

2.33 – Moorings - section 32 evaluation for the Proposed Auckland Unitary Plan

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1 Overview and Purpose

This evaluation should be read in conjunction with Part 1 in order to understand the context and approach for the evaluation and consultation undertaken in the development of the Proposed Auckland Unitary Plan (the Unitary Plan).

1.1 Subject Matter of this Section

The subject of this section is the appropriate provision for swing and pile moorings for recreational vessels in the coastal marine area (CMA).

Auckland's CMA is intensively used for recreational boating, particularly the Hauraki Gulf. Recreational boating activities have significant social and economic value for Auckland, but also necessitate provision to be made for the appropriate mooring of vessels.

The particular mooring management issues that are addressed in the Proposed Plan are:

- the review of the (incorrect location) of the Mooring Management Areas (MMAs) in the Auckland Regional Plan: Coastal, (ARP:C) and their replacement with revised Mooring zones
- changing the rule status for existing un-consented moorings (existing pre 25 February 1995) that were provided with a permitted activity status by a rule in the ARP:C and requiring all moorings outside of Mooring zones, whether new or existing un-consented moorings, to obtain a resource consent.

The purpose of moorings provisions are:

- ensuring the most efficient use of coastal resources in providing for moorings
- ensuring moorings are appropriately located and maintain the open space, natural character and other values of the coast
- minimising conflicts between recreational boat users
- ensuring there are sufficient safe anchorage areas available for recreational boat users.

1.2 Resource Management Issue to be Addressed

The resource management issue to be addressed is ensuring the efficient use of the CMA, protecting natural values, and minimising conflicts between users in providing for moorings.

Two key issues that are addressed in the Proposed Plan have arisen from the provisions of the legacy ARP:C resulting in difficulties and conflicts in managing moorings, namely:

- the location of the Mooring Management Areas (MMAs) in the Auckland Regional Plan: Coastal, (ARP:C) resulting in the situation of vessels being granted a by-law permit to moor outside of an MMA because the incorrect identification of MMAs, often too close to shore and with inadequate water depth, meant vessels could not be moored within the defined areas
- the provision for existing lawful moorings (pre February 1995) continuing to occupy the CMA as a permitted activity has resulted in conflicts over the use of coastal water space, and cases being taken to the Environment Court to determine the lawfulness of some these moorings.

There is competition, particularly in the Hauraki Gulf, between people wishing to have a permanent mooring, and recreational boat users who want to be to use the same water space for anchoring. The water space occupied by a permanent swing mooring limits the number of other vessels that can anchor. These tensions, together with the increasing use of Auckland's coast as an open space and recreational resource, require this situation to be reviewed.

In reviewing MMAs the issue of some parts of Auckland having no provision of mooring areas was also addressed.

1.3 Significance of this Subject

The requirement for historic moorings outside of a Mooring zone to obtain a resource consent is a significant policy shift from providing for these moorings as a permitted activity.

There are estimated to be approximately 300 'historic' moorings that are likely to be affected by this change. However, the potential to address the occupation of the CMA by these vessels affects a greater number of recreational boat users. In the past tensions over the issue of the lawfulness of pre February 1995 moorings has been a matter taken to the Environment Court.

For both 'historic' mooring owners, and recreational boat users the proposed rule change to require all moorings outside of mooring zones to obtain a consent represents a significant change in the management of existing un-consented moorings.

1.4 Auckland Plan

Chapter 7 Auckland's Environment contains the following directives that are relevant to the issue of managing use and development in the CMA:

- Directive 7.4: Identify places of high natural heritage value, and where appropriate, protect, manage and expand public open space areas so they can be enjoyed by everyone.
- Directive 7.12: Protect coastal areas, particularly those with high values- including special natural character, significant marine habitats and recreational importance – from the impacts of use and development, and enhance degraded areas.

1.5 Current Objectives, Policies, Rules and Methods

The policy direction of the current ARP:C objectives and policies are:

- to concentrate moorings within appropriate defined locations
- to avoid conflicts between moorings and other use of the CMA
- to ensure efficient use is made of the CMA
- to generally discourage new mooring outside of MMAs unless they meet a range of criteria, including that short term anchorage is not a problem
- to support provision of land-based facilities associated with MMAs

The rules of the ARP:C:

- provide for use and occupation by swing moorings (to a defined number), and existing pile moorings within MMAs as a permitted activity
- provide for existing lawful swing and pile moorings outside of MMAs as at 25 February 1995, outside of Special Activity Areas or Coastal Protection Area 1 (CPA1) as a permitted activity
- provide for new pile moorings in an MMA as a restricted discretionary activity
- provide for moorings outside an MMA, and not within a Special Activity Area of CPA1 require consent as a discretionary activity.

Method:

The location and administration of moorings is undertaken by the Harbourmaster under the Auckland Regional Council Navigation Safety Bylaw 2008.

1.6 Information and Analysis

Background work that has informed the approach of the Proposed Plan includes:

- information and advice from the Harbourmaster over the issues with administering and managing moorings, including MMAs, interpreting the lawfulness of pre-1995 moorings, and the work undertaken by the Harbourmaster to review MMAs
- information and advice provided by recreational boating organisations on anchorage areas and the need to ensure moorings are not inappropriately located, including the Schedule of Cruising boat destination for ARC's constraints mapping exercise 2009
- information and analysis on the issues with interpreting the lawfulness of pre-1995 moorings, including Environment Court proceedings on this matter
- information from resource consent processes relating to the location of moorings and the establishment of appropriate mooring areas.

The matters associated with the provisions and the proposed approach have been discussed at recreational boat group workshops and at workshops with local boards and councillors in developing the Proposed Plan.

The marine spatial planning project for the Hauraki Gulf that is planned to start next year, will further inform the future provisions of the plan in respect of managing moorings, including identifying key anchorage areas, or other special use areas where moorings should be avoided.

1.7 Consultation Undertaken

Internal consultation has been undertaken with resource consent officers and the Harbourmaster.

Workshops have been held with the recreational boating sector in developing the proposed provisions.

The provisions of the Proposed Plan were considered by at a political party workshop of both councillors and local board members.

Most feedback to the draft plan to moorings provisions related to the identification of particular Mooring zones, and requests for additions or changes to these. As a result some areas have been removed, changed or added.

1.8 Decision-Making

A decision on the proposed approach to provide for moorings was made by a political working party meeting in December 2012.

1.9 Proposed Provisions

The most significant changes made in the proposed provisions are:

Review of mooring zones:

MMA's in the ARP:C have been replaced by Mooring zones in the Proposed Plan. These are not always in the same locations as the MMA's. Changes were made to address the issue of moorings being located outside of MMA's, and to located mooring areas in what were considered the most appropriate part of the CMA, often further off-shore than MMA's. Some new Mooring zones were included in areas where no provision had been made for moorings.

Requiring all moorings outside of mooring zones to obtain a resource consent:

The permitted activity status for 'historic' moorings has been replaced by a requirement that all moorings outside of mooring zones, either new or 'historic' be approved through a resource consent process.

1.10 Reference to other Evaluations

This section 32 report should be read in conjunction with the following evaluations:

- 2.11 Biodiversity
- 2.15 Mana Whenua cultural heritage
- 2.19 Landscapes

2 Objectives, Policies and Rules

2.1 Objectives

The following objectives are proposed:-

1. *Vessels are moored in appropriate locations in the CMA to avoid, as far as practicable, adverse effects on natural character, landscape, navigational safety, commonly used safe anchorage areas, recreational activities and amenity values.*
2. *The use of space within Mooring zones is maximised.*
3. *The use of a Mooring zone is enhanced by the provision of land-based facilities in appropriate locations.*

These objectives and appropriate policies as they give effect to:

New Zealand Coastal Policy Statement 2010:

- Objective 6
- Policy 6 (2) (a), (b), (c), (d), (e) (i)
- Policy 7 (1) (b) (i) (ii)
- Policy 13, 14 and 15

RMA

- Part 2 RMA - enabling people and communities social well-being while meeting (a), (b) and (c)
- s. 6 – (a), (c), (d)
- s. 7 – (b), (c), (f), (g)
- s. 30(1)(d) provides for the council to control (in conjunction with the Minister of Conservation) the occupation of space and activities in the coastal marine area.

The objectives assist in meeting the requirements of the NZCPS and RMA by:

- providing guidance on the areas of the CMA where moorings should not be located
- assisting in achieving the objectives for natural character and landscape areas that have been identified as having significant values

- clarifying the areas where public use and access of the coast will have priority over private occupation of coastal space by moorings.

These objectives are achievable as the council controls activities in the CMA through the coastal plan in terms of the requirements of s. 12 RMA. This enables provision to be made in the coastal plan for activities such as moorings to be provided for in appropriate locations, and to include objectives and policies to provide guidance in assessing moorings outside of mooring zones.

2.1.1 Policies

Objective 1:

Policies 1 to 4 provide a range of criteria for assessing the appropriateness of areas for new moorings, or to provide for a new Mooring zone. They include matters relating to:

- the natural values of an area
- other uses, including for an anchorage area by other vessels
- matters to determine the extent to which the need for a mooring can be justified.

Policy 7 requires all mooring outside of Mooring zones to obtain a resource consent, or be removed, and **policy 8** encourages the shared use of moorings.

These policies are supported by rules that require new moorings outside of Mooring zones to obtain a resource consent. Together these provisions give effect to objective 1 by enabling an assessment to be made of all relevant matters, for public input, and for the council to decline an application if it is inappropriate. This is the most efficient and effective way of providing for new moorings outside of Mooring zones in the CMA.

Objectives 2 and 3:

Policy 5 encourages the provision of land-based facilities in appropriate locations to support Mooring zones, while the use of vessels as dwellings within Mooring zones is discouraged (**policy 6**). **Policy 9** provides a range of criteria for managing Mooring zones to ensure they maximise the use of space for moorings, and to limit other structures within a mooring zone (**policy 10**).

These policies provide direction for the management and use of Mooring zones to give effect to objective 2 and 3 by ensuring the most efficient use is made of coastal space in providing for moorings. It also recognises that it is appropriate to support Mooring zones by also providing for land-based facilities, and that this further encourages the most efficient use of resources.

These policies will be given effect to through the management of Mooring zones by the Harbourmaster and through the strategic planning for provision of facilities to support Mooring zones.

2.1.2 Rules and other methods

The proposed provisions are summarised in 1.9 above.

Mooring zones:

A combination of rules and bylaws provide for the management of Mooring zones. The rules provide for new and existing swing moorings, and existing pile moorings in Mooring zones as a permitted activity. New pile moorings are provided for as a restricted discretionary activity to ensure they are appropriate for the zone. The requirement to obtain a permit under the ARC Navigation Safety Bylaw 2008 from the Harbourmaster ensures moorings are safe, and located to maximise mooring space within zone.

These provisions are the most efficient and effective way to manage Mooring zones. They allow for the use of an area for moorings but also provide for the appropriate management of the location and safety of the mooring by the Harbourmaster administering mooring permits.

Moorings outside of mooring zones:

To achieve the objectives for management of the coast moorings located outside of Mooring zones need to be subject to an assessment to ensure they are an appropriate use of an area. This is achieved through rules that require a resource consent:

- as a discretionary activity for moorings outside of mooring zones in the General Coastal Marine zone
- as a non-complying activity in areas identified as having Outstanding Natural Character, significant ecological values (SEA-M1) or within some Outstanding Natural Feature areas.
- in some Natural Feature Areas moorings are a prohibited activity.

These rules provide direction as the areas where moorings should be avoided, and enable an assessment to be made, taking into account the range of use and values of a particular area. This is the most efficient and effective way to manage moorings outside of zones, as it:

- enables people to apply for a mooring in most parts of the coast
- allows for a comprehensive assessment
- enables public input
- allows the council to decline an application if it is inappropriate.

There are no rules relating to the provision of land-based facilities to support mooring zones. These will be needed to be provided over time through a range of methods including:

- marine spatial planning to determine where facilities are needed
- open space and reserve management planning
- Local Board plans
- allocating funds for facilities through the Annual Plan process.

2.1.3 Costs and Benefits of Proposed Policies and Rules

Environmental costs and benefits:

Mooring zones:

An environmental cost of concentrating moorings in zones is that it can result in the adverse effects on water quality particularly from leaching of anti-fouling from boat hulls. While concentrating vessels in zones minimises the extent of areas impacted, there can be more significant impacts on particular parts of the CMA where Mooring zones are located.

An environmental benefit of Mooring zones is:

- they consolidate moorings in areas that have not been identified as having significant values (ecological, landscape, natural character, historic heritage, Mana Whenua)
- they minimise the proliferation of moorings throughout the CMA, and in areas where they may have more significant environmental effects.

Requiring all moorings outside of zones to obtain a resource consent:

The environmental benefit of this approach is that allows an assessment to ensure that moorings are not located in appropriate areas where they will have adverse environmental effects.

Economic costs and benefits:

Mooring zones:

Recreational boating is a significant activity in Auckland and provides social and economic benefits associated with operating and maintaining vessels, as well as the activities associated with boating. Providing for moorings within Mooring zones supports recreational boating use and the employment and other benefits associated with this activity.

An economic benefit is that by permitting moorings within a Mooring zone, subject to a bylaw permit, costs to mooring owners is minimised, including the cost of obtaining a resource consent.

Mooring zones are cost efficient as they are easier for the harbourmaster to manage than individual moorings spread around the CMA. The costs of administration and checking of moorings are recovered from mooring owners and is a cost to mooring users, not ratepayers.

Mooring zones, by concentrating moorings within areas, enable council and communities to more efficiently and cost effectively plan and provide facilities to enhance access and use of mooring areas.

An economic cost is that parts of the CMA occupied by Mooring zones cannot be used for other forms of use and development that may be appropriate.

Requiring all moorings outside of a Mooring zone to obtain a resource consent:

An economic cost for proposed, and existing mooring holders (who do not have a consent), is the cost of obtaining a resource consent. This is potentially a significant cost for an individual, but needs to be considered in the context that a mooring will exclusively occupy water space (whether or not a boat is permanently on the mooring) that may be highly used and valued for other purposes.

The economic benefit to other users of the CMA is that inappropriately located moorings not limit their ability to use areas, with potentially more cost to them. It also ensures that most appropriate use is made of coastal space, whether it is to maintain other economic values, including tourism, aquaculture or other uses and the employment and other benefits they may provide.

In the past recreational boating groups have sought guidance from the Environment Court in determining the legality of some pre-1995 moorings permitted under the operative ARP;C rule. Legal action involves costs for mooring owners, recreational boat groups, the public and the council. Providing certainty over the rules that apply to moorings outside of Mooring zones, on an equitable basis, removes the possible need litigation on the 'lawfulness' of a pre-1995 mooring, and saves future costs over this issue.

Opportunity costs and benefits:

Mooring zones:

Mooring zones prevent the opportunity of using particular parts of the coast for other use or development.

Conversely, concentrating moorings within Mooring zones minimises the lost of opportunity to use coastal space by other users.

Requiring all moorings outside of zones to obtain a resource consent:

Requiring a resource consent for moorings outside Mooring zones minimises the risk of inappropriately located moorings limiting the opportunity for other use of an area, particularly by other recreational boat users.

Social costs and benefits:

Mooring zones:

Mooring zones set aside parts of the CMA for exclusive use and occupation for moorings and may have a social cost by impacting on the use and values of an area for other users.

Mooring zones by concentrating moorings within an area:

- support the provision of land-based facilities to enhance boating use, and provide additional social benefit
- support the social and recreational benefits associated with recreational boating in Auckland
- limit competition for coastal space between users.

Requiring all moorings outside of zones to obtain a resource consent:

Inappropriately located moorings can have a social cost by affecting other user's ability to use and enjoy the coast, impacting on natural values, and potentially increasing navigation and safety risks by limiting the areas boats can anchor in bad weather. The feedback from recreational boat groups is that some inappropriately located moorings come at a high social cost to their use and enjoyment of the CMA.

Some people require a mooring to access their property, particularly island communities. Having a mooring may be necessary to enable their social well-being.

2.1.4 Adequacy of Information and Risk of Not Acting

It is considered that there sufficient information on which to base the proposed policies and methods.

The risks are:

- if adequate and appropriate provision of mooring areas is not provided a number of mooring owners may need to obtain a resource consent, and there will be increased risk of moorings unlawfully occupy parts of the CMA
- the on-going tension between recreational boat users and mooring holders, particularly over some existing un-consented moorings outside of mooring areas, cannot be reviewed and remains unresolved
- possibly on-going litigation over the lawfulness of pre-1995 moorings
- inability for council to address inappropriately located moorings

3 Alternatives

The proposed preferred alternative is discussed in 2.0 above. The status quo alternative is outlined in 1.5 above.

The alternatives are:

1. The status quo; rolling over the existing ARP:C provisions.
2. Preferred option: review MMAs and provide new Mooring zones; require all moorings outside of Mooring zones to obtain a resource consent.
3. Require all moorings to obtain a resource consent.

The table below discusses each alternative compared to the Proposed Alternative.

	<p>Alternative 1 –Roll-over the existing ARP:C provisions</p> <p>Description Retain the approach of the legacy ARP:C, namely:</p> <ul style="list-style-type: none"> • Identified MMAs permit a maximum number of moorings • Require a resource consent for new moorings outside MMAs • Permit use and occupation of moorings that were lawfully established as at 25 February 1995, other than in special activity areas and SEA - Marine 1. 	<p>Alternative 2 – Preferred Approach: An updated approach on the ARP:C</p> <p>Description Identify appropriately located Mooring zones that meet the need to provide for moorings in appropriate locations, and to maximise the use of space within zoned areas for moorings by not limiting the number of vessels within a zone. Permit moorings within these areas.</p> <p>Continue to manage moorings within Mooring zones through the Navigation Safety bylaw administered by the harbourmaster.</p> <p>Provide policy support for land-based facilities to support mooring zones.</p> <p>Outside of mooring zones require all moorings, including pre-1995 moorings that do not have a consent, to be assessed through a resource consent process.</p> <p>Include policy direction for assessing the appropriateness of moorings and for managing moorings (e.g. the use of a mooring and the removal of unlawful moorings).</p>	<p>Alternative 3 – Deal with all moorings on a case-by-case basis</p> <p>Description Rather than identifying mooring zones require all moorings to obtain a resource consent.</p>
Appropriateness	This alternative does not support the objectives.	<p>The provisions are appropriate as they provide more comprehensively for mooring areas around the coast through zones.</p> <p>They also provide clear policy direction to assess moorings outside of zoned areas, and by requiring all moorings outside of zones to obtain a consent allows a review of the appropriateness of all moorings and enables other users to be involved in a process.</p> <p>It is a more equitable approach than continuing to permit pre-1995 moorings that have not been considered in terms of the RMA and coastal plan provisions. New moorings are subject to assessment.</p>	<p>This option is not appropriate. It would be a costly for boat owners and communities, and an inefficient way to provide for moorings.</p> <p>Boating is an important recreational activity in Auckland and 'zoned' areas for moorings are an accepted management approach of the ARP:C and other coastal plans.</p> <p>No feedback was received that opposed the approach of zoning areas to provide for moorings, although changes or additions were sought to some zones.</p>
Effectiveness	<p>This approach has not been effective as:</p> <ul style="list-style-type: none"> • MMAs have not been appropriately located and a number of permitted moorings are located outside of MMAs • the number of vessels that can be moored within an MMA is limited • MMAs have not been identified in all areas • MMAs do not meet the demand for mooring space • enabling pre-RMA moorings to continue to be located in CMA without any assessment of their appropriateness under the RMA/coastal plan has resulted in conflicts with other users and values. This is only more likely to be the case with increasing competition for use of the CMA 	<p>The proposed approach is effective as Mooring zones:</p> <ul style="list-style-type: none"> • concentrate moorings within appropriately defined areas • better ensures navigation and safety in providing for moorings • ensures efficient management and administration of the majority of moorings • minimises costs to mooring holders. <p>Requiring all moorings outside of zones to obtain a resource consent enables an assessment to be made, including on the impacts on other users. This is an effective way to address an on-going issue in Auckland. This approach is effective, as it provides a level playing field for all moorings outside of zones; establishes the legality of moorings, and enables the removal of unlawful moorings if a consent is not obtained.</p> <p>This is a more effective way to properly manage the use of the CMA than the existing approach of permitting lawful pre-1995 moorings without any consideration of the impacts on other use and values under RMA.</p>	<p>This approach is not an effective as it would effectively make a large number of moorings with permitted activity status obtain a consent. It would create a great level of uncertainty and costs for mooring holders and communities with no real justification.</p>
Efficiency	Consolidating moorings within appropriately defined areas, with the	Mooring zones make efficient use of coastal space for moorings	This approach is not efficient because it:

	<p>maximum use made of the space allocated is an efficient way to provide for moorings, and the use of the CMA for other users. It is easily implemented and managed by the Harbourmaster.</p>	<p>and minimises the environmental, social and economic costs. They are easily implemented and managed by the Harbourmaster.</p> <p>This is similar to the existing approach but seeks to better locate the zones and provide for additional areas where appropriate.</p> <p>Requiring a resource consent for all moorings outside of a Mooring zone is the most efficient way of managing moorings outside of zoned areas. The effect of the existing ARP:C rule is to essentially permit the on-going occupation of the CMA by all pre-1995 moorings. These moorings have not been assessed against the provisions of the plan, and there has been no opportunity for other users to have input into the appropriateness of the location of these moorings. This is an on-going source of tension for recreational boat users.</p>	<ul style="list-style-type: none"> • requires all moorings to go through a expensive process • involves time and cost in administration • is likely to involve greater cost to the Harbourmaster in managing moorings • is unlikely to concentrate moorings within areas as is the case with an identified zone • will be a less efficient use of coastal space.
<p>Costs</p>	<p>Environmental cost MMAs result in the adverse effects of moorings, including impacts on water quality, visual amenity, and noise, being concentrated with one area. While this minimises the extent of area impacted by moorings, it results in more significant impacts on particular areas where MMAs are located.</p> <p>Permitting historic moorings (pre-RMA) may allow for inappropriately located moorings to continue to occupy parts of the CMA.</p> <p>There may be loss of natural character and wilderness values by inappropriately located moorings.</p> <p>Economic cost MMAs permit pile mooring and new and existing swing moorings, subject to a bylaw permit, and avoid the costs involved in each mooring owner having to obtain a resource consent.</p> <p>New pile moorings require consent as a restricted discretionary activity in MMAs. This is a cost to the mooring holder, but is necessary to allow for an assessment of this mooring method on the efficient use of space within a zone, and for consent to be declined if it is inappropriate.</p> <p>MMAs consolidate moorings within defined areas and enable the harbourmaster to manage moorings cost-efficiently.</p> <p>The costs of administration and checking of moorings are recovered from mooring owners – cost to users, not ratepayers.</p> <p>The principle cost for a mooring outside a MMA is resource consent. This is a cost to the mooring holder, but is necessary to allow for public input into the proposed exclusive use of coastal space, and for consent to be declined if a mooring is inappropriately located.</p> <p>Opportunity cost Moorings limit the use of an area by other users, resulting in lost opportunity. All moorings should be in appropriate locations to minimise lost of opportunity for use by other coastal users.</p> <p>Increasing pressure of use of the coast require requires the most efficient use to be made of finite coastal resources to maximise</p>	<p>Environmental cost Mooring zones result in the adverse effects of moorings including impacts on water quality, visual, and noise, being concentrated with one area. While this minimises the extent of area impacted by moorings, it results in more significant impacts on the particular areas where Mooring zones are located.</p> <p>This is essentially the same as the existing plan approach.</p> <p>Requiring all moorings outside of zones to require a resource consent enables an assessment of their environmental effects, and reduces the environmental risk of moorings being inappropriately located.</p> <p>This is preferable to the existing approach of permitting lawful pre-1995 moorings, regardless of whether there environmental effects.</p> <p>Economic cost Mooring zones permit pile mooring and new and existing swing moorings, subject to a bylaw permit, and avoid the costs involved in each mooring owner having to obtain a resource consent.</p> <p>New pile moorings require consent as a restricted discretionary activity in Mooring zones. This is a cost to the mooring holder, but is necessary to allow for an assessment of this mooring method on the efficient use of space within a zone, and for consent to be declined if it is inappropriate.</p> <p>Mooring zones consolidate moorings within defined areas and enable the harbourmaster to manage moorings in a cost- efficient manner.</p> <p>The costs of administration and checking of moorings are recovered from mooring owners, which is a cost to users, not ratepayers.</p> <p>These provisions are essentially the same as the existing approach.</p> <p>The cost for a mooring outside of a Mooring zone is in obtaining a resource consent. This is a cost to the mooring holder, but is necessary to allow for public input into the proposed exclusive use of coastal space, and for consent to be declined if a mooring is inappropriately located.</p> <p>This is the existing situation for new moorings, but will require</p>	<p>Environmental cost This approach could result in a proliferation of moorings around the coast, rather than consolidation of moorings within appropriate areas, and result in greater adverse environment effects.</p> <p>Economic cost This approach would have significant costs for boat owners, as they would all need to obtain a consent.</p> <p>The requirement for a consent for all moorings may result in greater time and costs for communities if they need to respond to a number of mooring applications.</p> <p>The monitoring and administration of moorings that are not concentrated within zones is likely to be greater.</p> <p>Opportunity cost This approach will have greater opportunity costs as there will be less certainty on where moorings will be located, and the ability for other users to use an area.</p> <p>Social cost This approach will reduce certainty over the use of areas of the CMA. It may result in greater social costs through time and possibly litigation involved in consent processes over moorings.</p> <p>There is less likelihood of facilities being provided to support moorings if they are not concentrated within zoned areas.</p> <p>Environmental benefits A case by case assessment of moorings would ensure that moorings are located in appropriate areas and minimise adverse effects.</p> <p>Economic benefits There may be economic benefit for professionals who may be needed to support applicants with consent processes for moorings.</p> <p>Social and opportunity benefit Requiring all moorings to obtain a consent would enable greater opportunity for communities and to determine where moorings are</p>

	<p>opportunities for use.</p> <p>Social cost Moorings occupy parts of CMA exclusively and limit other users' ability to anchor and use parts of the CMA.</p> <p>Inappropriately located moorings can affect other users ability to use and enjoy the coast, and may impact on navigation and safety.</p>	<p>mooring holders who relied on the pre-1995 permitted activity rule for their rights to occupy the CMA to obtain a resource consent to continue to do so.</p> <p>Opportunity cost Moorings limit the use of an area by other users = lost opportunity. All moorings should be in appropriate locations to minimise lost of opportunity for use by other coastal users. Providing for moorings in zones is an method of minimises lost opportunities for other users.</p> <p>This is essentially the same as the existing approach.</p> <p>Requiring moorings outside of zones to obtain a resource consent ensures that there is not a proliferation of moorings around the coast, that the mooring is appropriate and is appropriately located. This minimises the loss of opportunity for other use and development of the coast.</p> <p>This is a change of approach from the existing ARP:C to address on-going tension between recreational boat users and 'historic' or unlawful moorings occupying parts of the coast.</p> <p>Social cost Moorings exclusively occupy parts of CMA and limit other users ability to anchor and use parts of the CMA.</p> <p>Inappropriately located moorings can affect other users ability to use and enjoy the coast, and may impact on navigation and safety.</p> <p>Consolidating moorings reduces the social cost of losing areas for other use.</p> <p>This is essentially the same as the existing ARP:C approach.</p> <p>Assessing moorings outside of Mooring zones, including allowing for public input, ensures that the social costs of moorings are minimised.</p>	<p>located.</p>
Benefits	<p>This overall approach has a range of cost and benefits.</p> <p>Environmental benefit MMAs avoid moorings being located in areas that have significant ecological, landscape or natural character value.</p> <p>MMAs result in the adverse effects of moorings including impacts on water quality, visual, and noise, being concentrated with one area. This minimises the extent of area impacted by moorings.</p> <p>Economic benefit Recreational boating, associated with moorings, is a significant activity in Auckland and provides economic benefit associated with operating and maintaining vessels, as well as the activities associated with boating. Providing for MMAs supports this recreational boating activity.</p> <p>MMAs by permitting existing pile and swing moorings, and new swing moorings, (subject to a bylaw permit), avoids the costs to mooring holders of having to each obtain a resource consent.</p>	<p>Environmental benefits Mooring zones avoid moorings being located in areas that have significant ecological, landscape or natural character value.</p> <p>Mooring zones result in the adverse effects of moorings including impacts on water quality, visual, and noise, being concentrated with one area. This minimises the extent of area impacted by moorings.</p> <p>This is essentially the same as same as the ARP:C.</p> <p>Requiring moorings outside mooring zones to obtain a resource consent, and to be assessed against the objectives and policies, will ensure moorings are in appropriate locations and adverse effects are minimised.</p> <p>The adverse environmental effects of moorings that are not lawfully established will be addressed through their being appropriately located through a consent process, or removed.</p> <p>This is a more appropriate management approach than the ARP:C of permitting all lawful pre-1995 moorings, having to determine the</p>	<p>.</p>

	<p>MMA's concentrate moorings within areas and enable the harbourmaster to cost-efficiently manage and monitor moorings.</p> <p>MMA's concentrate moorings within areas and enable council to more efficiently plan for and provide facilities to enhance access and use of mooring areas.</p> <p>Social benefit MMA's recognise the social and recreational importance of boating use in Auckland and the need to provide for moorings to enable and manage this use.</p> <p>MMA's concentrate moorings in appropriate locations and help avoid conflict with other users, and avoids a proliferation of moorings around the coast that limits other recreational use, particularly anchorage opportunities.</p> <p>Opportunity benefit MMA's concentrate moorings and enhance to opportunity for use of the CMA by other users.</p> <p>Requiring a resource consent for moorings outside MMA's mitigates the risk of costs associated with inappropriately located moorings, and enables other users to have input into the impact of 'opportunity costs' on other users.</p>	<p>lawful status of moorings, and resulting in permitting historic moorings in inappropriate locations.</p> <p>Economic benefit Recreational boating requiring moorings is a significant activity in Auckland and provides economic benefits associated with operating and maintaining vessels, as well as the activities such as fishing that are associated with boating. Providing for moorings in appropriate areas supports these activities and their economic benefit.</p> <p>Permitting existing pile and swing moorings, and new swing moorings, within Mooring zones, (subject to a bylaw permit), avoids the costs to mooring holders of having to each obtain a resource consent for each mooring.</p> <p>Mooring zones concentrate moorings within areas and enable the harbourmaster to manage and monitor moorings cost-efficiently.</p> <p>Mooring zones ensure the efficient use of coastal space, and enable other use and development of the CMA.</p> <p>Mooring zones concentrate moorings within areas and enable council to more efficiently plan for and provide facilities to enhance access and use of mooring areas.</p> <p>This is essentially the same as the ARP:C.</p> <p>Assessing all moorings outside of zones ensures that areas are not compromised for other use and development, and economic benefits that may arise from this.</p> <p>This is more appropriate than the permitted activity approach for historic moorings in the ARP:C.</p> <p>Social benefit Providing for moorings within zones recognises the social and recreational importance of boating use in Auckland.</p> <p>Concentrating moorings in appropriate locations helps to avoid conflict with other users, and a proliferation of moorings around the coast, which limits other recreational use, particularly anchorage opportunities.</p> <p>This is essentially the same as the ARP:C.</p> <p>Enabling the public to have input into the location of moorings outside of zones reduces potential conflicts between users and better provides for social benefits that the existing ARP:C approach.</p> <p>Opportunity benefit Mooring zones concentrate moorings and enhance the opportunity for use of the CMA by other users.</p> <p>This is essentially the same approach as the ARP:C.</p> <p>Requiring a resource consent for moorings outside MMA's mitigates the risk of costs associated with inappropriately located moorings, and enables other users to have input into the impact of 'opportunity costs' on other users.</p>	
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Risks	<p>The fundamental risk with the MMAs is that a number are not appropriately mapped, and because of the mapping issues a number of vessels moored outside MMAs have been granted bylaw permits. This potentially raises the risk of legal costs if challenges were raised over the legality of permitted moorings outside identified MMAs.</p> <p>A number of MMAs are at capacity and there is increasing demand for mooring space. There is a greater risk of unlawful or inappropriately located moorings if adequate mooring areas are not provided.</p> <p>Some areas where moorings are located do not have a MMA, and this may be a better way to provide for and manage the moorings.</p> <p>Whether a number of unlawful moorings are intended to be allowed to continue is unclear.</p> <p>The status of houseboats, using a vessel as a dwelling, and how long a boat should be anchored in one place before requiring consent for a mooring, is not clearly identified.</p>	<p>If Mooring zones are not appropriately identified, there is a risk is that a number of vessels, including some granted bylaw permits, will lie outside an area where moorings are provided for as a permitted activity. This potentially raises the risk of legal costs if challenges were raised over the location of moorings outside of MMAs.</p> <p>Mooring areas are at capacity and there is increasing demand for mooring space. There is a greater risk of unlawful or inappropriately located moorings if adequate mooring areas are not provided.</p>	<p>There is a greater risk with this approach of:</p> <ul style="list-style-type: none"> • moorings being unlawfully established to avoid the costs of obtaining consent • dealing with moorings on a case by case basis is more likely to result in a proliferation of moorings around the coast rather than efficient use of coastal space through concentrating moorings within appropriate areas. • conflicts between other users as there is less certainty over what areas of water space moorings will occupy <p>Case-by-case assessment would enable consideration of any proposal.</p>

4 Conclusion

Alternative 2 is the preferred approach. This alternative is preferred as it recognises the need to provide for moorings in the CMA, as well as address the issues of the legacy plan provisions.

Alternative 2 is the most appropriate as it:

1. provides for the efficient use of water space by providing for moorings in Mooring zones, while reviewing MMAs and providing additional mooring areas
2. addresses the issue of conflicts over the permitted activity status of pre-1995 moorings by requiring that they obtain a resource consent and be assessed in terms of the provisions of the plan, the same as for new moorings
3. includes clear policy direction to assess the appropriateness of moorings and for the management of moorings
4. provides policy support for the planning and provision of land-base facilities to support mooring zones.

5 Record of Development of Provisions

5.1 Information and Analysis

1. Information and advice from the Harbourmaster over the issues with administering and managing moorings, including MMAs, interpreting the lawfulness of pre-1995 moorings, and the work undertaken by the Harbourmaster to review MMAs
Report: Harbourmaster MMA Recommendations for the Unitary Plan: Christiaan Moss 5/1/2012.
2. Information and advice provided by recreational boating organisations on anchorage areas and the need to ensure moorings are not inappropriately located, including the *Schedule of Cruising boat destination for ARC's constraints mapping exercise 2009. Prepared by Richard Brown on behalf of Auckland Yacht and Boating Association March 2009.*
3. Information and analysis on the issues with interpreting the lawfulness of pre 1995 moorings, including Environment Court declaration on this matter: *Environment Court Decision (2012) – Env-2011-AKL-000036: Auckland Yacht and Boating Association Inc v C.D Ross & R.W Ingliss & Auckland Council.* (Appendix 3.33.1 Environment Court Decision)
4. Research on recreational boating use in Auckland: *Auckland Recreational Boating Study. Prepared for Auckland Council by Beca Infrastructure Ltd (Beca) 12 April 2012* (Appendix 3.33.2)
5. Information from resource consent processes relating to the location of moorings and the establishment of appropriate mooring areas.

5.2 Consultation Undertaken

Mooring Management & Anchorage Areas Workshop 26 March 2012

Attendees:

RNZYS - Andy Anderson (Rear Commodore), Basil Orr (Cruising Division Convenor & CANANZ)

CANANZ – Bob McDavitt, Peter Calvert;

AYBA – Stephen Wagstaff, Richard Brown, Kevin O’Sullivan (& Waipuna Boating Club Inc);

Gulf Anchorage Protection Society – Brian O’Neill

Outdoor Boating Club – Fraser Elder

Waiheke Boating Club – Ian Anderson

Yachting NZ – Stuart Thomas

The recreational boating sector supported the proposed direction to remap mooring areas and provide for temporary safe anchorage. Key points from this workshop were:

1. Moorings are used for either of two distinct purposes – long-term storage or temporary destination moorings. The latter is an inefficient use of space as these are only used for small parts of the year.
2. There are many circumstances in which mooring areas should be reduced to provide more space for safe anchorage areas.
3. Shared moorings should be considered to make use of existing moorings. This would require boat clubs to have management of moorings and operate a booking system
4. Different mooring types such as pile moorings and mini-marinas should be encouraged.
5. Moorings should be given a standard licensing time through resource consent. This would allow council to reallocate unused moorings upon renewal of license.

Feedback to mooring provisions of draft Plan:

Most of the feedback received to the draft Plan related to the proposed mooring zones, either seeking changes to zoned areas, additions or deletions to zones.

The majority of feedback received was in response to a proposed a Mooring zone in the Tamaki River that conflicted with the use of this stretch of water for rowing and waka ama. In response the Mooring zone has been removed and a rowing and paddling precinct identified in the Tamaki River, and the Whau River, to recognise and protect the use of this water space for rowing activities. The harbourmaster is working to re-locate the moorings within this area to a new zone to the south of this course to provide for the pile moorings.

The second area to most feedback was on the need to provide for houseboats at Waiheke Island. Two areas on Waiheke where houseboats are presently located provide for a limited number of houseboats as a restricted discretionary activity.

Apart from the above, feedback generally supported the provisions, subject to some zoning changes, or giving greater protection to various users for moorings affecting their use of an area.

5.3 Decision-Making

Political Working Party November 2011:

The PWP endorsed the inclusion of the Regional Coastal Plan in the Unitary Plan.

The planning officers identified the following issues with the operative ARP:C provision for moorings:

- Mooring areas are at capacity and there is demand for additional moorings.
- MMA are poorly located or mapped inaccurately in the Regional Plan: Coastal.
- There has been poor coordination between the coastal plan and navigation and safety bylaws processes, leading to duplicate requirements or unconsented moorings that have fallen through the gaps of both systems.

- Areas for safe anchorage could be undermined by the expansion and location of moorings.

The following broad policy directions were endorsed:

- Mooring areas to be relocated and remapped to reflect actual moorings and suitable mooring berths.
- Areas for safe anchorage to be recognised by policy and identified.

Further review of mooring provisions was undertaken at Political Working Party workshop 15 February 2013 and some further changes made to the policies to support consolidating moorings within mooring zones.