

Memo

Date: 18 Feb 2019

To: Phill Reid, Auckland-wide Manager
From: Kath Coombes, Principal planner – Auckland wide

Subject: Plan Modification: Clause 20A Amendment to Chapter F Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	Chapter F Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone Table F4.4.1 Activity Table Table F4.4.2 Activity Table
Subject Site (if applicable)	NA
Legal Description (if applicable)	NA
Nature of change	<p>1. Notification date</p> <p>An amendment is required to correct the date used in Table 4.4.2 (A4) in the Auckland Unitary Plan Operative in Part version.</p> <p>Discussion</p> <p>In the notified plan this provision was in I Zone rules, 8 Coastal – mooring zone, 1 Activity table:</p> <p style="padding-left: 40px;">Pile moorings existing at (date plan is notified) including occupation and use by the vessel to be moored</p> <p>The same wording was included in the Council’s closing statement track changes.</p> <p>In the IHP recommendations version this was changed to 30 September 2012 but the plan was notified on 30 September 2013. This clear intent was to change “date plan is notified” to the actual date, not a year earlier.</p> <p>2. Mooring zone tables</p> <p>An amendment is required to make it clear that tables F4.4.1 and</p>

	<p>F4.4.2 apply in the Mooring zone whereas table F4.4.3 applies to moorings outside the mooring zone.</p> <p>Discussion</p> <p>In the notified Unitary Plan, rules relating to the Mooring zone were in the Mooring zone section while rules for moorings outside the Mooring zone were in the General Coastal Marine Zone. Through the hearings process, these were combined into chapter F4 Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone. The chapter has three activity tables.</p> <p>Table F4.4.3 clearly relates to moorings not in the mooring zone. The introduction states “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 ...”. The activity table has two rules relating to “moorings outside a mooring zone”.</p> <p>In contrast, tables F4.4.1 and F4.4.2 do not state where they apply. Rule (A2) includes “within the Coastal - Mooring zone”. The other rules do not specify a location but are in direct conflict with the same activity in table F4.4.3 or in F2 General Coastal Marine Zone.</p> <p>The F4.4.1 and F4.4.2 introductions refer to the coastal marine area instead of a particular zone, and note that GCM zone applies in the Mooring Zone unless otherwise specified in the table:</p> <p style="padding-left: 40px;">“Table F4.4.1 Activity table specifies the activity status of use and activities in the coastal marine area 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.</p> <p style="padding-left: 40px;">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.”</p> <p>The only way these provisions can work logically is if tables F4.4.1 and F4.4.2 apply in the Mooring Zone and table F4.4.3 applies in the General Coastal Marine Zone.</p> <p>3. Operative date</p> <p>Rule F4.4.1(A2) refers to ‘the date the Plan becomes operative’. It would be clearer to add the actual date now the plan (the Regional Coastal Plan part of the Unitary Plan) is operative.</p>
<p>Effect of change</p>	<p>1. Notification date - The change is neutral, the intent of provisions stay the same. There was no evidence to justify changing the date to an earlier date.</p> <p>2. Mooring zone tables - The change is neutral, the intent of provisions stay the same. Anyone using these tables would conclude</p>

	<p>that the first two tables apply in the Mooring Zone.</p> <p>3. Operative date - The change is neutral, the intent of provisions stay the same. The date is added for clarity and does not change the effect of the rule.</p>																		
<p>Changes required to be made</p>	<p>Amend Chapter F Coastal – Mooring Zone and moorings outside the Coastal – Mooring Zone, Table F4.4.2 Activity table in the Operative in Part version as below</p> <p>F4.4. Activity table</p> <p>Table F4.4.1 Activity table specifies the activity status of use and activities in the coastal marine area 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.</p> <p>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.</p> <p>Table F4.4.1 Activity table</p> <table border="1" data-bbox="528 1003 1442 1346"> <thead> <tr> <th colspan="2">Activity</th> <th>Activity status</th> </tr> </thead> <tbody> <tr> <td>(A1)</td> <td>Aquaculture activities (including any activities under section 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)</td> <td>Pr</td> </tr> <tr> <td>(A2)</td> <td>Expansion of a marina existing at the date the Plan becomes operative (31 May 2018) by no more than 15 per cent of its area within the Coastal – Mooring Zone in the coastal marine area existing at that time</td> <td>D</td> </tr> </tbody> </table> <p>Table F4.4.2 Activity table below specifies the activity status of structures in the coastal marine area 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.</p> <p>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.</p> <p>Table F4.4.2 Activity table</p> <table border="1" data-bbox="528 1848 1442 2047"> <thead> <tr> <th colspan="2">Activity</th> <th>Activity status</th> </tr> </thead> <tbody> <tr> <td>(A3)</td> <td>New and existing swing moorings including occupation and use by vessel to be moored</td> <td>P</td> </tr> <tr> <td>(A4)</td> <td>Pile moorings existing at 30 September 2012 2013 including occupation and use by the</td> <td>P</td> </tr> </tbody> </table>	Activity		Activity status	(A1)	Aquaculture activities (including any activities under section 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)	Pr	(A2)	Expansion of a marina existing at the date the Plan becomes operative (31 May 2018) 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	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 2012 2013 including occupation and use by the	P
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		vessel to be moored	
	(A5)	New pile moorings including occupation and use by vessel to be moored	RD

Prepared by:

Kath Coombes – Principal Planner

Steve van Kampen – Team leader

Signature:

Signature:

T4 Manager Approval

Phill Reid Auckland-wide Planning Manager

Signature