

# Memo

Date 15 April 2024

To: Phill Reid – Manager Auckland-wide

From: Diana Luong – Planning Technician

Subject: **Plan Modification: Clause 20A error correction to Auckland Unitary Plan (Operative in Part 2016) or Hauraki Gulf Islands District Plan (Operative 2018)**




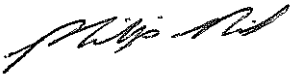
I seek your approval to correct an error pursuant to clause 20A, schedule 1, Resource Management Act 1991:

*A local authority may amend, without using the process in this schedule, an operative policy statement or plan to correct any minor errors.*

You have delegated authority, as a tier four manager, to make a decision to correct an error under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA’s first schedule (except clause 17 which cannot be delegated) to tier four positions.

<b>Provision in AUP or HGI District Plan</b>	AUP	
<b>Subject site and legal description (if applicable)</b>	N/A	
<b>Nature of error</b>	Administrative error in consistency of wording of the following:	
	F4.4.1(A1)	Aquaculture activities (including any activities under section 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)
	F5.4.2(A10)	Aquaculture activities (including any activities under sections 12(1), 12(2),12(3) and 15 of the Resource Management Act 1991)
	F6.4.2(A5)	Aquaculture activities (including any activities under RMA sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991.
	F7.4.3(A7)	Aquaculture activities (including any activities pursuant to sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)
	I102.4.1(A2)	Aquaculture activities (including any activities under section 12(1),12(2),12(3) and 15 of the Resource Management Act 1991)
	I208.4.1(A15)	Aquaculture activities (including any activities under RMA s.12(1), s. 12(2), s. 12(3) and s.15) of the Resource Management Act 1991.

<b>Effect of change</b>	This change: <ul style="list-style-type: none"> <li>• is to correct a minor error</li> <li>• is neutral (it would not affect the rights of some members of the public)</li> </ul>																											
<b>Changes required to be made (text and/or in-text diagrams)</b>	<p>Amend Table F4.4.1(A1) in Chapter F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">(A1)</td> <td style="width: 70%;">Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)</td> <td style="width: 10%;">Pr</td> <td style="width: 15%;"></td> </tr> </table> <p>Amend Table F5.4.2(A10) in Chapter F5 Coastal – Minor Port Zone</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">(A10)</td> <td style="width: 70%;">Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)</td> <td style="width: 10%;">Pr</td> <td style="width: 15%;">NA</td> </tr> </table> <p>Amend Table F6.4.2(A5) in Chapter F6 Coastal – Ferry Terminal Zone</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">(A1)</td> <td style="width: 70%;">Aquaculture activities (including any activities under RMA sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)</td> <td style="width: 10%;">Pr</td> <td style="width: 15%;">NA</td> </tr> </table> <p>Amend Table F7.4.3(A7) in Chapter F7 Coastal – Defence Zone</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">(A7)</td> <td style="width: 70%;">Aquaculture activities (including any activities pursuant to under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)</td> <td style="width: 10%;">Pr</td> <td style="width: 15%;"></td> </tr> </table> <p>Amend Table I102.4.1(A2) in Chapter I102 Rowing and Paddling Precinct</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">(A2)</td> <td style="width: 70%;">Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)</td> <td style="width: 10%;">Pr</td> <td style="width: 15%;"></td> </tr> </table> <p>Amend I208.4.1(A15) in Chapter I208 Port Precinct</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">(A12)</td> <td style="width: 70%;">Aquaculture activities (including any activities under RMA sections 12(1), <del>s. 12(2)</del>, <del>s. 12(3)</del> and <del>s. 15</del>) of the Resource Management Act 1991)</td> <td style="width: 10%;">Pr</td> <td style="width: 15%;">NA</td> </tr> </table>				(A1)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr		(A10)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr	NA	(A1)	Aquaculture activities (including any activities under RMA sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr	NA	(A7)	Aquaculture activities (including any activities pursuant to under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr		(A2)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr		(A12)	Aquaculture activities (including any activities under RMA sections 12(1), <del>s. 12(2)</del> , <del>s. 12(3)</del> and <del>s. 15</del> ) of the Resource Management Act 1991)	Pr	NA
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<b>Changes required to be made (AUP or HGI maps)</b>	N/A																											
<b>Attachments</b>	Attachment 1: Corrected text																											

<p><b>Maps prepared by:</b> N/A Geospatial Specialist</p>	<p><b>Text Entered by:</b> Diana Luong Planning Technician</p>
<p><b>Signature:</b></p>	<p><b>Signature:</b></p> 
<p><b>Prepared by:</b> Diana Luong Planning Technician</p>	<p><b>Reviewed by:</b> Kath Coombes Team Leader</p>
<p><b>Signature:</b></p> 	<p><b>Signature:</b></p> 
<p><b>Decision:</b> I agree to correct the error under clause 20A, schedule 1, RMA 1991 using my delegated authority</p> <p>Phill Reid Manager Planning – Manager Auckland-wide Date: 16 April 2024</p>	
<p><b>Signature:</b></p> 	

**F4 Coastal - Mooring Zone and moorings outside the Coastal -  
Mooring Zone**

**Clean Text**

## **F4. Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone**

### **F4.1. Zone description**

This section addresses the provisions relating to moorings in the Coastal – Mooring Zone and those outside the Coastal – Mooring Zone. The Coastal – Mooring Zone contains objectives, policies and rules for moorings within the Coastal – Mooring Zone. The objectives, policies and rules for moorings outside the Coastal – Mooring Zone are also contained in this section.

Auckland has a large number of recreational vessels and the number is likely to increase as the population grows. Recreational boating is a popular activity, particularly in the Hauraki Gulf, and the mooring of vessels needs to be provided for in appropriate locations.

Many recreational vessels are permanently stored in the coastal marine area, either in marinas or on moorings. While moorings enable recreational use of the coastal marine area, individual moorings and groups of moored vessels may have adverse effects on the environment, particularly on natural character, landscape, visual and amenity values and Mana Whenua values. Leaching from boat hulls may have an adverse effect on water quality and ecological values.

Moorings, due to their occupation of space, exclude other water users from that space and can affect other recreational use of the coastal marine area, including limiting the water space available for vessels to anchor at popular boating destinations. Moorings can also limit the areas where vessels can anchor to shelter from poor weather. In some cases moorings may be important to property owners to provide access to land where no land-based access is available.

To consolidate moorings in appropriate areas, the Coastal – Mooring Zone has been identified in a number of areas. Most Coastal – Mooring Zone sites are within the Hauraki Gulf, reflecting the high recreational boat use of the Gulf. Enabling the mooring of vessels within a Coastal – Mooring Zone ensures the efficient use of the coastal marine area by:

- concentrating moorings in suitable areas, and avoiding a proliferation of moorings around the coast;
- reducing conflict with other users of coastal space;
- reducing pressure on areas with high natural values or Mana Whenua values; and
- enabling the strategic planning and provision of land-based facilities such as dinghy racks, parking and boat ramps.

Moorings in the Coastal – Mooring Zone, other than new pile moorings, are a permitted activity. Moorings outside the Coastal – Mooring Zone are provided for, but require resource consent as a discretionary activity. This is to enable the effects (both positive and adverse) to be assessed.

The day-to-day management of moorings within the Coastal – Mooring Zone is managed by the harbourmaster's office under the Council's Navigation Safety bylaw.

#### **F4.2. Objectives [rcp]**

- (1) Vessels are moored in appropriate locations in the coastal marine area to avoid as far as practicable adverse effects on natural character, landscape, navigational safety, commonly used safe anchorage areas, infrastructure, recreational activities, amenity values, ecological values, historic heritage and Mana Whenua values.
- (2) Moorings are located within the Coastal – Mooring Zone and the space within the Coastal – Mooring Zone is used efficiently.
- (3) The use of the Coastal – Mooring Zone is enhanced by the provision of land-based facilities in appropriate locations while avoiding, remedying or mitigating adverse effects on the environment.

#### **F4.3. Policies [rcp]**

- (1) Avoid new moorings being located in any of the following:
  - (a) within an area identified in the Significant Ecological Areas Overlay - Marine 1 and 2 area;
  - (b) where they would have an adverse effect on any outstanding natural feature identified in the Outstanding Natural Features and Outstanding Natural Landscapes Overlay;
  - (c) within an area identified in the Outstanding Natural Character and High Natural Character Overlay;
  - (d) where they would have an adverse effect on identified historic heritage values and identified Mana Whenua values;
  - (e) that are commonly relied upon for safe anchorage during adverse weather conditions;
  - (f) that are popular cruising and anchoring destinations used by the general boating public; or
  - (g) where they will impede maritime passenger operations.
- (2) Determine the appropriateness of moorings outside the Coastal – Mooring Zone by taking into account any of the following:
  - (a) whether there is a Coastal – Mooring Zone with available space in proximity to the proposed mooring location;
  - (b) whether there is a demonstrable need for a mooring outside of a Coastal – Mooring zone;
  - (c) whether the only access to the property associated with the mooring is from the coastal marine area;

#### F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone

- (d) whether it can be demonstrated that short-term anchorage as opposed to a permanent mooring is not a practicable option;
  - (e) whether sharing an existing mooring is possible and or practical;
  - (f) whether the proposed method of mooring is the most appropriate taking into account the particular location, the extent of water space that will be occupied and the level of impact on other users;
  - (g) whether it can be demonstrated that the location is suitable in terms of wave, tide, and wind conditions, particularly during storms;
  - (h) whether the navigation and safety of other vessels, or other lawful use of the coastal marine area, including the short term anchorage of other vessels will be adversely affected;
  - (i) whether land-based vessel storage is a practicable option;
  - (j) whether it will limit public access to and along the coastal marine area;
  - (k) whether a mooring was lawfully established at the time the Plan was notified (30 September 2013); or
  - (l) whether the mooring makes efficient use of the coastal marine area through regular and frequent use of the mooring rather than infrequent use.
- (3) Encourage the provision of land-based facilities in appropriate locations that support the use of a Coastal – Mooring Zone, such as boat ramps, dinghy storage, toilets and wastewater pump-out station facilities for disposal of waste from vessels and vessel haul-out and maintenance with containment and collection facilities.
- (4) Manage the Coastal – Mooring Zone to:
- (a) concentrate moorings;
  - (b) consolidate moorings by progressively replacing swing moorings with bow and stern moorings where this is practicable;
  - (c) maximise the opportunities for the use of water space by other recreational activities; and
  - (d) make provision for safe anchorage.

#### **F4.4. Activity table**

Table F4.4.1 Activity table specifies the activity status of use and activities in the Coastal – Mooring Zone pursuant to section 12(3) of the Resource Management Act 1991 and the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991.

F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply in the coastal marine area of the Coastal – Mooring Zone unless otherwise specified in the following provisions.

**Table F4.4.1 Activity table**

Activity		Activity status
(A1)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr
(A2)	Expansion of an existing marina by no more than 15 per cent of its area within the Coastal – Mooring Zone in the coastal marine area existing at that time	D

Table F4.4.2 Activity table below specifies the activity status of structures in the Coastal – Mooring Zone pursuant to section 12(1) of the Resource Management Act 1991 and the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and their use pursuant to section 12(3) of the Resource Management Act 1991.

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply in the coastal marine area of the Coastal – Mooring Zone unless otherwise specified in the following provisions.

**Table F4.4.2 Activity table**

Activity		Activity status
(A3)	New and existing swing moorings including occupation and use by vessel to be moored	P
(A4)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P
(A5)	New pile moorings including occupation and use by vessel to be moored	RD

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply in the coastal marine area of the Coastal – Mooring Zone unless otherwise specified in the following provisions.

Table F4.4.3 specifies the activity status of activities in the Coastal – General Coastal Marine Zone (GCM Zone) and the coastal marine area parts of the following overlays pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991:

- (a) [D9 Significant Ecological Areas Overlay – Marine 1 and 2](#) (SEA-M1, SEA-M2);



- (b) [D17 Historic Heritage Overlay](#) (HH);
- (c) [D11 Outstanding Natural Character and High Natural Character overlays](#) (ONC) (HNC);
- (d) [D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay](#) (ONF) (ONL).

The abbreviations in brackets after the overlay names that are listed above, are used as references to these overlays in Table F4.4.3

**Table F4.4.3 Activity table**

Activity		Activity Status						
		GC M Zone	SEA-M1, ONC	ONL	SEA-M 2, HNC	ONF Type A1 and A	ONF Type V1, V2, B, C, D, E, F1, F2	HH
(A6)	Existing moorings outside a mooring zone that had a valid coastal permit at 30 September 2013 or did not require a permit at the time they were established, including the occupation and use of water space by the vessel to be moored	D	D	D	D	D	D	D
(A7)	New moorings, and existing moorings that required but did not have a valid coastal permit at 30 September 2013, located outside the Coastal – Mooring Zone, including the occupation and use of water space by the vessel to be moored	D	NC	D	D	NC	NC	D

**F4.5. Notification**

- (1) Any application for resource consent for an activity listed in tables F4.4.1, F4.4.2 and F4.4.3 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

#### **F4.6. Standards**

##### **F4.6.1. All permitted and restricted discretionary activities**

All activities listed as a permitted activity or a restricted discretionary activity in tables F4.4.1, F4.4.2 and F4.4.3 must comply with the following standards.

Purpose: ensure adequate safety and appropriate site management to minimise disturbance of the coastal marine area and adverse effects on other users.

- (1) Structures and works must not cause a hazard to safe navigation.
- (2) Any excess building material, spoil, construction equipment or litter must be removed from the coastal marine area within 24 hours of completion of any works.
- (3) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in areas of:
  - (a) high natural character identified in the Outstanding Natural Character and High Natural Character Overlay;
  - (b) outstanding natural features identified in the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay,
  - (c) within a Marine 1 area in the Significant Ecological Areas Overlay; and
  - (d) within seven days in other areas of the coastal marine area.
- (4) Written advice must be given to the Council at least 10 working days prior to the work starting unless otherwise stated below.

##### **F4.7. Assessment – controlled activities**

There are no controlled activities in this section.

##### **F4.8. Assessment – restricted discretionary activities**

###### **F4.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) for new pile moorings including occupation and use by the vessel to be moored:
  - (a) the effects on visual amenity;
  - (b) the effects on public access; and
  - (c) the consent duration.

**F4.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) for new pile moorings including occupation and use by the vessel to be moored:
  - (a) whether there are cumulative visual effects of the pile moorings in terms of all mooring and other pile moorings in the Coastal – Mooring Zone;
  - (b) whether there are adverse effects on public access; and
  - (c) whether consent needs to be limited to less than 35 years.

**F4.9. Special information requirements**

There are no special information requirements in this section.

**F5 Coastal - Minor Port Zone**

**Clean Text**

## **F5. Coastal – Minor Port Zone**

### **F5.1. Zone description**

Auckland has a range of water transport facilities in addition to the city centre port that are important for business and industry. Maintaining such sites as part of an efficient national network of safe ports is recognised in the New Zealand Coastal Policy Statement (policy 9).

The purpose of the Coastal – Minor Port Zone is to provide for the integrated and efficient operation and development of particular minor ports in the Auckland region. The zone includes the Port of Onehunga, the Gabador Place wharves, the LPG Terminal in the Papakura Channel, and the Chelsea Sugar Factory Wharf.

These facilities are important in serving and supporting local, regional and national business opportunities, and providing for the social and economic well-being of Auckland. The purpose of the Coastal – Minor Port Zone is to provide for these facilities and associated marine and port activities as they rely on proximity to the harbour for operational purposes.

The Coastal – Minor Port Zone provides for the integrated and efficient operation and development of the Port of Onehunga by incorporating both the land and coastal marine area and providing for the operation, development, and expansion of marine and port activities, and marine and port facilities at this facility.

The Port of Onehunga is managed by Ports of Auckland Limited and is identified in the Auckland Plan as part of critical infrastructure and plays an important role in the regional economy. It provides for general port operations (including for cargo handling and general wharf operations), fishing fleet operations, and marine services (such as towage, pilotage, and line handling), storage and warehousing. These activities are supported by a range of services including, logistics, port infrastructure, and port security.

The Port of Onehunga is an important base for the Auckland west –coast-based fishing industry, because there is currently no alternative location north of Taranaki for the west-coast-based fishing fleet.

The Port of Onehunga contains the only all-tide access that could serve communities around the Manukau Harbour. Over time the port may transition to a mixed-use marine industrial, water borne transportation, recreation, community, business, emergency services and visitor complex. Transitional uses do not preclude this long-term vision.

Gabador Place on the Tāmaki River is used for handling and transferring bulk liquids, including hazardous substances, and the movement of sand and shingle. This area also has a wharf, marina and travel lift associated with boat-building operations.

The LPG terminal in the Papakura Channel is used for off-loading LPG from sea tankers through a 5km-long submarine pipeline to the shore. It is located off-shore and away from other development. Any further development of this area is considered inappropriate due the potential adverse effects on the high natural character values of the nearby significant ecological area.

The Chelsea Sugar Refinery has a deep-water wharf supporting its refinery operations.

The zone applies to the coastal marine area at the Port of Onehunga, Gabador Place, Chelsea Sugar Refinery and the LPG terminal in the Papakura Channel within the coastal marine area only. The landward component of Port of Onehunga is also zoned the Coastal – Minor Port Zone to provide for the activities there.

**F5.2. Objectives [rcp/dp]**

- (1) Efficient and safe operation is continued for the following water transport facilities for freight and business:
  - (a) Port of Onehunga;
  - (b) Gabador Place, Tāmaki River;
  - (c) LPG Terminal, Papakura Channel; and
  - (d) Chelsea Sugar Refinery wharf;in a manner which:
  - (i) minimises the exposure of people and the natural environment to risks arising from hazardous activities and hazardous substances; and
  - (ii) avoids, remedies or mitigates significant adverse effects from these facilities on the surrounding environment.
- (2) Existing water transport facilities for freight and business are protected from inappropriate subdivision, use and development that may compromise their ability to operate safely and efficiently, or adversely affect their connections with other transport modes.
- (3) Public access, use and enjoyment of the coastal marine area is maintained and where practicable enhanced, provided this does not adversely affect the efficient and safe operation of marine and port activities and marine and port facilities.
- (4) Structures and the water space of the coastal marine area in and adjacent to water transport facilities for freight and business are used efficiently.
- (5) Potential adverse effects of Coastal – Minor Port Zone activities on neighbouring areas are avoided, remedied or mitigated.
- (6) Activities on land that are not light industrial in nature and which do not require proximity to the harbour and marine and port facilities are directed to other areas of Auckland.

**F5.3. Policies [rcp/dp]**

- (1) Avoid subdivision, use, or development which adversely affects the safe and efficient operation of water transport facilities for freight and business located within the Coastal – Minor Port Zone or their connections with other transport modes.

- (2) Restrict public access to the coastal marine area only where necessary to protect human health, safety or security or the efficient and safe operation of activities, particularly to areas where hazardous substances are being transferred, off-loaded, or stored within the zone.
- (3) Enable the intensification, development and maintenance of buildings, structures and works for marine and port activities, subject to avoiding, remedying or mitigating potential adverse effects on the environment.
- (4) Require activities within the zone to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on coastal processes, water quality, biosecurity, historic heritage and the surrounding road network.
- (5) Design and locate buildings and other significant structures to avoid, remedy or mitigate significant adverse effects on landscape values and visual amenity, and to contribute positively to the visual quality of the area while having regard to the function and context of those buildings and structures.
- (6) Require port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.
- (7) Require the provision of adequate and convenient facilities for:
  - (a) the collection of rubbish from vessels;
  - (b) sewage from vessels; and
  - (c) the containment and disposal of residues from vessel maintenance.
- (8) Require structures in the coastal marine area used for handling hazardous substances to be maintained at all times to a standard that minimises potential risks to people and the environment.
- (9) Require the off-loading or transfer of hazardous substances on structures in the coastal marine area to be done at all times in a manner that minimises potential risks to people and the environment.
- (10) Restrict any further development or expansion of the LPG Terminal in the Papakura Channel beyond the Coastal – Minor Port Zone.
- (11) Avoid office and residential activities, except where they are ancillary to marine and port activities.
- (12) Avoid retail land use activities, except for convenience-type retail servicing the local worker population.
- (13) Enable use and development that is not related to marine and port activities only where:
  - (a) the use and development:

## F5 Coastal – Minor Port Zone

- (i) has a functional need to locate in or adjacent to the coastal marine area;
  - (ii) is accessory to a structure or activity which has a functional need to locate in or adjacent to the coastal marine area; and
  - (iii) the use or development will not adversely affect the primary function of any established structure, or the use of the area for marine and port activities;
- (b) the use or development will, where appropriate, enhance amenity values and public use and enjoyment of the coastal marine area;
  - (c) the use or development will, where appropriate, retain and reflect character features, structures and elements that demonstrate the historic heritage and maritime history of the working waterfront;
  - (d) the use or development will not result in either increased pressure for the expansion of the existing port outside the Coastal – Minor Port Zone, or the establishment of a completely new port outside those areas;
  - (e) any landward development associated with the use or development can be accommodated; and
  - (f) adverse effects on the environment can be avoided, remedied, or mitigated.
- (14) Require proposals for further reclamation to demonstrate that: there is no practical alternative; the reclamation will provide significant regional benefit; that reclamation is the most appropriate form of development; and, that the potential adverse effects can be avoided, remedied or mitigated.
- (15) Enable dredging within the Coastal – Minor Port Zone that is necessary to provide for the safe and efficient navigation, manoeuvring and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.
- (16) Require the design of new buildings and coastal marine area structures to take into account the functional and operational needs of the marine and port activities in the Coastal – Minor Port Zone.
- (17) Provide for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, as well as for reclamation that is carried out as part of rehabilitation or remedial works of an existing reclamation or coastal marine area structure, while avoiding, remedying or mitigating any adverse effects on the environment.

### **F5.4. Activity table**

Table F5.4.1 below specifies the activity status of works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991 and the activity status of the use of the land pursuant to sections 9(3) of the Resource Management Act 1991.



The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for the following rules which do not apply:

- (1) Standards for lighting in section [E24 Lighting](#); and
- (2) The following standards in [E25 Noise and vibration](#).
  - (a) Standards [E25.6.2](#) - [E25.6.13](#);
  - (b) Standards [E25.6.23](#) - [E25.6.26](#);
  - (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
  - (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

***Resource Management (National Environmental Standards for Freshwater) Regulations 2020***

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F5.4.1 to F5.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table F5.4.1 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation not otherwise provided for	D	NA
(A2)	Minor reclamation for the purpose of maintaining,	RD	NA

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	repairing or upgrading a reclamation		
(A3)	Declamation	RD	NA
(A4)	Maintenance dredging	C	NA
(A5)	Capital works dredging	RD	NA
(A6)	Reclamation or drainage carried as out as part of rehabilitation and remedial works	RD	NA
(A7)	Maintenance and repair of a reclamation	P	P

Table F5.4.2 below specifies the activity status of use and activities on land and in the coastal marine area pursuant to section 9(3) and section 12(3) of the Resource Management Act 1991 and the associated occupation of the common marine area pursuant to section 12(2) of the Resource Management Act 1991.

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for the following rules which do not apply:

- (1) Standards for lighting in section [E24 Lighting](#); and
- (2) The following standards in [E25 Noise and vibration](#).
  - (a) Standards [E25.6.2](#) - [E25.6.13](#);
  - (b) Standards [E25.6.23](#) - [E25.6.26](#);
  - (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
  - (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

**Table F5.4.2 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A8)	Marine and port activities, including the landing and taking off of helicopters associated with the loading and unloading of cargo	P	P

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(A9)	Workers' accommodation	P	P
(A10)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr	NA
(A11)	Industrial activities accessory to marine and port activities	P	P
(A12)	Industrial activities within the Port of Onehunga	NC	P
(A13)	Public amenities	P	P
(A14)	Food and beverage up to 100m <sup>2</sup> gross floor area	NC	RD
(A15)	Offices with gross floor area not exceeding 100m <sup>2</sup> accessory to marine and port activities	P	P
(A16)	Offices accessory to marine and port activities exceeding 100m <sup>2</sup> gross floor area	RD	RD
(A17)	Offices not accessory to marine and port activities	D	D
(A18)	Maritime passenger operations	P	P
(A19)	Marine retail where the goods sold are manufactured on site	NC	RD
(A20)	Clubrooms for marine-related clubs	NC	NC
(A21)	Artificial lighting <sup>1</sup>	P	P
(A22)	Car parking accessory to permitted activities <sup>1</sup>	P	P
(A23)	Residential, commerce, community and industry activities not otherwise provided for	NC	NC
(A24)	Helicopter facilities (including the landing and taking off of helicopters and associated fuelling and service facilities) not otherwise provided for	D	D
(A25)	Mangrove and mangrove seedling removal	P	NA

Table F5.4.3 below specifies the activity status of structures in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991; the occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and their use pursuant to section 12(3) of the Resource Management Act 1991

The activities, standards and assessment criteria in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The activities, standards and assessment criteria in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.

The standards in the Auckland-wide rules apply in the Coastal – Minor Port Zone, except for:

- (1) Standards for lighting in section [E24 Lighting](#); and

(2) The following standards in [E25 Noise and vibration](#).

- (a) Standards [E25.6.2](#) - [E25.6.13](#);
- (b) Standards [E25.6.23](#) - [E25.6.26](#);
- (c) Standards [E25.6.27](#) - [E25.6.29](#); and,
- (d) Standards [E25.6.31](#); [E25.6.32](#) and [E25.6.33](#).

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

**Table F5.4.3 Activity table**

Note 1. Rule F5.4.3(A43) applies where occupation is proposed in an area that has an existing occupation consent. Rule F5.4.3(A43) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity Status	
		Coastal marine area [rcp]	Land [dp]
(A26)	Maintenance, repair or reconstruction of existing lawful structures or buildings	P	P
(A27)	Extension or alteration of existing lawful structures or buildings	RD	RD
(A28)	New buildings used for marine and port activities and external alterations or additions to structures or buildings <sup>1</sup>	P	P
(A29)	Marine and port facilities excluding wharves, landings and drydocks	P	P
(A30)	Wharves, landings and drydocks	RD	RD
(A31)	Marine and port accessory structures and services excluding new pile moorings	P	P
(A32)	Artificial lighting support structures, fittings, cables and pipes	P	P
(A33)	Demolition of buildings or structures	P	P
(A34)	Maritime passenger facilities	P	P
(A35)	Wave attenuation devices or hard protection structure	RD	RD
(A36)	Coastal marine area structures or buildings not otherwise provided for	D	NA

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(A37)	Observation areas, viewing platforms and boardwalks	P	P
(A38)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A39)	New pile moorings established 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A40)	Maimai	NC	NC
(A41)	Structures or buildings not otherwise provided for	D	D
(A42)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	NA
(A43)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

### F5.5. Notification

- (1) Any application for resource consent for an activity listed in tables F5.4.1, F5.4.2 and F5.4.3 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### F5.6. Standards

#### F5.6.1. All activities

All activities listed in tables F5.4.1, F5.4.2 and F5.4.3 must comply with the following standards.

- (1) The standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.
- (2) The standards in the Business – Light Industry Zone apply to the land in the Coastal – Minor Port Zone unless otherwise specified in the following provisions.
- (3) Structures and buildings in the coastal marine area and on land must also comply with the standards in F5.6.1.1 Building Height, F5.6.1.2 Maximum impervious area and F5.6.1.3 Yards.

**F5.6.1.1. Building height**

- (1) Buildings must not exceed the maximum building height specified for the zone in Table F5.6.1.1.1 Maximum height below.
- (2) Up to an additional 10m in height will be considered as a restricted discretionary activity at the Port of Onehunga and Gabador Place.
- (3) Buildings exceeding the additional height provided under F5.6.1.1(2) is a discretionary activity.

**Table F5.6.1.1.1 Maximum Height**

Location	On land	Within the coastal marine area
Onehunga Port	20m	18m above mean sea level
Gabador Place	Refer to I315 Gabador Place Precinct	8m above mean sea level
Chelsea Sugar Refinery	Refer to the relevant business zone	10m above mean sea level
LPG Terminal	Refer to the relevant business zone	10m above mean sea level

**F5.6.1.2. Maximum impervious area**

- (1) Maximum impervious area on land must not exceed 80 per cent of site area.

**F5.6.1.3. Yards**

- (1) A front yard with a minimum depth of 2m is required.
- (2) Yards are not required for internal roads or service lanes.
- (3) A rear or side yard with a minimum depth of 5m is required where a rear or side boundary adjoins a residential or open space zoned site or a reserve vested with the Council.
- (4) A coastal protection yard with a minimum depth of 15 m is required.

**F5.6.2. Workers' accommodation**

- (1) No more than one dwelling for the accommodation of workers associated with a marine or port activity at each of Gabador Place and Port of Onehunga.

**F5.6.3. Works within the coastal marine area**

- (1) The standards in the Coastal – General Coastal Marine Zone apply to a building or structure in the coastal marine area unless otherwise specified.

#### **F5.6.4. Noise on land and within the coastal marine area**

- (1) The maximum noise level arising from any activity within the Coastal – Minor Port Zone at Onehunga Wharf and Gabor Place when measured at or within the boundary of any adjoining site must not exceed:
  - (a) 7am-11pm 70dB  $L_{Aeq}$ ;
  - (b) 11pm-7am 60dB  $L_{Aeq}$ ; and
  - (c) 85dB  $L_{AFmax}$ .
- (2) The noise limits above do not apply to:
  - (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels) including noise arising on wharves and adjacent land from the loading and unloading of vessels and transport of cargo; and
  - (b) temporary activities in [E40 Temporary activities](#).

#### **F5.6.5. Lighting**

- (1) Lighting must not exceed a maximum artificial lighting illuminance of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level. Except that illumination associated with vehicles, mobile plant, and quay cranes is exempt from this standard.

#### **F5.6.6. Occupation of the common marine and coastal area**

- (1) Any occupation of the common marine and coastal area where the Port of Auckland Limited has been granted an occupation consent will require the written approval of Ports of Auckland Limited or the written approval of any party to whom Ports of Auckland Limited has transferred the water space management.

### **F5.7. Assessment – controlled activities**

#### **F5.7.1. Matters of control**

The Council will reserve its control to all the following matters when assessing a controlled activity resource consent application:

- (1) for maintenance dredging:
  - (a) the effects on water quality;
  - (b) the effects on harbour traffic, navigation and safety;
  - (c) monitoring; and
  - (d) duration of the consent.

### **F5.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) for maintenance dredging:
  - (a) the effects on water quality:
    - (i) whether methods have been implemented to avoid, remedy or mitigate the release of contaminated sediment.
  - (b) The effects on harbour traffic, navigation and safety:
    - (i) whether methods have been implemented to avoid, remedy or mitigate effects on harbour traffic, navigation and safety.
  - (c) monitoring:
    - (i) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.
  - (d) duration of the consent:
    - (i) whether a consent period of less than 35 years is required.

### **F5.8. Assessment – restricted discretionary activities**

#### **F5.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters and the relevant matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

- (1) for food and beverage up to a maximum of 100m<sup>2</sup> gross floor area and marine retail where the goods sold are manufactured on site:
  - (a) the hours of operation;
  - (b) the effects on public access, navigation and safety;
  - (c) the effects on existing uses and activities;
  - (d) the effects on traffic and parking; and
  - (e) the consent duration and monitoring.
- (2) for offices accessory to marine and port activities greater than 100m<sup>2</sup>:
  - (a) construction or works methods, timing and hours of operation;
  - (b) location, extent, design and materials;
  - (c) effects on coastal processes, ecological values, water quality and natural character;



- (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities;
  - (f) effects on Mana Whenua values; and
  - (g) consent duration and monitoring.
- (3) for declamation:
- (a) effects on the marine environment, hydrogeology and coastal processes;
  - (b) effects associated with the method of construction, timing and hours of works;
  - (c) location, extent, design and materials used;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities; and
  - (f) consent duration.
- (4) for maintenance dredging and capital works dredging:
- (a) effects on coastal processes, ecological values, and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety; and
  - (c) consent duration and monitoring.
- (5) for the extension or alteration of existing structures or buildings:
- (a) effects associated with the method of construction, including coastal processes;
  - (b) effects on public access;
  - (c) effects on navigation and safety;
  - (d) effects on visual amenity; and
  - (e) consent duration and monitoring.
- (6) for wharves, landings and drydocks:
- (a) efficient and safe operation of the port and its capacity for shipping;
  - (b) location and design of the wharf, landing or drydock;
  - (c) effects on navigation and safety;
  - (d) effects on wave hydraulics;
  - (e) construction or works methods, timing and hours of operation; and

- (f) construction duration.
- (7) for wave attenuation devices and hard protection structures:
  - (a) location and design of the wave attenuation device or hard protection structure;
  - (b) effects on navigation and safety;
  - (c) effects on wave hydraulics;
  - (d) construction or works methods, timing and hours of operation; and
  - (e) consent duration and monitoring.
- (8) for new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
  - (a) effects on public access;
  - (b) effects on visual amenity; and
  - (c) consent duration.
- (9) for the occupation of the common marine and coastal area:
  - (a) effects on the safe and efficient use, operation and development of the Port of Onehunga.
- (10) for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, or reclamation or drainage carried out as part of rehabilitation or remedial works:
  - (a) the form and design of the reclamation;
  - (b) contaminated material;
  - (c) the safe and efficient operation of marine and port activities;
  - (d) identified landscapes or sites and places of significance to Mana Whenua; and
  - (e) construction or works methods, timing and hours of operation

#### **F5.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below and the relevant assessment criteria in the Coastal – General Coastal Marine Zone:

- (1) the effects on traffic and parking:
  - (a) refer to any relevant assessment criteria in [E27.8.2 Transport](#); and

- (b) whether the proposal, including any additional vehicle movements, should adversely affect the safe and efficient operation of the internal or adjacent road network, including the operation of public transport and the movement of pedestrians, cyclists and general traffic.
  - (c) [deleted]
- (2) for food and beverage up to a maximum of 100m<sup>2</sup> gross floor area and marine retail where the goods sold are manufactured on site:
- (a) whether measures have been taken to address reverse sensitivity effects on the surrounding Coastal – Minor Port Zone;
  - (b) whether the activity is complementary to, and does not limit the primary use of the site for marine and port activities;
  - (c) whether measures have been taken to enhance public access to the coastal marine area and the activity does not conflict with the requirements of marine and port activities;
  - (d) whether the design reflects the high visibility and coastal nature of the site; and
  - (e) whether the activity avoids, remedies or mitigates adverse effects on the amenity of the locality arising from use of the facility, including by noise control and hours of operation.
- (3) for offices accessory to marine and port activities greater than 100m<sup>2</sup>:
- (a) whether measures have been taken to avoid, remedy or mitigate adverse construction effects, including those related to coastal processes;
  - (b) the extent to which public access is required to be restricted where it is necessary to protect human health and/or for safety, security, biosecurity, customs and operational reasons, or other exceptional circumstances sufficient to justify the restriction;
  - (c) the extent to which proposals for offices demonstrate that there will be no more than minor adverse effects on navigation and safety in the coastal marine area;
  - (d) whether any extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on the natural character, landscape and visual amenity of the area taking into account the following:
    - (i) the visual dominance of the structure or building in terms of views from adjoining areas including the coastal marine area;
    - (ii) the interface and amenity of adjacent zones, particularly residential zoned sites;

- (iii) the scale, and location of the proposed structure or building in relation to any nearby structures and buildings; and
  - (iv) the type, including colour, of exterior materials used for construction.
- (e) consent duration and monitoring:
- (i) whether the duration of the consent facilitates the functional and operational needs of the activity; and
  - (ii) whether monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the construction; and
- (f) whether proposals can demonstrate that parking and vehicle access will not unduly interfere with the functional or operation requirements of minor port.
- (4) for declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
    - (i) the marine environment (including coastal processes, water quality, sediment quality and ecology) of the coastal marine area; and
    - (ii) hydrogeology (ground water).
  - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants;
  - (c) whether declamation is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the water edge; and
  - (d) consent duration and monitoring:
    - (i) whether consent duration should be limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and
    - (ii) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (5) for the extension or alteration of existing structures or buildings:
- (a) whether measures have been taken to avoid, remedy or mitigate adverse construction effects, including those related to coastal processes;

- (b) the extent to which public access is required to be restricted where it is necessary to protect human health and/or for safety, security, biosecurity, customs and operational reasons, or other exceptional circumstances sufficient to justify the restriction;
  - (c) whether proposals for extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on navigation and safety in the coastal marine area;
  - (d) whether extensions or alterations to existing structures or buildings can demonstrate that there will be no more than minor adverse effects on the natural character, landscape and visual amenity of the area taking into account the functional and operational requirements of the marine and port activities in the Coastal – Minor Port Zone;
  - (e) consent duration:
    - (i) whether consent duration should be limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and
  - (f) whether, where located within the coastal marine area, monitoring is required to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the construction.
- (6) for wharves, landings and drydocks:
- (a) whether the location and design of the structures provides for the efficient and safe operation of the port and the development of its capacity for shipping;
  - (b) whether the location and design of the structure avoids, remedies or mitigates the adverse effects on marine-related industries, other marine and port activities and/or adjoining residential/coastal activities, and navigation and safety;
  - (c) whether the location and design of the structure has considered the effects of wave hydraulics on other users of the coastal marine area;
  - (d) whether construction work has avoided, remedied or mitigated the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants; and
  - (e) construction duration:
    - (i) whether construction duration is limited to the minimum reasonably necessary.
- (7) for wave attenuation devices and hard protection structures:

- (a) whether the location and design of the wave attenuation device or hard protection structure has considered the effects on existing activities including marine-related industries, other marine activities and/or adjoining residential/coastal activities;
  - (b) whether the location and design of the wave attenuation device or hard protection structure has considered the effects of wave hydraulics on other users of the coastal marine area; and
  - (c) whether construction works avoids, remedies or mitigates the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (8) for new pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored:
- (a) refer to assessment criteria set out for pile moorings in the Coastal – General Coastal Marine Zone.
- (9) for occupation of the common marine and coastal area:
- (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.
- (10) for minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation, or reclamation or drainage carried out as part of rehabilitation or remedial works:
- (a) whether the reclamation mitigates adverse effects through its form and design, taking into account:
    - (i) the compatibility of the design with the location;
    - (ii) the degree to which the materials used are visually compatible with the adjoining coast;
    - (iii) the ability to avoid consequential erosion and accretion, and other natural hazards;
    - (iv) the effects on coastal processes; and
    - (v) the effects on hydrology;
  - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
  - (c) whether the reclamation enables the efficient operation of port infrastructure;
  - (d) whether the reclamation will affect identified landscapes or sites or places of significance to Mana Whenua; and

- (e) whether construction works avoids, remedies or mitigates the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.

**F5.9. Special information requirements**

There are no special information requirements in this zone.

**F6 Coastal - Ferry Terminal Zone**

**Clean Text**



## **F6. Coastal – Ferry Terminal Zone**

### **F6.1. Zone description**

The purpose of the Coastal – Ferry Terminal Zone is to provide for the integrated and efficient operation and development of ferry terminal facilities. These sites play an important part in Auckland's public transport network. Due to this there is a need to restrict inappropriate use and development on land and in the coastal marine area that could compromise the use of these facilities as key passenger transport nodes.

The zone applies to terminals at Devonport (includes Devonport and Victoria wharves), Stanley Bay, Northcote, Birkenhead, Beach Haven, Hobsonville, Mātiatia (Waiheke Island), Kennedy Point (Waiheke Island), Whangaparapara, Tryphena and Port Fitzroy (Great Barrier Island).

Several ferry terminal facilities are components of larger coastal developments. Their operation and growth, and relationship with surrounding activities, must be considered in an integrated and comprehensive manner. The ferry terminals at Devonport and Mātiatia are large complexes of ferry-related and complementary activities.

The existing facilities at Gulf Harbour, Bayswater, West Harbour, Half Moon Bay and Pine Harbour are within marinas. These ferry terminal facilities form an important part of the ferry network but are managed within the Coastal – Marina Zone.

Stand-alone ferry terminal facilities that form part of the public ferry transport network are particularly important for local communities, including the smaller facilities on the Waitematā Harbour, and at Waiheke Island and Great Barrier Island.

Ferry terminal facilities in the inner and upper Waitematā include a landward component that provides for activities associated with the provision of ferry services, such as passenger facilities, ancillary facilities supporting passenger operations, commuter and short-term parking, public amenities and small-scale food and beverage operations.

The city centre facilities at the ferry terminal, Queens Wharf and at Wynyard Wharf are vital components of the ferry network. They are managed through the waterfront precincts of the Business – City Centre Zone to recognise their strong relationship with the city centre.

The provisions in [F2 Coastal – General Coastal Marine Zone](#) apply to the coastal marine area in the Coastal – Ferry Terminal Zone unless otherwise specified.

### **F6.2. Objectives [rcp/dp]**

- (1) The safe and efficient development and operation of ferry services and ferry terminal facilities which are transport nodes in the Auckland public transport network.
- (2) The ability of existing ferry services and ferry terminal facilities to provide for public transport is not compromised by subdivision, use and development.
- (3) Appropriate expansion of existing ferry services and ferry terminal facilities within existing Coastal – Ferry Terminal Zone, or the development of new ferry services

and ferry terminal facilities elsewhere in the coastal marine area, is enabled in appropriate locations where a transport need is identified.

- (4) Public access, use and enjoyment of the coastal marine area is maintained and, where practicable enhanced, and any associated use and development does not compromise the ability of ferry services and ferry terminal facilities to provide for public transport passenger and goods needs.
- (5) Efficient use is made of the structures and water space of the coastal marine area in and adjacent to ferry terminal facilities.
- (6) Ferry terminals are located and designed so they are vibrant, active, high-quality public spaces that complement and integrate with the local surroundings, including by maintaining the historic heritage values of the terminal site.
- (7) The Coastal – Ferry Terminal Zone provides, where practicable, for activities associated with ferry terminal facilities and ferry services in an integrated manner across the boundary between land and the coastal marine area.

### **F6.3. Policies [rcp/dp]**

- (1) Maintain and enhance the safe and efficient operation and development of ferry services and ferry terminals by:
  - (a) enabling use and development that provides for safe and convenient passenger access and circulation, and cargo transfer;
  - (b) enabling accessory activities that support ferry services and ferry terminal facilities and visitor and tourist use such as administration offices, shops, cafes and services located in the coastal marine area only where there is no demonstrated practicable alternative on land;
  - (c) enabling accessory activities on land that support ferry services and ferry terminal facilities and visitor and tourist use, such as administration offices, shops, cafes and services, while minimising adverse effects on the amenities of adjacent residential and open space zoned land;
  - (d) requiring ferry terminal redevelopment to provide enough sheltered passenger waiting areas convenient to the ferry berthage area to comfortably accommodate peak service users;
  - (e) requiring sufficient loading facilities;
  - (f) supporting linkages and facilities for other public transport modes such as buses, walking and cycling; and
  - (g) managing and locating facilities to minimise conflict between different uses and activities.

- (2) Avoid subdivision, use, or development which adversely affects the continued operation of ferry services and ferry terminals located within the Coastal – Ferry Terminal Zone.
- (3) Maintain, and where practicable enhance, public access, use and enjoyment within the Coastal – Ferry Terminal Zone where this will not adversely affect the terminal's development, operation and maintenance.
- (4) Maintain and enhance the visual and amenity values of ferry terminal facilities by requiring any further development to:
  - (a) integrate the height, bulk and form of any new structure with existing structures that are to be retained, so they are compatible with or complement the character of the surrounding land and the coastal marine area;
  - (b) make adequate provision for land-based activities associated with the development;
  - (c) avoid, remedy or mitigate any adverse effects on amenity values of adjacent residential properties, particularly from noise, lighting, traffic or the erection of structures;
  - (d) avoid or where it cannot be avoided minimise the obstruction of views from the facility out to the coastal marine area, particularly from public areas and accessways;
  - (e) be designed with regard to how the structure will be viewed from public places as well as from the coastal marine area, including consideration of how any development on Devonport and Victoria wharves will be viewed from Victoria Street, Devonport;
  - (f) include high-quality public spaces with a sense of spaciousness, particularly in any internal accessways and public areas; and
  - (g) require building materials, colours and any proposed signage to be sensitive to, and complement, the maritime context and prominent visual location.
- (5) Avoid, remedy or mitigate any significant adverse effects on the environment from the development, operation and maintenance of the ferry terminal facilities, particularly on coastal processes, water quality and historic heritage.
- (6) Limit the size of any new structures to the minimum necessary to support ferry services and ferry terminal operations and associated activities.
- (7) Require the provision of adequate and convenient facilities for the containment, collection and appropriate disposal of:
  - (a) rubbish from the public, passengers and vessels;
  - (b) sewage and bilge water from vessels;

- (c) recyclable material including waste oils;
  - (d) residues from vessel construction and maintenance;
  - (e) spills from refuelling operations and refuelling equipment;
  - (f) spills, residues and debris from cargo operations; and
  - (g) the discharge of stormwater generated from the ferry terminal complex.
- (8) Require use and development at Devonport and Victoria wharves to:
- (a) retain the open space and beach between the wharves and Marine Square free of structures and available for recreational use, unless new structures would enhance public experiences and connections between the land and ferry terminal facility while retaining some public visibility of the beach;
  - (b) include a mix of commercial and public uses that support and complement the primary role of Devonport Wharf as a ferry terminal so that the wharf is an active and vibrant space that adds to the urban form and activities of the Devonport town centre;
  - (c) not include private residential or hotel accommodation on Devonport Wharf, and restrict office activities other than a ferry administration office to only the upper levels of the Devonport Wharf facility; and
  - (d) provide adequate bicycle and bus parking spaces and facilities to support the transport node.
- (9) Provide for the appropriate development and use of expanded or new ferry services and ferry terminal facilities outside the Coastal – Ferry Terminal Zone, provided any:
- (a) proposal is not inconsistent with the objectives and policies in the Plan for the Auckland public transport network;
  - (b) proposal is consistent with the objectives and policies for ferry terminal facilities in the Coastal – Ferry Terminal Zone; and
  - (c) adverse effects on the environment are avoided, remedied or mitigated, with particular regard to effects on traffic, parking, amenity, water quality and coastal processes.

#### **F6.4. Activity table**

Table F6.4.1 Activity table below specifies the activity status of works in the coastal marine area pursuant to sections 12(1) of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

**Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F6.4.1 to F6.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table F6.4.1 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A1)	Reclamation other than maintenance or repair of a lawful reclamation or drainage system, or minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	D	NA
(A2)	Maintenance dredging	RD	NA
(A3)	Capital works dredging	RD	NA

Table F6.4.2 Activity table below specifies the activity status of use and activities on land pursuant to section 9(3) of the Resource Management Act 1991; use and activities in the coastal marine area pursuant to section 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the discharge of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

**Table F6.4.2 Activity table**

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A4)	Maritime passenger operations established at or after 30 September 2013	P	P
(A5)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr	NA
(A6)	Public amenities	P	P
(A7)	Public transport facilities	NA	P
(A8)	Food and beverage	P	P
(A9)	Offices that are accessory to ferry terminal facilities and services	P	P
(A10)	Offices at Devonport Wharf that are not otherwise a permitted activity and not at ground floor level	P	P
(A11)	Retail other than at Devonport Wharf	D	D
(A12)	Retail at Devonport Wharf	P	P
(A13)	Clubrooms for marine-related clubs	NC	NC
(A14)	Mangrove and mangrove seedling removal	P	NA

Table F6.4.3 Activity table below specifies the activity status of structures in the coastal marine area and the occupation of the common marine and coastal area pursuant to sections 12(1) and 12(2) of the Resource Management Act 1991.

The activities, standards and assessment of [F2 Coastal – General Coastal Marine Zone](#) apply unless otherwise specified in the following table.

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf), a different activity status will apply.

#### **Table F6.4.3 Activity table**

Note 1. Rule F6.4.3(A24) applies where occupation is proposed in an area that has an existing occupation consent. Rule F6.4.3(A24) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity status	
		Coastal marine area [rcp]	Land [dp]
(A15)	Coastal marine area structures or buildings not listed as a permitted activity <sup>1</sup>	RD	NA
(A16)	Marine and port facilities	RD	NA
(A17)	Marine and port accessory structures and services excluding new pile moorings	P	NA
(A18)	Wave attenuation devices	RD	NA
(A19)	Observation areas, viewing platforms and boardwalks	RD	NA
(A20)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P	NA
(A21)	New pile moorings established after 30 September 2013 including occupation and use by the vessel to be moored	RD	NA
(A22)	Maimai	NC	NA
(A23)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD	NA
(A24)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA

### F6.5. Notification

- (1) Any application for resource consent for an activity listed in Tables F6.4.1, F6.4.2 and F6.4.3 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

## F6.6. Standards

### F6.6.1. Structures and works

- (1) Structures and works in the coastal marine area must comply with the standards in [F2.6 Coastal – General Coastal Marine Zone](#).

### F6.6.2. Building height

- (1) Buildings must not exceed the height specified in Table F6.6.2.1 Building height.

**Table F6.6.2.1 Building height**

Location	Maximum height in the coastal marine area	Maximum height on land
Devonport, Matiatia and Birkenhead wharves	9m above wharf deck level	9m above ground level
Other ferry terminals	5m above wharf deck level	5m above ground level

### F6.6.3. Ceiling height

- (1) At Devonport Wharf, the average floor to ceiling height above wharf deck level must not be less than 4m with a minimum height of 3m.

### F6.6.4. Marine and port accessory structures and services

- (1) Pontoons must be no more than 30m long.

### F6.6.5. Yards and open space protection

- (1) No part of any building or structure may be constructed in the open space between Devonport and Victoria wharves and Marine Square.
- (2) Any structures on Victoria Wharf must maintain a 7m wide vehicle accessway and a 3m wide pedestrian accessway.
- (3) At Devonport Wharf, no less than 30 per cent of the building floor area at wharf level must be freely available for public use and access. This public use area must include an indoor passenger waiting area adjacent to the ferry berth.

### F6.6.6. Gross floor area

- (1) Other than at Devonport Wharf, the gross floor area of:
- (a) office premises must not exceed 100m<sup>2</sup>; and
  - (b) food and beverage premises must not exceed 100m<sup>2</sup>; and
  - (c) premises used for retail accessory to public transport facilities must not exceed 25m<sup>2</sup>.



### **F6.7. Assessment – controlled activities**

There are no controlled activities in this section.

### **F6.8. Assessment – restricted discretionary activities**

#### **F6.8.1. Matters of discretion**

The Council will restrict its discretion to all the following matters and the matters in the Coastal – General Coastal Marine Zone when assessing a restricted discretionary resource consent application.

- (1) for all restricted discretionary activities:
  - (a) the effects from the construction or works methods, timing and hours of operation.
  - (b) the effects of the location, extent, design and materials used.
  - (c) the effects on coastal processes, ecological values, water quality and natural character.
  - (d) the effects on public access, navigation and safety.
  - (e) the effects on existing uses and activities.
  - (f) consent duration and monitoring.

#### **F6.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria the Coastal – General Coastal Marine Zone in addition to the matters below.

- (1) for all restricted discretionary activities:
  - (a) whether there will be any adverse effects on the operation of the ferry terminal facility.
  - (b) effects on views and visual amenity:
    - (i) whether the quality of building design reflects the high visibility of ferry terminals from surrounding areas and the functional and operational requirements of marine and port activities;
    - (ii) whether buildings have interactive frontages where they face public streets and public accessways;
    - (iii) whether the height of the building adversely affects the natural character, landscape and visual amenity of the area, taking into account the following:
      - visual dominance of the building in terms of views from adjoining areas including the coastal marine area;
      - the interface and amenity of adjacent zones, particularly residential zones;
      - the scale and location of the proposed building in relation to any nearby industrial plant and buildings;

- the type, including colour, of exterior materials used for construction;
  - any lighting proposed on the building; and
  - any signs proposed to be attached to or painted on proposed building.
- (iv) whether the height of the building contributes to any adverse cumulative effects of development in the area, taking into account the following:
- visual amenity of the area;
  - the scale and intensity of existing development; and
  - character of the zone.
- (2) For food and beverage and offices that do not meet the gross floor area standards:
- (a) whether the proposal demonstrates how it will avoid, remedy or mitigate any adverse effects on the transport network.
  - (b) the extent to which measures are taken to address reverse sensitivity effects on the surrounding the Coastal – Ferry Terminal Zone activities.
  - (c) whether the proposed use is complementary to the primary use of the site for ferry terminal purposes.
  - (d) whether the proposal demonstrates how it will avoid, remedy or mitigate any adverse effects on the amenity of the locality arising from use of the facility, including noise and hours of operation.

#### **F6.9. Special information requirements**

There are no special information requirements in this section.

**F7 Coastal - Defence Zone**

**Clean Text**

## **F7. Coastal – Defence Zone**

### **F7.1. Zone description**

The Coastal – Defence Zone provides for the continued operation of defence activities in the coastal marine area adjacent to the Royal New Zealand Navy Devonport Naval Base and the Onetaunga Bay Wharf (Kauri Point).

### **F7.2. Objective [rcp]**

- (1) Effective operation of defence facilities at Devonport and Onetaunga Bay Wharf (Kauri Point) is continued.

### **F7.3. Policies [rcp]**

- (1) Avoid use and development adjacent to the Coastal – Defence Zone which would adversely affect the efficient operation of defence activities.
- (2) Recognise the importance of the Devonport Naval Base and Onetaunga Bay Wharf by:
  - (a) including those parts of the coastal marine area containing major wharves and other access structures within the zone; and
  - (b) providing for continued operation while encouraging the use of appropriate management techniques to avoid, remedy, or mitigate adverse effects.
- (3) Require any proposal to erect a structure in the Coastal – Defence Zone, other than those for marine and port activities, to demonstrate that:
  - (a) the area proposed for the structure is no longer needed and is not likely to be needed in the foreseeable future for marine and port activities;
  - (b) the loss of the proposed area will not result in increased pressure for the expansion of the Coastal – Defence Zone beyond its existing boundaries; and
  - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied, or mitigated.
- (4) Enable dredging within the Coastal – Defence Zone that is necessary to provide for the safe and efficient navigation, manoeuvring and berthing of vessels, while avoiding, remedying or mitigating any potential adverse effects.
- (5) Require the provision of port facilities and structures to provide adequate and convenient facilities to meet the needs of all vessels berthing or anchoring within the Coastal – Defence Zone for the collection and appropriate disposal of:
  - (a) sewage, bilge water and litter from vessels;
  - (b) residues from vessel servicing, maintenance and repair;
  - (c) spills from refuelling operations and refuelling equipment; and

- (d) spills, residues and debris from cargo operations.
- (6) Avoid reclamation and drainage in the Coastal – Defence Zone unless:
  - (a) it will not result in increased pressure for the expansion of the zone beyond its existing boundaries;
  - (b) it will not increase the intensity of activities where those activities will have adverse effects on the surrounding residential environment;
  - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied or mitigated; and
  - (d) it is consistent with the reclamation and drainage provisions of the Coastal – General Coastal Marine Zone.
- (7) Design and locate buildings and other structures in the Coastal – Defence Zone to avoid, remedy or mitigate significant adverse effects on views from and to the adjoining land and water.
- (8) Manage the visual effects of buildings and other structures in the Coastal – Defence Zone while having regard to the function and context of the buildings and structures, to maintain or enhance:
  - (a) the visual environment of the area; and
  - (b) the landscape and amenity links between the harbour, the zone and adjacent commercial and residential areas.
- (9) Recognise that Calliope Dry Dock is a functioning dry dock and require any maintenance, repair, alteration, or reconstruction of this facility to be undertaken in a way which does not cause significant adverse effects on the integrity of the place and its identified historic heritage values.
- (10) Enable activities undertaken for defence purposes in the Coastal – Defence Zone subject to avoiding, remedying or mitigating adverse effects on the surrounding land and coastal environment.

#### **F7.4. Activity table**

Table F7.4.1 Activity table below specifies the activity status for works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

**Resource Management (National Environmental Standards for Freshwater) Regulations 2020**

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F7.4.1 to F7.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table F7.4.1 Activity table**

Activity		Activity status
(A1)	Reclamation other than maintenance or repair of a lawful reclamation or drainage system, or minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	D
(A2)	Maintenance dredging	RD
(A3)	Capital works dredging	RD

Table F7.4.2 Activity table below specifies the activity status of the taking, use and damming or diverting of coastal water pursuant to section 14 of the Resource Management Act 1991, and the discharge of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence). For the avoidance of doubt, the following provisions have precedence over the rules for discharges of hull bio-fouling organisms resulting from cleaning of a vessel (F2.19.7(A71) to (A78)).

**Table F7.4.2 Activity table**

Activity		Activity status
(A4)	Taking, use, damming, diversion and discharge of seawater and contaminants from the operation of the Calliope Dry Dock	P

Table F7.4.3 Activity table below specifies the activity status of works and activities in the coastal marine area pursuant to section 12(1) and 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

**Table F7.4.3 Activity table**

Activity		Activity status
(A5)	Workers' accommodation	P
(A6)	Marine industry	P
(A7)	Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr
(A8)	Clubrooms	NC
(A9)	Public amenities	P <sup>1</sup>
(A10)	Marine and port activities	P
(A11)	Activities undertaken for defence purposes (excluding temporary military training activities) not otherwise provided for in the Coastal – Defence Zone or the Coastal – General Coastal Marine Zone	RD

Table F7.4.4 Activity table below specifies the activity status for structures in the coastal marine area and occupation of the common marine and coastal area pursuant to sections 12(1) and 12(2) and 12(3) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on an existing coastal marine area structure (e.g. a new building on an existing wharf). If that activity and any associated structure is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

**Table F7.4.4 Activity table**

Note 1. Rule F7.4.4(A23) applies where occupation is proposed in an area that has an existing occupation consent. Rule F7.4.4(A23) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

Activity		Activity status
(A12)	Marine and port facilities	P <sup>1</sup>
(A13)	Marine and port facilities except as specified as a permitted activity	RD
(A14)	Marine and port facilities for the refuelling of vessels	P
(A15)	Marine and port accessory structures and services excluding new pile moorings	P
(A16)	Coastal marine area structures or buildings used for marine and port activities	P <sup>1</sup>
(A17)	Coastal marine area structures or buildings not otherwise provided for	RD
(A18)	Wave attenuation devices	RD
(A19)	Observation areas, viewing platforms, and boardwalks	RD
(A20)	New pile moorings established after 30 September 2013 including occupation and use by vessel to be moored	RD
(A21)	Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored	P
(A22)	Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity	RD
(A23)	Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD

### F7.5. Notification

- (1) Any application for resource consent for an activity listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### F7.6. Standards

- (1) Activities listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 Activity table above must comply with the following standards.



**F7.6.1. Height**

- (1) The maximum height of the building or structure must be no more than 10m above mean sea level.

**F7.6.2. Noise**

- (1) The  $L_{Aeq}$  (15 min) noise level and maximum noise level ( $L_{AFmax}$ ) arising from any activity within the Coastal – Defence Zone when measured at or within the boundary of any property in a residential zone must not exceed the limits in Table F7.6.2.1 Noise limits.

- (2) The noise limits in F7.6.2(1) do not apply to:

- (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels); and
- (b) temporary activities.

**Table F7.6.2.1 Noise limits**

Time	Noise Limit
Monday to Saturday 7am -10pm	$L_{Aeq}$ (15 min) 55dB
Sundays 9am - 8pm	$L_{Aeq}$ (15 min) 50dB
All other times	$L_{Aeq}$ (15 min) 45dB $L_{AFmax}$ 75dB

**F7.6.3. Use and activities and associated occupation of the common marine and coastal area**

- (1) Port activities:

- (a) for vessel construction in the Devonport area of the Coastal - Defence zone, but not the Calliope Dry Dock, in addition to the Coastal – General Coastal Marine Zone standards:
  - (i) the activity does not involve the use of wet and dry grit blasting or water blasting, including the use of detergents or chemicals for the purpose of paint stripping.
- (b) any water blasting using low pressure washing systems must not exceed 1000 psi (6900 kPa), or any high volume wash down must not exceed 100 psi (690 kPa).

**F7.6.4. Taking, use, damming, diversion and discharge of coastal water**

- (1) Taking, use, damming, diversion and discharge of coastal water and contaminants for the operation of the Calliope Dry Dock:

- (a) as far as practicable, all contaminants or waste material from the cleaning and maintenance of ships must be swept up and removed from the dock prior to the dock being flooded and the gates being opened to re-float ships;

- (b) any existing collection or treatment facilities for liquids must be maintained in good working order and used to the fullest extent practicable when the dock is in operation.

#### **F7.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **F7.8. Assessment – restricted discretionary activities**

##### **F7.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application.

(1) for all restricted discretionary activities:

- (a) the effects from the construction or works methods, timing and hours of operation;
- (b) the effects of the location, extent, design and materials used;
- (c) the effects on coastal processes, ecological values, water quality and natural character;
- (d) the effects on public access, navigation and safety;
- (e) the effects on existing uses and activities; and
- (f) consent duration and monitoring.

(2) for occupation of the common marine and coastal area:

- (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

##### **F7.8.2. Assessment criteria**

The Council will consider the following assessment criteria in when assessing a restricted discretionary resource consent application.

(1) All restricted discretionary activities.

- (a) construction or works methods, timing and hours of operation;
  - (i) whether construction or works methods avoids, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
  - (ii) whether construction or works are to be done at a time that will avoid or minimise, adverse effects on marine mammals, bird roosting, nesting and feeding, and recreational users of the coastal marine area; and
  - (iii) whether construction or works hours of operation are limited to minimise effects of noise and disruption on existing activities, and on nearby residential and open space areas.

- (b) location, extent, design and materials;
  - (i) whether the work is located and designed to avoid, remedy or mitigate adverse effects on the environment;
  - (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces;
  - (iii) whether works and structures ensure efficient use of the coastal marine area is made by using the minimum area necessary for their purpose; and
  - (iv) whether the materials used are compatible with the surrounding coastal environment and consistent with the natural materials at the site; taking into account the physical characteristics of the materials used, including texture, colour, composition, grain size, level of contamination and potential for leaching.
- (c) effects on coastal processes, ecological values, water quality and natural character and landscape values:
  - (i) whether measures can be taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character and landscape values.
- (d) effects on public access, navigation and safety:
  - (i) whether the effects on existing public access arrangements have been avoided by minimising the extent and duration of work and by providing alternative access routes where practicable;
  - (ii) whether the proposed activity or development adversely affects navigation and safety;
  - (iii) whether the effects on vessel access and berthage has been avoided, remedied or mitigated;
  - (iv) whether the layout of structures and activities enhances public access, including pedestrian access, to the coastline and particularly to any areas of public open space; and
  - (v) whether any loss of public access to, along and within the coastal marine area has been mitigated, including through provision of facilities such as public boat ramps, lookout platforms, and alternative access.
- (e) effects on existing uses and activities (including infrastructure):
  - (i) whether proposals avoid, remedy or mitigate adverse effects on existing activities as far as practicable, taking into account both activities in the coastal marine area and on adjacent land; and

- (ii) whether activities avoid, remedy or mitigate adverse effects on the amenity of adjacent residential and open space zoned land.

(f) consent duration and monitoring:

- (i) whether the consent duration should be limited to the minimum duration necessary for the functional or operational needs of the activity;
- (ii) whether the consent duration should be limited as part of an adaptive management approach; and
- (iii) whether monitoring is required in order to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.

(2) For occupation of the common marine and coastal area:

- (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

**F7.9. Special information requirements**

There are no special information requirements in this section.

**I102 Rowing and Paddling Precinct**

**Clean Text**

### **I102.1. Rowing and Paddling Precinct**

The Rowing and Paddling Precinct applies to three areas of the coastal marine area that are used for rowing, paddling, kayaking and waka ama training and competitive events. These precincts are supported by land-based access and facilities, including pontoons, ramps and club rooms located outside of the precinct.

The purpose of the Rowing and Paddling Precinct is to ensure the water course remains free of structures, moorings or activities that would compromise their use for paddling and rowing. The current and future use of the Rowing and Paddling Precinct will be managed to ensure the on-going safe navigation of vessels, including port and ferry activities, in conjunction with paddling and rowing activities. Any exclusion of public access for events, such as regattas, or restrictions of use at certain times that are necessary to enable safe navigation of vessels, including port and ferry terminal activities will be subject to control by the Harbourmaster.

The zoning within this precinct is Coastal – General Coastal Marine Zone.

### **I102.2. Objectives [rcp]**

- (1) Rowing and paddling training and events can be undertaken within a Rowing and Paddling Precinct, unobstructed by structures, moorings or other activities.
- (2) Lane markers and other navigation aids enhance the use of the Rowing and Paddling Precinct.
- (3) Other water use and safe navigation occurs in conjunction with the use of a Rowing and Paddling Precinct, including port and ferry activities.

The zone, overlay and Auckland-wide objectives apply in this precinct, in addition to those specified above.

### **I102.3. Policies [rcp]**

- (1) Avoid use and development that will obstruct or limit the use of a Rowing and Paddling Precinct for training or events.
- (2) Enable lane marking, buoys and other navigation aids, associated with the efficient and safe use of the Rowing and Paddling Precinct.
- (3) Enable the safe navigation and operation of all vessels in conjunction with the use of a Rowing and Paddling Precinct, including port and ferry activities.

The zone, overlay and Auckland-wide policies apply in this precinct, in addition to those specified above.

### **I102.4. Activity table**

Table I102.4.1 Activity table specifies the activity status of use and activities (pursuant to section 12(1) and 12(3) of the Resource Management Act 1991) and associated occupation of the common marine and coastal area (pursuant to section 12(2) of the Resource Management Act 1991) and development (construction (pursuant to section

12(1) of the Resource Management Act 1991), associated occupation of the common marine and coastal area (pursuant to section 12(2) of the Resource Management Act 1991) and their use (pursuant to section 12(3) of the Resource Management Act 1991)) in the Rowing and Paddling Precinct.

The zoning within this precinct is Coastal – General Coastal Marine Zone. The provisions in the zone, Auckland-wide provisions and any relevant overlays apply in this precinct unless otherwise specified.

**I102.4.1 Activity table [rcp]**

Activity		Activity status
<b>Use and activities and associated occupation of the common marine and coastal area</b>		
(A1)	Anchoring of vessels necessary for navigation safety or emergency response	P
(A2)	Aquaculture activities (including any activities under sections 12(1),12(2),12(3) and 15 of the Resource Management Act 1991)	Pr
(A3)	Clubrooms for marine-related clubs	NC
(A4)	Maintenance and servicing of vessels	NC
(A5)	Construction of vessels	NC
(A6)	Underwater explosives training exercises	Pr
<b>Development (construction, associated occupation of the common marine and coastal area and their use)</b>		
(A7)	Lane markers, buoys and navigation aids associated with rowing and paddling activities	P
(A8)	Maimai	Pr
(A9)	Existing legal moorings until 1 December 2018	P
(A10)	New moorings and existing legal moorings after 1 December 2018	NC

**I102.5. Notification**

- (1) Any application for resource consent for an activity listed in Table I102.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

**I102.6. Standards**

All activities listed as permitted in Table I102.1.4.1 must comply with the following standards. The zone, overlay and Auckland-wide controls apply in this precinct, unless otherwise specified.

**I102.6.1. Lane markers, buoys and navigation aids**

- (1) Written advice must be given prior to the work being undertaken to the council harbourmaster at least five working days prior to any lane markers, buoys or other navigation aids being installed.
- (2) Written advice must be given prior to the work being undertaken to the national Topo/Hydro authority at LINZ at least five working days prior to any permanent navigation aids being installed.

Note: The day-to-day management of lane markers, buoys and navigation aids within a Rowing and Paddling precinct is managed by the Harbourmaster's office with reference to the Navigation Safety bylaw.

**I102.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

**I102.8. Assessment – restricted discretionary activities**

There are no restricted discretionary activities in this precinct.

**I102.9. Special information requirements**

There are no special information requirements in this precinct.

**I102.10. Precinct plans**

There are no precinct plans in this precinct.



**I208 Port Precinct**

**Clean Text**

## **I208. Port Precinct**

### **I208.1. Precinct description**

The purpose of the Port Precinct is to provide for a nationally and regionally significant component of Auckland and New Zealand's transport infrastructure and trade network. The precinct primarily consists of land and coastal areas owned or controlled by Ports of Auckland Limited.

The zoning of the land within the Port Precinct is the Business – City Centre Zone and the zoning of the part of the Port Precinct within the coastal marine area is the Coastal – General Coastal Marine Zone.

The Port Precinct includes the land and the coastal marine area north of Quay Street between the western side of Marsden Wharf and the eastern side of the Fergusson Reclamation. The reclaimed land and wharf structures named Bledisloe Terminal, Bledisloe Wharf, Jellicoe Wharf, Freyberg Wharf, and Fergusson Wharf and Fergusson Terminal are primary vessel loading and unloading areas. Cargo storage, cargo handling and ancillary port activities are undertaken on the balance of the area fronting Quay Street. Teal Park and a range of community and emergency facilities and food and beverage activities are located at the eastern end of the precinct.

The Port Precinct includes structures and activities located both on land and within the coastal marine area. For this reason, the activities and development within the precinct on land and within the coastal marine area (including wharves) are generally defined under the same activity category.

Within the precinct it is recognised that the coastal environment has already been modified by structures and port activities and that the land adjoining the coastal marine area provides for the infrastructure to service the marine and port activities. It is therefore appropriate to suitably recognise this, and make provision for the continued use and development of the precinct, while avoiding, remedying, or mitigating adverse effects.

Development within the precinct is guided by Precinct plans 1 – 3. Precinct plan 1 sets out the maximum height controls across the Port Precinct. Precinct plan 2 shows the area (named Area A) within the Port Precinct where buildings require design assessment due to their proximity and visibility from Quay Street and Queens Wharf. Precinct Plan 3 sets out the inner and outer noise control boundaries. Coordinates for the precinct boundary in the coastal marine area are shown on Precinct plan 4.

### **I208.2. Objectives [rcp/dp]**

- (1) The efficient operation, growth and intensification of marine and port activities and marine and port facilities, including the development of the Port's capacity for shipping and its connections with other transport modes.
- (2) The use and development of non-port related activities and buildings do not compromise the existing or future operation of the precinct.
- (3) Adverse effects arising from activities and development are avoided, remedied or mitigated.

- (4) Adverse reverse sensitivity effects on the efficient and safe operation of marine and port activities are avoided, remedied or mitigated.
- (5) Buildings adjacent to Quay Street complement and enhance the gateway to the city centre, while recognising any functional and operational requirements of marine and port activities.
- (6) Public access to, and use and enjoyment of, the coastal marine area is maintained, and where practicable, enhanced, provided it does not adversely affect the efficient and safe operation of marine and port activities and development of the precinct.

The overlay, Auckland-wide, Business – City Centre Zone and Coastal – General Coastal Marine Zone objectives apply in this precinct in addition to those specified above.

### **I208.3. Policies [rcp/dp]**

The policies are as listed in the Coastal – General Coastal Marine Zone for the coastal marine area in the precinct in addition to those specified below, with the exception of Policy [F2.5. 3\(4\)](#).

The Business – City Centre Zone Policies [H8.3\(1\), \(11\), \(19\), \(21\) – \(23\), \(25\), \(30\), \(35\) and \(37\)](#) apply to land within the precinct in addition to those specified below.

- (1) Enable the consolidation, intensification, redevelopment and growth within the precinct for a wide range of marine and port activities and associated structures, to provide for the development of the Port's capacity for shipping, and its connections with other transport modes.
- (2) Provide a wide range of berthage facilities to accommodate vessels of different types and sizes.
- (3) Ensure that non-port related activities or non-port related development within the precinct does not compromise the primary function or development of the precinct for marine and port activities and marine and port facilities.
- (4) Require activities within the precinct to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on the surrounding road network.
- (5) Require the establishment of dwellings outside of the precinct to avoid, remedy or mitigate adverse effects on efficient and safe operation of marine and port activities.
- (6) Restrict public access to the coastal marine area only where it is necessary to protect human health and/or safety, to facilitate the efficient and safe operation of activities including the requirements of customs and quarantine, or to maintain security.

- (7) Provide for intensification, development and maintenance of marine and port facilities and associated works which contribute to the efficient use, operation, and management of marine and port activities while avoiding, remedying or mitigating potential adverse effects on the environment.
- (8) Limit maximum building height to an appropriate scale to provide a transition in height between the city centre core and the harbour, with the exception of specifically identified container and cargo-handling facilities, vessels, structures and equipment associated with marine and port activities.
- (9) Encourage buildings within Area A on Precinct plan 2, to be of a high quality design to complement and enhance this city centre gateway and to contribute positively to the visual quality, amenity, interest and public safety of streets and public open spaces, while recognising any functional and operational requirements of marine and port activities.
- (10) Avoid further reclamation, unless:
  - (a) there are no practicable alternative methods of providing the proposed activity, including on land outside the coastal marine area;
  - (b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;
  - (c) it will provide a significant regional or national benefit;
  - (d) it is the most appropriate form and design of development; and
  - (e) potential adverse effects will be avoided, remedied or mitigated.
- (11) Provide for minor reclamations and for reclamations carried out as part of rehabilitation or remedial works of an existing reclamation or coastal marine area structure, while avoiding, remedying or mitigating any adverse effects on the environment.
- (12) Enable dredging within the precinct that is necessary to provide for the safe and efficient navigation, manoeuvring, and berthing of vessels, while avoiding, remedying or mitigating any adverse effects.
- (13) Require port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.
- (14) Require the provision of adequate and convenient facilities for:
  - (a) the collection of rubbish from vessels;
  - (b) sewage and waste from vessels; and
  - (c) the containment and disposal of residues from vessel servicing, repairs and maintenance.

#### **I208.4. Activity table**

The activities, standards and assessment criteria in the overlays and Auckland-wide rules apply in the Port Precinct, unless otherwise specified below.

The activities, standards and assessment criteria in the underlying General Coastal Marine zone apply to the coastal marine area in the Port Precinct, unless otherwise specified below.

The activities, standards and assessment criteria in the Business – City Centre Zone do not apply to land in the Port Precinct, unless otherwise specified below.

Table I208.4.1 Activity table specifies the activity status for land use and development activities pursuant to section 9(3) of the Resource Management Act 1991 and the activity status for works, occupation and use in the coastal marine area pursuant to sections 12(1), 12(2), and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991, or any combination of all of the above sections where relevant. The activities in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Port Precinct unless otherwise specified in the Port Precinct activity table below.

- (1) The following table also specifies the activity status of activities on land in the Port Precinct.
- (2) Those activities marked with \* have the listed activity status only when that activity is located on a coastal marine area structure (e.g. a new building on an existing wharf). If that activity is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.
- (3) In this table, the activity status for occupation of the common marine and coastal area (section 12(2) of the Resource Management Act 1991) has the same activity status for the use or activity (section 12(3) of the Resource Management Act 1991) or for the construction of a structure (section 12(1) of the Resource Management Act 1991) that the occupation relates to.

#### ***Resource Management (National Environmental Standards for Freshwater) Regulations 2020***

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules I208.4.1 to I208.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table I208.4.1 Activity table**

Activity		Activity status	
		CMA [rcp]	Land [dp]
<b>Works in the coastal marine area</b>			
(A1)	Maintenance or repair of a reclamation or drainage system	P	P
(A2)	Minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation	RD	NA
(A3)	Reclamation or drainage not otherwise provided for	D	NA
(A4)	Declamation	RD	RD
(A5)	Maintenance dredging, including dredging within a historic heritage overlay area	C	NA
(A6)	Capital works dredging, including dredging within a historic heritage overlay area	RD	NA
<b>Use and activities and associated occupation</b>			
Residential			
(A7)	Workers accommodation	P*	P
Commerce			
(A8)	Offices accessory to marine and port activities	P*	P
(A9)	Offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct Plan 1 not accessory to marine and port activities	NA	RD
(A10)	Maritime passenger operations	P	P
(A11)	Food and beverage east of Solent Street	NA	P
(A12)	Marine retail	NA	P
(A13)	Alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets	NA	RD
(A14)	Service stations not otherwise provided for on those sites with frontage to Quay Street, between the western boundary of the Port Precinct and Plumer Street	NA	D
(A15)	Aquaculture activities (including any activities	Pr	NA

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	under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)		
<b>Community</b>			
(A16)	Artworks	P	P
(A17)	Community facilities, education facilities and healthcare facilities east of Solent Street	P*	P
(A18)	Information facilities	P*	P
(A19)	Emergency services	P	P
(A20)	Helicopter facilities (including the landing and taking off of helicopters and associated fuelling and service facilities), except as specified below	D	D
<b>Industry</b>			
(A21)	Marine and port activities, including the landing and taking off of helicopters associated with the loading and unloading of cargo	P	P
(A22)	Artificial lighting	P*	P
<b>Development</b>			
(A23)	Marine and port facilities other than wharves, landings and drydocks	P	P
(A24)	Wharves, landings and drydocks, including alterations and additions to these structures	RD	RD
(A25)	Maritime passenger facilities	P	P
(A26)	Marine and port accessory structures and services	P	P
(A27)	Repair and maintenance services ancillary to marine and port activities	NA	P
(A28)	New buildings and alterations and additions to buildings on land or on coastal marine area structures outside of Area A shown on Precinct plan 2	P*	P
(A29)	Minor cosmetic alterations and additions to a building within Area A shown on Precinct plan 2 that does not change its external design or appearance	P*	P
(A30)	Maintenance, repair and reconstruction of existing coastal marine area structures or buildings	P	P
(A31)	New buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct Plan 2	RD*	RD
(A32)	Alterations and additions to existing coastal marine area structures or buildings not otherwise provided for	P	P
(A33)	Demolition or removal of buildings or coastal	P	P

	marine area structures except as otherwise specified below		
(A34)	Public amenities	P*	P
(A35)	Hard protection structures including wave attenuation devices	RD	RD
(A36)	Observation areas, viewing platforms and boardwalks	P	P
(A37)	New and existing swing moorings and pile moorings including occupation and use by vessel to be moored	P	NA
(A38)	Occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent	RD	NA
(A39)	Buildings not listed as a permitted or restricted discretionary activity	D	D

### I208.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table I208.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table I208.4.1 which is not listed in I208.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

### I208.6. Standards

#### I208.6.1. Land and water standards

The land and water use standards in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Port Precinct, unless otherwise specified below, except that the following Coastal – General Coastal Marine Zone standards do not apply:

- [F2.21.1.1](#) Noise and vibration;
- [F2.21.1.2](#) Lighting;
- [F2.21.2.1](#) Maintenance or repair of a lawful reclamation or drainage systems; and
- [F2.21.9.4](#) Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels.



The Business – City Centre Zone standards do not apply to land in the Port Precinct, unless otherwise specified below.

The Auckland-wide Lighting rules [E24](#) and Noise rules [E25.6.2 - E25.6.29](#) and [E25.6.31 - E25.6.33](#) do not apply to land and the coastal marine area in the Port Precinct.

#### I208.6.1.1. Noise

- (1) These standards do not apply to temporary activities allowed under the [E40 Temporary activities](#) rules.
- (2) Within the coastal marine area, these standards do not apply to the operational requirements of commercial vessels including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels.
- (3) The  $L_{Aeq}(15 \text{ min})$  noise level and maximum noise levels ( $L_{AFmax}$ ) arising from any activity (except construction or blasting activities) within the Port Precinct must not exceed the following:
  - (a) when measured 1m from the façade of any building (measured as the incident level with facade reflections excluded) located on the southern side of Quay Street, beyond the inner control boundary shown on Precinct plan 3:

**Table I208.6.1.1 Noise levels 1**

Time	Noise level
11pm to 7am	60dB $L_{Aeq}$ 85dB $L_{AFmax}$

- (b) when measured 1m from the façade of any residential building (measured as the incident level with facade reflections excluded) located beyond the outer control boundary shown on Precinct plan 3:

**Table I208.6.1.2 Noise levels 2**

Time	Noise level
7am to 11pm	55dB $L_{Aeq}$
11pm to 7am	50dB $L_{Aeq}$ 75dB $L_{AFmax}$

- (4) In determining compliance with the above the following applies:

- (a) the long term average sound level, averaged over any 7 days (i.e. 7 days of short-term average levels) must not exceed the specified levels by more than 3dBA due to statistical variation over those days;
- (b) there must be no exceedance of the specified short-term average levels by more than 5dBA. The short-term  $L_{Aeq(15\text{ min})}$  sound level will be the average of any four  $L_{Aeq(15\text{ min})}$  values obtained during a single night or day when the wind speed at the site where measurement is taken is less than 2m per second. If the wind speed in the vicinity of both the subject site and the receiver, or any intervening area is known to have exceeded 2m per second during any measurement interval or a temperature inversion is present, then that measurement must not be used to determine the short-term average sound level. Measurements must be accompanied by records of air temperature. There must be no other restrictions on weather conditions;
- (c) care must be taken to ensure that the short-term average sound level represents noise from port activities and is not influenced by noise from other sources. The time period between 3:00am and 5:00am is the preferred time for noise measurements. If the short-term average level is wholly or partly determined from measurements at other times, then records must be adequate to demonstrate that the short-term average sound level was not influenced by noise from non-port sources;
- (d) except as noted above, the noise levels must be measured and assessed in accordance with New Zealand Standard on Acoustics - Measurement of Environmental Sound (NZS 6801:2008) and New Zealand Standard on Acoustics – Environmental Noise (NZS 6802:2008).

#### **I208.6.1.2. Construction noise**

- (1) Construction noise within the Port Precinct must not exceed the levels specified in [E25.6.28](#) Construction noise levels in the Business – City Centre Zone and the Business – Metropolitan Centre Zone, when measured 1m from the façade of any building located outside of the Port Precinct.

#### **I208.6.1.3. Lighting**

- (1) Artificial lighting illuminance must not exceed 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level.
- (2) Illumination associated with vehicles, mobile plant, and quay cranes are exempt from this control.

- (3) Lighting sources must be sited, directed and screened to avoid, as far as practicable, creating a navigation safety hazard.

#### **I208.6.1.4. Parking**

- (1) Standard [E27.6.2](#) Number of parking and loading spaces does not apply to land and coastal marine area west of Solent Street.

#### **I208.6.1.5. Maintenance or repair of a lawful reclamation or drainage system**

- (1) The work must not change the area occupied by the reclamation or drainage system.
- (2) Any visible disturbance to the substrate of the coastal marine area must be remedied or restored within 48 hours of the completion of the works in ONC, ONF and SEA-M1 overlay areas and within seven days in other areas of the coastal marine area.
- (3) There must be an emergency spill plan in place to address the unforeseen release of contaminants from equipment being used for the activity.
- (4) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.
- (5) Written advice must be given to the council at least 10 working days prior to the work starting.

#### **I208.6.1.6. Public access**

- (1) Standard [E38.7.3.2](#) Subdivision establishing an esplanade reserve does not apply to subdivision within the Port Precinct.

#### **I208.6.1.7. Natural Hazards and flooding:**

The activity status for activities listed in Table [E36.4.1](#) of [E36 Natural hazards and flooding](#) do not apply and are replaced by standards I208.6.1.7.1 and I208.6.1.7.2 below:

- (1) Buildings or structures including fences and retaining walls located in 1 per cent annual exceedance probability (AEP) overland flow paths:
  - (a) any ponding of floodwater caused by any new building or structure must not extend beyond (upstream of) the inland boundary of the Port Precinct; or an alternative flow path of equivalent hydraulic capacity must be provided within the site; and
  - (b) the entry point of the flow path into the Precinct must not be altered.
- (2) Habitable rooms of new buildings shall be located above the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise (CSI1).

#### **I208.6.1.8. Building height**

Purpose: manage the height of buildings to achieve Policy I208.3(8) of the Port Precinct.

- (1) Buildings, structures, marine and port facilities, maritime passenger facilities and marine and port accessory structures and services must not exceed the heights specified on Precinct Plan 1.
- (2) For the avoidance of doubt, building height excludes: reefer gantries, cargo and containers, telecommunications equipment, masts, lighting poles and associated equipment and aerials that are accessory to marine and port activities.
- (3) The height of buildings and structures on land must be measured in accordance with Standard [H8.6.8](#) Measuring building height in the Business – City Centre Zone rules.
- (4) The height of buildings and structures within the coastal marine area must be measured above NZVD2016.

#### **I208.7. Assessment – controlled activities**

##### **I208.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) maintenance dredging:
  - (a) effects on water quality;
  - (b) effects on harbour traffic, navigation and safety; and
  - (c) duration and monitoring.

##### **I208.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) maintenance dredging:
  - (a) effects on water quality:
    - (i) whether methods are implemented to avoid, remedy or mitigate the release of contaminated sediment.
  - (b) effects on harbour traffic, navigation and safety:
    - (i) whether methods are implemented to avoid, remedy or mitigate effects on harbour traffic, navigation and safety.
  - (c) duration and monitoring:

- (i) whether monitoring, including periodic monitoring of sediment quality, is required in order to demonstrate the extent and type of effects of the dredging on water and sediment quality and the degree to which the effects are remedied or mitigated during the activity.

## **I208.8. Assessment – restricted discretionary activities**

### **I208.8.1. Matters of discretion**

The Council will reserve its discretion to all the following matters when assessing a restricted discretionary resource consent application:

- (1) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation and reclamation or drainage carried out as part of rehabilitation or remedial works:
  - (a) form and design of the reclamation;
  - (b) contaminated material;
  - (c) the safe and efficient operation of marine and port activities;
  - (d) construction or works methods, timing and hours of operation;
  - (e) effects on natural hazards, coastal processes, ecological values and water quality; and
  - (f) consent duration and monitoring
- (2) declamation:
  - (a) construction or works methods, timing and hours of construction works;
  - (b) location, extent, design and materials used;
  - (c) effects on coastal processes, ecological values and water quality;
  - (d) effects on public access, navigation and safety;
  - (e) effects on existing uses and activities;
  - (f) effects on Mana Whenua values; and
  - (g) consent duration and monitoring
- (3) capital works dredging:
  - (a) effects on coastal processes, ecological values and water quality;
  - (b) effects on other users of the coastal marine area, navigation and safety; and
  - (c) consent duration and monitoring.
- (4) hard protection structures including wave attenuation devices:

- (a) location and design of the hard protection structure;
  - (b) effects on navigation, safety and existing activities;
  - (c) effects on coastal processes including wave hydraulics;
  - (d) construction or works methods, timing and hours of operation; and
  - (e) consent duration and monitoring.
- (5) new buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct Plan 2:
- (a) building design and external appearance;
  - (b) effects on public access, navigation and safety; and
  - (c) potential adverse effects of any ponding or diversion of floodwater upstream of the Port Precinct caused by changes to the overland flow path.
- (6) offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct Plan 1 not accessory to marine and port activities:
- (a) efficient use of port precinct land and resources;
  - (b) public access; and
  - (c) duration of consent.
- (7) alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets:
- (a) the matters of discretion in [H8.8.1\(1\)](#) of the Business – City Centre Zone rules apply;
  - (b) location and design of vehicle and pedestrian access; and
  - (c) provision for the on-site manoeuvring of vehicles and pedestrians.
- (8) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
- (a) the matters of discretion in [F2.23.1\(1\)](#) and [F2.23.1\(2\)\(c\)](#) of the Coastal – General Coastal Marine Zone apply; and
  - (b) effects on the safe and efficient use, operation and development of the coastal marine area subject to Ports of Auckland's existing occupation consents.
- (9) wharves, landings and drydocks within the Port Precinct:

- (a) location and design;
  - (b) construction or works methods, timing and hours of operation;
  - (c) effects on coastal processes;
  - (d) effects on navigation and safety;
  - (e) effects on the visual amenity values of the Waitemata Harbour;
  - (f) effects on Mana Whenua values; and
  - (g) consent duration and monitoring.
- (10) noise and construction noise
- (a) effects on land uses beyond the precinct;
  - (b) measures to avoid, remedy and mitigate the adverse effects of noise; and
  - (c) operational requirements of the Port of Auckland.
- (11) lighting:
- (a) effects on adjacent land uses;
  - (b) measures to avoid, remedy and mitigate the adverse effects of lighting;  
and
  - (c) operational requirements of the Port of Auckland.
- (12) building height:
- (a) building scale and dominance / visual amenity effects;
  - (b) effects on the current or planned future form and character of the precinct;  
and
  - (c) reasons for the non-compliance.

#### **I208.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) minor reclamation for the purpose of maintaining, repairing or upgrading a reclamation and reclamation or drainage carried out as part of rehabilitation or remedial works:
  - (a) whether reclamation, as far as practicable, mitigates adverse effects through their form and design, taking into account:
    - (i) the compatibility of the design with the location;
    - (ii) the ability to avoid consequential erosion and accretion, and other natural hazards;

- (iii) the effects on coastal processes; and
    - (iv) the effects on hydrology.
  - (b) whether the use of contaminated material in a reclamation is avoided unless it is contained in a way that avoids, remedies or mitigates adverse effects on water quality, aquatic ecosystems and biodiversity;
  - (c) whether the reclamation enables the efficient operation of port infrastructure; and
  - (d) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (2) declamation:
- (a) whether the adverse effects of declamation are avoided, remedied or mitigated in respect of the effects of the final land/water configuration on:
    - (i) the marine environment including coastal processes, water quality, sediment quality and ecology of the coastal marine area;
    - (ii) hydrogeology (ground water) and hydrology; and
    - (iii) sediment accumulation and the need for on-going maintenance dredging of the coastal marine area.
  - (b) whether declamation works, including the construction of seawalls, avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated soils and groundwater, and other contaminants; and
  - (c) whether declamation east of Solent Street is located and designed so that the adjacent land area can provide adequate public open space adjacent to, and public access around along the water's edge whether on land or on the adjacent water space;
  - (d) the extent to which declamation will affect Mana Whenua values.
- (3) capital works dredging:
- (a) whether measures are taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, and water quality;
  - (b) whether effects on other users of the coastal marine area during the dredging are avoided, remedied or mitigated;
  - (c) whether consent duration is limited to the minimum duration reasonably necessary for the functional or operational needs of the activity; and



- (d) whether monitoring is required in order to demonstrate the extent and type of effects of the dredging, and the degree to which the effects are remedied or mitigated during and after the activity.
- (4) hard protection structures including wave attenuation devices:
- (a) whether the location and design of the hard protection structure avoid, remedy or mitigate adverse effects on existing activities including marine related industries, other marine activities and/or adjoining coastal activities;
  - (b) whether the location and design of the hard protection structure avoid, remedy or mitigate adverse effects of wave hydraulics on other users of the coastal marine area and on the adjacent coastline; and
  - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants.
- (5) new buildings, and alterations and additions to buildings not otherwise provided for within Area A shown on Precinct plan 2:
- (a) the assessment [H8.8.2\(1\)\(a\)\(i\), \(ix\), \(xii\), \(xiii\), \(xv\), \(xvi\), \(xviii\), \(xix\) and \(c\)\(xi\)](#) of the Business – City Centre Zone rules apply in addition to the criteria below;
  - (b) the extent to which buildings within Area A shown on precinct plan 2 have clearly defined public fronts that address the street to positively contribute to the public realm and pedestrian safety. Where this is not possible, where practicable be designed to avoid long, unrelieved frontages and excessive bulk and scale when viewed from Quay Street;
  - (c) the extent to which building mass is visually broken up into distinct elements. Techniques include the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and façade modulation and articulation;
  - (d) the extent to which any parking, loading and servicing activities including the storage and collection of wastes associated with a building is screened and occur behind the buildings and away from Quay Street;
  - (e) the extent to which the quality of building design reflects and recognises Quay Street's importance as a gateway to the city centre. In particular, it should have regard to the area's high visibility in views along Quay Street
  - (f) the extent to which the functional and operational requirements of marine and port activities to be accommodated within the building are recognised when considering the assessment criteria above; and

- (g) the extent to which the adverse effects of any ponding or diversion of floodwater upstream of the Port Precinct caused by changes to the overland flow path will be avoided or mitigated.
- (6) offices within a building existing at 22 January 2015 located within the 30m height area identified on Precinct plan 1 not accessory to marine and port activities:
- (a) whether the office activity reduces or compromises the efficient use of port land or resources or the future growth or intensification of port activities and facilities;
  - (b) whether safe and unencumbered public access is provided between the building and the city centre; and
  - (c) whether the duration of consent is limited to ensure the building is available for marine and port activity when the demand arises.
- (7) alterations, additions or the total or partial reconstruction of the existing service station located on the corner of Quay and Tinley Streets:
- (a) the assessment criteria in [H8.8.2\(1\)](#) of the Business – City Centre Zone rules apply;
  - (b) whether separate pedestrian and vehicle access is provided to and through the site and there is adequate manoeuvring space for vehicles on the site; and
  - (c) the extent to which the design of any alterations or additions contribute to the visual quality, interest and safety of Quay Street and Tinley Street, where practicable.
- (8) occupation of the CMCA by an activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent:
- (a) the assessment criteria in clause [F2.23.2\(1\)](#) and [F2.23.2\(9\)](#) of the Coastal – General Coastal Marine Zone apply in addition to the criteria below; and
  - (b) whether the actual or potential adverse effects on the safe and efficient use, operation and development of the coastal marine area occupied by Ports of Auckland are avoided.
- (9) wharves, landings and drydocks within the Port Precinct:
- (a) whether the location and design of the structure avoid, remedy or mitigate adverse effects on existing activities, marine related industries, other marine and port activities and navigation and safety;

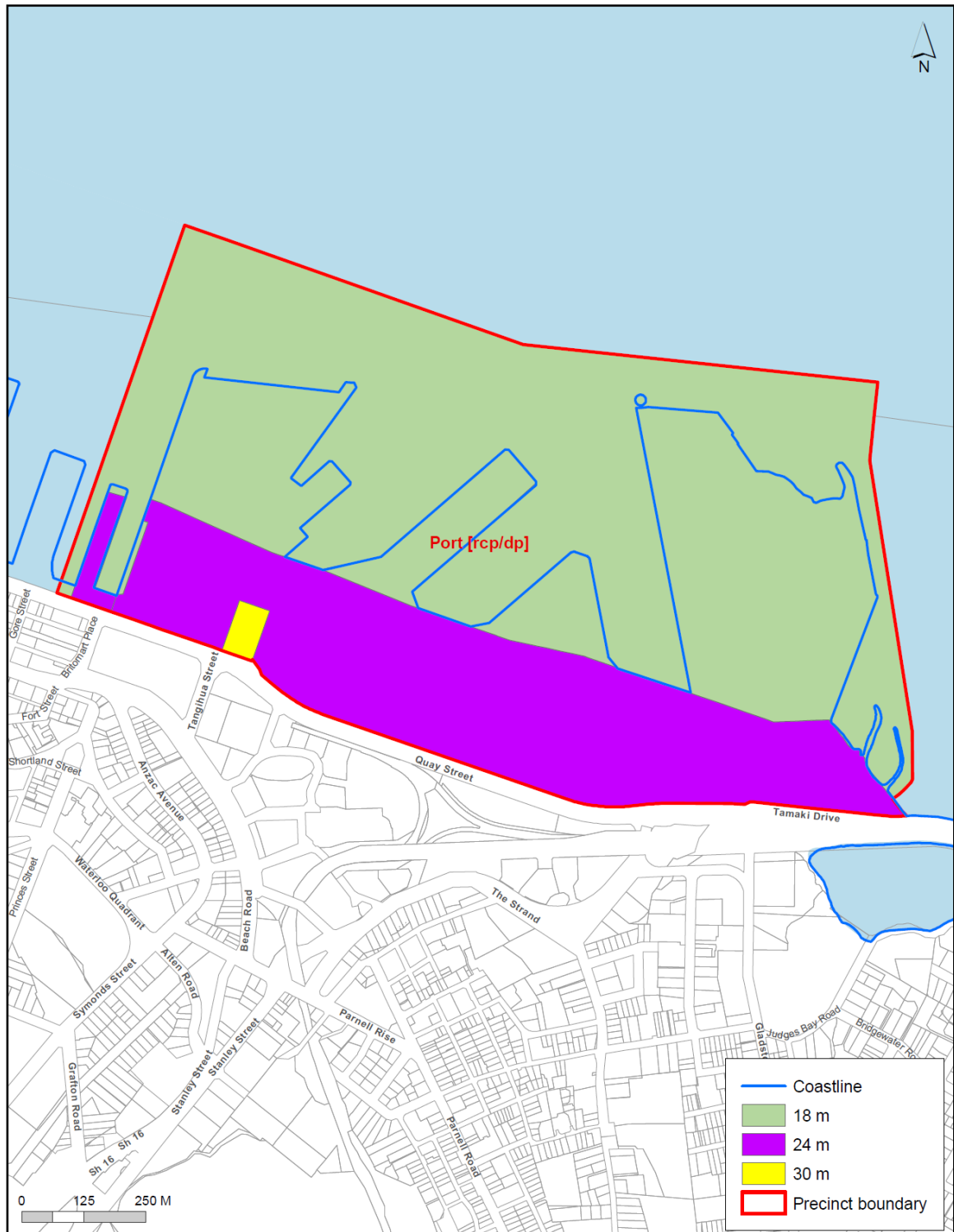
- (b) whether the location and design of the structure avoid, remedy or mitigate adverse effects on coastal processes and on other users of the coastal marine area;
  - (c) whether construction works avoid, remedy or mitigate the adverse effects of construction, particularly through the management of silt, contaminated sediments, and other contaminants;
  - (d) whether duration for construction is limited to the minimum duration reasonably necessary;
  - (e) the extent to which monitoring of construction is required in order to demonstrate the extent and type of effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity; and
  - (f) whether the form, scale and design of the wharf, landing or drydock structures avoid, remedy or mitigate adverse visual amenity effects to and from the Waitemata Harbour;
- (10) noise and construction noise:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected beyond the Port precinct are avoided, remedied and mitigated, taking into account the existing noise environment, the frequency and duration of the proposed infringement and the practicality of managing the noise emissions;
  - (b) the operational requirements of the Port of Auckland.
- (11) lighting:
- (a) the extent to which adverse effects on the health and amenity values of people who may be affected beyond the Port precinct are avoided, remedied and mitigated, taking into account existing light levels;
  - (b) the operational requirements of the Port of Auckland.
- (12) building height:
- (a) building height may be exceeded where it would provide an attractive and integrated roof form that also meets the purpose of the standard;
  - (b) where building height is exceeded, Policy I208.3(1) and (8) of the Port Precinct and Policy [H8.3\(30\)](#) of the Business – City Centre Zone should be considered.

#### **I208.9. Special information requirements**

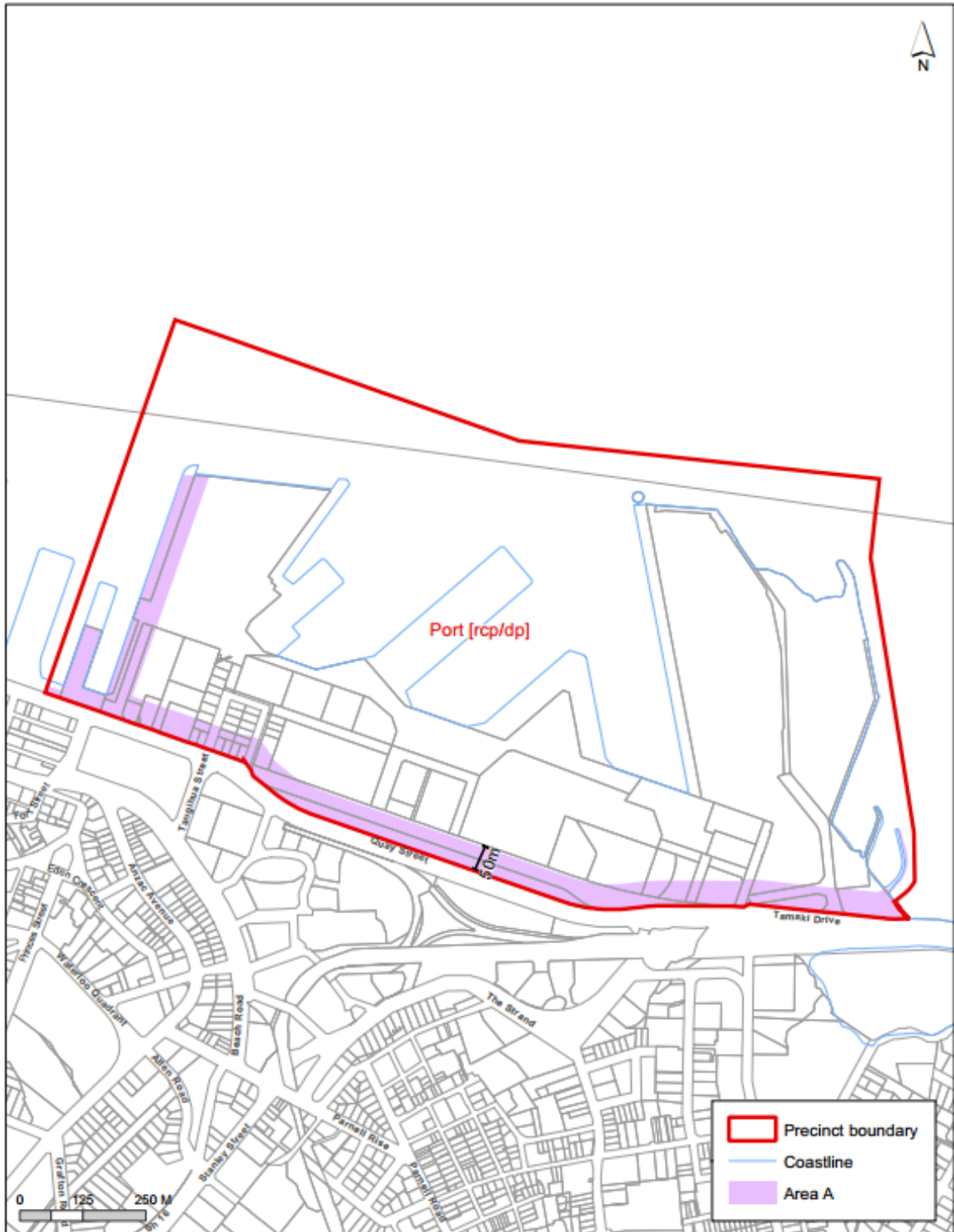
- (1) The special information requirements of the Coastal – General Coastal Marine Zone do not apply in the Port Precinct.

**I208.10. Precinct plans**

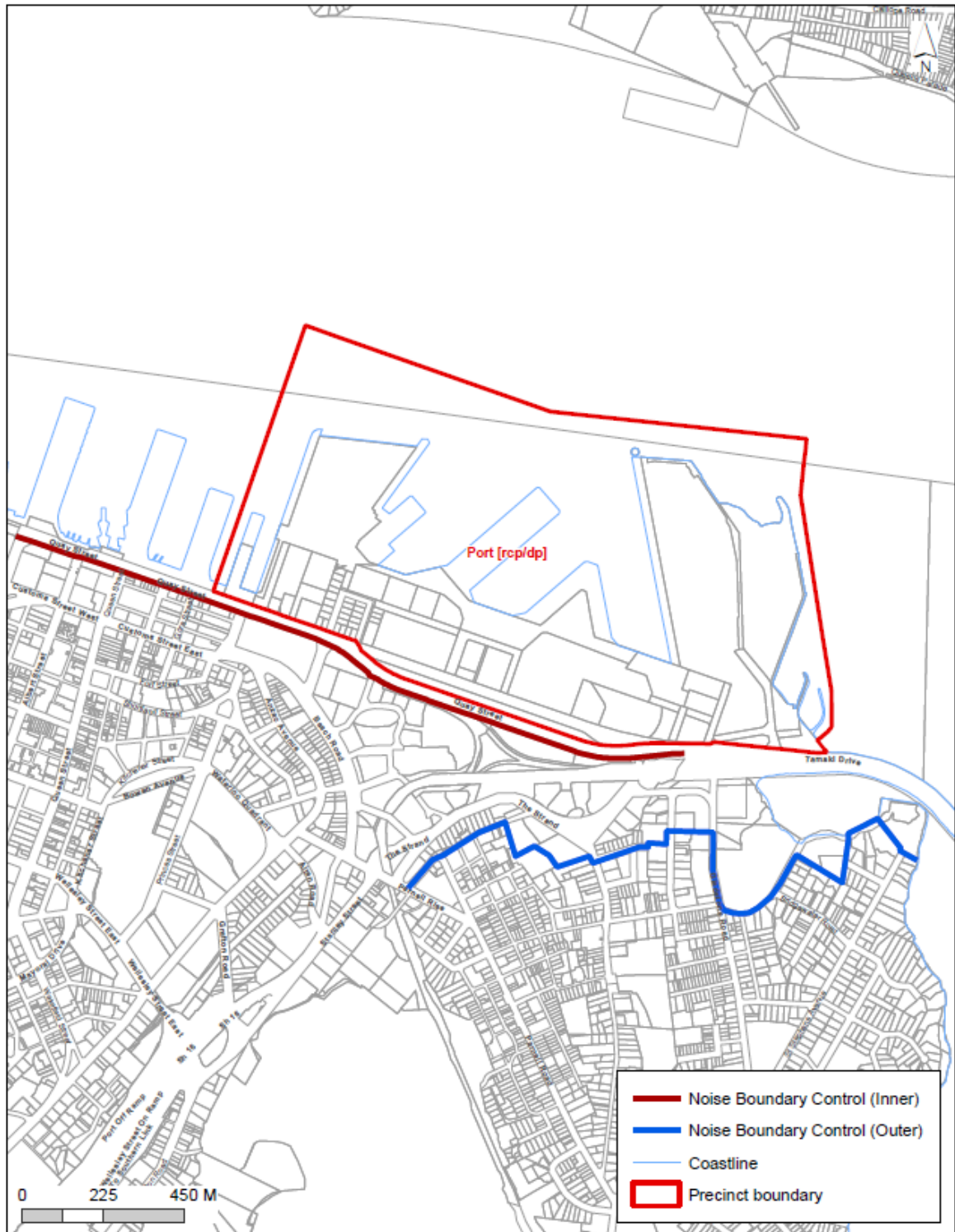
**I208.10.1 Port: Precinct plan 1 - Building height**



I208.10.2 Port: Precinct plan 2 - Extent of Area A



I208.10.3 Port: Precinct plan 3 - Noise boundaries





**I208.10.4 Port: Precinct plan 4 - Precinct boundary coordinates in the coastal marine area**

