoundment of vegetated intertidal areas.
- Drainage of saltmarsh areas.

- Siltation of eelgrass beds either as a result of land clearance or, more locally, the effects of such activities as dredging, dredging spoil disposal, and marine farming.
- Spartina and other invasive, non-indigenous vegetation.

While the Objectives and Policies of this Section are concerned with the protection of significant indigenous vegetation, recognising the requirements of Section 6(c) of the Resource Management Act 1991, indigenous vegetation which is not identified as significant should not be considered to have no value. The promotion of the sustainable management of natural and physical resources (as set out in Section 5 of the RMA) includes any indigenous vegetation and the Objectives and Policies of Part IV of this Plan and especially Section 7 Preservation of Natural Character address issues concerning biodiversity and the value of indigenous vegetation in preserving the natural character of the coastal environment.

### 9.1.2 ISSUES

1. The importance of marine vegetation to sustaining the life-supporting capacity of the coastal marine area, maintaining coastal water quality, and stabilising foreshore areas, and the consequent need to limit its degradation and loss through such activities as reclamation, drainage, pollution, marine farming activity and cattle grazing.
2. The lack of comprehensive baseline information on the distribution of significant indigenous vegetation in the coastal marine area and the consequent difficulty in assessing the cumulative effects of subdivision, use and development on it.
3. The need for public recognition of the importance of indigenous marine vegetation to sustain the life-supporting capacity of the coastal marine area, maintain coastal water quality and stabilise foreshore areas.
4. Changes in sediment dynamics within estuaries can result in changes to the distribution of indigenous marine vegetation.
5. Mangroves and their expansion can have effects on:
  - (a) use and development within the coastal environment, and
  - (b) the habitat of indigenous coastal flora and fauna.
6. Recognition that urban and rural land development and catchment management practices are major factors to be addressed when considering the long-term health of indigenous vegetation ecosystems within harbours and estuaries.

### 9.1.3 OBJECTIVES

- |   |
|---|
| <p><b>A The protection of areas of significant indigenous vegetation within Northland's coastal marine area from the adverse effects of subdivision, use and development.</b></p> <p><b>B Appropriate mangrove removal and pruning is provided for.</b></p> <p><b>C Greater integration between land management planning, catchment</b></p> |
|---|

**management planning and marine (or coastal) environment planning leading to a reduction in the sediment and nutrient runoff.**

- D Communities including the scientific community better understand the role of significant indigenous vegetation, including mangroves, in estuarine ecosystems.**
- E Local community organisations such as “land care” or “harbour care” groups are able to provide local solutions for the sustainable management of estuaries in conjunction with local authorities and other relevant agencies.**
- F Council and community groups work in conjunction with the scientific community to develop robust and practical monitoring techniques to assess the change in estuarine habitats over time.**

#### **9.1.4 POLICIES**

1. To identify areas of significant indigenous vegetation, including mangroves, within Northland’s coastal marine area and protect these from the adverse effects of subdivision, use and development.

**Explanation.** *Estuarine vegetation (principally mangroves and saltmarsh) forms the basis of many coastal food chains and is the habitat of many indigenous birds, fish, and other marine species. It is also most at risk from subdivision, use and development and therefore warrants special protection. Whilst it is important to consider the threats posed to estuarine vegetation, it is also necessary to cater for the full range of habitat types within the coastal marine area.*

2. To provide for the removal or pruning of mangroves where they currently, or are likely to:
  - (a) unduly obstruct existing lawful public access to and along the coastal marine area, including the obstruction of navigable waters and the mouths of waterways that flow from outside the CMA; or
  - (b) interfere with the reasonable use or operation of existing authorised structures or facilities, including the transport network; or
  - (c) obstruct constructed land drainage channels or tidal streams to the extent that adjacent land may be flooded; or
  - (d) significantly adversely effect the habitat of any other indigenous coastal flora and fauna; or
  - (e) in any other case where it can be demonstrated that the removal or trimming of mangroves better meets the purpose of the Act.

**Explanation.** *While the Act requires significant indigenous vegetation to be protected, such vegetation can grow in areas where it impinges on lawful use and development of the coastal marine area. Furthermore, the*



*expansion of mangroves can lead to the loss of habitat for indigenous coastal plants and animals. Provision is therefore required to allow this interference to be remedied. This Policy should be read in conjunction with other policies in this plan, but in particular Policy 9.1.4.1.*

3. The Council shall apply a cautious approach when considering applications to modify or remove significant indigenous vegetation, including mangroves, recognising that relatively little scientific research has been conducted on such ecosystems and how they inter-relate with the wider coastal environment.

**Explanation.** *There is a need for greater scientific understanding about the ecological processes concerning the maintenance of habitats of significant indigenous vegetation, including mangroves. Applications to modify or remove such vegetation may have unforeseen consequences as a result of limited scientific research. A cautious approach in decision making gives effect to Policy 3.3.1 of the New Zealand Coastal Policy Statement.*

4. To monitor the distribution and abundance of significant indigenous vegetation within the coastal marine area as a basis for the identification of adverse effects of subdivision, use and development.

**Explanation.** *This is required to ensure that the policies within this section are effective.*

5. To identify specific areas of significant indigenous vegetation within the coastal marine area which are being degraded by existing subdivision, use or development of the coastal marine area or adjacent land and, as far as practicable, prevent that degradation.

**Explanation.** *Not all parts of the coastal marine area are under pressure from subdivision, use and development. Therefore, efficient utilisation of management resources means that effort should focus on those areas of significant indigenous vegetation known to be damaged or at risk.*

6. To promote public understanding of the importance of salt marshes, mangroves, eelgrass, seaweed and other forms of indigenous vegetation to the life-supporting capacity of the coastal marine area.

**Explanation.** *Effective protection of areas of significant indigenous vegetation requires public support. This can only be gained through education.*

7. To avoid where practicable, the introduction and spread of exotic species which represent a threat to significant indigenous vegetation.

**Explanation.** *Some introduced exotic vegetation species have the potential to become invasive and outcompete indigenous species. Where such species have been introduced, (accidentally or otherwise) their spread needs to be monitored and controlled to avoid any adverse effects on indigenous vegetation. The most effective means of avoiding adverse effects is to ensure that exotic organisms with pest potential are not introduced into the region.*

8. To promote, when appropriate, the restoration and rehabilitation of degraded areas of significant indigenous vegetation.

**Explanation.** *Although there is the potential for vegetation to be modified by subdivision, use and development of the coastal marine area, there is also the opportunity to restore vegetation. For example, this may be done by replanting areas that have been degraded as a result of use and development.*

9. To avoid the adverse effects on the coastal and estuarine ecosystems and coastal water quality, which can result from stock access to and use of the coastal marine area.

**Explanation.** *The control of stock (including cattle, goats, sheep, horses and other farm animals) in the coastal marine area is necessary to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, such as saltmarsh, mangrove and eelgrass, from the threats posed by browsing, trampling and defecating.*

10. To promote, and where appropriate, provide for the formal protection of areas of significant indigenous vegetation.

**Explanation.** *As habitats can be modified by subdivision, use and development of the coastal marine area, provision needs to be made to allow these areas to be enhanced and protected.*

11. The Council shall recognise that the accelerated expansion of mangroves into previously uncolonised areas of the CMA arises from a number of influences associated with land and water catchment management practices, arising outside of the CMA. Provisions in the Regional Coastal Plan cannot directly manage these. Long-term management of accelerated mangrove encroachment will require an analysis of those ecological influences leading to innovative management solutions that may be both regulatory and/or non-regulatory solutions, including community-based action programmes, inter-agency co-operation, and education opportunities facilitated by the Northland Regional Council.

**Explanation.** *Mangrove encroachment into previously uncolonised areas of the CMA is a symptom of factors that may be influenced by existing inappropriate land and water catchment practices that occur outside the direct influence of the Coastal Plan. Effective long-term strategies that have the potential to restore mangrove habitat to a more natural evolutionary process will be developed to complement short-term removal of mangrove strategies. Such strategies will need to be developed by the Northland Regional Council, in a co-operative approach with other organisations and affected communities.*

### 9.1.5 METHODS OF IMPLEMENTATION

*(for Policy 2)*

1. Include rules within this Plan providing for the management of mangroves within Marine 1, Marine 2, Marine 4, Marine 5, and Marine 6 Management Areas .

cross-references

31.3.8(a)	31.3.12(aa)
31.3.12(b)	31.3.12(c)
31.4.8(a)	31.4.12(aa)
31.4.12(b)	31.5.9(e)
31.6.10(aa)	31.6.10(a)
31.7.11(aa)	31.7.11(a)
31.8.11(a)	

*(for Policy 1)*

2. In processing coastal permit applications, require specific assessment of the potential effects of the proposed subdivision, use or development on any significant indigenous vegetation in the vicinity and, where relevant, require appropriate steps to be taken to avoid, remedy, or mitigate the potential loss or degradation of the vegetation.

cross-references

32.1(16)

*(for Policy 1, 2, and 3)*

3. Include assessment criteria within this Plan for mangrove removal.

*(for Policy 4)*

4. Carry out a region-wide survey of the distribution of salt marshes, mangroves, and eelgrass beds within Northland's coastal marine area and repeat this at five yearly intervals.
5. To identify and determine the relative values of areas containing indigenous vegetation and the habitats within the coastal marine area, using the methodologies established under the Sites of Special Biological Interest and Protected Natural Areas programmes. In the absence of a site assessment under these programmes, assessments of significance should include the criteria listed within the appendices.

*(for Policy 5)*

6. Carry out, as part of the Regional Council's maritime monitoring programme, an annual visual assessment of the health of mangroves, and where practicable, saltmarsh and eelgrass beds within harbours and major estuaries and:

- (a) prepare a list of identified areas of mangrove, saltmarsh and eelgrass directly adversely affected by coastal subdivision, use and development; and,
  - (b) in conjunction with the Department of Conservation, district councils, and other relevant groups, prioritise affected areas, and prepare and implement appropriate strategies for their protection with particular regard to preventing any unauthorised activity contributing to the adverse effects.
7. Educate and liaise with statutory agencies and roading contractors about the values of estuarine wetlands and the need to avoid further unnecessary reclamation and impoundment during roadwork related activities, including the identification of spoil disposal sites.

*(for Policy 6)*

8. Produce relevant educational material and distribute this in accordance with the provisions of the Northland Regional Council's Communications Plan, including the use of:
- (a) media releases and articles
  - (b) pamphlets and brochures
  - (c) school kits and school displays
  - (d) public displays
  - (e) relevant industry sector publications

*(for Policy 7)*

9. Maintain records of the location and extent of exotic species found within Northland's coastal marine area, including Spartina, and encourage, through press releases, public reporting of any new sightings.
10. Include appropriate rules within this Plan to allow the eradication and control of the introduction of exotic species, including Spartina.

cross-references

31.3.6(h)	31.3.12(d)	31.4.6(m)	31.4.12(c)
31.5.9(d)	31.6.10(b)	31.7.11(b)	31.8.11(b)

11. Investigate the introduction of exotic species into the coastal marine area with a key focus on ports, port navigation channels and vessel maintenance facilities.

*(for Policy 8)*

12. Provide assessment criteria within this Plan to promote the consideration of restoration and reinstatement of areas of significant indigenous vegetation as a remediation measure when processing coastal permit applications.

cross-references

32.1(12)

32.1(18)

13. Promote through regional environmental funding mechanisms, community initiatives to restore and rehabilitate areas of indigenous vegetation, where appropriate.

*(for Policy 9)*

14. Educate the public generally, and farmers in particular, of the significant adverse effects and threats of stock trampling and grazing of estuarine vegetation, and the benefits of fencing-off foreshore areas from adjoining farmland.

15. Publicise funding sources available to assist with coastal fencing projects

16. Include rules within this plan to prohibit stock access to, and use of, the coastal marine area except for the purpose of horse riding and driving (subject to specified conditions), and allow a 5-year period after the Plan is made operative before the prohibition takes effect, so that any necessary fencing can occur.

cross-references

31.3.12 (f), (g) & (h)

31.4.12(e), (f) & (g)

17. Where appropriate within Marine Management Areas 1 and 2, promote the formal protection of identified significant indigenous vegetation of regional, national or international significance, for example through the establishment of marine reserves and other types of marine protected area.

*(for Policy 10 and 11)*

18. The Council will encourage other agencies that have legal authority to provide protection for mangrove habitat, to exercise those legal powers. Such agencies include the Department of Conservation, the Ministry of Fisheries and the QEII National Trust (on private land).

19. The Council may facilitate the establishment and operation of community and non-governmental organisations that have as an object the research and investigation of long-term ecological factors that influence mangrove habitat expansion arising from inappropriate land and catchment management practices, and the dissemination of information and educational materials designed to increase awareness of such issues and promote changes to land and catchment management practices.
20. The Council will undertake a review of its statutory instruments, including the Regional Policy Statement for Northland, the Regional Water and Soil Plan for Northland and the Regional Air Quality Plan for Northland, to identify ways of increasing the integrated management of natural and physical resources across arbitrary boundaries in order to provide an appropriate management of sediments and nutrients that give rise to accelerated mangrove habitat expansion.

### **9.1.6 PRINCIPAL REASONS FOR ADOPTING**

Objective A is a matter of national importance under the Act and is addressed in several policies in the New Zealand Coastal Policy Statement.

Objective B provides for appropriate mangrove removal and pruning. Where previously the general philosophy was to protect mangroves, an appreciation has developed for the need to manage mangroves in certain circumstances. This philosophical change has come about as our knowledge about mangroves has increased and we are more aware of the adverse effects of mangrove expansion. Note that this objective does not circumvent the need to protect areas of significant mangroves – which is captured by Objective A.

Objective C provides that the arbitrary administrative line of Mean High Water Springs (MHWS) can be an impediment to the promotion of integrated management between land and sea. Significant indigenous vegetation may be threatened by inappropriate land use and catchment use by way of increased sedimentation and nutrient increases. Conversely some indigenous vegetation, such as mangroves, may well colonise new areas in response to increased nutrient and sediment loads arising from inappropriate land management and catchment management practices. It is essential that techniques that encourage integrated resource management across the arbitrary line of MHWS be explored and utilised in order to prevent damage to marine ecosystems.

Objective D provides that education and research initiatives will enhance decision-making ability about, and public enthusiasm for, the sustainable management of indigenous vegetation in Northlands estuaries and harbours. For example, research on the role of mangrove habitat and ecosystems may enable a better understanding of mangrove growth and dispersal, decline and expansion, ecological interaction, and responses to human intervention and assist in identifying factors that can lead to more effective management of their encroachment into previously uncolonised areas.

Objective E provides that local community participation through incorporated “care” groups is likely to lead to innovative management approaches and will mean that strategies for the protection or sustainable management of significant indigenous vegetation are community sourced and owned. If such

initiatives are prepared in conjunction with local authorities then, resources can be made available and learning from experience can be shared with the wider community.

Objective F provides that council and community groups work in conjunction with the scientific community to develop robust and practical monitoring techniques, in order to assess the change in estuarine habitats over time. Monitoring the effects of mangrove management will assist communities to identify the appropriate mechanisms for controlling mangrove encroachment and the effects that mangrove removal might have on other significant ecosystems and species.

The principal reason for each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### **Regulation**

The use of rules (**Methods 1 and 4**) allows site-specific control of uses and developments which may adversely affect the significant habitats of indigenous fauna.

The use of assessment criteria (**Method 3**) provides guidance on the issues to have regard to when considering mangrove removal.

Because the eradication of exotic plants may require spraying of herbicide (a discharge of contaminants) within the coastal marine area, rules are required to control this activity (**Method 10**).

The use of rules (**Method 16**) is necessary to avoid the adverse effects of, and significant threat posed by, stock to significant indigenous vegetation.

The use of assessment criteria (**Method 12**) allows for the restoration or rehabilitation of areas of indigenous vegetation to be considered as a remediation measure when assessing the appropriateness of an activity.

### **Investigations/Monitoring**

The Act requires the protection of significant habitats of indigenous fauna. Habitats within this category need to be identified before they can be protected (**Method 5**). This includes the development of criteria to determine relative significance.

Monitoring of significant indigenous vegetation (**Methods 4, 5 and 6**) will allow changes in distribution and abundance to be identified, and an assessment to be made as to whether this is due to the effects of subdivision, use and development or natural fluctuations. Remedial measures can then be instituted as appropriate.

Monitoring of the distribution of exotic species within the coastal marine area will allow the spread to be tracked and management programmes to be targeted accordingly (**Method 9 and 11**).

### **Education**

Long-term protection of significant indigenous vegetation requires public understanding of its ecological importance (**Methods 7, 8, 14 and 19**).

### **Other**

The establishment of environmental funding initiatives allows for support of community proposals to restore or rehabilitate areas of indigenous vegetation in the coastal marine area (**Methods 13 and 15**).

Formal protection of habitat areas is the most effective method of ensuring their long-term protection. The involvement of other agencies, such as the Department of Conservation, is needed to do this (**Method 5, 17 and 18**).

The management of sediment and nutrient inputs into estuaries requires integrated management (**Method 20**).



## 9.2 HABITATS OF INDIGENOUS FAUNA

### 9.2.1 INTRODUCTION

Indigenous fauna are animals which are native to New Zealand. For the purposes of this section, indigenous fauna are considered to be all fauna associated with estuarine or marine habitats other than those known to be introduced by man. This includes resident and migratory birds, fish, and marine mammals.

As mentioned in Section 9.1.1, most areas of significant indigenous vegetation in the coastal marine area can also be significant habitats for indigenous fauna. Mangroves, eelgrass, and kelp forests are all known to support a diversity of aquatic fauna, including many commercial fish species. Mangroves backed by substantial salt marsh areas are particularly important habitat areas for many native bird species.

As well as mangroves, salt marsh, eelgrass and kelp forests, there are also a wide range of non-vegetated habitats in the coastal marine area which warrant consideration. Intertidal habitats include:

- mud flats and banks
- sand flats and banks
- beaches (which may be comprised of sand, shell, pebbles, gravel, cobbles, or boulders)
- rocky shores (including exposed bluffs, wave-cut platforms, archways, caves, guts, and reefs)

Subtidal habitats include:

- soft bottom harbour areas (mud, sand, shell gravel)
- soft bottom open coast areas (sand, shell gravel)
- shallow broken rock and rock flats
- shallow and deep rocky reefs
- underwater archways and caves

The coastal water itself is the habitat of marine mammals, fish, invertebrates and other pelagic (open sea) species.

All Marine Management Areas contain two or more types of habitat. However, determining the significance of a coastal marine area habitat requires consideration of such factors as:

- the uniqueness or representativeness of the habitat
- the quality and extent of the habitat
- the diversity, or rarity of the fauna that the habitat supports
- the existing level of disturbance or modification of the habitat by human activity

Significant threats to habitats of indigenous fauna within Northland's coastal marine area include:

- reclamation
- dredging and dredging spoil disposal
- off-road vehicles
- pollution from both wastewater discharges and from urban and rural runoff
- siltation as a result of land clearance
- the introduction of exotic species, most notably Cordgrass (Spartina) and the Asian Date Mussel (Musculista senhousia).
- structures

While the Objectives and Policies of this Section are concerned with the protection of significant habitats of indigenous fauna, recognising the requirements of Section 6(c) of the Resource Management Act 1991, habitats of indigenous fauna which are not identified as significant should not be considered to have no value. The promotion of the sustainable management of natural and physical resources (as set out in Section 5 of the RMA) includes any habitats of indigenous fauna and the Objectives and Policies of Part IV of this Plan and especially Section 7. Preservation of Natural Character address issues concerning biodiversity and the values of habitats of indigenous fauna and ecosystems in preserving the natural character of the coastal environment.

### 9.2.2 ISSUES

1. The lack of knowledge of the relative significance of estuarine and marine habitats in specific geographic areas, particularly in relation to their contribution to the life-supporting capacity and amenity values of an area.
2. The importance of habitats to the continued survival of indigenous fauna and the maintenance of the species diversity within the coastal marine area and the consequent need to prevent unnecessary habitat loss or degradation through the effects of, for example, dredging activity, reclamation, impoundment, marine pollution and vehicles.
3. The modifying effect of Spartina and the Asian Date Mussel on habitats of indigenous fauna and the consequent need to monitor and, if practicable, control their spread within the coastal marine area.

### 9.2.3 OBJECTIVE

<p><b>The protection of significant habitats of indigenous fauna within Northland's coastal marine area.</b></p>
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### 9.2.4 POLICIES

1. To identify habitats or habitat areas of indigenous fauna that have moderate, moderate high, high or outstanding value within Northland's coastal marine area and protect these from adverse effects of subdivision, use and development.

**Explanation.** *While there is some general understanding of the relative importance of habitats within the coastal marine area, there has been no investigation to identify those which may be considered*

*"significant" within Northland. Provision therefore needs to be made to allow these to be identified and appropriately dealt with. Such provisions will draw on existing methodologies for ranking habitat values such as those used for the Sites of Special Biological Interest and Protected Natural Areas programmes. It is noted that a Biogeographical Ecological Classification System is currently under development for the Coastal Environments of Northland.*

2. To provide for the restoration and enhancement, where necessary, of significant habitats of estuarine and marine fauna, in Marine 1 and Marine 2 Management Areas.

**Explanation.** *Although habitats can be modified by subdivision, use and development of the coastal marine area, there is also opportunity to enhance habitats, for example, by fencing off an intertidal area and/or planting around it. This would assist in remedying or mitigating any adverse effects of subdivision, use and development.*

3. In processing coastal permit applications for subdivision, use and development within all Marine Management Areas, require specific assessment of the actual and potential effects of the proposed subdivision, use or development on any significant habitat in the vicinity and, if significant, particular consideration be given to either:

- (a) declining consent to the application; or
- (b) requiring as a condition of the permit, mitigation and/or remedial measures to be instituted.

**Explanation.** *The protection of habitats is important to the continued survival of indigenous fauna and the maintenance of the species diversity within the coastal marine area. These areas are not only at risk from unauthorised activities but, unless closely controlled, also from authorised activities.*

4. To avoid where practicable, the introduction and spread of exotic species which represent a threat to natural character and the significant habitats of indigenous fauna.

**Explanation.** *Exotic plant and animal species can often outcompete indigenous species or modify the environment so that it is unsuitable for indigenous species. Where such species have been introduced (accidentally or otherwise) their spread needs to be monitored and controlled to avoid any adverse effects on habitats of indigenous fauna. However, control of exotic plants and animals which have already become established can be extremely difficult. For example, because they are submerged, subtidal species can spread to new areas and remain undetected for some time.*

## 9.2.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Within Marine 1 (Protection) and Marine 2 (Conservation) Management Areas, ensure that any identified significant habitats are protected from use and development through the use of appropriate assessment criteria.

cross-references

31.2.2

32.1(15)

2. Within all Marine Management Areas to identify and determine the relative values of areas containing the habitats of indigenous fauna using the methodologies established under the Sites of Special Biological Interest and Protected Natural Areas programme. (In the absence of a site assessment under these programmes, assessments of significance should include the criteria listed within the appendices).

*(for Policy 2)*

3. Where appropriate within Marine Management Areas 1 and 2, promote the formal protection of identified habitats or habitat areas of moderate, moderate high, high or outstanding value for example through the establishment of marine reserves and other types of marine protected area.

cross-references

section 31

*(for Policy 3)*

4. Include assessment criteria to require specific assessment of the actual and potential effects of the proposed use or development on any significant habitat in the vicinity.
5. Carry out, as part of the Regional Councils maritime monitoring programme in respect of coastal permits, and where practicable, an annual visual assessment of the significant habitats of indigenous fauna and:
  - (a) prepare a list of identified areas of significant habitats of indigenous fauna directly adversely affected by coastal permits.
  - (b) In conjunction with the Department of Conservation, district council's and other relevant groups, prioritise affected areas.
6. Encourage remedial works to be carried out to restore damage to significant habitats of indigenous fauna caused by existing authorised activities<sup>3</sup>.

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<sup>3</sup> For the purpose of this method, the significant habitats of Indigenous Fauna are those identified through Method 9.2.5.5.

cross-references

32.1(18)

(for Policy 4)

7. Maintain records of the location and extent of exotic species found within Northland's coastal marine area, including Spartina and the Asian Date Mussel, and encourage through press releases, public reporting of any new sightings.
8. Include appropriate rules within this Plan to allow the eradication and control) of the introduction of exotic species, including Spartina and the Asian Date Mussel.

cross-references

31.3.6(h)

31.3.12(d)

31.4.6(u)

31.4.12(c)

31.5.9(d)

31.6.10(b)

31.7.11(b)

31.8.11(b)

9. Investigate the introduction of exotic species into the coastal marine area with a key focus on ports, port navigation channels and vessel maintenance facilities.

## 9.2.6 PRINCIPAL REASONS FOR ADOPTING

The objective is a matter of national importance under the Act and is addressed in several policies in the New Zealand Coastal Policy Statement. The principal reason for each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules and associated assessment criteria (**Methods 1, 4 and 5**) allows site-specific control of subdivision, uses and developments which may adversely affect the significant habitats of indigenous fauna.

Because the eradication of exotic plants may require spraying of herbicide (a discharge of contaminants) within the coastal marine area, rules are required to control this activity (**Method 7**).

### Investigations/Monitoring

The Act requires the protection of significant habitats of indigenous fauna. Habitats within this category need to be identified before they can be protected (**Method 2**). This includes the development of criteria to determine relative significance.

Monitoring of the distribution of exotic species within the coastal marine area will allow the spread to be tracked and management programmes to be targeted accordingly (**Method 6 and 8**).

**Other**

Formal protection of habitat areas is the most effective method of ensuring their long-term protection. Because there is no provision under the Act to formally protect habitats or habitat areas within the coastal marine area and the Regional Council does not have this specific function under other legislation, the involvement of other agencies, such as the Department of Conservation, is needed to do this (**Method 3**).

## 10. PUBLIC ACCESS

### 10.1 INTRODUCTION

The foreshore and seabed within Northland's coastal marine area is generally land of the Crown. The coastal marine area is therefore generally regarded as an area of open public space. As such, most members of the public feel they have a 'right' of access to it, so that they can use and enjoy the many recreational opportunities that it provides. While this 'right' does not override private property rights or other land ownership rights, the Resource Management Act makes it a matter of national importance to maintain and enhance public access to and along the coastal marine area.

Public access to and along Northland's coastal marine area is primarily sought for recreational purposes, particularly for walking, sunbathing, swimming, fishing, edible shellfish collection or boating. The type and extent of recreational activity in any particular part of the coastal marine area is closely tied to, among other things, the accessibility of that area.

Access to and along the coast is naturally limited in many parts of Northland by the presence of sea cliffs and mangroves. Access may also be limited where land adjacent to the coast is privately owned and no legal provision has been made for public access through the establishment of an esplanade reserve, esplanade strip or access strip. There are also circumstances where public access may need to be specifically restricted through management controls. For example, where unrestricted public access to a specific area would :

- (a) compromise the management of conservation values of the area, e.g. nature reserves, wildlife sanctuaries, and native bird breeding and roosting areas
- (b) compromise Maori cultural values, e.g. by trampling of urupa
- (c) endanger public health and safety, e.g. in port cargo handling areas, commercial slipways, construction areas, and areas set aside for defence purposes.
- (d) compromise the security of commercial operations in port cargo storage areas or marine farms
- (e) cause or exacerbate coastal erosion particularly in sand dune areas

In regard to (c), the Health and Safety in Environment Act 1992 requires owners/operators of commercial operations to restrict public access in order to protect public health and safety. Further, the Defence Act 1990 enables access to defence areas to be restricted. Such areas exist off Cape Brett and at South Kaipara Head.

### 10.2 ISSUES

1. The close relationship between public access and public use of the coastal marine area, and the consequent need to maintain and enhance public access to and along the coastal marine area.

2. The close relationship between public access and public use of the coastal marine area and the consequent need to avoid unnecessary restrictions on public access as a result of, for example, the construction of structures and other activities which require the exclusive occupation of coastal space.
3. The sensitivity of some ecological areas and areas of traditional or cultural value to the effects of human activities and the consequent need to restrict public access to those areas in order to protect their values.
4. The potential risk of injury in commercial port areas and other areas where there is heavy machinery working, and the consequent need to provide for some restriction of public access to part or all of those areas in order to protect public health and safety.
5. Vehicular access to and along the coastal marine area can cause adverse environmental effects.
6. Adverse environmental effects can arise from vehicular use on beaches across administrative boundaries such as the line of mean high water springs.

### 10.3 OBJECTIVES

1. **The maintenance and enhancement of public access to and along Northland's coastal marine area except where restriction on that access is necessary.**
2. **The integrated management of vehicular use of beaches, including access to and along the coastal marine area, between administrative agencies, non-governmental agencies and communities.**

### 10.4 POLICIES

1. To promote, and where appropriate, facilitate improved public access to and along the coastal marine area where this does not compromise the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, Maori cultural values, public health and safety, or security of commercial operations.

**Explanation.** *The maintenance and enhancement of public access to and along the coastal marine area is a matter of national importance.*

2. Where appropriate, to provide for the restriction of public access where this is necessary to protect areas of significant indigenous vegetation, significant habitats of indigenous fauna and sites of Maori cultural value.

**Explanation.** *Although the maintenance and enhancement of public access to and along the coastal marine area is a matter of national importance, there are situations where such access will also cause adverse effects. Public access, therefore, may need to be restricted in some situations in order to comply with the other provisions of the Act, for example, to protect sites of Maori cultural significance.*



3. Where appropriate, to provide for the restriction of public access to protect public health and safety, for defence purposes or for the security of commercial operations.

**Explanation.** *Restrictions of public access may be necessary in situations where public health and safety may be endangered, such as in port cargo handling areas or areas set aside for defence purposes.*

4. Consent authorities shall recognise that vehicular use to and along the coastal marine area may cause adverse environmental effects including:

- Coastal erosion
- Ecosystem degradation
- Depletion, and in some cases destruction, of shellfish beds
- Disturbance of wildlife, especially nesting birds
- Damage to archaeological site and waahi tapu
- Public health and safety
- Noise

**Explanation.** *Vehicles such as 4WD and motorcycles can cause considerable damage by crushing juvenile shellfish, disturbing and/or damaging flora and fauna, accelerating erosion and placing other recreational users at risk.*

5. The Council shall recognise that vehicle usage and associated environmental effects are not confined to the CMA and an integrated management approach between a number of different organisations and communities is required to address these effects.

**Explanation.** *The arbitrary boundary of the line of MHWS does not take into account the fact that beaches form part of a dynamic and integrated ecosystem. Adverse effects arising from vehicle use anywhere on a beach can affect the whole beach system. A number of different organisations and communities have responsibilities and interests in managing adverse environmental effects arising from vehicle use on beaches.*

## 10.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. In consultation with iwi, Department of Conservation, local authorities and any other relevant interest groups prepare maps showing sites and areas around Northland's coastline where access to and along the coast is legally allowed, including public wharves, boat ramps, esplanade reserves, esplanade strips, access strips and legal, unformed roads.
2. Where practicable, require as a condition of coastal permits, public access to authorised wharves, jetties and other similar structures which extend from or over sites or areas adjacent to the coastal marine area where public access is legally allowed.
3. Encourage district councils and the Department of Conservation to identify and publicise the location of reserve land within or adjoining the coastal marine area which may be used for public access without

compromising conservation values, Maori cultural values, or public health and safety; and where appropriate, to develop reserve management strategies for enhancing public access to and along the coast.

4. Where practicable, encourage the provision of alternative routes or points of public access to and along the coastal marine area where public access is or is proposed to be restricted, in order to protect areas of significant conservation value, sites of Maori cultural value, public health and safety, or security of commercial operations.

cross-references

32.1(16)

5. Promote, by appropriate submissions to district plans and conservation management strategies, the inclusion of policies and rules on public access to the coastal marine area which are complementary to those within this Plan.
6. Liaise with district councils and the Department of Conservation to identify locations where it is desirable to provide esplanade reserves and strips and access strips for public access to and along the coastal marine area.
7. In accordance with section 104(5) of the Act, when considering an application for resource consent for a proposed reclamation, give regard to whether it is appropriate for an esplanade reserve or esplanade strip to be required.

cross-references

32.2.2(5)

34.2.1(i)

*(for Policy 2)*

8. Where relevant, give appropriate recognition to the specific sites and areas under the Minister of Conservation's control around the Northland coastline where public access to and along the coast is, or should be, restricted in order to protect specified conservation values.
9. Encourage, where appropriate, district councils to include policies and rules in District Plans limiting access to known ecologically, culturally, or commercially sensitive areas.
10. In consultation with Maori, in accordance with tikanga Maori, identify those areas where restriction of public access to and along the coastal marine area is sought to protect areas of traditional, spiritual or cultural significance.

*(for policy 3)*

11. Include appropriate rules in this Plan limiting public access to and within Marine 3 and Marine 5 Management Areas where security and/or public safety are likely to be compromised.

cross-references

31.8.4(a)  
31.7.2(a)

12. Include rules within this Plan limiting public access to defence area NZR 26 located at South Kaipara Head.

cross-references

31.6.2(a)	31.7.3(a)&(b)	31.6.2(b)
31.6.3(a)	31.6.3(b)	
31.4.3(a)	31.4.3(b)	

13. In accordance with section 108 of the Act, consider requiring that a financial contribution be made by way of a condition of resource consent, for activities limiting or preventing public access to or along the coastal marine area.

cross-references

34.2.1(a)

15. Encourage the appropriate use of vehicles on beaches by providing information and education about the adverse effects that may arise through inappropriate vehicle use by:
- The placement of information signs
  - Provision of education pamphlets
  - Public environmental education initiatives
16. The Council will advocate for the integrated management of vehicles on beaches between statutory agencies, including territorial authorities within Northland, the Department of Conservation, the Ministry of Transport, LTSA, the New Zealand Police, Government and adjoining local authorities.
17. The Council will advocate for the integrated management of vehicles on beaches by encouraging the establishment and development of Coast Care Groups and support other groups, such as 4WD clubs and fishing clubs, in developing codes of practice for vehicle use.
18. Within two years of the Regional Coastal Plan being made operative, the Council will facilitate an All-Party Conference on the issue of vehicles on beaches, including integrated management.
19. The Council will encourage an integrated approach to the monitoring of vehicle use on beaches between the Minister of Conservation and the local and adjoining territorial authorities.

## 10.6 PRINCIPAL REASONS FOR ADOPTING

The objective is a matter of national importance under the Act and is addressed in several policies in the New Zealand Coastal Policy Statement.

The principal reason for each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

**Regulation**

The use of rules (**Methods 9 and 10**) and associated assessment criteria (**Method 4**) allows site-specific provision for, or control of, public access to and along the coastal marine area. Conditions on permits are a key means by which public access can be provided for (**Method 2**).

**Investigations/Monitoring**

Mapping of areas where public access is allowed (**Methods 1 and 8**) facilitates site-specific provision for access.

**Co-ordination**

Because they are primarily responsible for day-to-day management of coastal land, district councils and the Department of Conservation are the agencies which facilitate access to the coastal marine area (**Method 3**). These agencies also need to adopt a similar approach to that within this Plan to ensure consistency of provision for and management of public access (**Methods 5 and 7**). This includes the identification of areas where unrestricted access is inappropriate (**Method 6**).

## 11. RECOGNITION OF AND PROVISION FOR MAORI AND THEIR CULTURE AND TRADITIONS

### 11.1 INTRODUCTION

The Resource Management Act requires that in managing the natural and physical resources with Northland's coast, the Regional Council and all others exercising powers and functions under the Act must:

- (a) *Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and other taonga as a matter of national importance;*
- (b) *Take into account the Principles of the Treaty of Waitangi (Te Tiriti O Waitangi);*
- (c) *Have particular regard to kaitiakitanga;*
- (d) In preparing this Plan, consult with iwi and have regard to, among other things, relevant planning documents recognised by an iwi authority and affected by this plan.

These statutory requirements give prominence to Maori values and aspirations in relation to resource management.

During the process of preparing this Plan, individual iwi authorities and Te Kotahitanga O Te Taitokerau have been consulted. The Resource Management Committee of Te Kotahitanga has also undertaken extensive consultation with iwi to assist in the preparation of this Plan. From these consultations, it is clear that the traditional Maori values and tribal structures still exist today. There is also a continued desire to exercise tribal kaitiakitanga. The provisions of the Resource Management Act are therefore seen by Maori as both recognition of their unique status in New Zealand society and an opportunity to exercise their traditional role as kaitiaki of coastal resources.

The aspirations of iwi in Northland expressed during consultation on the Regional Policy Statement for Northland and on this Plan have included:

- The recognition of customary tribal authority over coastal land which iwi and hapu have traditionally occupied (manawhenua) and over coastal waters which iwi and hapu have traditionally used (manamoana);
- Greater Maori involvement in coastal management, including joint management of areas of Maori spiritual and cultural significance; and,
- Recognition of Maori spiritual and cultural values when processing applications for resource consents.

The policies and rules within this Plan deal with those particular concerns of Maori about the use, development and protection of natural and physical resources within Northland's coastal marine area; the most commonly expressed being the depletion of seafood resources through pollution and over-exploitation. This concern underlines the fact that a significant part of the relationship of Maori to the coastal marine area revolves around access

to, and use of, seafood resources. Pollution and other non-harvesting related forms of degradation of seafood resources can and are dealt with in this Plan. However, dealing with over-exploitation of seafood resources is the responsibility of the Minister of Fisheries. As such, fisheries issues are largely excluded from the jurisdiction of the Resource Management Act and hence this Plan.

There have, however, been recent amendments to fisheries legislation which recognise and make provision for Maori involvement in fisheries management. Maori may now apply to the Minister of Fisheries to establish Maori fisheries areas such as taiapure and maataitai reserves.

Taiapure can be established under the Fisheries Act 1996. Taiapure are local fishery areas in estuarine or littoral coastal waters, which are of special significance to iwi or hapu as a source of seafood, or for spiritual or cultural reasons. They are established to give Maori a greater say in the fisheries management of such areas.

Maataitai reserve areas can be established under the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. They are discrete areas of traditional importance to Maori within which the tangata whenua are authorised to manage and control the non-commercial harvest of seafood for customary food gathering. The establishment of a maataitai reserve will clearly identify the reserve as a mahinga maataitai under the Resource Management Act. Any applications by other users for coastal permits for non-fisheries uses within or in proximity to the reserve could then be considered in relation to the likely effects on the reserve.

If and when established, these areas could be considered as "sites, including waters, of special importance to Maori". It is therefore appropriate that this significance is recognised in management of other resources within the area.

It is important to note that because of the often significant financial and legal implications of changing existing systems, the policies within this Plan are designed to address environmental issues over time. Requiring significant changes without any lead-in time is not possible, for example in relation to the location and/or level of treatment of wastewater discharges.

## 11.2 ISSUES

*(The following issues are as they have been expressed by Maori in submissions to this Plan, with some minor word changes for the purpose of clarity)*

1. The lack of formal recognition of iwi as the traditional kaitiaki (guardians) of the coastal resources within their rohe (traditional territory).
2. The coastal tendering provisions of the Resource Management Act which are seen to breach the terms of the Treaty of Waitangi.
3. The preservation and, where necessary, restoration of the habitats of fish, shellfish and other seafood, and waters, particularly where these are relied upon by Maori communities as a source of food.

4. The protection of traditional Maori fisheries, and waters classified for cultural purposes, from the adverse effects of activities such as sewage discharges, marine farming, sand extraction, and dredging.
5. The protection of waahi tapu and other sites of significance to Maori from the adverse effects of human activities and from coastal erosion.
6. The protection of traditional Maori accessways to fishing grounds, waahi tapu, and other sites of significance to Maori.
7. The need to avoid all discharges of waste to the sea whether treated or otherwise.
8. The need to halt the practice of sprinkling human ashes on the sea.
9. The need to ensure that resource consents are properly monitored to ensure compliance with conditions requested by iwi.
10. The desire to develop new marine farms and other aquaculture ventures, particularly in the Far North harbours.
11. The degree of involvement of tangata whenua in resource management decision making, policy formulation, monitoring and implementation, particularly as they affect their taonga.

### 11.3 OBJECTIVE

**The management of the natural and physical resources within Northland's coastal marine area in a manner that recognises and respects the traditional and cultural relationships of tangata whenua with the coast.**

### 11.4 POLICIES

1. To recognise and, as far as practicable, provide for the concerns and cultural perspective of tangata whenua with respect to the protection of natural and physical resources (especially seafood) in the coastal marine area.

**Explanation.** *Section 6(e) of the Act requires provision for the relationship of Maori to the coast. A significant part of this relationship revolves around access to and use of seafood resources.*

2. To recognise and, as far as practicable, provide for the concerns and cultural perspectives of tangata whenua in regard to the disposal of waste into water.

**Explanation.** *The disposal of waste to coastal water is abhorrent to Maori. To give effect to section 6(e) of the Act, this factor needs to be provided for.*

3. To directly involve tangata whenua in resource management decision-making in the following areas:

- (a) Where Taiapure are established under the provisions of the Fisheries Act 1996;
- (b) Where maaitai reserves are established under the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992;
- (c) Waters classified for cultural purposes.

**Explanation.** *The establishment of taiapure and maaitai reserves allows Maori to formally exercise kaitiakitanga over local fisheries resources. Waters classified for cultural purposes identify important relationships that Tangata Whenua have with specific waters including waters used for healing purposes and kaimoana gathering. However, effective management of fisheries and water quality within these defined areas will also require Maori involvement in the management of, for example, the fisheries habitats, including coastal waters.*

4. To investigate options for involving tangata whenua in monitoring the effects of use, development and protection of resources within the coastal marine area.

**Explanation.** *Maori involvement in monitoring the use, development and protection of coastal resources is one means by which kaitiakitanga may be provided for. There are a range of possible options for involving Maori in monitoring.*

5. To provide technical advice, information and, where appropriate, financial resources to assist iwi authorities in the development of iwi management plans for natural and physical resources within the coastal marine area of their rohe.

**Explanation.** *The Act requires special provision to be made for Maori in resource management. Iwi management plans are one means by which Maori can express their concerns and aspirations about the use and development of coastal resources, while at the same time becoming familiar with the Act and its provisions. This should lead, among other things, to an enhanced understanding by non-Maori of the relationship of iwi to coastal resources.*

## 11.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Require consultation with tangata whenua over development proposals within the coastal marine area which may affect known resources of significance to tangata whenua.
2. Consult with iwi authorities over the traditional and cultural relationships of Maori with natural and physical resources within the coastal marine area of their rohe including the identification of traditional access to sites within the coastal marine area containing resources of Maori cultural value.



3. Include relevant policies and methods within this Plan to have regard to the effects of activities on sites of cultural significance to Maori within or immediately adjacent to the coastal marine area.

cross-references

12.4 (2)

12.5 (7) (25/2)

(for Policy 2)

4. Encourage applicants to consult with tangata whenua over development proposals within the coastal marine area which include a proposed or potential discharge of contaminants to coastal waters.
5. Include relevant policies, methods and rules within this Plan to address the concerns of tangata whenua about wastewater discharges to the coastal marine area, and to phase out, where possible those discharges containing human sewage or other harmful substances.

cross-references

19.4 (1),(2)&(5)

19.5 (1)-(6)

19.5 (10)-(16)

31.3.6

31.4.6

31.5.5

31.6.5

31.7.6

(for Policy 3)

6. Where appropriate, include a representative or representatives of tangata whenua on consent hearing committees which consider resource consents for use and development in taiapure and maataitai reserves and waters classified for cultural purposes.

(for Policy 4)

7. In consultation with tangata whenua:
  - (a) identify sites, including waters, of special significance to iwi within the coastal marine area;
  - (b) identify specific uses and developments affecting those sites;
  - (c) assess the most efficient and effective means of monitoring any adverse effects of those uses and developments with particular reference to involving tangata whenua.

(for Policy 5)

8. Where requested by an iwi authority, provide advice on coastal resource management structures and provide relevant resource information held by the Regional Council.

## 11.6 PRINCIPAL REASONS FOR ADOPTING

The objective is a matter of national importance under the Act and required under the New Zealand Coastal Policy Statement. The principal reason for each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

**Other**

**Methods 1 and 4** allow Maori to advise whether proposed uses and developments will affect their relationship to coastal waters, sites or other taonga within the coastal marine area. This can then be taken into account in, for example, the location or design of the proposal.

**Methods 4 and 6** allows Maori to become directly involved in the management of resources within formally identified customary fisheries areas.

**Method 5** recognises and provides for the Maori view of discharges of waste to coastal water to be considered in decision making.

**Methods 2, 3 and 7** allows Maori the opportunity to have sites of significance to them openly recognised, and protected as such, within this Plan.

**Method 8** provides for the Regional Council to assist Maori in developing their own resource management plans.

## 12. CULTURAL HERITAGE VALUES

### 12.1 INTRODUCTION

Coastal sites or areas associated with the region's history, particularly those with visible reminders of historical use and development, can generally be described as sites of "cultural heritage" value. These sites and areas are an integral part of the character of the coast and can be broadly categorised according to whether the sites or areas are associated with Maori culture and/or non-Maori culture.

Sites or areas which may occur within the coastal marine area and which comprise part of the Maori cultural heritage include:

- Tauranga waka (canoe landing sites).
- Mahinga maataitai (places for gathering seafood).
- Estuaries, reefs, and other coastal landmarks which define tribal boundaries.
- Natural and physical features referred to in whakatauki (traditional sayings).
- Traditional coastal access points.
- Battle grounds.
- Burial sites.

Some of these may be considered by Maori to be "waahi tapu" which, taken literally, means sacred sites or areas.

Coastal sites or areas of non-Maori cultural heritage value which may occur within the coastal marine area include:

- Sites of wharves and other historical structures associated with whaling, boat-building, timber milling, mining, dairy production, or general coastal trading and transportation.
- Shipwreck sites.
- Historical anchorages and mooring areas.

Some work has been carried out by the New Zealand Historic Places Trust, primarily to identify historic buildings around Northland's coast. The New Zealand Historic Places Trust also holds a register of archaeological sites in Northland which has been derived from studies by individual archaeologists and compiled in the New Zealand Archaeological Association's CINZA (Central Index of New Zealand Archaeological Sites) system. However, virtually all of the sites and buildings listed are on land and therefore outside the coastal marine area. While Northland's coastal marine area undoubtedly contains a number of archaeological and historical sites, a comprehensive inventory of these has yet to be prepared. In respect of archaeological sites, it is important to note that under the Historic Places Act 1993, authority to modify, damage or destroy any archaeological site, whether recorded or unrecorded, is required from the Historic Places Trust prior to any work being undertaken.

For the purposes of this Plan, it is noted that the principal protection legislation for cultural heritage resources are the Historic Places Act 1993, and for sites of significance to Maori, Te Ture Whenua Maori Land Act 1993.

However, although the Historic Places Act 1993 may be applied within the coastal marine area, it seldom is. The Conservation Act 1987 and the Reserves Act 1977 are also relevant to the protection of sites or areas of cultural heritage value. However, the heritage order provisions of the Resource Management Act are of limited use as they apply only to land. It should be noted that the Resource Management Act does, however, allow the Council to include rules in this Plan to protect cultural heritage values within the coastal marine area.

## 12.2 ISSUES

1. The importance of sites and areas of regional or national cultural heritage value in providing links to past generations, and the consequent need to identify and protect these sites.
2. The potential for activities within the coastal marine area to adversely affect heritage values of sites, buildings, places or areas of adjoining land.

## 12.3 OBJECTIVE

1. **The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value within Northland's coastal marine area.**
2. **The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value that exist adjacent to the coastal marine area and may be adversely affected by use and development of the coastal marine area.**

## 12.4 POLICIES

1. To identify sites, buildings and other structures, places or areas of cultural heritage value within Northland's coastal marine area and, where practicable, assist in the protection of those at risk from the adverse effects of use and development.

**Explanation.** *Sites of cultural heritage value within the coastal marine area provide important links to our past. Provision for their protection is available under various Acts but such protection can be enhanced by the provisions of this Plan.*

2. To encourage tangata whenua to identify waahi tapu and other sites of traditional, spiritual or cultural significance to Maori within or immediately adjacent to the coastal marine area within their rohe and to assess for themselves the most appropriate means of providing for the protection of these sites.

**Explanation.** *The Act requires that the relationship of Maori to ancestral sites be provided for. However, because of the cultural significance of these sites, Maori are often reluctant to reveal their location to others (including other Maori). It is therefore for Maori to decide how the protection of these sites should be provided for.*

3. In assessing the potential effects of a proposed activity to identify whether an activity will have an adverse effect on a known site, building, place or area of cultural heritage value within the coastal marine area or on adjoining land.

**Explanation.** *Although this Plan is restricted in its coverage to the coastal marine area, the potential adverse effects of use and development within the coastal marine area on the adjoining land is such that it should be provided for (e.g. coastal erosion, provision of access).*

4. To provide appropriate technical advice and information to assist iwi authorities in the development of hapu/iwi management plans for natural and physical resources within the area of their rohe.

**Explanation.** *The Act requires special provision to be made for Maori involvement in resource management. Iwi management plans are one means by which Maori can express their concerns and aspirations about the use, development and protection of land and water resources. This should lead, among other things, to an enhanced understanding by non-Maori of the relationship of iwi to those resources.*

## 12.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Consult with the NZ Historic Places Trust, the Department of Conservation, district councils, iwi authorities, and other relevant organisations, in regard to the type and extent of available information on sites, buildings and other structures, places, or areas of heritage value within the coastal marine area.
2. Carry out investigations to create an inventory of historic wharves, jetties, and similar structures within Northland's coastal marine area and prepare maps of identified sites, buildings and other structures, places and areas to facilitate the assessment of the potential effects of proposed activities.
3. Include appropriate policies providing for the restriction, where warranted, of public access to identified sites of cultural heritage value.

### cross-references

10.4(2)

4. Gather information on legislative protection mechanisms currently applied to specific sites of heritage value and use this to help ensure that applicants for coastal permits are aware of any constraints that the formal protection status may place on a proposed activity where this could affect the protected site.
5. Encourage the application of formal protection mechanisms to known sites of heritage value which are not already subject to such protection and are at risk from the adverse effects of use and development of the coastal marine area.

*(for Policy 2)*

6. Consult with, and supply relevant information to tangata whenua regarding possible means of protecting waahi tapu and other sites of cultural significance.

*(for Policy 3)*

7. Include relevant assessment criteria within this Plan for the purpose of identifying whether or not a proposed activity will affect a known site, building, place or area of cultural heritage value.

cross-references

32.1(15)

8. Include relevant assessment criteria within this Plan for the purpose of identifying whether or not a proposed activity, within the coastal marine area, will affect a known site, building, place or area of cultural heritage value of the adjoining coastal land.

cross-references

32.1.17

9. Where requested by an iwi authority, provide appropriate land and water resource information held by the Regional Council.

## 12.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules and associated assessment criteria (**Methods 7 and 8**) allows site-specific control of uses and developments which may adversely affect sites of cultural heritage value.

Applicants for coastal permits need to be aware of the presence of any sites of cultural significance within the area of the proposed use or development and, if the sites are formally protected, of the constraints that this may place on the proposed activity (**Method 4**).

### Investigations/Monitoring

Protection of sites of cultural heritage value from the adverse effects of use and development requires these to be identified (**Methods 1 and 2**).

**Other**

Because public access can lead to adverse effects on sites of cultural heritage value, provision needs to be made to control access to such sites (**Method 3**).

Formal protection of sites or areas of cultural heritage value is the most effective method of ensuring their long-term protection. The involvement of other agencies, such as the New Zealand Historic Places Trust and Department of Conservation, is needed to do this because there is no provision under the Act to formally protect such sites or areas within the coastal marine area and the Regional Council does not have this specific function under other legislation (**Method 5**).

Maori need to decide for themselves how best to protect these areas because of the particular sensitivity of sites of Maori heritage value (**Method 6**).





## 13. WATER QUALITY

### 13.1 INTRODUCTION

The maintenance and enhancement of water quality is a major issue in Northland's coastal marine area. Not only is water quality a major component of the natural character of the coast, many activities located on the region's coast, such as marine farming and tourism, are dependent on the maintenance of high water quality standards.

While there is some relatively localised degradation of water quality around outfalls and in enclosed waters following rain, on the whole Northland's coastal waters are of a high standard. However, with continuing pressure for economic growth and development, effective controls on the discharge of contaminants to water to avoid, remedy or mitigate any adverse effects, are necessary to ensure that this standard is maintained for the benefit of future generations.

Known or potential causes of coastal water quality degradation in Northland include:

- Sewage discharges from land-based facilities and from vessels.
- Discharges from industrial facilities.
- Runoff (including storm water) from adjacent land and structures.
- Discharges and/or run-off from boat maintenance facilities.
- Landfill leachate.

These discharges are dealt with separately in Section 19. The purpose of this section is to establish the underlying framework for the maintenance and enhancement of Northland's coastal water quality. The principal water quality management tools which may be used to maintain or enhance water quality are water quality management plans, water quality classification and conditions on resource consents.

Management plans are generally formulated for discrete water bodies such as harbours and estuaries and their surrounding catchment area. These specify action to be taken to protect water quality and, where necessary, rectify water quality degradation. They are usually based on the results of detailed water quality investigations. With the exception of Whangarei Harbour and the Bay of Islands, there is little detailed knowledge of existing coastal water quality in Northland.

Water quality classification is essentially a system of zoning waters, for management purposes, in accordance with their desired and actual use and applying minimum water quality standards which must be maintained to protect that use. The Third Schedule of the Act contains a number of classes which may be used for this purpose. There is also provision in the Act for other classes to be developed by regional councils in addition to those provided.

Resource consents are required for discharges of contaminants or water to the coastal marine area, unless allowed for by a rule in this Plan or by regulation. Consents generally specify conditions which must be met in order to maintain water quality or otherwise minimise the adverse environmental effects.

A key component of all of these is monitoring. Monitoring is required to assess the effectiveness of management programmes, to ensure maintenance of classification standards and to ensure compliance with consent conditions.

### 13.2 ISSUES

1. The lack of detailed knowledge of existing coastal water quality other than in the Whangarei Harbour and the Bay of Islands and the consequent difficulty in ensuring that water quality is being maintained.
2. The importance of water quality to safe contact recreation, shellfish gathering and other significant uses of Northland's coastal marine area, and the consequent need to provide an effective management framework for maintaining and enhancing water quality for the benefit of future generations.

### 13.3 OBJECTIVE

**The maintenance, and where practicable, enhancement of water quality within Northland's coastal marine area.**

### 13.4 POLICIES

1. To classify the waters within Northland's coastal marine area as a means of clearly identifying the water quality management aims for individual areas of coastal water, and in a manner which recognises:
  - (a) the high standard of existing water quality of the majority of Northland's coastal waters;
  - (b) existing detailed information on the quality of the waters of the Whangarei Harbour and the Bay of Islands;
  - (c) the importance of water quality to safe contact recreation and the quality of naturally occurring and commercially-grown edible shellfish resources;
  - (d) the need to safeguard the life-supporting capacity of coastal waters and ecosystems,

and to ensure that appropriate water quality standards are maintained.

**Explanation.** *The classification of water provides a public statement of the community goals for particular coastal waters. It also allows water quality standards to be tailored to these goals and discharges to be managed accordingly.*

2. As far as practicable, to identify any parts of the coastal marine area which are, or which have the potential to be, significantly degraded by use and development and institute appropriate remedial action giving priority to areas of high use by the general public.

**Explanation.** *Not all coastal waters are at risk of degradation from inappropriate use and development. Efficient utilisation of management resources means that effort should focus on those areas where water quality is known to be degraded or is threatened to be degraded.*

3. To increase public awareness of the importance of maintaining and enhancing coastal water quality.

**Explanation.** *Effective protection of water quality requires public support. This can only be gained through education of the public about the importance of water quality in relation to, for example, contact recreation.*

### 13.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Reclassify the waters of Whangarei Harbour in accordance with the Whangarei Harbour Water Quality Management Plan, apply the relevant water quality standards as set out in Appendix 4, and ensure that these standards are maintained through regular monitoring and control of activities affecting or likely to affect water quality.

cross-references

see Maps 19.5(9)      19.5(11)

2. Reclassify the waters of the Bay of Islands in accordance with the findings of recent coastal water quality investigations, apply the relevant water quality standards set out in Appendix 4, and ensure that these standards are maintained through regular monitoring and control of activities affecting or likely to affect water quality.

cross-references

see Maps 19.5(9)      19.5(11)

3. For all coastal waters
  - (a) prepare and implement monitoring programmes to gather sufficient information over the next 10 years to be able to accurately describe existing water quality of Northland's coastal marine area and to classify it appropriately using the following order of priority:

**High Priority:**

1. Whangaroa Harbour
2. Hokianga Harbour
3. Ngunguru Harbour
4. Mangawhai Harbour
5. Whangape Harbour
6. Kaipara Harbour

**Medium Priority:**

7. Houhora Harbour
8. Taipa & Mangonui Harbour
9. Whangaruru Harbour

10. Matapouri Harbour
11. Pataua Harbour
12. Whananaki Harbour
13. Taiharuru Harbour

**Low Priority:**

14. Rangaunu Harbour
15. Herekino Harbour
16. Parengarenga Harbour
17. The Bay of Islands and the Whangarei Harbour
18. All other coastal waters.

- (b) For all coastal waters other than those within the Whangarei Harbour and the Bay of Islands:

In the interim, use the following classes from the Third Schedule of the Resource Management Act for the maintenance and enhancement of coastal water quality in the specified situations:

- (i) for estuaries and other inner harbour areas influenced by major river inflows - AE, CR, C A, (i.e. to be managed for aquatic ecosystems, contact recreation, cultural and aesthetic purposes)
- (ii) nearshore areas on the open coast and in harbour areas away from major river inflows - AE, CR, A, C, SG (i.e. to be managed for aquatic ecosystems, contact recreation, aesthetic purposes, cultural purposes and for the gathering or cultivation of shellfish for human consumption)
- (iii) open coastal waters - NS, C (i.e. to be managed in its natural state and for cultural purposes)

cross-references

19.5(9)                      19.5(11)

4. Promote, by appropriate submissions to district plans and resource consent applications, the maintenance and enhancement of coastal water quality at or to a level consistent with the purpose for which the coastal water is being managed.
5. In all classified waters, progressively establish a network of sites and an associated programme of regular water sampling designed to ensure that specified water quality standards are maintained or, where practicable, enhanced.

cross-references

19.5(9)                      19.5(11)

(for Policy 2)

6. Analyse water quality results from monitoring authorised discharges and more general monitoring of the 'state of the environment', and evaluate likely causes of any identified water quality degradation.

cross-references

19.5(9)                      19.5(11)

7. Where required, initiate, through the Regional Council's Annual Plan preparation process or through the development of water quality management plans, programmes to enhance water quality in specific coastal waters including, where necessary, review the conditions of resource consents pursuant to Section 128 of the Act.

*(for Policy 3)*

8. Produce relevant educational material and distribute this in accordance with the provisions of the Northland Regional Council's Communications Plan, including the use of:
  - (a) media releases and articles
  - (b) pamphlets and brochures
  - (c) education kits and school displays
  - (d) public displays
9. Publicise the results of 'state of the environment' monitoring and any other relevant water quality investigations undertaken.

**13.6 PRINCIPAL REASONS FOR ADOPTING**

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

**Investigations/Monitoring**

Monitoring of the individual and cumulative effects of authorised discharges to coastal waters (**Method 5 and 6**) is required to be able to assess whether the objective is being achieved. Where water quality is not being maintained, specific remedial action is required; this should be based on detailed factual evidence (**Method 7**).

**Education**

Long-term maintenance and enhancement of water quality requires the support of the public (**Method 8 and 9**). The public also has a right to know how water quality is being affected and by whom.

**Other**

Investigations already carried out in the Whangarei Harbour and Bay of Islands provide a sound basis for reclassification (**Methods 1 and 2**). **Method 3** is necessary to ensure that the classification approach is applied to all of Northland's coastal waters in a manner consistent with water quality investigations carried out to date. For integrated coastal management it is important to ensure that land management practices do not compromise the defined receiving water quality standards (**Method 4**).

## 14. AIR QUALITY

### 14.1 INTRODUCTION

Air quality is one component of the natural character of the coast. Good air quality contributes to people's appreciation of the coastal marine area in terms of its pleasantness and recreational attributes. It is also important in terms of maintaining the life-supporting capacity of coastal habitats.

Ambient air quality within Northland's coastal marine area is generally high. However in some locations the individual and cumulative effects of discharges of contaminants into air have resulted in significant adverse effects on coastal air quality.

Some coastal activities involving discharges to air make an important contribution to the economy of Northland and provide people with much needed resources. As economic growth and development continues there will be a need for effective controls on the discharge of contaminants into air (in order to avoid, remedy or mitigate any adverse effects on coastal air quality), while at the same time allowing the use and development of the region's resources.

Known or potential significant adverse effects on coastal air quality in Northland include discharges resulting from:

- Industrial activities located on the coast.
- Maintenance of boats and structures.
- Open burning.
- Marine farming.
- Engine exhaust emissions from boats.

These and other discharges into air are dealt with separately in Section 20. The purpose of this section is to establish the underlying framework for the maintenance and enhancement of Northland's coastal air quality.

#### **Relationship of this Plan with the Regional Air Quality Plan for Northland:**

The relationship between the Rules concerning discharges to air in this Plan and those relating to Discharges to Air in the Regional Air Quality Plan for Northland is quite separate in terms of Resource Consent Applications. The Rules of this Plan only apply when discharges to air arise **within the coastal marine area**. Resource Consents required under the Regional Air Quality Plan are only required for discharges arising outside the coastal marine area i.e. where such discharges occur above the line of Mean High Water Spring. There can never be a circumstance when resource consents under both plans are required for a single discharge to air.

Note: Whilst the provisions of both the Regional Air Quality Plan and the Regional Coastal Plan may be considered for a single discharge which crosses the line of mean high water springs, only one application for resource consent to discharge to air will be required.

## 14.2 ISSUES

1. The desire to maintain Northland's high standard of coastal air quality whilst also allowing the use and development of the region's resources.
2. Discharges of contaminants into air from activities located on the landward side of Mean High Water Springs can also affect air quality in the coastal marine area.
3. The nature and sensitivity of the receiving environment (including existing ambient air quality) and therefore the acceptable level of effect on the environment in relation to discharges of contaminants into air differs from place to place along Northland's coast.

## 14.3 OBJECTIVES

1. **To maintain the high standard of air quality within Northland's coastal marine area.**
2. **To achieve the integrated management of coastal air quality across the administrative boundary of the line of Mean High Water Springs.**

## 14.4 POLICIES

1. An integrated management approach will be adopted between the Northland Regional Council and the territorial authorities in the Northland Region to effectively manage coastal air quality across the line of Mean High Water Springs.

**Explanation.** *Air quality issues are not confined to one or other side of the arbitrary line of Mean High Water Springs but move fluidly through the air. In order to identify and control the adverse effects of discharges to air in the coastal environment, the Northland Regional Council must work co-operatively with the territorial authorities in the Northland Region.*

2. When considering any application for a plan change or resource consent for activities within or near to the coastal marine area that involve discharges of contaminants into air, consent authorities shall recognise that airborne contaminants can drift in either direction across the line of Mean High Water Springs.

**Explanation.** *The fact that airborne contaminants are able to move freely across administrative boundaries has significant implications for the management of coastal air quality. There is nothing to stop airborne contaminants from drifting in either direction across the line of Mean High Water Springs. Activities on the landward side of Mean High Water Springs that discharge contaminants into the air can therefore also affect air quality in the coastal marine area. Conversely, activities in the coastal marine area can affect air quality on the landward side of Mean High Water Springs.*

*This demonstrates a need for the integrated management of coastal air quality across the line of Mean High Water Springs. In this regard there*

*is provision in the Resource Management Act for the Regional Coastal Plan to address coastal air quality issues on the landward side of Mean High Water Springs at the objectives and policies level. Notwithstanding this, air quality rules in the Regional Coastal Plan can apply only to the coastal marine area. Rules in the Regional Air Quality Plan apply on the landward side of Mean High Water Springs.*

3. Unless a different approach is required in response to specific coastal issues, methods for the control of particular types of discharge to air within the coastal marine area shall be the same as those adopted on the landward side of Mean High Water Springs.

**Explanation.** *If a particular type of discharge to air has the same actual or potential environmental effects regardless of whether it occurs in the coastal marine area or on the landward side of Mean High Water Springs, then a consistent approach to controlling that discharge should be adopted across the administrative boundary of the line of Mean High Water Springs. In some locations the nature and sensitivity of the particular coastal receiving environment may necessitate a different approach in the coastal marine area, depending on the type of discharge.*

4. Differences in the nature and sensitivity of the receiving environment (including existing ambient air quality) shall be recognised when determining an acceptable level of effect on the environment in relation to discharges of contaminants into air within the coastal marine area.

**Explanation.** *Different parts of Northland's coast have particular characteristics in terms of natural values and current use and development. With regard to the effects of discharges of contaminants into air, this means that the nature of the 'receiving environment' (including existing ambient air quality) differs from place to place. A particular discharge to air could have quite different effects depending on where it occurs in the coastal marine area. The sensitivity of the receiving environment and the acceptable level of effect in relation to a discharge will, for example, differ between those parts of the coast that remain largely unmodified and those parts of the coast that have been developed for port and industrial activities. This does not mean that significant degradation of air quality is acceptable in more developed areas, but the intrinsic 'industrial' character and corresponding level of existing ambient air quality in those areas should be recognised when determining an acceptable level of effect on the environment.*

## 14.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. The Regional Council will liaise with the Far North, Whangarei and Kaipara District Councils to ensure that a consistent approach is adopted to the management of Northland's coastal air quality in terms of the administration of district plans.

### cross references

31.3.6(r)&(t)

31.4.6(gg)&(ii)

31.6.5(r)&(t)

31.7.6(u)&(w)

31.5.4(i)&(k)



*(for Policy 2)*

2. Include objectives and policies within this Plan that will guide decision making in relation to activities on the landward side of Mean High Water Springs, where those activities involve discharges to air and cause, or have the potential to cause, adverse effects on coastal air quality.

cross-references

20.3	20.4	2.2
31.3.6(r)&(t)	31.4.6(gg)&(ii)	31.6.5(r)&(t)
31.7.6(u)&(w)	31.5.4(i)&(k)	

*(for Policies 2 and 4)*

3. Monitor and gather information, through state of the environment monitoring and resource consent monitoring, on the existing air quality within Northland's coastal marine area.

cross references

31.3.6(r)&(t)	31.4.6(gg)&(ii)	31.6.5(r)&(t)
31.7.6(u)&(w)	31.5.4(i)&(k)	

*(for Policy 3)*

4. Unless there is a need to take a different approach in response to a specific coastal issue, the thresholds and standards for discharges into air in the Regional Coastal Plan shall be the same as those adopted in the Regional Air Quality Plan.

cross references

31.3.6(r)&(t)	31.4.6(gg)&(ii)	31.6.5(r)&(t)
31.7.6(u)&(w)	31.5.4(i)&(k)	

*(for Policy 4)*

5. The effects of discharges to air within the coastal marine area will be managed in the context of six Marine Management Areas that recognise differences in the nature and sensitivity of the 'receiving environment' along Northland's coast.

## 14.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objectives are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

When considering resource consent applications for activities on the landward side of Mean High Water Springs, and those activities have the potential to affect the coastal marine area, the Resource Management Act requires the Northland Regional Council and the Far North, Whangarei and Kaipara District Councils to have regard to the provisions of the Regional Coastal Plan. This provides a mechanism by which objectives and policies in the Coastal Plan can guide decision making on the landward side of Mean High Water Springs – both at the regional and district council level **(Method 2)**.

The use of Marine Management Areas recognises that different parts of the coast have particular characteristics in terms of natural values and current use and development, and that different resource management issues occur in each area. The Management Areas approach allows for rules to be tailored to address the particular resources and issues found in each area **(Method 5)**.

#### **Investigations/Monitoring**

Monitoring of the individual and cumulative effects of discharges into air from activities located within or near to the coastal marine area is required in order to be able to assess whether the integrated management approach is working effectively **(Method 3)**.

#### **Co-ordination**

Coastal air quality can be affected by the use of land adjoining the coastal marine area and, in particular, discharges of contaminants into air from that use. Under section 31 of the Resource Management Act, territorial authorities have the function of controlling any actual or potential effects of land use on the environment (including air). In this regard district plans may contain provisions regulating land use in order to manage air quality. Both the Regional Council and territorial authorities therefore have a role in managing Northland's coastal air quality and it is important that these organisations carry out their statutory functions in a co-ordinated and consistent way **(Method 1)**.

## 15. NATURAL HAZARD MANAGEMENT

### 15.1 INTRODUCTION

Northland's coastline is constantly under attack by wind and waves. As a consequence, its shape and position are not fixed in one place but gradually change over long periods of time. These changes not only affect the shoreline but usually also affect adjacent foreshore and seabed areas. Where these changes adversely affect human life, property, or other aspects of the environment, they are termed 'natural hazards'.

Physical processes in Northland that have the potential to become natural hazards include:

- Beach and coastal cliff erosion.
- Movements of sandspits, bars, and banks at the entrance to harbours and estuaries.
- Coastal flooding as a result of storms.
- Sand drift.
- Tsunami.

These natural hazards have the potential to be particularly destructive, and as a result, any subdivision, use and development within the coastal marine area that may cause or accentuate natural hazards must be tightly controlled.

In the long term, natural hazards may be exacerbated by a rise in sea level. Fluctuation in sea level is an ongoing natural process with significant trends only discernible over hundreds to thousands of years. However, a rise in sea level as a result of human-induced global warming is a distinct possibility. Regardless of the origin, any rise in sea level has the potential to amplify the effects of natural hazards on the coastal environment.

The major concern in relation to natural hazards is the potential for loss of private or public property or, in some cases, human life. Other concerns include the loss of amenity value and restriction of public access.

The management of natural hazards is an issue which involves consideration of factors above and below the Mean High Water Springs. Its management therefore requires integration with land use controls. In the past, the predominant solutions to deal with natural hazards have either been to ignore them where the risk was thought to be low or, when problems had occurred, to use protective works. However, sustainable management of these problems under the Resource Management Act and the New Zealand Coastal Policy Statement, requires that the risks of natural hazards are avoided or mitigated, and coastal protection works only permitted where they are the best practicable option for the future. However, where remedial action is necessary, that it is designed and located in accordance with natural processes and to avoid adverse environmental effects.

Principal options for managing natural hazards may be categorised as follows:

- Environmental planning (e.g. buffer zones in erosion-prone areas).
- Resource consent conditions.
- Dune management (e.g. revegetation of dunes, provision of boardwalks).

- Protection works and structures.

Choosing the appropriate option in any given situation depends on such factors as:

- The nature of the hazard.
- The physical nature of the coastal area (steep, flat, sandy, rocky).
- The level of existing or proposed development.
- The level of risk of the hazard occurring.

Because of the variability of each of these factors, site-specific problems generally require site-specific solutions. It is therefore important to investigate the problem in consultation with affected parties before deciding on the appropriate option.

## 15.2 ISSUES

1. The potentially destructive nature of natural hazards and the consequent need to tightly control those uses and developments of the coastal marine area which may cause or accentuate such hazards.
2. The need to take into account the potential for causing natural hazards when considering the location and design of new structures within the coastal marine area.
3. The varying degree of effectiveness of erosion control structures in different circumstances and the consequent need to consider alternative means of long-term protection in erosion prone areas, including the protection of natural systems such as dunes and mangroves which act to control erosion and mitigate other natural hazards.
4. The influence of natural hazards within the coastal marine area on the subdivision, use and development of adjacent coastal land and the consequent need to integrate management of natural hazards above and below the line of MHWS.

## 15.3 OBJECTIVES

1. **The avoidance, remediation, or mitigation of the adverse effects of natural hazards on coastal subdivision, use and development.**
2. **The avoidance, remediation, or mitigation of the adverse effects of subdivision, use and development on the exacerbation of natural hazards in the coastal marine area.**

## 15.4 POLICIES

1. To promote a consistent and co-ordinated approach toward managing coastal erosion and other natural hazards in Northland, including the identification and protection of natural systems which are a natural defence against erosion and inundation.

**Explanation.** *Natural hazards can affect, and be exacerbated by use and development of both the coastal marine area and adjoining coastal*

*land. Effective management of natural hazards therefore requires an integrated approach to use and development within the coastal environment.*

2. In consideration of coastal permit applications as far as practicable, to ensure that use and development, including coastal works, structures and reclamations within the coastal marine area:
  - (a) are located and designed so as to avoid risk of damage by natural hazards; and,
  - (b) cause minimal interference with natural sediment transport processes.

**Explanation.** *Coastal works and structures can be affected by, and can cause, natural hazards. It is inappropriate to locate works and structures in areas where these would be placed at risk as a result of these hazards. Where works and structures interfere with natural sediment processes, coastal erosion or accretion may result, which could adversely affect other uses of the coast.*

3. In consideration of coastal permit applications to ensure that any natural hazard control measures undertaken in the coastal marine area are the best practicable option and the most effective in the long-term.

**Explanation.** *There are a number of measures which may be used to control coastal erosion. Choosing the wrong option can create major long-term environmental problems and be financially draining. Careful consideration of all options is therefore necessary before a final choice is made.*

4. To provide for the maintenance of existing authorised shoreline protection works and structures.

**Explanation.** *Where past erosion has occurred, existing shoreline protection works and structures have often been used to control its recurrence. To remain effective these need to be maintained.*

5. To maintain a state of preparedness for dealing with the effects of rising sea levels and rare events such as tsunamis.

**Explanation.** *Although the short-term risks of sea-level rise and tsunamis are low, the potential damage which would result from their occurrence requires recognition in, for example, the location and design of structures.*

## 15.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. In consultation with district councils, the Department of Conservation and interested parties, prepare a Regional Coastal Hazard Management Plan.
2. Make appropriate submissions and cross-submissions to Proposed District Plans and resource consent applications.

3. In consultation with district councils and other user groups, and with specific reference to existing coastal hazard studies, identify areas of the coast which are affected by significant erosion, accretion, or long-term inundation, and where necessary, monitor associated shoreline movements.

*(for Policy 2)*

4. Place restrictions, through the use of appropriate assessment criteria, on the location and design of coastal works, structures and reclamations in areas which are identified as being prone to natural hazards.

cross-references

32.2.1(12)

32.2.2(12)

5. Include assessment criteria within this Plan to ensure use and development within the coastal marine area, including coastal works, structures and reclamations, do not cause or accentuate coastal erosion.

cross-references

32.1(19)

32.2.1(13)

32.2.2(13)

6. Require shore profile monitoring programmes for any approved activities, including sand extraction, which could potentially have an adverse effect on natural sediment transport processes.

*(for Policy 3)*

7. Require, in relation to applications for proposed natural hazard control structures, the detailed consideration by the applicant, of alternative types of structures and alternative options to using structures including an evaluation of the long-term costs and benefits of each alternative.

cross-references

32.2.1(14)

*(for Policy 4)*

8. Include appropriate rules within this Plan to facilitate the maintenance of existing authorised shoreline protection works and structures.

cross-references

31.3.4(g)

31.4.4(g)

*(for Policy 5)*

9. Monitor scientific research on global warming and ensure, through assessment criteria, that appropriate provision is made for rising sea levels, in terms of the location and design of structures and reclamations.

cross-references

32.2.1(15)

32.2.2(14)

**15.6 PRINCIPAL REASONS FOR ADOPTING**

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

**Regulation**

The use of rules (**Method 8**) and associated assessment criteria (**Method 4, 5, and 7**) allows site-specific control of uses and developments which may be affected by or accentuate natural hazards.

Predictions of the rate of sea level rise may alter as new evidence comes to light. Assessment criteria applied to structures and reclamations need to reflect this (**Method 9**).

**Investigations/Monitoring**

Identification of areas prone to natural hazards will facilitate the protection of those uses and developments which may be affected by natural hazards (**Method 3**).

Monitoring of those uses and developments which may be affected by or accentuate natural hazards (**Method 6**) is required to be able to assess whether the objective is being achieved.

**Co-ordination**

Management of the coastal environment is shared between the Department Minister of Conservation, the Regional Council and district councils. Management of natural hazards therefore needs to involve all three. A specific regional plan would be appropriate to ensure consistency of approach to the issue (Method 1). Equivalent policies in district plans will also help ensure a consistent approach (Method 2).





# PART V:

# USE AND DEVELOPMENT POLICY

*Sections 12, 14 and 15 of the Resource Management Act 1991 prohibit specified uses of the coastal marine area, unless allowed to do so by a rule in a regional coastal plan or by a resource consent.*

*The purpose of this Part is to set out the policy framework to allow for the types of activity which would otherwise be prohibited. The provision for the activities is subject to controls on the adverse effects of activities. The rules stemming from the policy framework are contained separately in Section 31.*

*For the purposes of this section, activities are dealt with under the following headings:*

- *Recreation*
- *Structures*
- *Reclamation and impoundment*
- *Coastal discharges*
- *Taking, use, damming and diversion of coastal water*
- *Dredging and dredging spoil disposal*
- *Sand and mineral extraction*
- *Network utilities and services*
- *Marine 1 (Protection) Management Area*
- *Marine 2 (Conservation) Management Area*
- *Marine 3 (Marine Farming) Management Area*
- *Marine 4 (Mooring) Management Area*
- *Marine 5 (Port Facilities) Management Area*
- *Marine 6 (Wharves) Management Area*

*Unless otherwise specified, the policies and methods of implementation within this Part apply to all Marine Management Areas.*



## **16. RECREATION**

### **16.1 INTRODUCTION**

Northland's warm climate, multitude of harbours and sandy beaches, often dramatic coastal scenery and high coastal water quality make its coast attractive for outdoor recreational pursuits. The diversity of recreational opportunities provided within Northland's coastal marine area is a major reason for its popularity both with Northlanders and visitors to the region and as a result, additional demands are placed on the coastal environment.

The region's coastline is extensively used for swimming, boating and fishing. It also contains numerous areas which are suitable for a wide range of other activities such as scuba diving, snorkelling, water skiing, surfing, windsurfing, sailing, jet-skiing, canoeing, sunbathing, horse riding, picnicking and tramping. In terms of the Resource Management Act, the coast has very high amenity value.

Recreational activity occurs mainly in Marine 1 and Marine 2 Management Areas and, to a lesser extent, in Marine 4 (Mooring) Management Areas.

Management of recreation around Northland's coast is generally only necessary where there are large numbers of recreational users and/or there are competing demands for the use of coastal space. In Northland, such situations generally occur over the summer period when large numbers of people "head for the coast" for their holidays.

Within the context of sustainable resource management, effective management of coastal recreational activity is considered to include:

- Maintaining or enhancing public access to and along the coastal marine area, except in cases where this is inappropriate.
- Protecting the amenity values of the coast which are important to recreation, including its natural character, diversity and abundance of aquatic life, scenic values and water quality.
- Controlling the adverse environmental effects of recreational activity, particularly minimising risks to public health and safety, excessive noise, physical damage to the environment, and disturbance of wildlife.
- Avoiding conflicts between recreational uses and other uses, and amongst recreational uses, of the coastal marine area.

It is important to note that surface water recreation is controlled under the provisions of the Northland Regional Council Navigation Safety Bylaw 2001 promulgated under the Local Government Act 2002. The provisions contained within this bylaw are used to control among other things the speed and use of recreational craft within Northland's waters.

### **16.2 ISSUES**

1. The relatively minor adverse effects of most forms of recreational activity within the coastal marine area, and the consequent need to avoid unnecessary controls on coastal recreation.

2. The important contribution of coastal recreation to the maintenance of people's health and well-being and to the region's tourism industry, and the consequent need to consider the maintenance and enhancement of opportunities for recreational use of the coastal marine area.
3. The potential risks to public health and safety and to the environment of some forms of coastal recreation, such as the use of off-road vehicles, and the consequent need to develop appropriate management controls to minimise these risks.
4. The potential for conflicts between recreational uses of the coastal marine area, and the consequent need to provide for their separation, where necessary.

### 16.3 OBJECTIVE

**Provision for recreational uses of the coastal marine area while avoiding, remedying, and mitigating the adverse effects of recreational activities on other users and the environment.**

### 16.4 POLICIES

1. To adopt a permissive approach toward recreational activities in Marine 1 and Marine 2 Management Areas, except where these:
  - (a) require associated structures; or
  - (b) cause adverse environmental effects, including those resulting from discharges of contaminants, excessive noise, and disturbance to significant indigenous vegetation and significant habitats of indigenous fauna; or
  - (c) obstruct public access to and along the coastal marine area; or
  - (d) endanger public health and safety; or
  - (e) compromise authorised uses and developments of the coastal marine area; or
  - (f) adversely affect the amenity values of the area.

**Explanation.** *Recreation is arguably the most significant way in which the general public gain direct benefit from the coastal marine area. Therefore, such activity should be permitted unless it causes adverse effects.*

2. In consideration of coastal permit applications, subject to relevant protection policies within this Plan, to provide for new uses and developments within Marine 1, Marine 2, and Marine 4 Management Areas which maintain or enhance recreational opportunities within the coastal marine area.



cross-references

32.1(8)

*(for Policy 3)*

4. Include appropriate assessment criteria for resource consent applications in this Plan to allow the effects of new uses and developments on existing recreational activities to be taken into account in decision-making.

cross-references

32.1(10)&amp;(16)

32.2.7(3)

32.2.1(11)

32.2.9(3)

5. Monitor coastal water quality at beaches likely to be affected by sewage pollution from pit privies, septic tanks, treatment plant outfalls or boat discharges and institute appropriate measures to rectify any evident contamination which would compromise bathing activity.

*(for Policy 4)*

6. Include policies and methods within this Plan facilitating, over time, the control of sewage discharges from recreational boats.

cross-references

19.4(5)

19.5(12)

7. Ensure that Regional Council Harbour Bylaws governing the speed of watercraft are enforced so that potential risks to the health and safety of other users from watercraft are avoided.
8. Publicise the location of ski lanes and surf lanes established under Harbour Bylaws and, where necessary, limit such activity to those defined areas.
9. Encourage the reporting of the unsafe use of motor vehicles on beaches and other foreshore areas to the NZ Police.
10. Include appropriate performance standards in this Plan on the control of noise.
11. Liaise with the Department of Conservation, district councils and relevant interest groups, to assess the need for specific areas to be set aside for passive recreation (where motorised vehicles and motorised vessels would be prohibited) and to evaluate options for establishing such areas.

cross-reference

10.5.15 10.5.16

## 16.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules (**Methods 1 and 2**), assessment criteria (**Methods 3 and 4**), and performance standards (**Method 10**) allows site-specific provision for or control over recreational activity.

Sewage discharges are a general environmental concern which relate to, but are not exclusive to, recreational activity. Specific policies are appropriate, but within the section dealing with these issues (**Method 6**).

### Investigations/Monitoring

Monitoring is required to ensure that water quality at bathing beaches is maintained at a suitable standard (**Method 5**).

### Co-ordination

Although the issues need to be acknowledged within this Plan, the day-to-day control of navigation and safety issues are dealt with under the Harbours Act and not the Resource Management Act (**Methods 7 and 8**). Similarly, the control of the speed of vehicles on beaches is best dealt with by the Ministry of Transport under separate legislation (**Method 9**).

In areas of intensive use for passive recreation such as bathing beaches, there is merit in restricting vehicular access. This would require the co-operation of district councils and the Department of Conservation (**Method 11**).





## 17. STRUCTURES

### 17.1 INTRODUCTION

The term "structure" is defined in the Resource Management Act as meaning:

any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

Within the coastal marine area, being "fixed to land" means fixed to the foreshore and/or seabed.

There are currently well over 1000 structures within Northland's coastal marine area. These include those for or associated with:

- **Coastal protection** (groynes, sea-walls, breakwaters).
- **Public and private access** (wharves, jetties, boat ramps, pontoons, landings).
- **Pedestrian and vehicular traffic** (road, railway, and foot bridges pontoons and boardwalks).
- **Boat mooring** (swing and pile moorings, mooring jetties, marina berths).
- **Boat storage** (boat sheds).
- **Navigation and safety** (buoy beacons, channel markers, leading lights).
- **Boat building, servicing or maintenance** (slipways, grids, refuelling jetties).
- **Marine farms** (oyster racks and supporting structures, mussel buoys and longlines, spat-catching sticks).
- **Port operations** (wharves, slipways, boat ramps, pile moorings, transfer pipelines and associated equipment).
- **The taking and discharging of sea water** (pipes, pump wells).
- **Disposal of wastewater and stormwater** (culverts, pipes).
- **Network utilities** (submarine and aerial cables and pipelines).

Many of these structures are important to the continued use and enjoyment of the coastal marine area (e.g. wharves, jetties, boat ramps) and to the region's economy (e.g. structures associated with ports and marine farms).

However, these benefits to the community must be reconciled with the need to control any adverse environmental effects associated with structures including:

- Visual impacts.
- Restriction of public access.
- Changes to natural water and sediment movement.
- Modification or destruction of benthic (bottom dwelling) and/or intertidal communities.
- Risks to public safety.

The actual effect of any particular structure depends on such factors as:

- The type and size of the structure.
- The location of the structure, e.g. within a modified or unmodified environment.
- The level of maintenance and repair of the structure.

- The proximity to similar structures.
- Extent of associated activities and their potential adverse effects.

The cumulative effects of having a number of structures within a specific area also need to be considered as distinct from the consideration of effects of a particular structure in isolation.

Arguably the most significant coastal structures in terms of potential visual impacts, are buildings (including houseboats and sheds on barges). Outside heavily modified coastal areas, the presence of buildings within the coastal marine area brings an urban character to it which is otherwise absent. Because of this significant visual effect, and the problems of dealing with discharges generated by their occupation, buildings are generally seen as inappropriate within the coastal marine area.

Signs, by their nature, also have a significant visual impact. The control of the extent of this impact is also required to protect the natural character of the coastal marine area.

As noted above, visual and other potential adverse environmental effects need to be reconciled with the need for the structure and/or the public benefits which accrue from their use, e.g. for public access, for coastal erosion control, or for marine-dependent commercial operations such as ports, boat maintenance facilities and marine farms.

The Resource Management Act requires that consideration is given to environmental effects and operational requirements and/or public benefit, usually through the resource consent application process. In particular section 104 of the Resource Management Act directs consent authorities to give primacy to part 2 of the Resource Management Act and it is important that sections 6, 7 and 8 be given effect to. Section 3.2 sets out the matters to be considered. Similar procedures were undertaken under the Harbours Act 1950, other legislation and previous planning schemes. For this reason, existing structures in the coastal marine area with Harbours Act approvals and similar authorisations are either deemed to be coastal permits under the Resource Management Act or, in the case of marine farm leases and licences, are allowed to continue in effect outside the Act.

However, following the Regional Council's recent completion of an inventory of structures in the coastal marine area, it is clear that there are a significant proportion (up to 80%) of existing structures around the Northland coast which have never been authorised, i.e. have never been through the resource consent application process and been granted a consent. Consequently, the existing or potential effects of these structures have never been assessed. The unauthorised building of these structures may also have denied the public the right to express their views on whether or not such activity is appropriate and/or acceptable within the area in which it now exists.

Notwithstanding this, for the purposes of this Plan, there is a need to acknowledge the existence of these unauthorised structures and to incorporate them within the management framework set out within this Plan. To do this the following factors need to be taken into account:

- (a) The need for consistency of treatment between new and existing unauthorised structures.

- (b) For many structures, the most significant effects are those associated with the erection of the structure and, consequently, the effects associated with the existence of structures, which are already erected, may be minimal.
- (c) Notwithstanding (b), the need to ensure that any significant adverse effects of existing unauthorised structures are taken into account.
- (d) The need for on-going management and monitoring of some types of structures (which may cause or exacerbate water quality degradation, siltation, or coastal erosion) and the necessity for coastal permits to facilitate this.
- (e) The building of the structure may have predated the Harbours Act 1950 or other similar legislation, and as a consequence may have been assumed to be legal.
- (f) The number of existing unauthorised structures (approximately 600) and the difficulties in establishing owners for each structure, mean that requiring retrospective resource consent applications for all unauthorised structures would be impractical.
- (g) The building of the structure may have received some, but not all necessary approvals.
- (h) The large number of unauthorised structures involved means that requiring their removal is also impractical.

## 17.2 ISSUES

1. The importance of structures to the maintenance and enhancement of public access to and along the coastal marine area, and the consequent need to provide for such structures.
2. The necessity of structures for water-based tourism, ports, commercial boat maintenance operations, and marine farming, the importance of these industries to the region's economy, and the consequent need to provide for such structures.
3. The existence of large numbers of unauthorised structures within Northland's coastal marine area and the need to bring these into the management framework established by the Resource Management Act.
4. The potential individual and cumulative adverse environmental effects of structures and their use on the natural character of the coastal environment (including the visual effects), and the consequent need to accurately assess and monitor these effects.
5. The potential risks to public health and safety of poorly constructed and/or maintained structures and the consequent need to ensure that structures are maintained in good order and repair.
6. The significant visual effects of buildings and signs within the coastal marine area, and the consequent need to limit their presence within it.

7. The cultural and historical significance of some structures and the need to protect them.

### 17.3 OBJECTIVE

**The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures.**

### 17.4 POLICIES

1. To provide for the continued lawfully established use of existing authorised structures within Northland's coastal marine area.

**Explanation.** *Existing structures which have been authorised under the Act have already been through a process of evaluation of effects. It is therefore appropriate that provision be made for the continued use of these structures. This policy also covers deemed coastal permits authorised under section 384 of the Act.*

2. Within all Marine Management Areas, to provide for:
  - (a) the authorisation of appropriate existing unauthorised structures and to facilitate
  - (b) the removal of all other unauthorised existing structures which do not meet those specified criteria.

**Explanation.** *There are a large number of unauthorised structures within Northland's coastal marine area. Because of the number involved and the fact that some may not have required authorisation in the past, it is impractical to require them all to be removed. The alternative is to provide for the authorisation of some of them based on analysis of the Council's structures database, while others may be either removed or require a resource consent. This both acknowledges their existence (and use) and allows adverse effects to be managed via permit conditions and regular monitoring.*

3. Within all Marine Management areas, to consider structures generally appropriate where:
  - (a) there is an operational need to locate the structure within the coastal marine area; and
  - (b) there is no practical alternative location outside the coastal marine area; and
  - (c) multiple use is being made of structures to the extent practicable; and
  - (d) any landward development necessary to the proposed purpose of the structure can be accommodated; and

- (e) any adverse effects are avoided as far as practicable, and where avoidance is not practicable, to mitigate adverse effects to the extent practicable.

A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.

**Explanation.** *Because structures have the potential for adverse effects there is a need to control them within the coastal marine area and authorise them when they are considered appropriate. In considering how adverse effects are avoided, remedied or mitigated, minimisation of the size of the structure may be relevant, particularly in the Marine One and Marine Two Management Areas.*

4. Notwithstanding Policy 3, within Marine 1 and Marine 2 Management Areas, to assess applications for new structures, with particular reference to the nature of and reasons for the proposed structures in the coastal marine area and to any potential effects on the natural character of the coastal marine area, on public access, and on sites or areas of cultural heritage value.

**Explanation.** *As stated in Section 5.4, an effects-based approach is being taken toward new use and development in the coastal marine area. This policy is one which provides for the approach to be put into practice.*

5. Notwithstanding Policy 3, within Marine 3, Marine 5 and Marine 6 Management Areas, to provide for the particular operational requirements of marine farms and ports in relation to new structures within the coastal marine area.

**Explanation.** *Marine farming and port operations are reliant on the use of structures. Appropriate provision is therefore required for this operational need.*

6. Notwithstanding Policy 3, within Marine 4 Management Areas, to provide for the requirements of commercial and recreational vessels for permanent moorings and related structures and facilities.

**Explanation.** *Under the Act, permanent moorings are structures. Like marine farming and port operations, the use of commercial and recreational vessels in the coastal marine area requires these and other similar structures.*

7. In assessment of coastal permit applications to promote the integrated management of structures and their associated activities where these traverse the landward coastal marine area boundary.

**Explanation.** *Many structures around Northland's coast are used for access to and from the coastal marine area. As such, their presence is usually associated with or dependent upon the provision of, for example, roading and car parking on adjacent land. An integrated approach is therefore required toward the location and use of structures and any on-shore requirements.*

8. In assessment of coastal permit applications to require that all structures within the coastal marine area are maintained in good order and repair and that appropriate construction materials are used.

**Explanation.** *Maintaining structures in good order and repair and ensuring that appropriate construction materials are used are key elements in mitigating adverse effects. If not maintained, visual effects are increased, for example, and public safety may be put at risk.*

9. In Marine 1, 2, 3 and 4 Management Areas to restrict the presence of buildings and signs within the coastal marine area.

**Explanation.** *Because they tend to have significant visual impact, the presence of buildings and signs within the coastal marine area needs to be controlled. In particular, buildings within the coastal marine area (which for the purposes of this plan include houseboats) are often seen to 'urbanise' what is generally regarded as public open space. This is considered inappropriate except in special circumstances.*

## 17.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include relevant rules within this Plan making the maintenance and repair of existing authorised structures generally either a permitted, controlled, or discretionary activity depending on specified criteria.

### cross-references

31.3.4 (f)-(h)	31.4.9(e)	
31.3.4 (n)-(r)	31.5.2(a)	31.6.8(g)
31.3.9(f)	31.5.2(e)	31.7.4 (l)-(m)
31.4.4 (f)&(h)	31.6.3 (i)-(l)	31.8.4 (d)

2. Include rules within this Plan which permit, subject to conditions and criteria, specified existing structures of the following types which were fully completed and in good order and repair at the time of the Regional Council's 1992/93 coastal structures survey:

- (a) coastal protection works.
- (b) boat ramps and concreted slipways not in areas prone to erosion and which are:
  - (i) less than 15 metres in length; and,
  - (ii) less than 3 metres in width.
- (c) dinghy skids used solely for private boat launching and retrieval.
- (d) all railway bridges, road bridges, foot bridges and walkways used for public pedestrian and vehicular traffic including trains.
- (e) all navigation aids.
- (f) stormwater outlet pipes and associated structures.

- (g) road culverts and railway culverts.
- (h) aerial or submarine telephone or power cables.
- (i) suspended and submarine pipelines carrying water only.

cross-references

31.3.4(a)	31.4.4(a)	31.6.3(a)
31.7.4(c)	Schedule 1	

3. Include rules within this Plan requiring coastal permits for specified existing authorised structures of the following types which were fully completed and in good order and repair at the time of the Regional Council's 1992/93 coastal structures survey:

- (a) jetties, including mooring jetties and marina berths
- (b) pontoons and landings
- (c) boat ramps and concreted slipways which are:
  - (i) located in areas prone to erosion; or,
  - (ii) greater than or equal to 15 metres in length; or,
  - (iii) greater than or equal to 3 metres in width
- (d) pile moorings
- (e) boat maintenance facilities including boat grids
- (f) boatsheds, buildings and any deck or platform associated with boatsheds or buildings
- (g) suspended and submarine pipelines carrying liquid or gas other than water.

Note: Pile moorings, mooring jetties, marina berths, boatsheds and a number of other coastal structures are also subject to Harbour Bylaws within harbour limits. Details are available from the Northland Regional Council.

cross-references

31.3.4(b)	31.4.4(c)	31.7.4(d)
31.3.4(c)	31.6.3(b)	31.7.4(e)
31.4.4(b)	31.6.3(c)	
Schedule 2	Schedule 3	

(for policy 2)

4. Include rules within this Plan which allow, subject to conditions and criteria, specified existing Wharves which were fully completed and in good order and repair at 14 December 1994.









## 18. RECLAMATION AND IMPOUNDMENT

### 18.1 INTRODUCTION

In the past, reclamation of intertidal areas in Northland has been extensively used as a means of obtaining flat land for farming, port development, industrial or residential purposes. It has also been used as a convenient means of disposing of dredging spoil and 'squaring up' the shoreline to more easily accommodate commercial developments which require access to water, such as boat maintenance facilities, ports, and marinas.

In Northland, many harbour areas have been reclaimed or impounded as part of the development of the region's transport system. Historically, causeways rather than bridges have been used to support roads or railway lines across intertidal areas. The causeways form impoundments and are themselves effectively reclamations of the foreshore or seabed area that they cover. The intertidal areas impounded behind these causeways have often been reduced in ecological value as a consequence of, for example, the effects of restrictions in tidal flushing and/or ponding of floodwater. In many instances, the intertidal area impounded behind causeways has been subsequently reclaimed either by natural processes or by deliberate infilling.

A major adverse effect of reclamation is the physical burial of the seabed or foreshore, and all habitat and aquatic life associated with it. Where the reclamation covers a large area, this will reduce the life-supporting capacity (productivity) of the bay or estuary within which the reclamation is situated.

Other adverse environmental effects directly associated with reclamation include:

- The total and largely irreversible exclusion of water-based uses from the reclaimed area.
- Adverse visual impacts associated with the size, shape, location, and finish of the reclamation.
- Reduced tidal flushing, particularly in estuarine and inner harbour areas, through reduction of the volume of water flowing into and out of the area with the tides and/or changes to natural water movement patterns.
- Sediment erosion or accretion as a result of changes in water movement patterns.
- Reductions in water and sediment quality in areas of reduced water movement.

Impoundment has similar effects, although these may be offset to some extent by careful attention to tidal flows into and out of the impounded area.

Indirect adverse effects of reclamation and impoundment can be divided into those associated with the construction, e.g. dredging and dredging spoil disposal and those associated with the use of the finished reclamation or impoundment. The effects of dredging and dredging spoil disposal are dealt with separately in Section 22. The effects of damming, as a specific form of impoundment, are dealt with in Section 21.

Industrial or urban development on a reclaimed area can bring with it a range of effects such as:

- Increased noise and/or dust
- On-going dredging requirements
- Waste and stormwater discharges
- Increased human activity
- Visual impacts

It is apparent that both reclamation and impoundment within the coastal marine area have the potential to cause significant adverse effects. However, while this potential for adverse effects warrants the restriction of reclamations and impoundments within the coastal marine area, in some situations these effects need to be reconciled with the possible benefits that may result from such activity, including improvements in public access and benefits to the social, cultural and economic well-being of people and communities.

As with structures, there are known to be a considerable number of reclamations and impoundments around Northland's coast which have never been authorised. Unauthorised reclamations cause particular problems in that these are generally not surveyed and therefore while they form dry land, they are still legally within the coastal marine area. This creates problems of management in that, for example, this Plan does not deal with land-based issues. It also creates problems for land tenure in that unauthorised reclamations cannot legally be considered saleable land - the land still belongs to the Crown if the foreshore and/or seabed was land of the Crown. However, because of the significant practical difficulties, reinstating reclaimed areas is generally not a feasible option.

## 18.2 ISSUES

1. The permanent loss of foreshore, seabed, and any associated plants and animals within reclaimed areas and the consequent need to avoid or minimise reclamation activity within the coastal marine area.
2. The potentially significant adverse effects of both reclamation and impoundments on water movement and, as a consequence, water and sediment quality, sediment erosion and accretion, and ecological values and the consequent need to avoid or minimise reclamation and impoundment activity within the coastal marine area.
3. The benefits, in terms of improved access to the coastal marine area, which may result from reclamation activity and the need to consider this in decision-making: particularly in relation to reclamation proposals in areas where access is limited and/or improved access may be required.
4. The dependence of some commercial operations, such as ports and marinas, on access to the coastal marine area, the economic benefits to the people and communities of Northland which can result from the use of reclaimed land for these activities, and the need to consider this in decision-making on reclamation proposals.
5. The existence of numbers of unauthorised reclamations and impoundments within Northland's coastal marine area and the need to bring these into the management framework established by the Resource Management Act.

### 18.3 OBJECTIVE

The avoidance, remediation or mitigation of the adverse effects of reclamation and impoundment of Northland's coastal marine area.

### 18.4 POLICIES

1. To restrict new reclamations and impoundments of the coastal marine area by ensuring that only those reclamations and impoundments proceed which:
  - (a) are associated with uses and developments which have an operational need to be located within the coastal marine area; and
  - (b) are of the minimum area for the proposed use; and
  - (c) have no practical land-based alternative; and
  - (d) avoid adverse effects as far as practicable, and where avoidance is not practicable, mitigate adverse effects and provide for remedying those effects to the extent practicable.

A reclamation or impoundment that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.

**Explanation.** *Reclamation and, to a lesser extent, impoundment tend to result in permanent change of the coastal marine area. Because of the often uncertain or unknown long-term adverse effects associated with such changes, new reclamation and impoundment needs to be restricted.*

2. In considering coastal permit applications to ensure that the creation and formation of a reclamation within the coastal marine area does not result in the escape of contaminants which are likely to, or have the potential to, adversely affect the coastal marine area.

**Explanation.** *The bund walls of reclamations are seldom impervious to the intrusion of coastal water. Therefore if the reclamation fill contains contaminants then there is a likelihood that these will escape into the coastal marine area and adversely affect it. This can and should be prevented preferably by ensuring that the fill material does not contain contaminants, or otherwise using construction methods that ensure that any contaminants will not escape.*

3. In Marine 1 and Marine 2 Management Areas to provide for existing unauthorised reclamations within the coastal marine area, including the surveying of such reclamations, and to assess whether a financial contribution should be required.

**Explanation.** *There are a large number of unauthorised reclamations within Northland's coastal marine area. However, the removal of unauthorised reclamations is impracticable in most circumstances because of the amount and nature of material to be moved. The difficulty*

*is compounded if the reclaimed land is farmed or supports a dwelling or other structure. The only practical alternative in most circumstances is therefore to authorise the reclamation so that the land can be made part of the district and the area can be managed accordingly.*

4. In Marine 1 and Marine 2 Management Areas to provide for unauthorised impoundments within the coastal marine area and to assess whether a financial contribution and/or the reinstatement of the affected area should be required.

**Explanation.** *There are a number of unauthorised impoundments in Northland's coastal marine area and, unlike reclamations, the reinstatement of the impounded areas is often feasible. Provision therefore needs to be made to assess the fate of impoundments on a case-by-case basis.*

## 18.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan making new reclamation and impoundment activity within Marine 1 Management Areas a prohibited activity unless associated with a port development or public road realignment.

cross-references

31.3.5(b), (c), (d) & (e)

2. Include rules within this Plan, for Marine 2 Management Areas, making new reclamations a discretionary activity and new impoundments a prohibited activity, unless these are associated with a marina, port development or public road realignment.

cross-references

31.4.5(b) & (c)

3. Include rules in this Plan prohibiting new reclamation or impoundment in Marine 3 Management Areas.

cross-references

31.5.3(a)

4. Include rules and assessment criteria providing for reclamation activity as a discretionary activity within Marine 4 Management Areas where associated with marina development, otherwise it is a non-complying activity.

cross-references

31.6.4(a)&(b)

32.2.2

5. Include rules and assessment criteria providing for reclamation activity as a discretionary activity within Marine 5 Management Areas only where associated with port development.

cross-references

31.7.5(a) 32.2.2

6. Include rules and assessment criteria providing for reclamation activity as a discretionary activity within Marine 6 Management Areas.

cross-references

31.8.5 (a)

(for Policy 2)

7. Include assessment criteria within this Plan to control the type of material used to create or form reclamations.

cross-references

32.2.2(7)&(8)

(for Policy 3)

8. Include rules within this Plan making existing unauthorised reclamations within Marine 1 and Marine 2 Management Areas, a discretionary activity.

cross-references

31.3.5(a)

31.4.5(a)

9. Include assessment criteria within this Plan to allow the assessment of whether it is appropriate to require a financial contribution from the occupiers of existing unauthorised reclamations.

cross-references

34.2.2

10. Notification of the Department of Conservation, Maritime Safety Authority, Land Information New Zealand and the relevant district councils of the whereabouts of existing unauthorised reclamations which are made known to the Regional Council or which are otherwise revealed as part of the Regional Council's day-to-day management of the coast, so that these organisations may institute necessary measures to manage the reclaimed area as coastal land.

(for Policy 4)

11. Investigate the nature and extent of unauthorised impoundments within the coastal marine area.

12. Include rules in this Plan making existing unauthorised impoundments a non-complying activity in Marine 1 and 2 Management Areas and include criteria to facilitate assessment of whether these should be required to be removed or allowed to remain.

cross-references

31.3.5(f)

31.4.5(d)

32.2.2(17)

13. Include assessment criteria within this Plan to allow the assessment of whether it is appropriate to require a financial contribution from the users of existing unauthorised impoundments.

cross-references

34.2.2

## 18.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules (**Methods 1 to 5 inclusive, 7 and 11**) and associated assessment criteria (**Methods 4 to 6, 8 and 12**) allows site-specific provision for reclamation and impoundments and/or control of the adverse effects of reclamation and impoundments. These rules need to reflect predominant uses of the marine management area within which the reclamation or impoundment occurs or could occur.

### Investigations/Monitoring

The location of unauthorised impoundments is poorly known and needs to be investigated to enable these to be addressed (**Method 10**).

### Other

Because reclamations form dry land, district councils and Land Information New Zealand need to be advised (**Method 9**). These agencies are responsible for the day-to-day management of land and the surveyed boundaries of the coastal marine area respectively.



## 19. DISCHARGES TO WATER

### 19.1 INTRODUCTION

As discussed in Section 13, Northland's high standard of coastal water quality is one of the region's major assets. The main threat to the maintenance and enhancement of coastal water quality is the discharge of contaminants into it. In Northland, discharges of environmental concern in the coastal marine area include:

#### Sewage

- Discharges from sewage treatment plants.
- Seepage from on-site disposal systems within coastal settlements.
- Sewage discharges from small craft, ships and other passenger vessels.
- Direct deposition of excrement from livestock wandering or driven along beaches.

#### Oil and By-product of Oil

- Oil spills.
- Discharges from urban stormwater drainage systems.
- Bilge water discharges from boats.

#### Heavy Metals

- Discharges from urban stormwater drainage systems.
- Runoff and/or direct discharges from boat maintenance facilities.
- Seepage of leachate from landfills.

#### Other

- Wastewater discharges from dairy factories, the Marsden Point oil refinery, port operations and wastewater treatment plants.
- Rural runoff.
- Ballast water discharges from shipping.
- Cooling water discharges from existing industry and for the operational requirements of ships.

Litter is also an issue of concern in the coastal marine area, though to a much lesser extent than the discharges listed above.

There are also discharges associated with dredging spoil disposal. This is dealt with separately in Section 22.

Mechanisms for control of discharges vary, depending upon whether the discharge is a so-called 'point source', e.g. occurs via a pipe or outfall, or whether contaminants enter the water in a more diffuse manner, e.g. fallout of dust from the air, or general deposition of material around boat maintenance areas. The latter type of contamination is usually referred to as 'non-point source' contamination.

Point source discharges are relatively easy to address as the level of contaminants entering coastal waters can be more readily assessed and

appropriate effluent quality standards consequently applied. These standards can be set in relation to the receiving water quality standards specified as part of this Plan.

However, for both categories of discharge (point and non-point), a requirement to institute the "best practicable option" (BPO) can be applied as a tool for avoiding or mitigating the adverse environmental effects of discharges. Best practicable option is defined in the Act as meaning:

*... in relation to a discharge of a contaminant, ....the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to -*

- (a) The nature of the discharge .... and the sensitivity of the receiving environment to adverse effects; and*
- (b) The financial implications, and the effects on the environment, of that option when compared with other options; and*
- (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.*

This requirement is intended to avoid the situation of discharges only meeting minimum water quality standards. However, the requirement is difficult to apply or otherwise inappropriate for the control of discharges from vessels, oil spills, some boat maintenance activity and litter.

Sewage discharges from vessels are a growing concern, even though there is limited evidence to suggest a real health risk. The discharge of what is typically untreated sewage into relatively pristine waters is increasingly seen as unacceptable, and its long-term continuation inconsistent with other initiatives to clean up coastal waters.

The presence of people living aboard boats is also a factor taken into account in classifying waters for harvesting shellfish for export. The discharge of sewage from ships and other vessels could lead to restrictions on the harvesting of shellfish which in turn would reduce the viability of the industry in some Northland areas including the Waikare Inlet in the Bay of Islands and the upper Whangaroa Harbour.

With recent advances in technology, relatively compact and low cost on-board treatment systems are becoming available. These, and the possible use of holding tanks and associated pump-out facilities, provide real options for addressing the issue of sewage discharges from vessels. However, for the purposes of this Plan, it is considered important to differentiate between discharges from small craft and those of commercial passenger vessels and ships, on the basis of the relative volumes involved in each discharge and the practicality of instituting and policing quality controls.

Although a programme for measures is also required in this Plan for small craft, control of discharges from commercial passenger vessels and ships are considered a priority because of the large volumes involved. The implementation of such controls is also considered relatively easy to institute because of the fixed routes that these follow which involves the frequenting of

specific major wharves and jetties. The provision of pump-out facilities is therefore a more feasible option in the immediate future than for small craft.

It is important to note that, because all three types of vessel move freely into and out of Northland and other regions, a nation-wide strategy is essential to the permanent resolution of the issue.

Both hull defouling and the discharge of ballast water from vessels can result in the introduction of potentially invasive exotic organisms into the coastal marine area. Ballast water discharge is managed under the provisions of the Biosecurity Act 1993, by the Ministry of Fisheries.

The management of oil spills has been recognised in legislation as being an issue requiring specific control measures. Oil pollution is currently managed under the Maritime Transport Act 1994, which includes provision for the compulsory preparation of oil spill contingency plans.

An oil spill contingency plan has been prepared for all of Northland, superseding the previous contingency plan for Whangarei Harbour. The Regional Council and Northland Port Corporation also have equipment on hand to deal with small to moderate-sized oil spills. Major spills will require the involvement of central government via the Maritime Safety Authority.

Because of the risk of spills, special controls are needed for refuelling facilities within the coastal marine area. Such facilities are necessary for the provisioning of vessels but their location and design needs to be carefully considered.

A number of the types of discharges discussed above are covered, or covered at least to some extent by the Resource Management (Marine Pollution) Regulations 1998. These Regulations cover dumping and incineration, as well as the control of discharges, in the coastal marine area. In general terms, the regulations permit certain specified discharges; and deem as prohibited or discretionary activities, certain other discharges, as well as dumping and incineration. In terms of regulation 16 of the Regulations, no rule may be included in any regional coastal plan nor any resource consent granted relating to a discharge of some of the types that are covered in the Regulations. The Regulations should be referred to in detail, for the types of discharges permitted; and for those controlled and the way in which they are controlled.

Boat maintenance activity, concentrated at locations or facilities where the associated discharge of contaminants has been uncontrolled, is known to be a major contributor of heavy metals to the coastal marine area as a result of investigations carried out by the Northland Regional Council in the Whangarei Harbour, Bay of Islands and Whangaroa Harbour. Because boat maintenance at authorised facilities can be controlled to varying degrees, it is clearly desirable that maintenance activity occurs only at authorised boat maintenance facilities. The main emphasis on this plan is therefore to facilitate this.

Litter and other debris in the coastal marine area can come from either boats and shipping, or from adjacent land. At present, there is only limited available information on the quantities, types and likely sources of litter and debris found around Northland's coast. However, litter and debris from land is most

prevalent around urban areas. This material may be in the form of wind-blown paper and plastic packaging, wood and metal objects thrown into coastal waters, or general debris carried into the coastal marine area by stormwater. Plastic packaging in particular is known to be a threat to birds, fish and marine mammals.

The discharge of contaminants to water in the coastal marine area is of significant concern to tangata whenua. Tangata whenua perceive a real and serious risk to their spiritual, physiological and cultural health from the discharge of sewage to water. The relevant provisions of section 11 seek to address those concerns and should be read in conjunction with this section.

## 19.2 ISSUES

1. The effects of discharges of contaminants, particularly those containing sewage and toxic material, on the ecological, cultural and amenity values of the coastal marine area, and the consequent need to ensure that all practicable steps are taken to avoid discharges to the coastal marine area.
2. The practical and financial constraints of land-based disposal of effluent from wastewater treatment systems for major urban areas and industries, and the consequent need to recognise that discharges to coastal waters from such facilities, and the associated effects, are sometimes unavoidable.
3. The need to recognise the Maori traditional and cultural perspective in relation to discharges of waste to water, particularly human sewage.
4. The present lack of control of discharges from ships and other vessels and the inconsistency of this with initiatives to clean up sewage discharges from land-based facilities to the coastal marine area.
5. The serious environmental consequences of major oil spills and the consequent need to provide for prevention of, and adequate response to such spills.
6. The threat to birds, fish and marine mammals posed by plastic rubbish within the coastal marine area and the consequent need to avoid its introduction into the area.
7. The threat of the introduction of exotic organisms via ballast water discharges, and/or hull cleaning the consequent need to control such discharges and cleaning so as to minimise the risk of introduction.
8. The reliance of some existing industries located adjacent to the coastal marine area for large volumes of water for cooling purposes, the practical constraints on land-based disposal of such volumes of cooling water, and the consequent need to recognise that cooling water discharges to coastal waters from these industries is currently unavoidable.
9. The unavoidable operational requirements of ships and other vessels to cool their engines and to discharge cooling water back into the coastal marine area.

10. The often significant input of sediment, nutrients, and faecal coliform bacteria from diffuse runoff and riverine inflows to the coastal marine area, particularly in estuaries and harbours, and the consequent need to address this source of contamination in conjunction with management of the effects of point source discharges.

### 19.3 OBJECTIVE

**The avoidance of the effects of discharges of contaminants to Northland's coastal water and the remediation or mitigation of any adverse effects of those discharges of contaminants to coastal waters, which are unavoidable.**

### 19.4 POLICIES

1. In the consideration of coastal permit applications to use the best practicable option approach to avoid, remedy, or mitigate the adverse effects of:
- (a) discharges from wastewater treatment plants
  - (b) urban and industrial stormwater discharges
  - (c) discharges from boat maintenance facilities
  - (d) discharges from ports

on the coastal marine area.

**Explanation.** *Discharges of contaminants to the coastal marine area from wastewater treatment plants, boat maintenance facilities, ports, and stormwater discharges have the potential to significantly affect coastal water and sediment quality. There may also be options available for each of these types of discharges to be directed on to land. These options need to be fully explored before any new or continued discharge to the coastal marine area is allowed.*

2. Subject to Policy 1, in the consideration of coastal permit applications, to progressively eliminate direct discharges of human sewage to the coastal marine area from land-based wastewater treatment facilities, including existing authorised discharges, except where:
- (a) the allowance of the discharge better meets the purpose of the Act than disposal on to land; and
  - (b) there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and
  - (c) there has been consultation with the community generally.

**Explanation.** *Human sewage, even when treated, generally carries with it a greater potential for the transmission of disease than any other contaminant. Its discharge to water is also abhorrent to Maori.*

*Therefore, the necessity for a new or continued discharge of human sewage into the coastal marine area from wastewater treatment plants needs to be carefully considered.*

3. To establish whether any existing authorised wastewater discharges, after reasonable mixing, give rise to all or any of the following effects:
  - (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) any significant adverse effects on aquatic life;

and, if so, to review its consent conditions, pursuant to Section 128(1)(b) of the Resource Management Act.

**Explanation.** *The Act allows a review of the effects of existing discharges as one means of ensuring that the purpose of the Act is achieved. It is appropriate to provide for this to be done for all wastewater discharges within the 10-year term of this first Regional Coastal Plan.*

4. To ensure that the individual and cumulative effects of authorised discharges to the coastal marine area do not compromise the maintenance and enhancement of coastal water quality.

**Explanation.** *Where discharges to the coastal marine area are allowed, these need to be closely monitored to ensure that significant effects are detected as early as possible.*

5. To progressively eliminate, as far as practicable, unauthorised discharges of contaminants to the coastal marine area, particularly those which contain:
  - (a) untreated sewage (including those from ships and other vessels); or
  - (b) toxic substances in concentrations or amounts which are likely to have significant adverse effects on aquatic life or other uses of the coastal marine area.

**Explanation.** *Disease risk and toxicity to humans and aquatic life are the two major concerns regarding contaminants discharged to natural waters. Because of the potentially significant adverse effects of discharges of untreated sewage or toxic contaminants to the coastal marine area, these need to be avoided as far as practicable.*

6. To promote the effective management of rural runoff and its effect on the coastal marine area in order to improve coastal water quality.

**Explanation.** *Rural runoff is the most pervasive form of pollution of coastal waters. Rural run-off is often characterised by high sediment and nutrient loads. Sediment inputs can affect water colour and clarity, cause*

*smothering of benthic life and siltation of navigation channels. Nutrients can contribute to nuisance algal blooms in coastal waters. While it is important to acknowledge this fact, because the source of the problem is on land it is more appropriate that this be dealt with through means other than this Plan, e.g. within the Regional Water and Soil Plan or district plans.*

7. To ensure that the Regional Council, within its legal mandate, takes all reasonable steps to prevent and respond to oil spills should they occur.

**Explanation.** *The regular traffic of oil tankers to and from the Marsden Point oil refinery at the entrance to Whangarei Harbour, means that Northland has been identified as the region of greatest risk from oil spills in New Zealand. It is therefore necessary to ensure that all practical steps are taken to minimise the risk of oil spills occurring, including those available under other legislation, such as the Maritime Transport Act 1994.*

8. To identify sources of litter pollution in the coastal marine area and to develop appropriate means of dealing with each source.

**Explanation.** *Litter within the coastal marine area can come from a variety of sources. Therefore before management resources are allocated to dealing with the issue, a scoping exercise needs to be carried out.*

9. To promote the provision of facilities for the disposal of litter from ships and other vessels.

**Explanation.** *Preventing litter disposal to the coastal marine area includes providing appropriate disposal facilities for refuse. Refuse from ships and other vessels is one source of litter in the coastal marine area.*

10. To adopt a permissive approach to the discharge of cooling water to the coastal marine area, provided no contaminant other than heat is involved and any adverse effects on the coastal marine area are minor.

**Explanation.** *Cooling water discharges generally contain few contaminants other than heat. Because of the relatively large volumes of coastal water available to dissipate the heat, such discharges are generally innocuous and therefore do not require close control.*

11. To advocate for measure to minimise the risk of the introduction of exotic species via ballast water discharges.

**Explanation.** *Ballast water discharges can result in adverse effects due to the introduction of exotic species to the coastal marine area.*

## 19.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan requiring resource consents for discharges from wastewater treatment plants and discharges from boat maintenance facilities and ports into the coastal marine area.

cross-references

31.3.6(e)	31.5.4(d)	31.7.6(c)
31.4.6(f)	31.6.5(f)	31.8.6(e)
31.8.10(c)	31.7.6(f)	

- In considering consent applications for discharges from wastewater treatment plants and discharges from boat maintenance facilities, require specific consideration of available treatment and disposal options, and only allow a discharge to coastal waters if it is demonstrated that this is the best practicable option and that relevant water quality standards will be met.

cross-references

32.2.3(4)&amp;(5)

- Include rules within this Plan requiring resource consents for stormwater discharges to the upper Whangarei Harbour from catchments within the Whangarei urban area and, through the Regional Water and Soil Plan, require stormwater quality management plans for these discharges.

cross-references

31.4.6(d)	31.6.5(c)	31.3.6(c)
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- Require, through the Regional Water and Soil Plan, stormwater quality management plans for Port Whangarei, Marsden Point oil refinery and any other major industrial area which discharges stormwater to the coastal marine area.

cross-references

31.7.6(g)

- Include rules within this Plan requiring consents for direct stormwater discharges to the coastal marine area from new subdivisions, and through the Regional Water and Soil Plan, require stormwater quality management plans for these discharges.

cross-references

31.3.6(d)	31.4.6(e)
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- Include rules within this Plan requiring coastal permits for boat maintenance facilities (*method was under policy 5*).

cross-references

31.4.6(k)	31.6.5(f)	31.7.6(c)
31.8.10(b) & (c)		

- Carry out an investigation of boat grids within Northland's coastal marine area including the necessity for this type of facility and the degree of



environmental contamination which arises from their use (*method was under policy 5*).

(for Policy 2)

8. When considering coastal permit applications for discharges from land-based wastewater treatment plants to the coastal marine area, include a mandatory requirement to fully assess the feasibility of available land-based disposal options.

cross-references

32.2.3(4)

(for Policy 3)

9. Review monitoring records for authorised discharges and/or institute appropriate monitoring programmes, and review conditions of consents, should any of the listed effects be apparent.

cross-references

13.5(1)-(3)

13.5(5) & (6)

(for Policy 4)

10. Regularly monitor the effects of authorised wastewater discharges to coastal waters and strictly enforce relevant coastal permit conditions.
11. Where appropriate, develop and implement state-of-the-environment monitoring to assess the cumulative effects of authorised discharges on the coastal marine area.

cross-references

13.5(1)-(3)

13.5(5) & (6)

(for Policy 5)

12. Include rules within this Plan controlling the discharge of sewage from vessels to the coastal marine area.

cross-references

31.3.6(j)-(l)

31.4.6(o)-(q)

31.5.4(c)

31.6.5(c)-(h)

31.7.6(c)-(h)

13. Carry out annual monitoring of landfills adjoining or adjacent to the coastal marine area, whether operative or closed, for the presence of leachate and/or the effects of leachate in the adjacent aquatic environment.
14. Make submissions, through the resource consent application process, in regard to any proposals for new landfills adjacent to the coastal marine area.

15. Include rules within this Plan controlling maintenance activity away from authorised facilities.

cross-references

31.3.6 (f)&(g)	31.5.4(d)	31.7.6(d)
31.4.6(l)	31.6.5(f)&(g)	31.8.10(a)

16. Include policies and methods in this plan to provide for sewage pump-out facilities in new marina developments.

cross-references

28.3.5(5)

(for Policy 6)

17. Prepare and implement a Regional Water and Soil Plan which includes controls relevant to the protection of water quality from rural landuse.

(for Policy 7)

18. Implement a Regional Oil Spill Contingency Plan for the whole of Northland, and provide equipment and regular training of regional council staff and local industry staff, in line with the New Zealand Oil Pollution Response Strategy.

19. Ensure that site-specific oil spill contingency plans are prepared for each site within the coastal marine area where oil is loaded or unloaded or where oil spillages are otherwise possible, in accordance with the Regional Oil Spill Contingency Plan.

20. Take appropriate steps to obtain funding from Central Government for sufficient oil spill control equipment to deal with a "target oil spill" at Marsden Point.

21. Design and implement a programme of regular auditing of contingency plans for land-based facilities, marine oil prospecting and mining activities within Northland's coastal marine area, as set out in the New Zealand Oil Pollution Response Strategy and relevant legislation.

22. In consultation with the Department of Conservation and other relevant parties, identify and prepare detailed resource maps of areas within the coastal marine area of particular sensitivity to oil spills and oil spill response techniques.

23. Encourage the Minister of Transport to enact powers under the MARPOL to formalise the current voluntary code to avoid oil tankers coming within close proximity of Northland's coastline and, in particular, the Poor Knights Islands.

24. Include rules within this Plan requiring consents for refuelling facilities in all Marine Management Areas.

cross-references

31.3.6	31.4.4(v)	31.6.3(m)
31.7.4(f)	31.8.4(p) – (s)	

25. Review the consent category for existing authorised refuelling facilities within two years of the plan being approved on the production of a nationally accepted standard or guideline for the construction, maintenance and operation of marine refuelling facilities, to determine whether the permitted activity status is appropriate where facilities comply with those standards or guidelines.

*(for Policy 8)*

26. In conjunction with interested parties, to monitor the type and amount of litter found within Northland's coastal marine area with particular reference to inner harbour areas and beaches, and assess options for effectively dealing with each source identified as contributing significantly to the litter volume.
27. Within the constraints of the Regional Council's resources, advocate and assist local community groups to carry out clean-up of litter in inner harbour areas and beaches.

*(for Policy 9)*

28. In co-operation with the Department of Conservation and appropriate district councils, financially support the provision of rubbish barges for use by recreational craft over the summer period.
29. To include assessment criteria within this Plan to assess whether it is appropriate to require marinas and any new port facilities, to provide facilities for the disposal of litter from vessels.

cross-references

32.2.7(6)	32.2.9(6)
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30. Where these are not already provided, encourage district councils to provide adequate, appropriately designed and conveniently located waste collection facilities at or near public wharves, boat ramps and adjacent to mooring areas.

*(for Policy 10)*

31. Include rules within this Plan permitting cooling water discharges from vessels, provided specified performance standards are met.

cross-references

31.3.6(a)&(b)	31.5.4(a)&(b)	31.7.6(a)
31.4.6(a)&(b)	31.6.5(a)&(b)	31.8.6(a)&(b)

32. Include rules within this Plan making the existing cooling water discharges from the Marsden A and B Power Station, the Golden Bay

cement works at Portland, and the Farmers fertiliser works, controlled activities.

cross-references

31.4.6(g)-(i)

31.7.6(e)

33. Encourage applicants for any port related facilities, including barge terminals, and for any vessel maintenance facilities to undertake a risk assessment of the proposed activities in relation to exotic organisms introduction.

## 19.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules (**Methods 1, 3, 5, 6, 12, 15, 24, 30, and 31**) and associated assessment criteria (**Methods 2, 8, and 28**) allows site-specific provision for discharges and/or control of the adverse effects of discharges.

Rules 31.3.6 q, r and s and rules 31.4.6 w, x and y are required to ensure that cultural and public amenity concerns about water quality are dealt with, and that the food safety of harvested shellfish is further promoted by removing anomalous areas where untreated sewage could be discharged from ships and offshore installations as a result of the Resource Management (Marine Pollution) Regulations 1998.

### Investigations/Monitoring

Monitoring of the individual and cumulative effects of discharges within the coastal marine area (**Methods 10, 11, and 13**) is required to be able to assess whether the objective is being achieved. A review of monitoring records is necessary to ensure that the minimum standards required by this Plan are met (**Method 9**).

The use of boat grids within Northland's coastal marine area is a cause for concern because of the uncontrolled nature of associated discharges. However, an investigation of the costs and benefits of these structures is required to assess whether these should be removed or allowed to remain (**Method 7**).

Monitoring of foreshore areas is required to assess the amount of litter within the coastal marine area and its source. Both the Regional Council and the Department of Conservation have staff who regularly work in such areas and who could carry out monitoring (**Method 25 and 26**).

### Co-ordination

Stormwater discharges, including rural runoff, to the coastal marine area are of concern. However, because the source of the problem is on land, it is more appropriate to institute quality control mechanisms through the Regional Water and Soil Plan (**Methods 4 and 17**).

Landfills are a potentially significant source of contaminants to the coastal marine area. Such discharges can and should be prevented (**Method 14**).

The Regional Council, the Department of Conservation and district councils all have an interest in seeing that waste from boats is effectively dealt with (**Method 27**). Marina developments, wharves, and jetties are areas used by vessels and therefore offer an opportunity to provide for waste generated from the use of vessels (**Methods 16, 28 and 29**).

**Other**

Oil spills are a significant issue in the coastal marine area. While this is largely dealt with under other legislation, e.g. the Marine Pollution Act, there are measures that can be undertaken within the context of this Plan, to control the adverse effects of oil spills (**Methods 18 to 23 inclusive**).

## 20. DISCHARGES TO AIR

### 20.1 INTRODUCTION

As discussed in Section 13A, Northland generally has a high standard of coastal air quality. The main threat to the maintenance of coastal air quality is the discharge of contaminants into it. Contaminants can cause the following effects when discharged into air:

#### **Odour**

The degree of 'nuisance' caused by an odour depends on how often the odour occurs, its intensity (how 'strong' it smells), duration, offensiveness (including the type of smell) and location. Nuisance can range from mild annoyance to chronic stress and ill health for people continually exposed to objectionable or offensive odours.

#### **Dust**

Dust particles can cause a nuisance when they are deposited on ground and other surfaces. For example, dust can 'blanket' sensitive marine habitats. Fine dust that remains suspended in the air can also affect human health.

#### **Smoke**

Smoke affects visibility and sometimes carries noxious or poisonous substances into the atmosphere.

#### **Release of other harmful substances**

The combustion (or 'burning') of fossil fuels (e.g. coal, oil) and other materials produces gases such as sulphur dioxide, nitrogen dioxide and a range of other potentially noxious or poisonous substances. These substances can have various effects, ranging from effects on human health (e.g. sulphur dioxide is a respiratory irritant) to environmental effects such as acid rain (some gases produce acid when they combine with rainwater in the atmosphere).

#### **Greenhouse Gases**

Combustion also produces carbon dioxide, which is a 'greenhouse gas' that contributes to global warming. The Government has indicated that this issue will be addressed at a national level and accordingly this Plan does not contain any controls designed to prevent or reduce global warming.

Often more than one of these effects will result from the same activity.

The following activities within or near to Northland's coastal marine area involve discharges of contaminants into air that cause, or have the potential to cause, the type of effects identified above:

- Industrial activity [*odour, dust, smoke, release of harmful substances, greenhouse gases*].
- Loading and unloading of ships (e.g. fertiliser, cement powder, oil and refined petroleum products) [*dust, odour, release of harmful substances*].

- Abrasive blasting and spray painting of boats and structures (e.g. wharves, bridges, power pylons, navigational aids) for maintenance purposes [*dust, release of harmful substances*].
- Small-scale fish processing plants on wharves [*odour*].
- Open burning of inorganic refuse and the remains of dead animals (e.g. stranded marine mammals) [*odour, smoke, release of harmful substances*].
- Marine farming. Increased water temperatures during summer can result in shellfish mortality, with odour subsequently resulting from their decay [*odour*].
- Dredging and dredging disposal [*odour, release of harmful substances*].
- Application of herbicides to control spartina [*release of harmful substances*].
- Oil spill clean-up operations [*odour, release of harmful substances*].
- Engine exhaust emissions from boats [*smoke, odour, greenhouse gases*].

Under section 15(1) of the Resource Management Act, no person may discharge contaminants into air from industrial or trade premises unless the discharge is allowed by a rule in a regional plan, a resource consent or regulations. Under section 15(2), discharges of contaminants into air from any other source are allowed as of right unless there is a specific rule in a regional plan restricting them. This situation equally applies in the coastal marine area.

In the coastal marine area there are also some discharges to air that are expressly allowed by the Resource Management (Marine Pollution) Regulations 1998. The Marine Pollution Regulations allow discharges of contaminants into air that are associated with the normal operations of a ship or offshore installation, or oil spill clean-up operations. For the purpose of the Regulations 'ship' has a broad definition and includes small pleasure craft, fishing boats and the like. 'Offshore installation' specifically refers to offshore structures that are used for exploiting minerals (e.g. an oil rig). As defined in the Regulations, 'normal operations' includes all aspects of engine operation and the like but does not, for example, include the loading or unloading of a ship.

Under the Marine Pollution Regulations the Northland Regional Council is not able to include any rules in its Regional Coastal Plan relating to discharges to air associated with the normal operations of a ship or offshore installation. This means, for example, that the Regional Council cannot regulate exhaust emissions from boat engines, whether such emissions come from the outboard motor on a small pleasure craft or the funnel of a ship. The Regional Council can, however, regulate discharges to air associated with the loading or unloading of a ship.

## 20.2 ISSUES

1. Ambient air quality is one of a number of attributes that collectively make up the natural character of the coastal marine area and the landward area nearby. Natural character can therefore be compromised by the adverse effects of discharges of contaminants into air from activities located within or near to the coastal marine area.
2. Airborne contaminants can adversely affect the life-supporting capacity of the coastal marine area. The release of noxious or harmful substances, particulate matter (e.g. dust) and other contaminants has the potential to damage or destroy coastal habitats and harm flora and fauna. In this regard airborne contaminants can adversely affect coastal water quality, as a result of being deposited into water or deposited in a manner that results in them entering water. For example, airborne dust from industrial processes can be deposited on sensitive marine habitats and marine biota, and have a localised adverse effect on the coastal water quality that supports those habitats and biota.
3. Airborne contaminants can adversely affect the amenity values of the coastal marine area. Good air quality contributes to people's appreciation of the coastal marine area in terms of its pleasantness and recreational attributes. Odour, diminished visibility resulting from smoke or haze and other adverse effects caused by discharges of contaminants into air detract from people's use and enjoyment of the coastal marine area and landward area nearby for recreation purposes.
4. The open burning of inorganic refuse and the remains of dead animals (e.g. stranded marine mammals and stock) on the foreshore can cause significant localised nuisance effects and discharge harmful substances into the atmosphere.
5. Some activities that discharge contaminants to air may have only minor adverse effects on the environment.

## 20.3 OBJECTIVE

**To provide for the discharge of contaminants to air while avoiding adverse environmental effects and, where avoidance is not practicable, remedying or mitigating those effects.**

## 20.4 POLICIES

1. When considering any application for a plan change or resource consent for activities located within or near to the coastal marine area that involve discharges of contaminants to air, consent authorities shall recognise that ambient air quality is one of a number of attributes that collectively make up the natural character of the coastal environment.

**Explanation.** *Under section 6(a) of the Resource Management Act the preservation of the natural character of the coastal environment (including the coastal marine area) is required to be recognised and provided for as a matter of national importance. Ambient air quality is*



*one component of natural character. The adverse effects of discharges of contaminants into air can therefore compromise natural character.*

2. Discharges of contaminants into air from activities located within or near to the coastal marine area should not:
  - (a) Result in significant degradation of existing ambient air quality in the coastal marine area;
  - (b) Adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area;
  - (c) Have a significant adverse effect on water quality in the coastal marine area, as a result of airborne contaminants being deposited into water or deposited in a manner that results in them entering water;
  - (d) Except in the Port Facilities and Marine Farming Management Areas, detract from people's use and enjoyment of the coastal marine area for recreation purposes (for example by causing odour or diminishing visibility as a result of smoke or haze);
  - (e) Result in significant adverse cumulative effects on air quality in the coastal marine area, taking into account any existing discharges of contaminants into air in the locality.

Activities involving discharges of contaminants into air should not be located within or near to the coastal marine area if these adverse effects cannot be avoided, remedied or mitigated.

**Explanation.** *Many of the contaminants that are discharged into air from activities located within or near to the coastal marine area eventually fall into coastal water. This is particularly true for dust and other larger particulate matter. It is a function of the Northland Regional Council to provide for integrated management of the natural and physical resources of the region and, when assessing a discharge into air, discharges to other receiving environments must therefore also be considered.*

3. The best practicable option may be employed to prevent or minimise any adverse effects from the discharge of contaminants into air from activities located within or near to the coastal marine area by having regard to:
  - (a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
  - (b) The financial implications, and the effects on the environment, of that option when compared with other options; and
  - (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.

**Explanation.** *Adoption of the 'best practicable option', as an approach to the management of discharges of contaminants into air, is considered particularly appropriate in situations where discharge control technology*

*is still evolving, where standards establishing a level of protection for a particular receiving environment cannot easily be established or justified, where the maintenance or enhancement of the existing air quality is desirable, or where there is uncertainty over existing environmental quality.*

*The best practicable option provides flexibility and allows progressive upgrading of plant processes and activities, rather than setting a level of air quality and allowing degradation of existing air quality to that level. Adoption of the best practicable option may involve reducing or minimising emissions at source, adopting specified treatment and disposal technology, or simply adopting good maintenance and operating procedures for existing activities or processes.*

*The implementation of the best practicable option does not necessarily mean that consent holders will be required to use expensive or complex technology. In many cases, simple and relatively inexpensive methods are all that are required to achieve significant environmental protection, and to comply with other policies in this Plan.*

*The conditions of the best practicable option will be determined by the Northland Regional Council in consultation with the consent holder and those affected. Implementation of the best practicable option will involve the weighing of costs to the discharger, benefits to the receiving environment and assessment of risk of adverse environmental effect arising from the discharge. By adopting a consultative approach to the implementation of the best practicable option in addition to in-house experience and expertise, the Regional Council considers that sound decisions can be made in determining the best practicable option for use in any particular process or site.*

4. Open burning of inorganic refuse should not be undertaken within the coastal marine area.

**Explanation.** *Open burning is sometimes used as a means of disposing of refuse washed up on beaches. There are, however, alternative methods for disposing of refuse that do not result in significant adverse effects on the environment.*

5. In-situ cremation should not be used to dispose of the remains of dead animals (e.g. stranded marine mammals and stock) in the coastal marine area if practicable alternative methods of disposal are available that will have less significant adverse effects on the environment. Natural decomposition should be considered as an acceptable alternative in situations where it will not result in significant nuisance effects or cause a health hazard and where other disposal options will have more significant adverse effects.

**Explanation.** *There are alternative methods for disposing of dead animals that do not cause significant adverse effects on the environment (e.g. burial). If left to decompose, however, the remains of larger marine mammals such as whales equally cause nuisance effects (particularly odour) and are a health hazard in terms of the spread of certain diseases. It is therefore important that such remains are disposed of quickly and in-*

*situ cremation is sometimes the most practicable and effective means of achieving this.*

6. To recognise that many activities within the coastal marine area that discharge contaminants into air have a minor effect on air quality and, where appropriate, these activities should be provided for as permitted activities.

**Explanation.** *In controlling discharges of contaminants into air there is a need to adopt a level of control that is appropriate to the actual or potential effects of the discharge. Discharges that have a minor or insignificant effect on the environment can be provided for as permitted activities. Such discharges have previously been permitted in the region without any discernible adverse impact on the environment, and it is intended that this practice continue. In addition, such an approach enables the Regional Council to efficiently administer and implement this Plan, by focusing on discharges with significant adverse effects on the environment.*

## 20.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Assessment of the effects of discharges of contaminants into air on ambient air quality.

cross-references

32.3.1(8)	31.3.6(r)&(t)	31.4.6(gg)&(ii)
31.5.4(k)	31.6.5(r)&(t)	31.7.6(u)&(w)

*(for Policies 2 and 7)*

2. The control of discharges of contaminants into air which have, or are likely to have, adverse environmental effects.

cross-references

31.3.6(r)&(t)	31.4.6(gg)&(ii)	31.5.4(k)
31.6.5(r)&(t)	31.7.6(u)&(w)	

3. Require an assessment of the potential cumulative, effects of discharges into air, and possible mitigation measures, to be submitted with resource consent applications.

cross-references

32.3.1(1)	32.3.1(8)	31.3.6(r)&(t)
31.4.6(gg)&(ii)	31.5.4(k)	31.6.5(r)&(t)
31.7.6(u)&(w)		

4. Require an assessment of discharges to other receiving environments (coastal water) that may occur as a result of discharges of contaminants into air, and a statement as to any other resource consents that are required for the activity.

cross-references

32.3.1(7)	31.3.6(r)&(t)	31.4.6(gg)&(ii)
31.5.4(k)	31.6.5(r)&(t)	31.7.6(u)&(w)

*(for Policy 3)*

5. In conjunction with other resource management agencies and resource users (including consent holders, industry sector groups and recreational users of the coastal marine area) the Regional Council will:
  - (a) Promote the development and use of appropriate industry codes of practice and guidance documents to encourage best practice and effective methods to minimise the discharge of contaminants into air;
  - (b) Support the development and distribution of education material, providing information on how particular activities affect air quality and advice on how to avoid, remedy or mitigate adverse effects on coastal air quality;
  - (c) Encourage the use of new technologies that minimise the discharge of contaminants into air.

cross-references

26.5.2

*(for Policy 4)*

6. Prohibit the open burning of specified inorganic waste materials.

cross-references

31.3.6(s)	31.4.6(hh)	31.5.4(j)
31.6.5(s)	31.7.6(v)	

7. In conjunction with interested parties, monitor the type and amount of inorganic refuse found within Northland's coastal marine area and assess options for effectively dealing with each source identified as contributing significantly to the refuse volume.
8. Within the constraints of the Regional Council's resources, advocate and assist local community groups to carry out removal of inorganic refuse from the coastal marine area.

*(for Policy 5)*

9. Allow the open burning (or natural decomposition, if appropriate) of the remains of marine mammals as a permitted activity, provided that no other option exists for safe disposal of the carcass.

cross-references

31.3.6(n)	31.4.6(v)
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(for Policy 6)

10. Allow particular discharges of contaminants into air as permitted activities, subject to compliance with environmental standards to prevent or minimise the adverse effects of the discharges.

cross-references

31.3.6(m)	31.4.6(aa)-(ff)	31.5.4(f)-(h)
31.3.6(o)-(q)	31.6.5(i)-(q)	31.7.6(j)-(t)
31.4.6(u)&(w)-(z)		

(for Policies 2 and 6)

11. Monitor and gather information, through state of the environment monitoring and resource consent monitoring, on the existing air quality within Northland's coastal marine area.

## 20.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objectives are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

In the absence of regional plan rules, discharges of contaminants into air from industrial or trade premises require resource consent - no matter how minor their environmental effects. There are many discharges to air from industrial or trade premises that have only minor effects. The inclusion of rules that permit these discharges, subject to compliance with environmental standards, is an efficient means of managing such minor discharges and avoids unnecessary resource consent applications.

Conversely, discharges of contaminants into air from other sources are permitted unless regulated by a regional plan. Some of these other discharges may have a wide range of actual and potential effects that need to be assessed having regard to site-specific factors. In cases where many of the effects are unknown, requiring resource consent for these discharges is considered to be the most effective method of managing coastal air quality. Where the effects are known, the discharges can be permitted subject to compliance with environmental standards.

In summary, the air quality rules in this Plan allow minor discharges into air from industrial or trade premises that are unlikely to have any significant adverse effects, and regulate other discharges that may have significant adverse effects. The implementation of these rules provides certainty for applicants, affected parties and the Regional Council (**Methods 1, 2, 3, 4, 7, 10 and 11**).

### Investigations/Monitoring

Monitoring of the individual and cumulative effects of discharges into air from activities located within or near to the coastal marine area is required in order to be able to assess whether the objective is being achieved. A review of monitoring records is necessary to ensure that the minimum standards required by this Plan are met (**Methods 5 and 12**).

**Education/Co-ordination**

It is not practicable to control some discharges of contaminants into air within the coastal marine area using a regulatory approach. Other discharges are permitted under the Resource Management (Marine Pollution) Regulations 1998 and cannot be regulated by the Northland Regional Council. Some of these discharges can, however, have individual and cumulative adverse effects on air quality in the coastal marine area and landward area nearby. Wherever possible such adverse effects should be avoided, remedied, or mitigated (**Method 6**).



## **21. TAKING, USE, DAMMING AND DIVERSION OF COASTAL WATER**

### **21.1 INTRODUCTION**

Section 14 of the Resource Management Act places restrictions on the taking, use, damming and diversion of water in the coastal marine area. The Act draws a distinction between coastal water and open coastal water. The former incorporates sea water with a substantial freshwater component and occurs in estuaries, fiords, inlets, harbours or embayments. Open coastal water is coastal water that is remote from these areas.

Coastal water is able to be taken, used, dammed or diverted 'as of right' for domestic or recreational needs, provided there are no associated adverse effects, or for fire fighting purposes. It is not allowed to be taken for any other purpose, unless otherwise allowed by a rule in a coastal plan or by a resource consent.

No person may take, use, dam, or divert open coastal water in a manner which contravenes a rule in a coastal plan, unless expressly allowed to do so by a resource consent.

These provisions do not apply to the taking or use of sea water for the operational needs of ships, boats and vessels, where no authorisation or licence was previously required prior to 1 October 1991.

In any event, in most circumstances there is no need to apply controls over the taking and use of sea water, due to the large volumes available and the associated improbability of significant adverse effects occurring. However, there may be need for caution where water is taken from relatively shallow upper estuarine areas where the activity may influence, for example, water temperatures. Given the presence of the Marsden A Power Station in Bream Bay and the Farmers' Fertiliser works in the upper Whangarei Harbour, there is also a need to address the potential effects of taking of very large volumes of sea water for cooling purposes from Northland's coastal marine area. Concerns have been expressed regarding the destruction of aquatic life, mainly plankton, as a result of this activity.

Damming and diversion of sea water are more likely to cause adverse effects, although these are anticipated to arise from the structures involved rather than the damming or diversion itself. Dams are impoundments and as such the objective, policies, and methods set out in Section 17 apply.

Diversion of sea water will generally only occur either:

- (a) around the mouths of rivers or estuaries where flow is redirected to avoid flooding and/or maintain an open channel; or
- (b) in the upper reaches of estuaries to improve land drainage; or
- (c) as a result of reclamation and impoundment.

If not correctly carried out, this could potentially destabilise the channel margins resulting in loss of habitat values, property, or land. As mentioned



above, the effects of reclamation and impoundment are addressed separately in Section 18.

## 21.2 ISSUES

1. The negligible effects associated with most takes of sea water and the consequent need to avoid unnecessary control on this activity.
2. The potentially significant ecological effects of large takes of sea water for industry within Bream Bay and Whangarei Harbour and the consequent need to address this within this Plan.
3. The possible effects of damming and diversion of sea water in estuarine areas on habitat values, water quality, and the migration of eels and other diadromous fish species and the consequent need to provide for the avoidance or mitigation of these effects within this Plan.
4. The possible erosion of channel margins as a result of diversion of coastal water, and the consequent need to avoid or mitigate such occurrences.

## 21.3 OBJECTIVE

**The avoidance, remediation or mitigation of the adverse effects of taking, use, damming or diversion of water in the coastal marine area.**

## 21.4 POLICIES

1. To adopt a permissive approach to the taking of coastal water and open coastal water, other than for large intakes (such as for thermal power stations) where adverse effects are no more than minor.

**Explanation.** *For all practical purposes, there is an inexhaustible quantity of coastal water to be taken. The quantities taken for most uses and developments are usually instantly replenished, therefore, making close control unnecessary.*

2. To apply the precautionary approach to damming and diversion of sea water where adverse effects may occur.

**Explanation.** *Unlike taking of sea water, the damming and diversion of sea water can adversely affect the coastal marine area. A measure of control is therefore required to ensure that these effects are avoided or mitigated.*

## 21.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan permitting the taking of sea water subject to specified conditions.

*cross-references*

31.3.7(a),(b),(c) &(d)                      31.6.6(a),(b)&(c)  
31.4.7(a),(b),(c) &(d)                      31.7.7(a),(b),(c) &(d)  
31.5.5(a),(b),(c),(d) &(e)                      31.8.7(a),(b) & (c)

2. Include rules within this Plan making the taking of sea water for cooling water for existing authorised large scale users, a controlled activity.

cross-references

31.4.6(i)                                      31.7.7(d)

(for Policy 2)

3. Include rules within this Plan restricting the damming (impoundment) of the coastal marine area.

cross-references

31.3.5(e)                                      31.4.5(c)  
31.5.3(a)                                      31.7.5(a)

4. Include rules within this Plan requiring consents for diversion of sea water.

cross-references

31.3.7(e)                                      31.4.7(e)

## 21.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules (**Methods 1 to 4 inclusive**) allows site-specific provision for taking, use, damming and diversion of coastal water and/or control of any associated adverse effects.



## 22. DREDGING AND DREDGING SPOIL DISPOSAL

### 22.1 INTRODUCTION

Dredging and dredging spoil disposal activity may occur in all Marine Management Areas. However, large scale maintenance dredging is largely restricted to the Marine 2, Marine 4 and Marine 5 Management Areas in the upper Whangarei Harbour.

For management purposes, dredging activity is generally categorised as either:

- (a) capital dredging - when dredging of an area is first undertaken; or
- (b) maintenance dredging - where the depth or width of a previously dredged area is periodically re-established.

For the purposes of this Plan, capital dredging includes the further deepening or widening of previously dredged areas.

Dredging of bottom sediments requires consideration of where the resultant spoil will be disposed of. Options include:

- Side-casting the spoil to adjacent intertidal or shallow subtidal areas.
- Dumping at sea.
- Disposal to purpose-built settling ponds or bunded areas, either in the intertidal area or on adjacent land.
- Disposal on land away from the coastal marine area.

Both dredging and dredging spoil disposal can have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic and interstitial aquatic life within the dredged area. Benthic and interstitial organisms are those that live in or on the bottom sediments. Dredging spoil disposal other than into dredge ponds can also affect aquatic life through their permanent physical burial or temporary smothering.

Dredging can also affect water movement patterns in an area. This in turn can lead to such changes as movement or shoaling of natural drainage channels and/or the creation of 'dead zones' - areas of reduced tidal flushing where sediment or any pollutants in the water tend to settle.

Both dredging and spoil disposal can alter the physical nature of the sediments in the affected area. This in turn can change the type and abundance of organisms present. A major concern is the ability of the disrupted communities to recover from such effects. Some organisms can cope with such changes (e.g. those which live within naturally disturbed areas) whereas others cannot (e.g. those which live in relatively stable environments).

In addition, indirect effects of dredging and spoil disposal may arise from the disturbance of bottom sediments and other associated material. Adverse effects can include reduced water clarity, decreased dissolved oxygen levels

in the water, and the increased exposure of aquatic life to any pollutants present in the sediment.

Dredging and dredging spoil disposal activity may occur in all Marine Management Areas except Marine 3 Management Areas. However, large scale maintenance dredging is largely restricted to the Marine 2, Marine 4 and Marine 5 Management Areas in the upper Whangarei Harbour.

Within the Whangarei Harbour, maintenance dredging of the main channel approaches in the upper harbour adjacent to Port Whangarei requires the removal of up to 155,000 cubic metres of material per year. This material is pumped into the Northland Port Corporation's dredge ponds at the rear of the port area by cutter suction dredge. Maintenance dredging of the lower harbour channel is infrequent, and methods for the disposal of material vary. Dredging of the Town Basin, in the past undertaken once every seven years and averaging around 45,000 cubic metres each time, has more recently been undertaken generally annually, using a barge-mounted hydraulic digger with disposal on-land at Kissing Point.

As well as requiring a coastal permit for dredge spoil disposal within the coastal marine area, under the Resource Management Act, a marine dumping permit from the Maritime Safety Authority, under the Maritime Transport Act 1994, is required for marine disposal at sea out to the 200 Nautical mile limit. Marine dumping applications require consideration of alternatives, in particular land-based sites.

Sand, shingle, and mineral extraction can also be a form of dredging. However, because its primary purpose substantially differs from dredging for navigation access, this type of dredging is dealt with separately in Section 23.

As discussed above, dredging and dredging spoil disposal have the potential for various adverse effects. However, it is also important to note that some benefits can result from dredging activity. These benefits are generally in the form of improved access to the coastal marine area, particularly in the case of ports and marinas. As ports and marinas have positive socio-economic benefits and are dependent on dredging activity for their viability, it is important that dredging activity be provided for, where appropriate, by this plan.

## 22.2 ISSUES

1. The potentially significant changes in ecological values associated with major dredging and dredging spoil disposal operations.
2. The potential release of contaminants (particularly toxic material) into coastal waters during the dredging and disposal of contaminated sediments, and the consequent need to assess, where appropriate, the likelihood of this occurring before such activity commences.
3. The long-term nature of maintenance dredging requirements and associated spoil disposal in areas of high sediment loading or which are otherwise subject to siltation.
4. The dependence of some commercial operations, such as ports and marinas, on access to the coastal marine area, the economic benefits to the people and communities of Northland which can result from these

activities and the need to provide for capital and maintenance dredging and spoil disposal associated with such activity.

### 22.3 OBJECTIVE

**Provision for capital and maintenance dredging that is needed for the establishment and operation of appropriate facilities in the coastal marine area (such as Marinas and Ports), while avoiding, remedying, or mitigating the adverse effects of such dredging and any associated spoil disposal in the coastal marine area.**

### 22.4 POLICIES

1. Within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas, to restrict capital dredging except where the dredging activity is associated with a marina or port development, and in making such exceptions, integrate where appropriate, in accordance with sections 102 and 103 of the Act, any required consent process for associated dredging spoil disposal.

**Explanation.** *Like reclamation, capital dredging has the potential to significantly change the coastal marine area. Close control is therefore required, particularly in areas of conservation value.*

2. Within the Marine 3 (Aquaculture) Management Area, to manage all dredging activity.

**Explanation.** *As the effects of dredging can be contrary to the management purpose of these areas, it is necessary to manage dredging activities within Marine 3 (Aquaculture) Management Areas.*

3. To provide for capital dredging within Marine 5 Management Areas where the dredging is required to allow access of vessels to new or extended authorised structure, subject to the avoidance, remediation or mitigation of adverse effects; and where appropriate, in accordance with sections 102 and 103 of the Act, to integrate any required consent process for associated dredging spoil disposal.

**Explanation.** *To remain economically viable, ports may need to expand. Because of the size of the vessels visiting ports, such expansion often requires capital dredging. Provision therefore needs to be made for this eventuality within port areas.*

4. Within Marine 2, Marine 4, Marine 5 and Marine 6 Management Areas, to provide for maintenance dredging of navigation channels and around wharves, and where appropriate, in accordance with sections 102 and 103 of the Act, to integrate any required consent process for associated dredging spoil disposal.

**Explanation.** *There are a number of areas within Northland's coastal marine area which have been dredged and whose continued use depends on the maintenance of the dredged depth. Provision therefore needs to be made for this activity to be carried out.*

5. Within Marine 1 and Marine 2 Management Areas, to provide for the clearance of artificial land drainage channels and tidal streams for the purpose of avoiding the flooding of land or releasing natural impoundments of water that present a public health risk.

**Explanation.** *The blockage of channels through the deposition of sediment or debris can result in the flooding of adjacent land or the impoundment of water, which potentially can pose a public health risk. It is appropriate to make provision for the clearance of land drainage channels and tidal streams for the purpose of addressing these situations.*

6. In Marine 1 and Marine 3 Management Areas to restrict the disposal of dredging spoil.

**Explanation.** *The disposal of dredging spoil in these areas may have an adverse impact on the conservation values and on the high water quality standards required for marine farming operations.*

7. To promote land-based disposal of dredging spoil from both capital and maintenance dredging of the coastal marine area, where this better meets the purpose of the Act.

**Explanation.** *Disposal of dredging spoil to sea or into intertidal areas can create significant adverse effects. In most situations, spoil disposal to land avoids these effects and therefore should be used where practicable.*

8. Where land-based dredging spoil disposal is proven not to be a viable option, to require evaluation of options by the applicant for the disposal of dredging spoil within the coastal marine area or beyond territorial limits, including the characterisation of the material to be dredged and environmental surveys of possible disposal sites.

**Explanation.** *There are a number of options for disposal of spoil within the coastal marine area and/or beyond territorial limits. Choosing the right option can mean the difference between creating and avoiding adverse effects. Careful consideration of the options is therefore necessary.*

## 22.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan restricting (capital dredging within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas), except where associated with a marina or port development.

cross-references

31.3.8(e)  
31.8.8(e)

31.4.8(g)

31.6.7(b)

2. Include rules within this Plan making capital dredging associated with:





cross-references

31.3.12 (a)                      31.4.12 (a)

(for Policy 6)

8. Include rules in this Plan restricting the disposal of dredging spoil in Marine 1 and Marine 3 Management Areas.

cross-references

31.3.8(c)&(d)                      31.5.6(b)

(for Policy 7)

9. In processing applications for resource consents for dredging spoil disposal, require evaluation of the costs and benefits of land-based disposal options.

cross-references

32.2.5(11)

10. Promote, through appropriate submissions, the inclusion of policies and rules within district plans which are complementary to those within this Plan, including policies relating to the identification of suitable disposal sites and the development of performance standards.

cross-references

31.8.8(b)

(for Policy 8)

11. Include rules within this Plan making dredging spoil disposal within Marine 2, Marine 4, Marine 5, and Marine 6 Management Areas, a discretionary activity, subject to specified criteria and require, through assessment criteria, the evaluation of the potential adverse environmental effects of the activity.

cross-references

31.6.7(c)                              32.1  
 31.4.8(e)&(f)                      31.7.8(c)                              32.2.5  
 31.8.8(c)

**22.6 PRINCIPAL REASONS FOR ADOPTING**

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

**Regulation**

The use of rules (**Methods 1 to 7 inclusive and 10**) and associated assessment criteria allow site-specific provision for dredging and dredging spoil disposal within the coastal marine area and/or control of associated adverse effects. These rules need to reflect predominant uses of the marine management area within which the dredging or dredging spoil disposal occurs or could occur.

**Method 8** provides for an alternative spoil disposal option to be considered.

**Co-ordination**

**Method 9** is required because options for the disposal of dredging spoil include disposal to land. If these alternatives are to be considered, specific provision within district plans is needed to facilitate this.

## 23. SAND, SHINGLE AND MINERAL EXTRACTION

### 23.1 INTRODUCTION

Extraction activity within Northland's coastal marine area is currently limited to sand mining for supply to building, sandblasting, and glass manufacturing industries. The volumes of sand allowed to be extracted annually under existing coastal permits total over 160,000 cubic metres. The bulk of sand extracted goes to the Auckland market. Future pressure for increased sand extraction activity in Northland is expected following recent restrictions on sand extraction in the Waikato Region and new construction activity in Auckland.

The major extraction areas are at the entrances to the Parengarenga, Kaipara and Mangawhai harbours. The sand from Parengarenga is high in silica and is used for glass manufacture. Sand extracted from the Kaipara and Mangawhai harbour areas is used for sandblasting and building purposes, such as the production of concrete.

The favoured method of sand extraction is by suction dredging rather than using mechanical grabs or bucket dredges. Sand is pumped by the suction dredge into an open barge, where the sand settles out and the sea-water flows back into the sea. As with other forms of dredging, the environmental effects of sand extraction largely result from the physical disturbance of the seabed. The effects of this physical disturbance can include:

- Changes to the seabed topography.
- Changes in sediment particle size.
- The suspension of any fine sediments associated with the sand resource.
- Coastal erosion.
- Changes in water movement patterns.
- Destruction of seabed habitat and/or aquatic organisms living in or on the seabed.

The degree of impact of any particular sand extraction operation will depend on:

- The location of the activity (inner harbour, harbour entrance, open coast, intertidal, subtidal).
- The type of dredge (mechanical grab, bucket dredge, cutter suction dredge).
- The method of dredging (stationary or moving).
- The nature of the sand resource (grain-size, thickness, organic content).
- The 'sustainability' of the resource (origin, sediment transport dynamics).
- Physical environmental conditions (wave exposure, tidal currents, water quality).
- Biological environmental conditions (the types of flora and fauna present, their relative abundance in and around the extraction area, and their ability to tolerate disturbance).
- Other human uses in and around the extraction area.

In January 1992, the Department of Conservation released its Auckland Sand Management Plan. The Plan contains objectives and policies that provide guidance as to where and under what conditions coastal sand extraction

should take place. The plan was used in the preparation of the policies and methods of implementation set out in this Section.

The Crown Minerals Act 1991 is administered by the Ministry of Commerce for the purposes of management and allocation of Crown minerals. Under this Act, sand, shingle and shell are considered to be minerals and management of this resource, in the coastal marine area, is subject to the provisions of this Act if a specific minerals programme is prepared by the Ministry of Commerce. Until the implementation of such a programme, management remains with the Regional Council under the Resource Management Act.

## 23.2 ISSUES

1. The importance to the building, sand-blasting, and glass manufacturing industries of sand resources in Northland's coastal marine area and the consequent need to provide for this activity within this Plan.
2. The potential effects of sand extraction on natural sediment transportation processes, including the creation or acceleration of coastal erosion and the consequent need to carefully assess the location and/or extent of sand extraction activity in any particular area.
3. The potentially limited nature of sand resources in some parts of the coastal marine area, and the consequent need to adopt the precautionary approach and to carefully consider alternatives to sand extraction from within the coastal marine area, and set sustainable levels of extraction.
4. The need to recognise that silica sand in the Parengarenga Harbour is considered a taonga by the tangata whenua.
5. The presence of major sand extraction activity on both east and west coasts on or near the boundary between the Northland and Auckland regions, and the consequent need to co-ordinate management of these resources with the Auckland Regional Council.
6. The potential for increased sand extraction activity in Northland (particularly the Kaipara Harbour) due to the proximity of the Auckland market and the phasing out of the Waikato River sand supplies.

## 23.3 OBJECTIVE

**Provision for the extraction of sand, shingle, shell, or other natural material while avoiding, remedying or mitigating any adverse effects of such activity on the coastal marine area.**

## 23.4 POLICIES

1. In assessment of coastal permit applications to apply the precautionary approach for extraction of sand shingle, shell and other natural material, and require the consideration of alternative sources in areas where

knowledge of replenishment rates or potential adverse effects is uncertain.

**Explanation.** *Sand or shingle extraction in inappropriate areas can cause significant adverse effects, including the exacerbation of coastal erosion. Sand or shingle extraction at rates which exceed rates of sediment replenishment are by definition unsustainable and should be avoided where practicable.*

2. To promote the sustainable extraction of sand from areas of known sediment replenishment.

**Explanation.** *The best means of ensuring that sand extraction activity is sustainable and adverse effects are minimised is to target appropriate areas where sediment is replenished at rates exceeding the extraction rate.*

3. To ensure that extraction activity within the coastal marine area is managed in ways which avoid, remedy or mitigate adverse effects on the natural character of the coast and its ecological, cultural and amenity values.

**Explanation.** *Extraction of sand, shingle, shell, and other natural material can adversely affect the ecological, cultural, and amenity values of the coastal marine area, therefore controls over it are necessary.*

4. To promote the integrated management of sand extraction from those areas around the Mangawhai/Pakiri coastline and Kaipara Harbour which are close to or straddle the administrative boundary between the Northland and Auckland regions.

**Explanation.** *Sand extraction in the two areas identified is a cross-boundary issue and needs to be dealt with accordingly.*

5. To provide for the extraction of small quantities of sand, shingle, shell and other natural material for the purposes of investigative sampling.

**Explanation.** *The removal of small quantities of sand for investigative sampling generally has an effect on the overall sediment budget that is no more than minor.*

## 23.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan making the extraction of sand, shingle, shell, or other natural material a discretionary activity within Marine 2 Management Areas, and within existing authorised locations in Marine 1 Management Areas, and include assessment criteria which allow for the consideration of alternative sources of sand, shingle, shell, or other natural material where the potential adverse effects of proposed activities are unknown.

cross-references

31.3.11(b)	31.4.11(b)	32.1
32.2.10(3)		

2. Impose strict monitoring and information requirements and short terms of consent on any extraction of sand, shingle, shell or other natural material where adverse effects are unknown.

*(for Policy 2)*

3. Develop a database of sand resources in Northland's coastal marine area and as far as possible identify, in conjunction with the sand extraction industry, the Department of Conservation, and other relevant parties, those areas of sand replenishment.
4. In conjunction with the sand extraction industry, develop methods of quantifying the sustainable annual sand yield of particular extraction areas.

*(for Policy 3)*

5. Require monitoring of the effects of sand extraction on adjacent shoreline profiles as a condition of all permits to extract sand from within 500m of beaches.
6. Include policies within this Plan to allow the identification of sites, within the coastal marine area, of particular coastal sensitivity, in terms of erosion potential, and biological, recreational, cultural and historical values.

cross-references

8.4	9.2.4	15.4
9.1.4	12.4.4	

7. Include conditions on coastal permits requiring:
  - (a) the restriction of extraction volumes and rates to a level less than the rate at which sand can be replenished.
  - (b) monitoring for significant changes in median particle size resulting from extraction in order to minimise risks of beach slope destabilisation.

*(for Policy 4)*

8. Liaise with the Auckland Regional Council to establish a mutually agreed approach toward managing sand extraction from the Kaipara Harbour sand resource, including the exchange of relevant monitoring results.
9. Actively participate in the Mangawhai/Pakiri and Kaipara Harbour Sand Studies including representation on the Working Party established to oversee the study.

*(for Policy 5)*

10. Include rules providing for the extraction of small quantities of sand, shingle, shell and other natural material for the purposes of commercial exploration as a controlled activity.

cross-references

31.3.11(a)

31.4.11(a)

## 23.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules and assessment criteria (**Methods 1 and 10**) allows site-specific provision for extraction activity within the coastal marine area and/or control of associated adverse effects. These rules need to reflect predominant uses of the marine management area within which sand, shingle and mineral extraction occurs or could occur.

Identification of areas which are sensitive to use and development is a general issue which relates to, but is not exclusive to, the extraction industry. Specific policies are appropriate but within the sections dealing with this issue (**Method 6**).

### Investigations/Monitoring

Monitoring of the individual and cumulative effects of sand, shingle or mineral extraction within the coastal marine area (**Methods 2, 5, and 7**) is required to be able to assess whether the objective is being achieved.

### Co-ordination

An information database on sand resources within the coastal marine area and methods of establishing sustainable yields of specific resources are essential to understand the scope for, and long-term effects of, the industry (**Methods 3 and 4**).

Management of the Kaipara and Mangawhai/Pakiri sand resources is shared between the Northland and Auckland regional councils. Regular liaison with the Auckland Regional Council (**Method 8**) and the joint development of management approaches (**Method 9**) is therefore necessary to ensure effective management of the effects of sand extraction from these areas.

## 24. NETWORK UTILITIES AND SERVICES

### 24.1 INTRODUCTION

For the purposes of this Plan, utilities and services are those which are essential for maintaining modern living standards. These include:

- The transmission or distribution of energy (e.g. electricity and natural gas).
- Telecommunications networks.
- Water supply systems.
- Waste disposal systems (sewerage, refuse).
- Transportation systems (road, rail, air and sea).

Under the Resource Management Act, those works and services which involve a distribution system or network such as roading, sewerage, water, and power can be termed 'network utilities'. However, the evaluation of environmental effects of proposals for new or extended network utilities and services is the same as if they were proposed by private individuals or organisations. This is because the environmental effects will be the same. Nevertheless, a distinction needs to be made between network utilities and other works because of their role in maintaining modern living standards. It is also necessary to recognise the rights of the community to enjoy the use of network utilities and services, where these are available.

Network utilities and services which occur within Northland's coastal marine area include:

- Aerial lines and cables for telecommunications and power.
- Submarine pipelines and cables.
- Roads and associated ferry services.
- Railway lines.
- Navigation aids.
- Culverts.
- Constructed land drainage channels.
- Aerial pipelines.

Most of these are located within Marine 1, Marine 2, and Marine 5 Management Areas. However, the overall number of such utilities is relatively small.

The management of the adverse effects of individual activities (e.g. structures, reclamation, and the disturbance of seabed), which are associated with network utility operation and maintenance, is dealt with in other sections of this Plan. The purpose of this section is to provide specific guidance for network utilities in recognition of their special contribution to the social, cultural and economic well-being of Northland.

### 24.2 ISSUES

1. The importance of network utilities and services to the health and well-being of Northland's community and the consequent need to recognise and provide for these within this Plan.



2. The potentially significant adverse effects associated with the construction and maintenance of network utilities and services especially roading and the need to avoid, remedy or mitigate such effects, where practicable.

### 24.3 OBJECTIVE

**Provision for network utilities and services within Northland's coastal marine area while avoiding, remedying or mitigating the adverse effects of such activity.**

### 24.4 POLICIES

1. To identify within this Plan, the type and location of existing authorised network utilities and services currently within the coastal marine area and provide for their operation and maintenance subject to specified criteria.

**Explanation.** *To manage the environmental effects associated with network utilities and services in the coastal marine area, there is an obvious need to know what types there are and where they occur.*

2. To ensure that existing authorised network utilities and services in the coastal marine area are managed so as to, avoid, remedy or mitigate adverse environmental effects.

**Explanation.** *As with other activities in the coastal marine area, there are a number of options for managing the adverse effects of network utilities and services. Provision needs to be made to ensure that the best option is chosen within the context of sustainable resource management.*

3. To ensure that any new network utilities and services within the coastal marine area are located, designed, and constructed so as to, as far as practicable, avoid adverse environmental effects, and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

**Explanation.** *Network utilities and services can have adverse effects on the coastal marine area and therefore controls over the activity are necessary.*

4. Subject to policy 3, to provide for the construction or emplacement of new network utilities and services within the coastal marine area provided that it can be shown that:
  - (a) existing facilities are insufficient, inappropriate and/or have adverse environmental effects; and,
  - (b) the new facility will have a demonstrable public benefit; and
  - (c) there is no practicable alternative method, route, or site on land which better meets the purpose and principles of the Act.

**Explanation.** *Network utilities and services are necessary to the maintenance of modern living standards. Provision therefore needs to be made for new utilities and services.*

## 24.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Show roads, railway lines, aerial and submarine cables (and any associated prohibited anchorage areas) on the accompanying maps in this Plan.
2. Include rules within this Plan providing for the maintenance, repair and minor upgrading of existing authorised network utilities and services as permitted activities subject to certain conditions, and otherwise as discretionary activities.

### cross-references

31.3.4(k) & (l)	31.4.4(h) & (j)-(l)
31.6.3(k) & (l)	31.7.4(l) & (m)

3. Include rules within this Plan providing for the replacement of existing network utilities as either permitted, controlled or discretionary activities depending upon the likelihood of associated adverse effects.

### cross-references

31.3.4(i)	31.3.4(j)	
31.4.4(i)	31.4.4(j)	31.4.4(k)

*(for Policy 2)*

4. Encourage owners and/or operators of network utilities and services, to provide within two years of this Plan becoming operative, management plans for the maintenance of facilities under their control within Northland's coastal marine area, including contingency plans for dealing with emergency situations.

*(for Policy 3)*

5. Include specific assessment criteria for structures, reclamations, and impoundments relevant to network utilities and services.

### cross-references

32.2.1	32.2.2	32.2.3
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6. In processing coastal permit applications in relation to roading and rail system proposals, require the evaluation of costs and benefits of the use of bridges in preference to causeways if location in the coastal marine area is unavoidable.

*(for Policy 4)*

7. Include rules within this Plan providing for the construction or emplacement of new network utilities as discretionary activities if they meet the criteria specified.

cross-references

31.3.4(j)

31.4.4(i)

## 24.6 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

### Regulation

The use of rules (**Methods 2, 3 and 7**) and associated assessment criteria (**Method 5**) allows site-specific provision for network utilities and services within the coastal marine area and/or control of associated adverse effects.

**Method 1** allows the areas of application of the rules to be known.

### Other

**Method 4** encourages the industry to be pro-active in taking responsibility for the environmental effects associated with the maintenance of network utilities and services.

**Method 6** provides for the minimisation of reclamation and impoundment of the coastal marine area often associated with road and rail construction.

## **25. MARINE 1 (PROTECTION) MANAGEMENT AREA**

### **25.1 INTRODUCTION**

The Marine 1 (Protection) Management Area encompasses regionally significant sites of special ecological, cultural, historic, scientific, scenic, landscape and amenity value, including the areas of important conservation value identified by the Minister of Conservation.

Outstanding Natural Features and Seascapes also form an important component of the Marine 1 (Protection) Management Areas in the Northland Region.

There are a number of areas of important conservation value identified in the coastal marine area scattered along the length of the coastline. The purpose of the Marine 1 (Protection) Management Area is to sustain the values that make these areas important. Activities will be allowed in the areas of important conservation value provided that there are no more than minor adverse effects on the values of those areas.

### **25.2 ISSUES**

Areas of the Northland Region's Coast include areas of important conservation value including special ecological, cultural, historic, scientific, scenic, landscape and amenity values that are important regionally or nationally. These values may be threatened or damaged by the adverse effects of, use or development.

### **25.3 OBJECTIVES**

- 1. The protection of the important conservation values identified within Marine 1 (Protection) Management Areas including their ecological, cultural, historic, scientific, scenic, landscape and amenity values.**
- 2. Subdivision, use, and development in Marine 1 (Protection) Management Areas occurring without adverse effects on the areas' important values and natural character.**
- 3. To achieve local community involvement in the identification and protection of the important conservation values (as identified in Appendix 9), and the preservation of the natural character, of areas within the Marine 1 (Protection) Management Area.**

### **25.4 POLICIES**

1. The Council and Consent Authorities will give priority to avoiding adverse effects on the important conservation values (as identified in Appendix 9) associated with an area within any Marine 1 (Protection) Management Area when considering the subdivision, use, development and protection of the Northland Region's Coastal Marine Area.

**Explanation.** *Section 6 of the Resource Management Act 1991 states that it is a matter of national importance to recognise and provide for the preservation of the natural character of the Coastal Environment and the protection of outstanding natural features and values and the relationship of Maori with their culture and spiritual values and other taonga. These aspects of the Resource Management Act 1991 are further developed through the New Zealand Coastal Policy Statement, and are particularly relevant to the application of the Marine 1 (Protection) Management Area.*

*This policy is designed to give the greatest possible protection to those identified values in the discrete Marine 1 (Protection) Management Areas without precluding appropriate subdivision, use and development. Priority will be given to avoiding adverse effects arising from activities in these areas.*

**Principal Reasons**

*It is a matter of national importance to recognise and provide for the preservation of natural character in the Coastal Environment, the protection of outstanding natural features and landscapes, and the protection of areas of significant indigenous vegetation and habitats of indigenous fauna as well as the relationship of Maori and their culture and traditions. Since the Marine 1 (Protection) Management Area consists of these things then this Policy is designed to further this requirement of the Resource Management Act 1991.*

2. The Northland Regional Council will consider additional means of protecting the important conservation values identified in the Marine 1 (Protection) Management Areas beyond the scope of the Resource Management Act 1991, and encourage other agencies including the Department of Conservation, Ministry of Fisheries and Iwi Authorities to do the same.

**Explanation.** *The important conservation values are identified in Appendix 9.*

*The Resource Management Act 1991 is not the only instrument available to protect areas and resources of importance within the Marine 1 (Protection) Management Areas.*

*The Northland Regional Council and agencies such as the Department of Conservation, Ministry of Fisheries, Iwi Authorities and the New Zealand Historic Places Trust may use other legislation such as the Reserves Act, the Fisheries Act, the Marine Reserves Act, the Historic Places Act and the Conservation Act to provide protection for identified values and in some cases the use of these mechanisms may be more appropriate. This Policy supports Objective 1 and 3.*

**Principal Reasons**

*Other agencies, using different legal instruments or voluntary agreements may be better placed to achieve the purpose of the Resource Management Act 1991 in the Marine 1 (Protection) Management Area. The Resource Management Act 1991 is not the only mechanism able to achieve protection of important values and areas.*

3. When considering any coastal permit application within the Marine 1 (Protection) Management Area, to implement the policies in the New Zealand Coastal Policy Statement and in Part IV (Protection Policy) of the Regional Coastal Plan for Northland which are consistent with the purpose of this Marine Management Area.

**Explanation.** *It is important to ensure that all relevant policy including policy set out in superior policy documents, such as the New Zealand Coastal Policy Statement, are considered when applications for resource consents are applied for.*

**Principal Reasons**

*It is a principle of law that Policies should not be read in isolation from the policy matrix of the plan or any superior policy documents.*

4. Subdivision, use and development proposals within the Marine 1 (Protection) Management Area will be considered appropriate where;
  - (a) the proposal gives rise to a demonstrable public benefit; and
  - (b) there are no practical alternative locations available outside the Marine 1 (Protection) Management Area; and
  - (c) the level of adverse effects on the important conservation values identified as occurring within that particular area are no more than minor.

*cross-reference*

*Section 11: Recognition of and Provision for Maori and their Culture and Traditions.*

**Explanation.** *Section 6(a) of the Resource Management Act 1991 and policies of the New Zealand Coastal Policy Statement require the Council to determine what activities are appropriate in the Coastal Marine Area. This policy sets out the matters that the Council will consider in determining what activities are appropriate in the context of the Marine 1 (Protection) Management Area. Subdivision, use and development that does not meet all of the considerations listed above may not be inappropriate provided the consent authority is satisfied that the adverse effects on the coastal environment of the activity for which the consent is sought will be negligible.*

**Principal Reasons**

*This Policy gives effect to the matters described in Section 6(a) of the Resource Management Act 1991 and Policy 1.1.1 of the New Zealand Coastal Policy Statement.*

5. Where the natural character of the coastal marine area is likely to be adversely affected by the effects of activities, the Council and Consent Authorities shall promote and where appropriate require restoration and rehabilitation of natural character within the Marine 1 (Protection) Management Area. Such provision may include financial contributions sought under Section 108 of the Resource Management Act 1991.

**Explanation.** *Section 1.1.5 of the New Zealand Coastal Policy Statement promotes, as a national priority, the restoration and rehabilitation of the natural character of the coastal environment where appropriate. This policy promotes this obligation and sets out a provision by which this may occur.*

**Principal Reasons**

*This Policy gives effect to section 1.1.5 of the New Zealand Coastal Policy Statement.*

## **25.5 METHODS OF IMPLEMENTATION**

1. Include appropriate rules within this plan to implement the policies of section 25.4.
2. Encourage and advocate for other methods of recognition and/or protection of the important values identified in the Marine 1 (Protection) Management Area beyond the scope of the Resource Management Act 1991, including such methods as:
  - Maori Reserves, Maori Affairs Act 1953
  - Fisheries Legislation, including Taiapure and Maataitai Reserves
  - Reserves under the Conservation Act including wildlife reserves and marine mammal sanctuaries.
  - Marine Reserves under the Marine Reserves Act 1971.

**Principal Reason**

*This method implements Policy 31.3.1D(3).*

3. To promote, in conjunction with the Department of Conservation and other agencies and community groups, the concept of Biodiversity as set out in Agenda 21 of the Rio Accords and ratified by the New Zealand Government on 16 September 1993.

**Principal Reason**

*This Method implements, in part, Chapter 6 of the NZCPS concerning the implementation of New Zealand's International obligations affecting the Coastal Environment.*

## **26. MARINE 2 (CONSERVATION) MANAGEMENT AREA**

### **26.1 INTRODUCTION**

The Marine 2 (Conservation) Management Area includes that portion of the coastal marine area that is not within the Marine 1 (Protection) Management area, the Marine 3 (Marine Farming) Management Area, the Marine 4 (Moorings) Management Area, the Marine 5 (Port Facilities) Management Area or the Marine 6 (Wharves) Management Area and encompasses the greater proportion of the Northland Region coastal marine area.

Generally, little or no comprehensive information exists to assist the Northland Regional Council in deciding resource consent issues for the coastal marine area of this management area though it does contain significant amenity, visual and intrinsic values.

Underlying these values are natural processes such as sand movement, tides and currents that provide the integrity of coastal ecosystems as a whole. This has been recognised specifically in the New Zealand Coastal Policy Statement, Policy 1.1.4.

This Marine Management Area will ensure that use, development and protection of the coastal marine area is appropriate by, among other things, ensuring that adequate information regarding any proposed activity is supplied so that the effects of the activity on the coastal marine area can be determined prior to any decision being made. A cautious approach to the promotion of sustainable management will be given effect in this Marine Management Area and further research and the monitoring of the effects of activities in this area is a feature of this Plan.

### **26.2 ISSUES**

1. Use, development and protection of natural and physical resources must be provided for in areas of the coastal marine area where there is little information and the effects of activities may not be clearly understood.
2. Subdivision, use and development can adversely affect existing natural, cultural and amenity values.

### **26.3 OBJECTIVES**

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. <b>Subdivision, use and development occurring in such a way as to maintain, and where practicable, enhance, the existing natural, cultural and amenity values in the Marine 2 (Conservation) Management Area.</b></li> <li>2. <b>Involvement of local communities, and other agencies, in the awareness, maintenance and, where appropriate, enhancement of the values within the Marine 2 (Conservation) Management Area.</b></li> </ol> |
|---|



## 26.4 POLICIES

1. Where there is a lack of knowledge about coastal processes and ecosystems in the Marine 2 (Conservation) Management Area, to adopt a cautious approach to decision-making.

### cross-references

#### Section 5.4

**Explanation.** *A cautious approach to decision-making includes ensuring that there is as much information as practicable on the effects of a proposal and minimising the risk of irreversible effects.*

#### **Principal Reasons**

*This Policy is designed to implement Policy 3.3.1 of the New Zealand Coastal Policy Statement and Objective 26.3.1.*

2. To recognise that different areas within the Marine 2 (Conservation) Management Area have distinct natural, cultural and amenity values that should be maintained and where possible enhanced.

**Explanation.** *The Marine 2 (Conservation) Management Area is not homogenous and it is important to remember that each area has unique attributes, which must be considered within the context of the policy provisions relevant to the Marine 2 (Conservation) Management Area.*

#### **Principal Reasons**

*This Policy is designed to implement Objective 26.3.1.*

3. To provide for sustainable, use and development whilst ensuring that the intensity, character and scale of use and development is compatible in relation to the character (including natural character), heritage and amenity values of the adjoining coastal environment.

**Explanation.** *This Policy is intended to ensure that use and development in the Marine 2 (Conservation) Management Area is not inconsistent with the surrounding environment.*

#### **Principal Reasons**

*This policy is intended to give effect to Policy 3.2.1 of the New Zealand Coastal Policy Statement.*

4. The Northland Regional Council will encourage communities to participate in the use, development and protection of the coastal marine area in the Marine 2 (Conservation) Management Area through the establishment of community-based care programmes.

**Explanation.** *This Policy is designed to encourage a greater involvement by local communities in the use, development and protection of the Marine 2 (Conservation) Management Area by providing for communities to design and implement local solutions for resource management issues with the Council acting in a supportive manner. Council will assist by offering information and expertise to local*

*communities but it is anticipated that local communities will take responsibility for implementing appropriate methods to sustainably manage the use, development or protection of natural and physical resources.*

**Principal Reasons**

*Local communities may, in some cases, be better placed to meet the purpose of the Resource Management Act 1991 through local action and understanding of local issues rather than outside agencies imposing solutions on local communities. This Policy is designed to facilitate local solutions to local problems.*

5. The Northland Regional Council will consider, and encourage other agencies including the Department of Conservation, the Ministry of Fisheries and the Ministry of Agriculture and Forestry to consider other means of protecting special values identified in the Marine 2 (Conservation) Management Area beyond the scope of the Resource Management Act 1991.

**Explanation.** *The Resource Management Act 1991 is not the only instrument available to protect areas and resources of significance within the Marine 2 (Conservation) Management Area. The Council and agencies such as the Department of Conservation and the Ministry of Fisheries and the Ministry of Agriculture and Forestry may use other legislation such as the Reserves Act, the Fisheries Act, the Marine Reserves Act, the Historic Places Act and the Conservation Act to provide protection for special values and in some cases the use of these mechanisms may be more appropriate.*

**Principal Reasons**

*This Policy is designed to recognise that the Resource Management Act 1991 is not the only means available to achieve the purpose of the promotion of sustainable management and other methods should be utilised where practicable.*

**26.5 METHODS OF IMPLEMENTATION**

1. Include appropriate rules within this plan to implement the policies of section 26.4.
2. Encourage and advocate for other methods of recognition and/or protection of the special values identified in the Marine 2 (Conservation) Management Area beyond the scope of the Resource Management Act 1991, including such methods as:
  - Maori Reserves, Maori Affairs Act 1953
  - Fisheries Legislation, including Taiapure and Maataitai Reserves
  - Reserves under the Conservation Act including wildlife reserves and marine mammal sanctuaries.
  - Marine Reserves under the Marine Reserves Act 1971.

**Principal Reason**

*This method implements Policy 31.4.1D(5) and 31.4.1D(3).*

3. The Northland Regional Council will facilitate the establishment of Coastcare Groups in the Marine 2 (Conservation) Management Area, having as their primary objective the sustainable management of natural and physical resources, and will offer technical services and advice to such groups.

**Principal Reason**

*This method implements Policy 31.4.1D(3).*

## 27. MARINE 3 (AQUACULTURE) MANAGEMENT AREAS

### 27.1 INTRODUCTION

Aquaculture, or marine farming, is an industry of growing social and economic importance in New Zealand, providing benefits such as employment and international trade. The aquaculture sector was estimated to be worth over \$300 million a year to the national economy in 2005<sup>4</sup>. Aquaculture products from New Zealand are perceived as high quality, both locally and internationally, largely as a result of the promotion of New Zealand's "clean and green" image.

In 2013, aquaculture in Northland was estimated to have produced over \$18.5m in regional GDP and directly employed more than 380 people<sup>5</sup>. In addition to aquaculture activities, spat collection from Northland significantly supports aquaculture activities in other parts of New Zealand. Mussel spat collected from seaweed at Ninety Mile Beach supplies over 75% of seed to mussel farms throughout New Zealand. Kaipara Harbour provides oyster spat.<sup>6</sup>

Aquaculture has the potential to be an increasingly important contributor to the social, economic, and cultural wellbeing and health of Northland, especially in the more remote parts of the region. Currently, marine farms are located in 10 of the region's 15 harbours, utilising the extensive intertidal flats, warm waters, and generally high water quality of the coastal marine area.

Aquaculture is one of many important industries in Northland that rely on the Coastal Marine Area (CMA). However, unlike many of those industries, aquaculture generally requires the exclusive use of physical space in the CMA and has the potential to impact significantly on other existing industries such as tourism and recreational boating.

Aquaculture has recognised potential for expansion in the Northland region, subject to the identification and use of suitable and appropriate sites and the adoption of management controls.

#### 27.1.1 THE EFFECTS OF AQUACULTURE IN NORTHLAND

Aquaculture can be a sustainable and efficient use of the coastal marine area, if appropriately located and managed.

Benefits associated with aquaculture could include:

- Providing social, cultural and economic benefits, including employment and enhancing Maori development, particularly in areas where alternative opportunities are limited.
- Supplementing natural fish and shellfish stocks by providing an important alternative source of fish and shellfish.
- Providing a good indicator of the quality of coastal waters because of requirements for clean, high quality water.

Many parts of Northland's coastal marine area are highly valued for their natural character, landscape, amenity, ecological, cultural, heritage and recreational values. Aquaculture can conflict with other uses and values and may have

<sup>4</sup> "Our Blue Horizon: The Government's Commitment to Aquaculture", Ministry of Economic Development, 2007

<sup>5</sup> Tai Tokerau Northland Growth Study Opportunities Report, February 2015.

<sup>6</sup> "Assessment for the potential for aquaculture in Northland", NIWA, 2003, report for Enterprise Northland

adverse effects on the environment. However many of these effects can be avoided, remedied or mitigated by;

- appropriate site selection,
- choice of aquaculture operation,
- best-practice farm management, and
- the development and use of innovative techniques and technologies.

Adverse effects associated with aquaculture could include:

- (i) Physical exclusion of other uses, such as recreational activities.
- (ii) Restriction of public access.
- (iii) Impacts on waahi tapu, customary activities, and sites and areas of cultural, spiritual and historical significance to Maori.
- (iv) Interference with navigation, including anchoring and the ability to seek shelter in adverse weather conditions.
- (v) Visual impacts of farm structures, particularly in areas of significant landscapes or high natural character.
- (vi) Impacts of abandoned or deteriorated farm structures.
- (vii) Potential siltation and build-up of organic matter.
- (viii) Disposal of shell debris from oyster washing and sorting processes.
- (ix) Impacts on the feeding activity of some species of wading birds.
- (x) Impacts on the migration, feeding, resting, and recovery of marine mammals.
- (xi) Loss of ecological carrying capacity.

Notwithstanding the effects above, there is the potential for conflict from non-aquaculture activities affecting suitability of water quality for aquaculture.

Cumulative effects on natural character, landscape, ecology, and other activities and values can arise when multiple marine farms become established in a particular area or along a particular part of the coast. A long-standing issue in Northland is the effect of aquaculture operations, and the potential effect of further marine farms on the natural character of the Rangaunu, Houhora and Parengarenga harbours of the Far North. These harbours have long been recognised as significant in terms of the number, variety, and rarity of the wading bird species that they support. They also have high scenic value and, because of their relative isolation, are largely unchanged by human use and development. All have been identified by the Minister of Conservation as Areas of Significant Conservation Value and have been incorporated as areas of important conservation value in the Marine 1 (Protection) Management Areas established by this plan. Aquaculture operations have also had adverse effects on the natural character of other areas including the Bay of Islands, Whangaroa and Kaipara Harbour and the Northland Regional Council intends to manage the potential for adverse effects (including cumulative effects) of further aquaculture operations in these areas.

Aquaculture may involve activities that are undertaken on adjoining land, as well as in the coastal marine area, to facilitate access, processing, and waste disposal. Conversely, land uses in the adjoining catchment can adversely affect water quality and therefore influence the ability of an area to sustain aquaculture activities. While regional councils are responsible for issuing resource consents for aquaculture activities below mean high water springs (MHWS), approval of activities associated with aquaculture activities above MHWS is the responsibility of territorial authorities. To achieve integrated management, the Northland Regional Council and other local authorities will need to adopt a consistent and co-operative approach in dealing with aquaculture and neighbouring land based activities.

### 27.1.2 THE IDENTIFICATION OF POSSIBLE AQUACULTURE SITES

Aquaculture has particular biophysical and locational needs, such as adequate nutrients, high water quality, a particular temperature range, proximity to servicing facilities, sheltered sea conditions and adequate water depth. Some of these requirements are common to all types of aquaculture, while others depend on the type of species farmed and farming method. Additionally, in some locations, aquaculture will be one of many competing activities in Northland's coastal marine area. Aquaculture activities can also have adverse effects, including cumulative effects, on other processes, values and uses of the coastal environment.

To understand local issues, Council undertook an extensive public consultation exercise to identify the various uses and values within the coastal marine area of Northland. The public consultation covered an extensive area, involved a wide range of stakeholders and interest groups, and culminated in the production of a set of maps that covered the coastal marine area of Northland<sup>7</sup>.

The maps, known as 'Coastal Use and Value Maps', function to identify recognised uses and values within the coastal marine area of Northland such as shipping channels, sewage and stormwater discharges. It is noted that the maps are not a complete 'picture' of all the uses and values.

The Coastal Use and Value Maps act as a guide to potential aquaculture applicants and decision makers as to some of the uses and values that need to be considered. Whether the area under consideration is actually suitable for aquaculture is dependent on the identified use and/or values and the type, intensity and scale of the aquaculture activity proposed. The onus is on the plan change applicant to demonstrate, in accordance with the wider policy framework of this Plan, that any aquaculture activity is appropriately located within the coastal marine area of Northland.

It is important to note that there are limitations to the Coastal Use and Value Maps. Some uses and values have not been spatially defined or quantified well in the Northland region.

## 27.2 ISSUES

1. Further development of aquaculture in Northland provides opportunities to enhance the social, economic and cultural wellbeing of Northland communities.

<sup>7</sup> The initial mapping exercise led to 18 areas being identified as possibly suitable for consideration as AMAs, although it is important to recognise that these areas have not been assessed in detail. Further information on these areas is available by request.

2. Aquaculture can provide significant opportunities for Maori to enhance their social, economic and cultural wellbeing.
3. In some locations, aquaculture will be one of many competing activities for use of Northland's coastal marine area.
4. Aquaculture activities can have adverse effects, including cumulative effects, on other processes, values and uses of the coastal environment.
5. Insufficient knowledge of coastal processes may prevent the adverse effects from aquaculture developments being adequately determined, particularly where new species and technology are proposed.
6. Aquaculture operators require security of tenure to justify the significant levels of investment required to establish marine farms.
7. The adverse effects of land and water based discharges may affect the viability of aquaculture activities.
8. Aquaculture activities may require shore-based facilities which have implications for adjacent land uses and raise cross-boundary issues.
9. Poorly maintained, abandoned and/or derelict marine farms may pose a hazard to navigation and adversely affect natural character and amenity values.
10. The specific biophysical requirements of some types of aquaculture activities may restrict the establishment of aquaculture activities to parts of the coastal marine area where such requirements can be met.
11. Depleted kaimoana stocks have affected natural traditional Maori food sources and have adversely impacted Maori wellbeing.

### **27.3 OBJECTIVES**

1. The development of sustainable aquaculture activities in Northland is enabled.  
(Issues 1, 2, 4, 6, 7, 8, and 10))
2. Sustainably managed aquaculture provides socio-economic and cultural benefits for the Northland Region and its communities.  
(Issues 1 and 2)
- 2a. To enable opportunities for Maori involvement in sustainable aquaculture.  
(Issues 2 and 12)
3. The ongoing practice of recreational fishing and the provision of customary kaimoana harvest are not unduly compromised by aquaculture development.  
(Issues 2 and 4)
4. Aquaculture activities are located in appropriate areas.  
(Issues 3, 4 and 5)

- 4a Avoid aquaculture activities in areas of identified significant values where they are incompatible.  
(Issues 3 and 4)
5. A clear and open process for the establishment of aquaculture activities is provided, to enable the full participation of the aquaculture industry, the community, Maori, relevant local authorities and other stakeholders.  
(Issues 8, 9 and 10)
6. Activities that create adverse effects on existing aquaculture activities are managed appropriately.  
(Issues 3 and 7)
7. Aquaculture activities that require shore-based facilities are located in areas where adequate and appropriate facilities can be provided.  
(Issue 8)
8. Marine farms are maintained in good order and repair.  
(Issue 9)
9. Marae-based Aquaculture is recognised as a significant opportunity for Maori to enhance their wellbeing.  
(Issue 11)

## 27.4 POLICIES

### **Establishment and Development of Aquaculture Activities -Matters for Consideration**

1. Enabling aquaculture can provide benefits to local communities, Maori, and the Northland region. When considering coastal permit applications for aquaculture activities, key benefits to be taken into account include:
  - Social, cultural and economic benefits, including local employment and enhancing Maori development (e.g. by involvement in the aquaculture industry), particularly in areas where alternative opportunities are limited.
  - Supplementing natural fish and shellfish stocks by providing an alternative source of fish and shellfish.

A further benefit of aquaculture is that it may provide improved information about water quality.

(Objective 2)

**Explanation.** *Aquaculture has the potential to provide benefits to local communities, Maori, and the Northland Region. Proponents wishing to take advantage of this policy will need to demonstrate the extent of the benefits. A key way which these benefits may be realised is through tangata whenua being directly involved in aquaculture ventures.*

2. The significant opportunity Marae-based Aquaculture provides for Maori to enhance their wellbeing (through improving traditional customary kaimoana



provision for Marae) should be recognised when considering plan changes and coastal permit applications for Marae-based Aquaculture.

(Objectives 4 and 11)

**Explanation.** *Marae-based Aquaculture can provide significant benefits to the ability of Maori to provide for their well-being. Examples of this include kaimoana for traditional non-commercial purposes, and as a way of expressing mana (status) within the rohe moana (territorial waters) of a marae. These benefits should be taken into account when considering coastal permit applications for Marae-based aquaculture. A key difference between typical “commercial” scale aquaculture and Marae-based Aquaculture is that the farmed kaimoana cannot be sold (see definition of Marae-based Aquaculture).*

- 2a. When considering coastal permit applications for aquaculture activities within Maori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986), appropriate recognition should be given to the history of those reserves and the significant benefit that aquaculture can provide to Maori.

(Objective 1 and 3)

**Explanation.** *Maori oyster reserves are currently recognised by Regulation. Put simply, they are areas of the coastal marine area where only Maori are allowed to take oysters. Several such reserves are located in the Northland region. Historically, the reserves were managed by committees that were representative of the local Maori community. The committee had the authority to manage the harvest, enhance the oyster fishery in the reserve, and sell surplus oysters. Aquaculture is one method Maori can use for the management and enhancement of Maori oyster reserves to provide for their social, economic and cultural wellbeing.*

3. All adverse environmental effects of aquaculture activities are avoided as far as practicable. Where it is not practicable to avoid significant adverse effects, these should be remedied or mitigated.

(Objectives 1, 4 and 9)

**Explanation.** *To achieve the sustainable management of aquaculture in the Northland region, aquaculture activities will only be established where effects on other values and uses of the coastal environment are as far as practicable avoided. Where significant adverse effects cannot be avoided, then these should be remedied or mitigated.*

4. It is recognised and will be taken into account that different aquaculture species and/or farming structures have particular biophysical and infrastructural requirements, limiting where such activity can be located.

(Objective 1)

**Explanation.** *To achieve the sustainable management of aquaculture in Northland, the Council will recognise that different types of aquaculture activities have specific biophysical and locational requirements. For example, conventional mussel farms usually require longlines and relatively deep water to achieve optimum growth, while oyster farms are generally established within sheltered inter-tidal areas.*

5. When considering coastal permit applications or any plan change request for aquaculture activities, particular consideration will be given to the following matters:
- a) The type of aquaculture and species proposed to be farmed and the suitability of the location for the proposed aquaculture activities;
  - b) The nature and sensitivity of the existing environment in the proposed site;
  - c) Any lawful existing uses of the area, including public access, safe navigation and customary uses, and the extent to which those uses may be adversely affected;
  - d) The potential positive and adverse effects of the proposed aquaculture activities on natural, social, cultural and economic values;
  - e) The identification and location of any associated structures, facilities and activities required within the coastal marine area (within and outside the proposed site); and
  - f) The need for the integrated management of any associated land use effects outside the coastal marine area.

(Objectives 1, 2, 3, 4 and 9)

**Explanation.** *These are the key matters to address when considering coastal permit applications and plan changes for aquaculture activities. General information requirements for any plan changes for Marine 3 (Aquaculture) Management Areas and coastal permit applications for aquaculture activities are specified in Section 27.7.*

6. Aquaculture activities will not be appropriate in the following areas:
- a) Areas of the coastal marine area where a Marine Reserve has been established or publicly notified under the Marine Reserves Act 1971;
  - b) Marine 1 (Protection) Management Areas;
  - c) Locations within Marine 2 (Conservation) Management Areas where adverse effects (actual or potential) of aquaculture activities on the following are unavoidable:
    - (i) Residential activities in significant urban areas provided for in operative District Plans, which activities are existing at 09 May 2016, authorised by unexercised resource consents or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status; or
    - (ii) Significant tourism and/or recreation areas; or
    - (iii) Areas of outstanding natural character and/or outstanding natural landscapes (including seascapes); or

- (iv) Recognised navigational routes (commercial and recreational), , recognised anchorages of refuge, and/or port or harbour approaches; or
- (v) Taxa, indigenous ecosystems and vegetation types, habitats, and areas listed in NZCPS Policy 11(a); or
- (vi) Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity)
- d) Marine 4 (Mooring) Management Areas
- e) Marine 5 (Port Facilities) Management Areas
- f) Marine 6 (Wharves) Management Areas
- g) Places, sites and areas identified in Rarangi Taonga: the Register of Historic Places, Historic Areas, Waahi Tapu and Waahi Tapu Areas (Historic Places Trust, Historic Places Act 1993).

Exceptions to b) and c):

- (h) Marae-based aquaculture may be considered appropriate in Marine 1 (Protection) Management Areas and the locations within Marine 2 (Conservation) Management Areas in Appendix 12, where the adverse effects on the values represented by these areas are no more than minor.
- (i) Aquaculture activities may be considered appropriate in the outer Kaipara Harbour Marine 1 (Protection) Management Area where they have no more than minor adverse effects on the values represented by this area.
- (j) Relocations of existing farms within the northern Parengarenga Harbour Marine 1 (Protection) Management Area and the Waikare Inlet Marine 2 (Conservation) Management Area in Appendix 12.
- (k) Aquaculture activities in the Maori oyster reserve in the outer Kaipara Harbour Marine 1 (Protection) Management Area.
- (l) Currently authorised aquaculture activities.

(Objectives 1, 4, 4a and 11)

**Explanation.** *These areas contain identified significant values which are considered to be generally incompatible with aquaculture activities, and have been through a robust statutory and/or public process, and therefore aquaculture activities should generally be prohibited in these areas. The above areas are shown in the Aquaculture Prohibited Areas Maps – Appendix 12.*

*Marine reserves and aquaculture activities are generally incompatible.*

*Marine 1 (Protection) Management Areas (MM1 areas) are those identified for their significant environmental values.*

The locations within Marine 2 (Conservation) Management Areas (MM2 areas) listed in Appendix 12 are those unsuitable for new aquaculture activities.

Significant urban areas (where an urban zoning enables residential activities on relatively small lots and the population density is markedly greater than the surrounding area) and aquaculture would generally be incompatible. The adverse effects of aquaculture on recreation, tourism, navigation and visual aspects are likely to be elevated and significant where it would be close to a concentration of people. Also aquaculture generally relies on good water quality, and the water quality adjacent to significant urban areas, particularly within confined water spaces such as harbours, can be degraded. This can lead to reverse sensitivity effects.

Significant tourism and/or recreation activities in the Northland CMA are generally found in locations where one or more of the following attributes or resources are present:

- (a) Public reserves
- (b) Outstanding natural character and/or outstanding natural landscapes (including seascapes)
- (c) Recognised recreational anchorages
- (d) Tourism facilities or services
- (e) Outstanding natural features (for example Piercy Island)
- (f) Concentrations of marine mammals, seabirds and fish (for example fishing grounds and dolphin watching locations)
- (g) Recognised dive sites
- (h) Popular beaches
- (i) Popular surf breaks
- (j) Coastal walkways
- (k) Significant historic heritage

In most instances, the adverse effects of aquaculture on significant tourism and/or recreation activities would be unavoidable. Aquaculture generally occupies relatively large areas and includes structures that sit below, on and/or above the water surface or in intertidal areas. Where there is a concentration of tourism and/or recreation activity, these structures can significantly impede access and/or detract from the values that attract people to the area.

MM4, 5 and 6 areas are unsuitable for aquaculture as they would be incompatible with the activities these areas provide for (moorings and marinas, port facilities, and commercial wharves respectively).

There are very few registered historic places, sites or areas within the coastal marine area of Northland. It is highly unlikely that aquaculture activities would be compatible with the values represented by any registered historic place, site or area.

Marae-based aquaculture is small, and as such, with careful design and location, the adverse effects on the identified values of MM1 areas (refer Appendix 6) and the identified MM2 areas (refer Appendix 12) may, depending on the specific location and proposal, be no more than minor. This, coupled with the recognition of the significant benefits Marae-based aquaculture could provide, mean that Marae-based aquaculture may in some cases be appropriate in these areas. One of the main reasons the outer Kaipara Harbour was identified as a MM1 area is because of the important habitat intertidal areas and coastal wetlands provide for

significant bird species. However the outer Kaipara Harbour has large areas of sub tidal water space where aquaculture activities, depending on the specific location and proposal, could occur while avoiding adverse effects on the significant bird species and their habitats. Another significant aspect of the outer Kaipara Harbour is the unique ecosystem in and adjacent to the harbour entrance. Again, there is enough space within the harbour to accommodate aquaculture activities while avoiding adverse effect on this ecosystem.

Parengarenga Harbour is a MM1 area principally because of the important habitat intertidal areas and coastal wetlands provide significant bird species. The significant bird species and their habitats in the Parengarenga Harbour are generally in the southern part of the harbour. Most of the aquaculture activities (oyster farms) are in the northern part of the harbour. These oyster farms could be relocated into and within the northern part of the harbour while avoiding adverse effect on the significant bird species and their habitats.

The Waikare Inlet is an area where there are concerns about the amount of available food (plankton) in the water. There is currently over 77 hectares of approved oyster farming space in the inlet. Any more oyster farms, or other filter feeding shellfish farms, could reduce the yield from the existing oyster farms and adversely impact naturally occurring filter feeding plants and animals. While it would be inappropriate to allow more filter feeding aquaculture, the existing oyster farms could be relocated without affecting food availability.

Maori oyster reserves have been in existence since the early 20th century. They were established in response to Maori concerns that government restrictions on the harvesting of oysters denied Maori access to local kaimoana resources that were customarily used to feed their families. The legislation establishing oyster reserves provided that only Maori who were resident in the immediate vicinity (essentially tangata whenua) were permitted to take oysters from each area.

The legislation governing Maori oyster reserves has changed over time. Of note, from 1965 to 1983 the Minister could appoint local committees of management. These committees managed the oyster beds and could undertake such activities as selling the oysters and using the money used to cultivate or grow more oysters. In 1983 the fisheries legislation removed the ability for the Minister to appoint committees. Maori oyster reserves are currently governed by the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986.

Te Uri o Hau is unique in that its 2002 settlement legislation recognises the significance of the oyster reserves to Te Uri o Hau and provides the Governor General the ability to make regulations to give Te Uri o Hau management functions over the oyster reserves in the Kaipara Harbour. Also Te Uri o Hau have identified aquaculture as an activity that could complement and support the customary management of their oyster reserves, including through commercial development of the reserve. For these reasons, it is appropriate that coastal permits for aquaculture activities can be applied for within the Maori oyster reserve in the Outer Kaipara MM1 area.

There are some authorised marine farms that are either in a MM1 area or a MM2 area identified in Appendix 12. It is appropriate that these existing

*farms have the opportunity to apply for a coastal permit to continue the same activity.*

**Advice note.** *Where an applicant wishes to propose an aquaculture activity at a location shown on the Aquaculture Prohibited Area Maps (Appendix 12) that would avoid adverse effects on the matters listed in Policy 27.4.9(a)–(g), but it is a prohibited activity, the proposal should be made by way of a private plan change for a specific location and aquaculture activity and be processed accordingly.*

7. Aquaculture activities should have no adverse effects on;
- a) The use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables,
  - b) Consented sand dredging zones,
  - c) Defence exercise areas,
  - d) Access Lanes as referred to by the Navigation Safety Bylaw, and
  - e) The management purpose or objectives of:
    - (i) Any gazetted Taiapure or Mahinga Mataitai reserve;
    - (ii) Any area for which fisheries restriction methods have been established under the Fisheries Act 1996 and Regulations, including any Maori Oyster Reserve or set netting ban;
    - (iii) Any Protected Customary Rights and Customary Marine Titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011; and
    - (iv) Any Wildlife Refuge established under the Wildlife Act 1953.
    - (v) Areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977;
    - (vi) Areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971<sup>8</sup>.
    - (vii) Any Marine Park established by or through statutory or regulatory processes

(Objectives 1, 3, 4 and 4a)

**Explanation.** *The existing uses and values listed in the policy are considered a priority over aquaculture and should be protected. Aquaculture is likely to adversely affect the use or functioning of the above sites and areas. Accordingly, aquaculture activities that have adverse*

<sup>8</sup> The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

*effect on these existing structures and uses should not be considered favourably.*

*Access Lanes include water ski and jet ski lanes.*

*The sites listed in e) do not preclude the establishment of aquaculture activities but they may be sensitive to the establishment of aquaculture activities. For example, the commercial and recreational fishing set net ban from Mangonui Bluff extending southward beyond the Kaipara Harbour seeks to protect the critically endangered Maui Dolphin population. Accordingly, the management purpose of such sites should be taken into account when considering plan changes and coastal permit applications for aquaculture activities.*

*The principle of de minimis applies when considering whether an aquaculture activity will have an adverse effect. Put simply, de minimis means something that is too small to be concerned with.*

8. Aquaculture activities should avoid significant adverse effects on:
- a) The integrity, functioning and resilience of coastal processes and ecosystems;
  - b) Migration routes, breeding, feeding or hauling out areas for marine mammals;
  - c) Public access to and along the coast;
  - d) Use or functioning of coastal reserves and conservation areas;
  - e) Sites and/or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or recognised customary activities;
  - f) Registered sites of historic heritage value;
  - g) High natural character areas; or
  - h) Taxa, indigenous ecosystems and vegetation types, habitats, and areas listed in NZCPS Policy 11(b)

(Objectives 1 3, 4, and 5)

**Explanation.** *Aquaculture activities may have significant adverse effects on other important uses and values within the coastal marine area. Many of these effects can be avoided, remedied or mitigated by appropriate site selection, design and farm management practices.*

9. Aquaculture activities should be located in areas that have suitable access, and where they can be supported by adequate and appropriate land based infrastructure where required.

(Objective 4 and 9)

**Explanation.** *Aquaculture activities undertaken in the coastal marine area may require supporting infrastructure on land, such as access, processing, and waste disposal facilities. It is important that aquaculture activities are located where such requirements can be met.*

10. Aquaculture activities should provide for the integrated management of the associated activities, including any required land based facilities and operations.

(Objective 4 and 9)

**Explanation.** *Aquaculture activities may require associated land-based infrastructure and facilities, which may have strategic implications for district councils. To achieve integrated management, there needs to be a consistent and co-operative approach to aquaculture adopted by the applicant and relevant consent / local authorities.*

11. Aquaculture activities which are for the purpose of harvesting shellfish for human consumption will not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing and/or harvesting of shellfish.

(Objectives 1 and 4)

**Explanation.** *To prevent the harvest of shellfish product for human consumption from contaminated areas, the regulated control scheme currently administered by the New Zealand Food Safety Authority provides for the classification of shellfish growing areas into six categories from 'approved' to 'prohibited'. Those areas actively classified as 'prohibited' by the NZ Food Safety Authority will not be considered suitable locations for the establishment of aquaculture activities. The relevant regulations at the time of writing are the Animal Products (Bivalve Molluscs and Shellfish) Regulations 2006.*

12. Aquaculture structures should be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

(Objective 4)

**Explanation.** *It is important that any structures within the coastal marine area are appropriately located, maintained, marked, and lit to ensure that a navigational hazard is not presented to other marine users. Structures that are poorly maintained also have an increased potential to become a navigational hazard. The Maritime New Zealand document "Guidelines for Aquaculture Management Areas and Marine Farms" identifies relevant navigational issues and describes the criteria that regional councils and marine farm applicants should be aware of during the process of the establishment and management of marine farms.*

13. Aquaculture activity proponents should demonstrate that any associated use of existing boatramps, jetties and wharves will not unduly compromise the public use of these facilities.

(Objectives 1, 4 and 9)

**Explanation.** *Aquaculture activities may require the use of existing boat launching and servicing facilities, potentially displacing existing public access and use. The Council will ensure that private use associated with aquaculture activities is not at the expense of the public use of these facilities.*



14. New aquaculture activities may be required to be developed and monitored in a staged manner, for example where:
- a) The potential adverse effects cannot adequately be predicted;
  - b) New species are farmed or new technology utilised; or
  - c) The scale or type of marine farm warrants a cautious approach.

(Objective 4)

**Explanation.** *In some cases, significant uncertainty will exist in assessing aquaculture activities. Risks are greatest for large marine farms, new types of marine farming or the adoption of new technology where limited precedent exists. In these cases, farms may be required to develop in a progressive manner so that adverse effects can be monitored, understood and appropriately managed, before full scale farming is approved.*

15. The duration of coastal permits for aquaculture activities will be limited to a maximum of 25 years. Where the adverse effects are not well known (e.g., new species and/or farming methods), a lesser coastal permit duration may be used as a way to manage the potential impact.

(Objectives 1, 4 and 7)

**Explanation.** *A maximum of 25 years is considered to be an efficient use of resources. Aquaculture is a 'private' use of public space that otherwise may be used for many different purposes. In the future, there may be other uses of the coastal environment that could provide considerable community benefits (more so than aquaculture) but be significantly fettered by the presence of aquaculture. At the same time, 25 years still allows adequate security of tenure for investment, development and profit.*

*There may be situations where the adverse effects of a proposed aquaculture activity will not be well known and not able to be adequately managed by consent conditions. One method to manage such effects is to impose a short duration of consent. The duration would be proportionate to the degree of knowledge of the adverse effects.*

16. Coastal permit holders for aquaculture activities involving structures in the coastal marine area will be required to cover potential costs associated with the repair or removal of abandoned or derelict farms and reinstatement of the environment.

(Objectives 4 and 10)

**Explanation.** *Costs associated with the repair or removal of abandoned marine farms or reversal of adverse environmental effects may not be able to be recovered by the Council once a farm has been abandoned. Under Sections 108 and 108A of the RMA, the Council can require a mechanism for coastal permit holders to cover these costs prior to the installation of a farm.*

17. The Council will require the repair or removal of structures used or associated with aquaculture activities that have been abandoned or have fallen into a state of disrepair.

(Objective 10)

**Explanation.** *The presence of derelict oyster farms has been a long-standing issue in Northland. Where the derelict farms are authorised under the Marine Farming Act, the Ministry of Primary Industries is responsible for addressing the matter. Where the farm is authorised under the Resource Management Act 1991, the Council will undertake action as appropriate.*

18. Where the specific details of the proposed aquaculture activity (including the species to be farmed, whether staged development is appropriate, and details of any proposed structures) have been included in the regional coastal plan by way of a plan change to establish the relevant aquaculture management area (Marine 3 (Aquaculture) Management Area), and the application for the coastal permit is in accordance with the specified use of the aquaculture management area, it will be a controlled activity (unless otherwise specified by any other rule or rules).

(Objective 1)

**Explanation.** *Where a management area been established for specified aquaculture activities, the details of the proposed aquaculture activities will have been considered and assessed through the notified planning process. Therefore, there is little need to reconsider and reassess the same effects, other than clarifying the detail (i.e. the matters over which control is maintained).*

19. When considering coastal permit applications the Council will take into account the potential of the proposed activity to adversely affect the availability of food (plankton) in the water for existing aquaculture activities.

(Objective 8)

**Explanation.** *Where aquaculture activities are established, it is necessary to manage other proposed activities to the extent necessary to ensure that the viability of identified aquaculture activities is not adversely affected.*

## 27.5 METHODS OF IMPLEMENTATION

### Investigations and Monitoring

(For Policies 1, 4, 5, 6, 7, and 8)

1. The Council may undertake studies of the ecological carrying capacity of areas of high demand for aquaculture, to establish a scientifically based threshold for aquaculture development.

(For Policy 6)

2. The Council will develop a register of sites containing significant historic heritage values within the coastal marine area.

(For Policies 4 and 14)

3. The Council will undertake state of the environment monitoring, where required, to enable a broad assessment of the effects of aquaculture on the Northland environment to be made.

### **Consultation**

(For Policies 3 and 6)

4. The Council will consult and work with Maori to identify sites or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or customary activities.
5. In addition to the requirements for Council to consult with tangata whenua during the preparation of public plan changes as prescribed in the RMA (Schedule 1, Clause 3), the Council will encourage aquaculture activity proponents to consult with tangata whenua and the local community as to how the proposed aquaculture activities will impact on them, and what the actual and potential adverse effects might be, as well as possible measures to avoid, remedy or mitigate these.

The proponent will then be encouraged to outline their proposed measures as a result of the consultation or, where no measures are proposed, outline the reasons why no measures are proposed.

6. *<Intentionally blank>*
7. *<Intentionally blank>*

### **Enforcement**

(For Policies 16 and 17)

8. For marine farms authorised by coastal permits, the Council will undertake such enforcement action as is necessary to ensure compliance with conditions of their permits or to remove or rectify farms that have been abandoned or fallen into a state of disrepair.

(For Policies 6, 7, and 8)

9. The Council may promote a plan change to remove any Marine 3 (Aquaculture) Management Area, or a part thereof, in circumstances where the area is physically unsuitable for aquaculture, or aquaculture activities are causing significant adverse effects on the environment.

### **Review of Existing Provisions**

(For Policies 10, 11, and 19)

10. The Council will consider reviewing existing Regional Coastal Plan provisions, and may undertake a plan change as necessary to ensure that activities proposed in other parts of the coastal marine area can be adequately controlled to avoid adverse effects on established marine farm activities.
11. The Council will discuss with Te Uri o Hau Settlement Trust (the Trust) options for providing for the Trust's aspirations of being able to undertake aquaculture activities to commercially farm oysters in Maori oyster reserves (as determined by the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulation 1986). A paper will be presented to Council outlining the discussions, and recommending actions (if any), within 6 months of this method becoming operative.

12. The Council will promote an integrated management approach between this plan and other regional plans and district plans that regulate activities within or affecting the coastal environment.

**Advocacy**

(For Policies 1, 3, 4, 5, 6 7, 8, 9, 10, 11, 12, 13, and 14)

13. The Council will facilitate and promote the development of an aquaculture forum between key parties, including industry representatives, relevant local authorities, government agencies, community representatives, iwi, Maori, and Te Ohu Kai Moana Trustee Ltd, to ensure a strategic approach is taken to address any issues of concern relating to aquaculture, particularly in areas of intensive aquaculture activity.
14. The Council will encourage the aquaculture industry to develop initiatives that seek to avoid, remedy or mitigate any adverse environmental effects of aquaculture activities, including the development of industry codes of practice.
15. The Council will encourage the Department of Conservation to undertake further research on any adverse effects that aquaculture activities may have on marine mammals, including their navigation routes, breeding and feeding areas, and any means by which those adverse effects can be avoided, remedied or mitigated.
16. Where part of the coastal marine area is identified as having a significant habitat value to marine mammals, in terms of migration, feeding, or breeding patterns, and research has identified that the habitat will be adversely affected by aquaculture activities, the Council will encourage the Department of Conservation to investigate mechanisms, including the establishment of a Marine Mammal Sanctuary, to provide protection to the identified marine mammal habitat.

**Other**

(For Policy 6)

17. The Council will require, as a condition of coastal permits for subtidal aquaculture, that all loss or damage to equipment or structures associated with the activity be reported to the Council.

## 27.6 INFORMATION REQUIREMENTS FOR PLAN CHANGE REQUESTS TO ESTABLISH A MARINE 3 (AQUACULTURE) MANAGEMENT AREA

All plan changes to create Marine 3 (Aquaculture) Management Area must contain the information specified in 27.6.1. Private Plan Change applicants may also choose to provide full details of the proposed aquaculture activities to be carried out within the Marine 3 (Aquaculture) Management Area (as specified in 27.6.2), at the same time as the plan change request is submitted. Where this detailed information has been subject to assessment and consideration within the publicly notified plan change process and no changes are proposed at the coastal permit stage, the consent authority may consider the coastal permit application on a non-notified basis.

<b>27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH A MARINE 3 (AQUACULTURE) MANAGEMENT AREA</b>  <i>Without limiting the requirements of the First Schedule to the RMA, the information supplied with a private plan change must include:</i>	<b>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)</b>  <i>Where the applicant is intending to apply for a coastal permit for future aquaculture activities under Rule 31.5.2(c)<sup>9</sup>, the following additional information must be supplied within the private plan change request:</i>
(a) Plans showing the size and location of the proposed Marine 3 (Aquaculture) Management Area, and details of boundary point co-ordinates, to be supplied in Geodetic Datum 2000, New Zealand Transverse Mercator Projection.	(a) Plans showing the location of the proposed boundary points of all aquaculture activities within the proposed Marine 3 (Aquaculture) Management Area, including co-ordinates, to be supplied in Geodetic Datum 2000, New Zealand Transverse Mercator Projection.
(b) A description of the coastal environment in which the application is located, including: <ul style="list-style-type: none"> <li>i) The location of the site in respect of natural and other features of the coastal environment;</li> <li>ii) The landscape context and surroundings, including any significant or outstanding landscapes or natural features, and natural character;</li> <li>iii) Hydrodynamic conditions including water depth, current velocities, wind, wave and tide conditions;</li> </ul>	

<sup>9</sup> Rule 31.5.2(c) – The **establishment of aquaculture activities**, where the activity (including the proposed species, structures and methodology for the proposed aquaculture activities) are considered by the consent authority to be **explicitly provided for within the AMA concerned**.

<p><b>27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH A MARINE 3 (AQUACULTURE) MANAGEMENT AREA</b></p>	<p><b>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)</b></p>
<ul style="list-style-type: none"> <li>iv) Water column conditions including temperature, salinity, water quality, inputs from rivers and discharges to land, nutrient replenishment;</li> <li>v) The benthic habitat (including substrate characteristics) and epifaunal and infaunal communities within the application area, including any species of particular ecological value or vulnerable species;</li> <li>vi) Other uses of the coastal marine area, including major navigational routes and safe anchorages, any recreational and commercial uses (including fisheries and any existing aquaculture activities), values and utilities.</li> <li>vii) Any cultural or historic heritage values, including traditional or customary fishing values.</li> </ul>	
<p>(c) The species that are proposed to be predominantly farmed in the Marine 3 (Aquaculture) Management Area and the proposed methods of farming;</p>	<p>(b) Details of species that will be farmed in the Marine 3 (Aquaculture) Management Area and methods of farming, including;</p> <ul style="list-style-type: none"> <li>(i) Species to be farmed, stocking density and stock source;</li> <li>(ii) Details and layout of all proposed structures and equipment, navigation markers (surface and subsurface), and details of any proposed lighting and anchoring requirements;</li> <li>(iii) A description and plans showing any staging of the development;</li> <li>(iv) Details of any disturbance of the foreshore and seabed, and deposition or discharge in the coastal marine area (including feed) required to undertake the aquaculture activity;</li> <li>(v) A maintenance plan for all structures, including navigational lighting and associated equipment.</li> <li>(vi) Details of any monitoring to be undertaken;</li> <li>(vii) Details of any use of technology or management practices (including adaptive management), to avoid, remedy or mitigate any actual or potential adverse effects.</li> </ul>
<p>(d) &lt;Intentionally blank&gt;</p>	

<b>27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH A MARINE 3 (AQUACULTURE) MANAGEMENT AREA</b>	<b>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)</b>
<p>(e) Details of consultation undertaken with tangata whenua, relevant local authorities and government agencies, the local community<sup>10</sup> and any other relevant parties. The details to be provided shall include:</p> <ul style="list-style-type: none"> <li>(i) Details of the information that has been supplied to the consulted parties.</li> <li>(ii) Details of the consultation undertaken. This shall include details of the consultation undertaken with tangata whenua and the local community. and any other methods used to gather this information, such as a cultural impact assessment or similar assessment from tangata whenua</li> <li>(iii) Details of any identified adverse impacts or actual or potential adverse effects of the proposed Marine 3 (Aquaculture) Management Area (and resulting aquaculture activities) raised through the consultation, including impacts or effects on tangata whenua and the local community.</li> </ul> <p>Where actual or potential adverse effects on tangata whenua and / or the local community are identified in particular, the details provided shall also include:</p> <ul style="list-style-type: none"> <li>(a) Details of consultation undertaken with tangata whenua and / or the local community about measures to avoid, remedy or mitigate those effects,</li> <li>(b) Details of the measures proposed by the applicant to avoid, remedy or mitigate those effects,</li> <li>(c) Where no measures are proposed to avoid, remedy or mitigate the identified actual or potential adverse effects, the reasons why no</li> </ul>	

<sup>10</sup> The local community includes, without limitation, property owners and occupiers within the visual catchment of the AMA (for example, where the aquaculture activity would feature within the immediate unassisted view from their property).



<b>27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH A MARINE 3 (AQUACULTURE) MANAGEMENT AREA</b>	<b>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)</b>
measures are proposed.	
<p>(f) A description of the likely adverse effects of the proposed Marine 3 (Aquaculture) Management Area, and associated aquaculture activities, including:</p> <ul style="list-style-type: none"> <li>(i) The potential for cumulative adverse effects from multiple Marine 3 (Aquaculture) Management Area;</li> <li>(ii) Effects on water quality, including nutrient enrichment, and the effects of any discharges to the coastal marine area;</li> <li>(iii) Sustainability of the proposed farm and effects on existing farms;</li> <li>(iv) Changes to habitats within and inshore of the application area;</li> <li>(v) Effects on epifaunal and infaunal species and communities;</li> <li>(vi) Effects on other fauna, including birds and marine mammals;</li> <li>(vii) Visual amenity and landscape effects;</li> <li>(viii) Effects on natural character;</li> <li>(ix) Effects on other amenity values, including noise effects;</li> <li>(x) Effects on other uses of the coastal marine area including navigational safety and anchorage, public access to and along the coast, recreational and commercial uses and utilities;</li> <li>(xi) Effects on cultural values.</li> <li>(xii) Effects on historic heritage sites, including waahi tapu and other sites of significance to Maori;</li> </ul>	<p>(c) A comprehensive Assessment of Effects on the Environment of the proposed activity, meeting the requirements of Schedule 4 to the Resource Management Act 1991.</p>
<p>(g) A description of the potential benefits of the proposed Marine 3 (Aquaculture) Management Area and associated aquaculture activities, including:</p> <ul style="list-style-type: none"> <li>(i) Economic benefits to the national economy and the Northland region and its communities;</li> <li>(ii) Environmental, social and cultural benefits to the Northland region and its</li> </ul>	<p>(d) A comprehensive Assessment of Effects on the Environment of the proposed activity, meeting the requirements of Schedule 4 to the Resource Management Act 1991.</p>

<b>27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH A MARINE 3 (AQUACULTURE) MANAGEMENT AREA</b>	<b>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)</b>
<p>communities;</p> <p>(iii) The extent to which tangata whenua involvement in aquaculture is provided for;</p> <p>(iv) The range of parties involved in aquaculture in Northland.</p>	
<p>(h) Infrastructure requirements to support the proposed aquaculture development, including:</p> <p>(i) Any existing or proposed land based facilities;</p> <p>(ii) The identification of existing wharves, jetties and boat ramps, and the number of vessels and peak vessel movements that are likely to require the use of these facilities.</p>	

## 27.7 INFORMATION REQUIREMENTS FOR COASTAL PERMIT APPLICATIONS TO UNDERTAKE AQUACULTURE ACTIVITIES

### 27.7.1 INFORMATION REQUIREMENTS FOR ALL COASTAL PERMIT APPLICATIONS

*Without limiting the requirements of Schedule 4 to the RMA, an application for a coastal permit to undertake aquaculture activities must include the following information. Where this information has already been provided as part of the Plan Change application (Section 27.6), a copy must be provided within the coastal permit application.*

- (a) A description of the proposed activity, including plans showing the location of the proposed boundary points of all aquaculture activities, including co-ordinates, to be supplied in Geodetic Datum 2000, New Zealand Transverse Mercator Projection.
- (b) A description of the coastal environment in which the application is located, including:
  - (i) The location of the site in respect of natural and other features of the coastal environment;
  - (ii) The landscape context and surroundings, including any significant or outstanding landscapes or natural features and natural character;
  - (iii) Hydrodynamic conditions including water depth, current velocities, wind, wave and tide conditions;
  - (iv) Water column conditions including temperature, salinity, water quality, inputs from rivers and discharges to land, nutrient replenishment;
  - (v) The benthic habitat (including substrate characteristics) and epifaunal and infaunal communities within the application area, including any species of particular ecological value or vulnerable species;
  - (vi) Other uses of the coastal marine area, including major navigational routes and safe anchorages, any recreational and commercial uses (including fisheries), values and utilities;
  - (vii) Any cultural or historic heritage values, including traditional or customary fishing values.
- (c) Details of species that will be farmed and methods of farming, including:
  - (i) Details and layout of all proposed structures and equipment, navigation markers (surface and subsurface), and details of any proposed lighting and anchoring requirements;
  - (ii) A description and plans showing any staging of the development;
  - (iii) Details of any disturbance of the foreshore and seabed, and deposition or discharge in the coastal marine area (including feed) required to undertake the aquaculture activity;
  - (iv) A maintenance plan for all structures, including navigational lighting and associated equipment;
  - (v) Details of any monitoring to be undertaken;
  - (vi) Details of any use of technology or management practices to avoid, remedy or mitigate any actual or potential adverse effects.
  - (vii) A 'clean-up plan' in the event that the farm is required to be removed – including, but not limited to, details on how the farm will be removed and the site

### 27.7.1 INFORMATION REQUIREMENTS FOR ALL COASTAL PERMIT APPLICATIONS

*Without limiting the requirements of Schedule 4 to the RMA, an application for a coastal permit to undertake aquaculture activities must include the following information. Where this information has already been provided as part of the Plan Change application (Section 27.6), a copy must be provided within the coastal permit application.*

cleaned up, how and where removed material will be disposed, together with details showing how the clean-up plan is to be financially and logistically achieved.

- (d) A comprehensive Assessment of Effects on the Environment of the proposed aquaculture activities, meeting the requirements of Schedule 4 to the Resource Management Act 1991, including:
- (i) Effects on water quality, including nutrient enrichment, and the effects of any discharges to the coastal marine area;
  - (ii) Sustainability of the proposed farm and effects on existing farms;
  - (iii) Changes to habitats within and around the application area;
  - (iv) Effects on epifaunal and infaunal species and communities;
  - (v) Effects on other fauna, including birds and marine mammals;
  - (vi) Visual amenity and landscape effects;
  - (vii) Effects on natural character;
  - (viii) Effects on other amenity values, including noise effects;
  - (ix) Effects on other uses and values of the coastal marine area including navigational safety and anchorage, public access to and along the coast, recreational and commercial uses and utilities;
  - (x) Effects on historic heritage sites, including waahi tapu and other sites of significance to Maori;
  - (xi) Economic benefits to the national economy and the Northland region and its communities;
  - (xii) Environmental, social and cultural benefits to the Northland region and its communities;
  - (xiii) The extent to which provision has been made for Maori involvement in aquaculture;
  - (xiv) The range of parties involved in aquaculture in Northland.

**27.7.1 INFORMATION REQUIREMENTS FOR ALL COASTAL PERMIT APPLICATIONS**

*Without limiting the requirements of Schedule 4 to the RMA, an application for a coastal permit to undertake aquaculture activities must include the following information. Where this information has already been provided as part of the Plan Change application (Section 27.6), a copy must be provided within the coastal permit application.*

- (e) Infrastructure requirements to support the proposed aquaculture development, including:
  - (i) Any existing or proposed land based facilities;
  - (iii) The identification of existing wharves, jetties and boat ramps, and the number of vessels (including peak vessel movements) that are likely to require the use of these facilities.
- (f) Details of the consultation undertaken, if any, with tangata whenua, relevant local authorities and government agencies, the local community and any other relevant parties.

**27.7.2 ADDITIONAL INFORMATION REQUIREMENTS FOR A NEW COASTAL PERMIT APPLICATION TO UNDERTAKE THE SAME AQUACULTURE ACTIVITY THAT HAS BEEN PREVIOUSLY CONSENTED**

*Where an existing coastal permit to undertake aquaculture activities has expired, or is due to expire, and a new coastal permit is required, the applicant will be required to demonstrate:*

- (a) Compliance with resource consent conditions for current or previous aquaculture activities undertaken by the applicant; and
- (b) The use of current industry good practice for any current aquaculture activities, including compliance with relevant Codes of Practice; and
- (c) Any change in site characteristics or adverse environmental effects which may have resulted from the existing or previous activities.



## **28. MARINE 4 (MOORINGS INCLUDING MARINAS) MANAGEMENT AREAS**

### **28.1 INTRODUCTION**

Northland is one of the most popular areas in New Zealand for recreational boating. There is also a significant marine and maritime related commercial use of boats and other vessels associated with the region's tourism, fishing and marine farming industries. Many of these vessels require some form of permanent mooring. For the purposes of this Plan, moorings include, but are not limited to, swing moorings, pile moorings, marina berths and mooring jetties.

*Note – any reference to “moorings” includes marinas, unless otherwise stated*

As well as moorings, provision for recreational boating requires recognition of the need for safe anchorages, where temporary shelter can be sought in bad weather. While the region's boating community knows the majority of these areas, to date few have been formally recognised and/or set aside as anchorage areas.

Another issue is the need to prohibit mooring and anchoring in some areas, for example, around commercial ports or over submarine cables or pipelines and navigation channels. Such areas are shown on navigational charts and are also known to the region's boating community.

Favoured mooring areas tend to be sheltered bays that are also desirable for other uses such as swimming, boating, kaimoana gathering and other cultural activities. The resulting resource use conflicts need to be carefully managed. Moorings occupy public space in the coastal marine area. This is a finite resource in Northland and access to it by the public needs to be equitably provided for.

#### **MOORINGS (excluding marinas)**

Prior to the introduction of the Resource Management Act, moorings within most of Northland's harbours were largely managed by the Northland Harbour Board under the provisions of the Harbours Act 1950 and primarily using harbour bylaws.

With the introduction of the Resource Management Act in 1991, the Northland Regional Council was given the responsibility for managing the environmental effects of all moorings around the Northland coast. In addition, the Council continued to exercise control over moorings using its harbour bylaw. All existing moorings at this time were allowed to remain until one year after this Plan became operative, after which time all moorings would be subject to its provisions. This Plan was made operative on 30 June 2004.

In 2001, following an amendment to the Local Government Act 1974 and the repeal of the Harbours Act 1950, the Northland Regional Council took the opportunity to replace its harbour bylaw with a new navigation and safety bylaw known as the Northland Regional Council Navigation Safety Bylaw (the bylaw). Since then, all moorings have continued to be managed and administered under both the provisions of this Plan and the provisions of the bylaw. This Plan and the bylaw have been reviewed to ensure consistency between the two provisions.

The presence of moorings in the Coastal Marine Area can cause adverse environmental effects including:

- Visual impacts.
- Restriction of public access and recreation.
- Modification of natural water movement patterns.
- The effects of anti-fouling leachate.
- Effects on water quality as a result of sewage discharges.
- Effects on use of adjacent land, particularly in relation to parking and waste disposal requirements.

In considering adverse effects, it is important to make a distinction between swing moorings and pile, trot, and jetty moorings. Swing moorings are a relatively simple means of providing for moorings. They are physically and visually low-lying and more easily moved should the need arise. In contrast, other moorings are more solid types of structures and are much more visible and less easily moved. Visual impacts of these moorings can be exacerbated by the linear fashion in which they are usually arranged. If not properly aligned, this linear arrangement can also cause more pronounced changes in water movement patterns than a comparable number of swing moorings.

Notwithstanding the above, the benefit of pile, trot and jetty moorings is that they allow greater numbers of moorings to be concentrated in a particular area and can, in some circumstances, provide a facility that is available for public use.

Another related issue is the long-term anchorage of vessels. This equates to permanent mooring with similar environmental effects and consequently provision is made to control this activity.

### **MARINAS**

There are currently six purpose-built marinas in Northland ranging in size from 25–300 berths.

These include:

- the Tutukaka Marina at the head of Tutukaka Harbour
- the Orams Marina in the Hatea River, upper Whangarei Harbour
- the Doves Bay marina in the lower Kerikeri Inlet
- the marina in Whangaroa Harbour
- the Opuia marina
- Marsden Cove marina

In addition, there are a number of high-density pile and/or jetty mooring areas which are generally referred to and managed as marinas. These are at Kissing Point and the Town Basin in the Whangarei Harbour and at Tinopai in the Kaipara Harbour.

In recent years, there have been a number of proposals for marina developments within Northland's Coastal Marine Area, at Veronica Bay, Kerikeri Inlet, Kissing Point, Parua Bay and One Tree Point. Primarily, these are promoted as a means of rationalising coastal space by concentrating moorings into a smaller space. While marinas require a smaller area to moor a boat than other types of moorings, additional coastal marine area is often



taken up with reclamations for parking and other associated facilities. Areas sought for marinas are generally those used for moorings due to the level of natural shelter needed. With their rigid floating mooring structures, marinas can accommodate more craft per unit area than other types of moorings. Marinas can also provide increased security and a range of support facilities for sewage and rubbish disposal, freshwater and fuel supplies.

While marinas have their benefits, they are also one of the most concentrated forms of development in the Coastal Marine Area and consequently tend to significantly modify its natural character and reduce the amount of public space available for public use. As well as this, the construction of a marina can involve a number of activities, which have actual and potential adverse and/or positive effects on the environment. Such activities include:

- Dredging and dredging spoil disposal.
- Reclamation.
- The emplacement of breakwaters, finger jetties and other structures.
- The provision of facilities for sewage and rubbish disposal, refuelling, boat maintenance and water supply.
- Wastewater discharges to coastal waters from land-based facilities.
- The construction of stormwater management systems
- Marina developments may require the development of car parking, office buildings, toilet facilities, signage and security infrastructure on land adjoining the Coastal Marine Area.

The individual and cumulative effects of these activities largely depend on the marina location and design. Factors to be considered include:

- The size of the marina.
- The type of breakwater used (floating or solid).
- The flushing characteristics of the marina basin.
- The natural water quality.
- The presence of shellfish beds or fishing grounds in the vicinity.
- The presence of other recreational uses of adjacent waters.
- The presence of sensitive, ecologically important species, habitats or communities in the vicinity.
- The natural character and landscape values of the surrounding area.

The effects of marinas are far wider than those of individual moorings and must therefore be dealt with differently in a coastal management context. These effects need to be balanced against the potential benefits of marinas, particularly in areas where usable space for other types of moorings is fully occupied and there is pressure for still more moorings; or for clearing out of particular mooring areas.

Due to the intensive nature of marinas, they are dealt with separately from other moorings within the rules section of this Plan.

#### **NORTHLAND REGIONAL COUNCIL NAVIGATION SAFETY BYLAW**

The Northland Regional Council Navigation Safety Bylaw (the bylaw) will be used to determine such things as the location, placement, type and size of moorings.

The appropriate bylaw provisions have been integrated with the Regional Coastal Plan for Northland through its policies, methods and rules. The Plan will deal with the environmental issues surrounding moorings and the bylaw will deal with the location, placement, type and size of moorings.

Copies of the bylaw can be obtained from any Northland Regional Council office.

## **28.2 ISSUES**

1. There is a demand for moorings within Northland's Coastal Marine Area, and there is a consequent pressure to provide for this in terms of mooring location, type and use, which may not be sustainable.
2. There are overlapping responsibilities between administrative authorities under relevant legislation that need rationalising.
3. There is inadequate provision of shore-based facilities and services associated with high-density mooring areas and their use.
4. The location, type and use of moorings have adverse effects on the environment.
5. The location, type and use of moorings can create conflicts with other uses of the coastal environment.
6. Within Northland's Coastal Marine Area, there are high-pressure areas where there is currently insufficient suitable space to meet demands for new moorings.
7. The cost of establishing and maintaining on-shore facilities associated with Marine 4 (Mooring including Marinas) Management Areas is likely to be high and determining who should pay for such facilities is complex.

## **28.3 OBJECTIVES**

1. The reduction and restriction of the proliferation of moorings within Northland's Coastal Marine Area by concentrating moorings within specific areas.
2. Integrated management of moorings and associated demands for shore-based facilities and services.
3. The demand for moorings and the associated adverse environmental effects are managed in an efficient and effective manner.
4. Conflicts between moorings and other activities are avoided as far as practicable.

## 28.4 POLICIES

### Concentration Policies

1. The Council will adopt a strategy of concentrating and efficiently managing moorings and will identify Marine 4 Management Areas for that purpose.

**Explanation and principal reasons for adopting:** *The Council in adopting a strategic approach to the management and provision of moorings has grouped moorings in specific areas, identified as Marine 4 Management Areas. These areas have been identified by the Council as appropriate for the concentration of moorings. This approach is supported by Policies 6(2)(c) and 7 of the NZCPS 2010.*

2. The Council shall identify and establish new Marine 4 Management Areas where these:
  - provide appropriate associated infrastructure and facilities within the Marine 4 (Mooring including Marinas) Management Area and on land above the line of Mean High Water Springs; and
  - avoid conflicts with other activities; and
  - avoid as far as practicable adverse environmental effects; and
  - are of an intensity, character and scale appropriate to the character, heritage and amenity values of the area; and
  - reflect the absorption capacity of the area; and
  - take into account the cumulative effects of moorings; and
  - provide for public road access, access between the land and water interface and maintain public access along the foreshore; and
  - take into account sites of cultural value; and
  - any other matter the Council considers relevant.

**Explanation and principal reasons for adopting:** *This policy gives guidance to the Council when considering plan change requests for new Marine 4 Management Areas. This is to avoid the identification of mooring areas in unsuitable locations.*

3. The Council shall consider all alternatives before making a decision about whether it is appropriate to extend a Marine 4 Management Area nearing capacity or establish a new area.

**Explanation and principal reasons for adopting:** *Options such as rationalisation and intensification of moorings within a Marine 4 Management Area to make better use of the existing area, should be considered prior to the designation of new mooring areas. These options need to be considered first because the extension of existing areas and the identification of new mooring areas has the potential to increase the adverse effects of moorings and decrease the amount of available public water space for other activities.*

4. The Council will consider the location and use of moorings (excluding marinas) to generally be appropriate where these are either:
  - (a) Existing moorings located within a Marine 4 Management Area in accordance with all relevant standards and terms; or

- (b) New moorings in Marine 4 Management Areas where there is space and adequate shore based services and facilities are available, for the proposed new and existing moorings; or
- (c) New moorings in Marine 4 Management Areas where existing shore based services and/or facilities are inadequate to cater for existing moorings, and the applicant can demonstrate that the necessary shore based services and/or facilities will be provided long term so that there is no additional pressure on the existing shore based services and/or facilities; or
- (d) Associated with a property which is only legally accessible by water; or
- (e) Located for public benefit in order to enhance public access and minimise environmental effects of repetitive anchorage; or
- (f) Associated with a maritime-related commercial enterprise that could not otherwise be located within a Marine 4 Management Area.

**Explanation and principal reasons for adopting:** *Moorings (excluding marinas) have the potential to proliferate rapidly because they are relatively simple structures and are easily installed. Moorings can conflict with other uses of coastal space and can impact on the natural character of an area. It is therefore the intention of the Council to reduce the proliferation and spread of moorings throughout the Coastal Marine Area by concentrating, as far as practicable, moorings within Marine 4 Management Areas, provided the shore based services and facilities are adequate to cater for new moorings.*

*Shore based services and facilities include, but are not limited to, car parking, rubbish/waste disposal and dinghy storage.*

*Inadequate shore based services and facilities to cater for mooring activity in Marine 4 Management Areas can result in adverse environmental effects. Therefore new moorings should not be allowed where existing shore based services and/or facilities are inadequate to cater for the existing moorings, unless it can be demonstrated that the necessary shore based services and/or facilities for the new moorings will be provided long term. These may be additional public services/facilities or services/facilities that can be provided by the mooring owner (e.g. they own property nearby from which they can provide parking, rubbish disposal and toilets). However, in some circumstances, even if a mooring owner can provide the services/facilities and not put additional pressure on already inadequate shore based services and facilities, this may not be acceptable, particularly if there is a good chance that any subsequent owner of the mooring (i.e. when it's transferred) will be unable to provide the services or facilities.*

5. The Council will limit the proliferation of moorings by:
- (a) facilitating the concentration of moorings in Marine 4 Management Areas; and
  - (b) discouraging moorings outside Marine 4 Management Areas.

**Explanation and principal reasons for adopting:** *Moorings have the potential to impact on the ability of others to utilise coastal space and have environmental impacts. It is the intent of the Council to concentrate moorings within Marine 4 Management Areas to concentrate these conflicts and impacts within defined areas and preserve other areas for their natural character, amenity values, or other activities.*

6. The Council will encourage and may if necessary facilitate the removal of existing moorings (excluding marinas) located outside Marine 4 Management Areas, except where the mooring is:
  - (a) associated with a property which is only legally accessible by water;  
or
  - (b) associated with a maritime-related commercial enterprise that could not otherwise be located within a Marine 4 Management Area.

**Explanation and principal reasons for adopting:** *It is recognised that there are a number of moorings (excluding marinas) with a resource consent that will not come up for renewal within one year of the plan becoming operative. The Council wishes to rationalise these moorings wherever possible before their resource consents come up for renewal, in order to concentrate moorings within Marine 4 Management Areas and minimise the potential for them to impact on the ability of others to utilise coastal space and have environmental impacts. It is recognised however that this may take many years to achieve.*

#### **Marina Policies**

7. When considering the appropriate location of marinas, the Council shall:
  - (a) Allow for the potential for marina development in Marine 4 (Moorings including Marinas) Management Areas.
  - (b) Provide for marina development within Marine 2, Marine 5 and Marine 6 Management Areas where such a development does not compromise the express values and purpose of that management area.
  - (c) Recognise that marina development may conflict directly with the express values and purpose of Marine 1 and Marine 2 Management Areas.

**Explanation and principal reasons for adopting:** *While the general intent is that marina development within Marine 4 Management Areas is considered an option for the intensification of existing mooring provision, there may be circumstances where marina development outside these areas is appropriate. This situation needs to be provided for, providing it does not compromise the express values and purpose of the relevant Marine Management Area.*

8. The Council and consent authorities will, when considering a resource consent application or plan change request for a marina development, consider the appropriateness of the proposal against the following parameters:

- the location, intensity, character and scale is appropriate to the character, heritage and amenity values in the coastal environment including the land above mean high water springs; and
- the infrastructure (including sewage disposal, rubbish collection and parking) necessary for use, activities and development exists or is provided, within the Marine Management Area or within the adjoining district; and
- avoiding conflicts with other activities to the extent consistent with the purpose of the Marine Management Area; and
- avoiding as far as practicable adverse environmental effects (including cumulative effects); and
- take into account sites of cultural value; and
- taking into account likely changes to water quality and flushing characteristics and proposals for the management of discharges and for heavy metal monitoring program; and
- providing for the rationalisation and reduction of surrounding moorings; and
- taking into account the need for reasonable provision of public access; and
- take into account the positive and negative social, cultural and economic well-being effects to the local area, including;
  - o the extent to which there are economic benefits from the construction and use of the marina to the local economy; and
  - o the extent to which there are social benefits of providing a greater number of people the opportunity to moor their vessels at sought after locations; and
  - o the extent to which a more efficient use of water space will be achieved compared to the existing use of the water space for moorings, including whether the water space needed for moorings is reduced; and
  - o the extent to which the demand for mooring space would be better met by a marina compared to other mooring systems; and
- any other matter the Council considers relevant.

**Explanation and principal reasons for adopting:** *Marina developments involve the construction of structures within the Coastal Marine Area that have the potential to have significant adverse effects on the environment if not properly assessed and managed. Marina developments also have the potential to provide many benefits. This policy is intended to act as a guideline for consent authorities when considering and evaluating the appropriateness of a marina proposal.*

### **Management Policies**

9. The Council shall promote the integrated management of moorings and the associated facilities and services by:
  - rationalising overlapping administrative responsibilities; and
  - ensuring integration between the Northland Regional Council Navigation Safety Bylaw and mooring provisions in this plan.

**Explanation and principal reasons for adopting:** *To improve the efficient and effective integrated management of the provision of moorings and associated shore-based facility requirements across the line of Mean High Water Springs between administrative authorities.*

*The Northland Regional Council Navigation Safety Bylaw makes provision for the navigation and safety aspects of moorings located within Northland's waters. Aspects of a mooring controlled by the Bylaw would include, for example, the location and space requirements of the mooring, the design and specifications of the mooring based on the size and type of vessel attached to the mooring and maintenance requirements.*

### **Demand Response Policies**

10. To ensure the efficient and effective use of moorings (excluding marinas) and mooring areas, the Council shall:
- (a) encourage the use of moorings over the whole year; and
  - (b) encourage the development of a mooring rental/sale system (where permitted); and
  - (c) discourage the use of moorings by trailerable boats; and
  - (d) encourage the use of more intensive mooring methods, providing they are consistent with other objectives and policies; and
  - (e) encourage the provision of safe public access to mooring areas.

**Explanation and principal reasons for adopting:** *Due to increasing demand for moorings but decreasing available suitable space for moorings within Northland's coastal waters, there is a need to improve the efficient and effective use of moorings and mooring areas. It is recognised that better use can be made of existing moorings and mooring areas by, for example, requiring mooring owners to rent or lease their mooring if the mooring is likely to be unoccupied for a long period of time. This recognises that there is demand for a mooring rental system.*

*Furthermore, vessels that could and should be stored on land occupy a large number of moorings. If these were removed, this would free up space for non-trailerable vessels and further reduce the demand for additional mooring space. The restriction on trailerable boats will only be initiated where there is high pressure for additional moorings and/or where suitable dedicated trailer boat facilities are either at or near to the mooring area.*

11. Resource consent applications for the placement of new swing moorings in Marine 4 Management Areas will generally be non-notified, except if the existing shore based services and/or facilities are inadequate to cater for existing moorings and the new swing mooring(s) would put additional pressure on the existing shore based services and/or facilities.

**Explanation and principal reasons for adopting:** *The primary purpose of Marine 4 (Moorings including Marinas) Management Areas is for moorings (including marinas) to be located and concentrated within this 'zone' therefore applications should not need to be publically notified. It may however be appropriate for applications to be notified or limited-notified if existing shore based services and facilities have reached capacity and the new mooring(s) proponent cannot demonstrate how the new mooring(s) will not put additional pressure on the existing land-based services and facilities.*

12. The Council shall recognise that there is increasing pressure on certain areas for moorings and will restrict new moorings within the following areas:

- Mangonui Harbour (including Mill Bay)

- Kerikeri Inlet (including Doves and Opito Bays)
- English Bay, Opuā Basin, Tapu Point, Okiato Point and Kawakawa River
- Te Wahapu Inlet and Pomare Bay
- Kororareka Bay and Matauwhi Bay
- Parekura Bay
- Mangawhai Harbour

**Explanation and principal reasons for adopting:** *Certain mooring areas are 80–100 percent full and experiencing high demand for additional moorings. The current moorings within these areas are, in most cases, also exceeding the capacity for the shore-based facilities and services to support. For these reasons, new moorings may only be considered appropriate within these areas if the applicant can demonstrate that all necessary shore-based services and facilities will be provided to avoid any additional pressure on existing shore-based facilities (see also Policy 28.4.4(c)).*

### Environmental Effect Consideration Policies

13. The Council shall, when considering resource consent applications and plan change requests, recognise the potential for conflicts between the provision of moorings and other uses of the Coastal Marine Area and recognise these conflicts should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effect should be mitigated and provision made for remedying those effects, to the extent practicable.

**Explanation and principal reasons for adopting:** *Moorings can interfere with other uses of the Coastal Marine Area because they occupy large areas of reasonably sheltered coastal space, which is also desirable for other uses. Discharges from moorings for example can seriously affect the water quality and subsequently have effects on shellfish gathering and other recreational activities. This needs to be recognised in providing for and managing moorings.*

14. The Council will avoid, as far as practicable, the cumulative effects of moorings, including effects arising from insufficient land based facilities to cater for mooring activity. Where complete avoidance is not practicable, the adverse effect should be mitigated and provision made for remedying those effects, to the extent practicable.

**Explanation and principal reasons for adopting:** *While the effects of individual moorings may be minor, the cumulative effect (both within the coastal marine area and on land) of a large number of moorings can be significantly greater. This needs to be recognised and appropriate consideration given to the potential increased effects. This is supported by Policy 7(2) of the NZCPS 2010.*

15. Where the presence of moorings are known to significantly conflict with the use of recognised recreational areas, including, but not limited to, bathing beaches, navigation channels, ski lanes and kaimoana gathering areas, the Council shall require a minimum distance from shore or channel within which no new moorings will be allowed and existing moorings will be gradually removed, so as to allow for other recreational activities.



**Explanation and principal reasons for adopting:** *Moorings can interfere with recreational activities (for example launching of boats and waka ama) because they occupy large areas of reasonably sheltered coastal space. In providing for and managing moorings, this needs to be recognised and allowances made for other uses in specific areas.*

16. The Council will adopt a cautious approach when processing mooring applications outside Marine 4 Management Areas in order to:
- (a) protect the integrity of the strategic approach of concentrating moorings in specific areas adopted by the plan; and
  - (b) recognise the importance of public open water space; and
  - (c) ensure that moorings are appropriately located to minimise the potential adverse effects of moorings on other users of the Coastal Marine Area; and
  - (d) avoid cumulative effects from moorings.

**Explanation and principal reasons for adopting:** *Recognising the limited amount of detailed information on Northland's Coastal Marine Area, the lack of understanding about coastal processes and the effects of coastal processes, and the importance of protecting the natural and physical coastal resources, a cautious approach is adopted in this Plan.*

*Policy 3 (1) of the NZCPS 2010 requires councils to adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, especially where the effects of activities are not well understood. This is especially important for areas where the values of the area have not been identified and documented and the consequences of development could be wide ranging. For further explanation about adopting a cautious approach refer to section 5.4 of this Plan.*

17. The Council shall ensure that mooring buoys are of a design, size and colour to minimise visual impacts on areas of high landscape character and heritage value.

**Explanation and principal reasons for adopting:** *Where moorings are located in areas of high landscape character and heritage value, it is important to minimise the impact of moorings so as to preserve the high landscape character of the area. This is supported by Policy 15 of the NZCPS 2010.*

### **Boat Anchorage Policies**

18. The Council will recognise and provide for the use of recognised safe anchorages.

**Explanation and principal reasons for adopting:** *Yachts and launches are reliant on areas of safe anchorage during major storms or in the event of vessel damage or gear failure. Therefore, in the interest of safe navigation, these areas need to be set aside for these sole purposes. If not otherwise controlled, the expansion of mooring areas will inhibit the availability of safe anchorages.*

19. The Council will, when considering consent applications and plan change requests within, adjoining or adjacent to recognised safe anchorage areas, give specific consideration to the effects on the use of the area as a safe anchorage, and give specific attention as to whether the proposed consent

application or plan change will significantly inhibit the use of the area as a safe anchorage. Where the consent application or plan change is found to significantly inhibit the use of the area as a safe anchorage, serious consideration should be given to decline the consent application or plan change request.

**Explanation and principal reasons for adopting:** *Safe anchorage areas need to be protected from use and development that would limit their ability to be used as a safe anchorage for vessels requiring temporary shelter during bad weather, or in the event of vessel damage, or gear failure or for recreational anchorage.*

20. The Council shall, as far as practicable, prevent the adverse effects of long-term anchorage of vessels including the potential for the proliferation of permanent anchoring throughout Northland.

**Explanation and principal reasons for adopting:** *In the same way that the adverse effects of the proliferation of permanent moorings need to be controlled, it is also important to ensure that adverse effects of vessel anchorage (including for example the discharge of untreated effluent) can be controlled and minimised.*

## 28.5 METHODS

1. Include appropriate rules within this plan to implement the policies of section 28.4.

**Principal Reason**

Rules are a regulatory means of implementing the policies of section 28.4.

*(for Policy 1)*

2. The Council will identify all Marine 4 Management Areas in the Regional Coastal Plan for Northland Maps.

**Principal Reason**

This method implements policy 28.4.1.

*(for Policy 6)*

3. The Council will investigate the use of financial incentives and other incentives to relocate existing consented moorings that are located outside of Marine 4 Management Areas into Marine 4 Management Areas.

**Principal Reason**

The intention of the Plan is to concentrate moorings within Marine 4 Management Areas as the most appropriate locations for moorings. Where moorings are located outside mooring areas and have an existing consent that does not expire for a number of years, the Council will consider the benefits of facilitating the relocation of these moorings.

*(for Policy 9)*

4. The Council shall provide for existing moorings within Marine 4 Management Areas as a permitted activity.

**Principal Reason**

This method implements Policy 28.4.4.

5. The Council shall consider a transfer of powers in accordance with section 33 Resource Management Act 1991 relating to the allocation of moorings within Marine 4 Management Areas to District Councils following an evaluation of the desirability of this option on a case-by-case basis.

**Principal Reason**

This is an alternative option that may improve the integrated management of moorings and marinas. This would allow one authority to be responsible for the allocation of moorings and the provision of associated shore-based facilities and services.

6. The Council will advocate, through appropriate submissions, the inclusion of policies and rules within district plans, which are complementary to those within this plan.

**Principal Reason**

To ensure consistency in plan provisions between Regional and District Councils where the issues those provisions are dealing with cross the administrative line of Mean High Water Springs.

7. The Council will investigate in collaboration with District Councils the desirability of developing a Coastal Environment Plan for the management of Marine 4 Management Areas in order to better provide for the integrated management of moorings and marinas.

**Principal Reason**

The Resource Management Act 1991 under Section 64(2) allows for the development of Coastal Environment Plans. This plan would straddle the line of Mean High Water Springs and is intended to allow for a more holistic approach to be adopted. The plan would include the landward extent of the coastal environment with the intention of improving the integrated management of the coastal environment.

8. Where there are insufficient associated mooring facilities and/or services and all other avenues have been explored, the Council may consider providing the necessary facilities and/or services.

**Principal Reason**

If a mooring area has insufficient shore-based facilities and/or services and all other avenues of providing these services have been explored the Regional Council may consider assisting in the provision of these facilities and services so as to maintain that Marine 4 Management Area as an appropriate location for moorings.

*(for Policy 10)*

9. The Council will investigate the development of a system for the renting and sale (where permitted) of moorings.

**Principal Reason**

A large number of moorings are not utilised for long periods of time, which is not an efficient use of moorings. There also exists within Northland a market for short-term moorings. This could be filled through the establishment of a mooring rental system. There is also the opportunity for a mooring sales system. Both of these are intended to improve the efficient and effective use of moorings and mooring areas. This may contribute towards meeting the demand for new moorings.

*(for Policies 13 & 14)*

10. The Council shall encourage and where appropriate advocate for the relocation or establishment of public boat launching facilities outside Marine 4 Management Areas where:
- car parking is inadequate to support both boat launching and mooring requirements; or
  - boat launching is in conflict with mooring activities; or
  - boat launching becomes a navigation and safety concern.

**Principal Reason**

There is the potential for boat launching facilities to conflict with moorings and mooring users. If there is a lack of facilities and services, for example car parking, then the presence of boat launching facilities is only going to increase the pressure on car parking requirements. The pressure on facilities may be able to be eased if boat launching facilities are relocated where there is sufficient facilities.

*(for Policy 15)*

11. The Council will at every opportunity through submissions or any other appropriate means, advocate and lobby Central Government for the compulsory requirement for all moored vessels to have a holding tank or portable toilet.

**Principal Reason**

While the Marine Pollution Regulations control the discharges from vessels, there is an issue of enforceability. Unless a vessel is caught in the act of discharging, it is very difficult to prove that a vessel has discharged. If all vessels were required to have a holding tank or portable toilet, the chances of people complying with the regulations are improved.

*(for Policy 18)*

12. The Council will, in consultation with appropriate parties, establish a register of recognised safe anchorages for Northland.

**Principal Reason**

Moorings in general are located in sheltered bays, which may also be used for safe anchorages. Recognised safe anchorages need to be identified and protected from inappropriate use and development so as to retain their ability to be used as a safe anchorage.

*(for Policy 4)*

13. The Council will at every suitable opportunity educate the public on the mooring and marina provisions contained within this plan.

**Principal Reason**

It is important to educate the public as far as practicable about the provisions within this plan so that they can comply with them.

*(for Policy 10)*

14. The Council will at every suitable opportunity educate mooring owners and the public about the legal rights of mooring owners.

**Principal Reason**

The legal situation for moorings has a long history and has been subject to numerous proposals and changes. Consequently many mooring owners and the wider public are not likely to have a good understanding about what the rules are and therefore what mooring owners' rights are.

**PRINCIPAL REASONS FOR ADOPTING**

The principal reasons for the Objectives within this section are as follows:

**Objective 1**

The purpose of the Marine 4 Management Areas is to concentrate mooring within these specific areas so as to provide for the strategic location of moorings in areas where the natural character has already been compromised and avoid the proliferation of moorings throughout the Coastal Marine Area (CMA) and allow for other activities. This is supported by Policy 6(2)(c) and 7(1) of the New Zealand Coastal Policy Statement 2010 (NZCPS).

**Objective 2**

The Resource Management Act 1991 establishes an administrative boundary between Regional and Territorial Authorities in the coastal environment. That is the line of Mean High Water Springs (MHWS). Regional Councils are responsible for activities on the seaward side of MHWS and the Territorial Authorities are responsible for activities on the landward side of MHWS. However activities and the effects of activities often straddle this administrative line. For this reason it is important to have efficient and effective integrated management between the two administrative authorities. This is further supported by Sections 30(1)(a) and 67(1)(h) of the Resource Management Act 1991.

**Objective 3**

In achieving the purpose of the Resource Management Act 1991, the demand for moorings needs to be considered and evaluated against the adverse effects that moorings can have on the environment.

**Objective 4**

Moorings are generally located in sheltered bays and inlets which are also desirable for other uses such as marine farms, swimming, boating and safe anchoring. Due to the physical presence of moorings on the water surface they often conflict with other activities that are undertaken within the CMA. These conflicts need to be avoided as far as practicable. This is supported by Policies 6(2)(c) and 7(1)(b) of the NZCPS.

## Regulation

The use of rules and associated information requirements allow site-specific provision for moorings and marinas within the Coastal Marine Area and/or control of associated adverse effects. These rules reflect the predominant uses of the Marine Management Area within which moorings and marinas occur.

In assessing any mooring or marina proposal, the RMA and this Plan seek to ensure that the adverse effects are avoided, remedied, or mitigated. The extent to which this can be achieved will depend on a number of factors. These include the location, scale, design, method of construction, and the range of other facilities that will be available. Each mooring and marina proposal will need to be assessed on a case-by-case basis against appropriate provisions expressed in this Plan.

Furthermore, by virtue of section 12 of the RMA no person may, in the Coastal Marine Area, establish a mooring or marina unless expressly allowed by a rule in a regional coastal plan. This is why rules are the principal method for managing moorings and marinas.

## 29. MARINE 5 (PORT FACILITIES) MANAGEMENT AREA

### 29.1 INTRODUCTION

During the early stages of European settlement of New Zealand, Northland lacked the road and rail systems of other regions. Because of this, there was heavier dependence on shipping to transport people, goods and raw materials. In the 1930s, a total of over 15 ports of varying sizes were established around Northland's coast, including on the east coast: Houhora, Awanui, Mangonui, Whangaroa, Totara North, Opuā, Whangarei, and Mangapai; and on the west coast, Dargaville, Pahi, Rawene and Kohukohu. Most of these were used by coastal shipping only and gradually disappeared with the progressive development of, first, the region's rail system and, then, its roading network.

At present, Northland has three operative commercial wharf areas located at Whangarei, Portland and Marsden Point. Of these, Port Whangarei and Marsden Point are the only port facilities to handle a range of cargo and to have a sizeable amount of associated land dedicated to cargo storage and other port operations. The present port facilities at Marsden Point are the oil refinery jetties, and the port terminals containing a cargo jetty and tug berthage facility. In relation to the Marsden Point facility, resource consents have been granted to construct and operate the port and construction has been completed and operations at the port have commenced.

All three port areas play a significant role in the economy of the region. To continue to be commercially viable, all depend on access to deep water and relatively exclusive use of the coastal marine area adjacent to the port facilities. For this reason, it is necessary to provide for operation of ports and associated facilities within this Plan. The possibility of further development of these existing port areas also needs to be acknowledged.

Positive effects of port development centre on the stimulation to the regional economy resulting from port construction and port operations. The development of port areas can also have environmental benefits including improvements in the water quality monitoring and the potential to improve the standard of discharges, landscaping and roading in the surrounding coastal environment.

For the purposes of this plan, a "port area" is:

a harbour area where marine terminal facilities such as jetties and wharves are provided at which commercial ships, of 4500 Dead Weight Tonnes (DWT), or greater, regularly berth to load and unload cargo or passengers. Such areas can include ship construction and/or maintenance activity, barging operations and any related structures.

The suggestion of coastal barging facilities in the Far North indicates the need to address potential port developments outside Marine 5 Management Areas with particular regard to the adverse effects of such operations.

The major known or potential adverse effects on the coastal marine area associated with port operations in Northland are:

- The exclusion of other uses and the general public from coastal space in port areas.
- The effects of port related reclamation, dredging and structures on natural water movement and sediment erosion/deposition patterns.
- The effects of dredging of port berths and/or approach channels.
- The effects of dredging spoil disposal.
- The effects of accidental oil spillages during boat maintenance activity.
- The effects of bulk cargo spillage during loading and unloading operations.
- The effects of noise and dust generated by ship loading and unloading operations.
- The introduction of exotic organisms via ballast water discharges and hull cleaning.
- The effects of sewage discharges from ship holding tanks.

With regard to the occupation of space by existing ports, it is relevant to note that, as a consequence of the 1993 amendment of the Resource Management Act, the Northland Port Corporation sought and received coastal permits from the Minister of Transport for exclusive occupation of coastal space adjacent to its Port Whangarei and Marsden Point facilities. The term of the permits issued is 35 years. The areas covered by these permits are incorporated within the relevant Marine 5 Management Areas.

## 29.2 ISSUES

1. The importance of existing ports to Northland's economy and the consequent need to provide for these within this Plan, including recognition of their operational requirements.
2. The significant modification of land adjoining and/or adjacent to ports and the consequent need for integrated management and rationalisation of new and existing port developments.
3. The extensive modification of the coastal marine area generally required to accommodate port developments including loss of natural character, and the need to avoid or minimise this as far as practicable.

## 29.3 OBJECTIVE

**Provision for commercial port operations while avoiding, remedying or mitigating the adverse effects of such operations on the coastal marine area.**

## 29.4 POLICIES

1. To recognise and provide for the operational requirements of existing ports within Northland's coastal marine area including:
  - (a) the berthage of commercial ships adjacent to port facilities; and,



- (b) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage, and manoeuvring of commercial vessels,
- (c) authorised structures (including buildings on wharves, wharves, dolphins, slipways and cargo handling areas) necessary for port operations; and
- (d) placement and maintenance of navigation aids; and
- (e) signage;

while avoiding, remedying or mitigating the adverse effects.

**Explanation.** *Port operations within Northland's coastal marine area contribute significantly to the region's economy. For these to continue to operate, provision needs to be made for such things as occupation of space and dredging requirements and other port-related requirements. The Marine 5 Management Area in particular caters for the requirements of port operations.*

2. To promote the integrated management of ports and any associated land- and water-based facilities and operations.

**Explanation.** *Port operations frequently result in extensive modification of both the coastal marine area and the adjoining land. Integrated management of port areas as a whole is therefore required to effectively manage their environmental effects.*

3. To ensure that port expansions and new port facilities are located, designed, constructed, and managed in ways which as far as practicable avoid adverse effects on the coastal marine area and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

**Explanation.** *The possibility of new port development has been raised in a number of areas. Because of the relatively high natural character of much of Northland's coastal marine area and the extensive modification of the coastal marine area often associated with such development, consideration of the effects of new ports is necessary.*

4. To ensure, within the constraints of legislation relating to foreign-owned vessels, that port owners, port operators and, where relevant, ships' agents take all practicable steps to avoid:
  - (a) the creation of noise and dust nuisance during loading and unloading of ships;
  - (b) spillages and other loss of cargo during loading and unloading operations;
  - (c) discharges of contaminated stormwater from cargo handling areas;
  - (d) oil spills;

- (e) sewage discharges from ships at berth;
- (f) the introduction of exotic organisms via ballast water discharges.

**Explanation.** *Adverse effects of port operations can result from a range of sources. Each needs to be managed to ensure that the effects of the port operation as a whole are avoided as far as possible. Those who own or operate the port facilities are primarily responsible for avoiding the adverse effects of their operations.*

## 29.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan making the following permitted activities within Marine 5 Management Areas.
  - (a) the berthage of commercial vessels adjacent to port facilities;
  - (b) the occupation of space by existing authorised buildings, on wharves, necessary for port operations;
  - (c) the placement and maintenance of navigation aids;
  - (d) signage.

cross-references

31.7.9(a)	31.7.4(a)	31.7.4(c)
31.7.4(i)&(j)	31.7.4(r) – (t)	

2. Include rules within this Plan allowing the following to be controlled activities within Marine 5 Management Areas:
  - (a) existing authorised structures;
  - (b) the use of existing authorised buildings, on wharves, necessary for port operations;
  - (c) maintenance dredging.

cross-references

31.7.4(b)	31.7.8(a)	31.7.4(d)
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*(for Policy 2)*

3. Consult with the port operators/owners over environmental issues relating to port operations and promote industry initiatives to avoid, remedy or mitigate adverse effects, including the development of Port Area Management Plans.
4. Promote the use of joint hearings for applications for port development proposals which include associated facilities on adjacent coastal land.



**Co-ordination**

The use of joint hearings (**Method 4**) allows for the integrated management of the needs of port operations and associated adverse effects above and below the line of MHWS to be addressed together. **Method 5** is also required to help ensure a consistent approach to dealing with port operations.

**Other**

**Methods 3 and 7** provide for the industry to take responsibility for the environmental effects that port activity may create.

## 30. MARINE 6 (WHARVES) MANAGEMENT AREA

### 30.1 INTRODUCTION

While Northland has three significant commercial wharf areas as discussed in Section 23, there are additionally a number of wharf areas used for commercial operations. Some, such as those at Russell and Paihia, are important for passenger services. Others, notably those at Pukenui, Mangonui and Totara North, are important for commercial fishing operations. Opuha wharf services both commercial and recreational vessels.

These wharves provide an important means of physical access to the coastal marine area and some incorporate facilities, such as refuelling, which are important to all users of the coastal marine area.

The nature of operations at the wharves is not such that the public needs to be generally excluded from the facilities, although some minor exclusion may be required at times for safety reasons. Thus, these facilities do not need the restrictions on public access that the Plan provides in the Port Management Area.

The major known or potential adverse effects on the coastal environment associated with these wharves in Northland are:

- The effects of accidental oil spillages during refuelling.
- The effects of noise generated by activities in the zone.
- Any effects from maintenance dredging to maintain access and berthage.
- The effects of sewage waste/spillage/discharges entering the CMA.
- The effects of the scale of activity on the surrounding area and neighbourhood.
- The effects of demands on infrastructure.

These wharves are predominately commercial, and include mixed uses such as vessel loading/unloading, commercial passenger services, public access and buildings. These wharves require ongoing repair and maintenance and may be subject to development proposals and changes of use.

These wharves are located in areas that have character, heritage and amenity values that can be affected by wharves and their associated activities. Russell and Mangonui are particularly noted for their heritage values.

### 30.2 ISSUES

1. The importance of existing wharves to Northland's economy and the consequent need to provide for these within the Plan, including recognition of their operational requirements, their mixed use and providing for new wharves and other development.
2. The environment that wharves are located in has character, heritage and amenity values that can be affected and altered by commercial wharves and their associated activities.

### 30.3 OBJECTIVE

**Provision for wharves, which are predominately commercial, and include mixed uses, and their associated activities, while maintaining and enhancing the quality of the surrounding environment.**

### 30.4 POLICIES

1. To identify as Marine 6 Management Areas those wharves and adjacent coastal areas with mixed uses, including commercial and recreational uses. These may include some of the following characteristics:
  - a) loading and unloading of goods, produce and freight;
  - b) commercial passenger services;
  - c) commercial facilities;
  - d) public access generally available;
  - e) buildings.
2. To promote the integrated management of Marine 6 Management Areas through:
  - a) ensuring that the intensity, character and scale of development is appropriate in relation to the character, heritage and amenity values of adjoining land in the coastal environment above MHWS;
  - b) ensuring that actual and potential adverse effects of activities in Marine 6 Management Areas on the conservation and amenity values in the adjoining Coastal Marine Area are avoided, and if avoidance is not possible, remedied or mitigated;
  - c) to ensure that the infrastructure (including roading and parking) necessary for use, activities and development occurring within Marine 6 Management Areas exists or is provided, within the zone or within the adjoining district.
3. To provide for and control the presence of signs within Marine 6 Management Areas through:
  - a) recognising the need for regulatory, operational and safety signs;
  - b) providing controls for commercial signs.
4. To provide for the maintenance and enhancement of public access to and along the coastal marine area except where a restriction is necessary:
  - a) to protect public health or safety;

- b) to ensure a level of security and operation consistent with the purpose of a resource consent.
5. To recognise and provide for the operational requirements of wharves in Marine 6 Management Areas including:
- a) to facilitate repairs, alterations and minor extensions of existing structures provided they are not inconsistent with the nature of the environment;
  - b) to provide for the requirements of existing operations as permitted activities where appropriate.

### **30.5 METHODS OF IMPLEMENTATION**

*(for Policy 1)*

- 1. Promote the identification of those wharves within Northland's coastal marine area which fit the criteria for the Marine 6 Management Area and their inclusion within the Marine 6 Management Areas.

*(for Policy 2)*

- 2. Include rules within this Plan to ensure the intensity, character and scale of development is appropriate, and the infrastructural requirements of that development already exist or are provided for.
- 3. Consult widely about environmental issues relating to wharf operations and promote industry initiatives to avoid, remedy or mitigate adverse effects.
- 4. Promote, through appropriate submissions, the incorporation of policies and rules within District Plans, which are complementary to those within this section and related sections.

*(for Policy 3)*

- 5. Include rules within this Plan making the placement of regulatory, operational and safety signs within Marine 6 Management Areas a permitted activity.
- 6. Include rules within this Plan making the placement of commercial signs within Marine 6 Management Areas a permitted activity subject to controls, and otherwise as a restricted discretionary activity.

*(for Policy 4)*

- 7. Include appropriate rules in this Plan providing for public access to and within Marine 6 Management Areas except where a restriction is necessary for public health or safety, security and/or operations consistent with a resource consent.

*(for Policy 5)*

8. Include appropriate rules and assessment criteria within this Plan recognising and providing for the operational requirements of wharves.
9. Include appropriate rules and assessment criteria within this Plan to facilitate repairs, alterations and minor extensions of existing structures.



# **PART VI:**

# **RULES**

*This Part identifies those activities which will require a coastal permit and explains the permit application process. Relevant performance standards and assessment criteria are also specified.*



## 31. RULES

### 31.1 INTRODUCTION

This section sets out the rules which apply to Northland's coastal marine area. The rules are framed in terms of whether an activity will be treated as a permitted, controlled, restricted discretionary, discretionary, prohibited or non-complying activity (within specific Marine Management Areas).

A **Permitted Activity** is an activity which is allowed by this Plan without a coastal permit if it complies in all respects with any conditions (including any conditions in relation to any matter described in Section 108 or Section 220) specified in this plan.

A **Controlled Activity** is an activity which:

- (a) is provided for, as a controlled activity in this plan; and
- (b) complies with the standards and terms specified in this plan for controlled activities; and
- (c) is assessed according to the matters over which the Regional Council has reserved control in this plan; and
- (d) is allowed only if a coastal permit is obtained in respect of that activity.

An application for a coastal permit to carry out a controlled activity must be granted by the Regional Council. This application will be non-notified unless the Regional Council considers special circumstances exist to require notification.

A **Restricted Discretionary Activity** is an activity:

- (a) which is provided for, as a restricted discretionary activity, by a rule in this plan; and,
- (b) which may have standards and terms specified in this plan; and
- (c) Which is allowed only if a coastal permit is obtained in respect of that activity; and
- (d) is assessed according to the matters over which the Regional Council has reserved discretion in this plan.

Applications for coastal permits will be assessed in accordance with the criteria set out in Section 32. Applications in respect of these restricted discretionary activities will be notified unless the provisions of s94 of the RMA are complied with (see section 33.3).

A **Discretionary Activity** is an activity:

- (a) Which is provided for, as a discretionary activity, by a rule in this plan; and,

- (b) Which is allowed only if a coastal permit is obtained in respect of that activity; and
- (c) Which may have standards and terms specified in this plan; and
- (d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in this plan for that activity.

For the purposes of this plan, the Regional Council has not restricted its discretion in relation to any activity identified as a discretionary activity within this plan. Applications for coastal permits will be assessed in accordance with the criteria set out in Section 32. Applications in respect of these discretionary activities will be notified unless the provisions of s94 of the RMA are complied with (see section 33.3).

A **Prohibited Activity** is an activity which this Plan expressly prohibits, and describes an activity for which no coastal permit will be granted. However, it is possible for a prohibited activity to proceed if a person seeks and is successful in gaining a plan change altering the application of the rule prohibiting the activity.

A **Non-Complying Activity** is an activity (not being a prohibited activity) and is not otherwise specified as a permitted, controlled or discretionary activity and which is restricted by sections 12(1), 12(2), 14(1) or 15(1) of the RMA which:

- (a) is provided for, as a non-complying activity, by a rule in this Plan; or (minor amend. as a result of 1997 RMA Amendment Act)
- (b) contravenes a rule in this Plan; and

is allowed only if a coastal permit is obtained in respect of that activity.

In general, however, a consent authority cannot grant a coastal permit for a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor or granting the consent will not be contrary to the objectives and policies of this Plan.

All structures in the coastal marine area including moorings are also subject to Northland Regional Council bylaws and Maritime bylaws made pursuant to the Harbours Act 1950.

### **31.2. THIS SECTION WAS DELETED ON 08 DECEMBER 2010 DUE TO AN AMENDMENT MADE.**

### 31.3 MARINE 1 (PROTECTION) MANAGEMENT AREA

#### 31.3.1 MARINE MANAGEMENT AREA STATEMENT

Marine 1 Management Areas are those identified as being areas of important conservation value. The priority in these areas will be the protection of those important conservation values identified as occurring within each particular area.

#### 31.3.2 RECREATIONAL ACTIVITY

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	All <b>recreational activity on foreshore areas</b> , including the use of recreational vehicles and the launching and retrieval of boats and other craft that does not:  (i) endanger public safety; or (ii) require associated structures; or (iii) require exclusive occupation of space; or (iv) result in any discharge or deposition of contaminants on to the foreshore, seabed or into adjacent coastal waters.	On the condition that the activity does not:  (i) cause permanent physical damage to the foreshore; or (ii) result in the destruction of indigenous vegetation, including mangroves, eelgrass or saltmarsh, or beds of edible shellfish; or (iii) disturb the roosting, feeding or breeding of indigenous or migratory bird species.  <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	16.5.1
<b>b</b>	All <b>recreational activity on foreshore areas</b> , including the use of recreational vehicles and the launching and retrieval of boats and other craft other than at authorised boat ramps, which is not otherwise a permitted activity under Rule 31.3.2(a) by virtue of the fact that the activity:  (i) requires associated structures; or (ii) requires exclusive occupation of space; or (iii) is likely to result in a discharge or deposition of contaminants on to the foreshore, seabed or into adjacent coastal waters.	On the condition that the activity does not:  (i) cause permanent physical damage to the foreshore; or (ii) result in the destruction of indigenous vegetation, including mangroves, eelgrass or saltmarsh, or beds of edible shellfish; or (iii) disturb the roosting, feeding or breeding of indigenous or migratory bird species; or (iv) endanger public safety.		Discretionary	16.5.2
<b>c</b>	Any <b>recreational activity on foreshore areas</b> , including the use of recreational vehicles and the launching and retrieval of boats and other craft, which is not otherwise a permitted activity under Rule 31.3.2(a) nor otherwise a discretionary activity under Rule 31.3.2(b) by virtue of the fact that the activity:			Prohibited	16.5.2

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	(i) causes permanent physical damage to the foreshore or seabed; or (ii) results in the destruction of indigenous vegetation including mangroves, eelgrass or saltmarsh, or beds of edible shellfish; or (iii) disturbs the roosting, feeding or breeding of indigenous or migratory bird species; or (iv) endangers public safety.				

### 31.3.3 TEMPORARY MILITARY TRAINING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	All <b>temporary military training</b> activity provided that:	(i) The written consent of the parties responsible for the administration and control of the area within which the activity is to occur has been obtained; and (ii) No other person has exclusive rights to occupy the area, unless the written consent of that person has been obtained; and (iii) All provisions in relation to structures in the Plan are met; and (iv) The activity does not require earthworks or excavation (mechanical or permanent) unless provided for elsewhere in the Plan; and (v) Flying activity is in compliance with civil aviation regulations or in agreement with the local controlling authority; and (vi) The activity will occur for less than 31 days.  <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	10.5.10
<b>b</b>	The carrying out of any <b>temporary military training</b> activity which is not otherwise a permitted activity under Rule 31.3.3a.	The term of the coastal permit for temporary military training activities shall be no longer than is necessary to complete the operation.  <b>The activity shall comply with all relevant standards listed in section 31.3.13.</b>	- the duration of the permit - the coastal area covered by the permit - measures to control any associated environmental effects including mitigation measures - the method of restoration of foreshore or seabed where this is necessary - the Administrative Charges payable.	Controlled	10.5.10

### 31.3.4 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>occupation of space for, and use of, existing structures</b> which are listed in Schedule 1 and navigation aids, stormwater outlet pipes, road and railway culverts and bridges, aerial and submarine telephone or power cables, suspended and submarine water pipelines that were fully completed at the time of the 92/93 coastal survey and in good order and repair which occur within Marine 1 Management Areas on the condition that:	<ul style="list-style-type: none"> <li>(i) the public are permitted to have access to and use of the structure at all times other than where, for reasons of safety and security, the public should be excluded from such access and use;</li> <li>(ii) the owner of the structure or facility ensures that the foreshore and seabed under, adjoining or adjacent to the structure is kept free from debris resulting from the use of the structure;</li> <li>(iii) The structure not being altered or added to without the prior consent of the Council;</li> <li>(iv) The owner of the structure notifying the Council of any change of ownership of the structure, including notification of the name and postal address of the new owner;</li> <li>(v) The structure only being used for the purpose for which it was originally designed;</li> <li>(vi) The structure not being used for the purpose of removal and/or application of antifouling paint or any other boat maintenance activity which introduces, or is likely to introduce, toxic contaminants into the coastal marine area.</li> <li>(vii) The structure is not being used for mooring purposes.</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.3.13</b></p>		Permitted	17.5.2
<b>b</b>	The <b>occupation of space for and use of, existing authorised structures</b> listed in Schedule 2 and which occur within Marine 1 Management Areas.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the type of use of the structure</li> <li>- measures to control, any associated environmental effects including mitigation measures</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	17.5.3
<b>c</b>	The <b>occupation of space for, and use of,</b>			Discretionary	17.5.3,

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<b>existing structures</b> listed in Schedule 3 or otherwise authorised by resource consent and suspended and submarine pipelines carrying liquid or gas other than water that were fully completed at the time of the 92/93 coastal survey and in good order and repair and which occur within Marine 1 Management Areas.				17.5.5
<b>d</b>	The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b> , including permanent swing moorings and structures associated with shoreline protection, on the condition that the activity is carried out in a manner which avoids or mitigates risks to public health and safety and does not: <ul style="list-style-type: none"> <li>(i) require the use of explosives or heavy machinery, compressors, pneumatic drills, or other similar equipment; or</li> <li>(ii) prevent, or unduly interfere with, other lawful activities in the coastal marine area; or</li> <li>(iii) result in any discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.</li> </ul>	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	17.4.2, 17.5.7
<b>e</b>	The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b> which is not otherwise a permitted activity under Rule 31.3.4(d)	The term of the coastal permit for the demolition and removal of structures shall be no longer than is necessary to complete the operation.  <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, seasons, or other activities</li> <li>- the method of restoration of foreshore or seabed where this is necessary</li> <li>- the information and monitoring requirements</li> <li>- the Administrative charges payable</li> </ul>	Controlled	17.5.7
<b>f</b>	The <b>maintenance and repair of authorised structures</b> (other than permanent swing moorings, navigation aids and ski access lanes) on the condition that: <ul style="list-style-type: none"> <li>(i) the height and plan dimensions of the structure are not altered; and</li> </ul>	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	17.5.1



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p>(ii) the activity does not result in a weakening of the structural integrity or strength of the structure; and</p> <p>(iii) the activity is carried out in a manner which avoids or mitigates risks to public health and safety; and,</p> <p>(iv) the activity does not require the use of heavy machinery, compressors, or other similar equipment on the foreshore or seabed<sup>11</sup>; and</p> <p>(v) the activity does not require the placement or storage of building materials on the foreshore or seabed; and</p> <p>(vi) the activity does not result in any discharge or deposition of contaminants on to the foreshore or into adjacent coastal waters; and</p> <p>(vii) the effects will be the same character, intensity and scale as the activity which was lawfully established and conducted before any authorised maintenance and repair<sup>12</sup>; and</p> <p>(viii) the activity does not have more than minor adverse effects on the environment.</p>				
<b>g</b>	The <b>maintenance and repair of authorised structures</b> which is not otherwise a permitted activity under Rule 31.3.4f			Discretionary	17.5.1
<b>h</b>	<p>The <b>replacement of existing, authorised cables and pipelines</b> associated with network utilities where:</p> <p>(i) there is no change in the route or position of the cable or pipeline in, on, or over the foreshore or seabed; and,</p> <p>(ii) the dimensions of any replacement pipeline are not substantially larger than those of the pipeline being replaced.</p>	<p>The term of the coastal permit for the replacement activity shall be no longer than is necessary to complete the replacement, including any restoration work necessary.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.3.13</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the method of replacement</li> <li>- the timing of the activity in relation to tides, season or other activities</li> <li>- the method of restoration of foreshore or seabed where this is necessary</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	24.5.2, 24.5.6
<b>i</b>	The <b>replacement of existing, authorised cables and pipelines</b> associated with network			Discretionary	24.5.6, 24.5.7

<sup>11</sup> Explanatory Note: For the purposes of this rule, the phrase “heavy machinery” includes but is not limited to plant or equipment used for construction or earthmoving purposes (eg: hydraulic excavators, cranes) and heavy vehicles within the meaning of the Land Transport Act 1998.

<sup>12</sup> Explanatory Note: The phrase “...the same character, intensity and scale...” includes the use of the same or similar materials used in the construction of the structure being maintained or repaired.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	utilities which is not otherwise a controlled activity under Rule 31.3.4(h)				
<b>j</b>	<p>The <b>maintenance, repair and minor upgrading</b> of authorised network utilities on the condition that:</p> <ul style="list-style-type: none"> <li>(i) the height and plan dimensions of the structure are not altered; and</li> <li>(ii) the activity does not result in a weakening of the structural integrity or strength of the structure; and</li> <li>(iii) the activity is carried out in a manner which avoids or mitigates risks to public health and safety; and,</li> <li>(iv) the activity does not require the use of heavy machinery, compressors, or other similar equipment on the foreshore or seabed; and</li> <li>(v) the activity does not require the placement or storage of building materials on the foreshore or seabed; and</li> <li>(vi) the activity does not result in any discharge or deposition of contaminants on to the foreshore or into adjacent coastal waters; and</li> <li>(vii) the effects will be the same character, intensity and scale as the activity which was lawfully established and conducted before any authorised maintenance, repair or minor upgrading.</li> </ul>	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	24.5.2
<b>k</b>	The <b>maintenance, repair and minor upgrading of authorised network utilities</b> which is not otherwise a permitted activity under Rule 31.3.4(j)			Discretionary	24.5.2
<b>l</b>	The <b>alteration or extension of authorised structures</b>			Discretionary	17.5.5
<b>m</b>	The <b>erection of any new structure</b> and the occupation of space for and use of any new structure (other than those structures provided for as permitted, controlled, discretionary or prohibited activities).			Non-complying	17.5.9
<b>n</b>	The <b>maintenance and repair of navigation aids</b> which have the approval of the Maritime Safety Authority or the Harbourmaster and	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	17.4.1, 17.5.1

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	which does not result in any discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.				
<b>o</b>	The <b>erection, placement and occupation of space for and alteration, or maintenance and repair of navigation aids</b> which have the approval of the Maritime Safety Authority or the Harbourmaster and is not otherwise a permitted activity under Rule 31.3.4(l).	The term of the coastal permit shall be up to 25 years.  <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	17.4.1, 17.5.1, 17.4.5
<b>p</b>	The <b>maintenance and repair of ski access lane markers</b> which have the approval of the Harbourmaster.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	17.5.1,
<b>q</b>	<b>The erection, placement, and alteration</b> of ski access lane markers which have the approval of the Harbourmaster.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	17.5.1
<b>r</b>	The <b>placement, operation, and maintenance of equipment</b> for environmental monitoring or data gathering purposes, provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	(i) The Northland Regional Council is notified of the activity prior to the placement; and (ii) The term of placement shall be no longer than one calendar year from the date of placement.  The activity shall comply with all relevant standards listed in section 31.3.13		Permitted	17.5.1
<b>s</b>	The <b>placement of signs</b> by any statutory authority directly relating to information and safety matters concerning the coastal marine area; or as required by or in terms of any coastal permit, or the Building Act 1991.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	17.5.18
<b>t</b>	<b>The erection or placement of a new building or houseboat</b>			Non-complying	17.5.17

### 31.3.5 RECLAMATION AND IMPOUNDMENT

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<b>Existing unauthorised reclamations</b>			Discretionary	18.5.8
<b>b</b>	Any <b>new reclamation</b> , which is specifically for the purpose of road realignment provided: (i) it is less than 1 hectare; or (ii) it extends less than 100 metres in any direction; or (iii) it is not an incremental reclamation connected to, or part of, another reclamation which: <ul style="list-style-type: none"> <li>• commenced or received resource consent after 5 May 1994, and</li> <li>• the sum of the existing and proposed reclamations are equal to or exceed the dimensions in (i) or (ii) above.</li> </ul>			Discretionary	18.5.1
<b>c</b>	Any <b>new reclamation</b> , which is specifically for the purpose of road realignment and is not otherwise a discretionary activity under Rule 31.3.5(b).			Non-complying	18.5.1
<b>d</b>	Any <b>new reclamation</b> other than that which is associated with port development (which is a non-complying activity) or public road realignment.			Prohibited	18.5.1
<b>e</b>	Any <b>new impoundment</b> other than that which is associated with port development (which is non-complying activity).			Prohibited	18.5.1 21.5.3
<b>f</b>	<b>Existing unauthorised impoundments</b>			Non-complying	18.5(12)

### 31.3.6 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>discharge of sea water for firefighting purposes</b> or from the propulsion units of boats and other vessels.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	19.5.31
<b>b</b>	The <b>discharge of water on to the foreshore, seabed or into the waters of the coastal marine area</b> on the condition that	(i) the discharge is free from any contaminant, exotic organisms; and (ii) does not result in permanent physical damage to the foreshore or seabed.  <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	19.5.31
<b>c</b>	Any <b>stormwater discharge</b> other than from a boat maintenance facility or a new subdivision.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>	- the duration of the permit - the methods used to control scour of the foreshore or seabed - the methods used to control quality of the discharge - location of outfall - the information and monitoring requirements - the Administrative Charges payable	Controlled	19.5.3,
<b>d</b>	The <b>discharge of stormwater from any new subdivision</b> on to the foreshore or into coastal water.			Discretionary	19.5.5
<b>e</b>	The <b>discharge of treated effluent</b> to coastal water from land-based wastewater treatment plants.			Discretionary	19.5.1
<b>f</b>	<b>Boat maintenance activity</b> , other than at authorised boat maintenance facilities, which does not:  (i) cause contaminants to be discharged into coastal waters or deposited on the foreshore or seabed; or (ii) require, or result in, the boat occupying space in a foreshore area for longer than the period of one tidal cycle; or (iii) impede public access to or along the coastal marine area.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	19.5.15
<b>g</b>	<b>Boat maintenance activity</b> which is not otherwise a permitted activity under Rule 31.3.6(f).			Non-complying	19.5.15

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>h</b>	The <b>spraying of herbicide to eradicate <i>Spartina</i></b> growing in intertidal areas			Discretionary	9.1.5(11) 9.2.5(8)
<b>i</b>	The <b>deposition of litter and other solid domestic or industrial waste material</b> on to the foreshore or seabed or into coastal waters.			Prohibited	
<b>j</b>	The <b>discharge of untreated sewage from a ship or off-shore installation</b> that is less than 4500 metres seaward of MHWS (for the area described in Appendix 7 of the Regional Coastal Plan), into the CMA of the <b>Rangaunu Harbour</b> .			Prohibited	19.5.12
<b>k</b>	The <b>discharge of untreated sewage from a ship or off-shore installation</b> that is less than 1200 metres seaward of MHWS (for the area described in Appendix 7 of the Regional Coastal Plan), into the CMA of the <b>Kaipara Harbour</b> .			Prohibited	19.5.12
<b>l</b>	The <b>discharge of untreated sewage from a ship or offshore installation</b> that is less than 1300 metres seaward of MHWS (for the area described in Appendix 7 of the Regional Coastal Plan) into the CMA of the <b>Parengarenga Harbour</b>			Prohibited	19.5.12
<b>m</b>	The discharge of contaminants <b>into air from the open burning of untreated wood and organic matter</b>	i) No plastics or inorganic materials are burnt  <b>The activity shall comply with all relevant standards listed in section 31.3.13.</b>		Permitted	20.5.10
<b>n</b>	The <b>discharge of contaminants</b> into air from the <b>open burning</b> (or natural decomposition, if appropriate) of the remains of <b>dead marine mammals</b>	i) The activity shall only be undertaken by an Officer warranted under the Marine Mammals Protection Act 1978. ii) The Northland Regional Council shall be notified as soon as practicable. iii) No other option exists for the safe disposal of the carcass.		Permitted	20.5.9
<b>o</b>	The <b>discharge of contaminants</b> into air from the <b>operation of fuel burning equipment for cooking purposes</b> using charcoal or LPG, with a capacity less than 40kW	<b>The activity shall comply with all relevant standards listed in section 31.3.13.</b>		Permitted	20.5.10
<b>p</b>	The <b>discharge of contaminants</b> into air from the <b>operation of fuel burning equipment with a capacity less than 40 kW</b> using diesel oil,	<b>The activity shall comply with all relevant standards listed in section 31.3.13.</b>		Permitted	20.5.10

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	petrol or LPG for the purposes of generating electricity				
<b>q</b>	The <b>discharge of contaminants</b> associated with <b>moving or stationary engine exhaust systems</b> . This excludes discharges associated with the normal operations of a ship or offshore installation, which are permitted under the Resource Management (Marine Pollution) Regulations 1998.	<b>The activity shall comply with all relevant standards listed in section 31.3.13.</b>		Permitted	20.5.10
<b>r</b>	This <b>discharge of any contaminants</b> into air that are not associated with Rules m to q and Rules s and t.			Discretionary	14.5(1), (2), (3), (4) 20.5 (1), (2), (3), (4)
<b>s</b>	The <b>discharge of contaminants</b> into air from the <b>open burning</b> of the following waste materials:	<ul style="list-style-type: none"> <li>i) Rubber, including tyres</li> <li>ii) Plastics</li> <li>iii) Plastic agrichemical containers</li> <li>iv) Hazardous substances or containers of hazardous substances</li> <li>v) Coated metal cables</li> <li>vi) Motor vehicles or marine vessels (except in emergency situations)</li> <li>vii) Timber treated with CCA or organic substances</li> </ul>		Prohibited	20.5(7)
<b>t</b>	The <b>discharge of contaminants</b> into air resulting from <b>the application of any agrichemical</b> for the control and eradication of pests.	<ul style="list-style-type: none"> <li>i) The application is undertaken in accordance with all mandatory requirements set out in Part 5 and Appendices Z, AA, and DD of the New Zealand Standard 8409:1995, Agrichemical User's Code of Practice</li> <li>ii) The application is undertaken in a manner that does not exceed any rate, or contravene any other requirement, specified in the label instructions and published application recommendations.</li> <li>iii) The usage is consistent with the Regional Pest Management Strategy.</li> <li>iv) The application is undertaken by a person who has the appropriate GROWSAFE™ qualification</li> <li>v) Adequate public notification has been carried out, including signage and individual notification to residences within 30 m of the area to be sprayed</li> </ul>		Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		for ground based applications or within 300 m of the area to be sprayed for aerial applications.			

### 31.3.7 TAKING AND USE OF WATER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>taking and use of sea water</b> for firefighting purposes and for the normal operational needs of vessels.	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	21.5.1
<b>b</b>	The <b>taking and use of sea water</b> for other than firefighting purposes or for the normal operational needs of vessels, on the condition that the activity does not:	(i) change natural water and sediment movement patterns; or (ii) change natural water quality; or (iii) damage or destroy flora or fauna  <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	21.5.1
<b>c</b>	The <b>taking, use, or diversion of coastal water</b> (other than open coastal water) if the water, heat, or energy is required for an individual's reasonable domestic or recreational needs provided the taking, use, or diversion does not, or is not likely to:	Have an adverse effect on the environment.		Permitted	21.5.1
<b>d</b>	The <b>taking and use of sea water</b> which is not otherwise a permitted activity under Rule 31.3.7(a),(b) or (c)			Discretionary	21.5.1
<b>e</b>	The <b>diversion of sea water at river mouths</b> for the purpose of flood.			Discretionary	21.5.4

### 31.3.8 DREDGING AND DREDGING SPOIL DISPOSAL

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>removal of obstructions</b> from artificial land drainage channels draining land other than unauthorised reclamations, provided that the works are for the sole purpose of avoiding flooding of adjacent land on the condition that the activity:	<b>The activity shall comply with all relevant standards listed in section 31.3.13</b>	- the duration of the permit - the coastal area covered by the permit - the methods used to carry out the activity - the methods of disposal of the removed material - the timing of the activity in relation to	Controlled	22.5.6



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p>(i) Does not require the removal of mangroves at a distance greater than 12 metres on one side, or 20 metres cumulatively from either side of the centre of the artificial land drainage channel; and</p> <p>(ii) Does not alter the previous channel profile; and</p> <p>(iii) No discharge of contaminants into the coastal marine area occurs as a result of the activity; and</p> <p>(iv) The Northland Regional Council is notified of the activity at least three working days prior to the work being undertaken. Notice is to be given by phoning the Northland Regional Council's Environmental Hotline: 0800 504 639.</p>		<p>tides, season, or other activities</p> <ul style="list-style-type: none"> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>		
<b>b</b>	<b>The removal of obstructions from tidal stream mouths by the relevant district council</b> provided that the works are for the purpose of avoiding flooding of adjacent land or releasing naturally impounded waters which present a health risk and such works.	<p>The term of the coastal permit for maintenance activities shall be no longer than is necessary to complete the maintenance.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.3.13.</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements.</li> </ul>	Controlled	
<b>c</b>	The <b>deposition of marine sediment</b> on the foreshore for the purposes of beach replenishment.			Discretionary	22.5.7
<b>d</b>	Any <b>dredging spoil disposal</b>			Discretionary	22.5.7
<b>e</b>	Any <b>capital dredging</b> .			Non-complying	22.5.1

### 31.3.9 MOORINGS INCLUDING MARINAS

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>anchorage of recreational or commercial vessels</b> to the seabed provided the following standards and terms are met:	<p>(i) The anchored craft is in a position which does not interfere with the safe navigation of other vessels or other authorised uses of the coastal marine area; and</p>		Permitted	28.4.18

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		(ii) The craft does not remain at anchor for a period of more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident, or emergency. <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>			
<b>b</b>	The <b>anchorage</b> of recreational or commercial vessels, to the foreshore or seabed for more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident, or emergency.			Prohibited for which no coastal permit will be granted	28.4.20
<b>c</b>	The placement of moorings, provided the following standards and terms are met:	(i) Associated with a property which is only legally accessible by water; or (ii) Associated with a maritime related commercial enterprise that could not otherwise be located within a Marine 4 Management Area; or (iii) For public benefit, to enhance public access and minimise environmental effects of repetitive anchorage. (iv) The location, type and size of the mooring will have no more than minor effects on the visual amenity (v) The Regional Harbourmaster has been consulted. <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Non-complying	28.4.4
<b>d</b>	The occupation of space for moorings (and vessel), provided the following standards and terms are met:	(i) Associated with a property which is only legally accessible by water; or (ii) Associated with a maritime related commercial enterprise that could not otherwise be located within a Marine 4 Management Area; or For public benefit to enhance public access and minimise environmental effects of repetitive anchorage.		Non-complying	28.4.4
<b>e</b>	The placement and occupation of space for moorings, which is not otherwise a non-complying activity under Rules 31.3.9(c) and			Prohibited for which no coastal permit	28.4.4

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	31.3.9(d).			will be granted	
<b>f</b>	The <b>maintenance and repair of moorings</b> provided the following standards and terms are met:	(i) Does not result in the deposition of contaminants onto the foreshore or seabed; or (ii) Does not alter the position of the mooring. <b>The activity shall comply with all relevant standards listed in section 31.3.13</b>		Permitted	17.5.1
<b>g</b>	Any <b>marina development</b> .			Prohibited for which no coastal permit will be granted	28.4.7

### 31.3.10 MARINE FARMING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>establishment of any new marine farm. Aquaculture activities</b> in the <b>Outer Kaipara Harbour Marine 1 (Protection) Management Area</b> . These activities include:  (i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;  (ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.	(a) The seabed within the entire footprint of the aquaculture activity is greater than 0.5m below Chart Datum <sup>13</sup>  (b) The proposed area of occupation is north of a line from 1795913mE 5975589mN to 1707171mE 5976685mN to 1708783mE 5976638mN). (All coordinates in NZTM2000).		Non-complying	27.4.6
<b>b</b>	An application for a new coastal permit to continue the <b>same aquaculture</b>	(a) The application is made within 1 year of the coastal permit for the aquaculture activity expiring or		Discretionary	27.4.1

<sup>13</sup> Chart datum is used for navigation and for hydrographic charts. It typically refers to a level below which tides do not fall (often defined by the lowest astronomical tide). Standard port tide gauges are usually set to read zero at chart datum.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p><b>activities.</b> These activities include:</p> <p>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</p> <p>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</p>	<p>lapsing.</p> <p>(b) The area of occupation is within the area authorised by the coastal permit</p>			
c	<p><b>Marae based aquaculture activities.</b> These activities include:</p> <p>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</p> <p>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</p>	It is in accordance with the definition of "Marae based aquaculture" in the Definitions section of this plan.		Non-complying	27.4.2 27.4.6
d	<b>The relocation of authorised aquaculture activities</b> in Parengarenga Harbour.	<p>(a) The proposed space occupied by the aquaculture activity is no greater than the current space occupied by the aquaculture activity.</p> <p>(b) The proposed area of occupation is north of a line from Ngatehe Point (1596766mE 6180206mN) to Paratoetoe Point (1594178mE 6181677mN) to Te Hapua (1592993mE 6181055mN). (All coordinates in NZTM2000).</p>		Non-complying	27.4.6

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
e	<p><b>Aquaculture activities in Maori oyster reserves<sup>14</sup></b> in the Outer Kaipara Harbour Marine 1 (Protection) Management Area. These activities include:</p> <p>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</p> <p>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area</p>	The aquaculture activity is consistent with Section 5.10 of the Deed of Settlement to Settle Te Uri o Hau Historical Claims, December 2000		Discretionary	27.4.6
f	<b>Aquaculture activities</b> not provided by rules 31.3.10(a), 31.3.10(b), 31.3.10(c), 31.3.10(d), and 31.3.10(e).			Prohibited	27.4.6

### 31.3.11 SAND EXTRACTION

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	<p><b>The removal of sand and shingle for investigative sampling purposes</b>, on the condition that:</p> <p>(i) no more than 1 cubic metre per day shall be removed; and</p> <p>(ii) any drilling operation shall use equipment to penetrate the seabed with a diameter of not more than 250 millimetres; and</p> <p>(iii) the disturbance shall be able to be rectified by natural processes within 7 days; and</p> <p>(iv) no contaminants shall be discharged into coastal waters or deposited on the</p>	<p>The term of the coastal permit for the activity shall be no longer than is necessary to complete the operation.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.3.13</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	23.5.10

<sup>14</sup> Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9.  
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	foreshore or seabed				
<b>b</b>	<b>Sand extraction</b> within areas of existing authorised extraction (and such extensions of those areas as may be authorised by change to, or variation of, conditions of an existing consent) around the entrances of the Mangawhai, Parengarenga, and Kaipara harbours and along the Mangawhai-Pakiri coastline. <sup>15</sup>			Discretionary	23.5.1

### 31.3.12 OTHER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control, or to which it will restrict its discretion (as the case requires) are:	Classification	References
<b>a</b>	The <b>burial of dead marine mammals</b> in foreshore areas by the Department of Conservation or otherwise authorised by the Department.			Permitted	
<b>aa</b>	The <b>removal or pruning of mangrove trees</b> in a road reserve or adjacent to an existing road or state highway that forms part of a public road network.	The activity shall comply with all relevant standards listed in section 31.3.13; and The removal or pruning is undertaken by, or on behalf of a relevant roading authority; and The progressive growth or proliferation of the mangroves has or is reasonably expected to interfere with the safe and efficient use or operation of the road network; and The extent of the works is no greater than necessary as prescribed by the relevant part of the following engineering standards: (a) Austroads Guide to Traffic Engineering Series; or (b) Figures 11.1 or 11.2 as contained in Appendix 11 of the Regional Coastal Plan for Northland.	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	9.1.5(1)
<b>b</b>	Except as provided for in Rule 31.3.8a and 31.3.12aa, the <b>removal or pruning of mangroves</b> where the progressive growth or	The activity shall comply with all relevant standards listed in section 31.3.13	<ul style="list-style-type: none"> <li>the duration of the permit</li> <li>- the extent of the coastal marine area covered by the permit</li> </ul>	Restricted Discretionary	9.1.5(1)

<sup>15</sup> Coastal Permits issued under this rule, particularly those that fall under the RCA criteria, will be subject to strict monitoring regimes. This reflects the fact that these areas, which have been traditionally used for sand extraction, are located in areas that are considered to have important conservation values, and therefore the management regime for the wider area must reflect this. The results obtained from monitoring will be considered when existing consents are renewed or varied.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control, or to which it will restrict its discretion (as the case requires) are:	Classification	References
	<p>proliferation of these has led to:</p> <p>(i) the obstruction of existing lawful public access to and along the coastal marine area; or</p> <p>(ii) interference with the reasonable or safe use or operation of; authorised structures or facilities; or existing roads or state highways that form part of a public road network; on adjoining land or in the coastal marine area; or</p> <p>(iii) the blockage of channels where adjacent land is likely to become flooded.</p>		<ul style="list-style-type: none"> <li>- the ecological sensitivity of the area affected and of the surrounding environment</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- consideration of practical alternatives to mangrove clearance</li> <li>- the Administrative Charges payable</li> </ul>		
<b>c</b>	The <b>removal or pruning of mangroves</b> which is not otherwise a controlled activity under 31.3.12aa or a restricted discretionary activity under Rule 31.3.12(b).			Non - Complying	9.1.5(1)
<b>d</b>	The <b>deliberate introduction of exotic</b> organisms into the coastal marine area, including the transference of established exotic organisms into new areas.			Prohibited	9.1.5(11) 9.2.5(8)
<b>e</b>	Any <b>port development</b>			Non-complying	29.5(6)
<b>f</b>	The <b>droving of stock</b> in the coastal marine area	<p>On the condition that:</p> <p>(i) the droving shall not occur in estuarine areas or areas of saltmarsh or mangroves and no grazing of intertidal vegetation shall be allowed to occur; and</p> <p>(ii) the stock shall be moved along at all times and shall not be left unattended.</p>		Permitted	9.1.5(17)
<b>g</b>	The <b>riding of horses</b> in the coastal marine area	<p>On the condition that:</p> <p>(i) horse riding is not precluded by any bylaw for the time-being in force; and</p> <p>(ii) horses must be kept under control at all times; and</p> <p>(iii) no grazing of intertidal vegetation shall be allowed to occur; and</p> <p>(iv) horses shall not be ridden or taken into marine protected areas or bird</p>		Permitted	9.1.5(17)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control, or to which it will restrict its discretion (as the case requires) are:	Classification	References
		breeding areas.			
<b>h</b>	<b>Access to and use of the coastal marine area by stock</b> which is not otherwise a permitted activity under rules 31.3.12 (f) and 31.3.12 (g)	From the date 5 years after this plan becomes operative.		Prohibited	9.1.5(17)



### 31.3.13 GENERAL PERFORMANCE STANDARDS

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 1 (Protection) Management Area:

- (a) Noise generated as a result of activity within the coastal marine area shall comply with the following standards:
  - (i) the activity shall not cause excessive noise as defined in section 326 of the Resource Management Act; and
  - (ii) any construction or maintenance activity near coastal subdivisions or other urban areas shall comply with the noise standards of the district council which is responsible for the use of the adjoining land.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
  - (i) a hazard to navigation and safety; or
  - (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or
  - (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land.
- (c) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
  - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
  - (ii) any conspicuous change in the colour or visual clarity of the receiving waters.
  - (iii) any emission of objectionable odour.
  - (iv) accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point.
  - (v) any significant adverse effects on aquatic life or public health.
- (d) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity other than dredging shall be restored as soon as practicable after the completion of the construction or maintenance activity.
- (e) Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.
- (f) Discharges of contaminants into air shall not:
  - (i) Result in the discharge of black smoke apart from coal, oil or diesel burning equipment for a period of up to 15 minutes from startup from cold, or for soot blowing.
  - (ii) Result in any offensive or objectionable odour, or any noxious or dangerous level of gases.
  - (iii) Result in a discharge to air of offensive or objectionable dust.
  - (iv) Result in concentrations of air pollutants that exceed as a minimum the National Ambient quality guidelines, May 2002.

**31.4 MARINE 2 (CONSERVATION) MANAGEMENT AREA**

**31.4.1 MARINE MANAGEMENT AREA STATEMENT**

The Marine 2 (Conservation) Management Area is applied to areas to be managed to conserve ecological, cultural, and amenity values while still providing for appropriate use and development. This category is applied to all those parts of the coastal marine area which are not otherwise covered by any of the other five classes of management area.

The creation of this management area recognises:

- (a) the high existing natural character and amenity value of most of the coastal marine area and the significant contribution that this makes to the social, economic, and cultural well-being of Northland, its people, and communities; and,
- (b) our current lack of knowledge of Northland's coastal marine area and the precautionary approach which is therefore necessary to ensure that it is sustainably managed.

**31.4.2 RECREATIONAL ACTIVITY**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<p>All <b>recreational activity on foreshore areas</b>, including the use of recreational vehicles and the launching and retrieval of boats and other craft, that does not</p> <ul style="list-style-type: none"> <li>(i) endanger public safety; or</li> <li>(ii) require associated structures; or</li> <li>(iii) require exclusive occupation of space; or</li> <li>(iv) result in any discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.</li> </ul> <p>on the condition that the activity does not:</p>	<ul style="list-style-type: none"> <li>(i) cause permanent physical damage to the foreshore or seabed; or</li> <li>(ii) result in the destruction of indigenous vegetation, including mangroves, eelgrass or saltmarsh, or beds of edible shellfish; or</li> <li>(iii) disturb the roosting, feeding, or breeding of indigenous or migratory bird species;</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>		Permitted	16.5.1
<b>b</b>	<p>All <b>recreational activity on foreshore areas</b>, including the use of recreational vehicles and the launching and retrieval of boats and other craft other than at authorised boat ramps, which is not otherwise a permitted activity under Rule 31.4.2(a) by virtue of the fact that the activity:</p> <ul style="list-style-type: none"> <li>(i) requires associated structures; or</li> </ul>	<p>The activity does not:</p> <ul style="list-style-type: none"> <li>(i) cause permanent physical damage to the foreshore; or</li> <li>(ii) result in the destruction of indigenous vegetation, including mangroves, eelgrass or saltmarsh, or beds of edible shellfish; or</li> </ul>		Discretionary	16.5.2

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	(ii) requires exclusive occupation of space; or  (iii) is likely to result in a discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.	(iii) disturb the roosting, feeding, or breeding of indigenous or migratory bird species; or  (iv) endanger public safety			
<b>c</b>	Any <b>recreational activity on foreshore areas</b> , including the use of recreational vehicles and the launching and retrieval of boats and other craft, which is not otherwise a permitted activity under Rule 31.4.2(a) nor a discretionary activity under Rule 31.4.2(b) by virtue of the fact that the activity:  (i) causes permanent physical damage to the foreshore or seabed; or (ii) results in the destruction of indigenous vegetation including mangroves, eelgrass or saltmarsh, or beds of edible shellfish; or (iii) disturbs the roosting, feeding, or breeding of indigenous or migratory bird species where such disturbance can be avoided; or (iv) endangers public safety.			Prohibited	16.5.2

**31.4.3 TEMPORARY MILITARY TRAINING**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	All <b>temporary military training activity</b> provided that:	(i) The written consent of the parties responsible for the administration and control of the area within which the activity is to occur has been obtained and;  (ii) No other person has exclusive rights to occupy the area unless the written consent of that person has been obtained and;  (iii) All provisions in relation to structures in the Plan are met and;  (iv) The activity does not require earthworks or excavation (mechanical or		Permitted	10.5.12

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		permanent) unless provided for elsewhere in this Plan and; (v) Flying activity is in compliance with civil aviation regulations or in agreement with the local controlling authority and; (vi) The activity will occur for less than 31 days.  <b>The activity shall comply with all relevant standards listed in section 31.4.13</b>			
<b>b</b>	The carrying out of any <b>temporary military training activity</b> which is not otherwise a permitted activity under Rule 31.4.3a.	The term of the coastal permit for temporary military training activities shall be no longer than is necessary to complete the operation.  <b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	- the duration of the permit - the coastal area covered by the permit - measures to control any associated environmental effects including mitigation measures - the method of restoration of foreshore or seabed where this is necessary - the Administrative Charges payable.	Controlled	10.5.12

**31.4.4 STRUCTURES**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>occupation of space for and use of existing structures</b> which are listed in Schedule 1 and navigation aids, stormwater outlet pipes, road and railway culverts and bridges, aerial and submarine telephone or power cables, suspended and submarine water pipelines that were fully completed at the time of the 1992/1993 coastal survey and in good order and repair which occur within Marine 2 Management Areas on the condition that:	(i) the public are permitted to have access to and use of the structure at all times other than where, for reasons of safety and security, the public should be excluded from such access and use. (ii) the owner of the structure or facility ensures that the foreshore and seabed under, adjoining or adjacent to the structure is kept free from debris resulting from the use of the structure. (iii) The structure not being altered or added to without the prior consent of the Council. (iv) The owner of the structure notifying the Council of any change of ownership of the structure, including notification of the name and postal address of the new owner. (v) The structure only being used for the		Permitted	17.5.2

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>purpose for which it was originally designed.</p> <p>(vi) The structure not being used for the purpose of removal and/or application of antifouling paint or any other boat maintenance activity which introduces, or is likely to introduce, toxic contaminants into the coastal marine area.</p> <p>(vii) The structure is not being used for mooring purposes</p> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>			
<b>b</b>	The <b>occupation of space for and use of all existing authorised structures</b> listed in Schedule 2 and which occur within the Marine 2 Management Area. <sup>16</sup>	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the type of use of the structure</li> <li>- measures to control any associated environmental effects including mitigation measures</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	17.5.3
<b>c</b>	The <b>occupation of space for and use of existing structures</b> listed in Schedule 3 or otherwise authorised by resource consent (excluding those structures listed in Schedule 2) and suspended and submarine pipelines carrying liquid or gas other than water that were fully completed at the time of the 92/93 coastal survey and in good order and repair and which occur within Marine 2 Management Areas. <sup>17</sup>			Discretionary	17.5.3, 17.5.5
<b>d</b>	The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b> , including permanent swing moorings and structures associated with shoreline protection, on the condition that the activity is carried out in a manner which avoids or mitigates risks to	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	17.5.7

<sup>16</sup> For the avoidance of doubt, this rule does not apply to an existing authorised structure listed in Schedule 2 which already has authorisations for ‘the occupation of space for’ and ‘the use’ of that structure, unless or until the authorisations expire.

<sup>17</sup> For the avoidance of doubt, this rule does not apply to an existing authorised structure listed in Schedule 3 or which by means of a resource consent already has authorisation for ‘the occupation of space for’ and ‘the use’ of that structure, unless or until the authorisations expire.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p>public health and safety and does not:</p> <ul style="list-style-type: none"> <li>(i) require the use of explosives or heavy machinery, compressors, pneumatic drills, or other similar equipment; or</li> <li>(ii) prevent, or unduly interfere with, other lawful activities in the coastal marine area; or</li> <li>(iii) result in any discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.</li> </ul>				
<b>e</b>	<p>The <b>demolition and removal</b> of unsafe, unauthorised, or unwanted structures which is not otherwise a permitted activity under Rule 31.4.4(d).</p>	<p>The term of the coastal permit for the demolition and removal of structures shall be no longer than is necessary to complete the operation.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, seasons, or other activities</li> <li>- the method of restoration of foreshore or seabed where this is necessary</li> <li>- the information and monitoring requirements</li> <li>- the Administrative charges payable.</li> </ul>	Controlled	17.5.7
<b>f</b>	<p>The <b>maintenance and repair</b> of authorised structures (other than permanent swing moorings, navigation aids and ski access lanes) on the condition that:</p> <ul style="list-style-type: none"> <li>(ii) the height or and plan dimensions of the structure are not altered; and</li> <li>(iii) the activity does not result in a weakening of the structural integrity or strength of the structure; and</li> <li>(iii) the activity is carried out in a manner which avoids or mitigates risks to public health and safety; and</li> <li>(iv) the activity does not require the use of heavy machinery, compressors, or other similar equipment on the foreshore or seabed<sup>18</sup>; and</li> </ul>	<p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>		Permitted	17.5.1

<sup>18</sup> Explanatory Note: For the purposes of this rule, the phrase “heavy machinery” includes but is not limited to plant or equipment used for construction or earthmoving purposes (eg: hydraulic excavators, cranes) and heavy vehicles within the meaning of the Land Transport Act 1998.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	(v) the activity does not require the placement or storage of building materials on the foreshore or seabed; and (vi) the activity does not result in any discharge or deposition of contaminants onto the foreshore or into adjacent coastal waters; and (vii) the effects will be the same character, intensity and scale as the activity which was lawfully established and conducted before any authorised maintenance and repair <sup>19</sup> ; and (viii) the activity does not have more than minor adverse effects on the environment.				
<b>g</b>	The <b>maintenance or repair of authorised structures</b> which is not otherwise a permitted activity under Rule 31.4.4(f).			Discretionary	17.5.1
<b>h</b>	The <b>replacement of existing, authorised cables and pipelines</b> associated with network utilities where:  (i) there is no change in the route or position of the cable or pipeline in, on, or over the foreshore or seabed; and, (ii) the dimensions of any replacement pipeline are not substantially larger than those of the pipeline being replaced.	The term of the coastal permit for the replacement activity shall be no longer than is necessary to complete the replacement, including any restoration work necessary.  <b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the method of replacement</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the method of restoration of foreshore or seabed where this is necessary</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	24.5.2
<b>i</b>	The <b>replacement of existing authorised cables and pipelines</b> associated with network utilities which is not otherwise a controlled activity under Rule 31.4.4(h).			Discretionary	24.5.7
<b>j</b>	The <b>replacement of existing authorised aerial cables</b> on the condition that:  (i) there is no disturbance to the foreshore or seabed; and (ii) there is no change to the route of the cable.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	24.5.2

<sup>19</sup> Explanatory Note: The phrase "...the same character, intensity and scale..." includes the use of the same or similar materials used in the construction of the structure being maintained or repaired.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>k</b>	<p>The <b>maintenance, repair and minor upgrading of authorised network utilities</b> on the condition that:</p> <ul style="list-style-type: none"> <li>(i) the height and/or plan dimensions of the structure are not altered; and</li> <li>(ii) the activity does not result in a weakening of the structural integrity or strength of the structure; and</li> <li>(iii) the activity is carried out in a manner which avoids or mitigates risks to public health and safety; and</li> <li>(iv) the activity does not require the use of heavy machinery, compressors, or other similar equipment on the foreshore or seabed; and</li> <li>(v) the activity does not require the placement or storage of building materials on the foreshore or seabed; and</li> <li>(vi) the activity does not result in any discharge or deposition of contaminants onto the foreshore or into adjacent coastal waters; and</li> <li>(vii) the effects will be the same character, intensity and scale as the activity which was lawfully established and conducted before any authorised maintenance, repair or minor upgrading.</li> </ul>	<p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>		Permitted	24.5.2
<b>l</b>	<p>The <b>maintenance, repair and minor upgrading</b> of authorised network utilities, which is not otherwise a permitted activity under Rule 31.4.4(k).</p>			Discretionary	24.5.2
<b>m</b>	<p>The <b>alteration or extension of authorised structures</b>.</p>			Discretionary	17.5.5
<b>n</b>	<p>The <b>maintenance and repair of navigation aids</b> which have the approval of the Maritime Safety Authority or the Harbourmaster and which does not result in any discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.</p>	<p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>		Permitted	
<b>o</b>	<p>The <b>erection, placement, alteration, or maintenance and repair of navigation aids</b></p>	<p>The term of the coastal permit shall be up to 25 years.</p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> </ul>	Controlled	



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	which have the approval of the Maritime Safety Authority or the Harbourmaster and is not otherwise a permitted activity under Rule 31.4.3(n)	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- the methods used to carry out the activity</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>		
<b>p</b>	The <b>maintenance and repair of ski access lane markers</b> which have the approval of the Harbourmaster.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	
<b>q</b>	The <b>erection, placement, and alteration of ski access lane markers</b> which have the approval of the Harbourmaster.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	
<b>r</b>	The <b>placement, operation, and maintenance of equipment</b> for environmental monitoring or data gathering purposes, provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	<p>(i) The Northland Regional Council is notified of the activity prior to the placement; and</p> <p>(ii) The term of placement shall be no longer than one calendar year from the date of placement.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.3.13</b></p>		Permitted	
<b>s</b>	The <b>placement of signs</b> by any statutory authority directly relating to information and safety matters concerning the coastal marine area; or as required by or in terms of any coastal permit, or the Building Act 1991.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	17.5.18
<b>t</b>	<p>Except where provided for under Rule 31.4.4(s), the <b>placement of signs</b> on the exterior of any authorised structure, on the condition that:</p> <p>(i) all signs so displayed relate directly to such goods or services sold or facilities operated at or on the structure; and</p> <p>(ii) each enterprise or activity separately operated from the structure may not</p>	<ul style="list-style-type: none"> <li>- The total signage per enterprise or activity shall not exceed 1.25m<sup>2</sup>.</li> <li>- No reflective signs.</li> <li>- No flashing/neon lights.</li> <li>- Sign remains in good repair.</li> <li>- Bottom of sign is not more than 4m above deck level.</li> <li>- The bottom of sign is at least 2.4m above walkways.</li> <li>- The total combined area of all signs</li> </ul>		Permitted	17.5.18

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	display more signage than the schedule amount.	(under this rule) on the structure shall not exceed 5 square metres.			
<b>u</b>	The <b>placement of signs</b> which is not otherwise a permitted activity under Rule 31.4.2 (s) and (t).			Discretionary	17.5.18
<b>v</b>	The occupation of space for, and use of, <b>existing authorised refuelling facilities</b>	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- Measures, including any mitigation measures, to control any associated environmental effects</li> <li>- The information and monitoring requirements</li> <li>- The Administrative Charges payable</li> </ul>	Controlled	19.5.24
<b>w</b>	The <b>erection or placement of any new structure</b> , (including new refuelling facilities) and the occupation of space for, and use of, a new structure which is not for the purposes of marine farming and not being a swing mooring, a navigation aid, a ski access lane, a building, or a structure associated with port or marina development.			Discretionary	17.5.9
<b>x</b>	<b>The erection or placement of a new building or houseboat</b>			Non-complying	17.5(17)

### 31.4.5 RECLAMATION AND IMPOUNDMENT

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<b>Existing unauthorised reclamations</b>			Discretionary	18.5.8
<b>b</b>	Any <b>new reclamation</b> .			Discretionary	18.5.2
<b>c</b>	Any <b>new impoundment</b> other than that which is associated with any marina or port development or for public road realignment(which are non-complying activities).			Prohibited	18.5.2 21.5.3
<b>d</b>	<b>Existing unauthorised impoundments</b>			Non-complying	18.5.12

### 31.4.6 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>discharge of sea water for firefighting purposes</b> or from the propulsion units of boats and other vessels.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	19.5.31
<b>b</b>	The <b>discharge of water on to the foreshore</b> , seabed or into the waters of the coastal marine area on the condition that:	(i) the discharge is free from any contaminant; and (ii) does not result in permanent physical damage to the foreshore or seabed.  <b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	19.5.31
<b>c</b>	Any <b>stormwater discharge</b> (other than from the Whangarei urban area, a boat maintenance facility, or a new subdivision).	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	- the duration of the permit - the methods used to control scour of the foreshore or seabed - the methods used to control quality of the discharge - location of outfall - the information and monitoring requirements - the Administrative Charges payable	Controlled	
<b>d</b>	The <b>discharge of stormwater from the Whangarei urban area</b> directly into the upper			Discretionary	19.5.3

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	Whangarei Harbour.				
<b>e</b>	The <b>discharge of stormwater from any new subdivision</b> onto the foreshore or into coastal water.			Discretionary	19.5.5
<b>f</b>	The <b>discharge of treated effluent</b> to coastal water from land-based wastewater treatment plants.			Discretionary	19.5.1
<b>g</b>	The <b>discharge of cooling water in Whangarei Harbour</b> associated with existing fertiliser works.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the methods used to control scour of the foreshore or seabed</li> <li>- the methods used to control quality of the discharge</li> <li>- the quality of the discharge</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	19.5.32
<b>h</b>	The <b>discharge of cooling water</b> from the Portland Cement Works and any associated structures.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the quality of the discharge.</li> <li>- the methods used to diffuse the discharge into the receiving waters.</li> <li>- the methods used to control scour of the foreshore or seabed.</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	19.5.32
<b>i</b>	The <b>taking, use and discharge of cooling water</b> , and the <b>discharge of stormwater</b> , from the Marsden A and B power station sites.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the methods used to control scour of the seabed</li> <li>- the methods used to control the quality of the discharge</li> <li>- the quality of the discharge</li> <li>- the information requirements and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	21.5.2, 19.5.32
<b>j</b>	<b>Boat maintenance activity</b> , other than at authorised boat maintenance facilities, which does not: <ul style="list-style-type: none"> <li>(i) cause contaminants to be discharged into coastal waters or deposited on the foreshore or seabed; or</li> <li>(ii) require, or result in, the boat occupying</li> </ul>	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	spacing in a foreshore area for longer than the period of one low tide; or (iii) impede public access to or along the coastal marine area.				
<b>k</b>	<b>Boat maintenance facilities</b> and associated activities including discharges.			Discretionary	19.5.1, 19.5.6
<b>l</b>	<b>Boat maintenance activity</b> which is not otherwise a permitted activity under Rule 31.4.2 (k).			Discretionary	19.5.15
<b>m</b>	The <b>spraying of herbicide</b> to eradicate <b>Spartina</b> growing in intertidal areas			Discretionary	9.1.5(11) 9.2.5(8)
<b>n</b>	The <b>deposition of litter and other solid domestic or industrial contaminants</b> onto the foreshore or seabed or into coastal waters.			Prohibited	
<b>o</b>	The <b>discharge of untreated sewage from a ship or off-shore installation</b> that is less than 1000 metres seaward of MHWS (for the areas described in Appendix 7 of the Regional Coastal Plan), into the CMA of the following areas:  <ul style="list-style-type: none"> <li>• Manawaora Bay</li> <li>• Urupukapuka Island</li> <li>• Poroporo Island</li> <li>• Bland Bay</li> </ul>			Prohibited	19.5.12
<b>p</b>	The <b>discharge of untreated sewage from a ship or off-shore installation</b> that is less than 2400 metres seaward of MHWS (for the area described in Appendix 7 of the Regional Coastal Plan) into the CMA of the <b>Whangarei Harbour</b> .			Prohibited	19.5.12
<b>q</b>	The <b>discharge of untreated sewage from a ship or off-shore installation</b> that is less than 1500 metres seaward of MHWS (for the area described in Appendix 7 of the Regional Coastal Plan), into the CMA of the <b>Hokianga Harbour</b> .			Prohibited	19.5.12
<b>r</b>	The <b>discharge of untreated sewage</b> from a ship or offshore installation that is less than 2300 metres seaward of MHWS (for the area			Prohibited	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	described in Appendix 7 of the Regional Coastal Plan) into the CMA of the Te Puna, Waikare and Kerikeri Inlets and a distance less than 1800 metres from Moturoa Island and the Black Rocks located at grid reference E2612000 and N6665070				
<b>s</b>	The <b>discharge of untreated sewage</b> from a ship or offshore installation that is less than 1000 metres seaward of MHWS (for the areas described in Appendix 7 of the Regional Coastal Plan), into the CMA of the Whangaruru and Whangaroa Harbours.	Except where Rule 31.4.6(t) applies.		Prohibited	
<b>t</b>	The <b>discharge of untreated sewage</b> from a ship or off-shore installation within the Whangaruru and Whangaroa Harbours that is greater than 500 metres distance from MHWS and 5 metres water depth.	<ul style="list-style-type: none"> <li>i) When wind conditions at the mouth of the Harbour exceed 25 knots and sea swells exceed 3 metres.</li> <li>ii) Discharge may only take place during the first 3 hours of an outgoing tide.</li> <li>iii) As soon as practicable after a discharge takes place, the ship's Master shall notify NRC of the discharge event by phoning the NRC Environmental Hotline.</li> </ul>		Permitted	
<b>u</b>	The <b>discharge of contaminants</b> into air from the <b>open burning of untreated wood and organic matter</b>	<ul style="list-style-type: none"> <li>i) No plastics or inorganic materials are burnt.</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13.</b></p>		Permitted	20.5(10)
<b>v</b>	The <b>discharge of contaminants</b> into air from the <b>open burning (or natural decomposition, if appropriate) of the remains of dead marine mammals</b>	<ul style="list-style-type: none"> <li>i) The activity shall only be undertaken by an Officer warranted under the Marine Mammals Protection Act 1978.</li> <li>ii) The Northland Regional Council shall be notified as soon as practicable.</li> <li>iii) No other option exists for the safe disposal of the carcass.</li> </ul>		Permitted	20.5(9)
<b>w</b>	The <b>discharge of contaminants</b> into air from the operation of <b>fuel burning equipment</b> for cooking purposes using charcoal or LPG, with a capacity less than 40kW	<b>The activity shall comply with all relevant standards listed in section 31.4.13.</b>		Permitted	20.5(10)
<b>x</b>	The <b>discharge of contaminants</b> into air from the operation of <b>fuel burning equipment</b> with a capacity less than 40 kW using diesel oil,	<b>The activity shall comply with all relevant standards listed in section 31.4.13.</b>		Permitted	20.5(10)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	petrol or LPG for the purposes of generating electricity				
<b>y</b>	The <b>discharge of contaminants</b> into air from the <b>operation of premises</b> involved in the preparation or cooking of food and beverages for human consumption, but excluding:	<p>i) Any process for the rendering or reduction or drying of animal matter (including feather, blood, bone, skin or offal).</p> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13.</b></p>		Permitted	20.5(10)
<b>z</b>	The <b>discharges of contaminants</b> into air associated with the <b>refilling, storage, dispensing and sale of petrol, LPG and marine diesel fuels</b>	<b>The activity shall comply with all relevant standards listed in section 31.4.13.</b>		Permitted	20.5(10)
<b>aa</b>	<b>Discharges of contaminants</b> into air associated with the <b>operation of industrial and commercial refrigeration systems</b>	<p>i) Excluding systems utilising ammonia.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13.</b></p>		Permitted	20.5(10)
<b>bb</b>	The <b>discharge of contaminants</b> into air associated with the <b>sale, servicing or repairs to boats or like equipment</b> , including body and engine repairs, fibre glassing, painting, wet abrasive blasting antifouling	<p>i) The operation of spray painting shall not exceed 30 litres per day</p> <p>ii) The size of the boats shall not exceed 60 foot in length</p> <p>iii) The discharge shall not contain lead, arsenic, chromium, cadmium, copper, or tin.</p> <p>iv) The discharge from any wet abrasive blasting (including overspray, mists or chemical additives) shall not result in the deposition of contaminants in coastal water</p> <p>ii) The wet abrasive blasting medium shall contain no greater than 2% by dry weight free silica</p>		Permitted	20.5(10)
<b>cc</b>	<b>Discharges into air</b> associated with activities which release water vapour or steam.	<b>The activity shall comply with all relevant standards listed in section 31.4.13.</b>		Permitted	20.5(10)
<b>dd</b>	<b>The discharge of contaminants</b> into air associated with the <b>construction, repair, maintenance and demolition</b> of buildings or structures, including power pylons.	<p>i) The total amount of material discharged to the coastal marine area shall be minimised.</p> <p>ii) The discharge shall not contain lead, arsenic, chromium, cadmium, copper, or tin.</p> <p>iii) Any discharges associated with wet abrasive blasting shall be contained.</p>		Permitted	20.5(10)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>The wet abrasive blasting medium shall contain no greater than 2% by dry weight free silica.</p> <p>iv) Overspray from any painting activity shall be minimised.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13.</b></p>			
ee	The <b>discharge of contaminants</b> into air associated with the <b>removal of sand or shingle</b> .	Provided that the activity does not result in any noxious or dangerous levels of airborne particulate material (as TSP) at levels which exceed 120 µg/m <sup>3</sup> as a 24 hour average beyond the boundary of any area authorised for the removal of sand or shingle.		Permitted	20.5(10)
ff	<b>Discharges into air of contaminants</b> associated with <b>moving or stationary engine exhaust systems</b> . This excludes discharges associated with the normal operations of a ship or offshore installation, which are permitted under the Resource Management (Marine Pollution) Regulations 1998.	<b>The activity shall comply with all relevant standards listed in section 31.4.13.</b>		Permitted	20.5(10)
gg	The <b>discharge of any contaminants</b> into air that are not associated with Rules r to cc and Rules ee and ff.			Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)
hh	The <b>discharge of contaminants</b> into air from the <b>open burning</b> of the following waste materials:	<ul style="list-style-type: none"> <li>i) Rubber, including tyres</li> <li>ii) Plastics</li> <li>iii) Plastic agrichemical containers</li> <li>iv) Hazardous substances or containers of hazardous substances</li> <li>v) Coated metal cables</li> <li>vi) Motor vehicles or marine vessels (except in emergency situations)</li> <li>vii) Timber treated with CCA or organic substances</li> </ul>		Prohibited	20.5.6
ii	The <b>discharge of contaminants</b> into air resulting from the <b>application of any agrichemical</b> for the control and eradication of pests.	i) The application is undertaken in accordance with all mandatory requirements set out in Part 5 and Appendices Z, AA, and DD of the New Zealand Standard 8409:1995, Agrichemical User's Code of Practice.		Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		ii) The application is undertaken in a manner that does not exceed any rate, or contravene any other requirement, specified in the label instructions and published application recommendations iii) The usage is consistent with the Regional Pest Management Strategy. iv) The application is undertaken by a person who has the appropriate GROWSAFE™ qualification  Adequate public notification has been carried out, including signage and individual notification to residences within 30 m of the area to be sprayed for ground based applications or within 300 m of the area to be sprayed for aerial applications.			

**31.4.7 TAKING AND USE OF WATER**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>taking and use of sea water</b> for firefighting purposes and for the normal operational needs of vessels.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	21.5.1
<b>b</b>	The <b>taking and use of sea water</b> for other than firefighting purposes or for the normal operational needs of vessels, on the condition that the activity is not otherwise a controlled activity under Rule 31.4.6(i) and does not:	(i) change natural water and sediment movement patterns; or (ii) change natural water quality; or (iii) damage or destroy flora or fauna.  <b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	21.5.1
<b>c</b>	The <b>taking, use, or diversion of coastal water</b> (other than open coastal water) if the water, heat, or energy is required for an individual's reasonable domestic or recreational needs provided the taking, use, or diversion does not, or is not likely to:	Have an adverse effect on the environment.		Permitted	21.5.1
<b>d</b>	The <b>taking and use of sea water</b> which is not otherwise a permitted activity under Rule 31.4.7(a),(b) or (c).			Discretionary	21.5.1

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
e	The <b>diversion of sea water at river mouths</b> for the purpose of flood control.			Discretionary	21.5.4

**31.4.8 DREDGING AND SPOIL DISPOSAL**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	<p>The <b>removal of obstructions from artificial land drainage channels</b> draining land other than unauthorised reclamations, provided that the works are for the sole purpose of avoiding flooding of adjacent land on the condition that the activity:</p> <ul style="list-style-type: none"> <li>(i) Does not require the removal of mangroves at a distance greater than 12 metres on one side, or 20 metres cumulatively from either side of the centre line of the artificial land drainage channel; and</li> <li>(ii) Does not alter the previous channel profile; and</li> <li>(iii) No discharge of contaminants into the coastal marine area occurs as a result of the activity; and</li> <li>(iv) The Northland Regional Council is notified of the activity at least three working days prior to the work being undertaken. Notice is to be given by phoning the Northland Regional Council's Environmental Hotline: 0800 504 639<sup>20</sup></li> </ul>	<p><b>The activity shall comply with all relevant standards listed in section 31.3.13</b></p>		Permitted	22.5.6
b	The <b>removal of obstructions from tidal stream mouths, by the relevant district council</b> , provided that the works are for the purpose of avoiding flooding of adjacent land or releasing naturally impounded waters which	The term of the coastal permit for maintenance activities shall be no longer than is necessary to complete the maintenance.	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> </ul>	Controlled	

<sup>20</sup> Explanatory Note: The clearing of mangroves is likely to have more than minor adverse effects on the environment. However, in recognition of the positive effects of draining productive land, the Council is providing for the clearance of mangroves in association with the maintenance of artificial land drainage channels as a permitted activity.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	present a health risk.	<b>The activity shall comply with all relevant standards listed in section 31.4.13.</b>	<ul style="list-style-type: none"> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> </ul>		
<b>c</b>	<b>Maintenance dredging</b> of the main channel within Whangarei Harbour (including Shell Cut Reach and Tamaterau Reach) and of Veronica Channel in the Bay of Islands.	<p>The term of the coastal permit for the dredging operation shall be no longer than is necessary to complete the operation</p> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods and location of disposal of the dredged material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> </ul>	Controlled	22.5.5
<b>d</b>	<b>Maintenance dredging</b> that is not otherwise a controlled activity under rule 31.4.8(c)			Discretionary	22.5.5
<b>e</b>	The <b>deposition of marine sediment</b> on the foreshore for the purposes of beach replenishment.			Discretionary	22.5.10
<b>f</b>	Any <b>dredging spoil disposal</b> .			Discretionary	22.5.10
<b>g</b>	Any <b>capital dredging</b> .			Discretionary	22.5.1

**31.4.9 MOORINGS AND MARINAS**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>anchorage of recreational or commercial vessels</b> , to the foreshore or seabed provided the following standards and terms are met:	<ul style="list-style-type: none"> <li>(i) The anchored vessel is in a position which does not interfere with the safe navigation of other vessels or other authorised uses of the coastal marine area; and</li> <li>(ii) The craft does not remain at anchor for a period of more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident, or emergency.</li> </ul>		Permitted	28.4.18

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>			
<b>b</b>	The <b>anchorage of recreational or commercial vessels</b> , to the foreshore or seabed for more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident, or emergency.			Discretionary	28.4.20
<b>c</b>	The <b>placement of moorings</b> , provided the following standards and terms are met:	<ul style="list-style-type: none"> <li>(i) Associated with a property which is only legally accessible by water; or</li> <li>(ii) Associated with a maritime related commercial enterprise that could not otherwise be located within a Marine 4 Management Area; or</li> <li>(iii) For public benefit to enhance public access and minimise environmental effects of repetitive anchorage.</li> <li>(iv) The location, type and size of the mooring will have no more than minor effects on the visual amenity</li> <li>(v) The Harbourmaster has been consulted.</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>		Discretionary	28.4.4
<b>d</b>	The <b>occupation of space for moorings</b> (and vessel), provided the following standards and terms are met:	<ul style="list-style-type: none"> <li>(i) Associated with a property which is only legally accessible by water; or</li> <li>(ii) Associated with a maritime related commercial enterprise that could not otherwise be located within a Marine 4 Management Area; or</li> <li>(iii) For public benefit to enhance public access and minimise environmental effects of repetitive anchorage.</li> </ul>		Discretionary	28.4.4
<b>e</b>	The placement of moorings, within the following areas, providing the following terms and standards are met:  Whangarei Harbour (i) Jackson Bay	<ul style="list-style-type: none"> <li>(i) Mooring owners can provide all necessary shore-based facilities and services including car parking, toilets and waste disposal; and</li> <li>(ii) There is no Marine 4 Management Area in close proximity</li> </ul>		Discretionary	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<ul style="list-style-type: none"> <li>(ii) The Nook</li> <li>(iii) Darch Point</li> <li>(iv) Mckenzie Bay</li> <li>Tutukaka Harbour</li> <li>(v) Oturu Bay</li> <li>Whananaki Harbour</li> <li>(vi) Whananaki</li> <li>Whangaruru Harbour</li> <li>(vii) Tuparehuia Bay</li> <li>Bay of Islands</li> <li>(viii) Te Hue Bay</li> <li>(ix) Paroa Bay</li> <li>(x) Tapeka Point</li> <li>(xi) Orongo Bay</li> <li>(xii) Elephant Head</li> <li>(xiii) Oneroa Bay (Te Puna Inlet)</li> <li>(xiv) Waipiro Bay</li> <li>(xv) Waitata Bay</li> <li>(xvi) Jacks Bay</li> <li>Kaipara Harbour</li> <li>(xvii) Whakapirau</li> </ul>	<ul style="list-style-type: none"> <li>with capacity to safely accommodate relocated moorings; and</li> <li>(iii) Consultation has been undertaken with the Harbour Master and the results of that have been recorded; and</li> <li>(iv) The mooring is currently licensed under the Navigation Safety Bylaw.</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.4.13</b></p>			
f	<p>The occupation of space for moorings (and vessel), within the following areas, providing the following terms and standards are met:</p> <ul style="list-style-type: none"> <li>Whangarei Harbour</li> <li>(i) Jackson Bay</li> <li>(ii) The Nook</li> <li>(iii) Darch Point</li> <li>(iv) Mckenzie Bay</li> <li>Tutukaka Harbour</li> <li>(v) Oturu Bay</li> <li>Whananaki Harbour</li> <li>(vi) Whananaki</li> <li>Whangaruru Harbour</li> <li>(vii) Tuparehuia Bay</li> <li>Bay of Islands</li> <li>(viii) Te Hue Bay</li> <li>(ix) Paroa Bay</li> <li>(x) Tapeka Point</li> <li>(xi) Orongo Bay</li> <li>(xii) Elephant Head</li> </ul>	<ul style="list-style-type: none"> <li>(i) Mooring owners can provide all necessary shore-based facilities and services including car parking, toilets and waste disposal; and</li> <li>(ii) There is no Marine 4 Management Area in close proximity with capacity to safely accommodate relocated moorings; and</li> <li>(iii) Consultation has been undertaken with the Harbour Master and the results of that have been recorded; and</li> <li>(iv) The mooring is currently licensed under the Navigation Safety Bylaw.</li> </ul> <p>The activity shall comply with all relevant standards listed in section 31.4.13</p>		Discretionary	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	(xiii) Oneroa Bay (Te Puna Inlet) (xiv) Waipiro Bay (xv) Waitata Bay (xvi) Jacks Bay Kaipara Harbour (xvii) Whakapirau				
<b>g</b>	The placement, and occupation of space for, moorings (and vessel) which is not otherwise a discretionary activity under Rules 31.4.9(c), 31.4.9(d), 31.4.9(e) and 31.4.9(f).			Non-complying	
<b>h</b>	The maintenance and repair of moorings which are licensed (under the Northland Regional Council Navigation Safety Bylaw, clause 3.16.1), provided the following standards and terms are met:	(i) Does not result in the deposition of contaminants onto the foreshore or seabed; or (ii) Does not alter the position of the mooring.  The activity shall comply with all relevant standards listed in section 31.4.13		Permitted	17.5.1
<b>i</b>	The placement of a Marina development.	The activity shall comply with all relevant standards listed in section 31.4.13		Discretionary	28.4.7
<b>j</b>	The occupation of space for a Marina development.			Discretionary	28.4.7

**31.4.10 MARINE FARMING**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	<p><b>Aquaculture activities</b> located outside the Marine 2 (Conservation) Management Areas identified in Appendix 12. These activities include:</p> <ul style="list-style-type: none"> <li>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</li> <li>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area</li> </ul>			Discretionary	27.4.1
b	<p><b>Marae based aquaculture activities</b> in the Marine 2 (Conservation) Management Areas identified in Appendix 12. These activities include:</p> <ul style="list-style-type: none"> <li>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</li> <li>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</li> </ul>	In accordance with the definition of “Marae based aquaculture” in the Definitions section of this plan.		Non-complying	27.4.2 27.4.6
c	<p><b>The relocation of authorised aquaculture activities</b> in the Waikare Inlet.</p>	<ul style="list-style-type: none"> <li>(a) The proposed space occupied by the aquaculture activity is no greater than the current space occupied by the aquaculture activity.</li> <li>(b) The current area of occupation and the proposed area of occupation is east of a line from 1703263mE 6092240mN to 1703003mE 6091467mN. (All coordinates in NZTM2000).</li> </ul>		Discretionary	27.4.6

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
d	An application for a new coastal permit to continue the <b>same aquaculture activities</b> in the Marine 2 (Conservation) Management Areas identified in Appendix 12. These activities include:  (i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;  (ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area	(a) The application is made within 1 year of the coastal permit for the aquaculture activity expiring or lapsing.  (b) The area of occupation is within the same area authorised by the coastal permit		Discretionary	27.4.1
e	<b>Aquaculture activities</b> in the Marine 2 (Conservation) Management Areas identified in Appendix 12 which are not otherwise a non-complying activity under rule 31.4.10(b) or a discretionary activity under rules 31.4.10(c) and (d).			Prohibited	27.4.6

### 31.4.11 SAND EXTRACTION

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	The <b>removal of sand and shingle for investigative sampling purposes</b> , on condition that:  (i) no more than 1 cubic metre per day shall be removed and; (ii) any drilling operation shall use equipment to penetrate the seabed with a diameter of not more than 250 millimetres and; (iii) the disturbance shall be able to be rectified by natural processes within 7 days and;	The term of the coastal permit for the activity shall be no longer than is necessary to complete the operation.  <b>The activity shall comply with all relevant standards listed in section 31.4.13</b>	- the duration of the permit - the coastal area covered by the permit - the methods used to carry out the activity - the Administrative Charges payable	Controlled	23.5.10



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	(iv) no contaminants shall be discharged into coastal waters or deposited on the foreshore or seabed.				
<b>b</b>	Any <b>sand, shingle, shell, mineral and other natural material extraction.</b>			Discretionary	23.5.1

**31.4.12 OTHER**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>burial of dead marine mammals</b> in foreshore areas by the Department of Conservation or otherwise authorised by the Department.	<b>The activity shall comply with all relevant standards listed in section 31.4.13</b>		Permitted	
<b>aa</b>	The <b>removal or pruning of mangrove trees</b> by or on behalf of the relevant roading authority where the progressive growth or proliferation of these has led to:  (i) interference with the reasonable or safe use or operation of <b>roading networks</b> ; on adjoining land or in the coastal marine area.	The activity shall comply with all relevant standards listed in section 31.4.13	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the extent of the coastal marine area covered by the permit</li> <li>- the ecological sensitivity of the area affected and of the surrounding environment.</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- consideration of practical alternatives to mangrove clearance</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	9.1.5(1)
<b>b</b>	Except as provided for in Rule 31.4.8a and 31.4.12aa, the <b>removal or pruning of mangroves</b> where the progressive growth or proliferation of these has led to:  (i) the obstruction of existing lawful public access to and along the coastal marine area; or (ii) interference with the reasonable or safe use or operation of authorised structures or facilities on adjoining land or in the coastal marine area; or (iii) the blockage of channels where adjacent land is likely to become flooded.	The activity shall comply with all relevant standards listed in section 31.4.13	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the extent of the coastal marine area covered by the permit</li> <li>- the ecological sensitivity of the area affected and of the surrounding environment</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- consideration of practical alternatives to mangrove clearance</li> <li>- the Administrative Charges payable</li> <li>- consideration of practical alternatives to Mangrove clearance</li> <li>- the Administrative Charges payable</li> </ul>	Restricted Discretionary	9.1.5(1)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>c</b>	The <b>deliberate introduction of exotic organisms</b> into the coastal marine area including the transference of established exotic organisms into new areas.			Prohibited	9.1.5(11) 9.2.5(8)
<b>d</b>	<b>Any port development</b>			Non-complying	29.5(6)
<b>e</b>	The <b>droving of stock</b> in the coastal marine area	On the condition that:  (i) The droving shall not occur in estuarine areas or areas of saltmarsh or mangroves and no grazing of intertidal vegetation shall be allowed to occur; and  (ii) the stock shall be moved along at all times and shall not be left unattended.		Permitted	9.1.4(8) 9.1.5(17)
<b>f</b>	The <b>riding of horses</b> in the coastal marine area	On the condition that:  (i) horse riding is not precluded by any bylaw for the time-being in force; and (ii) horses must be kept under control at all times; and (iii) no grazing of intertidal vegetation shall be allowed to occur; and (iv) horses shall not be ridden or taken into marine protected areas or bird breeding areas.		Permitted	9.1.4(8) 9.1.5(17)
<b>g</b>	<b>Access to and use of the coastal marine area by stock</b> which is not otherwise a permitted activity under rules 31.4.12 (e) and 31.4.12 (f)	From the date 5 years after this plan becomes operative.		Prohibited	9.1.4(8) 9.1.5(17)

### 31.4.13 GENERAL PERFORMANCE STANDARDS

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 2 (Conservation) Management Area:

- (a) Noise generated as a result of activity within the coastal marine area shall comply with the following standards:
  - (i) the activity shall not cause excessive noise as defined in section 326 of the Resource Management Act; and
  - (ii) any construction or maintenance activity near coastal subdivisions or other urban areas shall comply with the noise standards of the district council which is responsible for the use of the adjoining land.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
  - (i) a hazard to navigation and safety; or
  - (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or
  - (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land.
- (c) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
  - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
  - (ii) any conspicuous change in the colour or visual clarity of the receiving waters.
  - (iii) any emission of objectionable odour.
  - (iv) accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point.
  - (v) any significant adverse effects on aquatic life or public health.
- (d) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity other than dredging shall be restored as soon as practicable after the completion of the construction or maintenance activity.
- (e) Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.
- (f) Discharges of contaminants into air shall not:
  - (ii) Result in the discharge of black smoke apart from coal, oil or diesel burning equipment for a period of up to 15 minutes from startup from cold, or for soot blowing.
  - (iii) Result in any offensive or objectionable odour, or any noxious or dangerous level of gases.
  - (iv) Result in a discharge to air of offensive or objectionable dust.
  - (iv) Result in concentrations of air pollutants that exceed as a minimum the National Ambient quality guidelines, May 2002.

## 31.5 MARINE 3 (MARINE FARMING) MANAGEMENT AREA

### 31.5.1 MARINE MANAGEMENT AREA STATEMENT

Marine 3 (Aquaculture) Management Areas are to be managed principally for aquaculture activities, including commercial shellfish cultivation, harvesting or spat-catching activity.

### 31.5.2 ESTABLISHMENT OF AQUACULTURE ACTIVITIES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	An application for a new coastal permit to continue the same aquaculture activities. These activities include: (i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities; (ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.	(a) Compliance with resource consent conditions for current or previous aquaculture activities undertaken by the applicant; and (b) (The use of current industry good practice for any current aquaculture activities.  The activity shall comply with all relevant standards listed in section 31.5.10.  The term of the coastal permit shall be up to 25 years.	(i) The effects on water column sustainability including cumulative effects; (ii) Hydrodynamic effects, including cumulative effects; (iii) Effect of existing farm on benthic communities and habitat; (iv) Navigation and safety; (v) Monitoring parameters; (vi) Duration of consent; (vii) The need to upgrade, replace or remove any derelict or disused structures; (viii) Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.	Controlled	27.4.30
b	An application for a new coastal permit to continue the same aquaculture activities not provided for by Rule 31.5.2 (a).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
c	The <b>establishment of aquaculture activities</b> , where the activities (including the proposed species, structures and methodology for the proposed aquaculture activities) are <b>explicitly provided for within the Marine 3 (Aquaculture) Management Area</b> concerned and the activities are not otherwise specified by any other rule or rules in the Plan. These	The <b>species</b> to be farmed is explicitly provided for within the Marine 3 (Aquaculture) Management Area, and the <b>methods</b> of farming, including details of proposed <b>structures</b> are in accordance with the methodologies approved for the Marine 3 (Aquaculture) Management Area concerned.	i) Water column sustainability including cumulative effects; ii) Provision of public access iii) Hydrodynamic effects, including cumulative effects; iv) Effect of specific farm location on benthic communities and habitat; v) Navigation and safety;	Controlled	27.4.31

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p>activities include:</p> <p>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</p> <p>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</p>	<p>Where the Marine 3 (Aquaculture) Management Area is for the purposes of Marae-based Aquaculture, the activities shall comply with the definition of Marae-based Aquaculture.</p> <p>The activity shall comply with all relevant standards listed in section 31.5.10.</p> <p>The term of the coastal permit shall be up to 25 years.</p>	<p>vi) Structures and the use of technology to mitigate potential adverse environmental effects;</p> <p>vii) Monitoring parameters;</p> <p>viii) Duration of consent;</p> <p>ix) Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.</p> <p>x) Biosecurity management</p>		
ca	<p>The <b>establishment of aquaculture activities</b>, where the activities (including the proposed species, structures and methodology for the proposed aquaculture activities) are <b>explicitly provided for within the Marine 3 (Aquaculture) Management Area concerned</b> and the activity includes:</p> <p>(i) staged development, or</p> <p>(ii) the use of added nutrients or medicants.</p>	<p>The <b>species</b> to be farmed is explicitly provided for within the Marine 3 (Aquaculture) Management Area, and the <b>methods</b> of farming, including details of proposed <b>structures</b> are in accordance with the methodologies approved for the Marine 3 (Aquaculture) Management Area concerned.</p> <p>Where the Marine 3 (Aquaculture) Management Area is for the purposes of Marae-based Aquaculture, the activities shall comply with the definition of Marae-based Aquaculture.</p> <p>The activity shall comply with all relevant standards listed in section 31.5.10.</p> <p>The term of the coastal permit shall be up to 25 years.</p>	<p>i) Water column sustainability including cumulative effects;</p> <p>ii) Provision of public access</p> <p>iii) Hydrodynamic effects, including cumulative effects;</p> <p>iv) Effect of specific farm location on benthic communities and habitat;</p> <p>v) Staging and timing of development;</p> <p>vi) Navigation and safety;</p> <p>vii) Structures and the use of technology to mitigate potential adverse environmental effects;</p> <p>viii) Monitoring parameters;</p> <p>ix) Duration of consent;</p> <p>x) Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment</p> <p>xi) Biosecurity management</p>	Restricted discretionary	
d	<p>The <b>establishment of aquaculture activities</b>, where the activities, species to be farmed and proposed methodology, are considered by the consent authority as being <b>not explicitly provided for within the Marine 3 (Aquaculture) Management Area concerned</b>. These activities include:</p> <p>(i) The erection, placement, use of and occupation of space by any structure</p>	<p>The activity shall comply with all relevant standards listed in section 31.5.10.</p> <p>The term of the coastal permit shall be up to 25 years.</p>		Discretionary	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p>necessary for carrying out aquaculture activities;</p> <p>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</p>				

### 31.5.3 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	The <b>repair, alteration, maintenance and replacement of existing structures for authorised aquaculture activities</b> , including associated buoys, lights and other navigation aids required for authorised aquaculture activities on the condition that:	<p>(i) The materials and structural design used are of a stability, strength and durability for the purpose and otherwise comply with relevant conditions of any existing lease, licence, or coastal permit; and</p> <p>(ii) All materials which are replaced or otherwise not required are removed from the coastal marine area; and</p> <p>(iii) All buoys, lights and other navigation aids have the approval of the Maritime New Zealand or the Harbourmaster.</p> <p>The activity shall comply with all relevant standards listed in section 31.5.10.</p>		Permitted	
b	The <b>erection, placement, use of and occupation of space</b> by any structure for a purpose other than aquaculture activities.	The activity shall comply with all relevant standards listed in section 31.5.10.		Non-complying	
c	The <b>demolition and removal of derelict, unauthorised, or unwanted structures</b> , including permanent swing moorings, on the condition that:	<p>The activity does not:</p> <p>(i) Require the use of explosives or heavy machinery, compressors, pneumatic drills, or other similar equipment; or</p> <p>(ii) Prevent, or unduly interfere with, other lawful activities in the coastal marine area; or</p> <p>(iii) Result in any discharge or deposition of contaminants onto the foreshore or into adjacent coastal waters.</p> <p>The activity shall comply with all relevant standards listed in section 31.5.10.</p>		Permitted	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
d	The <b>demolition and removal of derelict, unauthorised, or unwanted structures</b> , including permanent swing moorings, which is not otherwise a permitted activity under Rule 31.5.3(b).	The term of the coastal permit for the demolition and removal of structures shall be no longer than is necessary to complete the operation.  The activity shall comply with all relevant standards listed in section 31.5.10.	i) Duration of the permit; ii) Methods use to carry out the activity; iii) Methods of disposal of the removed material; iv) Timing of the activity in relation to tides, seasons, or other activities; v) Methods of restoration of foreshore or seabed where this is necessary; vi) Information and monitoring requirements; vii) Administrative charges payable.	Controlled	
e	The <b>placement, operation, and maintenance of equipment for environmental monitoring or data gathering purposes</b> , provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	(i) The Northland Regional Council is notified of the activity prior to the placement; and (ii) The term of placement shall be no longer than one calendar year from the date of placement.  The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
f	The <b>placement of signage</b> by any statutory authority directly relating to information and safety matters concerning the coastal marine area; or as required by or in terms of any coastal permit, or the Building Act 1991, or the Health Act 1956	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	

### 31.5.4 RECLAMATION AND IMPOUNDMENT

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	Any new reclamation or impoundment.			Non-complying	

### 31.5.5 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	The <b>discharge of water onto the foreshore, seabed or into the waters of the coastal marine area</b> on the condition that:	(i) The discharge is free from any contaminant; and (ii) Does not result in permanent physical damage to the foreshore or seabed.		Permitted	



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		The activity shall comply with all relevant standards listed in section 31.5.10.			
b	The <b>discharge of contaminants</b> to water associated with the provision of feed and nutrient resources to marine farms.	The activity shall comply with all relevant standards listed in section 31.5.10.	(i) Effects on water quality (ii) Monitoring parameters	Restricted Discretionary	
c	The <b>discharge of coastal water</b> and the <b>discharge of contaminants</b> to water from aquaculture activities that are not provided for by Rules 31.5.5(a) and (b).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
d	The <b>discharge of seawater</b> for fire fighting purposes or from the propulsion of boats and other vessels.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
e	The <b>discharge of contaminants</b> into the air from the operation of fuel burning equipment for cooking purposes using charcoal or LPG, with a capacity less than 40 kW.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
f	The <b>discharge of contaminants</b> into the air from the operation of fuel burning equipment with a capacity less than 40 kW using diesel oil, petrol or LPG for the purposes of generating electricity.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
g	The <b>discharge</b> into the air of <b>contaminants</b> associated with <b>moving or stationary engine exhaust systems</b> . This excludes discharges associated with the normal operations of a ship or offshore installation, which are permitted under the Resource Management (Marine Pollution) Regulations 1998.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
h	The <b>discharge of any contaminants</b> to air that is not associated with Rules 31.5.5(e) to (g) or Rule 31.5.5(m).	The activity shall comply with all relevant standards listed in section 31.5.10.		Non-complying	
i	Any <b>discharge of human effluent, sewage and solid waste from boats and other vessels</b> onto the foreshore or seabed or into coastal waters.			Prohibited	
j	Any boat maintenance activity excluding existing authorised boat maintenance facilities which causes or is likely to cause the <b>discharge of contaminants</b> into coastal waters or onto the foreshore or seabed.			Prohibited	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
k	The <b>deposition of litter and solid domestic or industrial contaminants</b> onto the foreshore, or seabed or into coastal waters.			Prohibited	
m	The <b>discharge of contaminants</b> into the air from the open burning of the following waste materials: (i) Rubber, including tyres (ii) Plastics (iii) Plastic agrichemical containers (iv) Hazardous substances or containers of hazardous substances (v) Coated metal cables (vi) Marine vessels (except in emergency situations) (vii) Timber treated with CCA or organic substances.			Prohibited	

### 31.5.6 TAKING AND USE OF WATER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	The <b>taking, use, and discharge of coastal water</b> , and the <b>discharge of biodegradable and organic matter</b> , for the purpose of harvesting, washing and sorting farmed shellfish on the condition that the activity does not result in:	(i) A change in water colour or clarity outside the Marine 3 (Aquaculture) Management Area; or (ii) The accumulation of shell and other debris on the foreshore or seabed within or adjoining the Marine 3 (Aquaculture) Management Area.  The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
b	The <b>taking, use, and discharge of coastal water</b> , and the <b>discharge of contaminants to water</b> from aquaculture activities that are not provided for by Rule 31.5.6(a).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
c	The <b>taking and use of sea water</b> for fire fighting purposes and for the normal operational needs of vessels.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
d	The <b>taking and use of sea water</b> for other than fire fighting purposes or for the normal operational needs of vessels or for the purpose	(i) Change natural water and sediment movement patterns; or (ii) Change natural water quality; or		Permitted	

	of washing and sorting farmed shellfish, on the condition that the activity does not:	(iii) Compromise the safe and efficient operation of a marine farm or the security of the farm.  The activity shall comply with all relevant standards listed in section 31.5.10.			
e	The <b>taking, use, or diversion of coastal water</b> (other than open coastal water) if the water, heat, or energy is required for an individual's reasonable domestic or recreational needs provided the taking, use, or diversion does not, or is not likely to:	(i) Have an adverse effect on the environment.  The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
f	The <b>taking, use, diversion or discharge of coastal water</b> that is not provided for by any other rules in this section.			Non-complying	

**31.5.7 DREDGING AND DREDGING SPOIL DISPOSAL**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	Any dredging.	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
b	Any dredging spoil disposal.	The activity shall comply with all relevant standards listed in section 31.5.10.		Non-complying	

### 31.5.8 MOORINGS INCLUDING MARINAS

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	The anchorage of vessels required for aquaculture operations.	(i) The anchored craft is in a position which does not interfere with the safe navigation of other vessels or other authorised uses of the coastal marine area; and (ii) The craft does not remain at anchor for a period of more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident or emergency.  The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
aa	The anchorage of vessels which is not otherwise a permitted activity under Rule 31.5.8(a).	The anchored craft (including its anchor) is more than 75m away from a marine farm structure.		Permitted	
b	The anchorage of vessels which is not otherwise a permitted activity under Rule 31.5.8(a) or (aa).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
c	The placement, occupation of space for, and the use of, new permanent swing moorings required for aquaculture operations.	The activity shall comply with all relevant standards listed in section 31.5.10.	<ul style="list-style-type: none"> <li>• Duration of the permit;</li> <li>• Location of the mooring;</li> <li>• Design and construction of the mooring;</li> <li>• Information and monitoring requirements;</li> <li>• Administrative charges payable.</li> </ul>	Restricted Discretionary	
d	The placement, occupation of space for, and the use of, new permanent swing moorings not required for aquaculture operations.	The activity shall comply with all relevant standards listed in section 31.5.10.		Non-complying	
e	Any marina development.			Prohibited	

### 31.5.9 OTHER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
a	The disturbance of the foreshore or seabed associated with the removal of shell and other debris derived from aquaculture operations and that does not involve the use of vehicles on the	<b>(i) The contour of the foreshore or seabed is not altered; and</b> <b>(ii) There is no change in water colour clarity outside the AMA as a result of the</b>		Permitted	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	foreshore on the condition that:	<b>activity; and (iii) All material removed shall be disposed of in an authorised location.  The activity shall comply with all relevant standards listed in section 31.5.10.</b>			
b	Disturbance of the foreshore as a result of the use of vehicles for purposes associated with aquaculture.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	
c	Any disturbance of the foreshore or seabed which is not provided for in Rules 31.5.9 (a) and (b).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
d	Any port development.			Prohibited	
e	The removal or pruning of mangrove trees where the growth or proliferation of these has led to: (i) The obstruction of existing lawful public access to and within the coastal marine area; or (ii) Interference with the reasonable or safe use or operation of authorised structures or facilities on adjoining land or in the coastal marine area; or (iii) The blockage of existing man-made drainage channels to the extent that adjacent land is flooded.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>	a) Duration of the permit; b) Coastal area covered by the permit; c) Area of mangroves to be affected; d) Methods used to carry out the activity; e) Methods of disposal of the removed material; f) Timing of the activity in relation to tides, seasons, or other activities; g) Information and monitoring requirements; h) Administrative charges payable.	Controlled	

### 31.5.10 GENERAL PERFORMANCE STANDARDS

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 3 (Aquaculture) Management Area:

- (a) Noise generated as a result of an activity within the coastal marine area shall comply with the following standards:
  - (i) The activity shall not cause excessive noise as defined in section 326 of the Resource Management Act 1991; and
  - (ii) Any construction, maintenance or operational activity near coastal subdivisions or other urban areas shall comply with the noise standards of the district council which is responsible for the use of the adjoining land.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
  - (i) A hazard to navigation and safety; or
  - (ii) A hazard to traffic safety on wharves, ramps, and adjacent roads; or
  - (iii) A significant nuisance to other users of the surrounding coastal marine area or adjacent land.
  - (iv) an inconsistency with the Maritime New Zealand document “Guidelines for Aquaculture Management Areas and Marine Farms” produced in December 2005 (and any subsequent relevant amendments).
- (c) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
  - (i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) Any conspicuous change in the colour or visual clarity of the receiving waters;
  - (iii) Any emission of objectionable odour;
  - (iv) Accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point;
  - (v) Any significant adverse effects on aquatic life or public health.

- (d) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity other than dredging shall be restored as soon as practicable after the completion of the construction or maintenance activity.
- (e) Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.
- (f) Discharges of contaminants into air shall not:
  - (i) Result in the discharge of black smoke apart from coal, oil or diesel burning equipment for a period of up to 15 minutes from start up from cold, or for soot blowing;
  - (ii) Result in any offensive or objectionable odour, or any noxious or dangerous level of gases;
  - (iii) Result in a discharge to air of offensive or objectionable dust;
  - (iv) Result in concentrations of air pollutants that exceed as a minimum the National Ambient Quality Guidelines, May 2002.

## 31.6 MARINE 4 (MOORINGS INCLUDING MARINAS) MANAGEMENT AREA

### 31.6.1 MARINE MANAGEMENT AREA STATEMENT

Marine 4 (Moorings including Marinas) Management Areas are those being managed primarily for boat moorings.

The outer limits of the Marine 4 (Moorings including Marinas) Management Areas are shown on the accompanying maps. In all cases, the landward boundary of the Marine 4 (Moorings including Marinas) Management Areas is the line of Mean High Water Springs.

As well as the provisions given below, the Northland Regional Council Navigation Safety Bylaw will manage the placement, standards and navigation and safety requirements of moorings located within these Marine 4 (Moorings including Marinas) Management Areas.

### 31.6.2 TEMPORARY MILITARY TRAINING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	All <b>temporary military training</b> providing the following standards and terms are met:	(i) The written consent of the parties responsible for the administration and control of the area within which the activity is to occur has been obtained. (ii) No other person has exclusive rights to occupy the area, unless the written consent of that person has been obtained. (iii) All provisions in relation to structures in the Plan are met. (iv) No disturbance to the Coastal Marine Area is identifiable after two tidal cycles. (v) The activity will occur for less than 31 days.  <b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Non-complying	10.5.12
<b>b</b>	The carrying out of <b>any temporary military training activity</b> which is not otherwise a non-complying activity under Rule 31.6.2(a)			Prohibited for which no coastal permit will be granted	10.5.10



### 31.6.3 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<p>The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b>, including swing and pile moorings and marina berths, on the condition that the activity is carried out in a manner which avoids or mitigates risks to public health and safety and does not:</p> <p>(i) require the use of explosives or heavy machinery, compressors, pneumatic drills, or other similar equipment; or</p> <p>(ii) prevent, or unduly interfere with, other lawful activities in the coastal marine area; or</p> <p>(iii) result in any discharge or deposition of contaminants on to the foreshore, seabed or into adjacent coastal waters.</p>	<p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>		Permitted	17.5.2
<b>b</b>	<p>The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b> which is not otherwise a permitted activity under Rule 31.6.3(a)</p>	<p>The term of the coastal permit for the demolition and removal of structures shall be no longer than is necessary to complete the operation.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, seasons, or other activities</li> <li>- the method of restoration of foreshore or seabed where this is necessary</li> <li>- the information and monitoring requirements</li> <li>- the Administrative charges payable.</li> </ul>	Controlled	17.5.7
<b>c</b>	<p>The <b>maintenance and repair of navigation aids</b> which have the approval of the Maritime Safety Authority or the Harbourmaster and which does not result in any discharge or deposition of contaminants on to the foreshore, seabed or into adjacent coastal waters.</p>	<p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>		Permitted	17.5.1
<b>d</b>	<p>The <b>erection, placement, alteration, or maintenance and repair of navigation aids</b>, which have the approval of the Maritime Safety Authority or the Harbourmaster, and which is</p>	<p>The term of the coastal permit shall be up to 5 years.</p> <p><b>The activity shall comply with all relevant</b></p>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- The methods used to carry out the activity</li> <li>- The timing of the activity in relation to</li> </ul>	Controlled	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	not otherwise a permitted activity under Rule 31.6.3(c)	<b>standards listed in section 31.6.11</b>	tides, season, or other activities - The information and monitoring requirements - The Administrative Charges payable		
<b>e</b>	The <b>placement, operation, and maintenance of equipment</b> for environmental monitoring or data gathering purposes, provided that the location, operation and maintenance of such equipment has the prior approval of the Harbourmaster.	(i) The Northland Regional Council is notified of the activity prior to the placement; and (ii) The term of placement shall be no longer than one calendar year from the date of placement.  <b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	
<b>f</b>	The <b>maintenance and repair of marina berths and other structures within a marina complex</b> providing the following standards and terms are met:	i) The structure is authorised; and, (ii) The height or plan dimensions of the structure are not altered; and (iii) The activity does not result in a weakening of the structural integrity or strength of the structure; and (iv) The activity is carried out in a manner which avoids or mitigates risks to public health and safety; and (v) The activity does not require the use of heavy machinery, compressors, or other similar equipment on the foreshore or seabed; and (vi) The activity does not require the placement or storage of building materials on the foreshore or seabed; and (vii) The activity does not result in any discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.  <b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	17.5.1
<b>g</b>	The <b>maintenance and repair of marina berths and other structures within a marina complex</b> providing the following standards and terms are met:		- the duration of the permit - the coastal area covered by the permit - the methods used to carry out the activity - the timing of the activity in relation to tides, season, or other activities - the information and monitoring	Controlled	17.5.1

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
			requirements - the Administrative Charges payable		
<b>h</b>	The <b>maintenance and repair of authorised structures</b> (other than permanent swing moorings, navigation aids and ski access lanes) provided the following standards and terms are met:	<p>(i) The height and plan dimensions of the structure are not altered; and</p> <p>(ii) The activity does not result in a weakening of the structural integrity or strength of the structure; and</p> <p>(iii) The activity is carried out in a manner which avoids or mitigates risks to public health and safety; and</p> <p>(iv) The activity does not require the use of heavy machinery, compressors, or other similar equipment on the foreshore or seabed<sup>21</sup>; and</p> <p>(v) The activity does not require the placement or storage of building materials on the foreshore or seabed; and</p> <p>(vi) The activity does not result in any discharge or deposition of contaminants onto the foreshore or into adjacent coastal waters; and</p> <p>(vii) The effects will be the same character, intensity and scale as the activity which was lawfully established and conducted before any authorised maintenance and repair<sup>22</sup>; and</p> <p>(viii) The activity does not have more than minor adverse effects on the environment.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>		Permitted	
<b>i</b>	The <b>maintenance or repair of authorised structures</b> which is not otherwise a permitted activity under Rule 31.6.3(h).			Discretionary	17.5.1
<b>j</b>	<b>The occupation of space for existing</b>	<b>The activity shall comply with all relevant</b>	-- the duration of the permit	Controlled	19.5.24

<sup>21</sup> Explanatory Note: For the purposes of this rule, the phrase “heavy machinery” includes, but is not limited to, plant or equipment used for construction or earthmoving purposes (e.g.: hydraulic excavators, cranes) and heavy vehicles within the meaning of the Land Transport Act 1998.

<sup>22</sup> Explanatory Note: The phrase “...the same character, intensity and scale...” includes the use of the same or similar materials used in the construction of the structure being maintained or repaired.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<b>authorised refuelling facilities</b>	<b>standards listed in section 31.6.11</b>	<ul style="list-style-type: none"> <li>- measures to control any associated environmental effects including mitigation measures</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>		
<b>k</b>	The <b>alteration or extension of authorised structures.</b>			Discretionary	17.5.5
<b>l</b>	The <b>erection of any new structure, (including refuelling facilities),</b> and the occupation of space for any new structure, (other than a permanent swing mooring, a navigation aid or building) which is not a restricted coastal activity.			Discretionary	17.5.11
<b>m</b>	The <b>placement and occupation of space for signs</b> by any statutory authority directly relating to information and safety matters concerning the coastal marine area; or as required by or in terms of any coastal permit, or the Building Act 2004.	<b>The activity shall comply with all relevant standards listed in section 31.6.11<del>0</del></b>		Permitted	17.5.11, 17.5.18
<b>n</b>	The <b>placement and occupation of space for signs</b> on any single authorised structure (other than pile moorings), provided the following standards and terms are met:	<ul style="list-style-type: none"> <li>(i) The authorised structure is one from which goods, services, or facilities available to the public are sold or operated</li> <li>(ii) All signs so displayed relate directly to such goods, services, or facilities sold or operated at or on the structure</li> <li>(iii) No more than one sign is displayed for each enterprise or activity separately operated from the structure</li> <li>(iv) No one sign permitted pursuant to this clause shall exceed 1.25 square metres in area</li> <li>(v) The total combined area of all such signs on the structure permitted pursuant to this clause shall not exceed 2.5 square metres in area</li> <li>(vi) The sign does not impede public access</li> <li>(vii) No reflective signs</li> <li>(viii) No flashing/neon lights</li> </ul>		Permitted	17.5.11, 17.5.18

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		(ix) Signs remain in good repair (x) Information is provided to the council about the location and design of the sign prior to its placement  <b>The activity shall comply with all relevant standards listed in section 31.6.11</b>			
<b>o</b>	The <b>placement of signs</b> which is not otherwise a permitted activity under Rule 31.6.3 (m) and (n).			Discretionary	17.5.18

### 31.6.4 RECLAMATION AND IMPOUNDMENT

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	Any <b>reclamation</b> that is associated with marina development, or any public amenities.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Discretionary	18.5.4
<b>b</b>	Any <b>reclamation</b> , which is not otherwise a discretionary activity under Rule 31.6.4(a).			Non-complying	18.4.1, 18.5.4
<b>c</b>	Any structure which creates an <b>impoundment</b>	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Discretionary	18.4.1
<b>d</b>	Any structure which creates an <b>impoundment</b> , that is not otherwise a discretionary activity under Rule 31.6.4(c).			Non-complying	18.4.1

### 31.6.5 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>discharge of sea water for firefighting purposes</b> or from the propulsion units of boats and other vessels.			Permitted	19.5.31
<b>b</b>	The <b>discharge of water into the Coastal Marine Area</b> provided the following standards and terms are met:	(i) The discharge is free from any contaminant; and (ii) Does not result in permanent physical		Permitted	19.5.31

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>damage to the foreshore or seabed.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>			
<b>c</b>	Any <b>discharge of contaminants</b> including stormwater) into the Coastal Marine Area which is not otherwise a prohibited activity for which no coastal permit will be granted.			Discretionary	
<b>d</b>	<b>Boat maintenance activity</b> , other than at authorised boat maintenance facilities, which does not:	<p>(i) Cause contaminants to be discharged into coastal waters or deposited on the foreshore or seabed; or</p> <p>(ii) Require, or result in, the boat occupying space in a foreshore area for longer than the period of one low tide; or</p> <p>(iii) Impede public access to or along the coastal marine area.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>		Permitted	
<b>e</b>	<b>Boat maintenance activity</b> which is not otherwise a permitted activity under Rule 31.6.5 (d).			Discretionary	19.5.15
<b>f</b>	The <b>deposition of litter and other solid domestic or industrial waste material</b> into the coastal marine area.			Prohibited for which no coastal permit will be granted	
<b>g</b>	<b>The discharge of contaminants</b> into air from the operation of <b>fuel burning equipment</b> for cooking purposes using charcoal or LPG, with a capacity less than 40kW.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10
<b>h</b>	The <b>discharge of contaminants</b> into air from the operation of <b>fuel burning equipment</b> with a capacity less than 40 kW using diesel oil, petrol or LPG for the purposes of generating electricity.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10
<b>i</b>	The <b>discharge of contaminants</b> into air from the <b>operation of authorised premises</b> involved in the preparation or cooking of food and beverages for human consumption, but excluding:	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	i) Any process for the rendering or reduction or drying of animal matter (including feather, blood, bone, skin or offal).				
<b>j</b>	The <b>discharges of contaminants</b> into air associated with the refilling, storage, dispensing and sale of petrol, LPG and marine diesel fuels.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10
<b>k</b>	<b>Discharges of contaminants</b> into air associated with the operation of industrial and commercial refrigeration systems, provided that the following standards and terms are met:	i) Excluding systems utilising ammonia. <b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10
<b>l</b>	The <b>discharge of contaminants</b> into air associated with the sale, servicing or repairs to boats or like equipment, including body and engine repairs, fibre glassing, painting, wet abrasive blasting antifouling, provided that the following standards and terms are met:	i) The operation of spray painting shall not exceed 30 litres per day ii) The size of the boats shall not exceed 20 meters in length iii) The discharge shall not contain lead, arsenic, chromium, cadmium, copper, or tin. iv) The discharge from any wet abrasive blasting (including overspray, mists or chemical additives) shall not result in the deposition of contaminants in coastal water v) The wet abrasive blasting medium shall contain no greater than 2% by dry weight free silica <b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10
<b>m</b>	<b>Discharges into air</b> associated with activities which release <b>water vapour or steam</b> .	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10
<b>n</b>	The <b>discharge of contaminants</b> into air associated with the <b>construction, repair, maintenance and demolition of structures</b> , including power pylons, provided the following standards and terms are met:	i) The total amount of material discharged to the Coastal Marine Area shall be minimised. ii) The discharge shall not contain lead, arsenic, chromium, cadmium, copper, or tin. iii) Any discharges associated		Permitted	20.5.10

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>with wet abrasive blasting shall be contained. The wet abrasive blasting medium shall contain no greater than 2% by dry weight free silica.</p> <p>iv) Overspray from any painting activity shall be minimised.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>			
<b>o</b>	The <b>discharge into air of contaminants</b> associated with <b>moving or stationary engine exhaust systems</b> . This excludes discharges associated with the normal operations of a ship or offshore installation, which are permitted under the Resource Management (Marine Pollution) Regulations 1998.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	20.5.10
<b>p</b>	The <b>discharge of any contaminants</b> into air that are not associated with Rules 31.6.5(h) to 31.6.5(o) and Rules 31.6.5(q) and 31.6.5(r).			Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)
<b>q</b>	The <b>discharge of contaminants</b> into air from the <b>open burning</b> of the following waste materials: <ul style="list-style-type: none"> <li>i) Rubber, including tyres</li> <li>ii) Plastics</li> <li>iii) Plastic agrichemical containers</li> <li>iv) Hazardous substances or containers of hazardous substances</li> <li>v) Coated metal cables</li> <li>vi) Motor vehicles or marine vessels (except in emergency situations)</li> </ul> Timber treated with CCA or organic substances			Prohibited for which no coastal permit will be granted	20.5.6
<b>r</b>	The <b>discharge of contaminants</b> into air resulting from the application of any agrichemical for the control and eradication of pests, provided the following standards and terms are met.	i) The application shall be undertaken in accordance with all mandatory <sup>23</sup> requirements set out in Parts 5.1, 5.2, 5.5, 5.6, 5.7, 5.8 and 5.9 and with reference to the introduction to the Appendices, and Appendices <sup>24</sup> N, T, V, Y, DD, HH and JJ of New Zealand		Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)

<sup>23</sup> Note: In general, mandatory requirements are those that include the word “shall”. Non-mandatory requirements are those that include the word “should”.

<sup>24</sup> Appendices contain descriptive and supporting information designed to help understand and comply with the Code requirements.



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>Standard 8409:2004, Code of Practice for the Management of Agrichemicals, in order that the Best Practicable Option is implemented to avoid, remedy or mitigate any adverse effects of spraydrift.</p> <p>ii) The application is undertaken in a manner that does not exceed any rate, or contravene any other requirement, specified in the label instructions and published application recommendations</p> <p>iii) The usage is consistent with the Regional Pest Management Strategy.</p> <p>iv) The application is undertaken by a person who has the appropriate GROWSAFETM qualification</p>			
<b>s</b>	Discharges to air from sewage pump-out facilities provided the discharge does not result in noxious, dangerous offensive or objectionable levels of airborne contaminants	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Prohibited	20.5.10

### 31.6.6 TAKE AND USE OF WATER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>taking and use of sea water</b> for firefighting purposes and for the normal operational needs of vessels.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	21.5.1
<b>b</b>	The <b>taking and use of seawater</b> for other than firefighting purposes or for the normal operational needs of vessels, provided the following standards and terms are met:	<p>(i) Change natural water and sediment movement patterns; or</p> <p>(ii) Change natural water quality; or</p> <p>(iii) Damage or destroy flora or fauna</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>		Permitted	21.5.1
<b>c</b>	The <b>taking, use, or diversion of coastal water</b> (other than open coastal water) if the water, heat, or energy is required for an individual's reasonable domestic or recreational needs provided the taking, use, or diversion	(i) Have an adverse effect on the environment.		Permitted	21.5.1

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	does not, or is not likely to:				

### 31.6.7 DREDGING AND DREDGING SPOIL DISPOSAL

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<b>Maintenance dredging</b>	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>	-- the duration of the permit - the coastal area covered by the permit - the methods used to carry out the activity - the methods and location of disposal of the dredged material - the timing of the activity in relation to tides, season, or other activities - the information and monitoring requirements	Controlled	22.5.5
<b>b</b>	Any <b>capital dredging</b> provided that the following standards and terms are met:	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Discretionary	22.5.1 22.5.2
<b>c</b>	Any <b>capital dredging</b> that is not otherwise a discretionary activity under Rule 31.6.7(b),			Non-complying	22.5.1 22.5.2
<b>d</b>	<b>Any dredging spoil disposal.</b>	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Discretionary	22.5.10

### 31.6.8 MOORINGS AND MARINAS

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>anchorage of recreational and commercial vessels</b> , to the foreshore or seabed provided that the following standards and terms are met:	(i) The anchored craft is in a position which does not interfere with the safe navigation of other vessels or other authorised uses of the Coastal Marine Area; and (ii) The craft does not remain at anchor for a period of more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident or emergency. (iii) No person shall stay overnight on a		Permitted	28.4.18

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>vessel while anchored unless:</p> <ul style="list-style-type: none"> <li>(a) the vessel is equipped with a sewage treatment system which is specified in Schedule 5 and 7, or is compliant with Schedule 6, of the Resource Management (Marine Pollution) Regulations and which is installed, maintained and operated in accordance with manufacturers instructions, or;</li> <li>(b) If the vessel is equipped with a sewage holding tank, an effective outlet sealing device is installed to prevent sewage discharges; this device remaining activated in the sealed state or position at all times while the vessel is moored, or;</li> <li>(c) the vessel has a portable toilet on board<sup>25</sup></li> </ul> <p>(iv) No person may stay overnight on the vessel if the vessel is anchored for more than five consecutive nights at a location or locations where the vessel is not permitted to discharge sewage, and has had at least one person staying overnight on board the vessel for each of the five consecutive nights, unless:</p> <ul style="list-style-type: none"> <li>(a) all of the sewage has been pumped from the vessel's holding tank at a sewage pump out facility; or</li> <li>(b) all of the sewage from all the vessel's portable toilets has been disposed at an authorised disposal site (if it has a portable toilet);or</li> <li>(c) the vessel has navigated into</li> </ul>			

<sup>25</sup> A portable toilet is defined as: a sewage containment device constructed in impermeable materials which is fully self-contained and removable and consists of two independently sealed chambers comprising a water holding tank and a sewage holding tank separated by a slide valve.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>waters where the discharge of sewage from the vessel is permitted and disposed of all its sewage into those waters.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>			
<b>b</b>	The <b>anchorage of recreational or commercial vessels</b> , to the foreshore or seabed for more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident or emergency.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Discretionary	28.4.20
<b>c</b>	The ongoing occupation of space for a mooring (and trot moorings) and the vessel using the mooring, providing the following standards and terms are met.	<p>(i) No person shall stay overnight on a vessel while on the mooring unless:</p> <p>(a) the vessel is equipped with a sewage treatment system which is specified in Schedule 5 and 7, or is compliant with Schedule 6, of the Resource Management (Marine Pollution) Regulations and which is installed, maintained and operated in accordance with manufacturers instructions, or;</p> <p>(b) If the vessel is equipped with a sewage holding tank, an effective outlet sealing device is installed to prevent sewage discharges; this device remaining activated in the sealed state or position at all times while the vessel is moored, or;</p> <p>(c) the vessel has a portable toilet on board<sup>[1]</sup></p> <p>(ii) No person may stay overnight on a moored vessel if one or more people have stayed overnight on board the vessel for more than five nights, and</p>		Permitted	28.4.4

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>within the five nights the vessel has not:</p> <p>a) pumped out all of the sewage from the vessel's holding tank at a sewage pump out facility (if the vessel has a holding tank); or</p> <p>b) disposed of all of the sewage from all the vessel's portable toilets<sup>[2]</sup> at an authorised disposal site (if the vessel has a portable toilet); or</p> <p>c) navigated into waters where the discharge of sewage from the vessel is permitted and disposed of all its sewage into those waters.</p> <p>(iii) The mooring is not within 70 metres of Mean High Water Springs in the Te Wahapu Marine 4 Management Area.</p> <p>(iv) The mooring is not landward of Mean Low Water Springs in the Matauwhi Bay Marine 4 Management Area.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>			
<b>d</b>	The occupation of space for a mooring and the vessel using the mooring which is not in accordance with 31.6.8c.			Discretionary	
<b>e</b>	The relocation of moorings as directed by the Harbourmaster.			Permitted	28.4.4
<b>f</b>	The placement <sup>26</sup> of pile and trot moorings.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Discretionary	28.4.13
<b>g</b>	The placement <sup>27</sup> of pile and trot moorings which are not otherwise a discretionary activity under Rule 31.6.8(f).			Non-complying	28.4.13
<b>h</b>	The placement <sup>28</sup> of new swing moorings	(i) The swing mooring will not be placed		Discretionary	28.4.11

<sup>26</sup> Placement is the act of putting the mooring into place. Once the mooring is placed, this rule does not apply. Approval is however required for the ongoing occupation of the marine and coastal area.

<sup>27</sup> Placement is the act of putting the mooring into place. Once the mooring is placed, this rule does not apply. Approval is however required for the ongoing occupation of the marine and coastal area.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	subject to the following standards and terms:	<p>within 70 metres of Mean High Water Springs in the Te Wahapu Marine 4 Management Area.</p> <p>(ii) The swing mooring will not be placed above Mean Low Water Springs in the Matauwhi Bay Marine 4 Management Area.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>			28.4.11a 28.4.12 28.4.13
i	The relocation of moorings 698, 706, 722, 733, 738, 902, 944, 967, 977, 978, 979, 989, 994, 1276, 1354 from their location as at 30 March 2010, into the nearest Marine 4 Management Area, at a location specified by the Harbour master.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Permitted	28.4.15
j	The placement of moorings licensed as at 30 June 2010 <sup>29</sup>			Permitted	28.4.4
k	The maintenance and repair of moorings (including trot moorings) provided the following standards and terms are met:	<p><b>(i) Does not result in the deposition of contaminants onto the foreshore, seabed or into coastal waters; or</b></p> <p><b>(ii) Does not alter the position of the mooring.</b></p> <p><b>The activity shall comply with all relevant standards listed in section 31.6.11</b></p>		Permitted	17.5.1
l	The placement of a Marina development.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>		Discretionary	28.4.7
m	The occupation of space for a Marina development.			Discretionary	28.4.7
n	Six months prior to the expiry of a coastal permit for a marina development, the placement and occupation of space for the marina development.	<b>The activity shall comply with all relevant standards listed in section 31.6.11</b>	<p>Duration of the permit</p> <ul style="list-style-type: none"> <li>- The location, intensity, and character remains unchanged</li> <li>- The infrastructure (including sewage disposal and parking) necessary for use, exists or is provided, within the marine management area or within the adjoining</li> </ul>	Controlled	28.4.8

<sup>28</sup> Placement is the act of putting the mooring into place. Once the mooring is placed, this rule does not apply. Approval is however required for the ongoing occupation of the marine and coastal area.

<sup>29</sup> Rule 31.6.8j authorises the placement of existing licensed moorings in Marine 4 Management Areas which did not obtain all necessary approvals. Placement is the act of putting the mooring into place. Once the mooring is placed, this rule does not apply. Approval is however required for the ongoing occupation of the marine and coastal area.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
			district - Avoids conflicts with other activities to the extent consistent with the purpose of the marine management area - Avoids as far as practicable adverse environmental effects - Reasonable provision of public access Information and monitoring requirements		

### 31.6.9 MARINE FARMING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>establishment</b> of any new marine farm			Prohibited	27.5.18

(Note: Rule 31.6.9 Marine Farming does not form part of Plan Change 1 but is included for completeness)

### 31.6.10 OTHER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or to which it will restrict its discretion (as the case requires) are:	Classification	References
<b>a</b>	The <b>removal or pruning of live mangrove trees</b> where the growth or proliferation of these has led to:	(i) The obstruction of existing public access to and along the coastal marine area; or (ii) Interference with the reasonable or safe use or operation of authorised structures or facilities on adjoining land or in the Coastal Marine Area ; or (iii) The blockage of existing man-made drainage channels to the extent that adjacent land is flooded.  The term of the coastal permit for pruning or removal activities shall be no longer than is necessary to complete the operation.  <b>The activity shall comply with all relevant standards listed in section</b>	- the duration of the permit - the coastal area covered by the permit - the area of mangroves to be affected - the methods used to carry out the activity - the methods of disposal of the removed material - the timing of the activity in relation to tides, season, or other activities - the information and monitoring requirements - the Administrative Charges payable - the consideration of practical alternatives to Mangrove clearance	Restricted Discretionary	9.1.5(2), 9.1.5(4)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or to which it will restrict its discretion (as the case requires) are:	Classification	References
		<b>31.6.10</b>			
<b>b</b>	The <b>deliberate introduction of exotic organisms</b> into the coastal marine area, including the transference of established exotic organisms into new areas.			Prohibited for which no coastal permit will be granted	9.1.5(11) 9.2.5(8)



### 31.6.11 GENERAL PERFORMANCE STANDARDS

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 4 (Mooring) Management Area:

- (a) Noise generated as a result of activity within the coastal marine area shall comply with the following standards:
  - (i) the activity shall not cause excessive noise as defined in section 326 of the Resource Management Act; and
  - (ii) any construction or maintenance activity near coastal subdivisions or other urban areas shall comply with the noise standards of the district council which is responsible for the use of the adjoining land.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
  - (i) a hazard to navigation and safety; or
  - (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or
  - (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land.
- (c) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
  - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
  - (ii) any conspicuous change in the colour or visual clarity of the receiving waters.
  - (iii) any emission of objectionable odour.
  - (iv) accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point.
  - (v) any significant adverse effects on aquatic life or public health.
- (d) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity other than dredging shall be restored as soon as practicable after the completion of the construction or maintenance activity.
- (e) Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.
- (f) Discharges of contaminants into air shall not:
  - (i) Result in the discharge of black smoke apart from coal, oil or diesel burning equipment for a period of up to 15 minutes from startup from cold, or for soot blowing.
  - (ii) Result in any offensive or objectionable odour, or any noxious or dangerous level of gases.
  - (iii) Result in a discharge to air of offensive or objectionable dust.
  - (v) Result in concentrations of air pollutants that exceed as a minimum the National Ambient quality guidelines, May 2002.

## 31.7 MARINE 5 (PORT FACILITIES) MANAGEMENT AREA

### 31.7.1 MARINE MANAGEMENT AREA STATEMENT

Marine 5 (Port Facilities) Management Areas are those being managed primarily for port related purposes. For the purposes of this Plan, "port areas" are areas within the coastal marine area which contain or are directly associated with wharves, jetties or other structure used commercially for loading and unloading goods or passengers. More specifically, a "port area" is:

A harbour area where marine terminal facilities such as jetties and wharves are provided at which commercial ships of 4500 Dead Weight Tonnes (DWT), or greater, regularly berth to load and unload cargo or passengers. Such areas can include ship construction and/or maintenance activity, barging operations and any related structures.

### 31.7.2 PUBLIC ACCESS

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<b>Public access outside of designated public areas</b> on to wharves and other port facilities which interferes with safe and efficient port operations.			Prohibited	10.5.11

### 31.7.3 TEMPORARY MILITARY TRAINING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	All <b>temporary military training</b> activity provided that:	<ul style="list-style-type: none"> <li>(i) The written consent of the parties responsible for the administration and control of the area within which the activity is to occur has been obtained.</li> <li>(ii) No other person has exclusive rights to occupy the area, unless the written consent of that person has been obtained.</li> <li>(iii) All provisions in relation to structures in the Plan are met.</li> <li>(iv) The activity does not require earthworks or excavation (mechanical</li> </ul>		Permitted	10.5.12

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<p>or permanent) unless provided for elsewhere in this Plan.</p> <p>(v) Flying activity is in compliance with civil aviation regulations or in agreement with the local controlling authority.</p> <p>(vi) The activity will occur for less than 31 days.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.7.12</b></p>			
<b>b</b>	The carrying out of any <b>temporary military training activity</b> which is not otherwise a permitted activity under Rule 31.7.3a	<p>The term of the coastal permit for temporary military training activities shall be no longer than is necessary to complete the operation.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.7.12</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- measures to control any associated environmental effects including mitigation measures</li> <li>- the method of restoration of foreshore or seabed where this is necessary</li> <li>- the Administrative Charges payable.</li> </ul>	Controlled	10.5.12

### 31.7.4 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>occupation of space for existing buildings on wharves</b> necessary to, or otherwise directly associated with port operations.	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	29.5.1
<b>b</b>	The <b>use of existing buildings on wharves</b> necessary to, or otherwise directly associated with, port operations.	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the mitigation of visual effects of the building</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	29.5.2
<b>c</b>	The <b>occupation of space for and use of existing structures</b> which are listed in Schedule 1 and navigation aids, stormwater outlet pipes, road and railway culverts and bridges, aerial and submarine telephone or	(i) The public are permitted to have access to and use of the structure at all times other than where, for reasons of safety and security, the public should be excluded from such access and		Permitted	17.5.2, 29.5.1

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	power cables, suspended and submarine water pipelines that were fully completed at the time of the 92/93 coastal survey and in good order and repair which occur within Marine 5 Management Areas on the condition that:	<p>use.</p> <p>(ii) The owner of the structure or facility ensures that the foreshore and seabed under, adjoining or adjacent to the structure is kept free from debris resulting from the use of the structure.</p> <p>(iii) The structure not being altered or added to without the prior consent of the Council.</p> <p>(iv) The owner of the structure notifying the Council of any change of ownership of the structure, including notification of the name and postal address of the new owner.</p> <p>(v) The structure only being used for the purpose for which it was originally designed.</p> <p>(vi) The structure not being used for the purpose of removal and/or application of antifouling paint or any other boat maintenance activity which introduces, or is likely to introduce, toxic contaminants into the coastal marine area.</p> <p>(vii) The structure is not being used for mooring purposes.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.7.12.</b></p>			
<b>d</b>	The <b>occupation of space for, and the use of, existing authorised structures</b> listed in Schedule 2 or otherwise authorised by resource consent (excluding those structures listed in Schedule 3) and which occur within Marine 5 Management Areas, including those used for <sup>30</sup> :	<p>(i) cargo loading, unloading, and storage</p> <p>(ii) the embarking, disembarking, and transit of passengers</p> <p>(iii) the launching and retrieval of recreational and commercial craft</p> <p><b>The activity shall comply with all relevant</b></p>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the type of use of the structure</li> <li>- measures to control, including mitigation measures, any associated environmental effects</li> <li>- the information and monitoring requirements</li> </ul>	Controlled	17.5.3, 29.5.2

<sup>30</sup> For the avoidance of doubt, this rule does not apply to an existing authorised structure listed in Schedule 2 or which by means of a resource consent already has authorisation for 'the occupation of space for' and 'the use' of that structure, unless or until the authorisation expires.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		<b>standards listed in section 31.7.12</b>	- the Administrative Charges payable		
<b>e</b>	The <b>occupation of space for and use of existing structures</b> listed in Schedule 3 and suspended and submarine pipelines carrying liquid or gas other than water that were fully completed at the time of the 92/93 coastal survey and in good order and repair and which occur within Marine 5 Management Areas <sup>31</sup> .			Discretionary	17.5.3
<b>f</b>	<b>The occupation of space for, and use of, existing authorised refuelling facilities</b>	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	- the duration of the permit - measures to control, including mitigation measures, any associated environmental effects - the information and monitoring requirements - the Administrative Charges payable	Controlled	19.5.24
<b>g</b>	The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b> , including permanent swing moorings, on the condition that the activity is carried out in a manner which avoids or mitigates risks to public health and safety and does not:  (i) prevent, or unduly interfere with, other lawful activities in the coastal marine area.	Does not have significant adverse effects on the environment having regard to the quality of the receiving water.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	17.5.7
<b>h</b>	The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b> which is not otherwise a permitted activity under Rule 31.7.4(g)	The term of the coastal permit for demolition and removal activities shall be no longer than is necessary to complete the demolition and removal including any restoration work necessary.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	- the duration of the permit - the coastal area covered by the permit - the methods used to carry out the activity - the timing of the activity in relation to tides, season, or other activities - the information and monitoring requirements - the Administrative Charges payable	Controlled	17.5.7
<b>i</b>	The <b>erection, placement, alteration, or maintenance of navigation aids</b> which have the approval of the Maritime Safety Authority or	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	29.5.1

<sup>31</sup> For the avoidance of doubt, this rule does not apply to an existing authorised structure listed in Schedule 3 which already has authorisations for 'the occupation of space for' and 'the use' of that structure, unless or until the authorisations expire.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	the Harbourmaster.				
<b>j</b>	The <b>erection, placement, alteration, or maintenance of navigation aids</b> , which have the approval of the Maritime Safety Authority or the Harbourmaster and which is not otherwise a permitted activity under Rule 31.7.4(i).	The term of the coastal permit shall be up to 25 years.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	29.5.1
<b>k</b>	The <b>placement, operation, and maintenance of equipment</b> for environmental monitoring or data gathering purposes, provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	
<b>l</b>	The <b>maintenance and repair of authorised structures</b> , other than shoreline protection works, on the condition that the activity is carried out in a manner which avoids or mitigates risks to public health and safety and does not:  (i) alter the height or plan dimensions of the structure; or (ii) result in a weakening of the structural integrity or strength of the structure.	Does not have significant adverse effects on the environment having regard to the quality of the receiving water.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	17.5.1
<b>m</b>	The <b>maintenance and repair of authorised structures</b> which is not otherwise a permitted activity under Rule 31.7.4(l)	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	17.5.1
<b>n</b>	The <b>alteration or extension of any authorised structure</b> which is necessary to the safe or efficient operation of the port, provided	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the methods used to carry out the activity</li> <li>- the timing of the activity in relation to</li> </ul>	Controlled	17.5.5

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p>that the activity does not involve the erection of a structure or structures (other than submarine or sub-aques cables, or floating or open pile structures which can be demonstrated not to have adverse effects) which:</p> <p>(i) impound or effectively contain 4 hectares or more of the coastal marine area, or</p> <p>(ii) are solid (or present a significant barrier to water or sediment movement) and when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of MHWS (including separate structures which total 300 metres or more contiguous); or</p> <p>(iii) are solid (or present a significant barrier to water or sediment movement) and sited obliquely or perpendicular in horizontal projection to the line of MHWS in the coastal marine area and is in horizontal projection 100 metres or more in length; or</p> <p>(iv) do not involve the erection of structures for the storage or containment of any petroleum, petroleum products or contaminantes in quantities greater than 50,000 litres.</p>		<p>tides, season, or other activities</p> <ul style="list-style-type: none"> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>		
<b>o</b>	The <b>alteration or extension of authorised structures</b> , which is not otherwise a controlled activity under Rule 31.7.3(n).			Discretionary	17.5.5
<b>p</b>	The <b>erection and placement of any new port-related structure</b> (other than a navigation aid) including a wharf, jetty, pontoon, slipway, shiplift or refuelling facility, and the occupation of space for, and use of, that port-related structure.			Discretionary	17.5.10
<b>q</b>	The <b>erection and the occupation of space for, and use of any new building</b> on or over			Discretionary	17.5.10

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	water including any building on a wharf, jetty or pontoon.				
<b>r</b>	The <b>placement of signage</b> by any statutory authority directly relating to information and safety material concerning the coastal marine area; or as required by or in terms of any coastal permit, or the Building Act 1991.	<b>The activity shall comply with all relevant standards listed in section 31.7.12.</b>		Permitted	29.5.1
<b>s</b>	The <b>placement of signs</b> by the operator of any port facility displaying information and safety material relating only to the safe and efficient operation of the port facilities of that operator.	<b>The activity shall comply with all relevant standards listed in section 31.7.12.</b>		Permitted	29.5.1
<b>t</b>	The <b>placement of signs</b> on any single authorised structure, on the condition that: <ul style="list-style-type: none"> <li>(i) the structure is one from which goods, services, or facilities available to the public are sold or operated; and</li> <li>(ii) all signs so displayed relate directly to such goods, services, or facilities sold or operated at or on the structure; and</li> <li>(iii) no more than two signs are displayed for each enterprise of activity separately operated from the structure.</li> </ul>	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	29.5.1
<b>u</b>	The <b>placement of signs</b> which is otherwise a permitted activity under Rules 31.7.4(r), 31.7.4(s) and 31.7.4(t).	- The total signage per enterprise or activity shall not exceed 20 square metres.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	- The nature of the sign (including reflective or flashing effects). - The content of signage, to ensure it is related to the purpose and use of the structure.	Controlled	29.5.1
<b>v</b>	The <b>placement of signs</b> which is not otherwise a permitted or controlled activity.			Discretionary	29.5.1

### 31.7.5 RECLAMATION AND IMPOUNDMENT

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	Any new <b>reclamation</b> .			Discretionary	18.5.5, 21.5.3



### 31.7.6 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>discharge of water on to the foreshore, seabed</b> or into adjacent coastal waters which:	Does not have significant adverse effects on the environment having regard to the quality of the receiving water.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	19.5.31
<b>b</b>	<b>Boat maintenance activity</b> at authorised boat maintenance facilities or other locations which:	(i) does not have significant adverse effects on the environment having regard to the quality of the receiving water (ii) does not impede public access to or along the coastal marine area.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	
<b>c</b>	<b>Boat maintenance facilities</b> and associated activities, including discharges.			Discretionary	19.5.1, 19.5.6
<b>d</b>	<b>Boat maintenance activity</b> which is not otherwise a permitted activity under Rule 31.7.5(b).			Discretionary	19.5.15
<b>e</b>	The <b>discharge of cooling water</b> from the Portland cement works and any associated structures.	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the quality of the discharge.</li> <li>- the methods used to diffuse the discharge into the receiving waters</li> <li>- the methods used to control scour of the foreshore or seabed</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	19.5.32, 29.5.9
<b>f</b>	The <b>discharge of treated effluent</b> to coastal water from land-based wastewater treatment plants.			Discretionary	19.5.1, 29.5.9
<b>g</b>	Any <b>stormwater discharge from open cargo storage or handling areas</b> , including wharves.			Discretionary	19.5.4, 29.5.9
<b>h</b>	Any deliberate or intentional <b>deposition of</b>			Prohibited	29.5.9

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<b>bulk cargo</b> remaining on wharves, barges, or in vessel holds after unloading operations, on to the foreshore or seabed or into coastal water.				
<b>i</b>	<b>The deliberate or intentional deposition of litter and other solid domestic or industrial waste</b> material on to the foreshore, seabed or into coastal waters.			Prohibited	29.5.9
<b>j</b>	The <b>discharge of contaminants</b> into air from the operation of <b>fuel burning equipment</b> for cooking purposes using charcoal or LPG, with a capacity less than 40kW	<b>The activity shall comply with all relevant standards listed in section 31.7.12.</b>		Permitted	20.5(11)
<b>k</b>	The <b>discharge of contaminants</b> into air from the operation of <b>fuel burning equipment</b> using coal, fuel oil, diesel oil, natural gas, LPG, untreated wood for heating purposes, and or electricity generating purposes with the following heat capacities	<ul style="list-style-type: none"> <li>i) Coal and oil burning equipment having a rate of heat release less than 5 MW</li> <li>ii) Natural gas and LPG burning equipment having a rate of heat release less than 10 MW</li> <li>iii) Untreated wood burning equipment having a rate of heat release less than 2.5 MW</li> </ul>		Permitted	20.5(11)
<b>l</b>	The <b>discharge of dust contaminants</b> into air from: <ul style="list-style-type: none"> <li>i) Road construction and maintenance</li> <li>ii) Railway line construction and maintenance</li> <li>iii) The loading and unloading of materials having the capacity to generate dust</li> </ul>	Provided that the activity does not result in offensive or objectionable dust deposition at rates that exceed 4 g/m <sup>2</sup> /30days above ambient levels, or any noxious or dangerous levels of airborne particulate material (as TSP) at levels which exceed 120 µg/m <sup>3</sup> as a 24 hour average beyond the boundary of any area zoned and/or authorised for Port purposes.		Permitted	20.5(11)
<b>m</b>	The <b>discharge of contaminants</b> into air from the operation of premises involved in the <b>preparation or cooking of food and beverages</b> for human consumption, but excluding	<ul style="list-style-type: none"> <li>i) Any process for the rendering or reduction or drying of animal matter (including feather, blood, bone, skin or offal)</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.7.12.</b></p>		Permitted	20.5(11)
<b>n</b>	The <b>discharges of contaminants</b> into air associated with the <b>refilling, storage, dispensing and sale of petrol, LPG and marine fuels</b>	<b>The activity shall comply with all relevant standards listed in section 31.7.12.</b>		Permitted	20.5(11)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>o</b>	<b>Discharges of contaminants</b> to air associated with the operation of <b>industrial and commercial refrigeration systems</b>	i) Excluding systems utilising ammonia.  <b>The activity shall comply with all relevant standards listed in section 31.7.12.</b>		Permitted	20.5(11)
<b>p</b>	The <b>discharge of contaminants</b> into air associated with the <b>sale, servicing or repairs to boats or like equipment</b> , including body and engine repairs, fibre glassing, painting, antifouling, including wet abrasive blasting	i) Any discharges associated with wet abrasive blasting shall be contained and prevented from entering the coastal marine area. ii) The discharge shall not contain lead, arsenic, chromium, cadmium, copper, or tin. iii) The wet abrasive blasting medium shall contain no greater than 2% by dry weight free silica. iv) The wet abrasive blasting medium shall contain no greater than 2% by dry weight fine material able to pass through a 15 micron sieve. v) Overspray from any painting activity must be minimised.		Permitted	20.5(11)
<b>q</b>	<b>Discharges into air</b> associated with activities which <b>release water vapour or steam</b> .	<b>The activity shall comply with all relevant standards listed in section 31.7.12.</b>		Permitted	20.5(11)
<b>r</b>	The <b>discharge of contaminants</b> into air associated with <b>the construction, repair, maintenance and demolition of buildings or structures</b> , including power pylons.	i) The total amount of material discharged to the coastal marine area shall be minimised. ii) The discharge shall not contain lead, arsenic, chromium, cadmium, copper, or tin. iii) Any discharges associated with wet abrasive blasting shall be contained. iv) Overspray from any painting activity shall be minimised.		Permitted	20.5(11)
<b>s</b>	The <b>discharge into air</b> of contaminants associated <b>with moving or stationary engine exhaust systems</b> . This excludes discharges associated with the normal operations of a ship or offshore installation, which are permitted	<b>The activity shall comply with all relevant standards listed in section 31.7.12.</b>		Permitted	20.5(11)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	under the Resource Management (Marine Pollution) Regulations 1998.				
<b>t</b>	The <b>discharges into air</b> of contaminants associated with the <b>fumigation of material for quarantine purposes</b> .	The activity is carried out in accordance with the requirements of the Fumigation Regulations 1967.		Permitted	20.5(11)
<b>u</b>	The <b>discharge of any contaminants</b> into air that are not associated with Rules j to t and Rules v and w.			Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)
<b>v</b>	The <b>discharge of contaminants</b> into air from the <b>open burning</b> of the following waste material:	<ul style="list-style-type: none"> <li>i) Rubber, including tyres</li> <li>ii) Plastics</li> <li>iii) Plastic agrichemical containers</li> <li>iv) Hazardous substances or containers of hazardous substances</li> <li>v) Coated metal cables</li> <li>vi) Motor vehicles or marine vessels (except in emergency situations)</li> <li>vii) Timber treated with CCA or organic substances</li> </ul>		Prohibited	20.5.6
<b>w</b>	The <b>discharge of contaminants</b> into air resulting from the <b>application of any agrichemical</b> for the control and eradication of pests.	<ul style="list-style-type: none"> <li>i) The application is undertaken in accordance with all mandatory requirements set out in Part 5 and Appendices Z, AA, and DD of the New Zealand Standard 8409:1995, Agrichemical User's Code of Practice.</li> <li>ii) The application is undertaken in a manner that does not exceed any rate, or contravene any other requirement, specified in the label instructions and published application recommendations</li> <li>iii) The usage is consistent with the Regional Pest Management Strategy.</li> <li>iv) The application is undertaken by a person who has the appropriate GROWSAFE™ qualification</li> </ul>		Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
		v) Adequate public notification has been carried out, including signage and individual notification to residences within 30 m of the area to be sprayed for ground based applications or within 300 m of the area to be sprayed for aerial applications.			

### 31.7.7 TAKING AND USE OF WATER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>taking and use of sea water</b> for firefighting purposes and for the normal operational needs of vessels.	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	21.5.1
<b>b</b>	The <b>taking and use of sea water</b> for other than firefighting purposes or for the normal operational needs of vessels, on the condition that the activity does not:	(i) change natural water and sediment movement patterns; or (ii) change natural water quality.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	21.5.1
<b>c</b>	The <b>taking, use, or diversion of coastal water</b> (other than open coastal water) if the water, heat, or energy is required for an individual's reasonable domestic or recreational needs provided the taking, use, or diversion does not, or is not likely to:	Have an adverse effect on the environment.		Permitted	21.5.1
<b>d</b>	Any <b>taking and use sea water</b> which is not otherwise a permitted activity under Rule 31.7.7(a),(b) and (c).			Discretionary	21.5.1 21.5.2

### 31.7.8 DREDGING AND DREDGING SPOIL DISPOSAL

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>maintenance dredging</b> of berths, approach channels, and turning basins.	The term of the coastal permit for the dredging operation shall be no longer than is necessary to complete the operation.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the coastal area covered by the permit</li> <li>- the methods used to carry out the activity</li> <li>- the methods and of disposal of the dredged material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> </ul>	Controlled	22.5.2, 28.5.5
<b>b</b>	Any <b>capital dredging</b> .			Discretionary	22.5.4
<b>c</b>	Any <b>dredging spoil disposal</b> .			Discretionary	22.5.10

### 31.7.9 MOORINGS AND MARINAS

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>occupation of space by commercial ships and other vessels</b> berthed at port wharves, jetties or pontoons, including pilot boats.	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Permitted	29.5.1
<b>b</b>	The <b>berthing of recreational boats and other vessels or passage within designated exclusion areas</b> at authorised wharves or other similar structures without the approval of the port operator.			Prohibited for which no coastal permit will be granted	
<b>c</b>	The <b>placement of moorings</b> required for port operations, provided the following standards and terms are met:	(i) The Regional Harbourmaster has been consulted.  <b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Discretionary	
<b>d</b>	The <b>occupation of space for moorings</b> (and the vessels using the moorings) required for			Discretionary	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	port operations.				
<b>e</b>	Moorings that are not otherwise a discretionary activity under Rule 31.7.9(c) and 31.7.9(d).	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Non-complying	
<b>f</b>	The placement of a <b>Marina development</b>	<b>The activity shall comply with all relevant standards listed in section 31.7.12</b>		Discretionary	28.4.7
<b>g</b>	The occupation of space for a <b>Marina development</b> .			Discretionary	28.4.7

### 31.7.10 MARINE FARMING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>establishment of any new marine farm.</b>			Prohibited	27.5.18

### 31.7.11 OTHER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>aa</b>	The <b>removal or pruning of mangrove trees</b> by or on behalf of the relevant roading authority where the progressive growth or proliferation of these has led to:  (i) interference with the reasonable or safe use or operation of roading networks; on adjoining land or in the coastal marine area.	The activity shall comply with all relevant standards listed in section 31.7.12.	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the extent of the coastal marine area covered by the permit</li> <li>- the ecological sensitivity of the area affected and of the surrounding environment.</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- consideration of practical alternatives to mangrove clearance</li> <li>- the Administrative Charges payable</li> </ul>	Controlled	9.1.5(1)
<b>a</b>	The <b>removal or pruning of mangroves</b> where		<ul style="list-style-type: none"> <li>- the duration of the permit</li> </ul>	Controlled	9.1.5(1)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
	<p>the growth or proliferation of these has led to:</p> <p>(i) the obstruction of existing lawful public access to and along the coastal marine area; or</p> <p>(ii) interference with the reasonable or safe use or operation of authorised structures or facilities on adjoining land or in the coastal marine area; or</p> <p>(iii) the blockage of channels where adjacent land is likely to become flooded.</p>	The activity shall comply with all relevant standards listed in section 31.7.12	<ul style="list-style-type: none"> <li>- the extent of the coastal marine area covered by the permit</li> <li>- the area of mangroves to be affected</li> <li>- the methods used to carry out the activity</li> <li>- the methods of disposal of the removed material</li> <li>- the timing of the activity in relation to tides, season, or other activities</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Charges payable.</li> </ul>		
<b>b</b>	The <b>deliberate introduction of exotic organisms</b> into the coastal marine area, including the transference of established exotic organisms into new areas.			Prohibited	9.1.5(11), 9.2.5(8)



### 31.7.12 GENERAL PERFORMANCE STANDARDS

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 5 (Port Facilities) Management Area:

- (a) Noise generated as a result of activity within the coastal marine area shall comply with the following standards:
  - (i) the activity shall not cause excessive noise as defined in section 326 of the Resource Management Act; and
  - (ii) any construction or maintenance activity near coastal subdivisions or other urban areas shall comply with the noise standards of the district council which is responsible for the use of the adjoining land.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
  - (i) a hazard to navigation and safety; or
  - (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or
  - (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land.
- (c) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
  - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
  - (ii) any conspicuous change in the colour or visual clarity of the receiving waters.
  - (iii) any emission of objectionable odour.
  - (iv) accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point.
  - (v) any significant adverse effects on aquatic life or public health.
- (d) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity other than dredging shall be restored as soon as practicable after the completion of the construction or maintenance activity.
- (e) Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.
- (f) Where carparking is required on a wharf in relation to commercial, industrial or administrative buildings on those wharves, carparking shall be provided at a rate of one space per 40m<sup>2</sup> of building. Where an assessment of the required carparking space results in a fractional space, any fraction under one half shall be disregarded, and any fraction of one half or over shall be counted as one.

- (g) Where carparking is required on a wharf in relation to vessels berthed at or attached to the wharf, carparking shall be provided at a rate of 1 space per berth.
- (h) Discharges of contaminants into air shall not:
  - (i) Result in the discharge of black smoke apart from coal, oil or diesel burning equipment for a period of up to 15 minutes from startup from cold, or for soot blowing.
  - (ii) Result in any offensive or objectionable odour, or any noxious or dangerous level of gases.
  - (iii) Result in a discharge to air of offensive or objectionable dust.
  - (iv) Result in concentrations of air pollutants that exceed as a minimum the National Ambient quality guidelines, May 2002

## 31.8 MARINE 6 (WHARVES) MANAGEMENT AREA

### 31.8.1 MARINE MANAGEMENT AREA STATEMENT

Marine 6 (Wharves) Management Areas are those wharves and adjacent coastal marine area being managed primarily for commercial and mixed uses. For the purposes of this plan, the wharves that are included within this zone are Pukenui, Unahi, Mangonui, Totara North, Marlin, Clansman, Waitangi, Paihia, Russell, Opuā, Opononi and Omapere.

### 31.8.2 PUBLIC ACCESS AND RECREATIONAL ACTIVITY

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>a</b>	All <b>recreational activity</b> (including the use of recreational vehicles and the launching and retrieval of boats and other craft)	<p>The activity does not:</p> <ul style="list-style-type: none"> <li>i) endanger public safety; or</li> <li>ii) require exclusive occupation of space; or</li> <li>iii) cause permanent physical damage to the foreshore or seabed; or</li> <li>iv) result in the destruction of indigenous vegetation, including mangroves, eelgrass or saltmarsh, or beds of edible shellfish.<sup>32</sup></li> </ul> <p><b>The activity shall comply with the all the relevant standards in section 31.8.12</b></p>		Permitted	
<b>b</b>	All <b>recreational activity</b> (including the use of recreational vehicles and the launching and retrieval of boats and other craft), <b>which is not otherwise a permitted activity</b> under Rule 31.8.2(a).			Discretionary	

<sup>32</sup> If the activity requires new structures or results in a discharge, a separate coastal permit may be required.

### 31.8.3 TEMPORARY MILITARY TRAINING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>a</b>	All <b>temporary military training</b> activity	<p>(i) The written consent of the parties responsible for the administration and control of the area within which the activity is to occur has been obtained.</p> <p>(ii) No other person has exclusive rights to occupy the area, unless the written consent of that person has been obtained.</p> <p>(iii) The activity does not require earthworks or excavation (mechanical or permanent) unless provided for elsewhere in this Plan.</p> <p>(iv) Flying activity is in compliance with civil aviation regulations or in agreement with the local controlling authority.</p> <p>(v) The activity will occur for less than 31 days.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>		Permitted	
<b>b</b>	All <b>temporary military training activity which is not otherwise a permitted activity</b> under Rule 31.8.3(a)	<p>The term of the coastal permit for temporary military training activities shall be no longer than is necessary to complete the operation.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- Measures to control any associated environmental effects including mitigation measures</li> <li>- The method of restoration of foreshore or seabed where this is necessary</li> </ul>	Controlled	

### 31.8.4 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>a</b>	The <b>occupation of space for all existing structures.</b>	<p>(i) The public are permitted to have access to and use of the structure (except buildings) at all times other than when, for reasons of safety, security and operations consistent with a resource consent, the public should be excluded from such access and use.</p> <p>(ii) The owner of the structure or facility ensures that the foreshore and seabed under, adjoining or adjacent to the structure is kept free from debris resulting from the use of the structure.</p>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The type of use of the structure where the use of the structure is not a permitted activity under rule 31.8.4(b)</li> <li>- Measures to control any associated environmental effects, including mitigation measures.</li> <li>- The information and monitoring requirements</li> <li>- The Administrative Charges Payable</li> </ul>	Controlled	10.5.11, 17.5.4, 23.5.2
<b>b</b>	The <b>use of existing structures</b> established as at 14 December 1994	<p>(i) Continued compliance with the relevant conditions of any resource consents applying as at or subsequent to 14 December 1994.</p> <p>(ii) The effects are the same or similar in character, intensity and scale as the activity which was lawfully established or existed as at 14 December 1994.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>		Permitted	17.5.4
<b>c</b>	The <b>use of all existing structures where that use is not otherwise a permitted activity</b> under rule 31.8.4(b)		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- Any associated effects of the activity on: <ul style="list-style-type: none"> <li>• parking</li> <li>• loading and unloading</li> <li>• traffic generation</li> <li>• navigation</li> <li>• noise</li> <li>• lighting</li> <li>• hours of operation</li> <li>• public access</li> </ul> </li> <li>- The information and monitoring requirements</li> </ul>	Restricted Discretionary	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>d</b>	The <b>maintenance and repair of authorised structures</b>	<p>The activity is carried out in a manner which avoids or mitigates risks to public health and safety and does not:</p> <ul style="list-style-type: none"> <li>(i) alter the height or plan dimensions of the structure; or</li> <li>(ii) result in a weakening of the structural integrity or structural strength; or</li> <li>(iii) the effects will be of the same character, intensity and scale as the activity, which was lawfully established and conducted before any authorised maintenance and repair.<sup>33</sup></li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>		Permitted	17.5.1
<b>e</b>	The <b>maintenance and repair</b> of authorised structures which is not otherwise a permitted activity under rule 31.8.4(d)		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The methods of maintenance and repair</li> <li>- Measures to control any associated environmental effects including mitigation measures</li> <li>- The information and monitoring requirements</li> </ul>	Controlled	17.5.1
<b>f</b>	<p>The <b>alteration or extension</b> of authorised structures, provided that the activity does not involve the erection of a structure or structures (other than submarine or sub-aqueous cables, or floating or open pile structures which can be demonstrated not to have adverse effects) which:</p> <ul style="list-style-type: none"> <li>(i) impound or effectively contain 4 hectares or more of the coastal marine area, or</li> <li>(ii) are solid (or present a significant barrier to water or sediment movement) and when established on the foreshore or seabed would extend 300 metres or more</li> </ul>		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The methods used to carry out the activity</li> <li>- Any associated effects of the activity on: <ul style="list-style-type: none"> <li>• parking</li> <li>• loading and unloading</li> <li>• traffic generation</li> <li>• navigation</li> <li>• noise</li> <li>• lighting</li> <li>• hours of operation</li> <li>• public access</li> <li>• sedimentation</li> </ul> </li> </ul>	Restricted Discretionary	17.5.5

<sup>33</sup> Explanatory Note: The phrase "...the same character, intensity and scale..." includes the use of the same, or similar materials used in the construction of the structure being maintained or repaired.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
	<p>in length more or less parallel to the line of MHWS (including separate structures which total 300 metres or more contiguous); or</p> <p>(iii) are solid (or present a significant barrier to water or sediment movement) and sited obliquely or perpendicular in horizontal projection to the line of MHWS in the coastal marine area and is in horizontal projection 100 metres or more in length; or</p> <p>(iv) do not involve the erection of structures for the storage or containment of any petroleum, petroleum products or contaminants in quantities greater than 50,000 litres.</p>		<ul style="list-style-type: none"> <li>• erosion and/or scouring</li> <li>- The design, scale and external appearance</li> <li>- The extent of the structure</li> <li>- The timing of the activity in relation to tides, season, or other activities</li> <li>- The information and monitoring requirements</li> </ul>		
<b>g</b>	The <b>alteration or extension of authorised structures</b> which is <b>not otherwise a restricted discretionary activity</b> under Rule 31.8.4(f)			Discretionary	
<b>h</b>	<p>The <b>erection and placement of any new structure</b> provided that the activity does not involve the erection of a structure or structures (other than submarine or sub-aque cables, or floating or open pile structures which can be demonstrated not to have adverse effects) which:</p> <p>(i) impound or effectively contain 4 hectares or more of the coastal marine area, or</p> <p>(ii) are solid (or present a significant barrier to water or sediment movement) and when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of MHWS (including separate structures which total 300 metres or more contiguous); or</p> <p>(iii) are solid (or present a significant barrier</p>		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The methods used to carry out the activity</li> <li>- Any associated effects of the activity on: <ul style="list-style-type: none"> <li>• parking</li> <li>• loading and unloading</li> <li>• traffic generation</li> <li>• hours of operation</li> <li>• noise</li> <li>• navigation</li> <li>• lighting</li> <li>• public access</li> <li>• sedimentation</li> <li>• erosion and/or scouring</li> </ul> </li> <li>- The design, scale and external appearance</li> <li>- The extent of the structure</li> <li>- The timing of the activity in relation to</li> </ul>	Restricted Discretionary	17.5.10

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
	to water or sediment movement) and sited obliquely or perpendicular in horizontal projection to the line of MHWS in the coastal marine area and is in horizontal projection 100 metres or more in length; or (iv) do not involve the erection of structures for the storage or containment of any petroleum, petroleum products or contaminants in quantities greater than 50,000 litres.		tides, season, or other activities - The information and monitoring requirements		
<b>i</b>	<b>The erection and placement of any new structure which is not otherwise a restricted discretionary activity</b> under rule 31.8.4(h)			Discretionary	17.5.10
<b>j</b>	<b>The occupation of space for any new structure</b> provided that the activity: (i) does not exclude or effectively exclude public access to the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security); or (ii) does not exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or (iii) does not involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas.		- The duration of the permit - Any associated effects of the activity on: <ul style="list-style-type: none"> <li>• parking</li> <li>• loading and unloading</li> <li>• traffic generation</li> <li>• navigation</li> <li>• noise</li> <li>• lighting</li> <li>• hours of operation</li> <li>• public access</li> </ul> - Measures to control any associated environmental effects including mitigation measures - The information and monitoring requirements	Restricted Discretionary	17.5.10
<b>k</b>	<b>The occupation of space for any new structure which is not otherwise a restricted discretionary activity</b> under rule 31.8.4(j)			Discretionary	17.5.10
<b>l</b>	<b>The use of any new structure</b> provided that the activity does not involve the erection of structures for the storage or containment of any petroleum, petroleum products or contaminants in quantities greater than 50,000		- The duration of the permit - Any associated effects of the activity on: <ul style="list-style-type: none"> <li>• parking</li> <li>• loading and unloading</li> <li>• traffic generation</li> </ul>	Restricted Discretionary	17.5.10



Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
	litres.		<ul style="list-style-type: none"> <li>• navigation</li> <li>• noise</li> <li>• lighting</li> <li>• hours of operation</li> <li>• public access</li> </ul> - The information and monitoring requirements		
<b>m</b>	The <b>use of any new structure which is not otherwise a restricted discretionary activity</b> under rule 31.8.4(l)			Discretionary	17.5.10
<b>n</b>	The <b>demolition and removal of unsafe, unauthorised, or unwanted structures</b>	<p>The activity is carried out in a manner which avoids or mitigates risks to public health and safety and does not:</p> <ul style="list-style-type: none"> <li>(i) prevent, or unduly interfere with, other lawful activities in the coastal marine area; or</li> <li>(ii) cause permanent physical damage to the foreshore or seabed; or</li> <li>(iii) result in the destruction of indigenous vegetation, including mangroves, eelgrass or saltmarsh, or beds of edible shellfish.</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>		Permitted	17.5.7
<b>o</b>	The <b>demolition and removal of unsafe, unauthorised, or unwanted structures which is not otherwise a permitted activity</b> under Rule 31.7.4(n)	<p>The term of the coastal permit for demolition and removal activities shall be no longer than is necessary to complete the demolition and removal including any restoration work necessary.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- The methods used to carry out the activity</li> <li>- The timing of the activity in relation to tides, season, or other activities</li> <li>- The information and monitoring requirements</li> <li>- The Administrative Charges payable</li> </ul>	Controlled	17.5.7

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>p</b>	<b>The occupation of space for existing authorised refuelling facilities</b>	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- Measures to control, including mitigation measures, any associated environmental effects</li> <li>- The information and monitoring requirements</li> <li>- The Administrative Charges payable</li> </ul>	Controlled	19.5.24
<b>q</b>	<b>The use of existing authorised refuelling facilities</b>	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- Measures to control, including mitigation measures, any associated environmental effects</li> <li>- The information and monitoring requirements</li> <li>- The Administrative Charges payable</li> </ul>	Controlled	19.5.24
<b>r</b>	<b>The occupation of space for new refuelling facilities</b>	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- Any associated effects of the activity on <ul style="list-style-type: none"> <li>• parking</li> <li>• loading and unloading</li> <li>• traffic generation</li> <li>• navigation</li> <li>• noise</li> <li>• lighting</li> <li>• hours of operation</li> <li>• public access</li> </ul> </li> <li>- Measures to control any associated environmental effects including mitigation measures</li> <li>- The information and monitoring requirements</li> </ul>	Restricted Discretionary	19.5.24
<b>s</b>	<b>The use of new refuelling facilities</b>	<b>The activity shall comply with all relevant standards listed in section 31.8.12.</b>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- Any associated effects of the activity on <ul style="list-style-type: none"> <li>• parking</li> <li>• loading and unloading</li> <li>• traffic generation</li> <li>• navigation</li> <li>• noise</li> <li>• lighting</li> </ul> </li> </ul>	Restricted Discretionary	19.5.24

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
			<ul style="list-style-type: none"> <li>• hours of operation</li> <li>• public access</li> </ul> <ul style="list-style-type: none"> <li>- Measures to control any associated environmental effects including mitigation measures</li> <li>- The information and monitoring requirements</li> </ul>		
<b>t</b>	The <b>erection, placement, alteration, or maintenance of navigation aids</b> which have the approval of the Maritime Safety Authority or the Harbourmaster	<b>The activity shall comply with all relevant standards listed in section 31.8.12.</b>		Permitted	
<b>u</b>	The <b>erection, placement, alteration, or maintenance of navigation aids</b> , which have the approval of the Maritime Safety Authority or the Harbourmaster and which is <b>not otherwise a permitted activity</b> under Rule 31.7.4(t)	The term of the coastal permit shall be up to 25 years.	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- The methods used to carry out the activity</li> <li>- The timing of the activity in relation to tides, season, or other activities</li> <li>- The information and monitoring requirements</li> <li>- The Administrative Charges payable</li> </ul>	Controlled	
<b>v</b>	The <b>placement, operation, and maintenance of equipment for environmental monitoring or data gathering purposes</b> , provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	<ul style="list-style-type: none"> <li>- The Northland Regional Council is notified of the activity prior to the placement; and</li> <li>- The term of placement shall be no longer than one calendar year from the date of placement</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>		Permitted	
<b>w</b>	The <b>placement, operation and maintenance of equipment for environmental monitoring or data gathering purposes which is not otherwise a permitted activity</b> under rule 31.8.4(v)			Discretionary	

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>x</b>	The <b>placement of signs required directly relating to regulatory, operational or safety matters</b> <sup>34</sup>	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Permitted	17.5(18)
<b>y</b>	The <b>placement of signs on the exterior of any authorised structure</b> , on the condition that:  (i) all signs so displayed relate directly to such goods or services sold or facilities operated at or on the structure; and  (ii) each enterprise or activity separately operated from the structure may not display more signage than the schedule amount.	<ul style="list-style-type: none"> <li>- The total signage per enterprise or activity shall not exceed 1.25m<sup>2</sup> except, in Mangonui and Russell where it shall not exceed 0.5m<sup>2</sup>.</li> <li>- No reflective signs</li> <li>- No flashing/neon lights</li> <li>- Sign remains in good repair</li> <li>- Bottom of sign is not more than 4m above deck level.</li> <li>- The bottom of sign is at least 2.4m above walkways.</li> </ul>		Permitted	17.5(18)
<b>z</b>	The <b>placement of a Directory Board</b> on an individual wharf (excluding Russell)	<ul style="list-style-type: none"> <li>- The total area of the Directory Board shall not exceed 6 sm<sup>2</sup>.</li> <li>- No reflective signs</li> <li>- No flashing/neon lights</li> <li>- Directory Board remains in good repair</li> </ul>		Permitted	17.5(18)
<b>aa</b>	The <b>placement of signs not otherwise allowed</b> under Rule 31.7.2(y) and (z).		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The methods used to carry out the activity</li> <li>- The information and monitoring requirements</li> <li>- The effect of the sign on the visual amenities and characteristics of the surrounding environment</li> <li>- The degree of visibility of the sign, its dimensions, colour, content, construction, or illumination</li> <li>- The number, location and scale of existing signs</li> <li>- The effect of the sign on navigation</li> </ul>	Restricted Discretionary	
<b>bb</b>	The <b>temporary placement of any signs</b> advertising an event or activity being	<ul style="list-style-type: none"> <li>- The total signage shall not exceed 6 sm<sup>2</sup></li> </ul>		Permitted	17.5(18)

<sup>34</sup> Explanatory Footnote: Operational signage includes such signage that is related to the operation of the wharf which does not include commercial activities (excluding ferries) operating from the wharf.

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
	undertaken in the coastal marine area for the period that the event or activity is being undertaken.	<ul style="list-style-type: none"> <li>- Not more than 50% of the sign shall identify the sponsor of the event or activity</li> <li>- The sign shall not be placed more than 7 days before the commencement of the event or activity and shall be removed within 48 hours of the completion of the event or activity</li> <li>- No reflective signs</li> <li>- No flashing/neon lights</li> <li>- Bottom of sign is not more than 4m above deck level.</li> <li>- The bottom of sign is at least 2.4m above walkways.</li> </ul>			

### 31.8.5 RECLAMATION AND IMPOUNDMENT

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>a</b>	Any <b>new reclamation</b> provided: <ul style="list-style-type: none"> <li>(i) it is less than 1 hectare; or</li> <li>(ii) it extends less than 100 metres in any direction; or</li> <li>(iii) it is not an incremental reclamation connected to, or part of, another reclamation which: <ul style="list-style-type: none"> <li>• Was commenced or received a resource consent after 5 May 1994 and</li> <li>• the sum of the existing and proposed reclamations are equal to or exceed the dimensions in (i) or (ii) above.</li> </ul> </li> </ul>			Discretionary	18.5.6
<b>b</b>	Any <b>new reclamation</b> which is not otherwise a <b>discretionary activity</b> under Rule 31.8.5(a)			Non-complying	

### 31.8.6 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>a</b>	The <b>discharge of sea water for firefighting purposes</b> or from the <b>propulsion units of boats and other vessels</b> .	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Permitted	19.5.31
<b>b</b>	The <b>discharge of water on to the foreshore, seabed or into the waters of the coastal marine area</b>	(i) The discharge is free from any contaminant; and (ii) does not result in permanent physical damage to the foreshore or seabed.  <b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Permitted	19.5.31
<b>c</b>	Any <b>stormwater discharge</b> (other than from a boat maintenance facility, open cargo storage or handling areas, or refuelling facilities).	The discharge does not result in permanent physical damage to the foreshore or seabed.  <b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Permitted	
<b>d</b>	The <b>discharge of stormwater from open cargo storage or handling areas or refuelling facilities</b> .		- The duration of the permit - Measures to control any associated environmental effects including mitigation measures - The information and monitoring requirements	Restricted Discretionary	
<b>e</b>	The <b>discharge of treated effluent to coastal water from land-based wastewater treatment plants</b> .			Discretionary	19.5.1
<b>f</b>	The <b>deposition of litter and other solid domestic or industrial contaminants</b> on to the foreshore or seabed or into coastal waters.			Prohibited	

**31.8.7 TAKE AND USE OF WATER**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>a</b>	The taking of sea water for firefighting purposes and for the normal operational needs of vessels.	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Permitted	21.5.1
<b>b</b>	The taking of sea water for other than firefighting purposes or for the normal operational needs of vessels, on the condition that the activity is not otherwise a controlled activity under Rule 31.8.6(j)	The activity does not:  (i) change natural water and sediment movement patterns; or (ii) change natural water quality; or (iii) damage or destroy flora or fauna.  <b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Permitted	21.5.1
<b>c</b>	The taking of sea water which is not otherwise a permitted activity under Rule 31.8.7(a) or (b)			Discretionary	21.5.1

**31.8.8 DREDGING AND SPOIL DISPOSAL**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
<b>a</b>	The maintenance dredging of berths, approach channels and turning basins	A Management Plan shall set out the work to be undertaken, the staging and pattern of dredging, the quantities to be taken. The term of the coastal permit for the dredging operation shall be consistent with the period set out in the management plan.  <b>The activity shall comply with all relevant standards listed in section 31.8.12</b>	<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- The methods used to carry out the activity</li> <li>- The methods of disposal of the dredging material</li> <li>- The timing of the activity in relation to tides, season, or other activities</li> <li>- The information and monitoring requirements</li> </ul>	Controlled	22.5.5
<b>b</b>	The deposition of marine sediment on the foreshore for the purposes of beach replenishment.		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- The methods used to carry out the</li> </ul>	Restricted Discretionary	22.5.10

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
			<ul style="list-style-type: none"> <li>activity</li> <li>- The methods of disposal of the dredging material</li> <li>- The timing of the activity in relation to tides, season, or other activities</li> <li>- The information and monitoring requirements</li> </ul>		
<b>c</b>	Any <b>dredging spoil disposal</b> providing that the activity does not involve the deposition of any material on the foreshore or seabed in quantities greater than 50,000 cubic metres in any 12-month period in the coastal marine area.		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- The methods used to carry out the activity</li> <li>- The methods of disposal of the dredging material</li> <li>- The timing of the activity in relation to tides, season, or other activities</li> <li>- The information and monitoring requirements</li> <li>- The effects on the benthic environment</li> </ul>	Restricted Discretionary	22.5.11
<b>d</b>	Any <b>dredging spoil disposal which is not otherwise a restricted discretionary activity</b> under Rule 31.8.8(c)			Non-complying	
<b>e</b>	Any <b>capital dredging</b> provided the activity does not involve, in any 12 month period: <ul style="list-style-type: none"> <li>(i) the disturbance of foreshore and seabed in volumes greater than 50,000 cubic metres; or</li> <li>(ii) extraction from areas equal to or greater than four hectares; or</li> <li>(iii) It does not extend 1000 metres or more over foreshore and seabed.</li> </ul>		<ul style="list-style-type: none"> <li>- The duration of the permit</li> <li>- The coastal area covered by the permit</li> <li>- The methods used to carry out the activity</li> <li>- The methods of disposal of the dredging material</li> <li>- The timing of the activity in relation to tides, season, or other activities</li> <li>- The information and monitoring requirements</li> <li>- The effects on the benthic environment</li> </ul>	Restricted Discretionary	22.5.1
<b>f</b>	Any <b>capital dredging which is not otherwise a restricted discretionary activity</b> under Rule 31.8.8(e)			Non-complying	



**31.8.9 MOORINGS INCLUDING MARINAS**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>placement of moorings</b> required for purpose of the marine management area.	(i) The Regional Harbourmaster has been consulted.  <b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Discretionary	
<b>b</b>	The <b>occupation of space for moorings</b> (and the vessels using the moorings) required for purpose of the marine management area.	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Discretionary	
<b>c</b>	Moorings that are not otherwise a discretionary activity under Rule 31.8.9(a) and 31.8.9(b).			Prohibited for which no coastal permit will be granted	
<b>d</b>	The placement of a <b>Marina development</b> .	<b>The activity shall comply with all relevant standards listed in section 31.8.12</b>		Discretionary	28.4.7
<b>e</b>	The occupation of space for a <b>Marina development</b> .			Discretionary	28.4.7

**31.810 MARINE FARMING**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	The <b>establishment of any new marine farm..</b>			Prohibited	27.5.18

**31.8.11 BOAT MAINTENANCE FACILITIES**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<b>Boat maintenance activity</b>	<p>The activity does not:</p> <ul style="list-style-type: none"> <li>(i) cause contaminants to be discharged into coastal waters or deposited on the foreshore or seabed; or</li> <li>(ii) require, or result in, the boat occupying space in a foreshore area for longer than the period of one low tide; or</li> <li>(iii) impede public access to or along the coastal marine area.</li> </ul> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>		Permitted	19.5.15
<b>b</b>	<b>Boat maintenance facilities</b> and associated use			Discretionary	19.5.6
<b>c</b>	<b>Discharges</b> from authorised boat maintenance facilities			Discretionary	19.5.1, 19.5.6

**31.8.12 OTHER**

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>a</b>	<p>The <b>removal or pruning of live mangrove trees</b> where the growth or proliferation of these has led to:</p> <ul style="list-style-type: none"> <li>(i) interference with the reasonable or safe use or operation of authorised structures or facilities on adjoining land or in the coastal marine area; or</li> <li>(ii) the blockage of existing man-made drainage channels to avoid the flooding of adjacent land.</li> </ul>	<p>Notification must be made to council 3 working days prior to the undertaking of this activity using the NRC hotline number.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.8.12</b></p>		Permitted	9.1.5(2), 9.1.5(4)

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control are:	Classification	References
<b>b</b>	The <b>deliberate introduction of exotic organisms</b> into the coastal marine area including the transference of established exotic organisms into new areas.			Prohibited	9.1.5(11), 9.2.5(8)

### 31.8.12 GENERAL PERFORMANCE STANDARDS

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 6 Management Area:

- (a) Noise generated as a result of activity within the coastal marine area shall comply with the following standards:
  - (i) the activity shall not cause excessive noise as defined in section 326 of the Resource Management Act; and
  - (ii) the level of noise received at or beyond the Coastal Marine Area boundary shall not exceed the level imposed by the relevant district plans.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
  - (i) a hazard to navigation and safety; or
  - (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or
  - (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land.
- (c) Parking shall be provided to the extent required by the relevant district plan or proposed district plan. If a particular activity is not referred to in the appendix of the relevant district plan or proposed district plan, use the closest, most similar activity for the proposal. The parking shall be provided within a reasonable and practical distance to service the activity.
- (d) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
  - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
  - (ii) any conspicuous change in the colour or decrease in the visual clarity of the receiving waters.
  - (iii) any emission of objectionable odour.
  - (iv) accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point.
  - (v) any significant adverse effects on aquatic life or public health.
- (e) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity, other than dredging or reclamation, shall be restored as soon as practicable after the completion of the construction or maintenance activity.
- (f) Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.

(g) Design and Appearance of Buildings on Wharves for Opuia

Height: 10 metres (above surface/deck of wharf)

Colour: Where building is to be painted, the colour should be sympathetic and appropriate to the landscape setting (both natural and built) that the building is to be located within. Large areas of reflective materials such as unpainted roofs and the use of iridescent or vivid colours is to be avoided. Some degree of harmony should be exercised in the selection of roof colours, with a preference for heritage colours.

## 32. ASSESSMENT CRITERIA

This section sets out matters in respect of which the Council may exercise its discretion when making decisions on coastal permit applications.

### 32.1 GENERAL CRITERIA

The primary criteria for assessing applications for coastal permits are the relevant provisions of the Resource Management Act, New Zealand Coastal Policy Statement and the Regional Policy Statement which in turn require regard to be had to the objectives and policies within this Plan. These criteria are intended to assist the consent authority and applicants in determining the actual and potential effects of activities which are subject to consent requirements under section 26 of this Plan.

Additional general assessment criteria which will be applied in the consideration of applications for discretionary activities and non-complying activities within all marine management areas are set out below:

1. The reasons for and operational requirements of the proposed use or development within the coastal marine area and the extent to which alternative options to a location within the coastal marine area have been considered.
2. The extent to which existing facilities of a similar scale and nature to the proposed use or development are:
  - (a) located in the vicinity of the site of the proposed use or development especially on land; and,
  - (b) are fully utilised or otherwise not able to satisfy the potential demand for such use or development.
3. The extent to which the proposal will add to the cumulative adverse effects of use and development on the coastal environment, including those associated with similar existing uses or developments within the same locality.
4. The extent to which cumulative effects on the coastal environment can be minimised.
5. The extent to which the proposal will avoid sprawling, sporadic or ad hoc use or development in the coastal environment.
6. The extent to which the proposed activity is consistent with the planning provisions of the adjacent land (where there are associated land-based requirements)
7. The extent to which the proposed use or development will maintain or enhance public access to and along the coastal marine area, or to land, with consideration being given to the adverse effects such access would have on the natural character of the coastal environment.
8. The extent to which the proposed activity will maintain or enhance recreational opportunities in the coastal marine area or on adjacent land.

9. The extent to which the proposal may require dredging, reclamation, impoundment, and/or foreshore protection works and structures, and the likely effectiveness of any provisions to avoid, mitigate, or remedy actual or potential adverse environmental effects caused by such activities.
10. Any effects of the proposed activity on those in the neighbourhood and, where relevant, on the wider community, including any socio-economic and cultural effects.
11. The effect of the proposed activity on the natural character of the site or area within which the activity is proposed and the measures to be undertaken to ensure that natural character will be preserved, particularly in relation to:
  - (a) the topography or bathymetry within the site or area;
  - (b) the natural substrate composition within the site or area;
  - (c) the natural water and sediment movement patterns;
  - (d) the biodiversity of the site or area;
  - (e) the biological productivity of the area;
  - (f) patterns of distribution and abundance of aquatic plants and animals within the site or area;
  - (g) natural migration or movement of fish and other mobile species.
12. The extent to which the proposed development may provide, where appropriate, for the restoration or rehabilitation of the degraded natural character of an area.
13. Where the proposed activity is situated near an identified area of outstanding landscape value, as identified in section 8 of this Plan, the extent to which the proposed activity will compromise the landscape values of that area.
14. Where the proposed activity is situated near an identified landform or geological feature considered to be an outstanding natural feature, as identified in Appendix 3, the extent to which the proposed activity will damage or otherwise adversely affect that feature including effects resulting from enhanced public access, and the likely effectiveness of any proposed measures to avoid or mitigate adverse effects.
15. For applications within Marine 1 (Protection) Management Areas, the effects of the proposal on the important conservation values (as identified in Appendix 9) pertaining to the particular area and the measures proposed to be undertaken to ensure that these values will be protected.
16. The potential effect of the proposed activity on saltmarshes, mangroves, eelgrass, seaweed and other forms of significant indigenous vegetation

and the likely effectiveness of any proposed measures to avoid or mitigate adverse effects.

17. The extent to which the proposed activity will damage or otherwise modify any significant habitat of indigenous fauna within the site or area, including effects resulting from enhanced public access, and the likely effectiveness of any proposed measures to avoid or mitigate adverse effects.
18. The extent to which the proposed activity will restrict public access and the likely effectiveness of any proposed measures to avoid or mitigate adverse effects, including the provision of alternative routes or points of public access.
19. The extent to which the proposed activity will adversely affect any site building, place or area of cultural heritage value within the site or area of the proposed activity, including effects resulting from enhanced public access, and the likely effectiveness of any proposed measures to avoid or mitigate adverse effects.
20. The extent to which the effects of an activity can be addressed through remediation measures.
21. The extent to which the proposed activity adversely affect natural systems acting as a defence against natural hazards and the extent to which the activity has potential to require future hazard protection works.
22. The extent to which provision is made to maintain or enhance water quality.
23. The location of the proposed activity in relation to navigation channels, ski lanes, and protected anchorages and the extent to which the proposed activity will adversely affect the use of these areas.
24. Whether use of the proposed activity will require facilities such as carparking or refuse disposal facilities and the extent to which these are provided for, or are available on land.
25. The extent to which an activity will impact on land and areas held under the Conservation Act 1987 and other land and areas administered by the Department of Conservation . Note: *For maps showing the location of these lands and areas, contact the Regional Council or the Department of Conservation.*

## **32.2 ADDITIONAL CRITERIA FOR SPECIFIC ACTIVITIES**

### **32.2.1 STRUCTURES (EXCLUDING SWING AND PILE MOORINGS)**

1. Within Marine 1 and Marine 2 Management Areas, whether the proposed structure will be the only structure or the first of its type or the first of any significant size, within an estuary, embayment, or unmodified stretch of coastline and whether the approval of the proposed structure is likely to lead to additional proposals for structures or other types of use and development.



2. Within Marine 3 Management Areas, the extent to which the structure enhances a safe or efficient marine farming operation or is otherwise required for marine farming operations.
3. Within Marine 4 Management Areas, the extent to which the structure provides for the requirements of recreational and commercial vessels and their use, including mooring, refuelling, loading and unloading.
4. Within Marine 5 Management Areas, the extent to which the structure enhances the safe or efficient port operation or is otherwise required for port operations.
5. The extent to which public access to and along the coastal marine area is maintained or enhanced through the use of the proposed structure.
6. The degree of multiple use proposed.
7. The use to which the proposed structure is to be put and the appropriateness of that use in the proposed locality.
8. Whether the proposed structure is the appropriate size to avoid, remedy or mitigate adverse effects (the hierarchy of “avoidance” then “mitigation” then “remediation” shall be interpreted in accordance with Policy 3.2.2 of the NZCPS, 1994) on the coastal environment, taking into account its location and proposed function.
9. The method of construction employed.
10. The extent to which adverse visual effects are considered and the likely effectiveness of any mitigation measures proposed. In particular in relation to proposed buildings, consideration will be given to building height, roof pitch, size and orientation of glazing, colours of external surfaces, and the interrelationship with any existing buildings, towards minimising adverse visual effects.

Where the structure is located in the Marine 5 Management Area, consideration will be given to the operational requirement for structures in that area when applying this criterion.

11. With the exclusion of Marine 5 (Port Facilities) Management Area, whether the proposed structure will compromise the recreational use of the site and the surrounding area.
12. Whether the proposed structure will be located in an area known to be prone to erosion and, if so, the extent to which alternatives to erecting or using the structure have been considered, including for structures associated with erosion control .
13. The extent to which the proposed structure will create erosion or siltation and the likely effectiveness of any avoidance or mitigation measures proposed.
14. In regard to proposed natural control structures, the extent to which alternatives to using structures and the alternative types of structures

have been investigated and the reasons given for choosing the preferred option in terms of their longterm benefits.

15. The extent to which sea-level rise has been taken into account in the location and design of the proposed structure.
16. The necessity for any proposed alteration or extension of an existing structure and the extent to which the proposed alteration or extension will increase adverse effects, including those on adjoining land.

### **32.2.2 RECLAMATION AND IMPOUNDMENT**

1. Whether the reclamation or impoundment is primarily for the purpose of dredging spoil disposal.
2. The intended use of the proposed reclamation or impoundment and the appropriateness of that use within the proposed locality.
3. The degree of multiple use proposed.
4. The method of construction employed.
5. The extent to which public access to and along the coastal marine area will be maintained or enhanced by the proposed reclamation or impoundment and whether provision is made for the creation of an esplanade reserve or esplanade strip, or some other form of compensation for the loss of public space, public use within and public access to and along the coastal marine area.
6. Whether the proposed reclamation or impoundment is of the minimum size practicable, to avoid, remedy or mitigate adverse effects on the coastal environment, taking into account its location, proposed function and the surrounding natural character of the site.
7. Whether the material used for the proposed reclamation or impoundment is suitable for the purpose.
8. Whether the material used for the proposed reclamation or impoundment contains contaminants which may escape so as to adversely affect the coastal marine area.
9. Whether the material to be used for the proposed reclamation or impoundment will require dewatering and an associated discharge of decanted water and the extent to which provision has been made to avoid or mitigate the adverse effects of such activity.
10. The extent to which the proposed reclamation or impoundment will reduce the tidal prism or flushing of the estuary, inlet, or other coastal water body in which it is situated.
11. The extent to which the bunding for the proposed reclamation or impoundment will prevent erosion of the reclamation or impoundment.
12. Whether the proposed reclamation will be located in an area known to be prone to erosion and, if so, the extent to which this has been taken into account in the design of the reclamation.

13. The extent to which the proposed reclamation or impoundment will create erosion or siltation and the likely effectiveness of any avoidance or mitigation measures proposed.
14. The extent to which sea-level rise has been taken into account in the location and design of the proposed reclamation or impoundment.
15. The extent to which provision has been made in the design of the proposed impoundment to minimise restrictions on natural movement of coastal water or floodwaters, including provision of culverts, floodgates, or bridges.
16. The extent to which adverse visual effects have been considered and the likely effectiveness of any mitigation measures proposed.
17. In regard to existing unauthorised reclamations or impoundments the practicality of reinstating the impounded or reclaimed area.

### **32.2.3 DISCHARGES TO COASTAL WATERS**

1. Whether the proposed discharge will be located in, adjoining or adjacent to an area of high recreational use, cultural or ecological value, or an existing marine farming area.
2. Whether the proposed discharge will contain contaminants known to affect the health of aquatic life or people, including those substances that are bioaccumulative.
3. The extent to which existing water quality will be affected and the area of the receiving waters likely to be affected.
4. The degree to which alternative methods of treatment, and disposal and other quality control measures have been considered and the reasons for considering a discharge to the coastal marine area the best practical option.
5. Whether the level of treatment proposed will ensure that, after reasonable mixing, the water quality standards applicable to the receiving waters are met.
6. Where the discharge contains sewage, whether it first passes through soil or wetland.
7. Whether provision has been made to aid the mixing of the discharged waters with the receiving waters.
8. Whether the proposed discharge will cause scouring of the foreshore or seabed.

### **32.2.4 TAKING, USE, AND DIVERSION OF WATER**

1. Whether the taking, use or diversion of water will require associated structures.

2. The extent to which the taking of water will alter water levels or water quality.
3. The extent to which the diversion of water will influence natural water and sediment movement patterns and the associated stability of coastal landforms, including estuaries or harbour mouths.
4. The extent to which the diversion of water will influence existing recreational use or ecological values.
5. The extent to which the diversion of water will influence public access, including navigational access.

### **32.2.5 DREDGING AND DREDGING SPOIL DISPOSAL**

1. The degree to which alternative means of dredging have been assessed and the reasons for the method of dredging proposed.
2. Whether the proposed dredging activity is capital dredging or maintenance dredging.
3. The quantity of spoil proposed to be removed.
4. Whether maintenance dredging will be required in future and, if so, at what frequency.
5. The extent to which provision is made for dealing with the likely effects of long-term maintenance dredging.
6. Whether the proposed dredging activity is likely to result in increased water turbidity, or the release of oxygen-demanding substances, ammonia, or toxic material and, if so, to what degree.
7. Whether the dredging activity could stimulate algal blooms.
8. Whether the proposed dredging activity will influence natural water and sediment movement patterns and the effect of this on long-term water and sediment quality within the dredged area.
9. The extent to which provision has been made to avoid or mitigate the adverse effects of dredging activity and the likely effectiveness of the mitigation measures proposed.
10. The extent to which alternative methods of disposal have been investigated, including alternative disposal sites on land and outside the coastal marine area.
11. The adequacy of disposal sites for dealing with the quantity of dredged material.
12. The characteristics of the proposed spoil disposal site in relation to the sediment type and quality of the dredged material including similarity of sediment characteristics and likelihood of long-term dispersal of contaminants through water current movement.

13. The extent to which the short term effects of dredging spoil disposal such as increased turbidity, release of nutrients, heavy metals, sulphides, organic materials or toxic substances, and disturbance of localised biological communities, are avoided or mitigated.
14. Within the Marine Five Management Area, the location where the dredging spoil disposal can be carried out.
15. Within the Marine Five Management Area, the time during which the dredging spoil disposal can be carried out.

### **32.2.6 SWING AND PILE MOORINGS**

1. The need for the proposed mooring including:
  - (a) whether the proposed mooring is associated with a property which is only accessible by water.
  - (b) whether the vessel intended to be moored to the proposed mooring is of a size or design able to be stored on land.
  - (c) whether the applicant already owns or has the use of an existing permanent mooring within the locality or within the same estuary, harbour or coastal stretch.
  - (d) whether the mooring is required for a commercial enterprise whose function is dependent on being located within the coastal marine area.
2. Within Marine 1 and Marine 2 Management Areas, whether the proposed mooring will be the only mooring within an estuary, embayment, or unmodified stretch of coastline and whether the approval of the proposed mooring is likely to lead to additional proposals for moorings.
3. For a proposed mooring within Marine 1 and Marine 2 Management Areas, whether the mooring could be located within any nearby Marine 4 Management Area.
4. Whether the location of the proposed mooring is suitable for permanent mooring in terms of exposure to wind and waves.
5. The location of the proposed mooring in relation to coastal subdivision, or areas of ecological, cultural, or recreational importance.
6. The suitability of the proposed mooring construction in relation to the size and type of boat intended to be moored to it.
7. Whether the proposed mooring is to be used for the mooring of houseboats.

### **32.2.7 MARINAS (OTHER THAN STRUCTURES)**

1. The extent to which demand for the proposed marina has been demonstrated, in particular by local residents. Staged development may be considered to ensure that berth provision follows demand.

2. The scale, type and operational requirements of the marina in relation to the projected demand.
3. The degree of exclusive occupation of space required in relation to the available space within the locality and effects on existing uses of the coastal space.
4. The extent to which public access to and along the coastal marine area is provided for and maintained in compensation for the loss of public open space to marina berths and associated facilities.
5. The extent to which any associated uses or developments are in scale with the size of the marina.
6. The extent to which services are provided for water supply, and the disposal of rubbish, sewage, oil, hull scrapings (including anti-fouling paints) and other waste products common to marina operation.
7. The suitability of the site in terms of land availability to minimise the need for reclamation.
8. The suitability of the site in terms of opportunity for the land disposal of dredged material.
9. The suitability of the site in terms of water depth to minimise the need for dredging and dredging spoil disposal and any (associated) reclamation.
10. The extent to which facilities and commercial uses proposed as part of the marina complex are already available or proposed in the locality.
11. The extent to which provision is made for short-stay and long-stay visitor berths.
12. The fate of any moorings effectively displaced by the marina and associated activities.
13. The extent to which moorings in the vicinity can be rationalised with respect to marina development in terms of numbers and location.

### **32.2.8 MARINE FARMS (OTHER THAN STRUCTURES)**

1. Whether the species intended to be farmed is indigenous to, or has previously been cultivated in, New Zealand or Northland's coastal marine area and, if not, the likelihood of it becoming established 'in the wild'.
2. Whether the location of the proposed farm in relation to tidal height, wave exposure, and water quality is suited to the growing habit of the species to be farmed.
3. The availability of access to the proposed site.
4. Whether the applicant has an existing marine farm and the extent to which this is developed and/or utilised.

5. Whether the marine farm will require impoundment, structures, discharges or moorings.
6. Whether the construction, maintenance or operation of the proposed marine farm will require the use of vehicles in foreshore areas.
7. Whether spat or farm materials will be stored within the proposed marine farm or outside the coastal marine area.
8. The availability of associated land-based requirements necessary to operate the farm.
9. The degree of exclusive occupation of space required in relation to the available space within the locality and effects on existing uses of the coastal space.

### **32.2.9 PORT AREAS**

1. The operational requirement for the port development in the form proposed, and the way in which any staging of development is proposed to be undertaken.
2. The scale of the proposed port.
3. The degree of exclusive occupation of space required in relation to the available space within the locality and effects on existing uses of the coastal space.
4. The extent to which public access to and along the coastal marine area is provided for and maintained to mitigate the loss of public access, taking into account requirements for the safety and security of port areas.
5. The extent to which any associated uses are in scale with the size of the port.
6. The extent to which services are provided for water supply, and the disposal of rubbish, sewage, water, oil, hull scrapings (including anti-fouling paints), bark, spilt cargo, stormwater and ballast water discharges and other waste products common to port operation.
7. The availability of ready access to the site from a main road; and/or by rail transport.
8. The suitability of the site and port design in terms of land availability and bathymetry.
9. The suitability of the site in terms of water depth to minimise the need for dredging, dredging spoil disposal and reclamation.
10. The alternative designs and locations for new wharves that have been investigated, which would avoid or minimise the need for maintenance dredging.

**32.2.10 SAND, SHINGLE AND MINERAL EXTRACTION**

1. The extent to which demand for the sand, shingle or mineral has been demonstrated.
2. The quantity of material proposed to be extracted in relation to the projected demand.
3. The degree to which alternative land-based sources of sand, shingle or minerals have been assessed and the reasons for choosing the source within the coastal marine area.
4. The extent to which near-shore and deep-water alternatives have been considered within the coastal marine area and the effect that this will have on sedimentation processes.
5. The extent of knowledge of the sand, shingle, or mineral resource and the likely sustainability of the extraction activity.
6. The location of the extraction activity in relation to sites or areas of natural or cultural heritage, or recreational importance.
7. The extent to which the activity will affect any marine farming activity in the vicinity.
8. Whether the extraction activity will cause or exacerbate coastal erosion or any other known natural coastal hazard.
9. Whether the proposed extraction activity is likely to result in increased water turbidity, or the release of oxygen-demanding substances, ammonia, or toxic material and, if so, to what degree.
10. The extent to which provision has been made to avoid or mitigate the adverse effects of extraction activity and the likely effectiveness of the mitigation measures proposed.

**32.3 ASSESSMENT CRITERIA FOR DISCHARGES TO COASTAL AIR****32.3.1 CRITERIA FOR AIR DISCHARGE PERMIT APPLICATIONS**

Applications for Air Discharge Permits for Discretionary Activities and Non-Complying Activities will be assessed in accordance with Sections 104 and 105 of the Resource Management Act and having regard to the following matters:

1. Whether the applicant has proposed to avoid adverse effects as far as practicable, and where complete avoidance is not practicable, whether the adverse effects will be mitigated and provision made for remedying those effects to the extent practicable, and whether the applicant has considered a range of alternative options for mitigation.
2. Whether the applicant has proposed good management practices to avoid, remedy or mitigate adverse effects arising from discharges.



3. The adequacy of any proposed monitoring programme to assess the effects of the discharge.
4. Any actual or potential adverse effects on human health, safety and well-being.
5. Any actual or potential adverse effects on the health and functioning of ecosystems and plants and animals, including those of commercial significance.
6. Any actual or potential adverse effects on cultural, scenic, amenity, recreational or heritage values of any areas, places, sites or features.
7. Any actual or potential adverse effects on other receiving environments.
8. Where technically possible, *to determine* the extent to which the proposal will add to the cumulative adverse effects of discharges on ambient air quality.
9. Whether there are sensitive adjoining land activities or features such as public places, water bodies, dwellings.
10. Any effects of low probability but high potential impact.
11. Surrounding environmental conditions that may affect the frequency, duration, intensity and degree of environmental effects, including topography, wind speed and direction, and other climatic conditions.
12. The extent to which the proposal provides compensating environmental benefits.
13. If in accordance with Policy 20.4.3 the applicant chooses to apply the best practicable option, the degree to which the applicant adopts the best practicable option.

### **32.3.2 ADDITIONAL CRITERIA FOR ABRASIVE BLASTING**

1. Whether it is feasible to carry out the blasting within a purpose-built facility or booth.
2. Whether the applicant has considered alternative methods to dry sand blasting.
3. Whether the abrasive blasting activity complies with relevant national regulations and standards.

### **32.3.3 ADDITIONAL CRITERIA FOR DISCHARGES OF DUST**

1. Whether the proposal incorporates dust prevention, mitigation or remediation measures such as buffer areas, screen planting, containment or retrieval.

### **32.3.4 ADDITIONAL CRITERIA FOR AGRICHEMICAL SPRAY APPLICATION**

1. The nature of any training for the use and spray application of agrichemicals undertaken by the contractors and users.
2. Type and performance of the spray equipment to be used.
3. Weather conditions including wind speed and direction, temperature and humidity.
4. Whether all “sensitive areas” have been identified and the actual or potential adverse effects on such sensitive areas, arising from spray drift addressed. Any assessment should include how the adverse effects arising from spray drift will be avoided to the extent practicable, or, where avoidance isn’t practicable, mitigated and provision made for remediation to the extent practicable.
5. Whether the applicant has considered alternative methods or timing of application, which more effectively control or eradicate the target pest species.
6. Whether there are sufficient buffer areas and/or screening from adjacent activities.
7. Spraydrift avoidance measures proposed.
8. Whether the activity complies with the relevant national regulations, standards and codes of practice and manufacturer’s recommendations specified in label instructions and published application recommendations.

### **32.3.5 ADDITIONAL CRITERIA FOR ODOUR DISCHARGES**

1. Whether the activity complies with the relevant national regulations, standards and codes of practice.
2. Whether there are sufficient buffer areas and/or screening from adjacent activities.
3. Whether measures have been taken to ensure that there will be no discharge of odour which is offensive or objectionable at or beyond the boundaries of the site.
4. The frequency, intensity, duration and offensiveness of the odour associated with the discharge and whether this has been avoided, mitigated or remedied, to the extent practicable.

### **32.4 CRITERIA FOR MANGROVE REMOVAL**

Applications for Coastal Permits for Discretionary Activities and Non-Complying Activities will be assessed in accordance with Sections 104 and 105 of the Resource Management Act and having regard to the following matters:

**32.4.1** The extent to which the mangrove removal or pruning will result in the following:

- The erosion of the shore
- An adverse decrease in the supply of organic material to nearby habitats
- The removal of habitat
- The release of contaminated sediment.
- The expansion of habitat for other indigenous flora and fauna (e.g. significant seagrass beds, bird roosting sites and shellfish beds).
- Decreased sedimentation
- Improved walking and/or vessel access
- Improved usability of coastal structures
- Increased space for recreational activity
- Improved functionality of stormwater outlets and drainage channels
- Decreased risk of interference with power lines
- Improved visibility on roads.

**32.4.2** The desirability of maintaining the functioning mangrove ecosystem

**32.4.3** Whether the proposed methods of removal and/or pruning of mangroves avoids adverse effects on the environment as far as practicable and where complete avoidance is not practicable, ensures that the adverse effects will be mitigated and provision made for remedying those effects to the extent practicable.

# **PART VII:**

# **ADMINISTRATIVE ISSUES**

*This Part provides details of the statutory resource consent (coastal permit) application process. Details of the following administrative matters are also covered:*

- *Charges, rents, and royalties*
- *Financial contributions*
- *Coastal tendering*
- *Building consent requirements*
- *Transfer of powers*



## **33. PERMIT APPLICATION PROCEDURES**

### **33.1 INTRODUCTION**

In preparing a Regional Coastal Plan, the Act provides flexibility in identifying how particular activities are considered, i.e. as permitted, controlled, restricted discretionary, discretionary, prohibited or non-complying activities. These are specified in Section 31.

For controlled, restricted discretionary or discretionary activities, a resource consent is required. Resource consents are also required for non-complying activities. Where the activity takes place in the coastal marine area, resource consents are termed 'coastal permits'.

### **33.2 INFORMATION REQUIREMENTS**

The Resource Management Act contains general information requirements for resource consent applications, which include those for coastal permits. These are set out in section 88 and the Fourth Schedule of the Act (see Appendix 5). More specific information requirements will be developed by the regional council to ensure that adverse effects of specific types of activity are able to be properly assessed and either incorporated into the Plan by way of a Plan change and/or included in guidelines for potential applicants, whichever is deemed appropriate by the Council.

Resource consent applications should include information necessary to address the assessment criteria set out in section 32.

If the information supplied with a permit application is insufficient to understand the nature of the activity or its effect, the application will be put on 'hold' until the further information is received. If, following the receipt of submissions on notified applications, further information is required then the application will be put on 'hold' pending the receipt of further information required.

### **33.3 NOTIFICATION OF APPLICATIONS**

Resource consent applications can be processed with or without public notification. Sections 94(1)(b) and (c) and Sections 94(1A)(a) and (b) of the Act set out circumstances where notification of applications for controlled, restricted discretionary and discretionary activities are not required.

Applications for those controlled activities specified in this plan will generally be non-notified. Written approval from affected parties will also not generally be required. However, if the Regional Council considers special circumstances exist in relation to any application for a controlled activity, the application will be notified.

In processing applications for restricted discretionary, discretionary or non-complying activities, the Regional Council must determine whether the

application is to be notified or non-notified. An application for a restricted discretionary, discretionary or non-complying activity can only be non-notified if:

- (a) *The (Regional Council) is satisfied that the adverse effect on the environment of the activity for which consent is sought will be minor; and*
- (b) *Written approval has been obtained from every person whom the (Regional Council) is satisfied may be adversely affected by the granting of the resource consent unless the (Council) considers it is unreasonable in the circumstances to require the obtaining of every such approval.*

As defined in the Act, 'persons' includes groups. In determining whether groups may be adversely affected by the granting of a resource consent, the Council will have regard to the objectives of the group and the group's area of interest. Such groups could comprise, but are not limited to, residents and ratepayers associations or bodies representing persons regularly using the coastal marine area.

Where a permit application is notified, submissions are called for in support or opposition to the proposed activity.

A copy of all coastal permit applications will be served on the Minister of Conservation, and a copy of all marine farming applications will be served on the Minister of Fisheries.

### **33.4 ASSESSMENT CRITERIA**

The Resource Management Act identifies matters which should be considered when assessing effects of an activity on the environment. These are set out in s.88(4)(b), (5), (6) and (7) and the Fourth Schedule of the Act.

For the purposes of implementing this Plan, the assessment criteria set out in Section will be used as an additional guide to the appropriateness of proposals for use or development of the coastal marine area. These will be progressively developed for assessing the adverse effects of particular activities or areas.

### **33.5 HEARINGS**

Where submissions have been made in opposition to a proposed activity for which a permit is required, pre-hearing meetings and, if necessary, formal hearings are held.

#### **33.5.1 PRE-HEARING MEETINGS**

Prior to entering the formal hearing phase with its attendant costs, relatively informal pre-hearing meetings may be held. The purpose of these meetings is to bring the applicant and submitters together to clarify points of disagreement and, where possible, facilitate resolution of the disagreement, either by modification of the proposal or agreement of conditions to be incorporated into the permit to address such matters.

Pre-hearing meetings may be initiated either by the Regional Council or by the applicant.

If agreement cannot be reached at a pre-hearing meeting or meetings, and the applicant wishes to proceed with the application, then a formal hearing is held.

### **33.5.2 STANDARD PROCEDURES FOR FORMAL HEARINGS**

At formal hearings for permit applications, relevant information is considered and submissions and evidence are heard by either a Hearings Committee or independent commissioners. Hearings will generally be heard in appropriate locations as close to the site of the application as practicable.

In accordance with the requirements of the Act, the Regional Council has adopted a hearings procedure. Key points are:

- (a) Evidence is to be circulated to parties involved in good time before the hearing.
- (b) Hearings are to be as informal as possible but must, where appropriate, recognise tikanga Maori.
- (c) Only Committee members may question any of the parties to the application. No cross-examination is allowed.
- (d) The applicant has a right of reply to cover any questions raised by the Hearings Committee (or independent commissioner), Regional Council officers or submitters.
- (e) Under the terms of a delegation from the Council, the Committee's decision is the decision of the Council.

### **33.5.3 COMBINED HEARINGS**

It is possible that the Council could receive two or more applications for resource consents in relation to the same proposal. For example, a proposal for beach replenishment will require a permit for extracting the material to be deposited on the beach, and also for the deposition process itself. In such circumstances, the Regional Council can decide to consider both applications together at a combined hearing, thereby avoiding unnecessary duplication of effort and delay for the applicant.

Combined hearings are dealt with by the Hearings Committee in the same way as a single application.



### 33.5.4 JOINT HEARINGS

A number of coastal developments, such as marinas, require activities both above and below Mean High Water Springs. In such situations, consents may be necessary from both the Regional Council and the relevant district council (land-use consent) and joint hearings should be held, where all consent applications are to be heard together, avoiding unnecessary duplication of effort and delay for the applicant.

The Regional Council is the lead agency in respect of joint hearings, unless the consent authorities agree otherwise. The lead agency is required to provide all administrative services for the joint hearing.

A joint decision by the consent authorities on the Hearings Committee is required for applications heard jointly unless:

- (a) any of the consent authorities consider "on reasonable grounds" that it is inappropriate to do so.

### 33.6 DURATION OF PERMITS

The Act provides the consent authority with the power to determine the duration of a consent. The maximum period for a coastal permit, other than a reclamation, is 35 years. For permits for reclamations, the period is unlimited.

If the Council does not specify a term for a coastal permit, its duration will automatically be five years. If a permit is not exercised within two years of its granting, then the permit generally lapses unless consent conditions provide for

- (a) a shorter or longer period from commencement of the resource consent; or
- (b) the consent holder seeks an extension of this period which may be granted upon the Council's satisfaction that the grounds specified in s125 of the Act have been met.

In determining the term of a particular consent, Council will have regard to matters including:

- (a) the sustainable nature of the resource affected by the activity proposed;
- (b) the knowledge of the environmental effects associated with the activity;
- (c) the Northland Regional Council's Regional Monitoring Strategy (when completed);
- (d) the period of the operative Regional Coastal Plan and the extent of possible changes to it;
- (e) the anticipated 'life' of any structure which is the subject of the application;

- (f) the expiry date of other permits in the same coastal area where comprehensive reviews of all permits within that area are desirable.

### **33.7 REVIEW OF PERMIT CONDITIONS**

Opportunity exists under section 128 of the Act, for the Regional Council to review conditions of a coastal permit (other than the term) as knowledge broadens of either an area or of the existing or potential adverse effects of an activity. However, provision for the Regional Council to exercise this power must be specified as a condition of the coastal permit.

### **33.8 OBJECTIONS, APPEALS AND INQUIRIES**

Once a decision has been made by the Council on an application, there may be some dissatisfaction with it by the applicant or submitters. In these situations, there is provision in the Act for either the applicant or any person who made a submission to contest the decision. These provisions are briefly summarised below.

#### **33.8.1 OBJECTIONS**

Generally, for non-notified coastal permits, there is a right of objection for the applicant which is either formally heard by the Council's Hearings Committee or resolved through variations to the conditions if this is agreed to by the Council and the applicant. There is however, no right of appeal to the Environment Court by affected parties on Council decisions on non-notified applications.

#### **33.8.2 APPEALS**

For notified coastal permit applications, the Act provides rights of appeal to the Environment Court over a Council decision. The determination of the Environment Court on an appeal is generally final, although it may be challenged in the High Court on points of law.

### **33.9 NEW STRUCTURES AND WORKS**

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 coastal marine area at the time permission is given for their construction.



## 34. OTHER MATTERS

### 34.1 CHARGES, RENTS AND ROYALTIES

#### 34.1.1 REGIONAL COUNCIL CHARGES

Section 36 of the Resource Management Act provides for the Regional Council to fix charges in respect of:

- (1) Processing applications for coastal permits, including:
  - Applications for controlled, discretionary, or non-complying activities.
  - Applications for changes to, or cancellation of, coastal permits.
  - Applications for an extension of the period for a coastal permit which has lapsed because the holder has failed to exercise it.
- (2) Administration, including:
  - Applications to the Regional Council for a change to this Plan.
  - Providing information in respect of this Plan or coastal permits.
- (3) Monitoring functions, including:
  - Monitoring, and supervision of resource consents.
  - Carrying out state-of-the-environment monitoring.
  - Monitoring the effectiveness of this plan.

However, when fixing charges such as these, the Regional Council must have regard to the following criteria:

- (a) the sole purpose of the charge is to recover the reasonable costs incurred by the Regional Council in respect of the activity to which the charge relates.
- (b) a particular person or persons should only be required to pay a charge:
  - (i) to the extent that the benefit of the Regional Council's actions to which the charge relates is obtained by those persons, as distinct from the community of the region as a whole; or
  - (ii) where the need for the Regional Council's actions to which the charge relates is occasioned by the actions of those persons; or
  - (iii) in a case where the charge is in respect of the regional council's monitoring functions under Section 35 (2)(a) (which relates to 'state of the environment' monitoring), to the extent that the monitoring relates to the likely effects on the environment of those persons' activities, or to the extent that the likely benefits to those persons of the monitoring exceeds the likely benefits of the monitoring to the region as a whole.

### 34.1.2 CROWN RENTS AND ROYALTIES

Under Section 112(1) of the Resource Management Act, the Crown may also fix charges; specifically:

*In every coastal permit authorising the holder to -*

- (a) *Occupy, within the meaning of section 12(4), any land of the Crown in the coastal marine area; or*
- (b) *Remove any sand, shingle, shell, or other natural material, within the meaning of section 12(4), from any such land -*

*there shall be implied a condition that the holder shall at all times throughout the period of the permit pay to the relevant regional council, on behalf of the Crown, -*

- (c) *Where the permit was permitted to be granted by virtue of an authorisation granted under section 161, the rent and royalties (if any) specified in the authorisation held by the permit holder; and*
- (d) *Any sum of money required to be paid by any regulation made under section 360(1)(c).*

An amendment made to section 112 under the Resource Management Amendment Act 1993 means that Crown charges can also be required to be paid, even if the occupation of land in the coastal marine area or the removal any sand, shingle, shell, or other natural material from it, is specified as a permitted activity in this plan.

### 34.2 FINANCIAL CONTRIBUTIONS

Section 108 of the Resource Management Act 1991 provides for consent authorities to include as a condition on a resource consent one or both of the following:

- (a) a condition requiring that a financial contribution be made for the purposes to be specified in this plan;
- (b) a condition requiring that a bond be given in respect of the performance of one or more conditions of the consent, including any condition relating to the alteration or removal of structures on the expiry of the consent.

"Financial contribution" as defined in the Act means  
*a contribution of-*

- (a) *Money; or*
- (b) *Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or*
- (c) *Works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource; or*
- (d) *Services-*

*or any combination thereof, made for purposes specified in the plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and which does not exceed in value the maximum amount specified in, or determined in accordance with, the plan.*

This section sets out the circumstances in which financial contributions may be imposed, the general purpose to which the contribution will be put, and the method of calculating the maximum amount of the contribution in each case.

Where the Regional Council grants a coastal permit, it may impose a condition requiring that a financial contribution be made for the purposes specified in the coastal plan (section 108). The requirement of a bond is considered appropriate in circumstances where the Regional Council may be required to undertake any of the following action(s) in the event of a consent holder's failure to avoid, remedy or mitigate adverse effects of the consent holder's activity:

- (a) completion of any works or structures;
- (b) operation of any works or structures;
- (c) alteration or removal of structures and any restoration works following any works or activity being completed or ceasing;
- (d) completion or compliance with any other conditions of the consent granted.

The provisions which follow are intended to reflect the requirements of Section 108(9) of the Act and Clause 5 of Part 1 of the Second Schedule of the Act and set out:

- The circumstances when such contributions may be imposed.
- The general purposes for which such contributions may be required and used.
- The maximum amount of any contribution.
- Assessment criteria which the Council will have regard to when deciding whether to impose financial contribution, the types of contribution, and the amount of such contributions.

### **34.2.1 Circumstances, Purpose and Maximum Amount**

Financial contributions may be imposed on any coastal permit in the circumstances and for the purposes set out below. Contributions may be in the form of land, works, services or money or any combination of these. Contributions of money to the Council must be applied for the general purpose for which such contributions were taken.

The following provisions set out circumstances and purposes for which financial contributions may be imposed and used, and the method of calculating the maximum amount of the contribution in each case.

- (a) Maintenance or enhancement of public access to and along the coast**

Circumstances: Where public access to or along the coastal marine area will be limited or prevented by the activity for which consent is granted.

- (i) Purpose: To avoid, remedy or mitigate such effects by providing for public access to and/or along the coastal marine area through or around the area to which the consent applies.

Maximum amount: The full actual cost of providing access sufficient to avoid, remedy or mitigate adverse effects on public access.

- (ii) Purpose: To offset or compensate for reduction or loss of access by contributing to new or enhanced access to or along another part of the coastal marine area within the same general locality or serving the same general community.

Maximum amount: The full actual cost of providing or contributing alternative public access to an equivalent standard and extent to that which will be lost or reduced.

**(b) Maintenance or enhancement of public recreational amenities in the coastal marine area**

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on recreational amenities in the coastal marine area.

Purpose: To mitigate or offset such effects by creating or improving recreational opportunities or facilities or other public amenities on or in the vicinity of the site, and/or at an alternative location in the coastal environment in the same general locality or serving the same general community (including contribution to the maintenance or enhancement of public reserves).

Maximum amount: The full actual cost of providing land or works to maintain amenity values at an equivalent level as if consent had not been granted, and/or to provide alternative recreational amenities to a reasonably equivalent standard or extent to those which will be lost.

**(c) Planting or maintenance of coastal vegetation**

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to destruction or damage of coastal vegetation or habitats or contribute to erosion of foreshore or dunes or adversely affect natural character.

Purpose: To mitigate or offset such effects by way of planting or maintaining vegetation within the coastal environment for the purpose of protecting, restoring or enhancing the coastal environment (either at the site concerned or elsewhere in the same general locality).

Maximum amount: The full actual costs of protecting, restoring or enhancing the site in question so as to avoid, remedy or mitigate any

adverse effects; or the full cost of providing protection, restoration or enhancement to compensate for the adverse effects of the activity.

**(d) Landscaping or planting**

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on natural character and/or involves land clearance or disturbance.

Purpose: To reduce the adverse effects of land clearance, land disturbance and structures in the coastal marine area by landscaping or replanting on or adjacent to the site in question.

Maximum Amount: The full actual costs of carrying out such works to a standard sufficient to avoid, remedy or mitigate the adverse effects of the activity.

**(e) Fencing or screening**

Circumstances: Where the activity for which consent is granted is likely to contribute to adverse effects on natural character, heritage features or conservation areas.

Purpose: To contribute to screening to reduce adverse visual effects or to fencing or screening to protect and/or separate heritage features or conservation areas.

Maximum amount: The full actual costs of carrying out such works to a standard sufficient to avoid, remedy or mitigate the adverse effects of the activity.

**(f) Protection, maintenance or restoration of heritage features**

Circumstances: Where the activity for which consent is granted will adversely affect a historic site or one of cultural or spiritual significance to the tangata whenua.

Purpose: To mitigate or offset such effects by providing for works which protect or restore that site and/or to offset such effects by contributing to protection, maintenance or restoration of some alternative heritage feature elsewhere within the coastal environment in the same general locality.

Maximum amount: The full actual cost of works reasonably required to avoid, remedy or mitigate or compensate for such effects.

**(g) Protection, restoration or enhancement of seabed and foreshore**

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on seabed or foreshore.

Purpose: To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the seabed or foreshore, including (without limitation) maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing and foreshore protection



and including contribution to such measures elsewhere in the same general locality.

Maximum amount: The full costs of works to a standard sufficient to avoid, remedy or mitigate such effects.

**(h) Reduction of litter**

Circumstances: Where the activity for which consent is granted is likely to contribute directly to littering of the coastal marine area.

Purpose: To mitigate or offset such effects by contributing to litter collection facilities, services and/or signage in the general area of the activity.

Maximum amount: The full actual costs of contributions required to avoid, remedy or mitigate the effects referred to above.

**(i) Esplanade reserves or esplanade strips or access strips on reclamation**

Circumstances: Where consent is granted for reclamation.

Purpose: Establishment of an esplanade reserve or esplanade strip or access strip for the purpose of contributing to conservation values, including protection of heritage features, or enabling public access to or along the sea, or enabling public recreational use of the esplanade reserve or strip or access strip and adjacent coastal marine area.

Maximum amount: The full actual cost of establishing an esplanade reserve or esplanade strip or access strip up to 20 metres maximum width along that part of the proposed reclamation that is adjacent to the sea.

**(j) General - mitigation works**

Circumstances: Where the activity for which consent is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.

Purpose: Works on or adjacent to the site for the purpose of avoiding, remedying or mitigating the adverse effects of the activity, including protection, and/or restoration of natural or physical resources.

Maximum amount: The full actual costs of works necessary to avoid, remedy or mitigate the adverse effects of the activity.

**(k) General - Environmental Compensation**

Circumstances: Where the activity for which consent is granted will cause or contribute to adverse effects, which will not be adequately mitigated by project design, conditions of consent, other charges, or any of the types of contributions described elsewhere in this section.

Purpose: To provide for positive effects on the environment such as protecting, restoring or enhancing natural and physical resources and/or amenity values in the coastal environment in the same general locality to offset those adverse effects.

Maximum amount: The actual costs of providing offsetting positive effects commensurate in environmental value to the loss of environmental value suffered by those amenities or resources which will be lost, compromised or adversely affected.

### **34.2.2 FINANCIAL CONTRIBUTION ASSESSMENT CRITERIA**

In deciding whether or not to impose financial contributions, the types of contribution and their value, the Council will have particular regard to the following matters:

- (a) The extent to which any adverse effects deriving from the activity proposed can and should be mitigated by way of works carried out on or near the site.
- (b) The extent to which a financial contribution may offset or provide compensation to the community or environment for adverse effects caused or contributed to by the activity and not otherwise mitigated by the consent holder.
- (c) The extent to which a contribution is required to achieve objectives and policies of this plan.
- (d) In deciding the actual value of the financial contribution required, the Council shall have particular regard to:
  - (i) the significance of the effects attributable to the activity;
  - (ii) the extent to which those effects can be reasonably attributed to the activity for which consent is granted, where such effects are contributed to by other activities.
  - (iii) the extent to which any positive effects of the activity offset any adverse effects.
  - (iv) the financial contributions assessed under 34.2.1(k) above – an appropriate value, assessed by reference to the cost of reasonable measures to compensate for the loss of environmental value suffered by the amenities or resources which will be lost, compromised or adversely affected.
- (e) Financial contributions should relate to the effects of the activity for which consent is granted and be reasonably proportionate to the significance of any adverse effects.
- (f) Financial contributions may not be appropriate in every case even where there are adverse effects.
- (g) The "maximum amounts" indicated in Section 34.2.1 are intended as an upper limit. The actual amount of particular contributions will vary depending upon the circumstances and the application of the criteria outlined above.

- (h) The Council does not intend that environmental effects should be "fully mitigated" or fully compensated in every case.

### 34.3 COASTAL TENDERING

Part VII of the Resource Management Act establishes a coastal tendering process which enables the Crown to choose between competing tenders for the use of the same coastal space and to maximise financial return to the Crown for all or any of the specified range of activities, namely the occupation, use or extraction of material in the coastal marine area.

An Order in Council, made on the advice of the Minister of Conservation, will direct regional councils not to grant coastal permits (that require occupation of the coastal marine area for longer than 6 months, or are for sand, shingle, shell or any other natural material extraction, reclamation or drainage of the foreshore or seabed) in respect of any land in the coastal marine area that is specified in the Order in Council unless the applicant holds an authorisation.

No Order in Council, other than one for sand and shingle extraction, will be issued until there is a proposed regional coastal plan for that region (i.e. two years).

Orders in Council can be expressed to apply to all or any part of the coastal marine area of any region. There is no limit to the number that can be made. Each will specify the part of the coastal marine area to which the Order in Council will apply. An Order in Council can be amended or revoked by a subsequent Order in Council. An Order in Council lapses unless renewed, in respect of any area, two years after it came into force. Where the Order in Council was amended, the amended Order in Council lapses, two years after the original Order came into force. Exceptions to this rule where consents are in process are specified in section 164.

Once an Order in Council is in place, the Minister of Conservation may offer authorisations by public tender, or following public tender, by private agreement. The public notice offering the authorisation will specify the range of activities and the land to which the authorisation will apply. The Minister will be free to accept the highest or any tender, or to decline to accept any tender, or to enter into private agreement with any tenderer, but will have to notify his/her decision to the Regional Council and all tenderers and give reasons.

The tender is for an "authorisation", i.e. something which an applicant for certain coastal permits within a determined area could be required to hold before the coastal permit application is dealt with. Unless and until any such order in Council is made, applicants would not be required to hold any authorisation.

The holder of an authorisation does not have any special rights to a coastal permit. The holder must still apply for a coastal permit to carry out the activity and meet all the requirements of the consent authority.

Authorisations are transferable, but the transfer will not take effect until notice of the transfer has been received by the Minister and the appropriate regional council.

#### **34.4 BUILDING CONSENTS**

Under the Building Act 1991, the Regional Council has the responsibility for building control within the coastal marine area except under certain circumstances, provided for in the Building Act 1991.

Outside the coastal marine area, the issuing of building consents is a district council responsibility.

A national building code prescribes the functional requirements of structures and the performance standards with which structures must comply for their intended use. Building consents may only be issued where the Regional Council is satisfied, on reasonable grounds, that the provisions of the building code would be met if the building was properly completed in accordance with the plans and specifications supplied with the application for building consent.

#### **34.5 TRANSFER OF POWERS**

Both the Resource Management Act and the Building Act provide regional councils with the ability to transfer their functions, powers, and duties to other authorities. Section 25 of the Building Act 1991 gives the Regional Council the ability to transfer its powers, duties and functions under that Act to a territorial authority. However, this may only be done on grounds of efficiency and technical or special capability or expertise.

Under Section 33 of the Resource Management Act, regional councils can transfer their functions, powers and duties to other public authorities which include other local authorities, iwi authorities, Government departments, statutory authorities or joint committees. However such transfer can only be exercised by the Regional Council if:

- (a) a special consultative procedure specified in section 716A of the Local Government Act 1974 is used; and
- (b) before using the special consultative procedure, notice is given to the Minister for the Environment of its proposal to transfer the function, power, or duty; and
- (c) both the Regional Council and the authority to which the transfer is being made, agree that the transfer is desirable on all of the following grounds:
  - (i) the authority to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power or duty;
  - (ii) efficiency;
  - (iii) technical or special capability or expertise.

In any event, the Regional Council still retains responsibility for the exercise of the function, power, or duty and the transfer only has effect within the statutory boundaries of the agency concerned.

## 35. MANAGEMENT OF ENVIRONMENTAL EFFECTS OF FISHING ACTIVITY

### 35.1 INTRODUCTION

The avoidance, remediation or mitigation of the environmental effects of fishing activity on the seabed, habitats, and aquatic life other than target species is considered by central government to be an integral part of fisheries management. For this reason, these effects are to be addressed under the Fisheries Act 1996 and not the Resource Management Act 1991.

All fisheries management decisions made under the Fisheries Act 1996 must take into account environmental principles. These include maintaining long-term viability of species which are associated with or dependent upon the harvested species, maintaining biological diversity of the aquatic environment, and protecting habitats of significance to fisheries management. These principles ensure that in managing fisheries resources, account is taken of the wider effect of fishing on the ecosystem.

The principal means of addressing the adverse effects of fishing under the Fisheries Act is through regulations. These provide controls on fishing methods, timing, and gear, and also area restrictions. However, such controls generally apply throughout a fisheries region and as a consequence may not address local fisheries issues, e.g. the depletion of particular shellfish beds or damage to fisheries habitat in a particular area.

### 35.2 OBJECTIVE

**The integration of resource management under the Resource Management Act and fisheries legislation so as to assist in the sustainable management of coastal fisheries and fisheries habitats.**

### 35.3 POLICIES

1. To help ensure that provision is made to address local concerns regarding the adverse effects of fishing activity.

**Explanation.** *While fisheries management is largely the responsibility of the Ministry of Fisheries, the Regional Council can assist in conveying to the Ministry the concerns of Northland communities about the effects of fishing activity.*

2. When processing coastal permit applications, to consider the effects of the proposed activity on commercial, recreational and customary fisheries, including taiapure and maataitai reserves.

**Explanation.** *Fishing is a major use of the coastal marine area and can be affected by use and development.*

### 35.4 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Continue liaison with Ministry of Fisheries and, where appropriate, the fishing industry in regard to local fisheries issues within the Northland region.
2. Promote, through submissions, the inclusion in fisheries legislation of provisions for effective control of the environmental effects of fishing activity.

*(for Policy 2)*

3. Where appropriate, in consultation with the Ministry of Fisheries, consider the effects on fisheries when processing resource consent applications.

### 35.5 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting each policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

#### **Co-ordination**

**Methods 1, 2, and 3** are required to facilitate the integration of management of natural and physical resources and fisheries management.

## 36. MARINE PROTECTED AREAS

### 36.1 INTRODUCTION

Another significant issue raised during the preparation of this plan was the need to establish more marine protected areas, particularly marine reserves, as a means of ensuring that at least some portion of the coast was fully protected from use and development. The objective of having 10% of the coastline covered by marine reserves has been commonly expressed.

The term marine protected area refers to marine areas protected under legislation. Protection of marine areas is provided for under a number of statutes including:

- Wildlife Act 1953 (wildlife refuges, management reserves, sanctuaries).
- Marine Reserves Act 1971 (marine reserves).
- Reserves Act 1977 (among others: scenic reserves, scientific reserves, nature reserves).
- Marine Mammals Protection Act 1978 (marine mammal sanctuaries).
- Fisheries Act 1996 (maataitai reserves).
- Conservation Act 1987 (among others: conservation areas, wilderness areas, ecological areas, sanctuary areas).

Some of these provisions relate to parts of the foreshore only; while others can include any part of the coastal marine area. Each piece of legislation and each protected area category has a particular purpose, and protection of an area using a particular statute must therefore be consistent with the purpose of that statute. In other words, the statute used must be appropriate for ensuring the protection of whatever special value or quality the area has. However, of these, only the creation of a marine reserve offers full protection to the area involved.

There is currently only one marine reserve within Northland's coastal marine area - the Poor Knights Islands. There is also one marine park (Mimiwhangata), and one major wildlife refuge (Whangarei Harbour). However, there are other coastal marine protected areas within Northland's coastal marine area.

The benefits of marine reserves extend beyond scientific research. There are also benefits to the wider community including opportunities for comprehensive environmental education, recreation, and economic benefits from tourism. Northland – with its warm climate, extensive coastline, and many offshore islands – is perhaps one of the best areas of New Zealand to take advantage of the benefits of marine reserves.

The Regional Council may apply for Marine Reserves under the criteria described in *Section 5(1)a* of the Marine Reserves Act 1971, specifically:

- (iii) *Any body corporate or other organisation engaged in, or having as one of its objectives the scientific study of marine life or natural history.*



## 36.2 OBJECTIVE

**The establishment of more marine reserves within Northland's coastal marine area as a means of both preserving the natural character of selected areas and facilitating environmental education.**

## 36.3 POLICIES

1. To promote the establishment of marine reserves where these can be shown to provide social benefits to the community of Northland.

**Explanation.** *Marine reserves facilitate public understanding of the ecology of the coastal marine area. They also provide recreational opportunities, tend to increase fish stocks in adjacent waters, and can provide economic benefits to the region.*

2. The Northland Regional Council will encourage communities to participate in active protection of the important conservation values (as identified in Appendix 9) through, for example, the establishment of community-based care programs.

**Explanation.** *This Policy is designed to encourage a greater involvement by local communities in the protection of values identified as important by providing for communities to design and implement local solutions to identified problems with Council acting in a supportive manner.*

*Council will assist by offering information and expertise to local communities but it is anticipated that local communities will take responsibility for implementing appropriate methods to protect those special values.*

cross-reference

Section 11. Recognition of and Provision for Maori and their Culture and Traditions.

## 36.4 METHODS OF IMPLEMENTATION

1. Actively support specific marine reserve proposals by other organisations where it can be shown that these will:
  - (a) help ensure that there is representation of all major coastal types protected by marine reserves; and
  - (b) result in significant identified public benefits, including environmental education.
2. If necessary, to make appropriate proposals on behalf of the region's interest groups.
3. Notwithstanding the above, encourage the Department of Conservation and other relevant parties to develop a process by which a network of marine reserves is progressively established which covers the range of

significant coastal ecosystem types found within Northland's coastal marine area, including those of unique or special character.

4. The Northland Regional Council will facilitate the establishment of Landcare and Beachcare Groups, having as their primary objective the protection of the important conservation values of the coastal environment and will offer technical services and advice to such groups.

### **36.5 PRINCIPAL REASONS FOR ADOPTING**

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting the policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

#### **Co-ordination**

**Method 3** recognises that there is a need for more marine reserves in Northland and that the Department of Conservation is primarily responsible for the establishment and management of such reserves.

#### **Other**

**Methods 1 and 2** recognise that there is a need for more marine reserves in Northland and that while the Department of Conservation is primarily responsible for the establishment and management of such reserves, application by other parties is possible.

**Method 4** implements Policy 2 and recognises that there may be occasions where the Local Community, properly advised and resourced, is more capable of addressing an issue associated with the need to protect an important value than a more distant authority. This Policy is designed to provide a means for local communities to pursue local solutions.



## 37. TAIAPURE AND MAATAITAI RESERVES

### 37.1 INTRODUCTION

The most common concern raised during consultation with Maori over coastal resource management is the depletion of seafood resources through pollution and over-exploitation. This underlines the fact that a significant part of the relationship of Maori to the coastal marine area revolves around access to, and use of, seafood resources.

As discussed in Section 11, recent amendments to fisheries legislation make provision for the involvement of Maori in fisheries management and recognise Maori customary food-gathering interests. Maori may now apply to the Minister of Fisheries to establish taiapure and maataitai reserves. These areas provide local Maori communities with opportunities to have more involvement in the management and use of fisheries of traditional importance to them.

Taiapure allow local Maori, via a management committee selected by them (but formally appointed by the Minister of Fisheries) to recommend to the Minister of Fisheries, regulations for the management of fisheries within the specified area. These regulations may override other regulations made under fisheries legislation including those pertaining to commercial fishing activity.

The effect of the taiapure on people using the area will depend on the nature of the regulations made. These regulations may not discriminate against people on the grounds of colour, race, or ethnic or national origins.

Maataitai reserves are specific fishing grounds placed under the authority of the tangata whenua so that they may manage and control the non-commercial harvest of seafood. Control is effected through bylaws prepared by a management committee which is nominated by tangata whenua and appointed by the Minister of Fisheries. These bylaws apply equally to everyone, with the exception that if the reserve is closed for general harvesting, the management committee may still allow kaimoana to be taken for functions on the marae of the tangata whenua.

As part of the establishment process for both taiapure and maataitai reserves, there is a requirement to:

- (a) consult with the local community; and,
- (b) have specific regard to the effect of the proposal on the local community

Neither the taiapure regulations or the maataitai reserve bylaws override the rules within this plan because fisheries management and resource management are dealt with under separate pieces of legislation.

### 37.2 OBJECTIVE

**Provision of information for tangata whenua applying for the establishment of taiapure and maataitai reserves within Northland's coastal marine area.**

### 37.3 POLICIES

1. To assist tangata whenua who are in the process of applying for taiapure or maataitai reserves, to identify those matters of concern within the area of the proposal which are in fact subject to the provisions of the Resource Management Act.

**Explanation.** *The effective management of taiapure and maataitai reserves can require management of natural and physical resources other than the fisheries themselves. This needs to be recognised at an early stage.*

### 37.4 METHODS OF IMPLEMENTATION

1. Provide tangata whenua with comments on draft applications as necessary.
2. Where requested, attend hui or similar public meetings over taiapure and maataitai applications.
3. Liaise with tangata whenua making applications and provide relevant educational material.

### 37.5 PRINCIPAL REASONS FOR ADOPTING

The principal reasons for adopting the objective are set out in the introduction. The principal reason for adopting the policy is incorporated in the explanation. Principal reasons for the methods of implementation are as follows:

#### Other

**Methods 1, 2 and 3** recognise that there are a number of opportunities within the statutory application process to explain the resource management implications of the establishment of taiapure and maataitai reserve areas.





# **PART VIII:**

# **PLAN EFFECTIVENESS**





## **38. ENVIRONMENTAL RESULTS EXPECTED**

### **38.1 INTRODUCTION**

Under Section 67(1) of the Resource Management Act, this Plan is required to state the environmental results anticipated from the implementation of the policies and methods specified in this plan. This essentially requires a judgement of the extent to which the objectives stated will be achieved within the 10-year term of this Plan. Some objectives may require longer than the 10-year term to be realised.

### **38.2 ENVIRONMENTAL PROTECTION**

- Preservation of the natural character of the coastal marine area.
- Increased public awareness of the natural character of Northland's coast.
- Increased knowledge of the effects of use and development on natural resources within Northland's coastal marine area. This knowledge to be gained through state-of-the-environment monitoring, consent monitoring and specified resource investigations.
- The identification and protection of the following specific types of area from inappropriate use and development:
  - (a) regionally, nationally and internationally significant natural features and landscapes;
  - (b) areas of significant indigenous coastal vegetation;
  - (c) significant habitats of indigenous fauna.

Protection will include the integrated management of such areas where they traverse the line of Mean High Water Springs.

- The maintenance and, where necessary, progressive enhancement of coastal water quality.
- The maintenance of the high standard of air quality within Northland's coastal marine area.

### **38.3 CULTURAL VALUES**

- Increased awareness of cultural needs of Maori, including recognition of Maori as a partner to the Treaty of Waitangi.
- Identification and protection of sites of special value to tangata whenua in accordance with tikanga Maori including, where appropriate, the direct involvement of Maori in their management.
- Provision for the particular cultural concerns regarding the disposal of human waste to the coastal marine area.

- Identification and protection of sites or structures of historical significance within the coastal marine area.

#### **38.4 PUBLIC ACCESS AND RECREATION**

- Increased public awareness of:
  - (a) sites and areas where public access to and along the coastal marine area is allowed.
  - b) sites and areas where public access is necessarily restricted to protect conservation values, or health and safety.
- The maintenance and enhancement of opportunities for public recreation, except where recreational activity is likely to cause significant adverse environmental effects.
- The minimisation of conflicts between recreational use of the coastal marine area and other uses which require occupation of coastal space.

#### **38.5 HAZARD MITIGATION**

- Increased public awareness of natural hazards affecting Northland's coastal marine area.
- Integrated management of coastal hazards, including discouragement of coastal subdivision in areas where there are foreseeable risks to life and property from coastal erosion.
- No new structures located in areas prone to coastal erosion unless these are shown to be necessary and effective in the long-term control of the erosion.

#### **38.6 RESOURCE UTILISATION**

- Efficient utilisation of natural resources.
- Where necessary, the imposition of specific conditions on resource consents to preserve the natural character of the area within which the activity takes place.

#### **38.7 WORKS AND STRUCTURES**

- Avoidance, remediation or mitigation of the adverse effects of works and structures including those associated with marine farming and port operations.
- No new works or structures within the coastal marine area, except those which are associated with an activity which has an operational need to be located in the coastal marine area and the work or structure is authorised by a rule in this plan or a resource consent.

- All sound existing structures authorised by a resource consent consistent with the Resource Management Act coastal management framework.
- No new reclamations, impoundments or dredging operations for the sole benefit of private individuals.
- Dredging spoil disposal to the coastal marine area only in exceptional circumstances.
- The efficient management of permanent moorings.
- Avoidance of ad hoc development and proliferation of foreshore structures.

### **38.8 PLANNING PROCESSES**

- Cross-boundary issues dealt with efficiently and effectively.
- Efficient consent application processing.
- Informed decisions made on the use, development and protection of the coastal marine area.
- Adequate guidance to applicants of information requirements.
- Guidance in setting terms and financial contributions.
- Certainty to applicants, submitters and decision makers.



## **39. PLAN MONITORING, CHANGES AND REVIEW**

### **39.1 INTRODUCTION**

In order to ensure that the environmental results set out in Section 33 of the Plan are achieved, there needs to be an on-going process of monitoring the effectiveness of this Plan and, if necessary, changing relevant policies and rules. The Act also requires that the whole Plan be reviewed every 10 years, but can also be subject to rolling review or plan changes.

### **39.2 MONITORING OF PLAN EFFECTIVENESS**

Under Section 35 of the Act, the Regional Council is required to monitor the suitability and effectiveness of this Regional Coastal Plan and change or review the Plan where this is shown to be necessary. Under section 67, procedures for monitoring the effectiveness of this Plan are required to be specified.

Procedures to be used to monitor the effectiveness of this Plan will include one or more of the following:

- (a) An annual evaluation of the results of the Regional Council's 'state-of-the-environment' monitoring programme for the coastal marine area, including specific attention to the following:
  - (i) any new areas of environmental degradation; and
  - (ii) the likely causes of any such degradation; and
  - (iii) the effectiveness of any relevant policies, rules and methods within this Plan which are intended to avoid, mitigate or remedy such degradation.
- (b) Regular communication with central government agencies (in particular the Department of Conservation, Maritime Safety Authority, Ministry of Fisheries and Ministry for the Environment), district councils, industry groups, recreational user groups, conservation groups, residents and ratepayers associations, Auckland Regional Council and any other relevant organisations to gain their assessment of the effectiveness of the Plan.
- (c) An annual analysis of feedback obtained through the news media, meetings, and correspondence regarding the effectiveness of this Plan.

### **39.3 PLAN CHANGES**

If the Regional Council's monitoring of the environment and of the effectiveness of the Plan reveals the need for changes to this Plan, then these will be initiated by the Council and carried out in accordance with the First Schedule of the Act.

Notwithstanding the above, changes to this Plan can be proposed by any person in a written request to the Regional Council. The Regional Council must, within 30 working days of receiving a request:

- (a) *accept the request; or*

- (b) *reject the request on the grounds that:*
- (i) *The request or part of the request is frivolous or vexatious; or*
  - (ii) *The substance of the request or part of the request has been considered and given effect to or rejected by the regional council or Environment Court within the last two years; or*
  - (iii) *The request or part of the request is not in accordance with sound resource management practice; or*
  - (iv) *The proposal and its environmental impact has not been described with sufficient clarity for it to be readily understood; or*
  - (v) *The proposal would make the plan inconsistent with either the New Zealand coastal policy statement, national policy statement, the regional policy statement, or any other regional plan that the Northland Regional Council may produce; or*
  - (vi) *The regional coastal plan has been operative for less than 2 years.*

If the request is agreed with then the procedure set down in the First Schedule of the Act is followed.

If the request is refused in part or in whole, an applicant for a plan change may appeal to the Environment Court.

#### **39.4 PLAN REVIEW**

Notwithstanding any changes which may be made to this Regional Coastal Plan in the interim, the Regional Council must commence a full review of the plan not later than 10 years from the date that it becomes operative.





## DEFINITIONS

*This section provides the meaning of key words used in this plan. The use of italics indicates that meanings have been taken directly from the Resource Management Act 1991 or, where specified, other relevant legislation. Any term or expression not defined in this Plan but which is defined by the Act shall have the meaning given to it by the Act.*

**92/93 survey** – *The survey of existing coastal structures undertaken by the Northland Regional Council over the years 1992 and 1993.*

**Access strip** – *a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered or managed under the Conservation Act 1987 and the Acts named in the First Schedule to that Act).*

**Act** - the Resource Management Act 1991.

**Administrative charges** - charges fixed by a local authority under section 36 of the Resource Management Act 1991. These may include charges of all or any of the following kinds:

(a) *Charges payable by applicants for the preparation or change of a policy statement or plan, for the carrying out by the local authority of its functions in relation to such applications;*

(b) *Charges payable by applicants for resource consents, for the carrying out by the local authority of its functions in relation to the receiving, processing and granting of resource consents (including certificates of compliance);*

(c) *Charges payable by holders of resource consents, for the carrying out by the local authority of its functions in relation to the administration, monitoring and supervision of resource consents (including certificates of compliance), and for the carrying out of its resource management functions under section 35;*

(d) *Charges payable by requiring authorities and heritage protection authorities, for the carrying out by the local authority of its functions in relation to designations and heritage orders;*

(e) *Charges for providing information in respect of plans and resource consents, payable by the person requesting the information;*

(f) *Charges for the supply of documents, payable by the person requesting the document;*

(g) *Any kind of charge authorised for the purposes of this section by regulations.*

**Agrichemical** - Any substance, whether inorganic or organic, manufactured or naturally occurring, modified or in its original state, that is used in any agricultural, horticultural, forestry, or other industrial activity, management of

public amenity areas or related activity, to eradicate, modify or control flora or fauna (modified from NZ Standard 8409:1995). For the purposes of this Plan, it does not include animal remedies or fertilisers.

**Alteration** - in relation to structures, to change the function, layout, or appearance of a structure without changing its physical dimensions.

**Ambient air quality** – The general quality of the surrounding air, reflecting the cumulative effect of all activities, both anthropogenic and natural.

**Amenity values** - *those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*

**Anchoring** - the securing of a vessel, raft, aircraft or floating structure by means of an anchor.

**Annual plan** - Under the Local Government Act 1974, every local authority must produce each year a draft Annual Plan for public comment. This sets out the objectives of the Council, the activities that it proposes carrying out and their cost. Performance measures by which the Council can be judged are also included.

**Aquaculture activities –**

- (a) means any activity described in [section 12](#) of the Resource Management Act 1991 done for the purpose of the breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing, or ongrowing involves the occupation of a coastal marine area; and
- (b) includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but
- (c) does not include an activity specified in paragraph (a) if the fish, aquatic life, or seaweed—
  - (i) are not in the exclusive and continuous possession or control of the person undertaking the activity; or
  - (ii) cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed; and
- (d) does not include an activity specified in paragraph (a) or (b) if the activity is carried out solely for the purpose of monitoring the environment

**Authorised** - either:

- (a) a permitted activity as defined by a rule in this Plan; or
- (b) having an applicable coastal permit or permits (including a deemed coastal permit or deemed coastal permits) that cover and allow all pertinent activities for which a coastal permit is required under the Resource Management Act; or
- (c) in relation to swing moorings, having a mooring licence issued by the Northland Regional Council under Navigation safety bylaws.

**Ballast water** - water used for ballasting of ships.

**Benthic** - found in, on or near the seabed (in reference to aquatic plants and animals).

**Best practicable option** - *in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to -*

(a) *The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*

(b) *The financial implications, and the effects on the environment, of that option when compared with other options; and*

(c) *The current state of technical knowledge and the likelihood that the option can be successfully applied.*

**Bioaccumulative substances** - can accumulate in living organisms as a result of them breathing contaminated air, drinking contaminated water or eating contaminated food.

**Biodiversity**<sup>35</sup> - the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

**Biological resources**<sup>36</sup> - includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use of value for humanity.

**Black Smoke** - Occurs when the opacity of the discharge to air:

- (a) When measured visually in accordance with AS 3543-1989 is as dark as or darker than Ringelmann Shade No.1 for more than 2 minutes continuously or for an aggregate of 4 minutes in any period of 60 minutes; or
- (b) When measured by photoelectric means in accordance with AS3543-1989 equals or exceeds 52% for more than 2 minutes continuously or for an aggregate of 4 minutes in any period of 60 minutes.

**Boat** - has the same meaning as in the Harbours Act 1950 namely *every description of vessel used in navigation, not being a ship.*

**Boat maintenance activity** - includes cleaning, scraping, sanding, painting, anti-fouling or repair of any surface on a boat, and cleaning, dismantling, removing, repairing or replacing of any engine, part of an engine, propellor, propellor shaft, or other device or fitting which is part of or attached to a boat when in use.

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<sup>35</sup>United Nations Conference on Environment & Development, 1992

<sup>36</sup>United Nations Conference on Environment & Development, 1992

**Boat maintenance facility** - any boat grid, slipway, ramp or haul-out facility located within the coastal marine area, on adjoining land, or both, which is specifically designed for the purpose of carrying out boat maintenance activity.

**Capital dredging** - when dredging of an area is first done including the deepening of previously dredged areas beyond approved depths and the widening of such areas.

**CCA** - A preservative containing copper, chrome and arsenate

**Coastal Marine Area** - *the foreshore, seabed, and coastal water, and the air space above the water:*

- (a) *Of which the seaward boundary is the outer limits of the territorial sea;*
- (b) *Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:*
  - (i) *one kilometre upstream from the mouth of the river; or*
  - (ii) *the point upstream that is calculated by multiplying the width of the river mouth by 5.*

**Coastal water** - *seawater within the outer limits of the territorial sea and includes -*

- (a) *seawater with a substantial fresh water component; and*
- (b) *seawater in estuaries, fiords, inlets, harbours or embayments.*

**Commercial vessel** - any vessel used transporting cargo, goods, produce or people for financial return.

**Conservation Area** - Land managed primarily for conservation purpose under the Conservation Act.

**Consultation**<sup>37</sup> - Consulting involves putting forward a proposal which is not yet finally decided upon, listening to what others have to say about it, considering their responses, and then deciding what will be done.

consultation should include:

- **Providing sufficient information** to the consulted party so that they can make intelligent and informed decisions;
- **Allowing sufficient time** for both the participation of the consulted party and the consideration of the advice given; and,
- **Genuine consideration** of that advice, including an open mind and a willingness to change.

**Contaminant** - *includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:*

<sup>37</sup>Air New Zealand Ltd v Wellington International Airport Ltd, High Court Wellington Registry, CP No. 403/91, McGechan J, 6 January 1992, page 8

- (a) *When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or*
- (b) *When discharged on to or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air on to or into which it is discharged.*

**Discharge** - *includes emit, deposit, and allow to escape.*

**District** - *in relation to a territorial authority:*

- (a) *Means the district of the territorial authority as defined in accordance with the Local Government Act 1974 but, except as provided in paragraphs (b) and (c) of this definition, does not include any area in the coastal marine area:*
- (b) *Includes any area reclaimed in the coastal marine area for which a consent authority has issued a certificate under section 245(5)(a)(ii) or (5)(b)(ii), but which has not yet been included within the boundary of the territorial authority:*
- (c) *Includes for the purposes of section 89, any area in the coastal marine area.*

**District Council** - has the same meaning as in the Local Government Act 1974.

**District plan** - *an operative plan approved by a territorial authority under the First Schedule; and includes all operative changes to such a plan (whether arising from a review or otherwise).*

**Dredging** - The excavation by mechanical means of the foreshore and seabed in the coastal marine area. This excludes dredging from the purposes of resource extraction, which is provided for in Chapter 24 on Sand, Shingle and Mineral Extraction.

**Ecosystem**<sup>38</sup> - a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

**Effect** - *unless the context otherwise requires, the term "effect" includes:*

- a) *Any positive or adverse effect; and*
- (b) *Any temporary or permanent effect; and*
- (c) *Any past, present, or future effect; and*
- (d) *Any cumulative effect which arises over time or in combination with other effects.*

*regardless of the scale, intensity, duration, or frequency of the effect, and also includes:*

- (e) *Any potential effect of high probability; and*

<sup>38</sup> United Nations Conference on Environment & Development, 1992

- (f) *Any potential effect of low probability which has a high potential impact.*

**Emergency** - any sudden event causing or likely to cause loss of life, injury or serious damage to property and, in relation to shoreline protection works and structures, which requires immediate measures to avoid, mitigate or remedy such effects.

**Environment** *includes* -

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

**Environmental Fund** - A discretionary, annual fund put in place by the Northland Regional Council to provide funding for approved environmental projects.

**Environmental results anticipated** - these outline the intended outcomes or results on the environment, which the community can expect to see or experience as a consequence of the implementation of policies and methods. These are closely related to the objectives set out in respective sections of the Regional Policy Statement.

**Esplanade reserve** - *means a reserve within the meaning of the Reserves Act 1977-*

- (a) *Which is either*
- (i) *A local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or*
- (ii) *A reserve vested in the Crown or a regional council under section 237D; and*
- (b) *Which is vested in the territorial authority, regional council or the Crown for a purpose or purposes set out in section 234.*

**Esplanade strip** - *means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 234.*

**Excessive noise** - *any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at a place from which the noise is being emitted), but does not include any noise emitted by any-*

- (a) *Aircraft being operated during, or immediately before or after, flight; or*
- (b) *Vehicle being driven on a road (within the meaning of section 2(1) of the Transport Act 1962); or*

(c) *Train, other than at a railway station or in railway yards.*

**Existing** - in existence as at 20 December 1994 (the date of notification of the Proposed Regional Coastal Plan) and with respect to structures and moorings within the coastal marine area, means recorded in the Northland Regional Council's structures and moorings databases.

**Exotic organism** - a plant or animal which is not indigenous to, or naturally occurring in Northland. For the purposes of this definition Pacific Oyster (*Crassostrea gigas*) is not an exotic organism.

**Exotic plant** - a plant which is not indigenous to, or naturally occurring in, New Zealand.

**Extension** - in relation to structures, any addition to the structure which increases the physical dimensions of the structure.

**Financial contribution** - means a contribution of:

- (a) *Money; or*
- (b) *Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or*
- (c) *Works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource; or*
- (d) *Services.*

*or any combination thereof, made for purposes specified in the plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and which does not exceed in value the maximum amount specified in, or determined in accordance with, the plan.*

**Foreshore** - *any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.*

**Fresh water** - *all water except coastal water and geothermal water.*

**Habitat**<sup>39</sup> - means the place or type of site where an organism or population naturally occurs.

**Hapu**<sup>40</sup> - sub-tribes, usually a number of whanau with a common ancestor.

**Hazardous substances** - *includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.*

**Hazardous waste** - hazardous substances which have no further safe and/or economic use.

<sup>39</sup> United Nations Conference on Environment & Development, 1992

<sup>40</sup> MFE, Consultation with Tangata Whenua, 1991

**Heritage feature** - an area, place or site, including any building or natural object thereon which is of historic, cultural or spiritual value and demonstrates or provides evidence of a significant linkage with the past.

**Houseboat** - a structure or vessel which is designed to be the floating equivalent of a residential dwelling or office or motel unit and which is primarily used as such.

**Impoundment** - the impounding, whether permanent or temporary, of water within any part of the coastal marine area by means of the construction of a causeway, bund, seawall, other similar solid structure, or any combination thereof, but excluding the impounding of water within any area which is in the process of being reclaimed and within which the reclamation activity is authorised by a coastal permit. "Water" includes freshwater.

**Indigenous flora and fauna** - plants and animals which belong naturally to New Zealand (as opposed to being introduced).

**Industrial or Trade Premises** – means

- (a) *Any premises used for any industrial or trade purposes; or*
- (b) *Any premises used for the storage, transfer, treatment or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or*
- (c) *Any other premises from which a contaminant is discharged in connection with any industrial or trade process-*  
*but does not include any production land.*

**Internal waters** - has the same meaning as in section 4 of the *Territorial Sea and Exclusive Economic Zone Act 1977*.

**Intrinsic values** - in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:

- (a) *Their biological and genetic diversity; and*
- (b) *The essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.*

**Iwi**<sup>41</sup> - tribe, people.

**Iwi authority** - the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

**Iwi plan or iwi management plan** - a plan or management plan prepared and recognised by an iwi authority.

**Jetty** - a projecting part of a wharf; a landing-pier; a timber pier of slight construction.

**Kaimoana** - seafood.

<sup>41</sup>Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, 1992



**Kaitiaki**<sup>42</sup> - guardian, steward: the meaning of kaitiaki in practical application may vary between different hapu and iwi.

**Kaitiakitanga** - *the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.*

**Kaupapa** - a plan or a programme.

**Land** - *includes land covered by water and the air space above land.*

**Leachate** - the liquid resulting from the percolation of matter through soil or the liquid resulting from the decomposition of material, e.g. refuse (tip/landfill leachate).

**Local Authority** - *a regional council or territorial authority.*

**Maataitai reserve** - discrete areas of customary importance to Maori where tangata whenua are authorised to manage and control the non-commercial harvest of seafood under the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 which amended the Fisheries Act 1983.

**Mahinga maataitai** - areas from which seafood is gathered.

**Maintenance dredging**<sup>43</sup> - any dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of vessels, in navigation channels and at berthing and mooring facilities, including marina developments.

**Mana whenua** - *customary authority exercised by an iwi or hapu in an identified area.*

**Marae** - the spiritual, social, political and economic gathering place of iwi, hapu or whanau.

**Marae-based Aquaculture** – means aquaculture with the following attributes:

- (a) The purpose of the aquaculture activities is to improve traditional customary kaimoana provision for Marae.
- (b) The farmed kaimoana is not for sale<sup>1</sup>
- (c) The organisations entitled to hold coastal permits for Marae-based aquaculture are:
  - (a) a Marae Committee of a Maori Reservation gazetted for the purposes of a Marae, in accordance with Te Ture Whenua Maori Act 1992.
  - (b) a Marae Committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Maori Fisheries Act 2004)
- (d) The area of occupation is no more than one hectare per Marae.

<sup>42</sup>Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, 1992

<sup>43</sup>New Zealand Coastal Policy Statement

- (e) The area of occupation is within the area traditionally harvested by the Marae.

<sup>1</sup> **sale** includes—

- a. every method of disposition for valuable consideration, including barter; and
- b. the disposition to an agent for sale on consignment; and
- c. offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and
- d. disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003); and
- e. the use by a person of fish, aquatic life, or seaweed as bait in that person's commercial fishing operations; and
- f. any other use by a person of fish, aquatic life, or seaweed as part of that person's commercial activities

*(Sourced from the Maori Commercial Aquaculture Claims Settlement Act 2004 definition of "sale").*

**Recognised anchorage** - means an anchorage which is referred to in cruising guides, pilot books and similar publications as being suitable shelter for small/larger craft in adverse weather.

**Recognised navigational routes** – is a safe sea passage and commonly used by vessels navigating within that area. The recognised navigational route may be one used by commercial vessels to & from ports, and may also include pleasure craft routes which are normally used to navigate between popular destinations.

**Marine protected area** - classification of areas within the coastal marine area which provides formal protection of conservation values under legislation.

**Marina** - a naturally or artificially enclosed or semi-enclosed area of protected water of suitable depth containing moorings in the form of finger jetties, berths or other similar structures which, in combination, provide for the permanent mooring of vessels, each with walking access, and which area is maintained and managed for that specific purpose.

**Marina complex** - A marina with associated facilities and services for launching, repairing, or provisioning craft is generally termed a "marina complex".

**Marina development** - the construction of a new marina or the expansion or alteration of an existing marina, including any associated reclamation or dredging activity.

**Mauri** - life force, life essence.

**Mean High Water Springs (MHWS)**<sup>44</sup> - the average of the levels of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days) when the range of tides is greatest.

**Method of implementation** - a practical action by which a policy is to be put into effect.

**Mineral** - *a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic*

<sup>44</sup> New Zealand Nautical Almanac, Maritime Transport Division

*minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.*

**Minor Upgrading** – in relation to network utilities means an increase in the carrying capacity, efficiency or security of electricity and associated telecommunications lines, utilising existing support structures, and includes:

- (i) the addition of circuits and/or conductors;
- (ii) reconductoring with higher capacity conductors;
- (iii) the resagging of conductors;
- (iv) the addition or replacement of longer more efficient insulators;
- (v) the addition of earthwires (which may contain a telecommunication line e.g. fibre optic), earthpeaks and lightning rods.

Minor upgrading shall not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

**Mitigate** - to alleviate, minimise, or moderate the severity of something.

**Mooring** - any weight or article placed in or on the foreshore or seabed for the purpose of securing a vessel, raft, aircraft, or floating structure; and includes any wire, chain, rope, buoy, or other device attached or connected to such weight or article, but does not include an anchor which is normally removed with a vessel, raft, aircraft or floating structure when it leaves a site or anchorage. For the purposes of this Plan, moorings include swing moorings, pile moorings, marina berths and mooring jetties.

**Mouth** - *for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either:*

- (a) *As agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or*
- (b) *As declared by the Environment Court under section 310 upon application made by the Minister of Conservation, the regional council and the territorial authority prior to the plan becoming operative, -*

*and once so agreed and set or declared shall not be changed in accordance with the First Schedule or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council and the appropriate territorial authority agree.*

**National policy statement** - *a statement of national policies on matters of national significance that are relevant to achieving the purposes of the Resource Management Act.*

**Natural and physical resources** - *includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures.*

**Natural hazard** - *any atmospheric or earth or water-related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.*

**Network utilities and services** - those works, structures or services that are constructed, operated or undertaken by network utility operators as defined by section 166 of the Resource Management Act 1991.

**New Zealand Coastal Policy Statement** - A national policy statement prepared by the Minister of Conservation which states policies in order to achieve the purpose of the RMA for the coastal environment of New Zealand.

**Non-point source discharge** - for the purposes of this Plan, involves diffuse discharges such as stormwater runoff or leachate from land, on to or into the foreshore, seabed, or coastal waters, or the air above coastal water (as opposed to an effluent outfall).

**Notification** - Public notice of any proposed policy statement or plan, and changes thereto, or submissions thereon, or of resource consents applications.

**Objective** - a measurable aim or end result to which efforts are directed.

**Pelagic** - of the open sea (in reference to marine life)

**Permanent mooring** - any mooring constructed and used as a permanent fixture to the foreshore or seabed within the coastal marine area.

**Plan** - *a regional plan or a district plan.*

**Point source discharge** - a discharge from a specific and identifiable outlet, on to or into land, air, water body or the sea.

**Policy** - a policy is a specific statement that guides or directs decision-making. A policy indicates a commitment to a general course of action in working towards an objective.

**Port area** - a harbour area where marine terminal facilities such as jetties and wharves are provided at which commercial ships of 4500 Dead Weight Tonnes (DWT), or greater, regularly berth to load and unload cargo or passengers. Such areas can include ship construction and/or maintenance activity, barging operations and any related structures.

**Port development** - the construction of a new port area or the expansion or alteration of an existing port area.

**Raft** - *any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation...*

**Rangatiratanga** - refer Tino Rangatiratanga

**Reclamation** - for the purposes of this plan, reclamation includes both:

- (a) the permanent infilling of the foreshore or seabed with sand, rock, concrete or similar material to form land above the level of Mean High Water Springs (including any embankment, causeway, or rubble mound breakwater wide enough for a vehicle access track); and
- (b) the permanent drying out of any part of the foreshore or seabed by means of the construction of a causeway, bund, seawall, other similar solid structure, or any combination thereof, which act to exclude coastal water from part of the coastal marine area.

**Region** - *in relation to a regional council, the region of the regional council as determined in accordance with the Local Government Act 1974.*

**Regional Coastal Plan** - A resource management plan or plans for the Coastal Marine Area of a region, prepared by the Regional Council and approved by the Minister of Conservation under the First Schedule of the Act.

**Regional council** - *has the same meaning as in the Local Government Act 1974.*

**Regional Plan** - means an operative plan (including a regional coastal plan) approved by a regional council or the Minister of Conservation under the First Schedule; and includes all operative changes to such a plan (whether arising from a review or otherwise).

**Regional Policy Statement** - means an operative regional policy statement approved by a regional council under the First Schedule; and includes all operative changes to such a policy statement (whether arising from a review or otherwise).

**Resource consent** - A consent to do something that is not otherwise permitted by a Plan or the Act.

**River** - *a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canal).*

**Rohe**<sup>45</sup> - territory, boundary: defines areas within which a tangata whenua group claims traditional association and mana whenua.

**Rule** - *a district rule or a regional rule [contained in a district or regional plan respectively].*

**Ship** – *means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:*

- (a) *a barge, lighter, or other vessel;*
- (b) *a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;*
- (c) *a submarine or other submersible.*

<sup>45</sup> Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, 1992

**Shiplift** - a facility such as a floating dock, syncra lift and other devices designed to lift ships clear of the water in the coastal marine area for the purposes of inspection, repair, cleaning, maintenance etc.

**Seabed** - the area covered by the internal waters and the territorial sea.

**Sign** - any device intended to attract attention for the purpose of directing, informing, or advertising, which occurs within and is visible from within the coastal marine area or from any public place or site on adjacent land, and includes:

- (a) those affixed to any wharf, jetty, pontoon, raft, pile, or any other structure within the coastal marine area;
- (b) those affixed to or incorporated within the design of a building within the coastal marine area whether by painting or otherwise;
- (c) any neon sign;
- (d) any board, pole, frame, or other structure designed to support the sign.

**Structure** - *any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.*

**Submission** - *a written submission and, in relation to the preparation or change of a policy statement or plan, includes any submission made under clause 8 of the First Schedule in support of or in opposition to an original submission.*

**Sustainable management** - *managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

**Taiapure** - local fishery areas, in estuarine or littoral coastal waters, which are customarily of special significance to iwi or hapu as a source of seafood or for spiritual or cultural reasons. These are formally set aside and managed under the provisions of the Fisheries Act 1996.

**Tangata whenua** - *in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.*

**Taonga**<sup>46</sup> - treasure, property: taonga are prized and protected as sacred possessions of the tribe, not merely as temporal property in the Western sense. The term carries a deep spiritual meaning, and taonga may be things that cannot be seen or touched. Included for example are te reo (the Maori language), waahi tapu, waterways, fishing grounds, and mountains.

**Tauranga waka** - (Maori) *canoe landing sites*

**Tikanga maori** - *Maori customary values and practices.*

**Tino rangatiratanga**<sup>47</sup> - chiefly authority, chieftainship, full authority: combined in this report as 'full tribal authority'. According to the Waitangi Tribunal, tino rangatiratanga;  
(In 1991 (Ngaitahu Report) pp 230-233)

"...refers not to a separate sovereignty but to tribal self management on lines similar to what we understand by local government... rangatiratanga denotes the mana not only to possess what one owns but, and we emphasise this, to manage and control it in accordance with the preferences of the owner...(it) necessarily carried with it...all the incidents of tribal communalism and paramountcy."

This right to manage according to cultural preferences also includes spiritual matters:

"...for example the discharge of animal wastes to the waters of the fishery is as offensive as a physical disruption that reduces the quantity and quality of the catch...there must be regard for the cultural values of the possessor."

**Treated sewage** - means sewage that, when sampled 5 times or more over 24 hours, meets, or exceeds, the following standards:

- (a) A faecal coliform standard where the geometric mean of the faecal coliform count does not exceed 250 faecal coliforms per 100 millilitres; and
- (b) A suspended solids standard where the geometric mean of the total suspended solids content, when suspended solids are analysed by gravimetric methods does not exceed -
  - (i) 50 milligrams per litre when analysed on shore; or
  - (ii) 100 milligrams per litre more than the suspended solids content of the ambient water used for flushing when analysed on board a ship; and
- (c) A biochemical oxygen demand count where the geometric mean of 5 day biochemical oxygen demand of the samples of sewage does not exceed 50 milligrams per litre.

**TSP** – Total Suspended Particulates

<sup>46</sup>Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, 1992

<sup>47</sup>Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, 1992

**Tsunami** - long period ocean waves generated by disturbances of the seabed or seismic activity.

**Vessel** - has the same meaning as in the Harbours Act 1950 namely *a ship, boat, hovercraft, or any other description of vessel used or designed to be used in navigation.*

**Wairua** - spirit.

**Water** –

(a) *Means water in all its physical forms whether flowing or not and whether over or under the ground;*

(b) *Includes fresh water, coastal water, and geothermal water;*

(c) *Does not include water in any form while in any pipe, tank, or cistern.*

**Waahi tapu**<sup>48</sup> - sacred site: these are defined locally by the hapu and iwi which are kaitiaki for the waahi tapu. Typically includes burial grounds and sites of historical importance to the tribe. In order to protect particular sites from interference and desecration, some tribes will refuse to disclose the exact location to outsiders.

**Wetland** - *includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.*

**Wet abrasive blasting** – Involves the use of an abrasive such as sand, or bicarbonate soda, which is forced out of a blasting nozzle at high pressure. Water is injected into the air stream forming what is effectively a slurry of the abrasive.

**Whanau**<sup>49</sup> - an extended family including the nuclear family, and aunts, uncles and cousins.

**Wharf** - includes all wharves, quays, piers, jetties, land and premises in, on, or from which passengers or goods may be taken on board of or landed from vessels.

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<sup>48</sup> Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, 1992

<sup>49</sup> MFE, Consultation with Tangata Whenua, 1991