

# Waikato Regional Coastal Plan

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# Waikato Regional Coastal Plan

This Waikato Regional Coastal Plan was adopted by Council in July 2004, excluding the proposed Marine Farming and Marinas variations. The Plan was approved by the Minister of Conservation in Accordance with clause 19 of Schedule One of the Resource Management Act 1991 in September 2005 and became operative in October 2005.

The Marine Farming Variation was adopted by Council in December 2005 and approved by the Minister of Conservation in Accordance with clause 19 of the First Schedule of the Resource Management Act 1991 in October 2007. The Variation became operative in January 2007.

The Marinas Variation was adopted by Council in February 2006 and approved by the Minister of Conservation in Accordance with clause 19 of the First Schedule of the Resource Management Act 1991 in June 2007. The Variation became operative in December 2007.

In accordance with policy 29 of the New Zealand Coastal Policy Statement gazetted on 4 November 2010, all references to restricted coastal activities have been removed from the Waikato Regional Coastal Plan effective from Thursday, 24 February 2011. All activities that were restricted coastal activities have reverted to being discretionary.

As a result of the realignment of the boundary between Waikato Regional Council and the new Auckland Council, an area of the coastal marine area between Kaiaua and Matingarahi has been transferred to the Waikato Region. This area, shown on map 8A in Appendix III, remains subject to the planning documents promulgated by the Auckland Regional Council until such time as the Waikato Regional Council amends the Waikato Regional Coastal Plan to address this area. The relevant planning documents are the Auckland Transitional Coastal Plan, the Auckland Regional Plan: Coastal, and Variation 2 to the Auckland Regional Plan: Coastal. The boundary change took effect on 1 November 2010.

Plan Change 1: Minor Changes was adopted by Council in June 2009 and approved by the Minister of Conservation in Accordance with clause 19 of the First Schedule of the Resource Management Act 1991 in May 2011.

The Resource Management Amendment Act (No 2) 2011 inserted new provisions relating to marine farming into the Plan. These changes took effect on 1 October 2011.



# Chairman's Foreword

It is my pleasure to present the first Regional Coastal Plan for Waikato. It is an important document for all who value the coast and marine waters.

In 1991, with the passing of the Resource Management Act, a new regime for planning was set in place to guide the future use, development and protection of our natural and physical resources. This document contributes to coastal planning in New Zealand by addressing the resource management issues of the Coastal Marine Area in the Waikato Region.

Our current lifestyles can at times place heavy demands on the environment and on resources of the Coastal Marine Area. This plan outlines objectives and policies for sustainable management of the Region's coast, consistent with the New Zealand Coastal Policy Statement and Environment Waikato's Regional Policy Statement. By working towards these objectives, we can all continue to enjoy the coastal environment and marine waters while ensuring it remains an asset for future generations to use and enjoy.

Preparation of this Regional Coastal Plan has involved a high level of public participation and consultation with a range of interested groups. Environment Waikato received 1584 submissions on the proposed Regional Coastal Plan. A total of 74 submitters were heard by the Regional Coastal Plan Hearings Committee over a period of 16 days during November and December 1996. From this process, amendments have been made to the proposed Regional Coastal Plan reflecting the concerns of submitters. A number of matters were appealed to the Environment Court and the last of these appeals was settled in August 2003. Also, in the meantime, three variations have been finalised and are now incorporated into this Plan.

The willingness of different sectors of the community to participate in developing the Regional Coastal Plan has been appreciated. This input has considerably strengthened the plan as a tool for guiding decision making about the use, development and protection of natural and physical resources in the Coastal Marine Area.



Jenni Vernon  
**Chairman**  
**Waikato Regional Council**



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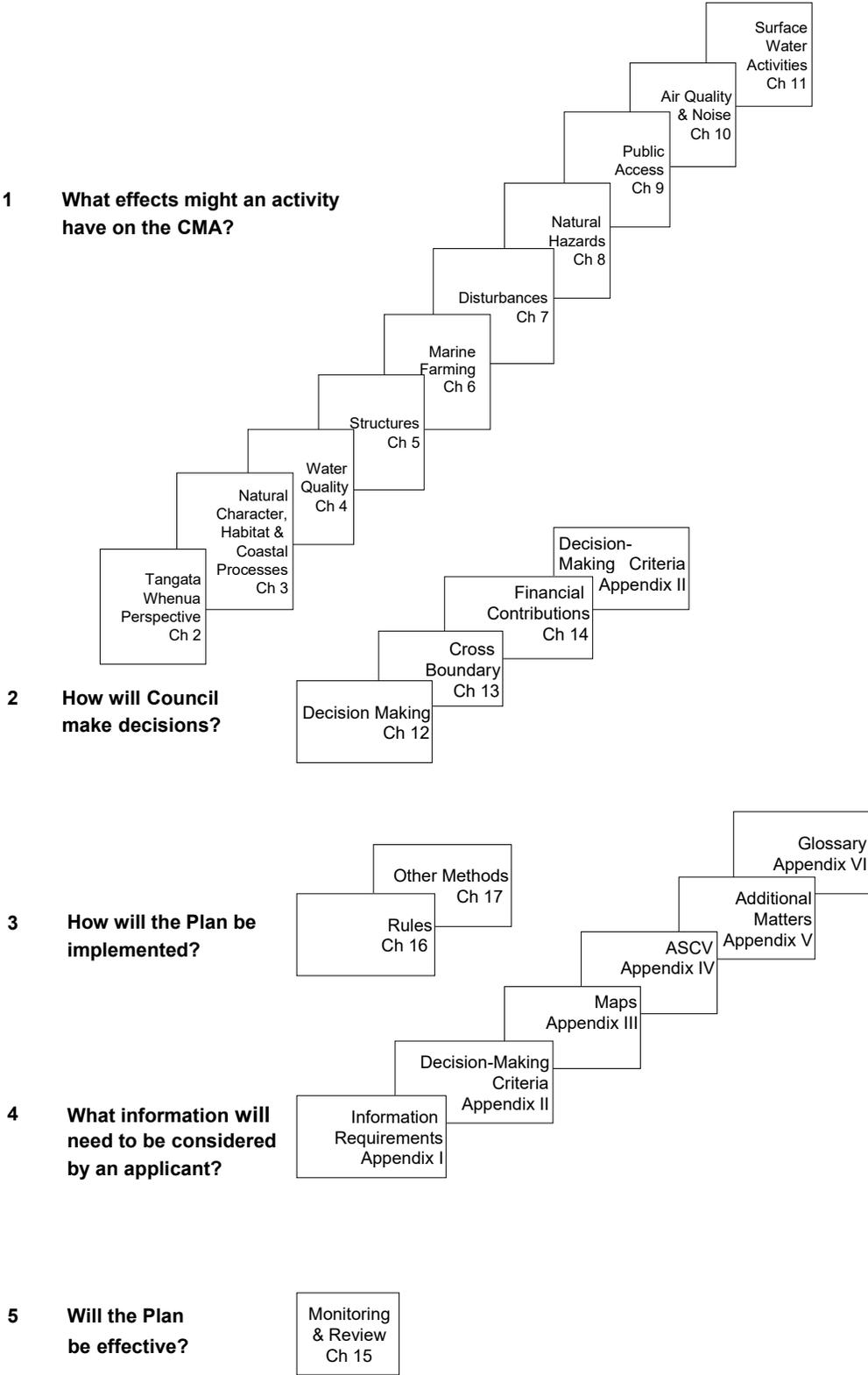
# List of Abbreviations

ASCV	-	Area of Significant Conservation Value
CMA	-	Coastal Marine Area
MHWS	-	Mean High Water Springs
NZCPS	-	New Zealand Coastal Policy Statement
RMA	-	Resource Management Act
ZMA	-	Zoned Mooring Area

**Note:** Refer to the Glossary for full definitions of these terms.

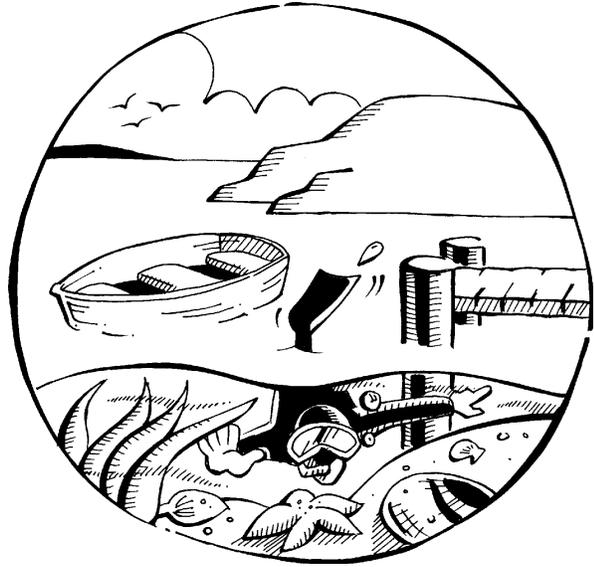


# Guide to Using this Plan





1



# Introduction



# 1 Introduction

## 1.1 Introduction

The Regional Coastal Plan, which is required to be prepared under s64 of the Resource Management Act 1991 (RMA), sets out how Environment Waikato<sup>1</sup> will carry out its resource management responsibilities in the Coastal Marine Area (CMA)<sup>2</sup>. General Map 1 shows the location of the Region and the extent of the CMA (see page 1-2).

This chapter of the Plan:

- a) outlines the purpose of the Plan
- b) describes the planning framework under the RMA
- c) gives an overview of the agencies with responsibilities in the CMA
- d) outlines key management directions.

## 1.2 Purpose

The purpose of preparing and implementing this Plan is to enable Environment Waikato, in conjunction with the Minister of Conservation, to promote sustainable management and achieve integrated management of the CMA<sup>3</sup>. Under s5 of the RMA, sustainable management is defined as:

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

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

The CMA covers the area from Mean High Water Springs (MHWS) out to the 12 nautical mile limit of the territorial sea (refer Figure 1). Thus, management of the CMA focuses essentially on the foreshore, seabed, coastal water and the air space above the water, and aims to meet the demands for its use, development, and protection in a sustainable manner.

By contrast, the **coastal environment** covers a wider area and includes the CMA as well as landward features.

While this Plan focuses on the management of the CMA, it also recognises that there are management issues which cross Mean High Water Springs. That is, because many activities occurring on the landward side of Mean High Water Springs affect the CMA, integrated management is critical, and consistency with other regional and district plans is necessary.

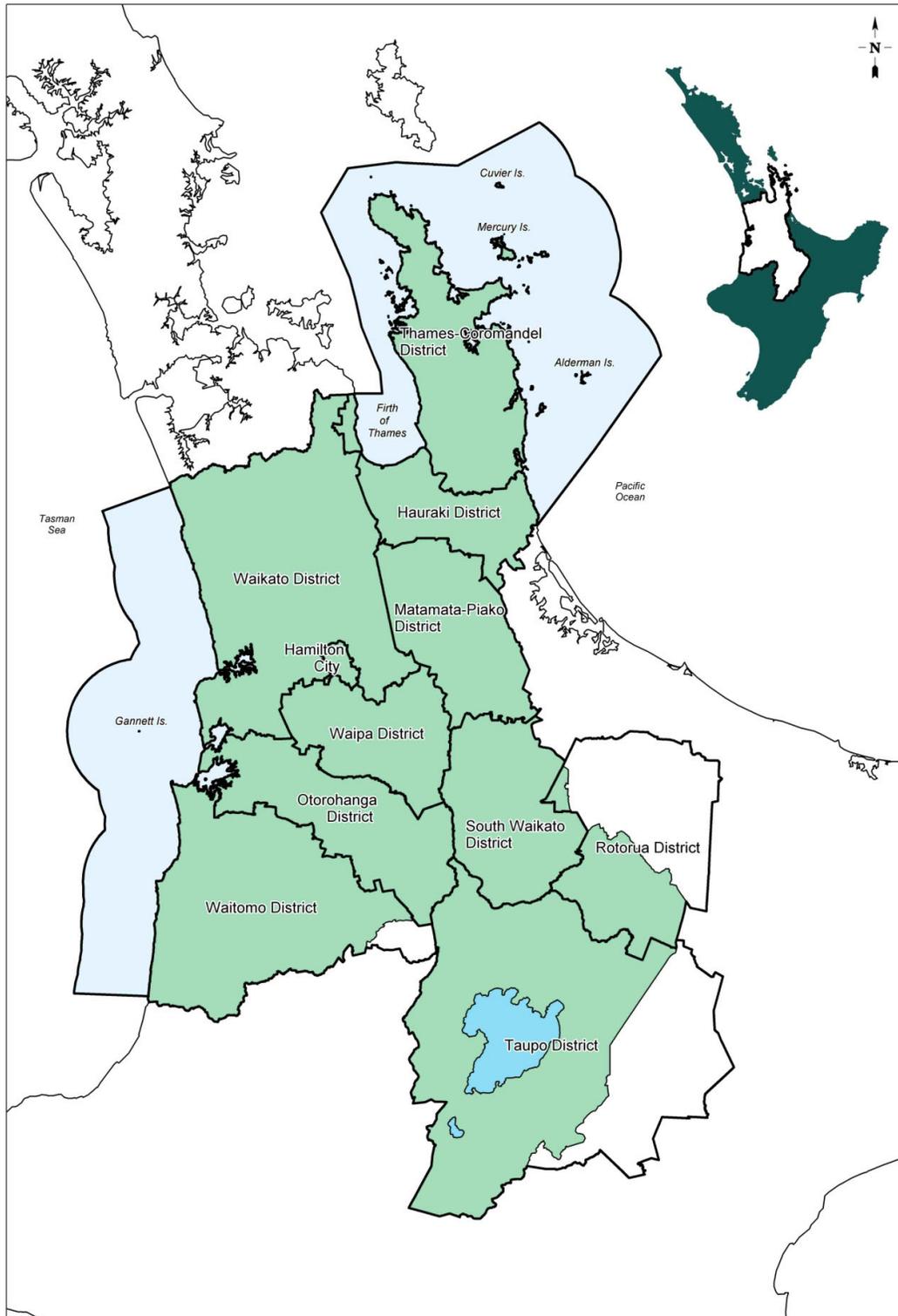
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<sup>1</sup> For the purposes of this plan the Waikato Regional Council will be referred to as Environment Waikato.

<sup>2</sup> See Glossary for definition of the CMA.

<sup>3</sup> Refer s63 and s30(1)(d) of the RMA.

# General Map 1: Location of Regional Coastal Boundary



DISCLAIMER: While Waikato Regional Council has exercised all reasonable skill and care in controlling the contents of this information, Waikato Regional Council accepts no liability in contract, tort or otherwise howsoever, for any loss, damage, injury or expense (whether direct, indirect or consequential) arising out of the provision of this information or its use by you.

Under s6 of the RMA, Environment Waikato must recognise and provide for the following matters of national importance:

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

Environment Waikato must also have particular regard to other matters under s7 of the RMA which include:

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

Under s8 of the RMA, Environment Waikato must also take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi):

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

## 1.3 Planning Framework

The RMA establishes a system for resource management planning at the national, regional and local level (see Figure 2). The policy and planning documents provided for by the RMA are described below. Central to the purpose of each of these documents is the promotion of sustainable resource management.

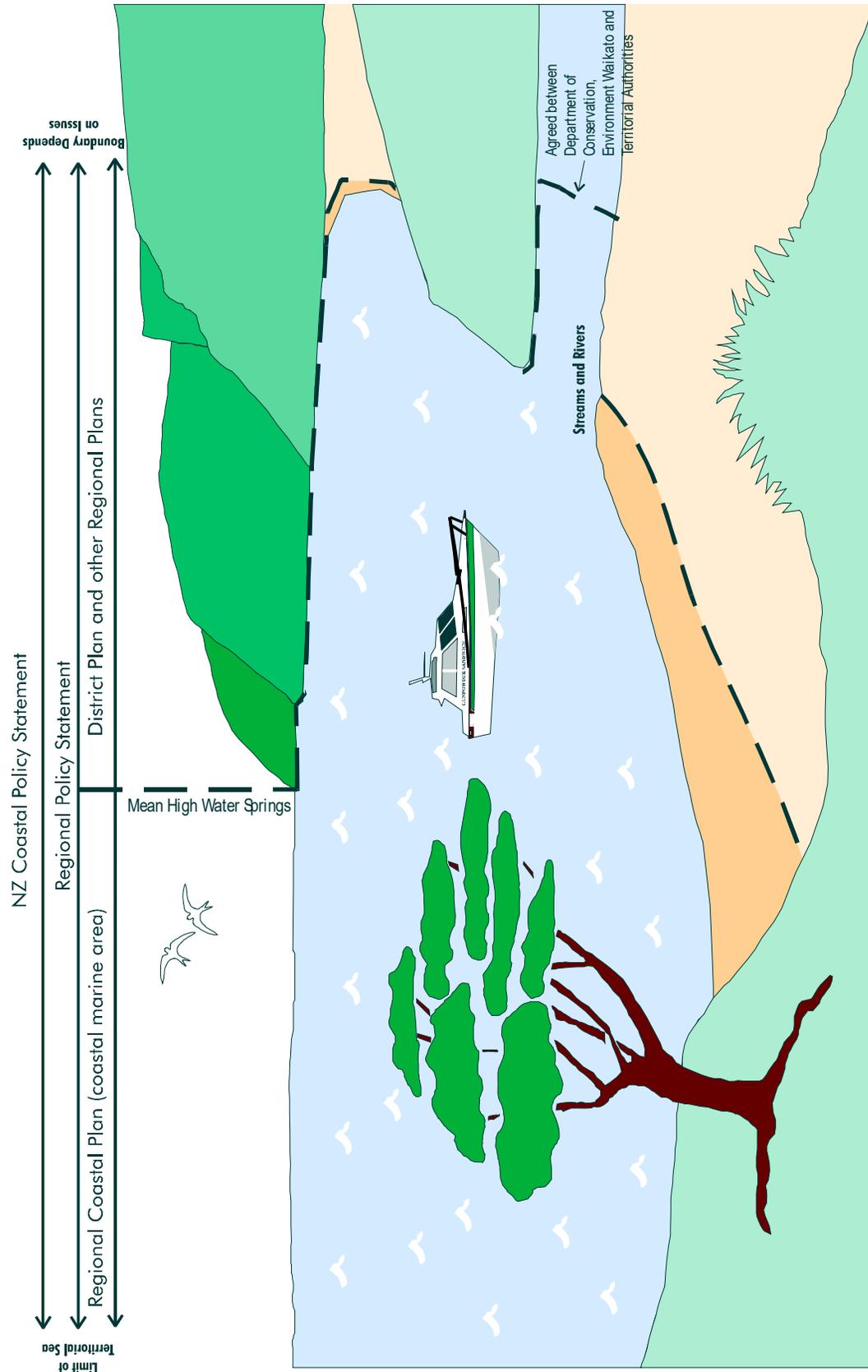
### a) **National Environmental Standards**

The Minister for the Environment can prescribe technical standards relating to the use, development and protection of natural and physical resources. Methods for implementing these standards can also be prescribed.

### b) **National Policy Statements**

National policy statements are prepared by the Minister for the Environment and state policies on matters of national significance.

**Figure 1: Physical & Plan Boundaries in the Coastal Environment**



- c) New Zealand Coastal Policy Statement (NZCPS)**  
Preparation of the New Zealand Coastal Policy Statement is the responsibility of the Minister of Conservation. The RMA requires that there will at all times, be at least one Statement. Coastal policy statements state policies to achieve the purpose of the RMA in relation to the coastal environment. For the coastal environment of the Hauraki Gulf, sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (HGMPA) must be treated as a New Zealand coastal policy statement issued under the RMA. The Act requires recognition of the national significance of the Hauraki Gulf. This Plan must not conflict with sections 7 and 8 of the HGMPA, and regard must be had to these sections when considering an application for a resource consent for the Gulf, its islands, and catchments.
- d) Regional Policy Statements**  
Each region is required to have a regional policy statement. The purpose of regional policy statements is to provide an overview of the significant resource management issues of the region and the policies and methods to achieve integrated management of natural and physical resources. The Regional Policy Statement must not be inconsistent with any national policy statement, NZCPS or water conservation order.
- e) Regional Plans**  
Regional plans are prepared by regional councils. They assist these councils to carry out their functions under the RMA and may focus on specific resources, activities, issues or geographic areas. With the exception of **regional coastal plans**, the preparation of regional plans is optional. However, it is only through regional plans that these councils can develop regional rules. A regional plan must not be inconsistent with any national policy statement, NZCPS, water conservation order, regional policy statement or any other regional plan.
- f) District Plans**  
Territorial local authorities are required to prepare district plans. These assist those authorities to carry out their functions under the RMA. District plans may contain district rules. A district plan must not be inconsistent with any national policy statement, NZCPS, water conservation order, regional policy statement or regional plan, in regard to any matter of regional significance or for which the regional council has primary responsibility.

## 1.4 Organisations with Responsibilities in the CMA

Management of the coastal environment is unique in that it is jointly managed by the Minister of Conservation, regional councils and territorial local authorities. With the exception of the Regional Coastal Plan, the approval of regional and district plans lies with the authority preparing them. The final approval of the Regional Coastal Plan lies with the Minister of Conservation.

In addition, there are other agencies which have responsibilities for managing aspects of the CMA (see Figure 3). It is important to recognise that the Regional Coastal Plan essentially focuses on managing activities based on their effects relating to the foreshore, seabed, sea water and the air space above the water. Environment Waikato also aims to achieve integrated management between all organisations involved in the CMA.

In the CMA Environment Waikato, in conjunction with the Minister of Conservation<sup>4</sup>, has control of:

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<sup>4</sup> Refer s30(1)(d) of the RMA.

- i) *land and associated natural and physical resources:*
- ii) *the occupation of space on land of the Crown or land vested in the regional council, that is foreshore or seabed, and the extraction of sand, shingle, shell, or other natural material from that land:*
- iii) *the taking, use, damming, and diversion of water:*
- iv) *discharges of contaminants into or onto land, air, or water and discharges of water into water:*
- v) *any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:*
- vi) *the emission of noise and mitigation of the effects of noise:*
- vii) *activities in relation to the surface of water.*

Under the Conservation Act, the Department of Conservation has a responsibility to prepare a Conservation Management Strategy for the Waikato Conservancy. The purpose of this strategy is to establish objectives for the integrated management of natural and historical resources managed by the Department and to implement policies prepared under s17B of the Conservation Act. The Conservation Management Strategy contains key criteria relating to the Department's advocacy role in coastal areas.

An additional management tier relevant to the coastal environment of the Waikato Region was established by the Hauraki Gulf Marine Park Act 2000. The HGMPA established the Hauraki Gulf Forum which has the following purposes under section 15:

- i) *to integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand:*
- ii) *to facilitate communication, co-operation, and co-ordination on matters relating to the statutory functions of the constituent parties in relation to the Hauraki Gulf, its islands, and catchments, and the Forum:*
- iii) *to recognise the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands, and, where appropriate, its catchments.*

## 1.5 Management Directions

This section introduces some of the key policy issues and principles which have guided the development of the Regional Coastal Plan. Direction on these matters has come from the New Zealand Coastal Policy Statement and the Regional Policy Statement.

### a) Sustainable Management

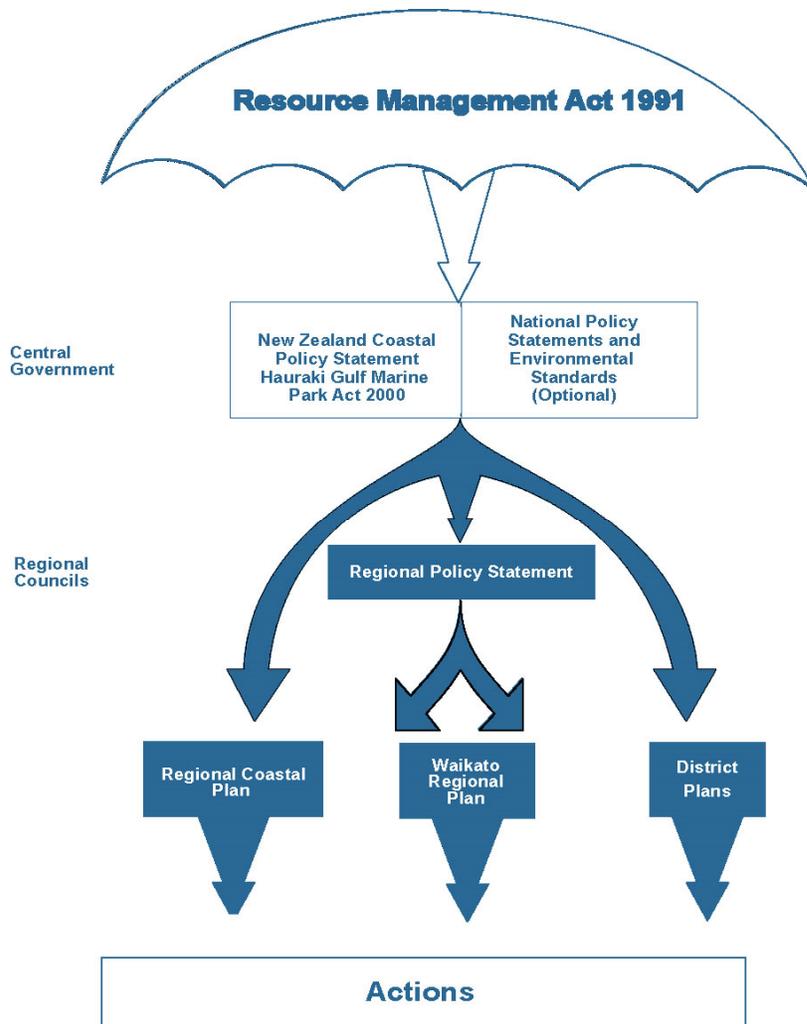
In promoting sustainable development, Environment Waikato recognises the intrinsic values of the CMA and the importance of the coast to many people, and will provide guidance on adverse environmental effects to be avoided, remedied or mitigated.

In recognition of the national importance of the coast, the NZCPS also requires that regard shall be had to the following general principles:

- i) *Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to 'the social, economic and cultural well-being' of 'people and communities'. Functionally, certain activities can only be located on the coast or in the CMA.*
- ii) *The protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places.*

- iii) *The proportion of the CMA under formal protection is very small and therefore management under the Act is an important means by which the natural resources of the CMA can be protected.*
- iv) *Expectations differ over the appropriate allocation of resources and space in the coastal environment and the processes of the Act are to be used to make the appropriate allocations and to determine priorities.*
- v) *People and communities expect that lands of the Crown in the CMA shall generally be available for free public use and enjoyment.*
- vi) *The protection of habitats of living marine resources contributes to the social, economic and cultural well-being of people and communities.*
- vii) *The coastal environment is particularly susceptible to the effects of natural hazards.*
- viii) *Cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible.*
- ix) *The tangata whenua are the Kaitiaki of the coastal environment.*
- x) *The ability to manage activities in the coastal environment sustainably is hindered by the lack of understanding about coastal processes and the effects of activities. Therefore, an approach which is precautionary but responsive to increased knowledge is required for coastal management.*
- xi) *A function of sustainable management of the coast environment is to identify the parameters within which persons and communities are free to exercise choices.*
- xii) *The potential for adverse effects of activities to spread beyond regional boundaries may be significant in the CMA.*

**Figure 2: Environment Waikato’s Resource Management Planning Framework**



**b) Treaty of Waitangi**

Environment Waikato recognises that tangata whenua of the Region have an important relationship with coastal resources. In undertaking its management role, Environment Waikato must also take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Matters of special value to tangata whenua need to be protected through provisions in this Plan. Environment Waikato recognises the need for on-going consultation and negotiation with tangata whenua over management of the coast and will continue to seek their involvement in both this Plan and its implementation.

**c) Precautionary Approach**

Environment Waikato will take a precautionary approach<sup>5</sup> when making decisions about the use, development and protection of coastal resources where effects are uncertain or where potential risks to the environment are considered to be unacceptable. The precautionary approach will ensure that any decision made will err on the side of the environment and that any adverse effects will be avoided, remedied, or mitigated. This approach recognises that there is limited information available on the Region's coast, and the effects activities may have on it in the present or future.

**d) Integrated Management**

Environment Waikato recognises that Mean High Water Springs is an arbitrary line in terms of coastal management. Because of this, there is a need to ensure that resource management above and below Mean High Water Springs is consistent. Other plans (both regional and district) which address issues on the landward side must also consider effects on the CMA.

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<sup>5</sup> See Glossary for definition of precautionary approach.

**Figure 3: Organisations with Statutory Management Responsibilities in the CMA<sup>6</sup>**

ORGANISATION	RESPONSIBILITY	ACT
<b>Minister and Department of Conservation</b>	<ul style="list-style-type: none"> <li>→ NZCPS - implementation, monitoring and review</li> <li>→ Approval of Regional Coastal Plans</li> <li>→ Marine reserves</li> <li>→ Marine mammals and wildlife</li> <li>→ Foreshore and seabed administration on behalf of Crown</li> </ul>	<ul style="list-style-type: none"> <li>• RMA 1991</li> <li>• Marine Farming Act 1971</li> <li>• Conservation Act 1987 (Conservation Law Reform Act 1990)</li> <li>• Marine Reserves Act 1971</li> <li>• Wildlife Act 1953</li> <li>• Marine Mammals Protection Act 1978</li> <li>• Biosecurity Act 1993</li> <li>• Foreshore and Seabed Endowment Revesting Act 1991</li> <li>• Harbour Boards Dry Land Endowment Act 1991</li> </ul>
<b>Minister and Ministry for the Environment</b>	<ul style="list-style-type: none"> <li>→ National policies</li> <li>→ Environmental standards</li> </ul>	<ul style="list-style-type: none"> <li>• RMA 1991</li> <li>• Environment Act 1986</li> <li>• Biosecurity Act 1993</li> <li>• Hazardous Substances &amp; New Organisms Act 1996</li> </ul>
<b>Minister and Ministry of Fisheries</b>	<ul style="list-style-type: none"> <li>→ Fisheries allocation and fisheries habitat management</li> <li>→ Border inspection and control</li> </ul>	<ul style="list-style-type: none"> <li>• Fisheries Act 1983</li> <li>• Marine Farming Act 1971</li> <li>• Biosecurity Act 1993</li> <li>• Territorial Sea &amp; Exclusive Economic Zone Act 1977</li> </ul>
<b>Minister and Ministry of Transport (Maritime Safety Authority)</b>	<ul style="list-style-type: none"> <li>→ Regulation of surface water activities</li> <li>→ Preventing and dealing with pollution of the sea</li> <li>→ Navigation and safety</li> </ul>	<ul style="list-style-type: none"> <li>• Marine Pollution Act 1974</li> <li>• Maritime Transport Act 1994</li> <li>• Harbours Act 1950</li> <li>• Transport Accident Investigation Commission Act 1990</li> <li>• Hazardous Substances &amp; New Organisms Act 1996</li> </ul>
<b>Minister and Department of Labour</b>	<ul style="list-style-type: none"> <li>→ Control of work places (excluding ships)</li> </ul>	<ul style="list-style-type: none"> <li>• Hazardous Substances &amp; New Organisms Act 1996</li> </ul>
<b>Regional Councils</b>	<ul style="list-style-type: none"> <li>→ Regional Coastal Plan and implementation</li> <li>→ Other Regional Plans (managing resource effects above Mean High Water Springs)</li> <li>→ Regional Marine Oil Spill Contingency Plan</li> </ul>	<ul style="list-style-type: none"> <li>• RMA 1991</li> <li>• Biosecurity Act 1993</li> <li>• Harbours Act 1950</li> <li>• Marine Farming Act 1971</li> <li>• Local Government Act 1974</li> <li>• Maritime Transport Act 1994</li> </ul>
<b>Territorial Authorities</b>	<ul style="list-style-type: none"> <li>→ District Plans and implementation (managing land use effects above Mean High Water Springs)</li> </ul>	<ul style="list-style-type: none"> <li>• RMA 1991</li> <li>• Local Government Act 1974</li> <li>• Biosecurity Act 1993</li> <li>• Hazardous Substances &amp; New Organisms Act 1996</li> </ul>
<b>Iwi Authorities</b>	<ul style="list-style-type: none"> <li>→ Iwi management of resources</li> <li>→ Tribal Policy Statements</li> <li>→ Kaitiaki</li> </ul>	<ul style="list-style-type: none"> <li>• RMA 1991</li> <li>• Maori Fisheries Act 1989</li> <li>• Treaty of Waitangi Act 1975</li> </ul>
<b>Historic Places Trust</b>	<ul style="list-style-type: none"> <li>→ Historic Sites</li> </ul>	<ul style="list-style-type: none"> <li>• Historic Places Act 1993</li> </ul>
<b>Hauraki Gulf Forum</b>	<ul style="list-style-type: none"> <li>→ Hauraki Gulf Marine Park</li> </ul>	<ul style="list-style-type: none"> <li>• Hauraki Gulf Marine Park Act 2000</li> </ul>

<sup>6</sup> Figure 3 is indicative only. While every effort has been made to ensure that all relevant legislation is listed, it is acknowledged that some legislation may have been overlooked.





# Tangata Whenua Perspective



## 2 Tangata Whenua Perspective

This section of the Plan sets out tangata whenua views within the Waikato Region about the CMA, as background information to the issues arising from Environment Waikato's duty to take into account the principles of the Treaty of Waitangi under s8 of the RMA.

### 2.1 Tangata Whenua Relationship with Natural and Physical Resources

The tangata whenua of the Waikato Region's coast are Hauraki, Maniapoto, Raukawa, and Waikato Tainui. Through the tribal network, and the Maaori tradition, the people of these tribes are stakeholders in the welfare of both the west and east coasts of the Waikato Region.

#### Waikato Tainui Views

The tangata whenua of the Waikato Region's coast are predominantly the people of the Tainui waka.

Tainui is the past. Tainui is the present. Tainui is the future. In accordance with Maaori Customary Law and as acknowledged in the Declaration of Independence 1839, Tainui is tangata whenua.

This section summarises Waikato Tainui views on coastal management issues for the Region's west coast. These views are taken from the report prepared by the Huakina Development Trust which was taken into account in the development of the Plan.

Waikato Tainui is committed to cleaning up the environment and considers that a regional coastal plan is fundamental to that process. It also considers that the tangata whenua perspective is integral to, and should be incorporated in, the Plan.

Ownership of the west coast fish, harbours and water systems within the Region under study is an issue which forms the basis of tangata whenua concerns with respect to planning processes.

The tangata whenua consider that the Treaty of Waitangi recognised and guaranteed their exclusive rights to the fisheries of the Region under study. It is also their view that through the Declaration of Independence, the rights, ownership, management and use of the natural resources within the Region, which are the subject of the Regional Coastal Plan, had already been clearly established.

Huakina Development Trust state that the Manawhenua groups of Waikato Tainui within the Region which is the subject of the Regional Coastal Plan are the Kaitiaki of the area and the traditional fisheries of Tainui.

The Waikato Tainui position is that they have 'never objected to sharing the waterways or its fisheries and its use for recreation, however, Waikato Tainui do object to the abuse of such a resource.' Waikato Tainui believe that they must fulfil their Kaitiaki responsibilities to ensure the preservation and wise use of natural resources.

They believe that when the performance of their duty as Kaitiaki is interfered with, the well being of their people, both spiritually and physically, is at risk. Their mana is determined not only by their feats, their standing in their community and the ability to cater for visitors, but also by the quality of the taonga they pass to their descendants. Such taonga are the natural resources within the area subject to the Regional Coastal Plan.

The Maaori world is a combination of spiritual, cultural and physical balances intricately woven, which acknowledges the significance of where they came from, the sacredness of water and their intimate kin relationship to all entities within the environment. Maaori culture does not separate the land from the surrounding elements of air, water, minerals, flora or fauna. The Region under study is embodied in tangata whenua tradition, sacred areas and burial grounds and these things are a constant reminder of Maaori historical, cultural and spiritual values.

According to Maaori tradition, even water has a mauri. The mauri is the force that ensures within a physical entity such as the sea, harbours, rivers, lakes and estuaries including land, that all species that it accommodates will have continual life. The mauri should not be interrupted or desecrated. However, if it is, whatever it accommodates is at risk.

The tangata whenua believe that disasters or natural phenomena can not harm the mauri, only that instigated by people, merely by the use of artificial components such as chemicals. The mauri is defenceless against components that are not part of the natural environment. The mauri of waters and the wairua of the tangata whenua have the same origin. Therefore when the mauri is harmed, so too is the spirit of the tangata whenua.

The strong association tangata whenua have with the Region, subject to the Regional Coastal Plan, is closely allied to the gathering of food. Kai moana provides for the daily needs of tangata whenua as well as supplying marae for important ceremonial occasions.

The mana of the tangata whenua is based, in part, on an ability to provide kai moana for such events. Kai moana is considered to be fundamental to the perpetuation of cultural and related social activities. For these reasons water quality and the productivity of the environment within the Regional Coastal Plan is highly valued by the Waikato Tainui people.

Rahui is a traditional belief in the concept of prohibition. It is regularly imposed at specific stages in the life cycle of certain species in order to give them a chance to spawn and regenerate. Rahui is also placed on an area when a drowning occurs and food gathering is not permitted for specified periods usually determined by kaumatua of the area.

Today, legislation also offers Taiapure or management of a local fishery by tangata whenua groups. Taiapure gives legal recognition for tangata whenua groups to perform their Kaitiaki obligations through a management committee.

The area covered by the Regional Coastal Plan also has ancestral ties with early Waikato Tainui settlement of the surrounding land, and of areas beyond, for which the Region was a regular means of access. Many areas within the Region are considered to be waahi tapu for various historical, cultural and spiritual reasons. For example, Maketu is the landing place of the Tainui waka. 'It is extremely sacred, for it is the resting home of the waka.'

Environment Waikato recognises and acknowledges that Waikato Tainui is tangata whenua of most of the Waikato Region, and also recognises and acknowledges the historical, environmental, spiritual, cultural and traditional values Waikato Tainui have for the Region covered by the coastal plan. The holistic approach to resource management advocated by Waikato Tainui is supported.

## Hauraki Views

The Hauraki Maori Trust Board brings together iwi with interests in the east coast of the Region's coastline, and the Firth of Thames.

Known by Hauraki as 'Te Tara o te Whai' or 'the barb of the stingray', the Coromandel Peninsula extrudes northwards supported by the sheened waters of Tikapa Moana on the west and the tumultuous seascape of Te Tai Tamawahine on the east. It is also referred to as a waka which extends from Moehau in the north to Te Aroha in the south whose ribs are the river which flow from the mountains and empty into the estuaries and harbours below. These ancient traditions serve to illustrate the importance of the coast to Hauraki and the manner in which they took on personifications of great reverence.

Both sheltered and exposed, the myriad of bays, inlets, harbours, estuaries and precipitous headland pa embrace the extensive coastline keeping an observant watch on the offshore islands and the all pervading seas. This was the domain of atua 'gods' brought into being by the union of Ranginui, Sky Father and Papatuanuku, Earth Mother. The life of Hauraki was much shaped by this environment in both physical and spiritual senses.

In a physical sense, Hauraki resided along the coastline because this is where the food was abundant and where immediate access could be had to the sea. Hauraki were fishers and mariners. Pa, kainga sites, cultivations, and burial grounds dominate the coast as a constant reminder of the Hauraki past, present and future. Hauraki have an intimate knowledge of their coast and the management systems required to ensure its resources are conserved for present and future generations. The coastal treasures not only maintained the coastal food basket, but also ensured Hauraki could carry out their manaakitanga obligations to their guests and their inland relations. Special places were set aside for mahinga maataitai, the gathering of plants and materials for cultural purposes, ceremonial purposes and waahi tapu.

Mauri and its maintenance is the key to the Maori world view of the environment and it is no different in Hauraki. The practitioners of the maintenance of mauri are Kaitiaki. Kaitiaki are tangata whenua. The obligation to fulfil this Kaitiaki role is ancestral derived from whakapapa connections to the natural world and beyond. Built into this system is a check and balance component of tikanga. Tikanga insists upon a certain course of action. Mauri was traditionally maintained using tikanga such as karakia, kawa, tapu, rahui and whakanoa. The Kaitiaki ethos recognises that the spiritual well-being of a resource is essential to its physical well-being. It approaches the environment in a holistic sense where land, air, waters, soils, minerals, seas, energy, plants, animals, birds, rivers, trees, people all interact and affect each other.

Rangatiratanga over their coastal resources, the coastal resources themselves and the ability to perform the Kaitiaki role is an issue that forms the basis of Hauraki concerns with respect to planning processes. These were customary rights reaffirmed to Hauraki by the Treaty of Waitangi. To Hauraki, the Treaty establishes the proper framework in which coastal resources are conserved and nurtured for present and future generations.

Environment Waikato recognises and acknowledges that Hauraki is tangata whenua of the west and east coast of the Coromandel Peninsula and recognises and acknowledges that the physical, spiritual, cultural, social and economic well-being of Hauraki is dependent upon the well-being of their coastal resources and upon their ability to perform their Kaitiaki role over the areas covered by the coastal plan. The holistic approach to resource management advocated by Hauraki is supported.

## 2.2 Treaty of Waitangi and Matters of Significance to Maaori

Section 8 of the RMA states that Environment Waikato shall:

*take into account the principles of the Treaty of Waitangi*

when carrying out its resource management responsibilities. This directs Environment Waikato to acknowledge that tangata whenua have certain rights conferred on them by the principles of the Treaty of Waitangi, and by the RMA, giving them a status which is of a different order to that of the general public.

In addition, s6(e) of the RMA states as a matter of national importance:

*The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

In addition, s7(a) of the RMA states that Environment Waikato shall have particular regard to Kaitiakitanga.

This section of the Plan therefore seeks to outline ways in which the mana and role of the tangata whenua of this Region can be recognised and a partnership with iwi developed.

## 2.3 Establish a Partnership

**Issue:** To date there has been limited involvement of tangata whenua in coastal management decision-making and in the practical expression of kaitiakitanga. This lack of involvement has the potential to lead to conflict about the management of the CMA under the RMA.

**Objective:** Establishment of a constructive partnership with tangata whenua with respect to the management of the CMA.

**Principal Reasons for Adopting:** The RMA gives a clear resource management role to councils, with a responsibility to work with tangata whenua of the Region, in the management of coastal resources. The RMA provides a strong signal to decision-makers that tangata whenua have a special status and are not considered to be just another interest group<sup>7</sup>. Formal recognition of this special status is an important aspect of developing a culturally acceptable partnership with tangata whenua.

### 2.3.1 Policy - Tangata Whenua Values

**Recognise and take into account historical, spiritual, cultural and traditional values of tangata whenua in relation to activities in the CMA.**

**Explanation and Principal Reasons for Adopting:** Tangata whenua have traditional practices to ensure the sustainable management of coastal resources. The RMA provides significant opportunities for the involvement of tangata whenua and recognition of their relationship, and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Environment Waikato needs to recognise this and take it into account in decision-making.

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<sup>7</sup> Parliamentary Commissioner for the Environment: Proposed Guidelines for Local Authority Consultation with Tangata Whenua, Page 4.

## **Implementation Methods**

### **Other Methods**

- 17.1.1 Establishing a Working Relationship
- 17.1.2 Transfer/Delegation of Functions
- 17.1.3 Identification of Areas/Characteristics of Special Value
- 17.1.5 Marae-Based Meetings

## **2.3.2 Policy - Participation**

**Participation of tangata whenua in decision-making and the management of resources in the CMA will be encouraged.**

**Explanation and Principal Reasons for Adopting:** A partnership requires joint commitment and responsibility by tangata whenua, local authorities, resource users/applicants and interests groups to work toward resolving resource management issues and conflicts. This also recognises the importance of the involvement of tangata whenua in the on-going development of the Plan.

## **Implementation Methods**

### **Other Methods**

- 17.1.4 Consultation on Consent Applications
- 17.1.5 Marae-Based Meetings
- 17.1.7 Identification of Iwi Authorities

## **Environmental Results Anticipated**

- Ongoing involvement of tangata whenua in the management of coastal resources.
- Historical, spiritual, cultural and traditional values of tangata whenua recognised and provided for.

## **2.4 Tangata Whenua Relationship with the Coast**

**Issue:** In the past little recognition has been given to cultural, spiritual and traditional values of tangata whenua. This lack of recognition has meant the values tangata whenua hold in relation to the coast have been ignored.

**Objective:** Recognise and provide for the special relationship which tangata whenua have with the coastal environment.

**Principal Reasons for Adopting:** The relationship tangata whenua have with the coastal environment is given special recognition in the RMA. Part of Council's role is to ensure recognition is given to the cultural, traditional values of tangata whenua in relation to the coast.

### **2.4.1 Policy - Kaitiakitanga**

**Have particular regard to the tangata whenua role as Kaitiaki, and provide for the practical expression of kaitiakitanga by tangata whenua in the CMA.**

**Explanation and Principal Reasons for Adopting:** There is a statutory requirement for Environment Waikato to have particular regard to kaitiakitanga. Tangata whenua hold the knowledge of their cultural and spiritual values, and have the right and responsibility to articulate these values.

## Implementation Methods

### Other Methods

- 17.1.4 Consultation on Consent Applications
- 17.1.5 Marae-Based Meetings
- 17.1.6 Consultation with Tangata Whenua and Promotion of Kaitiakitanga
- 17.1.7 Identification of Iwi Authorities

## 2.4.2 Policy - Protection of Sites

**Work with tangata whenua to protect those sites in the CMA which have been identified as having cultural and spiritual significance, including ancestral lands, water, sites, waahi tapu and other taonga.**

**Principal Reasons for Adopting:** Only Maaori can identify their taonga (and other cultural and traditional values). The Plan must provide for this identification (where appropriate) in full consultation and participation with tangata whenua. Environment Waikato has a role in protecting these sites as part of the active protection principle of the Treaty of Waitangi.

## Implementation Methods

### Other Methods

- 17.1.2 Transfer/Delegation of Functions
- 17.1.3 Identification of Areas/Characteristics of Special Value
- 17.1.4 Consultation on Consent Applications
- 17.1.5 Marae-Based Meetings
- 17.1.8 Tangata Whenua Values

## Environmental Results Anticipated

- The tangata whenua role as Kaitiaki provided for.
- Ancestral lands, water, sites, waahi tapu and taonga protected.

## 2.5 Treaty of Waitangi

**Issue:** The principles of the Treaty of Waitangi have been defined by the Crown, the Waitangi Tribunal and the Courts, who have emphasised the evolving and fluid nature of Treaty interpretation. Tangata whenua and Environment Waikato may differ in their interpretations of the principles of the Treaty which may result in conflict in the management of the CMA.

**Objective:** Mutual understanding between tangata whenua and Environment Waikato on the application of the principles of the Treaty of Waitangi as they apply to the CMA.

**Principal Reasons for Adopting:** It is a statutory requirement that local authorities take into account the principles of the Treaty of Waitangi when exercising their functions and powers. However, tangata whenua may derive different principles from the Treaty, which reflect their interpretation of the relationship between rangatiratanga and kawanatanga. There is, therefore, a need for Environment Waikato and tangata whenua to develop a mutual understanding as to how the principles of the Treaty should apply to the management of natural and physical resources in the CMA.

### 2.5.1 Policy - Principles of the Treaty of Waitangi

**Mutual understanding between tangata whenua and Environment Waikato on the application of the principles of the Treaty of Waitangi as they apply to the CMA.**

**Principal Reasons for Adopting:** It is a statutory requirement that local authorities take into account the principles of the Treaty of Waitangi when exercising their functions and powers. There is, therefore, a need for Environment Waikato and tangata whenua to develop a mutual understanding as to how the principles of the Treaty should apply to the management of natural and physical resources in the CMA.

### **Implementation Methods**

#### **Other Methods**

- 17.1.5 Marae-Based Meetings
- 17.1.7 Identification of Iwi Authorities

## **2.5.2 Policy - Treaty Claims**

**Ensure that tangata whenua are informed where Treaty claims or customary rights may be affected by applications to use, develop or protect the CMA.**

**Principal Reasons for Adopting:** Many of the natural and physical resources governed by the RMA are claimed by Maaori under Article II of the Treaty of Waitangi. Plans and resource consents have the potential to impact on Treaty claims. The policies and methods in the Plan should not lead to new claims arising or exacerbate existing claims.

### **Implementation Methods**

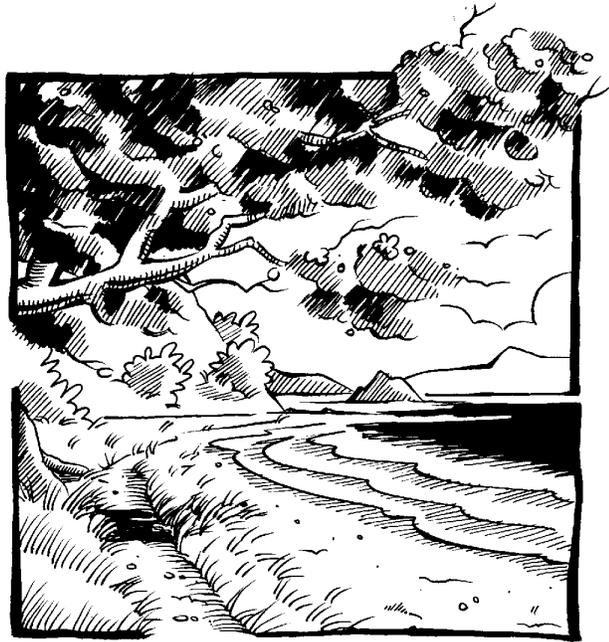
#### **Other Methods**

- 17.1.1 Establishing a Working Relationship
- 17.1.4 Consultation on Consent Applications
- 17.1.5 Marae-Based Meetings
- 17.1.8 Treaty Claims

## **Environmental Results Anticipated**

- Mutual understanding of the principles of the Treaty of Waitangi.
- The special relationship between the crown and tangata whenua is recognised.





# Natural Character, Habitat and Coastal Processes

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# 3 Natural Character, Habitat and Coastal Processes

Section 6(a), (b) and (c) of the RMA set out matters of national importance which require this Plan to:

*recognise and provide for...*

- (a) *The preservation of the natural character of the coastal environment (including the CMA),... and the protection of (it) from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

Chapter 1 of the NZCPS also states national priorities in relation to these matters.

The NZCPS has described natural character as being ‘those qualities and features in coastal environments which have been brought into being by nature i.e. the preservation of the coastal environments in their natural state’<sup>8</sup>. The coast of the Region has different qualities and features in different areas and ‘inappropriate subdivision, use and development’ is, in part, dependent on the existing natural character of the location and the extent to which the natural character would be affected. In some instances, land titles are located in the CMA and although unlikely, may be subject to a subdivision consent.

The coastal environment is a dynamic zone which is continually undergoing change from natural processes. The physical characteristics of the coastal environment result from the underlying rock type and land forms as well as from waves and currents. There is a high level of biological diversity in the coastal environment, and the range of species found is related to and determined by the physical characteristics. Because of the mobility of marine life, loss of habitat can have widespread consequences in terms of species abundance and diversity. The complexity and inter-relatedness of coastal ecology therefore needs to be recognised.

While natural character is closely linked to the environment in its natural state<sup>9</sup>, the amenity, historical and cultural values people associate with the coast are also important considerations. These values are given importance through Part II of the RMA as well as Policy 1.1.3 of the NZCPS.

## 3.1 Preservation of Natural Character

**Issue:** Natural character of the coastal environment is fragile and vulnerable to irreversible changes. Continuing pressure from inappropriate subdivision, use and development can result in the cumulative degradation of natural character.

**Objective:** Preservation of the natural character of the coastal environment by:

- Protecting it from inappropriate subdivision, use and development; and
- Restoring it where appropriate.

<sup>8</sup> Commentary of the NZCPS 1994, Page 60.

<sup>9</sup> Refer Report and Recommendations of the Board of Inquiry into the New Zealand Coastal Policy Statement, 1994, 14 - 16.

**Principal Reasons for Adopting:** The natural character of the coastal environment of the Region is a fragile and finite resource that is vulnerable to irreversible alteration and damage. Any use or development in the CMA must preserve the natural character of the coastal environment. Protection of the CMA from inappropriate subdivision, use and development includes restoration and/or enhancement of any natural character values which may have been adversely affected, to avoid adverse cumulative effects.

### **3.1.1 Policy - Protection of Representative Features**

**Identify regionally significant and/or representative landscapes, seascapes, landforms and geological features and protect them from the adverse effects of use and development.**

**Explanation and Principal Reasons for Adopting:** In the CMA there are regionally and locally significant and representative features which require protection from cumulative effects of use and development. These features contribute to the natural character of an area and are important not only in themselves but also from a scenic and recreational point of view.

#### **Implementation Methods**

##### **Rules**

- 16.2.7 Introduction of Exotic Plant Species (Prohibited Activity)
- 16.3.11 Sewage Discharges (Prohibited Activity)
- 16.4.8 Permanent Swing Moorings Outside of Zoned Mooring Areas (Discretionary Activity)
- 16.4.9 Transfer of Mooring Permits in Whangamata (Prohibited Activity)
- 16.4.11 Structures Associated with Network Utility Operations (Controlled Activity)
- 16.4.13 Structures Which Impound or Effectively Contain the CMA (Prohibited Activity)
- 16.4.14 Structures More or Less Parallel to Mean High Water Springs (Discretionary Activity)
- 16.4.15 Structures More or Less Parallel to Mean High Water Springs (Prohibited Activity)
- 16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)
- 16.4.17 Structures Oblique or Perpendicular to Mean High Water Springs (Prohibited Activity)
- 16.4.19 Structures Used in the Petroleum and Chemical Industry (Prohibited Activity)
- 16.6.14 Disturbances to the Foreshore or Seabed (Prohibited Activity)
- 16.6.16 *Refer Rule 16.6.13(ii)*
- 16.6.17 *Refer Rule 16.6.14(ii)*
- 16.6.18 Reclamations (Discretionary Activity)
- 16.6.21 Reclamations (Prohibited Activity)
- 16.8.2 Exclusive Occupation (Prohibited Activity)

##### **Other Methods**

- 17.2.1 Consultation with Territorial Authorities
- 17.2.6 Environment Waikato: Works and Services
- 17.2.7 Protection and Restoration of Natural Character in the CMA
- 17.2.15 Livestock Grazing
- 17.2.21 Information from Applicants
- 17.2.24 Gathering Further Information on Vegetation, Habitats, Coastal Processes and Community Values
- 17.11.1 Plan Integration

### **3.1.2 Policy - Protection of Other Natural Features**

**Ensure that any use and development avoids or remedies adverse effects on those natural features, landscapes, seascapes and landforms that define natural character.**

**Explanation and Principal Reasons for Adopting:** Natural character is different in different areas, and features such as landscape, seascape and landform all contribute to the natural character of any area. Mitigation in the coastal environment may not be effective in offsetting adverse effects, and may not always be appropriate. The onus is on Environment Waikato and the applicant to ensure that natural character is considered, and that adverse effects on these features, and natural character as a whole, are avoided or remedied.

## **Implementation Methods**

### **Rules**

- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)
- 16.4.9 Transfer of Mooring Permits in Whangamata (Prohibited Activity)
- 16.4.11 Structures Associated with Network Utility Operations (Controlled Activity)
- 16.4.14 Structures More or Less Parallel to Mean High Water Springs (Discretionary Activity)
- 16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)
- 16.4.26 Use of and Occupation of Space by Structures (Discretionary Activity)
- 16.6.16 *Refer Rule 16.6.13(ii)*
- 16.6.18 Reclamations (Discretionary Activity)

### **Other Methods**

- 17.2.1 Consultation with Territorial Authorities
- 17.2.6 Environment Waikato: Works and Services
- 17.2.14 Buffer Zone Along Coastal Margin
- 17.2.21 Information from Applicants
- 17.2.24 Gathering Further Information on Vegetation, Habitats, Coastal Processes and Community Values
- 17.2.26 Identification of Key Protection Areas
- 17.11.1 Plan Integration

## **3.1.3 Policy - Remote and Isolated Areas**

**In areas identified for their remote and isolated characteristics, ensure that any use or development avoids adverse effects in these areas.**

**Explanation and Principal Reasons for Adopting:** As coastal development continues, remote and isolated characteristics of the coastal environment can become threatened. Policy 3.1.2 of the NZCPS emphasises the importance of open space. By taking this approach it is also suggested that land use activities should be matched to the seaward use and development in any area.

## **Implementation Methods**

### **Rules**

- 16.4.11 Structures Associated with Network Utility Operations (Controlled Activity)
- 16.4.14 Structures More or Less Parallel to Mean High Water Springs (Discretionary Activity)
- 16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)
- 16.6.3 Vehicle Use (Discretionary Activity)
- 16.6.16 *Refer Rule 16.6.13(ii)*
- 16.6.18 Reclamations (Discretionary Activity)
- 16.8.1 Exclusive Occupation (Discretionary Activity)

### **Other Methods**

- 17.1.3 Identification of Areas/Characteristics of Special Value
- 17.2.1 Consultation with Territorial Authorities
- 17.2.6 Environment Waikato: Works and Services
- 17.2.10 Community Values of Significance
- 17.2.14 Buffer Zone Along Coastal Margin
- 17.2.24 Gathering Further Information on Vegetation, Habitats, Coastal Processes and Community Values
- 17.11.1 Plan Integration

### 3.1.4 Policy - Inappropriate Use and Development

Consider any application for use or development which:

- a) does not have functional need for location in the CMA; or
- b) could be located in an alternative area where natural character is already modified or compromised; or
- c) contributes to sprawling or sporadic use or development

to be 'inappropriate'.

**Explanation and Principal Reasons for Adopting:** Both the RMA and the NZCPS refer to 'inappropriate' use and development. It is important that any person wishing to use/develop in the CMA has certainty as to what constitutes inappropriate use/development. Policy 12.1.2 in the Decision-Making chapter of the Plan and the criteria in Appendix II of the Plan, together with this Policy, defines what Environment Waikato considers to be inappropriate, and will be applied particularly to discretionary and non-complying activities.

#### Implementation Methods

##### Other Methods

- 17.2.6 Environment Waikato: Works and Services
- 17.2.7 Protection and Restoration of Natural Character in the CMA
- 17.2.8 Tangata Whenua Values

#### Appendix II - Decision-Making Criteria and Considerations

### 3.1.4A Policy – Use of and Occupation of Coastal Space

Recognise that the use, occupation and development of coastal space is appropriate in the CMA to meet the social, economic and cultural wellbeing of communities, in particular maintaining and enhancing recreational opportunities, provided that:

- a) Any adverse environmental effects, particularly on natural character, habitat and coastal processes, are avoided as far as practicable, and if avoidance is not practicable, adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable;
- b) The following policies in this Plan are taken into account:

- Policy 2.4.1 Kaitiakitanga
- Policy 2.3.1 Tangata Whenua values
- Policy 3.1.1 Protection of representative features
- Policy 3.1.2 Protection of other natural features
- Policy 3.1.3 Remote and isolated areas
- Policy 3.1.4 Inappropriate use and development
- Policy 3.2.1 Protection of significant vegetation and habitat
- Policy 3.2.2 Protection of habitats of commercially, traditionally or culturally important species
- Policy 3.3.1 Amenity values
- Policy 3.3.2 Protection of heritage values
- Policy 5.1.3 Appropriate structures
- Policy 7.4.1 Inappropriate reclamation, declamation and drainage
- Policy 9.1.3 Pressures on public access

**Explanation and Principal Reasons for Adopting:** This policy recognises the need to balance the use, occupation and development of coastal space with protection of

natural character of the coastal environment. The Second Schedule of the RMA states that a Regional Coastal Plan may provide for the control of the use of the coastal marine area, including, where appropriate the protection of conservation values, the recognition of opportunities for recreation, aquaculture and other forms of development. Enjoyment of the coast is important for the social, economic and cultural wellbeing of most New Zealanders. Recreational opportunities can require use of and occupation of space in the CMA and it is therefore important to ensure that facilities can be developed where appropriate.

### **Implementation Methods**

#### **Rules**

All Rules in this Plan.

#### **Other Methods**

17.1.3	Identification of Areas/Characteristics of Special Value
17.2.8	Tangata Whenua Values
17.2.9	Consultation with Department of Conservation
17.3.7	Consultation with Boating interests
17.8.2	Consultation with Territorial Authorities
17.10.3	Development of Harbour Plans

### **3.1.4B Policy - Use of and Occupation of Space for Marinas**

The use of and occupation of space for a marina in the CMA is considered appropriate where it is located in an area where the following criteria can be met:

Either–

- a) **Adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna determined in accordance with Policy 3.2.1(a) are avoided or remedied; and**
- b) **Adverse effects on conservation values described in Appendix IV in an ASCV as indicated by maps in Appendix III of this plan, other than adverse effects on significant indigenous vegetation and significant habitat of indigenous fauna as determined in accordance with Policy 3.2.1 (a), are avoided as far as practicable, and if avoidance is not practicable, adverse effects are mitigated and provision made for remedying those effects, to the extent practicable; and**
- c) **Adverse effects on other ecological values within the coastal environment are avoided as far as practicable, and if avoidance is not practicable, adverse effects are mitigated and provision made for remedying those effects, to the extent practicable; and**
- d) **Adverse effects on the relationship tangata whenua as Kaitiaki have with their identified ancestral taonga such as water, lands, sites, waahi tapu and kaimoana are avoided as far as practicable, and if avoidance is not practicable, adverse effects are mitigated and provision made for remedying those effects, to the extent practicable; and**
- e) **Adverse effects on coastal processes, including water currents and sediment patterns, in the immediate vicinity, along the shore and offshore from the location are avoided as far as practicable, and if avoidance is not practicable, adverse effects are mitigated and provision made for remedying those effects, to the extent practicable; and**

- f) Tidal flushing rates are adequate to ensure that the pre-existing water quality is maintained or enhanced both within and adjacent to the marina basin; and
- g) There is adequate safe access to open waters; and
- h) The area is not inconsistent with the District Plan which applies to the adjoining land or with neighbouring water uses, and water, reticulated sewage and roading services are able to be provided to adequately service the proposed development; and
- i) The proposed marina is within an area of existing development (either in the CMA or on adjoining land) where the natural character has already been compromised and will avoid sprawling or sporadic use or development; and
- j) The use of the area is compatible with social, economic, cultural and recreational values and uses of the harbour or estuary; and
- k) Public access to the CMA is maintained or enhanced, or any adverse effects on public access to the CMA can be mitigated; and
- l) In any harbour where the number of existing moorings exceeds the maximum number specified in Policy 5.1.8 (maximum mooring numbers) of this Plan, the proposed marina would encourage rationalisation and consolidation of the numbers and location of pile and swing moorings.

Or

- m) Located within the Whangamata marina zone or the Whitianga marina zone as shown in Appendix III, Marina Maps of this Plan.

**Explanation and Principal Reasons for Adopting:** Existing and increasing demand for recreational use of coastal waters is evident, especially in the Coromandel Peninsula. There are conflicts between existing uses and the demand for future uses which may have adverse effects on the environment and other values. Marinas provide protected areas for boats, as well as social and economic benefits. Marinas could have significant adverse effects on the environment and therefore there is a need to ensure that marinas are located in appropriate areas. Criteria in this policy provide guidance for decision making on the appropriate location of marina on a case by case basis. Marinas are also considered appropriate where a marina zone is established in the Whangamata Harbour or the Whitianga Harbour as indicated in Appendix III, Marina Maps of this Plan as these areas have been through a public RMA planning process. Consideration should also be given to the matters outlined in Policy 3.1.4A Use and Occupation of Coastal Space. Refer also to Policy 3.2.1 – Protection of Significant Vegetation and Habitat. Other Policies and their associated Rules in this Plan would also need to be considered in decision making on any resource consent for the establishment and operation of a marina.

### **Implementation Methods**

#### **Rules**

- 16.2.10 Marina Basins (Discretionary Activity)
- 16.4.25 Poles and Pontoons within a Marina Basin (Permitted Activity)

#### **Other method**

- 17.10.3 Development of Harbour Plans

### 3.1.5 Policy - Restoration

**Promote the restoration of natural character in areas where it has been degraded.**

**Explanation and Principal Reasons for Adopting:** Policy 1.1.5 of the NZCPS states that it is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate. Restoration will help to avoid adverse cumulative effects on natural character in the CMA. One mechanism for enhancing areas is to undertake planting. In the CMA indigenous species are preferred.

#### Implementation Methods

##### Rules

16.2.4 Introduction of Indigenous Plant Species (Permitted Activity)

##### Other Methods

17.2.1 Consultation with Territorial Authorities  
17.2.4 Native Coastal Plant Species  
17.2.6 Environment Waikato: Works and Services  
17.2.7 Protection and Restoration of Natural Character in the CMA  
17.2.11 Protection of Riparian Vegetation and Transition Zones  
17.2.15 Livestock Grazing  
17.2.17 Information on Marine Habitats/Vegetation Enhancement  
17.2.19 Information on Exotic Species in the Coastal Environment  
17.11.1 Plan Integration

### 3.1.6 Policy - Consistent Management

**Promote integrated and consistent management between land and water in order to preserve the natural character of the coastal environment.**

**Principal Reasons for Adopting:** Natural character can be affected by use and development in both the CMA and on land. It is therefore necessary to have integrated management when preserving natural character, this includes a consistent approach between agencies and between planning documents.

#### Implementation Methods

##### Other Methods

17.2.1 Consultation with Territorial Authorities  
17.2.2 Reserve Areas  
17.2.6 Environment Waikato: Works and Services  
17.2.7 Protection and Restoration of Natural Character in the CMA  
17.2.11 Protection of Riparian Vegetation and Transition Zones  
17.11.1 Plan Integration  
17.11.2 Joint Hearings

## Environmental Results Anticipated

- Regionally significant and representative landscapes, seascapes, landforms and geological features protected.
- Adverse effects on natural features, landscapes, seascapes and landforms that define natural character avoided or remedied.
- The remote and isolated characteristics of areas within the coastal environment maintained.
- No further inappropriate subdivision, use or development.
- Restoration of natural character in degraded areas.

- Consistent management between land and water.

## 3.2 Significant Vegetation and Habitat

**Issue:** The use and development of land above Mean High Water Springs can result in adverse effects on vulnerable habitat, species and ecosystems, and the loss of significant indigenous vegetation and significant habitats of indigenous fauna within the CMA.

**Objective:** Areas of significant indigenous vegetation and significant habitat of indigenous fauna protected.

**Principal Reasons for Adopting:** Human use of the CMA and coastal environment has tended to create cumulative changes which have adversely changed vegetation, habitats and landforms. Policies 1.1.2 and 1.1.3 of the NZCPS set out aspects which contribute to the preservation of the natural character of the coastal environment. Sensitive management of these features is required to ensure natural character is preserved.

### 3.2.1 Policy - Protection of Significant Vegetation and Habitat

- a) **Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna and protect by:**
- (i) **avoiding any adverse effects of subdivision, use and development on the areas and habitats listed in Policy 1.1.2(a) of the NZCPS;**
  - (ii) **avoiding or remedying any adverse effects of subdivision, use and development on the areas listed in Policy 1.1.2(b) of the NZCPS.**
- b) **Identify the conservation values (described in Appendix IV of this Plan) other than significant indigenous vegetation and significant habitat of indigenous fauna identified under Policy 3.2.1a) above, in areas of significant conservation value (ASCV) (as indicated by maps in Appendix III of this Plan), and protect by avoiding as far as practicable any adverse effects of subdivision, use and development on those values, and if avoidance is not practicable, adverse effects on those values are mitigated and provision made for remedying those effects, to the extent practicable.**

**Explanation and Principal Reasons for Adopting:** This policy is linked to Policy 1.1.2 of the NZCPS which provides further detail in relation to protecting significant areas. Criteria for identifying significant indigenous vegetation and significant habitats of indigenous fauna are contained in the RPS Appendix 3. It is necessary to identify such areas and ensure that any proposed use or development in these areas avoids or remedies any adverse effect on the values that have been identified. The boundary of the ASCV is shown on the Maps in Appendix III. For clarity the ASCV boundary is the line of MHWS within the harbour or estuary extending out to the dotted line as shown on the Maps in Appendix III. The ASCV may include both significant areas and habitats to which Policy 1.1.2 of the NZCPS applies, and other areas of conservation value. In respect of those areas of conservation value to which Policy 1.1.2 does not apply, adverse effects of use or development on those areas may be mitigated. The conservation values may be present throughout the ASCV area and are shown indicatively on the maps in Appendix III and described in Appendix IV. This policy does not preclude appropriate use or development within the ASCV, rather it requires that the conservation values identified within these areas should be carefully managed.

## Implementation Methods

### Rules

- 16.2.1 Removal of Vegetation (Permitted Activity)
- 16.2.2 Removal or Eradication of Exotic Plant Species (Controlled Activity)
- 16.2.3 Removal or Eradication of Indigenous Plant Species (Discretionary Activity)
- 16.2.5 Introduction of Exotic Plant Species Where Already Present (Discretionary Activity)
- 16.2.6 Introduction of Exotic Plant Species (Discretionary Activity)
- 16.2.7 Introduction of Exotic Plant Species (Prohibited Activity)
- 16.2.9 Livestock in Sensitive Areas (Prohibited Activity)
- 16.2.10 Marina Basins (Discretionary Activity)
- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)
- 16.4.9 Transfer of Mooring Permits in Whangamata (Prohibited Activity)
- 16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)
- 16.4.25 Poles and pontoons within a Marina Basin (Permitted Activity)
- 16.4.26 Use of and Occupation of Space by Structures (Discretionary Activity)
- 16.6.13 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.16 *Refer Rule 16.6.13(ii)*
- 16.6.20 Reclamation or Drainage (Discretionary Activity)

### Other Methods

- 17.2.1 Consultation with Territorial Authorities
- 17.2.2 Reserve Areas
- 17.2.3 Consultation with the Ministry of Fisheries
- 17.2.6 Environment Waikato: Works and Services
- 17.2.9 Consultation with the Department of Conservation
- 17.2.15 Livestock Grazing
- 17.2.17 Information on Marine Habitats/Vegetation Enhancement
- 17.2.26 Identification of Key Protection Areas
- 17.10.3 Development of Harbour Plans
- 17.11.1 Plan Integration

## 3.2.2 Policy - Protection of Habitats of Commercially, Traditionally or Culturally Important Species

**Protect the habitats of species in the CMA that are important for commercial, recreational, traditional or cultural reasons from the adverse effects of use or development.**

**Explanation and Principal Reasons for Adopting:** Protection of such habitats is vital for the sustainable management of species of commercial, traditional or cultural importance. For example, areas such as feeding, spawning or nesting grounds may require protection in order to allow those functions to continue. Refer to Policy 3.2.8 of the NZCPS.

## Implementation Methods

### Rules

- 16.2.1 Removal of Vegetation (Permitted Activity)
- 16.2.2 Removal or Eradication of Exotic Plant Species (Controlled Activity)
- 16.2.3 Removal or Eradication of Indigenous Plant Species (Discretionary Activity)
- 16.2.7 Introduction of Exotic Plant Species (Prohibited Activity)
- 16.2.9 Livestock in Sensitive Areas (Prohibited Activity)
- 16.3.8 Sewage Discharges (Discretionary Activity)
- 16.4.12 Structures which Impound or Effectively Contain the CMA (Discretionary Activity)
- 16.6.13 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.16 *Refer Rule 16.6.13(ii)*
- 16.6.20 Reclamation or Drainage (Discretionary Activity)

### **Other Methods**

- 17.2.1 Consultation with Territorial Authorities
- 17.2.3 Consultation with the Ministry of Fisheries
- 17.2.6 Environment Waikato: Works and Services
- 17.2.17 Information on Marine Habitats/Vegetation Enhancement
- 17.11.1 Plan Integration

### **3.2.3 Policy - Habitat Margins and Corridors**

**Maintain or enhance transitional environments between land and sea, and fresh and salt water, including margins, estuaries and wetlands.**

**Explanation and Principal Reasons for Adopting:** Transitional zones of vegetation and habitat, and the functioning of such transitional zones need to be maintained. The transition between land and sea is a critical environment which has an important role in protecting the quality of the CMA, particularly as habitat for species, biological productivity and by trapping sediment run-off and buffering erosion. These areas also have important aesthetic and intrinsic values. Estuaries and wetlands, in particular, are areas of high biological diversity acting as nurseries and food sources for inshore fisheries, and feeding and nesting grounds for bird communities. Refer to Policies 1.1.2(c) and (d) of the NZCPS. Predicted sea level rise requires provision for ecosystem migration. (Refer Policy 3.4.2 of the NZCPS).

### **Implementation Methods**

#### **Rules**

- 16.2.1 Removal of Vegetation (Permitted Activity)
- 16.2.2 Removal or Eradication of Exotic Plant Species (Controlled Activity)
- 16.2.3 Removal or Eradication of Indigenous Plant Species (Discretionary Activity)

### **Other Methods**

- 17.2.1 Consultation with Territorial Authorities
- 17.2.2 Reserve Areas
- 17.2.3 Consultation with the Ministry of Fisheries
- 17.2.4 Native Coastal Plant Species
- 17.2.6 Environment Waikato: Works and Services
- 17.2.11 Protection of Riparian Vegetation and Transition Zones
- 17.2.14 Buffer Zone Along Coastal Margin
- 17.2.17 Information on Marine Habitats/Vegetation Enhancement
- 17.2.26 Identification of Key Protection Areas
- 17.11.1 Plan Integration

### **3.2.4 Policy - Exotic Plant Control**

**Avoid the introduction of any exotic plant species in the CMA where that plant is not already present, and ensure that the adverse effects of any existing exotic plant species are remedied or mitigated.**

**Explanation and Principal Reasons for Adopting:** Exotic plants have the potential to severely degrade natural ecosystems. Often it is difficult to predict the effects introduced species will have on indigenous species, and unlike pests and weeds on land, once a species is established it is unlikely it can be eradicated. Therefore, strict rules on exotic species are necessary for the protection of natural biological diversity, amenity values and economic farming/fishing ventures.

### **Implementation Methods**

#### **Rules**

- 16.2.5 Introduction of Exotic Plant Species Where Already Present (Discretionary Activity)
- 16.2.6 Introduction of Exotic Plant Species (Discretionary Activity)
- 16.2.7 Introduction of Exotic Plant Species (Prohibited Activity)
- 16.2.8 Introduction of Plant Pests (Prohibited Activity)
- 16.2.9 Livestock in Sensitive Areas (Prohibited Activity)

## Other Methods

- 17.2.4 Native Coastal Plant Species
- 17.2.12 Pest Management Strategies
- 17.2.15 Livestock Grazing
- 17.2.19 Information on Exotic Species in the Coastal Environment

## Environmental Results Anticipated

- Significant or vulnerable indigenous vegetation and significant habitats of indigenous fauna protected.
- Net increase in habitat margins and transitional environments.
- No exotic plants introduced to the CMA unless authorities are certain there will be no adverse effects resulting from the introduction.

## 3.3 Amenity and Heritage Values

**Issue:** Increasing pressure for use and development in the CMA is resulting in amenity and heritage values being compromised and/or lost.

**Objective:** Amenity and heritage values within the CMA maintained or enhanced.

**Principal Reasons for Adopting:** Amenity and heritage values are identified in s7 of the RMA and in the NZCPS, and contribute to people's appreciation of the coast and its qualities. Continuing pressure for use and development within the coastal environment is leading to a steady loss of natural values and an accompanying loss of amenity values. Any proposal for use or development in the CMA must consider these values and ensure they are maintained or enhanced.

### 3.3.1 Policy - Amenity Values

**Maintain existing amenity and recreational values, including open space qualities and coastal recreation opportunities. Seek to enhance areas where amenity and recreational values have been compromised or require improvement.**

#### **Explanation and Principal Reasons for Adopting:**

Amenity values are defined in the RMA as: 'those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'. Enjoyment of the coast is important for most New Zealanders and it is therefore important that the elements which people enjoy about the coast are maintained and provided for. Recreational facilities identified on the maps in Appendix III are representative of some of these elements. Refer to Policies 3.1.1 and 3.1.3 of the NZCPS.

## Implementation Methods

### Rules

- 16.2.3 Removal or Eradication of Indigenous Plant Species (Discretionary Activity)
- 16.3.7 Discharges from Ports and Marinas and Boat Maintenance Areas (Discretionary Activity)
- 16.3.8 Sewage Discharges (Discretionary Activity)
- 16.3.12 Discharges of Hazardous Substances (Discretionary Activity)
- 16.3.13 Discharges to the CMA (Discretionary Activity)
- 16.3.15 Discharge of Dye Tracers (Controlled Activity)
- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)

- 16.4.9 Transfer of Mooring Permits in Whangamata (Prohibited Activity)
- 16.4.11 Structures Associated with Network Utility Operations (Controlled Activity)
- 16.4.12 Structures which Impound or Effectively Contain the CMA (Discretionary Activity)
- 16.4.14 Structures More or Less Parallel to Mean High Water Springs (Discretionary Activity)
- 16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)
- 16.4.26 Use of and Occupation of Space by Structures (Discretionary Activity)
- 16.6.13 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.15 Beach Nourishment (Controlled Activity)
- 16.6.18 Reclamations (Discretionary Activity)
- 16.6.22 Materials Used for Reclamations/Declamations (Prohibited Activity)
- 16.8.1 Exclusive Occupation (Discretionary Activity)

#### **Other Methods**

- 17.2.1 Consultation with Territorial Authorities
- 17.2.2 Reserve Areas
- 17.2.4 Native Coastal Plant Species
- 17.2.6 Environment Waikato: Works and Services
- 17.2.7 Protection and Restoration of Natural Character in the CMA
- 17.11.1 Plan Integration

### **3.3.2 Policy - Protection of Heritage Values**

**Ensure the protection of the Region's heritage resources, including historic places, areas, sites and structures from any adverse effects of use and development.**

**Explanation and Principal Reasons for Adopting:** Heritage resources in the CMA need to be protected to ensure that damage to such areas is avoided and the areas retain their significance for future generations. Historic places, historic areas, and waahi tapu areas include those recorded on the Historic Places register, in accordance with s22 of the Historic Places Act 1993.

#### **Implementation Methods**

##### **Rules**

- 16.4.12 Structures which Impound or Effectively Contain the CMA (Discretionary Activity)
- 16.4.14 Structures More or Less Parallel to Mean High Water Springs (Discretionary Activity)
- 16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)
- 16.4.20 Maintenance and Repair of Structures (Permitted Activity)
- 16.4.21 Maintenance and Repair of Structures (Controlled Activity)
- 16.4.23 Removal or Demolition of Structures (Permitted Activity)
- 16.6.6 Military Training (Prohibited Activity)

##### **Other Methods**

- 17.2.5 Identification of Unrecorded Historic and Archaeological Sites
- 17.2.6 Environment Waikato: Works and Services
- 17.2.16 Consultation with New Zealand Historic Places Trust
- 17.2.20 Heritage Resources
- 17.2.22 Heritage Criteria

## **Environmental Results Anticipated**

- No net loss of amenity values.
- The Region's heritage resources protected.

## 3.4 Protection of Coastal Processes

**Issue:** Development within the CMA can have adverse effects on water currents, sediment patterns and the movement of biota.

**Objective:** The integrity, functioning and resilience of coastal processes protected from the adverse effects of use and development.

**Principal Reasons for Adopting:** The coastal environment is dynamic and processes such as dune formation, longshore drift of gravels, shells and sands, and wind and wave erosion influence the shape as well as the appearance of the coast. These physical processes also affect the natural movement of biota. Any proposal for use or development in the CMA must, therefore, take account of the effects of coastal processes and the dynamic nature of the coast.

### 3.4.1 Policy - Precautionary Approach

**A precautionary approach will be taken when considering any activity in the CMA, particularly those activities whose effects are as yet unknown, or little understood.**

**Explanation and Principal Reasons for Adopting:** The precautionary approach to coastal management is advocated by Ch3.3 of the NZCPS. This approach recognises current lack of knowledge of the coast by treating activities as either discretionary, non-complying or prohibited where there is insufficient knowledge to predict the effects of the activity, the activity may have significant adverse effects, or it is not practicable to require the applicant to gather sufficient information to predict the impact or effects of the activity.

#### Implementation Methods

##### Other Methods

- 17.2.1 Consultation with Territorial Authorities
- 17.2.6 Environment Waikato: Works and Services
- 17.2.21 Information from Applicants
- 17.2.25 Information Recorded
- 17.11.1 Plan Integration

#### Appendix I – Information Requirements

#### Appendix II - Decision-Making Criteria and Considerations

### 3.4.2 Policy - Recognising Coastal Processes

**Ensure that any activity in the CMA avoids, as far as practicable, any adverse effects on coastal processes, both in the immediate vicinity, along the shore, and offshore from the location.**

**Explanation and Principal Reasons for Adopting:** Coastal processes can both affect and be affected by development. Use and development that is located on or near the foreshore can adversely impact on natural processes and also be at risk from natural hazards. Any proposed activity in the CMA will therefore need to be resilient to the dynamic nature of coastal processes. There is little known about the effects of activities on coastal processes and, in particular, downstream effects. Development on or near the foreshore also has the potential to reduce the habitat of fauna and flora and the health and integrity of the land/water interzone. Natural hazard risk is also closely linked to coastal processes. (See Ch8, Natural Hazards)

## **Implementation Methods**

### **Other Methods**

- 17.2.6 Environment Waikato: Works and Services
- 17.2.11 Protection of Riparian Vegetation and Transition Zones
- 17.2.13 Management of Coastal Processes
- 17.2.14 Buffer Zone Along Coastal Margin
- 17.2.18 Information on Coastal Processes
- 17.2.23 Complexity and Inter-Relatedness of CMA

### **3.4.3 Policy - Biodiversity**

**Ensure the protection of biodiversity, the inter-relatedness of coastal ecology, and the natural movement of biota within the CMA.**

**Explanation and Principal Reasons for Adopting:** The physical health and functioning of the marine environment and the health of marine biota are connected. Many marine species rely on currents to disperse their young and to bring them food, oxygen and nutrients. Correspondingly, contaminants or exotic species that can adversely affect marine health and biodiversity are similarly and easily dispersed throughout the environment. This policy will help to ensure that productive and healthy fish and shellfish resources are maintained in the CMA. Refer also to Policy 1.1.4 of the NZCPS.

## **Implementation Methods**

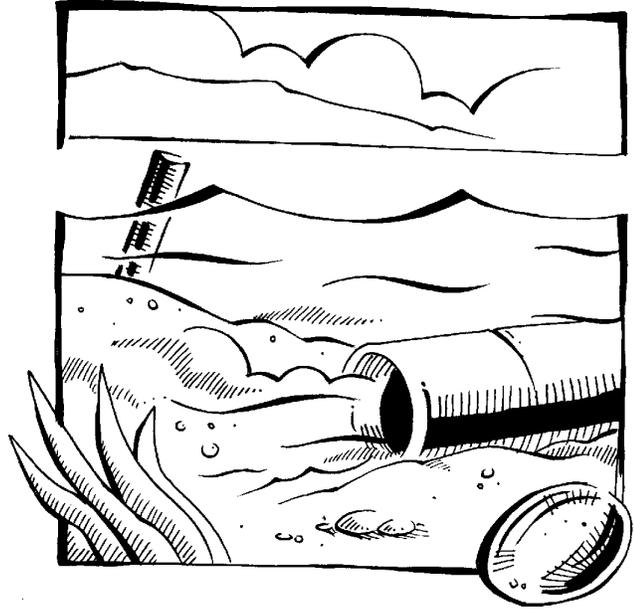
### **Other Methods**

- 17.2.2 Reserve Areas
- 17.2.3 Consultation with the Ministry of Fisheries
- 17.2.17 Information on Marine Habitats/Vegetation Enhancement
- 17.2.23 Complexity and Inter-Relatedness of CMA

## **Environmental Results Anticipated**

- Biological diversity and abundance protected.
- Coastal processes not compromised.

4



# Water Quality

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## 4 Water Quality

Environment Waikato has responsibility under the RMA for managing the water in the CMA. Water quality can be affected by the adverse effects associated with the discharge of contaminants resulting from activities within and adjacent to the CMA.<sup>10</sup>

Discharges into the CMA have three main sources - point source discharges, non-point (or diffuse) source discharges, and discharges from river systems. Point source discharges are those discharges that discharge through a pipe or a recognisable or definitive point. Non-point source discharges and river discharges require integrated management of both water and land-based activities undertaken above Mean High Water Springs

The level of effects from discharges is dependent on such factors as the nature, scale and location of the discharge, and the nature of the receiving waters. When considering any use of water in the CMA, aspects of water quality which need to be considered include, for example, water clarity and colour, temperature, dissolved oxygen, biological growth, nutrient levels and currents, as well as recreational, cultural and amenity values.

The taking and use of coastal water is unlikely to have any adverse effects on the CMA if the take rate and quantity are managed. Sea water may be used for cooling purposes, desalination, ballast, cleaning of ship structures, aquaculture, and so on.

Damming or diverting water, either in the CMA or in streams or rivers running into the CMA, can change current patterns and sedimentation, affect water temperatures and aesthetic and ecological values.

In addition to wind and wave action, sedimentation arises from activities in the CMA which disturb the foreshore or seabed, as well as from land-based activities or from streams and rivers. Sedimentation can affect various characteristics of the CMA, including water clarity, estuarine and sediment current patterns and the diversity, distribution and abundance of flora and fauna.

### 4.1 High Water Quality Maintained

**Issue:** A reduction in the quality of coastal water may adversely affect ecological, recreational and commercial values, as well as having impacts on amenity and cultural values.

**Objective:** Water quality in the CMA maintained or enhanced.

**Principal Reasons for Adopting:** High water quality is important for supporting coastal ecosystems as well as enhancing people's enjoyment of the coast. It is vital for the economic wellbeing of coastal settlements and also of fundamental importance to tangata whenua. Environment Waikato's approach to managing water quality in the CMA, is to protect the existing overall quality of water while identifying and seeking to enhance it in those areas where human activity has resulted in adverse effects on coastal waters

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<sup>10</sup> Refer also to Appendix V: Marine Pollution

## 4.1.1 Policy - Maintaining or Enhancing Water Quality Characteristics

**Identify the characteristics for which coastal waters are valued, and manage these waters to ensure that those characteristics are maintained or enhanced by avoiding, remedying or mitigating the adverse effects of activities on water quality.**

**Explanation and Principal Reasons for Adopting:** Environment Waikato recognises that people use and value characteristics of the coast differently. Uses and values include for example, recreation, commercial activities, food gathering and cultural values. Uses and values are affected by water quality characteristics. Physical, chemical and biological attributes (such as clarity, nutrient levels, dissolved oxygen) define water quality. Activities which may adversely affect these attributes are managed to maintain peoples uses and enjoyment of the coast. Refer also to Policy 3.1.2 of the NZCPS.

### Implementation Methods

#### Rules

- 16.2.10 Marina Basins (Discretionary Activity)
- 16.3.4 Minor Discharges of Water (Permitted Activity)
- 16.3.5 Stormwater Discharges (Permitted Activity)
- 16.3.6 Stormwater Discharges (Controlled Activity)
- 16.3.7 Discharges from Ports and Marinas and Boat Maintenance Areas (Discretionary Activity)
- 16.3.8 Sewage Discharges (Discretionary Activity)
- 16.3.9 Sewage Discharges (Discretionary Activity)
- 16.3.10 Sewage Discharges (Prohibited Activity)
- 16.3.11 Sewage Discharges (Prohibited Activity)
- 16.3.12 Discharges of Hazardous Substances (Discretionary Activity)
- 16.3.13 Discharges to the CMA (Discretionary Activity)
- 16.3.15 Discharge of Dye Tracers (Controlled Activity)

#### Other Methods

- 17.2.10 Community Values of Significance
- 17.3.1 Consultation with Territorial Authorities
- 17.3.2 Management of Ballast Water
- 17.3.3 Oil Spill Plans
- 17.3.4 Gathering Further Information

## 4.1.2 Policy - Take and Use of Water

**Ensure that adverse effects on water quality and habitat from the take and use of water are avoided or remedied.**

**Explanation and Principal Reasons for Adopting:** Environment Waikato recognises that it is appropriate to take and use water for different activities in the CMA. Any take or use must ensure that the quantity or rate at which it is taken does not adversely affect water quality (e.g. through sediment disturbances) or disturb habitat. Sea water may be taken for various reasons including cooling purposes, desalination, ballast, and the cleaning of ship structures. (Refer to other policies for discharges).

### Implementation Methods

#### Rules

- 16.3.1 Taking and Use of Water by Ships (Permitted Activity)
- 16.3.2 Taking and Use of Coastal Water (Permitted Activity)
- 16.3.3 Taking and Use of Coastal Water (Controlled Activity)

## 4.1.3 Policy - Point Source Discharges

**Maintain existing water quality and identify and seek to enhance areas where water quality has been adversely affected.**

**Explanation and Principal Reasons for Adopting:** Environment Waikato recognises that there is a need for some discharges to be made into the CMA. Where water quality has been adversely affected by human activity, existing and new discharges will be managed to achieve or contribute to an improvement in water quality. This policy does not prohibit the discharge of contaminants from new or existing sources into the CMA which result in changes to water quality. Refer also to Policy 5.1.1 of the NZCPS and Policy 4.1.1 of this Plan.

### **Implementation Methods**

#### **Rules**

- 16.3.4 Minor Discharges of Water (Permitted Activity)
- 16.3.5 Stormwater Discharges (Permitted Activity)
- 16.3.6 Stormwater Discharges (Controlled Activity)
- 16.3.7 Discharges from Ports and Marinas and Boat Maintenance Areas (Discretionary Activity)
- 16.3.8 Sewage Discharges (Discretionary Activity)
- 16.3.9 Sewage Discharges (Discretionary Activity)
- 16.3.10 Sewage Discharges (Prohibited Activity)
- 16.3.11 Sewage Discharges (Prohibited Activity)
- 16.3.12 Discharges of Hazardous Substances (Discretionary Activity)
- 16.3.13 Discharges to the CMA (Discretionary Activity)

#### **Other Methods**

- 17.2.11 Protection of Riparian Vegetation and Transition Zones
- 17.3.1 Consultation with Territorial Authorities
- 17.3.2 Management of Ballast Water
- 17.3.3 Oil Spill Plans
- 17.3.4 Gathering Further Information
- 17.3.5 Review of Existing Discharge Permits
- 17.3.6 Stormwater Liaison
- 17.3.7 Consultation with Boating Interests
- 17.3.8 Marine Farming
- 17.3.9 Regional and District Plans
- 17.3.11 Land-Based Waste Treatment
- 17.3.12 Water Quality Promotions
- 17.3.13 Disseminating Research on Water Quality
- 17.3.14 Notification

### **4.1.4 Policy - Non-Point Source Discharges**

**Promote riparian and land management practices in order to reduce the cumulative effects of non-point source discharges of contaminants into the CMA.**

**Explanation and Principal Reasons for Adopting:** Cumulative adverse effects of non-point sources can outweigh the adverse environmental effects of point source discharges. Non-point sources are considered to be a dominant cause of reduction in water quality in the Region. They are however much more difficult to identify and remedy than point source discharges. Refer also Policy 5.1.6 of the NZCPS.

### **Implementation Methods**

#### **Other Methods**

- 17.2.11 Protection of Riparian Vegetation and Transition Zones
- 17.3.1 Consultation with Territorial Authorities
- 17.3.9 Regional and District Plans
- 17.3.11 Land-Based Waste Treatment
- 17.3.14 Notification

## 4.1.5 Policy - Damming or Diverting Water

Ensure any application for damming or diversion of water occurs only where no other practicable options exist and the adverse effects on water quality are remedied or mitigated.

**Explanation and Principal Reasons for Adopting:** Damming or diverting water, either in the CMA, or of streams or rivers running into the CMA, can have significant impacts on currents and patterns of sedimentation, and can affect water temperatures and ecological values. Refer in particular to chapters on Natural Character, Structures and Disturbances.

### Implementation Methods

#### Rules

16.3.12 Damming or Diversion of Water (Discretionary Activity)

#### Other Methods

17.2.10 Community Values of Significance

17.3.10 Regional and District Plans

## Environmental Results Anticipated

- No adverse effects on water quality, or habitats from any take or use of water in the CMA.
- Net increase in the area and quality of riparian vegetation zones along the coast.
- No inappropriate damming or diversion of water.
- Water quality enhanced in degraded areas.
- No cumulative degradation of water quality in the CMA.

5



# Structures



## 5 Structures

Under s30 of the RMA, Environment Waikato is responsible for the control of land in the CMA. In addition, s12(1)(b) of the RMA places restrictions on any structures fixed in, on, under, or over any foreshore or seabed in the CMA. Environment Waikato is also responsible for the occupation of space in the CMA and a permit for this may be required under s12(2)(a) of the RMA.

Links between the land and the sea are important, both in terms of structures crossing Mean High Water Springs, and the need for structures located in the CMA to have land-based facilities. Integrated management across Mean High Water Springs is therefore required to ensure natural character and associated natural features are not adversely affected.

Other issues associated with structures include the allocation of space, size, location, and design of structures, navigation and safety issues, and the impacts on coastal processes. The cumulative effects of structures within a given area must also be taken into account.

### 5.1 Development, Maintenance and Removal of Structures

**Issue:** Structures in the CMA can adversely affect natural character, public access and amenity values, impact on natural processes, and conflict with other uses.

**Objective:** Any development, maintenance and removal of structures in the CMA carried out in a manner which protects natural character and amenity values, and avoids adverse effects on the environment (including cumulative effects) and on natural processes, does not constitute a hazard to navigation and takes into account other uses of the CMA and adjacent land.

**Principal Reasons for Adopting:** Some structures in the CMA are important and appropriate in enabling people and communities to provide for their social, economic and cultural well-being, and may have historical/archaeological significance. Structures can, however, have significant adverse and/or cumulative effects on the environment. These can include adverse effects on natural character and amenity values, loss of public access, changes to the nature of benthic communities, interference with sediment transport processes, and changes in wave energy and tidal flows. In addition, structures can both provide habitat and cause loss of habitat.

#### 5.1.1 Policy - Existing Structures

**Ensure that existing structures in the CMA which were not lawfully established are either authorised or removed.**

**Explanation and Principal Reasons for Adopting:** The RMA provides for the continuation of certain existing uses. However, it is recognised that there are a range of structures in the Region which were not lawfully established. To ensure their management is consistent with structures which have been lawfully established, these structures will be assessed against the objectives in this Plan and will be required to be either legalised or removed. Removal of those structures which are recorded on the

Historic Places register (in accordance with s22 of the Historic Places Act 1993), will not be required.

## **Implementation Methods**

### **Other Methods**

- 17.2.5 Identification of Unrecorded Historic and Archaeological Sites
- 17.2.16 Consultation with New Zealand Historic Places Trust
- 17.2.22 Heritage Criteria
- 17.4.1 Consultative Approach to Historic Structures
- 17.4.2 Establishing a Database
- 17.4.3 Surveying the Coast
- 17.4.4 Removal of Structures

## **5.1.2 Policy - Structures Associated with Network Utility Operations**

**Where there are no practicable alternatives available outside the CMA, promote the location of new network utilities in the same or similar pathways to existing network utilities.**

**Explanation and Principal Reasons for Adopting:** It is recognised that some network utility services have a functional need to locate in the CMA, or lack practicable alternative locations. Infrastructure associated with these services can, however, have adverse effects on natural character, amenity values, public access, and/or cumulative effects on the environment. Locating future works in same or similar pathways as existing network utilities will lessen further impacts.

## **Implementation Methods**

### **Rules**

- 16.4.10 Structures Associated with Network Utility Operations (Permitted Activity)
- 16.4.11 Structures Associated with Network Utility Operations (Controlled Activity)

## **5.1.3 Policy - Appropriate Structures**

**Ensure only those structures for which a coastal location is necessary are situated in the CMA, and that any structure that is located in the CMA as far as practicable avoids adverse effects (including cumulative effects) on natural character and amenity values, and avoids adverse effects on natural processes. Where complete avoidance is not practicable, the adverse effects should be mitigated and provisions made for remedying those effects to the extent practicable.**

**Explanation and Principal Reasons for Adopting:** It is recognised that some structures must be located in the CMA if they are to be functional. However, there are many structures that do not have a functional need to be located in the CMA. The development of any structure in the CMA, for which a coastal location is not necessary, may adversely impact on natural character, amenity values, natural processes and existing uses, contribute to cumulative effects, or preclude future use by activities needing a coastal site. Refer also to Policy 3.1.4.

## **Implementation Methods**

### **Rules**

- 16.4.1 Temporary Structures (Permitted Activity)
- 16.4.1A Monitoring and Sampling Structures (Permitted Activity)
- 16.4.2 Maimai (Permitted Activity)
- 16.4.3 Whitebait Stands (Permitted Activity)
- 16.4.4 Tide Fences (Permitted Activity)
- 16.4.5 Navigational Aids (Permitted Activity)
- 16.4.6 Swing Moorings within Zoned Mooring Areas (Controlled activity)
- 16.4.7 Moorings within a Harbour/Estuary outside of Zoned Mooring Areas (Prohibited Activity)
- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary)

- Activity)
- 16.4.9 Transfer of Mooring Permits in Whangamata (Prohibited Activity)
- 16.4.11 Structures Associated with Network Utility Operations (Controlled Activity)
- 16.4.12 Structures which Impound or Effectively Contain the CMA (Discretionary Activity)
- 16.4.13 Structures Which Impound or Effectively Contain the CMA (Prohibited Activity)
- 16.4.14 Structures More or Less Parallel to Mean High Water Springs (Discretionary Activity)
- 16.4.15 Structures More or Less Parallel to Mean High Water Springs (Prohibited Activity)
- 16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)
- 16.4.17 Structures Oblique or Perpendicular to Mean High Water Springs (Prohibited Activity)
- 16.4.18 Structures Used In The Petroleum and Chemical Industry (Discretionary Activity)
- 16.4.19 Structures Used in the Petroleum and Chemical Industry (Prohibited Activity)
- 16.4.20 Maintenance and Repair of Structures (Permitted Activity)
- 16.4.21 Maintenance and Repair of Structures (Controlled Activity)
- 16.4.22 Minor Extensions and/or Alterations to Structures (Controlled Activity)
- 16.4.23 Removal or Demolition of Structures (Permitted Activity)
- 16.4.24 Structures (Discretionary Activity)
- 16.4.25 Poles and pontoons within a Marina Basin (Permitted Activity)
- 16.4.26 Use of and Occupation of Space by Structures (Discretionary Activity)

#### **Other Methods**

- 17.2.1 Consultation with Territorial Authorities
- 17.2.5 Identification of Unrecorded Historic and Archaeological Sites
- 17.4.2 Establishing a Database
- 17.11.2 Joint Hearings

### **5.1.4 Policy - Notification of Structures and Works**

**Ensure the Maritime Safety Authority and Hydrographic Office of the Royal New Zealand Navy are advised of structures and works in the CMA.**

**Explanation and Principal Reasons for Adopting:** The Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy survey and chart the waters of New Zealand and therefore have a role to play in ensuring that shipping can safely navigate the waters of New Zealand. The information on structures and works in the CMA is added to the hydrographic charts. Policy 3.2.9 of the NZCPS states that the MSA and Hydrographic Office should be notified of new structures and works in the CMA at the time permission is given for their construction.

Under s395 of the RMA, Environment Waikato is required to forward a copy of coastal permit applications received for new structures or other harbour work to the Minister of Transport for comment on safety and navigation. The Minister has, however, delegated this power to the Maritime Safety Authority, due to the responsibilities the Authority already has for safety and navigation within the CMA.

#### **Implementation Methods**

##### **Other Methods**

- 17.4.5 Notification of Structures and Works

### **5.1.5 Policy - Location, construction and maintenance of mooring structures**

**Ensure that moorings are located, constructed and maintained in a way which uses space efficiently, does not constitute a hazard to navigation, avoids adverse effects on the environment (including cumulative effects) and on natural processes, and takes into account other uses of the CMA and adjacent land.**

**Explanation and Principle Reasons for Adopting:** To ensure that moorings are located in an appropriate area and that the mooring is constructed and maintained to

withstand coastal processes and that it is adequate for the size of the vessel. This policy is also to assist in managing the cumulative spread of moorings.

## **Implementation Methods**

### **Rules**

- 16.4.6 Swing Moorings within Zoned Mooring Areas (Controlled Activity)
- 16.4.7 Moorings within a Harbour/Estuary outside of Zoned Mooring Areas (Prohibited Activity)
- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)
- 16.4.24 Structures (Discretionary Activity)

### **Other Methods**

- 17.1.3 Identification of Areas/Characteristics of Special Value
- 17.1.4 Consultation on consent applications
- 17.1.6 Consultation with Tangata Whenua and Promotion of Kaitiakitanga
- 17.4.4 Removal of Structures
- 17.4.5 Notification of Structures and Works
- 17.8.4 Protection of Iwi Values
- 17.10.2 Consultation with Local Communities
- 17.11.6 Information on the Plan

## **5.1.6 Policy - Existing Lawfully Established Mooring Structures**

**Enable the occupation of space, and the use or alteration of existing moorings which were lawfully established prior to the enactment of the Resource Management Act 1991, where any significant adverse effects of these activities are avoided, remedied or mitigated.**

**Explanation and Principle Reasons for Adopting:** Recognises that some moorings were in place prior to the Resource Management Act 1991 and they are legally entitled to occupy the surface water space as long as there are no adverse effects on the environment until six months after the Plan variation is operative.

## **Implementation Methods**

### **Rules**

- 16.4.6 Swing Moorings within Zoned Mooring Areas (Controlled Activity)
- 16.4.7 Moorings within a Harbour/Estuary outside of Zoned Mooring Areas (Prohibited Activity)
- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)
- 16.4.24 Structures (Discretionary Activity)

### **Other Methods**

- 17.4.4 Removal of Structures
- 17.4.5 Notification of Structures and Works

## **5.1.7 Policy - Anchorages and Fairways**

**Ensure that moorings are avoided in marked channel/fairways and limited in areas identified as anchorage areas.**

**Explanation and Principal Reasons for Adopting:** Recognises that due to pressures on coastal space, moorings are encroaching into bays and harbours. This is of concern if a vessel needs to anchor due to an emergency or due to safety reasons, and there is no space available in the nearest safe location, due to moorings using the available water space required to anchor. Maps have been included into Appendix III showing indicative anchorage areas. Mooring applications outside of any Zoned Mooring Area or Prohibited Mooring Area, but within an area shown as an indicative anchorage area, must show that the cumulative effects of that mooring on anchoring will be minor in relation to existing moorings in that area. Any such application will be assessed in accordance with the assessment criteria of Rule 16.4.8.

## Implementation Methods

### Rules

- 16.4.6 Swing Moorings within Zoned Mooring Areas (Controlled Activity)
- 16.4.7 Moorings within a Harbour/Estuary outside of Zoned Mooring Areas (Prohibited Activity)
- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)
- 16.4.24 Structures (Discretionary Activity)

### Other Methods

- 17.4.4 Removal of Structures
- 17.4.5 Notification of Structures and Works

## 5.1.8 Policy - Maximum Mooring Numbers

**Ensure that the number of moorings within each Zoned Mooring Area does not exceed a specified maximum number of moorings as identified in Appendix III of this Plan.**

**Explanation and Principal Reasons for Adopting:** Schedule 1 of Appendix III specifies the maximum number of moorings for each Zoned Mooring Area in order to avoid and mitigate the effects of moorings on navigation safety and other uses of the CMA and adjacent land.

## Implementation Methods

### Rules

- 16.4.6 Swing Moorings within Zoned Mooring Areas (Controlled Activity)
- 16.4.7 Moorings within a Harbour/Estuary outside of Zoned Mooring Areas (Prohibited Activity)
- 16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)
- 16.4.9 Transfer of Mooring Permits in Whangamata (Prohibited Activity)
- 16.4.24 Structures (Discretionary Activity)

### Other Methods

- 17.4.4 Removal of Structures
- 17.4.5 Notification of Structures and Works

## Environmental Results Anticipated

- Cumulative effects and proliferation of structures in the CMA minimised.
- Structures in the CMA which have minimal adverse effects on the environment.
- Values identified in any area of significant conservation value protected.



6



# Marine Farming



## 6 Marine Farming

This chapter relates to marine farming throughout the coastal marine area of the Waikato Regional Council.<sup>11</sup>

Marine farming has an established history in the Waikato Region, having been undertaken since the late 1960s. The majority of marine farms are found off the West Coast of the Coromandel Peninsula, offshore between Wilson Bay and Papaaroha, because of the favourable climate and water temperatures, high water quality, nutrient availability and a number of sheltered areas.

The cultivation of marine species uses a variety of different types of structures, including suspended culture from rafts, longlines, seacages, inter-tidal racks and bottom sea culture. New forms of technology are continually being explored to increase farming efficiency and capability and to reduce environmental impacts. At present, the two major types of marine farming within the Waikato Region are conventional mussel longlines and inter-tidal oyster rack farms.

Conventional longline mussel farms and other subtidal farming, such as for finfish, usually require permanent and relatively deep water in order to achieve optimum growth. Oyster farms are generally established within inter-tidal areas on conventional rack structures.

Marine farming is an industry of increasing social and economic importance, and can be a sustainable and efficient use of the CMA if it is appropriately located and managed. Some of the benefits of marine farming include:

- economic and social benefits, including direct and indirect employment opportunities.
- reduction of the pressure on natural fish and shellfish stocks by providing an important alternative source of fish and shellfish.
- enhancement of recreational fishing.
- providing a focus of interest for tourists.
- providing a good indicator of the quality of coastal waters because of requirements for clean, high quality water.

Many parts of the CMA are highly valued for their natural character, landscape, amenity, ecological, cultural and recreational values. Marine farming can conflict with other uses and values and can have adverse effects on the CMA, although many of these effects can be avoided, remedied or mitigated by appropriate site selection, choice of marine farming operation and farm management practices. Adverse effects may include:

- alteration of natural coastal processes, particularly sediment transport processes from marine farm structures, and nutrient cycling processes.
- deposition of shell, uneaten feed and waste material beneath farms.
- disposal of non-biodegradable material into the CMA, including plastic floats, buoys, ties and ropes.
- degradation of natural character, landscape and amenity values.
- disturbance to the foreshore and seabed.
- adverse effects on ecology and marine habitat, including the smothering or displacement of marine species living directly beneath farms, effects on sediment quality and the introduction of organisms with biosecurity or biodiversity risks through marine farming activities.
- entanglement of marine mammals and birds with structures
- restrictions on public access.

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<sup>11</sup> This chapter must be read in conjunction with all other chapters of the Regional Coastal Plan.

- exclusion of other uses from marine farming areas.
- conflicts with recreational uses and boat mooring areas.
- adverse effects on navigation safety.
- impacts on onshore facilities (e.g. landing facilities, roads).
- high levels of noise associated with marine farming operations.
- adverse effects on water quality, particularly if artificial food, antibiotics or high levels of organic waste are added to the water, or if shellfish are washed down or cleaned in the CMA.
- adverse effects on areas of significance to tangata whenua.

Tikapa Moana (Hauraki Gulf) is a taonga, an ecosystem of great importance to the Hauraki people of today, of the past and for future generations. It is a productive environment, sustaining abundant customary fisheries. Marine farming may adversely affect the relationship of tangata whenua with their ancestral taonga, particularly by restricting access to and use of traditional coastal resources, such as customary values and interests to the foreshore and seabed, customary fisheries and fisheries management.

Tangata whenua have lodged applications with the Maori Land Court for recognition of their customary title to the foreshore and seabed around the Coromandel Peninsula, including the greater part of the Firth of Thames. There are also Waitangi Tribunal claims for land including parts of the seabed and foreshore around the Coromandel Peninsula. These applications/claims seek legal recognition of tangata whenua customary ownership rights to areas of the foreshore and seabed. Customary ownership and its importance to tangata whenua is part of cultural well-being. Recognising the characteristics of Tikapa Moana that have special value to tangata whenua needs to be recognised in relation to Part II of the RMA.

Most of the western Coromandel Peninsula coastline has been closed to new marine farm applications since the early 1980s by *Gazette* notices issued under the Marine Farming Act 1971. Therefore, there are a limited number of marine farms established along this coast. However, demand for space for new marine farming development, including space for the farming of other species, is high and could potentially continue into the future. The careful allocation and management of space for marine farming will be critical to achieving sustainable management of the natural and physical resources of the CMA.

The NZCPS provides for the use of a precautionary approach to help avoid the effects of activities on the environment where there is a lack of understanding about coastal processes and the effects of those activities on coastal processes, particularly where the effects of those activities are unknown or not well understood. There is a limited amount of information available on the cumulative effects of marine farms on marine ecosystems, both over time and within areas subject to a concentration of development. In addition, the environmental effects of large blocks of concentrated marine farm development, e.g. areas of development greater than 50 hectares, particularly in the Firth of Thames semi-enclosed water body, is uncertain.

In recognition of this demand, the Coromandel marine farming zone (located within the Hauraki Gulf; refer to Map 13 and Schedule 6 in Appendix III) has been established to provide sufficient area for the commercialisation of fed aquaculture such as the farming of kingfish and hāpuku. This zone is located away from major constraints such as commercial shipping, ferry, and major cruising routes, recreational boating anchorages, and recreational fishing hotspots. The zone has been created following investigations by the National Institute of Water and Atmospheric Research and a report from a Ministerial Advisory Panel appointed by the Minister of Aquaculture.

The zone is located in a deep (30 to 40 metres), well-flushed area where the seafloor is comprised of soft sands and mud that accommodate no known habitats or assemblages of particular ecological or conservation value, that are likely to be

adversely affected by marine farming activities within the zone. While public access will be maintained through appropriate parts of the zone, the zone will effectively exclude some users of the coastal marine area such as yachts and commercial fishing. Likewise the presence of marine farm structures within the zone will have an impact on the natural character and visual amenity of the area, although it is considered that the location of the zone reduces landscape effects on land-based observers as the zone is not visible from land at sea level. These potential public access, natural character and visual amenity effects will be managed by conditions on, for example, the vertical height, type and appearance of structures.

Most marine farming operations have associated requirements for land-based facilities, e.g. wharf facilities, processing and disposal of waste, transport and communication links (roading, telephone and power), plant and equipment requirements, water supply and wastewater disposal. Approval of these activities where they are located above MHWS, is the responsibility of territorial authorities. Regional councils are responsible for issuing resource consents for marine farming activities below MHWS. In order to achieve integrated management, Environment Waikato and territorial authorities need to adopt a consistent and co-operative approach in dealing with marine farming.

If produce from the marine farm is to be sold for human consumption, a sanitary survey for the proposed farm area needs to be completed by Health Waikato to ensure the water quality meets national marine farming standards.

Marine farming is also affected by land uses above MHWS which can have an adverse effect on coastal water quality and influence the ability of an area to sustain marine farming activities. Health Waikato undertakes regular water quality monitoring within marine farm areas, and can close marine farms down if discharges or heavy rainfall cause a risk to human health through the consumption of shellfish from these areas.

Integration and co-ordination between all agencies with marine farming responsibilities is important in achieving a consistent management approach and in promoting the sustainable management of coastal resources.

## 6.1 Development of Marine Farming

**Issue:** Marine farming is recognised as being an important industry within the Waikato Region, contributing social and economic benefits to the local, regional and national economy. However, because marine farming occupies coastal space, it has the potential to conflict with a range of other uses and values. If not managed in a sustainable way, marine farming development may have adverse environmental effects, including cumulative effects, on the coastal environment.

**Objective:** Marine farming developed in an efficient and sustainable manner which avoids adverse effects on the coastal environment as far as practicable.

**Principal Reasons for Adopting:** Marine farming can be a sustainable use of the CMA if it is appropriately located and managed. However, the management of marine farming is complex because of the potential to conflict with a range of other uses and values in the coastal environment. The above objective allows for the development of new marine farms, while at the same time ensuring adverse effects on the coastal environment are avoided as far as practicable. Where it is not practicable to completely avoid adverse effects, they must be remedied or mitigated, and this is reflected in Policy 6.1.1.

Marine farms can have adverse effects on the coastal environment either individually, or cumulatively. These effects can include loss of natural character and landscape values, navigation hazards, changes to the nature of benthic communities, impacts on marine ecology (both at the marine farm site and over a larger geographic area), interference with natural coastal processes, loss of open coastal space, and impacts on cultural, amenity, recreational and aesthetic values. The objective provides for marine farming development which is sustainable (s5 RMA) and efficient in terms of the use and development of natural and physical resources (s7(b) RMA). The objective is consistent with the provisions of the RMA and NZCPS (Policy 3.3.1) which allow Environment Waikato to take a precautionary approach to the use and development of the CMA where the environmental effects (including cumulative effects) of the activity are unknown or uncertain.

### **6.1.1 Policy - Marine Farm Structures**

**Take a precautionary approach to marine farm development by ensuring that the erection, placement, use of, and occupation of space by any marine farm structure in the coastal marine area avoids as far as practicable any adverse effects (including cumulative effects) on the coastal environment. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated.**

**Explanation and Principal Reasons for Adopting:** Structures are necessary components of marine farming activities and it is recognised some adverse effects will occur from their erection, placement, use and occupation. However, there is also a limited amount of information available on the effects (particularly cumulative effects) of marine farms on marine ecosystems, both over time and within areas subject to a concentration of development, for example the Firth of Thames semi-enclosed water body within which the Wilson Bay marine farming zone is located. This policy provides for a precautionary approach to be taken towards the development of new marine farms. It allows for the establishment of, use of, and occupation of space by new marine farming structures in the coastal marine area, principally within specific marine farming zones, provided they avoid adverse effects (including cumulative effects) as far as practicable on natural character, coastal processes, water quality, navigation safety, and amenity, aesthetic, landscape, ecological, recreational and cultural values. This policy also recognises that the introduction of organisms with biodiversity or biosecurity risks through marine farming activities is a potential adverse effect on the natural biodiversity of the coastal marine area which should be avoided (refer also to Policy 3.4.3 Biodiversity). This policy promotes the purpose of the RMA, and is consistent with NZCPS policies 1.1.1, 1.1.2, 1.1.3, 1.1.4 and 3.2.2, by providing a clear direction to resource users that the adverse environmental effects of marine farm development, both on the coastal marine area and wider coastal environment, are to be avoided as far as practicable. It is also consistent with NZCPS Policy 3.3.1 (adoption of a precautionary approach).

#### **Implementation Methods Rules**

- 16.5.1 Fish Aggregation Devices and Spat Catching Buoys and Lines (Discretionary Activity)
- 16.5.2 Structures for Shellfish Research Purposes (Discretionary Activity)
- 16.5.3 Current Marine Farm Structures (Discretionary Activity)
- 16.5.4 Conventional Longline Marine Farm Structures within the Marine Farming Zone (Controlled Activity)
- 16.5.5 Conventional Inter-tidal Oyster Farm Structures (Discretionary Activity)
- 16.5.6 All Other Marine Farm Structures (Prohibited Activity)
- 16.5.7 Marine Farm Structures (Prohibited Activity)
- 16.4.5 Navigational Aids (Permitted Activity)
- 16.4.20 Maintenance and Repair of Structures (Permitted Activity)
- 16.4.21 Maintenance and Repair of Structures (Controlled Activity)
- 16.4.22 Minor Extensions and/or Alterations to Structures (Controlled Activity)
- 16.4.23 Removal or Demolition of Structures (Permitted Activity)
- 16.8.1 Exclusive Occupation (Discretionary Activity)

#### **Other Methods**

- 17.5.1 Support for Good Management Practices
- 17.5.3 Staged Development of Marine Farms
- 17.5.4 Information Gathering – Marine Farming
- 17.5.8 Lighting Management
- 17.5.9 Inshore Passage at Wilson Bay
- 17.1.3 Identification of Areas/Characteristics of Special Value
- 17.1.4 Consultation on Consent Applications
- 17.2.3 Consultation with the Ministry of Fisheries
- 17.2.19 Information on Exotic Species in the Coastal Environment
- 17.2.23 Complexity and Inter-Relatedness of CMA
- 17.2.25 Information Recorded
- 17.2.26 Identification of Key Protection Areas
- 17.4.2 Establishing a Database
- 17.4.4 Removal of Structures

### **6.1.1A Policy - Diversification of Aquaculture in the Region**

**Provide for the diversification of marine farming and the use of multi-trophic farming systems in a way that:**

- a) safeguards the life-supporting capacity of the environment;**
- b) is compatible with and does not adversely affect marine farming activities;**
- c) avoids, as far as practicable, adverse effects on water and sediment quality, indigenous biodiversity, coastal processes, landscape and natural character, and amenity values. Where complete avoidance is not practicable, adverse effects shall be remedied or mitigated; and**
- d) avoids adverse effects on areas of ecological significance.**

**Explanation and Principal Reasons for Adopting:** Sustaining the life supporting capacity of Tikapa Moana, the Hauraki Gulf, is a matter of national importance and is required to achieve the purposes of the Resource Management Act 1991 and the Hauraki Gulf Marine Park Act 2000. The life supporting capacity of Tikapa Moana includes its ability to provide for social, cultural, spiritual and economic needs. Diversification of aquaculture must also be undertaken in a way that gives effect to the New Zealand Coastal Policy Statement 2010.

Diversification will increase the flexibility and resilience of the industry. Diversification can reduce the risk of farm failure. Failure can occur through adverse seasonal and

climatic effects, attack from diseases and pests, and economic factors such as competition and collapse of markets. Such failures would have significant economic and social impacts on the community.

The aquaculture industry in the Waikato region is dominated by mussel farming with oyster farming also making a major contribution. There is potential for many other species, including fish, seaweeds, sponges and other shellfish, to be farmed. In addition, some marine farming systems involve multiple species grown together, which may offset their individual environmental effects. New types of marine farming should be compatible with existing farms and not have adverse effects on them.

The potential for and severity of adverse effects due to marine farming depends on the scale, type and intensity of the farming, and the nature of the environment within which it operates.

### **6.1.1B Policy – Limits on Fed Aquaculture**

**Manage fed aquaculture by:**

- a) **within the Firth of Thames, limiting the total net discharge of nitrogen from fed aquaculture to a maximum of 300 tonnes of nitrogen per year;**
- b) **within the Wilson Bay marine farming zone (as identified in Map 11 and Schedule 6 in Appendix III), restricting fed aquaculture to Area C and giving preference to the use of this area for fed aquaculture; and**
- c) **within the Coromandel marine farming zone (as identified in Map 13 and Schedule 6 in Appendix III), limiting the total net discharge of nitrogen from fed aquaculture to a maximum of 800 tonnes per year and an associated maximum of 13,600 tonnes of feed discharged per year.**

**Explanation and Principal Reasons for Adopting:** In keeping with the precautionary approach established by Policy 6.1.1, and the guidance provided by Policy 6.1.1A, and the requirements of Policy 6.1.4, new types of aquaculture that involve the discharge of nitrogen into the coastal marine area will only be able to occur on a limited scale in the semi-enclosed waters of the Firth of Thames and on a larger scale outside the Firth.

Marine farms outside the Firth of Thames are not subject to these limits and may apply for consent to carry out new types of aquaculture (including fed aquaculture such as fish farming where water depth is sufficient). These sites will be subject to assessment on their merits guided by the assessment criteria in Rules 16.5.5B and 16.5.5C.

For the purposes of this policy the Firth of Thames is considered to be all the coastal marine area south of a line between Deadmans Point and Orere Point (refer to the Glossary in Appendix VI).

### **6.1.1C Policy - Extensions to Marine Farms**

**Where assessment shows that the adverse effects of an authorised marine farm are not significant, provide for small extensions that:**

- a) **avoid adverse effects on areas of ecological significance;**
- b) **maintain access to the shoreline from the coastal marine area;**
- c) **maintain navigational safety and recreational values;**
- d) **maintain natural character and amenity values.**

**Explanation and Principal Reasons for Adopting:** Outside the Wilson Bay Marine Farming Zone there are a number of small marine farms. Small extensions to these farms will allow further development of the marine farming industry in the region, while ensuring that adverse effects can be managed. Policy 6.1.1C, in conjunction with Policy 6.1.1, provides guidance on matters that will be considered when a proposal to extend a marine farm is assessed. Where the adverse effects of a marine farm are significant, a consent application for an extension is likely to be declined. Policy 6.1.1C is implemented through Rule 16.5.5A which relates to applications to extend marine farms with the exception of inter-tidal oyster farms. Extensions to inter-tidal oyster farms (or new farms) will be addressed under Rule 16.5.5.

### **6.1.1D Policy – Establishment and Management of the Coromandel Marine Farming Zone**

- a) **Provide for fed aquaculture in the Coromandel marine farming zone through the provision of space in appropriately deep and well-flushed water while avoiding effects on significant ecological values and significant effects on other users of the coastal marine area.**
- b) **Ensure that the Coromandel marine farming zone is used for environmentally sustainable fed aquaculture and any associated multi-trophic aquaculture by:**
  - i) **allocating space within the zone to the most efficient and effective use of the space in accordance with Method 17.5.2A;**
  - ii) **requiring staged and adaptive management of the zone in accordance with Policy 6.1.4 and Rule 16.5.8; and**
  - iii) **requiring consistent monitoring of all farms operating within the zone.**

**Explanation and Principal Reasons for Adopting:** There is demand for the establishment of higher-value aquaculture, in particular the farming of fish such as kingfish and hāpuku. These species require feeding and this introduces environmental effects that require careful management. To optimise the value of these species on global markets they must be produced in an environmentally sustainable manner.

The Coromandel marine farming zone, located within the Hauraki Gulf (refer to Map 13 and Schedule 6 in Appendix III) is considered suitable for fed aquaculture in terms of physical and hydrological characteristics due to the water depth and the nature of the seafloor in that area. As such, marine farming in the zone is considered to be sustainable in terms of its environmental impacts. Its sustainability will be ensured by monitoring and adaptive management including the staging of development. Investigations into this site have indicated that it is an appropriate location for fed aquaculture.

## 6.1.2 Policy - Recreation and Navigation

**Ensure marine farms are located, constructed and maintained in a way which does not compromise safe recreation and navigation.**

**Explanation and Principal Reasons for Adopting:** This policy ensures marine farms do not inhibit safe navigation in the CMA. Marine farms occupy space in the coastal marine area, and can therefore restrict the free movement of vessels in the sea and compromise the navigation safety of vessels. Some marine farms use sub-surface structures (i.e. structures located under the water surface) and these may be difficult to detect by vessels, particularly at night. For the safety of vessels and other users of the CMA, and the protection of farms and structures, appropriate buoyage and beaconage that has been approved by Maritime New Zealand will be required to identify marine farms and their locations. There are also many important anchorages in the CMA which need to be kept free of marine farms for reasons of safety. It is important to ensure unimpeded passage for vessels to these areas. This policy also recognises that the coastal environment is highly valued as a recreational asset and is readily accessible to most people. The location of farms must ensure that safe recreational use is provided for in the CMA. Sea areas immediately offshore from boat ramps, jetties, wharves and land-based coastal reserves should remain clear of marine farms.

### Implementation Methods

#### Rules

- 16.5.1 Fish Aggregation Devices and Spat Catching Buoys and Lines (Discretionary Activity)
- 16.5.2 Structures for Shellfish Research Purposes (Discretionary Activity)
- 16.5.3 Current Marine Farm Structures (Discretionary Activity)
- 16.5.4 Conventional Longline Marine Farm Structures within the Marine Farming Zone (Controlled Activity)
- 16.5.5 Conventional Inter-tidal Oyster Farm Structures (Discretionary Activity)
- 16.5.6 All Other Marine Farm Structures (Prohibited Activity)
- 16.4.5 Navigational Aids (Permitted Activity)
- 16.4.20 Maintenance and Repair of Structures (Permitted Activity)
- 16.4.21 Maintenance and Repair of Structures (Controlled Activity)
- 16.4.22 Minor Extensions and/or Alterations to Structures (Controlled Activity)
- 16.4.23 Removal or Demolition of Structures (Permitted Activity)

#### Other Methods

- 17.5.1 Support of Good Management Practices
- 17.5.5 Integrated Management Between Agencies
- 17.5.6 Marine Farming Forum
- 17.5.8 Lighting Management
- 17.5.9 Inshore Passage at Wilson Bay
- 17.4.2 Establishing a Database
- 17.4.4 Removal of Structures
- 17.4.5 Notification of Structures and Works

## 6.1.3 Policy - Integrated Management

**Promote integrated management between marine farm operators, relevant network utility operators and all agencies with marine farming responsibilities.**

**Explanation and Principal Reasons for Adopting:** Most marine farming operations have associated requirements for land-based facilities, e.g. wharf facilities, processing facilities, disposal of waste, transport and communication links (roading, telephone, power), plant and equipment requirements, and water supply. At the time of writing, applications for new marine farm structures and the associated use and occupation of space are dealt with by regional councils, and land-based facilities are dealt with by district councils. However, the effects of farm developments also have strategic

implications for district councils. In order to achieve integrated management there needs to be a consistent and co-operative approach to marine farming adopted by Environment Waikato and district councils.

There are also a number of other agencies/groups who have various marine farming responsibilities. These include, for example, the Department of Conservation, Ministry of Fisheries, Maritime New Zealand, tangata whenua, Health Waikato, aquaculture associations and Transit NZ. It is recognised that each agency/group has a different role in relation to marine farming. However, it is important that these agencies/groups are aware of each other's roles, and where practical, have a consistent and co-ordinated approach to managing marine farming.

It is also considered important to promote a co-operative and consistent farm management approach among marine farm operators, particularly in areas of concentrated marine farm development (i.e. multiple farms located in one particular area), in order to effectively deal with the possible adverse environmental effects of these areas. This includes for example, promoting co-ordinated approaches to farm lighting and navigational marking, and environmental monitoring.

## **Implementation Methods**

### **Other Methods**

- 17.5.5 Integrated Management Between Agencies
- 17.5.6 Marine Farming Forum
- 17.5.7 Hearing Commissioners
- 17.5.8 Lighting Management
- 17.1.1 Establishing a Working Relationship
- 17.1.2 Transfer/Delegation of Functions
- 17.1.3 Identification of Areas/Characteristics of Special Value
- 17.1.4 Consultation on Consent Applications
- 17.1.5 Marae-Based Meetings
- 17.1.6 Consultation with Tangata Whenua and Promotion of Kaitiakitanga
- 17.1.7 Identification of Iwi Authorities
- 17.1.8 Treaty Claims
- 17.2.3 Consultation with the Ministry of Fisheries
- 17.2.8 Tangata Whenua Values
- 17.9.2 Integrated Management of Noise Emissions
- 17.11.2 Joint Hearings
- 17.11.3 Cross-Boundary Consultation
- 17.11.4 Discussion and Sharing of Information
- 17.11.5 Consideration of the CMA
- 17.11.7 Effects of Activities Above Mean High Water Springs on the CMA

### **6.1.4 Policy - Efficient Use and Development of Coastal Space**

**On the western coast of the Coromandel Peninsula, promote the efficient use and development of space which is allocated for marine farming purposes by:**

- a) in accordance with Policy 6.1.1B, using tendering to allocate space in Area C of the Wilson Bay Marine Farming Zone (as identified in Map 11 in Appendix III); and**
- b) using tendering to allocate any space for which consents have lapsed.**

**Explanation and Principal Reasons for Adopting:** The western coast of the Coromandel Peninsula is subject to a high demand for space for marine farming, and there is limited suitable space available for marine farming in other parts of the Region. To avoid the adverse effects of marine farms on the coastal environment as far as possible, sporadic developments will be avoided and the appropriate use of any space allocated for marine farming will be encouraged. Thus, on the western coast of the

Coromandel Peninsula, marine farming zones have been identified (known as the Wilson Bay and Coromandel marine farming zones, refer to the marine farming zone maps and schedules in Appendix III) within which marine farms will be located.

Tendering (under subpart 1, Part 7A of the RMA) will be used as a method to efficiently allocate space for marine farming in Area C of the Wilson Bay Zone. In accordance with Policies 6.1.1B and 6.1.1D, in Area C of the Wilson Bay and the Coromandel marine farming zones preference will be given to fed aquaculture in allocating the space. Tendering will also be used if, for any reason, a consent for an authorised marine farm lapses.

Policy 6.1.4 therefore promotes the sustainable management of coastal resources within the CMA including providing for the efficient use and development of coastal resources (s7(b) RMA), throughout the Region.

## **Implementation Methods**

### **Rules**

- 16.5.3 Current Marine Farm Structures (Discretionary Activity)
- 16.5.4 Conventional Longline Marine Farm Structures within the Marine Farming Zone (Controlled Activity)
- 16.5.5 Conventional Inter-tidal Oyster Farm Structures (Discretionary Activity)
- 16.5.6 All Other Marine Farm Structures (Prohibited Activity)

### **Other Methods**

- 17.5.2 Coastal Tendering Regime
- 17.5.3 Staged Development of Marine Farms
- 17.5.9 Inshore Passage at Wilson Bay

## **Environmental Results Anticipated**

The following are the environmental results anticipated from implementing the policies, methods and rules outlined in the previous sections.

- Natural character, landscape, amenity, ecological, coastal processes, water quality and cultural values protected.
- Sprawling and sporadic development of marine farm structures avoided.
- Marine farms that do not cause recreation and navigation hazards.
- Integrated and consistent management between all agencies with marine farming responsibilities and relevant network utility operators.

## 6A Marinas

Part 1, clause 2 (a) of the Second Schedule of the RMA states that a Regional Coastal Plan may, where appropriate, provide for the recognition of opportunities for recreation and other forms of development. Pursuant to the decision of the Environment Court in *Pacific Paradise Limited and Tairua Marina Limited v Waikato Regional Council*, (RMA 789/97) this chapter relates to the provision of a marina development at an identified locality in Tairua Harbour.

The Court's decision acknowledges that a series of approvals/consents and provisions under previous statutory regimes provided for the establishment of a marina in Tairua Harbour at the identified location near the Harbour entrance. The marina development provided for by these approvals/consents and provisions has been partially implemented.

The provision for a marina in this location is also consistent with the Waikato Regional Policy Statement which identifies the recreational and tourist activities arising from beach settlements, harbours and the coast of the Coromandel Peninsula as being of national significance. The policy statement identifies the three key areas of this activity as being Whitianga-Cooks Beach, Tairua-Pauanui and Whangamata. The provision of marina activities through the provisions of the Coastal Plan is a response to the implementation methods suggested in the Regional Policy Statement requiring the establishment of performance criteria to guide use and development in the CMA.

Some of the benefits arising from marina development in the identified area of Tairua Harbour include:

- More compact facilities for mooring vessels than the alternative use of swing moorings
- Providing safer facilities for moving to and from moored pleasure craft and for loading and unloading of passengers and goods in a safe, efficient and controlled manner.
- Providing for better control of discharges and accidental spillage arising from the mooring loading and unloading of craft in the CMA
- Economic and social benefits, including direct and indirect employment opportunities
- Providing a focus of interest for tourists, visitors and residents
- Providing an enhanced amenity for the use of the coastal environment in a managed and integrated manner that contains the effects of marina development
- Recognising the role that a modern marina plays in the social, economic and cultural wellbeing of people and communities, living near and using the coastal environment for recreational purposes.

The further development of marina facilities at Tairua may conflict with uses and values. However the potential adverse effects may be able to be avoided, remedied or mitigated by appropriate construction and design of the marina and through sensitive management and operational practices.

Adverse effects may include:

- Altering natural coastal processes, particularly sediment transport processes and nutrient cycling processes
- The deposition of waste material beneath the marina structures
- The deposition of non-biodegradable material into the CMA
- Degradation of natural character, landscape and amenity values
- Disturbance to the foreshore and seabed
- Adverse effects on ecology and marine habitat
- Restrictions on public access to the foreshore

- Adverse effects on navigation safety
- Impacts on onshore facilities
- Potential noise levels conflicting with neighbouring land based activities
- Adverse effects on water quality
- Adverse effects on areas of significance to tangata whenua

### **6A.1.1 Policy - Marina Structures**

**The potential adverse effects arising from the placement of marina structures and marina development in the CMA at Tairua shall be avoided remedied or mitigated through design, construction methods, or conditions of consent on applications.**

**Explanation and Principal Reasons for Adopting:** Structures are a necessary component of marinas and it is recognised that some adverse effects will occur from their erection, placement, use and occupation. However, the policy recognises that opportunities will exist through the design and construction stages of a marina to ensure that methods are adopted which ensure that these effects are avoided, remedied or mitigated.

#### **Implementation Methods**

##### **Rules**

- |         |   |
|---------|---|
| 16.4.9A | Marina Structures within Tairua Marina Zone I (Restricted Discretionary Activity)     |
| 16.4.9B | Marina Structures within Tairua Marina Zone II (Discretionary Activity)               |
| 16.6.9A | Construction Dredging within Tairua Marina Zone I (Restricted Discretionary Activity) |
| 16.6.9B | Construction Dredging within Tairua Marina Zone II (Discretionary Activity)           |

### **6A.1.2 Policy - Recreation and Navigation**

**Ensure that a marina at the identified location in Tairua Harbour is located, constructed and maintained in a way which does not compromise safe recreation and navigation.**

**Explanation and Principal Reasons for Adopting:** This policy ensures that a marina at the identified location in Tairua Harbour does not inhibit safe navigation in the CMA and continues to provide for the recreational expectations of the public in that part of the CMA occupied or close to the marina site. If possible the marina shall provide public recreational facilities such as boat ramps, jetties and wharves to enhance the recreational value of the CMA.

#### **Implementation Methods**

##### **Rules**

- |         |   |
|---------|---|
| 16.4.9A | Marina Structures within Tairua Marina Zone I (Restricted Discretionary Activity)     |
| 16.4.9B | Marina Structures within Tairua Marina Zone II (Discretionary Activity)               |
| 16.6.9A | Construction Dredging within Tairua Marina Zone I (Restricted Discretionary Activity) |
| 16.6.9B | Construction Dredging within Tairua Marina Zone II (Discretionary Activity)           |

### **6A.1.3 Policy - Integrated Management**

**Promote at Tairua the integrated management of marina facilities in the Tairua Marina Zones I & II in the Tairua Harbour, adjacent land based activities, public access to the CMA and coastal recreational expectations. This policy requires liaison, consultation and integrated co-operation between marina operators and all agencies responsible or involved with the coastal interface in the vicinity of the marina site.**

**Explanation and Principal Reasons for Adopting:** Marinas require land based facilities and the allocation of seabed and the coastal edge for operational purposes. While it is acknowledged that security is an important management aspect within a marina operation, the design and functioning of the marina must take into account

public access to the foreshore and facilities necessary to enhance recreational activities in the CMA.

This can be achieved by the provision of public walkways and the separation of areas requiring security considerations from identified public areas. Within the marina complex some public facilities may be available such as boat ramps, jetties or wharves as well as access to commercial or club premises. The design of the marina should reflect these needs and avoid conflicts between public expectations and private occupancy within the CMA.

#### **6A.1.4 Policy - Efficient Use and Development of Coastal Space**

**Allocate zones within Tairua Harbour for marina development purposes within which marina development is a restricted discretionary activity or a discretionary activity by:**

- (a) Noting the zones for marina development on Map 23,**
- (b) Requiring any marina development within the Tairua Marina Zones I & II to reflect the relevant objectives, policies and rules of the Plan and the efficient use and development of harbour space within the CMA.**

**Explanation and Principal Reasons for Adopting:** The Tairua Marina Zones I & II as shown on Map 23, arise from the history of commitment towards a marina activity at the locality. In particular, the former Harbours Act consents and licences for a marina purpose have been in place since the 1970's. Some works have been undertaken towards the provision of preliminary structures for the establishment of a marina at this locality.

#### **Implementation Methods**

##### **Rules**

16.4.9A	Marina Structures within Tairua Marina Zone I (Restricted Discretionary Activity)
16.4.9B	Marina Structures within Tairua Marina Zone II (Discretionary Activity)
16.6.9A	Construction Dredging within Tairua Marina Zone I (Restricted Discretionary Activity)
16.6.9B	Construction Dredging within Tairua Marina Zone II (Discretionary Activity)

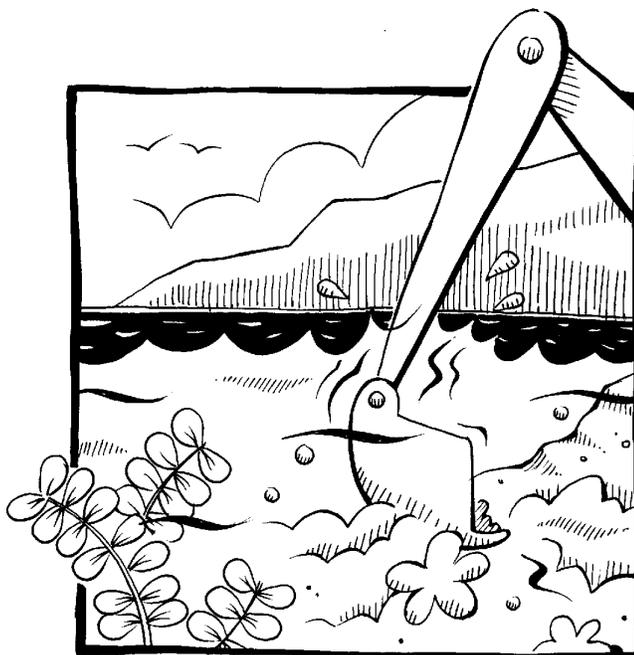
### **Environmental Results Anticipated**

The following are the environmental results anticipated from implementing the policies, methods and rules outlined in the previous sections:

- Natural character, landscape, amenity, ecological, coastal processes, water quality and cultural values protected
- Marina development restricted to within and adjacent to identified locations to be achieved through design and technical investigations demonstrating how the objectives and policies of this chapter are met.
- Marinas that do not inhibit recreational coastal activities and do not cause navigational hazards
- Integrated and consistent management between all agencies/groups with marina responsibilities or interests



7



# **Foreshore and/or Seabed Disturbances**



# 7 Foreshore and/or Seabed Disturbances

This chapter deals with activities which disturb the foreshore and/or seabed, such as reclamations, sand extraction, and the dredging and disposal of material.

Section 12(1)(c) and (e) of the RMA state that no person may, in the CMA, destroy, damage or disturb the foreshore or seabed in a manner that is likely to have an adverse effect on the foreshore or seabed, or on plants and animals or their habitats, unless expressly allowed by a rule in a regional coastal plan or a resource consent. In addition, s12(1)(a) and s12(2)(b) similarly restrict reclamation and drainage of the foreshore and seabed, and the removal of sand, shell, shingle or other natural material respectively.

There are many activities carried out in the CMA which enhance amenity values, alleviate problems which threaten public safety or well-being, and improve public access, but which also disturb the foreshore and seabed. Such activities may include beach grooming, the removal of vegetation, the use of vehicles on the foreshore, and the burial of dead marine mammals and other marine fauna. These activities also have potential adverse effects including the degradation of natural character, modification of coastal processes, damage or destruction of habitat, and temporary adverse effects on water quality.

Many of these activities are carried out both above and below Mean High Water Springs and therefore require a co-ordinated approach between Environment Waikato and territorial authorities.

Reclamation and drainage have, in the past, been seen as enhancing the economic and social well-being of the community by increasing the area of useable land, or by enhancing access to the coast. However, reclamations also have adverse effects which, in most instances, are irreversible. The adverse effects of reclamation and drainage include loss of coastal habitats and ecosystems, degradation or loss of natural character, changes in current patterns and sedimentation processes, loss of public access to that part of the CMA, and adverse effects on heritage resources.

Declamations are another form of disturbance to the foreshore and seabed which require co-ordinated management between regional and territorial authorities. The adverse effects associated with this type of activity are similar to those of reclamations, especially with respect to habitat and ecosystem destruction and land instability.

Dredging is required for the development and maintenance of operations such as marinas, wharves, jetties and navigational channels. Dredging facilitates the continued operation of these activities which contribute to the social and economic well-being, health and safety of the community. However, adverse effects associated with dredging include the potential to cause or exacerbate coastal erosion, the disturbance and destruction of habitats, the smothering of benthic communities by sedimentation, and impacts on spiritual values, amenity values and recreational use.

Extraction of material from the CMA is another form of disturbance with effects similar to those of dredging. It is likely that demand for mineral resources will increase in the future.

The disposal of dredged material, whether inside or outside of the CMA, is necessary following dredging of the CMA. There may also be instances where deposition of material from outside the CMA is required, for example, for the purpose of beach nourishment. Disposal or deposition can have adverse effects on coastal processes, water quality, sediment quality and ecology, and effectively smothers a portion of the seabed along with its associated flora and fauna. Longer term impacts can also occur as sediment becomes re-suspended or as contaminants are leached into the water.

These contaminants may have significant adverse effects on biota if present in toxic concentrations and, longer term, more widespread effects can occur if they become bio-accumulated through the food chain.

## 7.1 General Disturbances

**Issue:** Limited disturbance of the foreshore and seabed is necessary for defence purposes, and in order to undertake activities which enhance people's use and enjoyment of the CMA. However, these activities may result in adverse effects.

**Objective:** Adverse effects on the foreshore or seabed avoided as far as practicable, while allowing for people's use and enjoyment of the coast.

**Principal Reasons for Adopting:** There are many activities that take place in the CMA that destroy, damage or disturb the foreshore or seabed. While many of these activities are often economically and socially acceptable, they can have adverse effects on the environment. Adverse effects can include loss, destruction or damage of indigenous habitat, sites of historic value or significance to Maaori people, marine species, bird species, sediment transport processes, and natural character. It is recognised, however, that some activities have only minor effects.

### 7.1.1 Policy - Low Impact Activities

**Recognise that activities having a low impact and/or temporary adverse effects on the foreshore or seabed, are an appropriate use.**

**Explanation and Principal Reasons for Adopting:** There is a range of acceptable activities which people can undertake in the CMA. For example, various recreational events and activities. Emphasis is placed on managing them in a manner which recognises low impact and/or temporary adverse effects, and seeks to manage such activities in an efficient and integrated manner.

#### Implementation Methods

##### Rules

- 16.2.9 Livestock in Sensitive Areas (Prohibited Activity)
- 16.5.1 Recreational Activities (Permitted Activity)
- 16.6.10 Minor Disturbances/Deposits (Permitted Activity)

##### Other Methods

- 17.6.1 Recreation Events above Mean High Water Springs
- 17.6.2 Consultation With the Ministry of Fisheries
- Error!** Damage to Margin Habitats from Livestock and Horses

##### Reference

##### source

##### not

##### found.

- 17.6.4 Beach Wardens

### 7.1.2 Policy - Control of Vehicles

**Discourage the use of motorised vehicles on the foreshore.**

**Explanation and Principal Reasons for Adopting:** Although it is recognised that it is necessary for vehicles to use the foreshore and dunes in certain circumstances, the use of motorised vehicles is likely to have adverse effects. Vehicular traffic on the foreshore can be detrimental to shellfish populations, other marine life, and the safety

of people. The destruction of vegetation as a result of vehicle movement can lead to wind erosion and ecological damage, and subsequently damage to archaeological sites (e.g. middens and burial sites) in beach systems. (Refer also to the Chapter on Public Access).

### **Implementation Methods**

#### **Rules**

- 16.6.2 Vehicle Use (Permitted Activity)
- 16.6.3 Vehicle Use (Discretionary Activity)

#### **Other Methods**

- 17.6.1 Recreation Events above Mean High Water Springs
- 17.6.5 Dune Management

## **7.1.3 Policy - Military Training**

**Recognise that military training activities, and other activities undertaken for defence purposes, are required to be undertaken in the CMA.**

**Explanation and Principal Reasons for Adopting:** Policy 4.1.5 of the NZCPS states that this Plan should make provision for use of the CMA for Defence Purposes. Defence Purposes are those in accordance with the Defence Act 1990. Coastal areas may from time to time be utilised for military training activities. Such activities may include under water explosive training, temporary military training, and use of the military operation areas D 232F and D 232N (located to the north east and east, respectively, of Coromandel Peninsula) for surface to surface and surface to air weapons firing, and ship and submarine exercises. Restricted Area R 109 is also partly within the Waikato Region (Hauraki Gulf) and is used for similar activities.

### **Implementation Methods**

#### **Rules**

- 16.6.4 Military Training (Permitted Activity)
- 16.6.5 Military Training in Military Operation Areas (Permitted Activity)
- 16.6.6 Military Training (Prohibited Activity)

## **Environmental Results Anticipated**

- People's use and enjoyment of the foreshore provided for.
- Sites of historic interest and sites of significance to Maaori protected from unnecessary disturbances.
- Coastal ecosystems protected from unnecessary disturbances.

## **7.2 Dredging and the Removal of Material from the Foreshore or Seabed**

**Issue:** Dredging facilitates the continued operation of many activities which contribute to the social and economic well-being, health and safety of the community. However, there are many adverse effects associated with both dredging and the removal of material from the foreshore and seabed.

**Objective:** Adverse effects on natural processes and the functioning of coastal systems, arising from dredging or the removal of sand, shell and other natural material, avoided as far as practicable.

**Principal Reasons for Adopting:** The CMA is a dynamic area and removal of sand, shingle, shell and other natural material from the foreshore or seabed can produce adverse effects on natural and amenity values, water quality, off-site sediment supplies and coastal development. It is necessary, however, for dredging associated with certain existing activities to continue, and the development of new activities within the CMA may also require dredging. It may be possible in the future, for new activities or facilities within the CMA to be designed or located so as to avoid or minimise the need for dredging.

### **7.2.1 Policy - Maintenance Dredging**

**Dredging for the purpose of avoiding flood hazards and navigation risk, and maintenance dredging associated with existing authorised activities, shall be recognised as appropriate activities in the CMA.**

**Explanation and Principal Reasons for Adopting:** The clearing of stream mouths which are periodically blocked, and maintenance dredging near culverts or in harbour channels or berthage areas, is necessary for the purposes of avoiding flood hazards, retaining amenity values, and ensuring navigation risks are minimised. In addition, it is necessary for dredging associated with certain existing activities to continue. That is, the dredging of navigational channels to existing marinas, wharves and jetties will need to continue.

#### **Implementation Methods**

##### **Rules**

- 16.6.7 Removal of Sediment from Waterways (Permitted Activity)
- 16.6.8 Removal of Sediment from Waterways (Discretionary Activity)
- 16.6.9 Maintenance Dredging (Controlled Activity)
- 16.6.23 Maintenance of Existing Drainage Canal Outlets, Floodgate Outlets and Stopbanks (Permitted Activity)

### **7.2.2 Policy - Removal of Sand, Shingle and Shell**

**Avoid the net loss of sand, shingle, shell or other coarse sediments (excluding heavy minerals) from coastal sediment systems.**

**Explanation and Principal Reasons for Adopting:** Available information suggests that the volumes of sand, shell and coarser sediments in coastal sediment systems are finite and that rates of natural replenishment are also limited. In addition, many natural coastal sediment buffers (beaches, dunes, etc.) are inadequate or potentially inadequate to protect coastal development and to maintain present natural and amenity values. Therefore, it is important to conserve these resources for the maintenance and enhancement of present coastal sediment systems.

#### **Implementation Methods**

##### **Rules**

- 16.6.10 Minor Disturbances/Deposits (Permitted Activity)
- 16.6.11 Minor Disturbances (Controlled Activity)
- 16.6.12 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.13 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.14 Disturbances to the Foreshore or Seabed (Prohibited Activity)

##### **Other Methods**

- 17.2.9 Consultation with the Department of Conservation
- 17.6.6 Cross-Boundary Effects

## **Environmental Results Anticipated**

- Natural processes unaffected by removal of any material.
- Aesthetic values of the coastal margin maintained.

- No net loss of marine sediments from coastal sediment systems.
- Coastal ecosystems protected from unnecessary disturbances.
- Sites of historic interest and sites of significance to Maaori protected from unnecessary disturbances.

## 7.3 Deposition or Disposal of Material on the Foreshore or Seabed

**Issue:** The disposal of dredged material is necessarily associated with dredging. However, there are potential short and long term adverse effects associated with the disposal or deposition of dredged and other material within the CMA.

**Objective:** Any disposal or deposition of material in the CMA carried out in a manner which avoids as far as practicable adverse effects on natural coastal processes, water quality and ecology.

**Principal Reasons for Adopting:** Activities that most commonly involve deposition include the disposal of dredged material, the disposal of clean sand from excavations, and the depositing of sediments for beach nourishment. There is a conflict between the benefits of retaining a net sediment budget within a coastal system, and the adverse effects on biota associated with deposition (e.g. smothering).

### 7.3.1 Policy - Disposal of Sand, Shingle and Shell

**Require all uncontaminated sand, shingle and shell removed from any part of the CMA to be returned to the coastal environment, while allowing muddy sediments and other contaminated materials to be removed from the CMA.**

**Explanation and Principal Reasons for Adopting:** It is necessary to conserve existing reserves of sand, shell and coarser sediments in coastal sediment systems as the CMA is a dynamic system with limited sediment supplies. Therefore if an activity removes such sediment from one part of the system it is preferable to have the sediment disposed of elsewhere in the same system, or if appropriate in another coastal sediment system. However, muddy sediments can be removed from the CMA with little effect on sediment systems and it is difficult to return such sediments to the CMA without significant adverse effects.

#### Implementation Methods

##### Rules

- 16.6.10 Minor Disturbances/Deposits (Permitted Activity)
- 16.6.11 Minor Disturbances (Controlled Activity)
- 16.6.12 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.13 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.14 Disturbances to the Foreshore or Seabed (Prohibited Activity)
- 16.6.15 Beach Nourishment (Controlled Activity)
- 16.6.16 *Refer Rule 16.6.13(ii)*
- 16.6.17 *Refer Rule 16.6.14(ii)*

### 7.3.2 Policy - Disposal Material

**Adverse effects from the disposal of material into the marine environment avoided.**

**Explanation and Principal Reasons for Adopting:** Where sand, shingle, shell or other natural material is deposited in the CMA, the composition of the material must be

suitable for the site, in terms of particle size and composition, and all contaminants which are likely to, or have the potential to adversely affect the CMA, must be removed. Disposal must be at a rate that allows the receiving environment to process the new material without adverse effects. Introduction of contaminants, or reduction in water quality, can cause significant adverse effects and such effects should be avoided. (Refer Policy 4.1.4 of the NZCPS).

## **Implementation Methods**

### **Rules**

- 16.6.12 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.13 Disturbances to the Foreshore or Seabed (Discretionary Activity)
- 16.6.15 Beach Nourishment (Controlled Activity)
- 16.6.16 *Refer Rule 16.6.13(ii)*
- 16.6.17 *Refer Rule 16.6.14(ii)*
- 16.6.18 Deposition of Material Containing Hazardous Substances (Prohibited Activity)

## **Environmental Results Anticipated**

- Any disposal of material publicly and environmentally acceptable.
- No net loss of marine sediments from coastal sediment systems.
- Coastal ecosystems protected from unnecessary disturbances.

## **7.4 Reclamation of the Foreshore or Seabed**

**Issue:** Reclamations and declamations can have adverse and irreversible effects on habitat, natural coastal processes, amenity values, archaeological sites, sites of significance to Maaori and natural character. However, reclamation and drainage have also been seen as enhancing the economic and social well-being of the community by increasing the area of useable land, or by enhancing access to the coast.

**Objective:** Inappropriate reclamation, declamation and drainage in the CMA avoided.

**Principal Reasons for Adopting:** Habitat is permanently lost by reclamation, declamation or drainage of the foreshore and seabed. Reclamations, and impoundments which restrict tidal flushing, adversely affect water quality with resulting adverse effects on ecosystems. Onshore, offshore and longshore sediment transport processes, natural character, hazard risk, amenity values, archaeological sites, sites of significance to Maaori, and public access may also be affected. The following policies further define what Environment Waikato considers to be inappropriate in relation to reclamation, declamation and drainage.

### **7.4.1 Policy - Inappropriate Reclamation, Declamation and Drainage**

**Consider any application for reclamation, declamation or drainage:**

- a) which does not demonstrate efficient use of the CMA by using the minimum area required; or
- b) where it can be demonstrated that there are alternative land-based sites available; or

- c) where the purpose of, or the activity to be carried out on, the reclamation or drainage does not have a functional need to be located in the CMA; or
- d) which cannot demonstrate benefits to the regional or local community in terms of social, economic or cultural well-being; or
- e) which introduces marine influences into a geologically unsuitable area; or
- f) which creates an unacceptable deterioration in water quality; or
- g) which adversely affects natural coastal processes; or
- h) which has the potential to exacerbate natural hazard risk

to be 'inappropriate' and any adverse effects shall be avoided as far as practicable. Where complete avoidance is not practicable, the adverse effects should be mitigated and provisions made for remedying those effects to the extent practicable.

**Explanation and Principal Reasons for Adopting:** With respect to reclamations, declamations, and drainage of the foreshore or seabed, the onus will be on the applicant to ensure that sufficient information is provided on the environmental effects of a proposal, possible alternative locations, the reason for making the proposed choice, and to ensure that the reclamation or draining is the most effective means. In the past, transitional zones of vegetation and habitat have been damaged and destroyed by reclamations. There has been a growing awareness that these transitional areas between land and sea are important in protecting the quality of the CMA, particularly as habitat for species and by trapping sediment run-off and controlling erosion. The small percentage of estuarine habitat remaining intact in natural state therefore needs to be preserved and protected.

No reclamation, declamation, or drainage should be allowed unless it is required for an activity which must be located immediately adjacent to the CMA. This policy should be read in conjunction with policies in the Natural Character, Habitat and Coastal Processes, and Water Quality chapters in particular. In addition, Chapter 13 recognises the need for integration between land and water activities.

## **Implementation Methods**

### **Rules**

- 16.6.18 Reclamations (Discretionary Activity)
- 16.6.20 Reclamation or Drainage (Discretionary Activity)
- 16.6.21 Reclamations (Prohibited Activity)
- 16.6.22 Materials Used for Reclamations/Declamations (Prohibited Activity)
- 16.6.24 Declamations (Discretionary Activity)

### **Other Methods**

- 17.6.6 Cross-Boundary Effects
- 17.6.7 Information Requirements
- 17.11.2 Joint Hearings

## **Appendix II – Decision-Making Criteria and Considerations**

### **7.4.2 Policy - Reclamation/Declamation Materials and Structural Stability**

Ensure that material used in reclamations or retaining walls (bunds) associated with declamations contains no contaminants which are likely to, or have the potential to adversely affect the CMA, and that the reclamation or declamation retaining walls are structurally sound.

**Explanation and Principal Reasons for Adopting:** Reclamations must be required for a purpose other than to 'get rid of' surplus or waste material. It is also difficult to control water seepage from land declamations. Unstable or poorly designed reclamations or retaining walls (bunds) may also facilitate erosion and result in the release of materials into the CMA that could have adverse effects on neighbouring habitat and water quality.

### **Implementation Methods**

#### **Rules**

16.6.22 Materials Used for Reclamations/Declamations (Prohibited Activity)

#### **Other Methods**

17.6.6 Cross-Boundary Effects

## **7.4.3 Policy - Esplanade Reserves**

**Where practicable, require new reclamations to provide an esplanade reserve along the waterfront boundary.**

**Principal Reasons for Adopting:** Enhancement of public access to and along the CMA is a matter of national importance. Provision for the creation of esplanade reserves is required by the Policy 3.5.3 of the NZCPS. However in some instances the necessity to minimise the size of the reclamation may mean that it is not practicable or appropriate to require an esplanade reserve. Refer to Policy 7.4.1 of this chapter.

### **Implementation Methods**

#### **Rules**

16.6.18 Reclamations (Discretionary Activity)

16.6.20 Reclamation or Drainage (Discretionary Activity)

#### **Other Methods**

17.8.7 Esplanade Reserves

## **Environmental Results Anticipated**

- Number and size of reclamations or drained areas kept to a minimum.
- CMA protected from inappropriate reclamation, declamation and drainage.
- Net increase in the number and area of esplanade reserves along the coast.



# Natural Hazards



# 8 Natural Hazards

Section 30(1)(d)(v) of the RMA requires that regional councils, in respect of the CMA, control:

*any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards.*

Section 62(1)(ha) of the RMA requires the Regional Policy Statement (RPS) to state the responsibilities of local authorities in the Region for the use of land for the avoidance or mitigation of natural hazards. The Waikato RPS states that territorial authorities will continue to undertake the role for the avoidance or mitigation of natural hazards. This responsibility applies to all land with the exception of the CMA and the beds of lakes and rivers.

A natural hazard is defined in s2 of the RMA as:

*any atmospheric or earth or water related occurrence... the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.*

In the coastal environment, natural hazards may include coastal erosion, sand drift, wind erosion, coastal flooding, changes in sea-level, tsunamis, storms and cyclones.

The coastline is constantly influenced by the natural forces of wind and waves. In response to these processes, the coastline undergoes continual change: shorelines fluctuate and water levels vary in relation to tides, atmospheric pressure, winds and wave action. Hazard risk can, therefore, be regarded as the interference of these processes by human use, resulting in physical damage, financial loss and social disruption. The New Zealand Climate Change Programme has indicated the potential for changes in sea level, as well as the potential for increasing numbers of storm and cyclonic events. Further research into these matters is being undertaken at national and global levels. A precautionary approach to the potential effects of climate change is therefore proposed.

There is limited knowledge available about the hazard risk of the coast in the Waikato Region, however, coastal erosion and flooding are considered to be serious hazards at several locations.

## 8.1 Avoidance or Mitigation of Natural Hazard Risk

**Issue:** A lack of both public awareness and integrated planning increases the likelihood of adverse effects when coastal hazard events occur.

**Objective:** Coastal hazard risk to people and property avoided or mitigated.

**Principal Reasons for Adopting:** Natural hazard risk primarily affects people and property above Mean High Water Springs. Therefore, effective management requires an integrated approach to the avoidance or mitigation of hazard risk, involving Environment Waikato, territorial local authorities, iwi and communities. The objective is consistent with the management directions of the RMA and the policies under Ch3.4 of the NZCPS.

## 8.1.1 Policy - Identification and Management of Hazard Areas

**Identify areas of coastal hazard risk and develop integrated hazard management strategies for these areas.**

**Explanation and Principal Reasons for Adopting:** To manage the hazard risk there is first a need to identify potentially vulnerable areas. Integrated hazard management strategies, involving councils, iwi and communities will be developed to address the management of natural hazard risk in these areas. These strategies will focus on management options which will enable the risk to be managed while protecting coastal values. The strategies will be guided by the Plan, but may also result in subsequent changes being made to the Plan. This policy is consistent with the directions of Policy 3.4.1 of the NZCPS.

### Implementation Methods

#### Other Methods

- 17.7.1 Consultation with Other Agencies
- 17.7.2 Guidance on Assessment Methodology
- 17.7.3 Development of Hazard Management Strategies
- 17.7.4 Appropriate Management Options
- 17.7.5 Consultation with Territorial Authorities
- 17.7.6 Natural Hazards Awareness
- 17.7.7 Identification of Vulnerable Areas

## 8.1.2 Policy - Precautionary Approach

**Adopt a precautionary approach in the assessment of coastal hazard risk and in the assessment of potential risks for coastal permit applications.**

**Explanation and Principal Reasons for Adopting:** In assessing the areas at risk from coastal hazards, there are a number of uncertainties and a precautionary approach will be adopted. The precautionary approach to coastal hazard management will ensure that conservative decisions are made where there is insufficient information or knowledge to predict the effects of the hazard, e.g. sea level rise. The precautionary approach will also be used in the assessment of potential hazard risks for individual coastal permit applications. The precautionary approach is advocated in Policies 3.3.1 and 3.3.2 of the NZCPS.

### Implementation Methods

#### Other Methods

- 17.7.5 Consultation with Territorial Authorities
- 17.7.8 Adoption of Precautionary Approach

## 8.1.3 Policy - Natural Features

**Promote the protection of natural features that provide a buffer against natural hazards.**

**Explanation and Principal Reasons for Adopting:** Protection, including restoration, of natural features is vital for their effective functioning as a buffer against natural hazards. Past use and development in the coastal environment has in some areas severely degraded the effective 'buffering' potential of natural features, e.g. dune and wetland zones, by encroaching on them. Restoration of the buffering potential of natural features and provision for further landward migration is necessary. Hazard management options such as beach nourishment and setback zones recognise that structures can not only interfere with wave patterns and sand transport, but can also have adverse effects on natural character. This policy is consistent with the directions of Policies 3.4.3 and 3.4.4 of the NZCPS.

### Implementation Methods

#### Rules

- 16.7.1 Short-Term Structures for Hazard Management (Controlled Activity)

### **Other Methods**

- 17.7.6 Natural Hazards Awareness
- 17.7.8 Adoption of Precautionary Approach
- 17.7.9 Protection of Natural Features

## **8.1.4 Policy - Coastal Erosion Structures**

**Ensure that any use of structures to control coastal erosion is necessary and avoids or remedies any adverse effects on other coastal processes and on natural character.**

**Explanation and Principal Reasons for Adopting:** Traditionally, emphasis has been placed on structures designed to armour the shoreline, such as dumped rock and sea-walls. However, some structures can aggravate the hazard problems and degrade natural character values. Effective, properly designed structures can, on the other hand, be expensive to build and maintain.

### **Implementation Methods**

#### **Rules**

- 16.7.1 Short-Term Structures for Hazard Management (Controlled Activity)

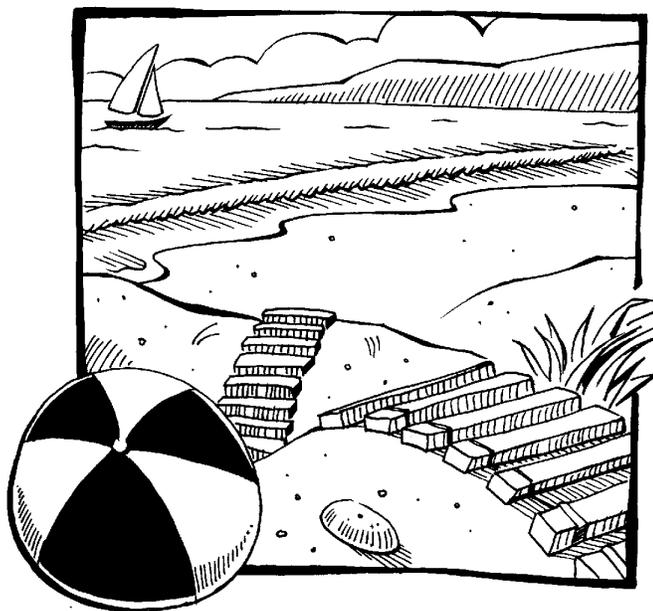
#### **Other Methods**

- 17.7.1 Consultation with Other Agencies
- 17.7.3 Development of Hazard Management Strategies
- 17.7.4 Appropriate Management Options
- 17.7.5 Consultation with Territorial Authorities
- 17.7.6 Natural Hazards Awareness

## **Environmental Results Anticipated**

- Increased public awareness of coastal hazards and associated risks.
- Adverse effects on people and property avoided or mitigated.
- Dune and wetland habitats protected.
- Amenity and natural character values protected.
- Reduction in 'hazard protection' structures.





# Public Access



## 9 Public Access

The coast is widely regarded as an area of public open space which should be accessible to everyone. Public access to the shoreline is important in both heavily populated areas where demand is greatest, and in more remote areas where the solitude of the unspoilt coast can be enjoyed. A balance therefore, needs to be found between:

- a) the right of the public to access a public amenity and
- b) the need to protect areas of the coast or restrict access for conservation, safety, security or defence purposes.

Under s6 of the RMA, Environment Waikato is required to recognise and provide for, as a matter of national importance:

*the maintenance and enhancement of public access to and along the CMA.*

This Plan emphasises that public access **within** the CMA (i.e. along the foreshore and across the water) should not be unduly restricted. This is reflected in the common law right of navigation, which provides for free access for ships and boats in coastal waters.

It is also recognised that access within the CMA, relies on access **to** the coast being provided. The provision of access to the coast is primarily the responsibility of territorial authorities and Transit New Zealand. There is therefore a need for integrated management between these agencies and communities when determining appropriate routes or levels of public access.

In New Zealand, no common law right of access exists over privately occupied land which, in some cases, extends down to Mean High Water Springs. Therefore, access through private property is at the discretion of the landowner. Public access can however, be provided, for example, by roads, reserves, access strips, walkways, easements (or rights of way), conservation areas, covenants and agreements.

Policy 3.5.1 of the NZCPS also identifies situations when it is appropriate to restrict public access. Such circumstances are reflected in Policy 9.1.1 of the Plan.

### 9.1 Maintenance and Enhancement of Public Access

**Issue:** Increasing visitor and residential pressures lead to conflict between the demand for public access to and along the CMA, and the need to protect areas of the coast by restricting access for conservation, safety, security or defence purposes.

**Objective:** Public access to and along the CMA maintained and enhanced, while recognising the need to protect some areas.

**Principal Reasons for Adopting:** This objective recognises Environment Waikato's responsibilities under s6 of the RMA and the priority to be afforded to unrestricted public access, however it does not preclude the restriction of access in certain circumstances. Policy 9.1.1 defines those circumstances when restrictions on access are considered to be appropriate.

## 9.1.1 Policy - Restrictions on Access

Public access to and along the CMA should only be restricted:

- a) to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
- b) to protect Maaori cultural values; or
- c) to protect public health or safety; or
- d) to ensure a level of security consistent with the purpose of a resource consent; or
- e) in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

**Explanation and Principal Reasons for Adopting:** Although the maintenance and enhancement of public access to and along the CMA is a matter of national importance, there are situations where such access will cause adverse effects. Public access therefore needs to be restricted in the circumstances set out in the policy, in order to comply with other provisions of the RMA, the NZCPS and other legislation such as the Defence Act 1990. Restriction in exceptional circumstances may include protection of difficult access to remote areas.

### Implementation Methods

#### Rules

- 16.8.1 Exclusive Occupation (Discretionary Activity)
- 16.8.2 Exclusive Occupation (Prohibited Activity)

#### Other Methods

- 17.8.1 Provision of Service Facilities
- 17.8.2 Consultation with Territorial Authorities
- 17.8.3 Consultation with Department of Conservation and Local Communities
- 17.8.4 Protection of Iwi Values
- 17.11.4 Discussion and Sharing of Information

## 9.1.2 Policy - Support for Reserves

Identify areas in the coastal environment where public access should be enhanced, and support the development of landward reserves and walkways in those areas.

**Explanation and Principal Reasons for Adopting:** Enhancement requires a positive approach to the creation of access opportunities. In particular, Environment Waikato will support the creation of esplanade reserves, and the provision of walkways to and along the coast. Not only do reserves and walkways provide for public access, they also assist in channelling pedestrian traffic away from more sensitive areas.

### Implementation Methods

#### Other Methods

- 17.8.5 Promotion of Walkways
- 17.8.6 Consultation with Territorial Authorities and Local Communities
- 17.8.7 Esplanade Reserves

## 9.1.3 Policy - Pressures on Public Access

Require mitigation measures that maintain or enhance public access where it is adversely affected by subdivision, use and development or cumulative pressures.

**Explanation and Principal Reasons for Adopting:** Subdivision, use and development along the coast can have significant effects on public access. Where public access is under pressure, mitigation measures that maintain or enhance public access will be required. This recognises the national importance of public access, as set out in the NZCPS. Access may also need to be maintained for public health and safety issues.

## **Implementation Methods**

### **Other Methods**

- 17.8.2 Consultation with Territorial Authorities
- 17.8.8 Strategic Approach to Public Access

## **Environmental Results Anticipated**

- Public access to and along the CMA maintained and enhanced.
- Protection of areas of the coast vulnerable to disturbance.
- Public health and safety safeguarded.
- Net increase in the area and quality of esplanade areas along the coast.
- No net loss of public access to the CMA.
- Remote areas protected from cumulative effects.



# 10



## **Air Quality and Noise**



# 10 Air Quality and Noise

Under the RMA, regional councils have responsibility for the management of air quality and noise within the CMA. However, for both issues an integrated management approach is critical.

Section 30(1)(d)(iv) of the RMA requires regional councils to control the discharge of contaminants into air. In addition, s15(2) of the RMA places restrictions on the discharge of contaminants into the air. Existing air quality in the CMA is perceived to be high. It has many characteristics that are valued by the regional community, including amenity values (i.e. good visibility, air free of offensive odours), low contaminant levels, intrinsic values and life supporting capacity. Land-based activities are the most likely source of air emissions to impact on the CMA, therefore, it is important that an integrated approach with regional and district plans is undertaken.

Section 30(1)(d) (vi) of the RMA requires regional councils to control the emission of noise in the CMA, while s16 places a duty on every occupier of land and every person carrying out an activity in, on or under the CMA to avoid unreasonable noise. Noise generated from within the coastal environment can affect amenity values of an area and impact on people above and below Mean High Water Springs. Control of noise in the CMA must therefore be managed in an integrated manner with territorial authorities.

As Mean High Water Springs is an arbitrary mark for the effects of noise and the discharge of contaminants into the air, it is important that an integrated approach consistent with landward activities is promoted.

## 10.1 Air Quality

**Issue:** Air quality in the majority of coastal areas within the Region is perceived to be high. This air quality can be adversely affected by the discharge of contaminants.

**Objective:** Existing high air quality in the CMA maintained.

**Principal Reasons for Adopting:** The existing air quality of the CMA in this Region is high. The effects of the discharge of contaminants into air may include odour, reduced visibility, adverse effects on animal and human health, and damage to ecosystems. Although there are activities which occur in the CMA that can result in the discharge of contaminants into the air, land-based activities are the most likely source of contaminants such as odours, dust, fumes, and spray drift. Environment Waikato is responsible for the management of the discharge of contaminants, and it is necessary that air quality is managed consistently across Mean High Water Springs.

### 10.1.1 Policy - Discharges to Air

**Ensure that the characteristics of air quality within the CMA are maintained and any adverse effects on human health, amenity values, flora and fauna caused by the discharge of contaminants into the air are avoided, remedied or mitigated.**

**Explanation and Principal Reasons for Adopting:** The discharge of contaminants, especially particulates, is a problem associated with a number of activities in the coastal environment, e.g. construction, maintenance and demolition. The main effects are of nuisance value and can include irritation to the eyes, soiling of material, abrasion of moving parts in mechanical equipment, and resultant deposits in the CMA.

Offensive odours are also considered undesirable in most instances. This policy reflects the fact that there is a community expectation that the air quality characteristics of the CMA should not be adversely affected by the discharge of contaminants.

## **Implementation Methods**

### **Other Methods**

- 17.9.1 Management of Air Quality
- 17.11.1 Plan Integration

## **Environmental Results Anticipated**

- No net degradation of the existing characteristics of air quality within the CMA.

## **10.2 Noise**

**Issue:** The emission of noise from within the CMA can adversely affect amenity values associated with the coast. Noise may also have the potential to affect the health and well-being of humans and coastal fauna.

**Objective:** Excessive noise levels managed to avoid disturbance to amenity and wildlife values.

**Principal Reasons for Adopting:** Environment Waikato is responsible for controlling noise emissions and for mitigating the effects of noise in the CMA. Concerns generally relate to the adverse effects of noise from ships on other recreational users, wildlife and residential areas adjacent to the CMA. Noise needs to be managed consistently across Mean High Water Springs. The control of noise generated from land above Mean High Water Springs is the responsibility of territorial authorities and cannot be controlled by this Plan. Noise controls provided in district plans within the Region, serve to protect public health and amenity. Consideration of these controls and co-ordination with territorial authorities needs to be undertaken when addressing noise in the CMA.

### **10.2.1 Policy - Noise**

**Ensure that the best practicable option is adopted to minimise the adverse effects of noise emissions on human health, amenity values and fauna.**

**Explanation and Principal Reasons for Adopting:** Noise that is generated in the CMA or on adjoining land affects both the amenity values of people (on land or water) and wildlife. The threshold of reasonable noise levels in different areas of the coast will depend on the sensitivity of those areas. This policy reflects the fact that there is a community expectation that the air quality characteristics of the CMA should not be adversely affected by the emission of noise. It should be noted that in addition to these controls, s16 of the RMA requires every person carrying out an activity in, on, or under the CMA to adopt the best practicable option to ensure noise emissions are reasonable.

## **Implementation Methods**

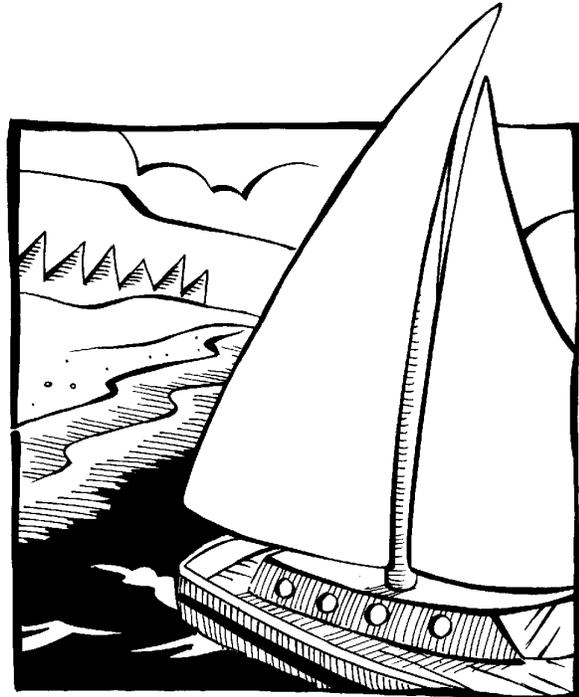
### **Other Methods**

- 17.9.2 Integrated Management of Noise Emissions
- 17.9.3 Determination of Excessive and Reasonable Noise Levels
- 17.9.4 Management of Noise
- 17.10.3 Development of Harbour Plans
- 17.11.1 Plan Integration

## **Environmental Results Anticipated**

- Noise levels that do not detract from people's enjoyment of the CMA.
- Health of fauna not adversely affected by noise levels.





# Surface Water Activities



# 11 Surface Water Activities

Section 30(1)(d)(vii) of the RMA requires regional councils to control activities in relation to the surface of water. The focus in this chapter is therefore on recreational uses and other uses which generally take place on the surface of the water. (NB: Structures and aquaculture are dealt with in separate chapters of this Plan.)

The management of surface water activities is necessary to enable areas to be used efficiently and in a way that avoids conflicting uses and ensures that navigation and safety requirements are met. In managing surface water activities, there is a need to recognise the links between resource management issues and matters controlled under the Harbours Act 1950. The Maritime Safety Authority administers the Harbours Act and the following regulations:

- a) the General Harbour (Nautical and Miscellaneous) Regulations 1968, and
- b) the Water Recreation Regulations 1979.

The latter regulations cover all coastal waters and relate to navigation safety issues such as the speed of small craft and water skiing behaviour. The provisions of these regulations are primarily enforced by honorary launch wardens, appointed by the Maritime Safety Authority. It should be noted that in some areas, Harbour Act bylaws control these matters. These bylaws are primarily implemented by territorial local authorities.

While this Plan controls structures which define different spaces for different uses (e.g. ski lanes), the way activities are undertaken is controlled by the Harbours Act. It should also be noted that the Harbours Act is likely to be reviewed in the near future. This will further clarify the responsibilities of different agencies under the different pieces of legislation.

## 11.1 Use of Surface of Water

**Issue:** There are potential conflicts between different surface water uses and between surface water activities and the environment.

**Objective:** Potential conflicts between different surface water activities managed and adverse effects on the environment avoided.

**Principal Reasons for Adopting:** To a large extent, recreational activities and boating movements (apart from noise, rubbish and sewage discharges) do not adversely affect the environment. However, there are high use areas where conflicts between users can arise and/or where safety and navigation matters are paramount. (Discharges from ships are dealt with in Ch4 of this Plan).

### 11.1.1 Policy - Conflicting Surface Water Activities

**Foster safe, multiple use of the surface of the water by involving local communities and other groups in resolving conflicts.**

**Explanation and Principal Reasons for Adopting:** Some surface water activities are incompatible and, in the interests of navigation and safety, may need to be controlled. It is recognised that there is a strong link between the issues covered in this chapter and the requirements of the Harbours Act. Therefore, an integrated management approach will be essential. It is also recognised that conflicts may occur between surface water activities and people or activities above Mean High Water Springs.

## **Implementation Methods**

### **Other Methods**

- 17.10.1 Support for Launch Wardens
- 17.10.3 Development of Harbour Plans

## **11.1.2 Policy - Protecting Shorelines, Habitat and Wildlife Values**

**Protect wildlife breeding and feeding habitat, and shoreline stability from the adverse effects of surface water activities.**

**Explanation and Principal Reasons for Adopting:** Some surface water activities can result in adverse effects on shoreline edges or the breeding areas of birds or fish; for example, the wash from boats or hovercraft can result in erosion, or swamping of nests. Some areas may therefore need to be protected from the effects of surface water activities. (Refer also to Ch3 of this Plan).

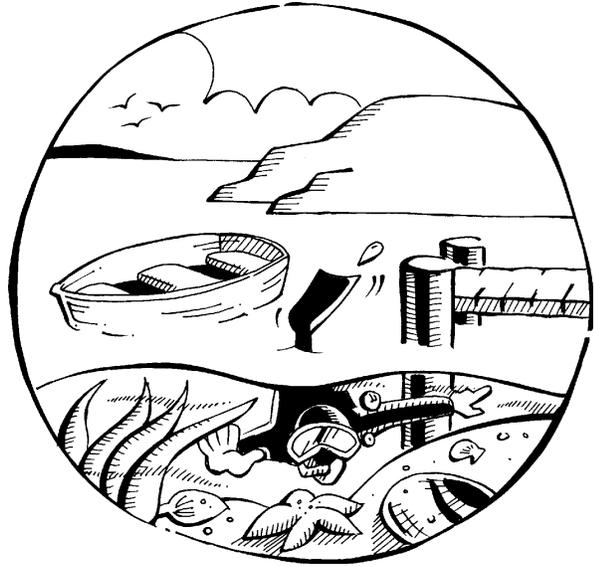
## **Implementation Methods**

### **Other Methods**

- 17.2.10 Community Values of Significance
- 17.2.11 Protection of Riparian Vegetation and Transition Zones
- 17.10.2 Consultation with Local Communities
- 17.10.3 Development of Harbour Plans

## **Environmental Results Anticipated**

- The integrated management of surface water activities.
- Navigation and safety requirements met.
- Shorelines and wildlife habitat protected.



## Decision-Making

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# 12 Decision-Making

One of the key functions of this Plan is to assist in the decision-making process associated with applications to use, develop or protect the CMA. While preceding chapters of this Plan have provided clear directions for managing specific resources or activities, this chapter aims at setting out key principles which will guide complex decisions.

## 12.1 Consistent Decisions

**Issue:** A lack of consistency in decisions on applications for use, development and protection in the CMA, causes uncertainty about what decision-making criteria are applied and how future decisions will be made.

**Objective:** Consistent decisions made on appropriate uses of the CMA

**Principal Reasons for Adopting:** The purpose of this objective is to provide guidance on determining priorities in decision-making, and in particular for non-complying activities. Decisions need to reflect consideration of the principles under Part II of the RMA, the principles set out in the NZCPS, and all the key principles under Policy 12.1.1 of this Plan.

Sustainable management does not give any priority to use, development or protection of resources. Sustainable management requires that the adverse effects of activities are avoided, remedied or mitigated, irrespective of the benefits which may accrue from an activity.

### 12.1.1 Policy - Key Principles

**Maintain a consistent approach to deciding on applications in the CMA, by adhering to the following set of key principles for the management of the CMA:**

- a) **Taking a precautionary approach**  
This recognises that the understanding of resources and environmental effects in the CMA is limited. In light of this, caution will be exercised where the potential risks to the environment are considered to be unacceptable or where effects are uncertain. In such situations, decisions erring on the side of the environment will be taken.
- b) **Careful management of values identified in areas of significant conservation value**  
Significant conservation values identified in the maps in Appendix III and described in the tables in Appendix IV of this Plan, will be carefully managed to ensure protection from significant or irreversible adverse effects.
- c) **Requiring efficient allocation of resources**  
Any use or development in the CMA should ensure the efficient allocation of natural and physical resources.
- d) **Recognising community interests**  
Community concerns will be addressed and, where practicable, agreement will be reached on desired resource management outcomes.
- e) **Tangata whenua interests**  
Recognising and providing for tangata whenua interests is a matter of national importance and will be a significant consideration in any decisions made.
- f) **Seeking concentration of uses rather than permitting sporadic developments**

Developments have cumulative effects on the characteristics and values of the CMA. Measures taken to avoid, remedy or mitigate the cumulative effects of sporadic development will include encouraging the concentration of developments, and limiting sprawling developments.

- g) Requiring a functional need for a coastal location**  
Emphasis will be placed on ensuring that any use or development in the CMA has a functional need for a coastal location, and that there are no other practicable alternatives outside the CMA.
- h) Ensuring that any proposal to use or develop the CMA incorporates 'public benefit' opportunities**  
Use and development should demonstrate that there is public benefit to be derived from the activity.
- i) Requiring mitigation of adverse effects**  
Where use or development is likely to significantly change the CMA, and it cannot be avoided or remedied, Environment Waikato will ensure that mitigation measures will compensate for the adverse environmental effects.
- j) Recognising benefits and costs**  
Where practicable, the benefits and costs associated with a proposed activity will be clearly identified and analysed when a decision on a coastal permit application is being made.

**Explanation and Principal Reasons for Adopting:** These principles are set out as a guide to decision-making where there may be conflicting priorities in an application. These key management principles are in addition to those set out in the NZCPS.

### **12.1.2 Policy - Management of Activities**

**Require all discretionary and non-complying applications to use, develop or protect the CMA, to have regard to the criteria and considerations in Appendix II of this Plan.**

**Explanation and Principal Reasons for Adopting:** This is to enable not only those activities covered in the Plan, but also non-complying activities to be managed consistently with the objectives and policies of this Plan. All activities not otherwise specified in this Plan will be dealt with as non-complying activities.

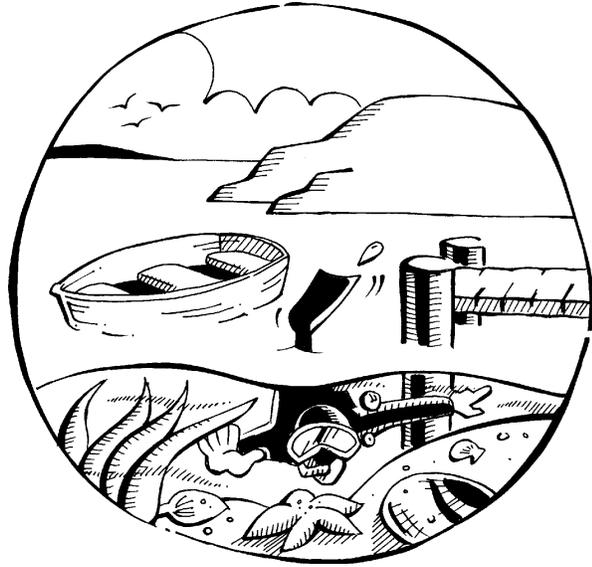
### **12.1.3 Policy - Review of Consent Conditions**

**To require all coastal permits where it is considered there may be future unexpected or uncertain adverse effects on the environment, to include a review condition.**

**Explanation and Principal Reasons for Adopting:** Section 128 of the RMA sets out circumstances when consent conditions may be reviewed. A precautionary approach, while erring on the side of caution, may not be able to anticipate all future adverse effects. The opportunity to review consent conditions therefore provides a responsive approach to managing future potential adverse effects.

## **Environmental Results Anticipated**

- Consistent decisions made for use or development in the CMA, which promote the sustainable management of natural and physical resources.



## **Cross-Boundary and Inter-Agency Management**



# 13 Cross-Boundary and Inter-Agency Management

Achieving integrated management involves considering how an activity may affect a range of natural and physical resources, either directly or indirectly. More specifically s67(1)(h) of the RMA requires the Plan to state the processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities and between regions.

Because the boundaries of the CMA are arbitrary there is a need to ensure integrated management across Mean High Water Springs, as well as between Environment Waikato and other local authorities.

In addition, there are a range of different agencies with responsibilities in the CMA. Liaison and consultation between these agencies is an important part of integrated management.<sup>12</sup>

## 13.1 Integrated Management Across Boundaries

**Issue:** Integrated management of natural and physical resources in the coastal environment requires consistent management, effective consultation between organisations with different functions in the coastal environment, and regard for the interconnections between coastal resources.

**Objective:** Integrated management of natural and physical resources in the coastal environment.

**Principal Reasons for Adopting:** Section 67(1)(h) of the RMA requires the Plan to state processes to be used to deal with cross-boundary issues. Integrated management must consider the effects of the use of one resource on other resources, the environmental effects which cross jurisdictional boundaries (coastal environment), and the responsibilities different agencies have for matters in the CMA.

### 13.1.1 Policy - Consultation with Other Agencies

**Seek the consistent management of coastal resources by organisations with different functions in the coastal environment.**

**Explanation and Principal Reasons for Adopting:** There are a number of issues that cross the boundary of Mean High Water Springs, and several agencies with overlapping responsibilities. These issues and agency responsibilities cannot be managed by one lead agency, but seeking a consistent management approach will improve integration of management.

#### Implementation Methods

##### Other Methods

- 17.11.1 Plan Integration
- 17.11.2 Joint Hearings
- 17.11.3 Cross-Boundary Consultation
- 17.11.4 Discussion and Sharing of Information
- 17.11.5 Consideration of the CMA
- 17.11.6 Information on the Plan

<sup>12</sup> Figure 3 (Ch1, section 1.4) identifies organisations with statutory management responsibilities in the CMA.

### **13.1.2 Policy - Coastal Environment Inter-Relationships**

When managing the use, development and protection of the coastal environment, provide for:

- a) the interconnected nature of the coastal environment; and
- b) the inter-relationships between natural and physical resources; and
- c) the potential for adverse effects to occur; and
- d) the range of social, cultural and economic values within the Region.

**Explanation and Principal Reasons for Adopting:** The coastal environment is one where the effects of an activity in one location can easily be transferred to other locations. Similarly adverse effects on one component of an ecosystem can subsequently adversely affect the rest of the ecosystem. The protection of natural marine resources contributes to the social, economic and cultural well-being of people and communities. Therefore, when managing the coastal environment, the interconnectedness of coastal resources must be recognised.

#### **Implementation Methods**

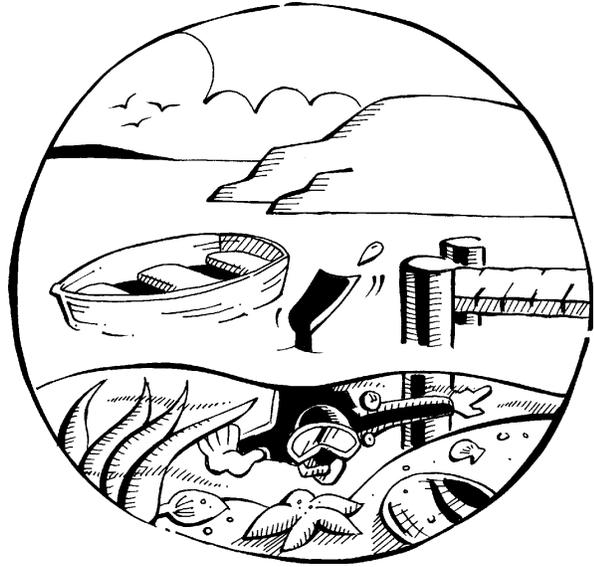
##### **Other Methods**

- 17.11.5 Consideration of the CMA
- 17.11.6 Information on the Plan
- 17.11.7 Effects of Activities above Mean High Water Springs on the CMA

### **Environmental Results Anticipated**

- Integrated and consistent management by organisations with coastal responsibilities.
- Inter-relationships of resources and values within the coastal environment recognised.

14



# Financial Contributions



# 14 Financial Contributions

Section 108 of the RMA sets out provisions for placing conditions, including financial contributions, on coastal permits. Financial contributions may include money or land, or any combination of these two made for the purposes specified in this Plan - including the purpose of ensuring positive effects on the environment to offset any adverse effects (i.e. obtaining environmental benefits or environmental compensation). They may be regarded as a practical way of ensuring that adverse effects associated with an activity will be remedied or mitigated. This chapter sets out how Environment Waikato will approach the use of financial contributions as a condition on coastal permits for obtaining environmental benefits where there are unavoidable adverse effects on the environment.

## 14.1 Use of Financial Contributions

**Issue:** In some circumstances, otherwise acceptable activities will give rise to unavoidable adverse effects. The onus is on the applicant to remedy or mitigate effects, either at the site or elsewhere in the coastal environment.

**Objective:** Unavoidable adverse effects compensated for by enhancement of the coastal environment.

**Principal Reasons for Adopting:** Section 108(9) and the Second Schedule, Part I of the RMA require the Plan to set out the circumstances when a financial contribution may be imposed, the amount likely to be imposed and the purposes for which it may be used. This objective sets out the purposes for which Environment Waikato will use financial contributions to obtain environmental benefits.

### 14.1.1 Policy - When a Financial Contribution May be Required

**Require a financial contribution to be made when measures to remedy or mitigate any unavoidable adverse effects are insufficient.**

**Explanation and Principal Reasons for Adopting:** Financial contributions will be related to the level of adverse effects. However, they will not be used as a mechanism for allowing an activity to proceed on the basis of 'payment for effects'. It is recognised that a financial contribution may not always be appropriate, even where there are adverse effects. An assessment as to whether financial contributions are appropriate would be made on a case-by-case basis. Where a financial contribution is imposed, it will be regarded as a critical part of the approval of a consent.

### 14.1.2 Policy - How a Financial Contribution will be Used

**Financial contributions will be used in the coastal environment to achieve positive environmental effects by:**

- a) protecting or restoring the natural character of an area
- b) protecting or improving aspects valued by the community - including in particular public access, amenity values and recreational values
- c) restoring or enhancing habitat
- d) protecting or enhancing outstanding natural features
- e) protecting Maaori cultural values

f) **protecting or restoring important historic or cultural features.**

**Explanation and Principal Reasons for Adopting:** The RMA requires that the Plan sets out the purposes for which financial contributions will be applied. The financial contribution may also be used above Mean High Water Springs, where there is potential to protect or improve the overall quality of the coastal environment. Mitigating unavoidable adverse effects can be achieved through applying the financial contribution to protect or enhance a range of different values, thereby recognising the public benefits.

### **14.1.3 Policy - Applying a Financial Contribution**

**Ensure that the benefits from any financial contribution will be applied directly to the affected site or as close as possible to where the adverse effects occur; and where this is not practicable the financial contribution will be used to benefit the area in which the environment, communities and ecosystems are most affected.**

**Explanation and Principal Reasons for Adopting:** This ensures that the financial contribution will be used in relation to the adverse effects of an activity, and used at the affected site or nearby.

### **14.1.4 Policy - Calculation of the Amount**

**Ensure the amount of any financial contribution is in proportion to the level of adverse effects by:**

- a) **calculating the amount on a case-by-case basis, using Table 1 as a guide for assessing the amount; and**
- b) **assessing the amount on the basis of the actual and potential adverse effects on the CMA, which take into account:**
  - i) **the significance of the adverse effects likely to result from the proposed activity**
  - ii) **any other measures proposed by the applicant to remedy or mitigate actual and potential adverse effects**
  - iii) **the extent to which the adverse effects can or should be remedied or mitigated through the use of a financial contribution**
  - iv) **the extent to which the proposed activity provides:**
    - **public benefits/costs (including public amenity and access)**
    - **ecological benefits/costs**
    - **natural character benefits/costs.**

**Explanation and Principal Reasons for Adopting:** The Second Schedule of the RMA requires that the Plan sets out the manner in which the amount of the contribution that may be imposed will be determined. This policy states how Environment Waikato will determine the amount of a contribution required in a particular case in proportion to the level of adverse effects. Criteria are provided to assist in the assessment of the actual and potential adverse effects on the CMA. As part of this assessment, a range of benefits and costs will be taken into consideration when assessing the amount of a contribution.

Table 1 guides the assessment of the amount of a contribution based on the likely level of adverse effects associated with an activity. The amount stated in the table is a maximum amount. It will not necessarily be appropriate to apply the maximum value to a coastal permit. It is also possible that after the assessment, no financial contribution will be required. Full actual costs will be determined by agreement between

Environment Waikato and the applicant, based on detailed budget estimates of the activity to be undertaken by the applicant to mitigate for the environmental damage. The weighting given to different effects in Table 1 would be on a case-by-case basis depending on the level and range of unavoidable adverse effects. The calculation of contributions using Table 1 applies to coastal permit applications received by Environment Waikato only.

**Table 1: Assessing Values for a Financial Contribution**

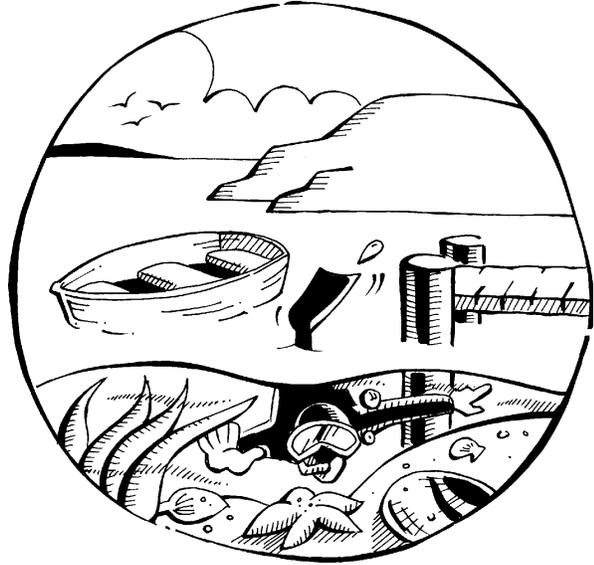
NATURAL CHARACTER - where a proposed activity is likely to have adverse effects on the natural character of an area, including in particular vegetation, visual and amenity values.	The full actual costs of restoring or enhancing the natural character values of an area, either on the site affected or nearby.
HABITAT AND PROCESSES - where a proposed activity is likely to destroy or remove vegetation, destroy or limit habitat, or contribute to erosion of foreshore or dunes.	The full actual costs of protecting, restoring or enhancing the area affected in order to remedy or mitigate the adverse effects of the proposal; or the full actual costs of compensating for any permanent loss.
FORESHORE AND SEABED - where an activity has or contributes to significant adverse effects on the foreshore or seabed.	The full actual costs of any works required to remedy or mitigate adverse effects on foreshore or seabed; where there is a reclamation the full and actual costs associated with ensuring public access and amenities are provided.
PUBLIC ACCESS - where a proposed activity limits or prevents public access and/or adversely affects recreational opportunities.	The full actual cost of providing appropriate or alternative access sufficient to remedy or mitigate adverse effects on public access or recreational opportunities, either on or around the proposed area where access or recreational opportunities are limited.
HISTORIC AND CULTURAL VALUES - where a proposed activity is likely to adversely affect a place or area of significant historic or cultural value.	The full actual costs of protecting, maintaining or restoring sites with significant historic or cultural values; or the full actual costs of compensating for any permanent loss to these values.
CHARACTERISTICS OF SPECIAL VALUE TO TANGATA WHENUA - where a proposed activity is likely to adversely affect characteristics of special value to the tangata whenua within the CMA, including, waahi tapu, tauranga waka, mahinga maataitai, and taonga raranga.	The full actual costs involved in protecting, maintaining or restoring characteristics of special value to tangata whenua, including, but not limited to, the protection, restoration, or enhancement of their relationship, culture, and traditions with that place or area; or the full actual costs of compensating for any permanent loss to these characteristics.

## Environmental Results Anticipated

- Net improvement to the coastal environment when adverse effects from use or development in the CMA cannot be avoided.
- Financial contributions proportional to the level of adverse environmental effects.



# 15



## Monitoring and Review

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# 15 Monitoring and Review

Under s67(1)(i) of the RMA this Plan is required to state the procedures to be used to:

- a) **review the contents** of the Plan, which are as follows:
  - i) the issues to be addressed in the Plan
  - ii) the objectives sought to be achieved by the Plan
  - iii) the policies in regard to the issues and objectives, and an explanation of those policies
  - iv) the methods being or to be used to implement the policies, including any rules
  - v) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the Plan
  - vi) the information to be submitted with an application for a resource consent, including the circumstances in which the powers under s92 may be used
  - vii) the environmental results anticipated from the implementation of these policies and methods
  - viii) the processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities and between regions

and

- b) **monitor the effectiveness** of the Plan as a means of achieving its objectives and policies.

This chapter sets out the approach which will be undertaken to monitor the CMA. The monitoring information will be used to contribute to the review of the Plan, which is required to be undertaken not later than ten years after it has become operative<sup>13</sup>. Analysis of the information collected under the following monitoring sections may also trigger a review of the Plan.

In addition to evaluating the information from the monitoring strategies outlined in this chapter, Environment Waikato will consult with the following groups of people at regular intervals:

- a) The Department of Conservation, with respect to the implementation of this Plan and its effectiveness.
- b) Other regional councils with respect to any cross-boundary matters which have caused difficulties.
- c) Territorial authorities with respect to the effectiveness of cross-boundary management in the coastal environment.
- d) Consent holders with respect to the requirements in this Plan.
- e) Key community groups with respect to the directions in this Plan.
- f) Tangata whenua with respect to the on-going development and implementation of requirements and directions, in this Plan.

Where problems are identified with the Plan in achieving its objectives and policies, Environment Waikato will undertake an internal assessment to determine whether it should be formally reviewed prior to ten years after its operative date. A review may also be initiated should there be a change in related national law. Guidelines outlining the manner in which international obligations can best be carried out and implemented will be provided by government (refer Ch6 of the NZCPS).

The monitoring approach will include the following four key areas:

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<sup>13</sup> Refer s79 of the RMA.

- a) Current **status** of the various components of the coastal ecosystems, as well as **trend** monitoring to identify changes or trends in the quality or quantity of resources in the CMA
- b) The **use** of resources within the CMA to assess the extent and way in which resources in the CMA are being used
- c) In relation to **coastal permits** granted:
  - i) the effects of each permit on physical, biological and intrinsic qualities and values and
  - ii) compliance with the conditions on the permit.
- d) The **processes** outlined in this Plan which will assist in measuring the effectiveness and appropriateness of its objectives, policies and methods.

Each of these key areas is outlined further in this chapter.

The purpose of gathering this information is to assist in decision-making as well as ensuring objectives, policies and methods in the Plan are appropriate. Monitoring may be undertaken by Environment Waikato, contracted to, or collected from other agencies, and set as a requirement on a coastal permit. At present there is limited information available on the resources in the CMA of the Waikato Region. Emphasis will, therefore, be placed on establishing baseline data against which future trends can then be assessed. In addition specific investigations and research programmes may be required to provide a better understanding of natural processes and the impact of human activities.

## 15.1 Monitoring the State of the CMA

A monitoring programme will gather information which will enable Environment Waikato staff to determine whether the objectives and the environmental results anticipated set out in this Plan are being achieved.

The CMA of the Waikato Region has five distinct sub-areas, which are defined by aspect, exposure to wave energy and biogeography. These are shown on General Map 5 and include:

- 1 Open east coast (Pacific Ocean)
- 2 Open west coast (Tasman Sea)
- 3 Sheltered Hauraki Gulf/Firth of Thames
- 4 Coromandel Peninsula estuaries/harbours
- 5 West coast estuaries/harbours

Once the Plan becomes operative, baseline investigations relating to these five sub-areas will be completed and a monitoring programme (with repeatable methodology) developed, capable of detecting changes and trends relevant to the following variables:

- a) Natural character
- b) Coastal ecology
- c) Hydrodynamic regime
- d) Water quality
- e) Coastal hazards
- f) Cultural and historic values
- g) Amenity uses and values
- h) Public access
- i) Substratum

This monitoring programme will be designed to maximise community involvement and to ensure that community perceptions and concerns are recognised at an early stage. The programme will specify meaningful and acceptable trigger levels for every objective and/or environmental result anticipated within the Plan. These trigger levels will initiate consideration of a review and implementation of appropriate management action.

The information will be reported annually either as a part of Environment Waikato's Annual Report or the State of the Environment Report.

## **15.2 Monitoring the Use of Resources in the CMA**

Information on the level of activity being undertaken in the CMA will be gathered primarily from resource users undertaking activities in the CMA. To record this information, a database and mapping system will be established once the Plan becomes operative.

The type of matters which will be recorded include:

- a) Existence, location, type, size, ownership and legal status of structures.
- b) Subject, location and date of complaints relating to water quality.
- c) Existence, location, date and size of emergency discharges.
- d) Location, size, and type of marine farms.
- e) Location, size, and use of reclamations in the CMA.
- f) Location, volume, and description (quality) of dredged sediments from the CMA.
- g) Location, volume, and description (quality) of sediments dumped in the CMA.
- h) Subject, location and date of noise complaints in the CMA.
- i) Areas where public access has been restricted.
- j) Subject, location, and date of complaints relating to surface water activities in the CMA.
- k) Location, size, and usage of areas reserved for specific surface water activities.
- l) Location, project, types, cost and amount of financial contributions sought.
- m) Subject, location, and date of complaints relating to natural character or indigenous species.

This information will be used to determine incremental and cumulative changes in activities in the CMA.

The information will be reported annually either as a part of Environment Waikato's Annual Report or the State of the Environment report.

## **15.3 Coastal Permit Monitoring**

Where coastal permits are granted under this Plan or the provisions of the RMA, the permit holder will generally be required to provide 'effects' monitoring information. Environment Waikato will be responsible for ensuring permit holders comply with the conditions on their permit and will take enforcement actions, if necessary.

To achieve a consistent approach, Environment Waikato will ensure any monitoring requirements that are stated within a coastal permit are established to assist in meeting the objectives of this Plan and reflect scientifically acceptable methods (including the format in which data will be supplied to Environment Waikato). All permits will clearly outline which conditions will be monitored by the permit holder. Additional conditions stating specific 'not to be exceeded' values will be monitored on a priority basis (including potential environmental effects, public perception, past performance, etc) and may sometimes include sampling at random intervals by Environment Waikato, to ensure compliance. The frequency and timing of random checks will be determined in accordance with the annual work programme. Should adverse effects to the natural environment occur that were not apparent or anticipated at the time of approving a permit, Environment Waikato would review the consent conditions in accordance with s128 of the RMA.

## 15.4 Monitoring of Processes

The advocacy and co-ordination methods outlined in the Plan emphasise a number of process matters to be undertaken by Environment Waikato, to meet the objectives of the Plan. These methods recognise the integrated role Environment Waikato has with other agencies, tangata whenua and community groups in the management of the CMA.

Information gathered on the following matters will be used to assist in measuring how the Plan is being implemented, and whether it is effective in meeting its objectives and policies.

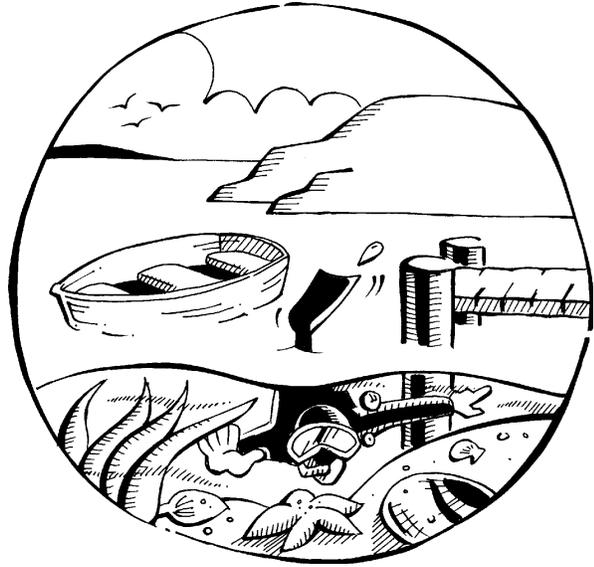
Information will be gathered on meetings or activities (including where, when and a summary of the resolutions or outcomes) undertaken by Environment Waikato in conjunction with:

- a) tangata whenua
- b) individuals and/or community groups
- c) territorial authorities, neighbouring regional councils, and other government agencies (including Crown Research Institutes and Universities)

relating to:

- a) integrated coastal management
- b) coastal hazards
- c) water quality
- d) coastal ecology
- e) natural character
- f) public access
- g) navigation, safety and surface water activities
- h) marine farming
- i) amenity uses and values
- j) cultural, historic and community values.

The information will be reported annually either as a part of Environment Waikato's Annual Report or the State of the Environment Report.



## **Implementation Methods – Rules**



# 16 Implementation Methods

## 16.1 Rules

### General Advisory Notes:

- Rules in this Plan apply to activities in the coastal marine area (CMA) subject to the Resource Management Act 1991 (RMA). In addition to any rules in this Plan:
  - any activity that crosses Mean High Water Springs (MHWS) may also be subject to controls by the relevant district/city council under the RMA.
  - some activities on the foreshore may be controlled via local bylaws created by territorial authorities under the Local Government Act (LGA). These generally relate to matters of public health and safety and the avoidance of public nuisances (e.g. controls relating to dogs, litter, vehicles and fires)
  - activities on the surface of water may be subject to controls under Environment Waikato's Navigation Safety Bylaw (pursuant to the LGA)
  - certain activities may be subject to controls under other legislation (e.g. Building Act 1991 and Maritime Transport Act 1994).
- While an effort has been made to provide advice in this Plan regarding other regulations, readers should be aware that this advice is not exhaustive and does not relieve anyone of any obligation they may have to comply with relevant legislation, rules, bylaws etc.

### 16.1.1 General

Rules specify particular classes of activity as permitted, controlled, discretionary, non-complying and prohibited. The RMA sets up the framework to enable classification of activities in this way according to the effects they have on the environment. Table 2 provides a summary of the Rules in this section of the Plan. In addition, when considering the Rules, reference should also be made to the Information Requirements in Appendix I and Decision-Making Criteria and Considerations in Appendix II of this Plan.

#### a) Decision-Making Criteria and Considerations

Regard shall be had to the decision-making criteria and considerations in Appendix II of this Plan in determining all applications for discretionary and non-complying activities in the CMA.

**Principal Reasons for Adopting:** The decision-making criteria and considerations will assist in ensuring consistent decisions are made. These are set out in Appendix II of this Plan.

#### b) Information Requirements

Any application for a controlled, discretionary, or non-complying activity shall include information relating to specific issues as relevant, including such information as specified in Appendix I of this Plan.

**Principal Reasons for Adopting:** Adequate information must be available to ensure informed decisions. The onus is on applicants to supply this information.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## 16.1.2 Non-Complying Activities

Any activity which is restricted in the Coastal Marine Area by sections 12, 14, 15, 15A, 15B or 16 of the RMA that:

- i) except as provided for by Rule 16.4.24(iii), is not specifically provided for by any rule in this Plan; or
- ii) except as provided for by Rule 16.4.24(i) and (ii), does not comply with:
  - i) the conditions of a permitted activity rule, or
  - ii) the standards and terms of a controlled or discretionary activity rule, in this Plan; or
- iii) is not otherwise prohibited by a rule in this Plan;

is a non-complying activity.

**Principal Reasons for Adopting:** This Rule specifies the activity status of all activities not covered by other rules in this Plan.

### Advisory Notes:

- An activity otherwise controlled by a permitted or controlled activity rule in section 16.4 of this Plan but which does not comply with the conditions or standards and terms of that rule will firstly be assessed as a discretionary activity under Rule 16.4.24. If the activity is unable to comply with the standards and terms of Rule 16.4.24, it will be assessed as a non-complying activity under this Rule.
- Any activity not complying with the standards and terms for a discretionary activity in Rules 16.3.8, 16.4.12, 16.4.14, 16.4.16, 16.4.18, 16.6.13, 16.6.19 or 16.8.1, will be assessed as a non-complying activity under this Rule.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Table 2: Summary of Rules**

No.	Title	Type	Policies
<b>16.2</b>	<b>HABITAT AND COASTAL PROCESSES</b>		
16.2.1	Removal of Vegetation	Permitted	3.2.1, 3.2.2, 3.2.3
16.2.2	Removal or Eradication of Exotic Plant Species	Controlled	3.2.1, 3.2.2, 3.2.3
16.2.3	Removal or Eradication of Indigenous Plant Species	Discretionary	3.2.1, 3.2.2, 3.2.3, 3.3.1
16.2.4	Introduction of Indigenous Plant Species	Permitted	3.1.5
16.2.5	Introduction of Exotic Plant Species Where Already Present	Discretionary	3.2.1, 3.2.4
16.2.6	Introductions of Exotic Plant Species	Discretionary	3.2.1, 3.2.4
16.2.7	Introduction of Exotic Plant Species	Prohibited	3.1.1, 3.2.1, 3.2.2, 3.2.4
16.2.8	Introduction of Plant Pests	Prohibited	3.2.4
16.2.9	Livestock in Sensitive Areas	Prohibited	3.2.1, 3.2.2, 3.2.4, 7.1.1
16.2.10	Marina Basins	Discretionary	3.1.4A, 3.1.4B
<b>16.3</b>	<b>WATER QUALITY</b>		
16.3.1	Taking and Use of Water by Ships	Permitted	4.1.2
16.3.2	Taking and Use of Coastal Water	Permitted	4.1.2
16.3.3	Taking and Use of Coastal Water	Controlled	4.1.2
16.3.4	Minor Discharges of Water.	Permitted	4.1.1, 4.1.3
16.3.5	Stormwater Discharges	Permitted	4.1.1, 4.1.3
16.3.6	Stormwater Discharges	Controlled	4.1.1, 4.1.3
16.3.7	Discharges from Ports, Marinas and Boat Maintenance Areas	Discretionary	3.3.1, 4.1.1, 4.1.3
16.3.8	Sewage Discharges	Discretionary	3.2.2, 3.3.1, 4.1.1, 4.1.3
16.3.9	Sewage Discharges	Discretionary	4.1.1, 4.1.3
16.3.10	Sewage Discharges	Prohibited	4.1.1, 4.1.3
16.3.11	Sewage Discharges	Prohibited	3.1.1, 4.1.1, 4.1.3
16.3.12	Discharges of Hazardous Substances	Discretionary	3.3.1, 4.1.1, 4.1.3
16.3.13	Discharges to the CMA	Discretionary	3.3.1, 4.1.1, 4.1.3
16.3.14	Damming or Diversion of Water	Discretionary	4.1.5
16.3.15	Discharge of Dye Tracers	Controlled	3.3.1, 4.1.1
<b>16.4</b>	<b>STRUCTURES</b>		
16.4.1	Temporary Structures	Permitted	5.1.3
16.4.1A	Monitoring and Sampling Structures	Permitted	5.1.3
16.4.2	Maimai	Permitted	5.1.3
16.4.3	Whitebait Stands	Permitted	5.1.3
16.4.4	Tide Fences	Permitted	5.1.3
16.4.5	Navigational Aids	Permitted	5.1.3, 6.1.1, 6.1.2
16.4.6	Swing Moorings within Zoned Mooring Areas	Controlled	5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

No.	Title	Type	Policies
16.4.7	Moorings within a Harbour/Estuary outside of Zoned Mooring Areas	Prohibited	5.1.3, 5.1.6
16.4.8	Permanent Swing Moorings outside of Zoned Mooring Areas	Discretionary	3.1.1, 3.1.2, 3.2.1, 3.3.1, 5.1.3, 5.1.5, 5.1.6, 5.1.7
16.4.9	Transfer of Swing Mooring Permits in Whangamata	Prohibited	5.1.3, 5.1.6, 5.1.7, 5.1.8
16.4.9A	Marina Structures within Tairua Marina Zone I	Restricted Discretionary	6A.1.1, 6A.1.2, 6A.1.4
16.4.9B	Marina Structures within Tairua Marina Zone II	Discretionary	6A.1.1, 6A.1.2, 6A.1.4
16.4.10	Structures Associated with Network Utility Operations	Permitted	5.1.2
16.4.11	Structures Associated with Network Utility Operations	Controlled	3.1.1, 3.1.2, 3.1.3, 3.3.1, 5.1.2, 5.1.3
16.4.12	Structures Which Impound or Effectively Contain the CMA	Discretionary	3.2.2, 3.3.1, 3.3.2, 5.1.3
16.4.13	Structures Which Impound or Effectively Contain the CMA	Prohibited	3.1.1, 5.1.3
16.4.14	Structures More or Less Parallel to Mean High Water Springs	Discretionary	3.1.1, 3.1.2, 3.1.3, 3.3.1, 3.3.2, 5.1.3
16.4.15	Structures More or Less Parallel to Mean High Water Springs	Prohibited	3.1.1, 5.1.3
16.4.16	Structures Oblique or Perpendicular to Mean High Water Springs	Discretionary	3.1.1, 3.1.2, 3.1.3, 3.2.1, 3.3.1, 3.3.2, 5.1.3
16.4.17	Structures Oblique or Perpendicular to Mean High Water Springs	Prohibited	3.1.1, 5.1.3
16.4.18	Structures Used In The Petroleum and Chemical Industry	Discretionary	5.1.3
16.4.19	Structures Used in the Petroleum and Chemical Industry	Prohibited	3.1.1, 5.1.3
16.4.20	Maintenance and Repair of Structures	Permitted	3.3.2, 5.1.3, 6.1.1, 6.1.2
16.4.21	Maintenance and Repair of Structures	Controlled	3.3.2, 5.1.3, 6.1.1, 6.1.2
16.4.22	Minor Extensions and/or Alterations to Structures	Controlled	5.1.3, 6.1.1, 6.1.2
16.4.23	Removal or Demolition of Structures	Permitted	3.3.2, 5.1.3, 6.1.1, 6.1.2
16.4.24	Structures	Discretionary	5.1.3
16.4.25	Poles and pontoons within a Marina Basin.	Permitted	5.1.3
16.4.26	Use of and Occupation of Space by Structures	Discretionary	3.1.2, 3.2.1, 3.3.1, 5.1.3

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

No.	Title	Type	Policies
<b>16.5</b>	<b>MARINE FARMING</b>		
16.5.1	Fish Aggregation Devices and Short-term Spat Catching Buoys and Lines	Discretionary	6.1.1, 6.1.2
16.5.2	Structures for Shellfish Research Purposes	Discretionary	6.1.1, 6.1.2
<u>16.5.3</u>	<u>Current Marine Farm Structures</u> [This part of the Plan is subject to an appeal to the Environment Court]	<u>Discretionary</u>	<u>6.1.1, 6.1.2, 6.1.4</u>
16.5.4	Conventional Longline Marine Farming and Associated Structures in Wilson Bay Zone Areas A and B	Controlled	6.1.1, 6.1.2, 6.1.4
16.5.4A	Other Marine Farm Structures in Wilson Bay Zone Areas A and B	Discretionary	6.1.1, 6.1.1A, 6.1.2
16.5.4B	Marine Farming in the Wilson Bay Zone Area C	Discretionary	6.1.1, 6.1.1A, 6.1.2
16.5.4C	Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming in Area C of the Wilson Bay Zone	Discretionary	6.1.1, 6.1.1A, 6.1.1B
16.5.5	Conventional Inter-tidal Oyster Farm Structures	Discretionary	6.1.1, 6.1.2, 6.1.4
16.5.5A	Extensions of Marine Farms	Discretionary	6.1.1, 6.1.1C, 6.1.2
15.5.5B	Marine Farming Structures	Discretionary	6.1.1, 6.1.1A, 6.1.2
15.5.5C	Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming outside the Wilson Bay Zone	Discretionary	6.1.1, 6.1.1A
15.5.5D	Marine Farm Structures within Coromandel Marine Farming Zone	Discretionary	6.1.1, 6.1.1A, 6.1.1D, 6.1.2
15.5.5E	Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming within Coromandel Marine Farming Zone	Restricted Discretionary	6.1.1, 6.1.1A, 6.1.1B, 6.1.1D
16.5.6	All Other Marine Farm Structures	Prohibited	6.1.1, 6.1.2, 6.1.4
16.5.6A	Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming	Prohibited	6.1.1
16.5.7	Marine Farm Structures	Prohibited	6.1.1
16.5.8	Staging of the Consents within the Coromandel Marine Farming Zone		6.1.1, 6.1.1A, 6.1.1B
<b>16.6</b>	<b>DISTURBANCES</b>		
16.6.1	Recreational Activities	Permitted	7.1.1
16.6.2	Vehicle Use	Permitted	7.1.2
16.6.3	Vehicle Use	Discretionary	3.1.3, 7.1.2
16.6.4	Military Training	Permitted	7.1.3
16.6.5	Military Training in Military Operation Areas	Permitted	7.1.3
16.6.6	Military Training	Prohibited	3.3.2, 7.1.3
16.6.7	Removal of Sediment from Waterways	Permitted	7.2.1
16.6.8	Removal of Sediment from Waterways	Discretionary	7.2.1
16.6.9	Maintenance Dredging	Controlled	7.2.1
16.6.9A	Construction Dredging within Tairua Marina Zone I	Restricted Discretionary	6A.1.1, 6A.1.2, 6A.1.4

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

No.	Title	Type	Policies
16.6.9B	Construction Dredging within Tairua Marina Zone II	Discretionary	6A.1.1, 6A.1.2, 6A.1.4
16.6.10	Minor Disturbances/Deposits	Permitted	7.1.1, 7.2.2, 7.3.1
16.6.11	Minor Disturbances/Deposits	Controlled	7.2.2, 7.3.1
16.6.12	Disturbances/Deposits to the Foreshore or Seabed	Discretionary	7.2.2, 7.3.1, 7.3.2
16.6.13	Disturbances/Deposits to the Foreshore or Seabed	Discretionary	3.2.1, 3.2.2, 3.3.1, 7.2.2, 7.3.1, 7.3.2
16.6.14	Disturbances/Deposits to the Foreshore or Seabed	Prohibited	3.1.1, 7.2.2, 7.3.1
16.6.15	Beach Nourishment	Controlled	3.3.1, 7.3.1, 7.3.2
16.6.16	<i>Refer Rule 16.6.13(ii)</i>	Discretionary	3.1.1, 3.1.2, 3.1.3, 3.2.1, 3.2.2, 7.3.1, 7.3.2
16.6.17	<i>Refer Rule 16.6.14(ii)</i>	Prohibited	3.3.1, 7.3.1, 7.3.2
16.6.18	Deposition of Material Containing Hazardous Substances	Prohibited	7.3.2
16.6.19	Reclamations	Discretionary	3.1.1, 3.1.2, 3.1.3, 3.3.1, 7.4.1, 7.4.3
16.6.20	Reclamation or Drainage	Discretionary	3.2.1, 3.2.2, 7.4.1, 7.4.3
16.6.21	Reclamations	Prohibited	3.1.1, 7.4.1
16.6.22	Materials Used For Reclamations	Prohibited	3.3.1, 7.4.1, 7.4.2
16.6.23	Maintenance of Existing Drainage Canal Outlets, Floodgate Outlets and Stopbanks	Permitted	7.2.1
16.6.24	Declamations	Discretionary	7.4.1
<b>16.7</b>	<b>NATURAL HAZARDS</b>		
16.7.1	Short-Term Structures for Hazard Management	Controlled	8.1.3, 8.1.4
<b>16.8</b>	<b>PUBLIC ACCESS</b>		
16.8.1	Exclusive Occupation	Discretionary	3.1.3, 3.3.1, 6.1.1, 9.1.1
16.8.2	Exclusive Occupation	Prohibited	3.1.1, 9.1.1

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## 16.2 Habitat and Coastal Processes

### 16.2.1 Removal of Vegetation (Permitted Activity)

The removal of any vegetation in the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

#### Conditions

- i) The removal is undertaken by iwi for traditional harvesting purposes.
- ii) The removal is undertaken for the sole purpose of maintaining an existing boat access channel, or an existing boat launching site and the vegetation to be removed in any one year covers an area of less than 10 square metres.
- iii) The vegetation is removed in accordance with section 55 of the Transit New Zealand Act 1989.
- iv) In all cases, except the activities provided for in Rule 16.6.23), the vegetation to be removed shall not be identified as a conservation value within the ASCV areas marked on maps in Appendix III and described in Appendix IV of this Plan.
- v) The removal is undertaken for the purpose of maintaining existing drainage canal outlets, floodgate outlets and stopbanks as provided for in Rule 16.6.23.

**Principal Reasons for Adopting:** This Rule recognises that the adverse effects from the activities permitted in this Rule are minor.

#### Advisory Notes:

- See also rules on disturbing foreshore and seabed in section 16.6.
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### 16.2.2 Removal or Eradication of Exotic Plant Species (Controlled Activity)

The removal or eradication of exotic plant species from the CMA and associated vehicle use, which does not comply with the conditions for a permitted activity in Rule 16.2.1 is a controlled activity provided it complies with the standards and terms stated in this Rule.

#### Standards and Terms

- i) The exotic plant species is spreading, or is colonising, or is destroying existing plant communities or destroying the habitat of existing fauna; or
- ii) The exotic plant species is restricting the natural movements of sediment, water or biota.
- iii) No contaminants shall be discharged to water or land from the vehicle.

#### Control Reserved Over

The matters over which the Regional Council reserves control are:

- The location and size of the area where plants are to be removed or eradicated.
- The information and monitoring requirements.
- The method of removal or eradication and disposal.
- The timing and frequency of removal.
- The location, extent and timing of the use of vehicles.

**Principal Reasons for Adopting:** Removal or eradication of unwanted exotic plant species must be controlled to ensure that there is no unnecessary degradation of water quality, adverse effects on marine flora and fauna, or chance of further unwanted

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

dispersal. The control of pioneer populations of exotic plant species in particular is a priority (refer Ch1 of the NZCPS).

**Advisory Note:**

- Control of exotic plant species must also be in accordance with the Biosecurity Act 1993.

### **16.2.3 Removal or Eradication of Indigenous Plant Species (Discretionary Activity)**

The removal or eradication of any indigenous plant species in the CMA which does not comply with the conditions for a permitted activity in Rule 16.2.1 is a discretionary activity.

**Assessment Criteria**

In assessing any application for the removal or eradication of indigenous vegetation, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which any visible change to water quality resulting from the activity will be detectable 48 hours after removal; and
- iv) the extent to which the activity will affect the ability of the remaining habitat to survive or to support dependent fauna; and
- v) the extent to which the activity will affect the ability of the remaining habitat to protect faunal migration and water quality in the CMA from land-based run-off; and
- vi) the extent to which the activity will increase the probability of coastal erosion or inundation.

**Principal Reasons for Adopting:** Removal or eradication of areas of indigenous plant species may in some cases be unavoidable in the CMA, however care must be taken to ensure the effects of removal are managed, particularly in relation to protecting water quality, risk from natural hazards and avoiding the loss of further estuarine/wetland habitat.

### **16.2.4 Introduction of Indigenous Plant Species (Permitted Activity)**

The introduction of any indigenous plant species in the CMA in areas where these species already exist, is a permitted activity.

**Principal Reasons for Adopting:** This Rule recognises that restorative plantings of indigenous species should be encouraged. Refer also Policy 1.1.5 of the NZCPS.

### **16.2.5 Introduction of Exotic Plant Species Where Already Present (Discretionary Activity)**

The introduction of exotic plant species to the CMA where that plant is already present in an area is a discretionary activity.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **Assessment Criteria**

In assessing any application for the introduction of exotic plant species, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the activity will result in, or has the potential to result in the eradication or colonisation of indigenous flora and fauna, or their habitat, already present in the area; and
- iv) the extent to which the proposed plant species has the potential to impede the existing flow patterns of water or sediment.

**Principal Reasons for Adopting:** The introduction of exotic plant species into the CMA can have significant adverse effects. Exotic plant species may contribute to the decline of indigenous plant populations and impact on natural biodiversity, habitat and indigenous flora and fauna. If an exotic species is already present in an area, then the suitability of further introducing that exotic species must be assessed against the actual effects of the initial introduction.

### **16.2.6 Introduction of Exotic Plant Species (Discretionary Activity)**

Unless otherwise prohibited by Rule 16.2.7, the introduction of any exotic plant species to the CMA, except where that plant is already present in that area, is a discretionary activity.

### **Assessment Criteria**

In assessing any application for the introduction of exotic plant species, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the exotic plant species will result in, or have the potential to result in the eradication or colonisation of flora and fauna already present in the area; and
- iv) the extent to which the plant species is likely to or has the potential to impede the existing flow patterns of water or sediment; and
- v) the extent to which the introduction of exotic plant species will have the potential for dispersal to other areas.

**Principal Reasons for Adopting:** Exotic plant species have the potential to severely degrade natural ecosystems by competing with and taking over existing habitats. It is difficult to predict the effects exotic species could have on locally occurring flora and fauna and habitats and, unlike plant pests on land, once a marine plant species is introduced to an area, eradication is unlikely, due to the effective dispersal by ocean currents. Therefore, a precautionary approach to the introduction of new species should be taken.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **16.2.7 Introduction of Exotic Plant Species (Prohibited Activity)**

The introduction of any exotic plant species into the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), except where that plant species is already present in that area, is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore activities which would have a significant and irreversible effect on these areas are unacceptable.

### **16.2.8 Introduction of Plant Pests (Prohibited Activity)**

The introduction of Alternanthera philoxeroides (Alligator Weed), or S. alterniflora, or S. anglica (Spartina) into the CMA is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The plant pests identified in this Rule pose a threat to the Region because of their ability to invade or take over areas. The introduction of such pests would result in significant adverse effects in the CMA.

### **16.2.9 Livestock in Sensitive Areas (Prohibited Activity)**

The presence of livestock in or on mangroves, saltmarsh or eel grass, or on muddy substrata, in the CMA is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The presence of livestock in estuarine areas may damage or even destroy existing vegetation and stop regeneration, e.g. mangroves and saltmarsh. The destruction of fish spawning habitat can also be a result of livestock grazing and trampling. Archaeological sites and waahi tapu can also be damaged.

### **16.2.10 Marina Basins (Discretionary Activity)**

The use of and occupation of space for the purposes of a marina basin is a Discretionary activity provided it complies with the standards and terms stated in this rule.

#### **Standards and Terms**

- i) The area of the marina basin would not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 hectares or from more than 316 metres along the length of the foreshore.
- ii) The marina basin shall not be located in any area identified in the Plan as waahi tapu.

#### **Assessment Criteria**

In assessing any application for the use of and occupation of space by a marina basin, regard shall be had to the following:

- i) Either satisfaction of all of the criteria listed at a) to l) in Policy 3.1.4B or satisfaction of criterion m) in Policy 3.1.4B relating to the appropriate location of marinas;

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- ii) The extent to which the activity will adversely affect any conservation value described in Appendix IV within the ASCV areas as indicated on maps in Appendix III of this plan, and the extent to which these effects can be avoided, remedied or mitigated in terms of Policy 3.2.1;
- iii) The Decision-making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;
- iv) The extent to which suitable alternative sites within the harbour, estuary or bay have been considered and reasons for the final choice of site;
- v) The extent to which the scale and design of the marina activity is appropriate to the size and physical characteristics of the harbour, estuary or bay.

**Conditions will be imposed in respect of the following matters:**

- i) The appropriate resource consents for activities relating to the construction, development and operation of the marina basin and any associated works in the CMA are obtained (see advice note below).
- ii) There shall be no discharge of water and/or contaminants into water from boat maintenance, ballast, boat careening, or hull cleaning within the marina basin.
- iii) There shall be no discharge of sewage or solid wastes into the water within the CMA.
- iv) The marina shall have at all times an Oil Spill Plan approved by Environment Waikato in accordance with the Maritime Transport Act 1994.
- v) The marina shall have at all times a Management Plan approved by Environment Waikato which includes as a minimum:
  - a) Description of operations and facilities and their maintenance.
  - b) Berth contract provisions which ensure that berth holders act in a manner which will minimise adverse environmental effects of their activities within the marina basin, including any penalty provisions that may be imposed on berth holders for breach of contract.
  - c) Waste disposal and litter management.
  - d) Hazard mitigation.

**Principal Reasons for Adopting:** This rule provides decision making guidance for the location of marina basins and sets standards to manage environmental effects in the marina basin once a marina is established. Marina basins are to be located in accordance with the criteria in Policy 3.1.4B. This rule only applies to use and occupation of space. Therefore rules relating to other effects from the development of a marina such as dredging, discharges, structures etc will also apply. Particular reference should also be made to Policy 4.1.1 Maintaining or enhancing water quality characteristics.

**Advisory Note:**

This rule provides for the use of and occupation of coastal space by marina basins. The Policies and Rules in this Plan relating to the activities that occur in the construction, development and operation of the marina, for example but not limited to: structures, dredging, deposition, disturbance and reclamation must also be considered and the appropriate resource consents obtained. These activities may be permitted, controlled, discretionary or non-complying depending on the size and scale of the activities involved.

## 16.3 Water Quality

**General Advisory Notes:**

- Rules in this section do not apply to discharges where the point of discharge to the environment occurs outside of the Coastal Marine Area. Rules relating to

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

discharges occurring to land/water outside the CMA are contained in the Waikato Regional Plan.

- Any structure associated with a discharge may also require resource consent – refer to rules in section 16.4 of this Plan.
- Within the CMA, the Resource Management (Marine Pollution) Regulations 1998 cover a number of matters relating to discharges from ships, aircraft and offshore installations. They have the effect of rules and must be read in addition to any rules contained in this Plan. In particular they regulate:
  - the dumping of waste or other matter
  - incineration of waste in marine incineration facilities
  - discharges of substances for the purpose of avoiding, remedying or mitigating oil spill
  - discharge of oil
  - discharge of noxious liquid substances
  - discharge of sewage in the CMA
  - discharge of garbage
  - discharge of ballast water
  - discharges made as part of normal operations of ship or offshore installation

### **16.3.1 Taking and Use of Water by Ships (Permitted Activity)**

The taking and use of water from the CMA for the normal functional need of ships for engine cooling, loading ballast, deck washing, fire fighting and desalination is a permitted activity.

**Principal Reasons for Adopting:** The NZCPS requires that provision should be made for ships to take and use sea water for normal operational and fire fighting purposes. In addition, it is not practicable to regulate the taking of water by ships and boats.

#### **Advisory Note:**

- Any discharge of the water taken and used must be in accordance with the discharge rules in this Plan, or any relevant matters in the Resource Management (Marine Pollution) Regulations 1998.

### **16.3.2 Taking and Use of Coastal Water (Permitted Activity)**

The taking and use of water from the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) The take and use occurs in open coastal waters; or
- ii) The take and use occurs in estuaries, inlets, harbours or embayments and the quantities taken and used are less than 1,000 cubic metres per day.

**Principal Reasons for Adopting:** The RMA distinguishes between open coastal water and water in or near estuaries, inlets, harbours and embayments. In general there are few if any, adverse effects on the environment from taking open coastal water. However, potential adverse effects on taking water from more enclosed areas and areas closer to land, include effects on sediments and habitat.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### 16.3.3 Taking and Use of Coastal Water (Controlled Activity)

The taking and use of water from estuaries, inlets, harbours or embayments, in quantities equal to or greater than 1,000 cubic metres per day is a controlled activity provided it complies with the standards and terms stated in this Rule.

#### Standards and Terms

- i) Any sediments collected as a by-product of the take shall be returned to the CMA.
- ii) Screening or filtering devices shall be used to ensure no intake of marine fauna or flora.

#### Control Reserved Over

The matters over which the Regional Council reserves control are:

- The information and monitoring requirements.
- The location of the take and proximity to other activities.
- The take rate - including frequency.
- The method used for the take and the proposed screening and/or filtering devices.
- The location and timing of sediment being returned to the CMA.
- The visual effects resulting from the method of the take.

**Principal Reasons for Adopting:** The areas of the coast which include estuaries, inlets, harbours and embayments are highly productive and support a wide diversity of flora and fauna. These areas are also subject to water depth variations and tidal fluctuations. The substrata also varies significantly. Therefore, in taking water in larger quantities, care must be taken to ensure adverse effects on biodiversity, sediments and water quality are managed appropriately.

### 16.3.4 Minor Discharges of Water (Permitted Activity)

The discharge of water into water in the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

#### Conditions

- i) Any visible change in water quality shall not be detectable 12 hours after discharge.
- ii) The discharge shall not cause erosion or scouring.
- iii) The discharge shall not occur in or at any area identified as waahi tapu.
- iv) The discharge shall not contain any hazardous substances.
- v) The discharge shall not contain any material which will cause the production of conspicuous oil or grease films, scums or foams, or floatable suspended materials outside a 5 metre radius of the point of discharge.
- vi) The natural temperature of the water shall not be changed by more than 3 degrees Celsius.

**Principal Reasons for Adopting:** There is a need to recognise existing minor discharges of water and to allow for them in the CMA, provided they do not have adverse effects. The minor discharge of clean water into the CMA, generally results in no adverse effects.

#### Advisory Note:

- Refer also to Rules 16.3.5 and 16.3.6 for stormwater discharges.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### 16.3.5 Stormwater Discharges (Permitted Activity)

The discharge of water from stormwater structures into the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

#### Conditions

- i) The discharge is from a natural water body; and/or
- ii) The discharge is from surface run-off collected from a road; or
- iii) The discharge is from an area less than 1 hectare; and
- iv) The discharge shall not cause erosion or scouring at the point of discharge; and
- v) The discharge shall not contain any substance which will cause the production of conspicuous oil, or grease films, scums or foams, or floatable suspended materials.

**Principal Reasons for Adopting:** It is recognised that discharges of stormwater into the CMA from a small catchment area or from coastal roads is unlikely to have any significant effect on the CMA. It is also recognised that the quality of water from natural water bodies is related to management issues above MHWS. This Rule also encourages discharges to be made into natural water bodies, instead of directly into the CMA.

### 16.3.6 Stormwater Discharges (Controlled Activity)

The discharge of water from stormwater structures into the CMA which does not comply with the conditions for a permitted activity in Rule 16.3.5 is a controlled activity provided it complies with the standards and terms stated in this Rule.

#### Standards and Terms

- i) The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life.
- ii) The discharge shall not contain any substance which will cause the production of conspicuous oil, or grease films, scums or foams, or floatable suspended materials outside a 10 metre radius of the point of discharge.

#### Control Reserved Over

The matters over which the Regional Council reserves control are:

- The cumulative effects potentially arising from the location of the discharge.
- Quantity, dependent on flushing ability of the CMA.
- The level of concentrations of hazardous substances in the stormwater<sup>14</sup>.
- The extent to which the discharge may cause erosion and scouring.
- The extent to which, after reasonable mixing, the discharge (either by itself, or in combination with other discharges) will give rise to any adverse effects on flora or fauna.
- The information and monitoring requirements.

**Principal Reasons for Adopting:** Stormwater discharges from larger catchments need to be controlled to ensure the adverse effects on the environment are minimised. By retaining control over location, the Regional Council wishes to encourage the development of non-statutory stormwater management plans which would address an

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<sup>14</sup> For the purposes of this Rule, the levels of hazardous substances in stormwater or sediments at which significant adverse effects are likely to occur, will be defined from the following sources, dependent on the receiving environment:

- Licences under the Hazardous Substances and New Organisms Act 1996 for the use of the substance in NZ specifying discharge and receiving water standards for the substance.
- New Zealand Standards or Guidelines for specific substances or groups of substances.
- Other, risk-based international standards or guidelines.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

area in a comprehensive manner (i.e. dealing with a range of discharges per catchment area), including looking into alternatives to direct discharges to the Coastal Marine Area. The Regional Council would assist with advice on such plans.

### **16.3.7 Discharges from Ports, Marinas and Boat Maintenance Areas (Discretionary Activity)**

Any discharge resulting from activities occurring on the hard stand areas of ports, marinas or boat maintenance areas, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The discharge shall not contain any solid wastes or hazardous substances.
- ii) The discharge shall not contain any substance which will cause the production of conspicuous oil, or grease films, scums or foams, or floatable suspended materials outside a five metre radius of the point of discharge.
- iii) Boat maintenance residues shall be collected and disposed of in appropriate land-based facilities.

#### **Assessment Criteria**

In assessing any application for discharges from ports, marinas and boat maintenance areas, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the siting and location of the discharge will result in cumulative adverse effects on water quality and natural character; and
- iv) the extent to which the discharge will emit any objectionable odour; and
- v) the extent to which, after reasonable mixing, the discharge (either by itself, or in combination with other discharges) will give rise to any adverse effects on flora or fauna.

**Principal Reasons for Adopting:** Policies 5.2.1 and 5.2.2 of the NZCPS advocate that discharges of most wastes from ports, marinas and boat maintenance areas should be disposed of on land at appropriate facilities. Discharges to the CMA from such areas must ensure that the water quality in the CMA is maintained at existing levels.

### **16.3.8 Sewage Discharges (Discretionary Activity)**

Unless otherwise prohibited by Rules 16.3.10 or 16.3.11, any discharge of human sewage to the CMA, except those from ships, which has not passed through soil or wetland, is a discretionary activity, provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) It shall be demonstrated that the discharge into the CMA better meets the purpose of the RMA than disposal onto land.
- ii) It shall be demonstrated that there has been consultation with the tangata whenua in accordance with tikanga Maaori, and that due weight has been given to s6, s7 and s8 of the RMA.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- iii) It shall be demonstrated that there has been consultation with the community generally.
- iv) The discharge, after initial mixing, shall not result in:
  - a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
  - b) any conspicuous change in the colour or visual clarity; or
  - c) any emission of objectionable odour.

### **Assessment Criteria**

In assessing any application for sewage discharges, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which water quality has been identified and will be maintained or enhanced; and
- iv) the extent to which the discharge will have or is likely to have any adverse effects on human health; and
- v) the extent to which, after initial mixing, the discharge (either by itself, or in combination with other discharges) will or is likely to result in any adverse effects on aquatic flora or fauna.

**Principal Reasons for Adopting:** In dealing with the disposal of human sewage, not only the effects on the physical environment, but also the effects on the feelings of people must be taken into account. In particular, the values of Maaori people must be given specific consideration because of the importance given by s6(e) of the RMA.

### **Advisory Note:**

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.

## **16.3.9 Sewage Discharges (Discretionary Activity)**

Any discharge of sewage into the CMA which has passed through soil or wetlands is a discretionary activity.

### **Assessment Criteria**

In assessing any application for sewage discharges which have passed through soil or wetland, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the siting and location of the discharge will result in cumulative adverse effects on water quality and natural character; and
- iv) the extent to which the discharge will emit any objectionable odour; and
- v) the extent to which, after initial mixing, the discharge (either by itself, or in combination with other discharges) will give rise to any adverse effects on flora and fauna; and
- vi) the extent to which the activity would adversely affect bathing and/or shellfish gathering quality after initial mixing.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Principal Reasons for Adopting:** Sewage discharges can potentially threaten human health, tangata whenua values and coastal ecosystems. Treatment and disposal systems should therefore address these issues, to ensure that any discharge to the Coastal Marine Area is sustainable.

### **16.3.10 Sewage Discharges (Prohibited Activity)**

The discharge of any untreated sewage into the CMA, except from ships and offshore installations, is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** Discharges of untreated sewage would have unacceptable cultural and amenity effects in the CMA.

**Advisory Note:**

- Refer also to Policy 5.1.1 of the NZCPS.

### **16.3.11 Sewage Discharges (Prohibited Activity)**

Any discharge of human sewage, except from ships and offshore installations, into the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV) which has not passed through soil or wetland, is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore, activities which would have a significant and irreversible effect on these areas are unacceptable.

### **16.3.12 Discharges of Hazardous Substances (Discretionary Activity)**

The use and consequent discharge into the CMA of hazardous substances is a discretionary activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) It shall be demonstrated that there has been consultation with affected parties, adjacent landowners and appropriate tangata whenua.
- ii) It shall be demonstrated that the hazardous substance has been approved under the Hazardous Substances and New Organisms Act 1996 and that use will comply with any standards set by Regulations in that Act.

**Assessment Criteria**

In assessing any application for the discharge of hazardous substances to the CMA, regard shall be had to:

- i) the method of discharge (for example to air or directly to flora, fauna, water or foreshore); and
- ii) the extent to which the discharge will adversely affect any conservation value within the ASCV areas as marked on the maps in Appendix III and described in Appendix IV of this Plan; and
- iii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- iv) the extent to which water quality has been identified and will be maintained or enhanced; and
- v) the effect that the discharge will have or is likely to have on human health; and
- vi) the extent to which the discharge (either by itself, or in combination with other discharges) will or is likely to result in any adverse effects (including bio-accumulative effects) on flora, fauna or kaimoana; and,
- vii) the extent to which positive ecological outcomes may result from the use and consequent discharge.

**Principal Reasons for Adopting:** The discharge of hazardous substances into the CMA causes pollution that affects amenity and ecological values and traditional uses of the CMA. Therefore, the discharge of hazardous substances into the CMA for the sole purpose of disposal is not desirable and is prohibited under Rule 16.6.18 of this Plan and/or Resource Management (Marine Pollution) Regulations 1998 (except where specifically allowed by the Regulations). However there may be instances where hazardous substances are used to effect positive ecological outcomes. By retaining discretion in these circumstances Environment Waikato can ensure that any adverse effects on the environment are minimised and that local communities are appropriately consulted.

**Advisory Note:**

- Also refer to Rule 16.6.18

### **16.3.13 Discharges to the CMA (Discretionary Activity)**

Any discharge to the coastal marine area in respect of which the applicant desires to rely on section 107(2)(a) of the RMA is a discretionary activity.

**Advisory Note:**

- Also refer to Rule 16.6.18

### **16.3.14 Damming or Diversion of Water (Discretionary Activity)**

The damming or diversion of water from, or within, the CMA is a discretionary activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) The damming or diversion shall not occur in or on any area identified as waahi tapu.

**Assessment Criteria**

In assessing any application for the damming or diversion of water, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which there is a functional need for the activity to occur in the CMA.

**Principal Reasons for Adopting:** The potential adverse effects of damming or diverting water in the CMA are dependent on scale and location. However, in the inter-tidal zone where this is most likely to occur, the effects can be significant.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Advisory Note:**

- Any structure or reclamation associated with the damming or diversion of water may also require resource consent – refer to rules in sections 16.4 and 16.6 of this Plan.

**16.3.15 Discharge of Dye Tracers (Controlled Activity)**

The discharge of dye tracer material, excluding radioisotope tracers, into the CMA is a controlled activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) The dye tracer material discharged shall not exceed 20 litres of dye in solution.
- ii) The dye tracer material discharged shall not be a hazardous substance in terms of the Hazardous Substances and New Organisms Act 1996.
- iii) Any visible change in water quality shall not be detectable 48 hours after the discharge.
- iv) The discharge shall not occur in any marine protected area without the prior written consent of the administering agency.
- v) The discharge shall not cause fish or shellfish to be unsuitable for harvest and human consumption.
- vi) The discharge shall not have adverse effects on vegetation or fauna.
- vii) The discharge shall not occur in or be intended to spread to any area identified as waahi tapu

**Control Reserved Over**

The matters over which the Regional Council reserves control are:

- The location, timing, nature, purpose, volume and method of discharge.

**Conditions will be imposed in respect of the following matters:**

- i) The dye tracer material shall be used in accordance with manufacturers' specifications.
- ii) Where the discharge will occur within one nautical mile of shore, any relevant local marae shall be informed of the location, timing and purpose of the discharge at least 20 working days prior to commencing the activity.

**Principle Reasons for Adopting:** Dyes can be irritants if people come in contact with them or can cause concern due to visual effects. By reserving control over such discharges the potential for conflict with other users can be minimised by avoiding high use times or areas, for example.

**16.4 Structures****General Advisory Notes:**

- In accordance with s30(1)(d)(ii) of the RMA, coastal permits relating to the occupation of space apply only to land that is foreshore or seabed that is vested in the Crown or regional council.
- Refer to section 16.8 of this Plan for additional rules regarding exclusive occupation of space.
- Structures in the CMA may be "buildings" for the purposes of the Building Act 1991. As such they may require building consent (regardless of their status under the RMA, including any rules in this Plan); and must comply with the Building Code (regardless of the need or not for a building consent).

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- Any discharge to the CMA associated with a structure may also require resource consent – refer to rules in section 16.3 of this Plan.

### 16.4.1 Temporary Structures (Permitted Activity)

The erection, placement, use of, or occupation of space by any temporary<sup>15</sup> structure (excluding structures for the purpose of mooring) in the CMA is a permitted activity, provided it complies with the conditions stated in this Rule.

#### Conditions

- i) There is a functional need for location of the structure in the CMA.
- ii) The structure shall be removed after use.
- iii) The structure shall not be located in any area identified as waahi tapu.

**Principal Reasons for Adopting:** This Rule is designed to minimise the administrative requirements for structures which have minor adverse effects. It covers for example, events or competitions where the temporary placement of buoys may be required.

#### Advisory Note:

- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### 16.4.1A Monitoring or Sampling Structures (Permitted Activity)

The erection, placement, alteration, use of, or occupation of space by any equipment, measuring apparatus or similar device for the purpose of carrying out scientific monitoring or research; including, inspections, surveys, investigations, tests, measurements or taking samples, in the CMA is a permitted activity, provided it complies with the conditions stated in this Rule.

#### Conditions

- i) The owner of the proposed structure shall inform Waikato Regional Council of the structure's location, purpose and nature of use, size, position relative to the water surface, duration of use, method of placement and removal, at least five working days prior to commencing the activity.
- ii) The owner of the proposed structure shall inform Maritime New Zealand and the local Harbourmaster of the location of the structure and duration of use, at least 20 working days prior to commencing the activity.
- iii) The owner of the proposed structure shall inform the relevant local marae of the location and purpose of the structure, and duration of use, at least 20 working days prior to commencing the activity.
- iv) There is a functional need for location of the structure in the CMA.
- v) The structure shall not restrict public access to the CMA.
- vi) The structure shall be removed after use.
- vii) The structure shall be in place for no longer than three months per deployment.
- viii) The structure shall not occupy an area greater than three square metres per discrete location.
- ix) The structure shall not be located in any marked channel or fairway.
- x) The structure shall be maintained in a structurally sound condition at all times, and shall be maintained to ensure that it is restrained and secure at all times.
- xi) The structure shall not cause a hazard to navigation safety
- xii) The structure shall not be used for marine farming activities as defined in this Plan.
- xiii) The structure shall not be located in or accessed through an area of significant indigenous vegetation or significant habitat of indigenous fauna unless it has a

<sup>15</sup> Refer to Glossary for the definition of temporary.

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

functional need to be located in such an area, in which case the destruction or removal or other adverse effects on significant vegetation or habitat is restricted to the sample for which the structure is being used and is timed to avoid areas being used for bird nesting.

- xiv) The structure shall not be located in any area identified as waahi tapu.
- xv) In the event of any waahi tapu being identified by Waikato Regional Council to the owner of the structure, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.

**Principal Reasons for Adopting:** Monitoring and sampling structures generally have minor adverse effects and are usually temporary. These structures provide important data that assists in managing natural and physical resources.

**Advisory Note:**

- Where the local Harbourmaster requires that a navigational aid is attached to the structure, approval for the navigation aid shall be obtained from the Director of Maritime New Zealand.
- Under section 650D(2) of the Local Government Act 2002 a Harbourmaster of a Regional Council may, in relation to any floating, submerged or stranded object remove that object if the Harbourmaster considers it to be a hazard to navigation.
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### 16.4.2 Maimai (Permitted Activity)

The erection, placement, maintenance, alteration, use of or occupation of space by a structure in the CMA which is to be used solely as a maimai is a permitted activity provided it complies with the conditions stated in this Rule.

**Conditions**

- i) The floorspace of the structure shall not exceed 10 square metres<sup>16</sup>.
- ii) The structure shall be located at least 90 metres from any other maimai.
- iii) The structure shall be maintained in a structurally safe condition at all times.
- iv) The height of the structure shall not exceed 3 metres.
- v) The structure shall not be located in any area identified as waahi tapu.

**Principal Reasons for Adopting:** There are a number of maimai located in the CMA which provide traditional recreational opportunities for hunters. These structures are only used for a short time each year.

### 16.4.3 Whitebait Stands (Permitted Activity)

The erection, placement, maintenance, alteration, use of or occupation of space by a structure in the CMA which is to be used solely as a whitebait stand is a permitted activity provided it complies with the conditions stated in this Rule.

**Conditions**

- i) The structure shall be located at least 20 metres from any other whitebait stand.
- ii) The structure shall be located at least 20 metres from any flood gate, tide gate, confluence, culvert or bridge.
- iii) The deck of the structure shall have an area no greater than 4 square metres<sup>17</sup>.
- iv) The structure shall be maintained in a structurally safe condition at all times.

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<sup>16</sup> For clarification, 10 square metres is an area equivalent to 10 metres x 1 metre.

<sup>17</sup> For clarification, 4 square metres is an area equivalent to 4 metres x 1 metre.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- v) The structure shall not be located in any area identified as waahi tapu.

**Principal Reasons for Adopting:** There are few whitebait stands in the CMA. It is considered that the adverse effects of such structures are relatively minor.

#### **16.4.4 Tide Fences (Permitted Activity)**

The erection, placement, use of or occupation of space by any structure in the CMA which is to be used as a tide fence to control livestock, is a permitted activity provided it complies with the conditions stated in this Rule.

##### **Conditions**

- i) The structure shall not be erected or located on shellfish beds or eel grass or on muddy substrata.
- ii) The structure shall be maintained in a structurally safe condition at all times.

**Principal Reasons for Adopting:** In some areas around the Region's coast it may be necessary to erect tide fences, for example, to prevent livestock grazing in the CMA. Tide fences may have an adverse affect on the CMA if they are inappropriately located. It is therefore necessary to ensure tide fences are located outside ecologically fragile areas of the CMA, and livestock is not able to access such areas.

#### **16.4.5 Navigational Aids (Permitted Activity)**

The erection, placement, use of or occupation of space by any navigational aid in the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

##### **Conditions**

- i) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the proposed structure before it is erected.
- ii) The structure shall be maintained in a structurally safe condition at all times.

**Principal Reasons for Adopting:** There is a functional need for navigational aids to be located in the CMA. They are important for the navigation and safety requirements for boats and are also controlled by other legislation.

##### **Advisory Notes:**

- Navigational aids require approval from the Maritime Safety Authority, in accordance with the Maritime Transport Act, 1994.
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

#### **16.4.6 Swing Moorings within Zoned Mooring Areas (Controlled Activity)**

The erection, placement, use of, or occupation of space by a swing mooring in the CMA for the purpose of mooring a vessel within a Zoned Mooring Area (as shown in Appendix III) is a controlled activity, provided it complies with the standards and terms stated in this Rule.

##### **Standards and Terms**

- i) There shall be no more than the maximum number of moorings specified in Appendix III for each Zoned Mooring Area. (The maximum number of moorings specified for each Zoned Mooring Area includes the moorings that are deemed to

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- have resource consents or are otherwise allowed under section 384 or section 418 of the RMA (refer to Policy 5.1.6));
- ii) The swing mooring shall be:
    - a) designed, constructed and maintained to a standard to withstand coastal processes and storms, and
    - b) of adequate specifications to safely accommodate the vessel to be moored (size, type, displacement);
  - iii) There is adequate space available for the swing mooring during all weather and tidal conditions to avoid collisions with neighbouring vessels;
  - iv) The swing mooring location shall be marked with a floatation device;
  - v) The Waikato Regional Council resource consent number, owner's name and phone number shall be attached to the swing mooring buoy and be visible at all times;
  - vi) The swing mooring shall not be located in any marked channel or fairway;
  - vii) No contaminants (including, but not limited to, sewage (treated or untreated), oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be discharged to water from the vessel while on a mooring.

### **Control Reserved Over**

The matters over which the Regional Council reserves control are:

- Location/position of the swing mooring within the zone.
- The colour, shape and size of the swing mooring buoys.
- In respect of swing moorings located in the Zoned Mooring Area at Huruhi Harbour, Great Mercury Island, the Regional Council reserves control over the following matters:
  - i) Actual or potential effects on adjacent land uses of noise emanating from a Charter Vessel while on a mooring;
  - ii) Frequency of use of the mooring by a Charter Vessel;
  - iii) Hours of use by a Charter Vessel.

### **Notification**

Applications for a resource consent under this Rule will be considered without notification or the need to obtain written approval of affected persons, in accordance with s95A(3)(a) of the RMA.

**Principal Reasons for Adopting:** The adverse effects on the environment of swing moorings in themselves are minimal, but the cumulative spread of moorings is of concern as it affects amenity values and use of coastal space by other water uses. Therefore Zoned Mooring Areas are identified in the maps in Appendix III of this Plan, and the placement of swing moorings within these is controlled. A maximum number of moorings is specified for each identified area. Once the area has reached the maximum number, the Council will not grant any further resource consents for moorings. Environment Waikato will have more control over the location of moorings and stronger enforcement provisions to assist in managing the cumulative spread of moorings. It will give mooring holders more certainty and include Navigation Safety matters, therefore managing moorings under one management regime.

Huruhi Harbour is considered to have high amenity values. The Council specifically reserves control over the effects of noise on adjacent land uses emanating from the use of charter vessels on moorings in the Zoned Mooring Area at Huruhi Harbour, Great Mercury Island. Such conditions may apply in addition to the general duty to avoid unreasonable noise under section 16 of the RMA.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Advisory Notes:**

- The Zoned Mooring Areas are those areas identified in the maps in Appendix III of this Plan.
- This Rule covers swing moorings only. Pole moorings are assessed under Rule 16.4.24 of the proposed RCP.
- Council accepts no liability in the event that vessels tied to moorings for which consent has been granted suffer any loss or damage whether caused by third parties, natural processes (including storms) or any other cause.
- Navigation safety requirements may also need to be met as per the Environment Waikato Navigation Safety Bylaw.
- Swing moorings within Zoned Mooring Areas that do not meet the standard and terms of this Rule are a non-complying activity.
- Within any ZMA, regardless of the maximum number of moorings (as stated in Standard and Term 1 of this Rule) if there is no available space for new moorings (as required by Standard and Term 3 of this Rule), then no consent for a new mooring will be granted until such time as sufficient space becomes available.
- Section 16 of the RMA requires every person carrying out an activity in, on, or under the coastal marine area to adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.
- Tangata whenua have made claims under the Treaty of Waitangi relating to customary ownership of the foreshore and seabed. The exercise of any consents granted may be affected should the claims be upheld.

**16.4.7 Moorings within a Harbour/Estuary outside of Zoned Mooring Areas (Prohibited Activity)**

The erection, placement, use of or occupation of space by any structure for the purpose of a permanent mooring within a Prohibited Mooring Zone and outside a Zoned Mooring Area (as shown in Appendix III) is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** This Rule is designed to protect the integrity of having Zoned Mooring Areas. By having the prohibited rule surrounding a Zoned Mooring Area within a harbour/estuary/bay it will encourage permanent moorings to be located within these Zones and provide clear water space for other users. It is not considered necessary to have Prohibited Mooring Zones in harbours that have fewer pressures for mooring space.

**16.4.8 Permanent Swing Moorings outside of Zoned Mooring Areas (Discretionary Activity)**

The erection, placement, use of or occupation of space by a swing mooring in the CMA for the purpose of mooring a vessel outside of any Zoned Mooring Areas (as shown in Appendix III) and not otherwise prohibited by Rule 16.4.7, is a discretionary activity, provided it complies with the standard and terms stated in this Rule.

**Standards and Terms**

- i) The swing mooring area shall not be located above any shellfish beds.
- ii) The swing mooring shall be:
  - a) designed, constructed and maintained to a standard to withstand coastal processes and storm events, and
  - b) of adequate specifications to safely accommodate the vessel to be moored (size, type, displacement).

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- iii) There is adequate space available for the swing mooring during all weather and tidal conditions to avoid collisions with neighbouring vessels.
- iv) A swing mooring location shall be marked with a floatation device.
- v) The Waikato Regional Council resource consent number, owner's name and phone number shall be attached to the swing mooring buoy and be visible at all times.
- vi) The swing mooring shall not be located in any marked channel or fairway.
- vii) No contaminants (including, but not limited to, sewage (treated or untreated), oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents) shall be discharged to water from the vessel while on a mooring.
- viii) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.

### **Assessment Criteria**

In assessing any application for permanent swing moorings outside of Zoned Mooring Areas, regard shall be had to:

- i) The position of the swing mooring outside of Zoned Mooring Areas relative to other moorings; and
- ii) The extent to which the proliferation of moorings and any cumulative effects of moorings outside the Zoned Mooring Areas will occur; and
- iii) The extent to which the swing mooring will constitute a hazard or conflict with other surface water users or located in the immediate vicinity of an anchorage area as indicated in Appendix III of this Plan; and
- iv) The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- v) The extent to which the activity will adversely affect waahi tapu sites or sites of significance to tangata whenua; and
- vi) The extent to which the mooring is linked to coastal marae and papakainga housing; and
- vii) The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity.

**Principal Reasons for Adopting:** This Rule is designed to ensure that all moorings outside of a Zoned Mooring Area are managed appropriately and cumulative effects avoided. By using space efficiently through the use of Zones, the cumulative effects of moorings outside of these zones will be decreased.

### **Advisory Notes:**

- This Rule covers swing moorings only. Pole moorings are assessed under Rule 16.4.24 of the proposed RCP.
- Council accepts no liability in the event that vessels tied to moorings for which consent has been granted suffer any loss or damage, whether caused by third parties, natural processes (including storms) or any other cause.
- Navigation safety requirements may also need to be met as per the Environment Waikato Navigation Safety Bylaw.
- Moorings are not prohibited within indicative Anchorage Areas.
- Tangata whenua have made claims under the Treaty of Waitangi relating to customary ownership of the foreshore and seabed. The exercise of any consents granted may be affected, should the claims be upheld.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **16.4.9 Transfer of Swing Mooring Permits in Whangamata (Prohibited Activity)**

The transfer of a coastal permit for a swing mooring in the Whangamata Zoned Mooring Area as shown in the maps in Appendix III where the maximum number of mooring permits in the Whangamata Zoned Mooring Area exceeds that specified in Schedule 1 of Appendix III is a prohibited activity for which no resource consent shall be granted.

**Explanation and Principal Reasons for Adopting:** Section 135 of the Resource Management Act 1991 allows for the transfer of coastal permits, unless there is a rule in a regional plan that states otherwise. Schedule 1 of Appendix III specifies a maximum number of moorings for Whangamata Zoned Mooring Area in order to avoid and mitigate the effects of moorings on navigation safety and other water users. While the actual number of moorings in Whangamata Zoned Mooring Area exceeds this maximum number, the transfer of existing mooring permits will be prohibited. This is to facilitate the progressive decrease in the number of moorings in Whangamata Zoned Mooring Area over time. Pole moorings represent a more efficient use of space than swing moorings, and it is desirable that pole mooring permit holders be allowed to transfer their permits when no longer required, and that swing mooring permit holders be enabled and encouraged to take advantage of the availability of vacant pole moorings. This will enable EW to secure the removal of unused swing moorings.

### **16.4.9A Marina Structures within Tairua Marina Zone I (Restricted Discretionary Activity)**

Unless otherwise restricted by any of Rules 16.4.12, 16.4.14, 16.4.16 or 16.8.1, the erection, placement, use of and occupation of space by any structure in the CMA for the purpose of providing marina berthing and mooring facilities within the Tairua Marina Zone I is a restricted discretionary activity provided it complies with the standards and terms stated in this Rule. If any part of the activity that would otherwise be assessed under this Rule is also described by Rule 16.4.12, 16.4.14, 16.4.16, or 16.8.1 it is a discretionary activity assessed under Rule 16.4.9B.

#### **Standards and Terms**

- i) The marina structures shall be designed, constructed and maintained to withstand such coastal processes and storm events, as are relevant to the location and the layout of the marina basin and its wave protection system.
- ii) The marina structures shall be maintained in a structurally sound and safe condition at all times.
- iii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the marine structures and layout before they are erected.

#### **Extent of Discretion**

The matters to which the Regional Council will restrict the exercise of its discretion are:

- The location of the marina structures and their alignment and relationships with adjacent land based activities
- The extent and nature of the effects of the structures on water quality and biota
- The extent to which public access is provided or managed within the marina acknowledging the overall requirement for security and safety

**Principal Reasons for Adopting:** A marina development at Tairua is a long held expectation recognised in previous statutory planning instruments.

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **16.4.9B Marina Structures Within Tairua Marina Zone II (Discretionary Activity)**

The erection, placement, use of and occupation of space by any structure in the CMA for the purpose of providing marina berthing and mooring facilities within the Tairua Marina Zone II (or in the Tairua Marina Zone I where the activity is otherwise restricted by Rules 16.4.12, 16.4.14, 16.4.16 or 16.8.1) is a discretionary activity, unless such structure are otherwise provided for in the rules as controlled activities, and provided it complies with the standards and terms stated in this Rule. If any part of the activity being assessed under this Rule is also described by Rule 16.4.12, 16.4.14, 16.4.16 or 16.8.1 then it is a discretionary activity assessed under this Rule.

#### **Standards and Terms**

- i) The marina structures shall be designed, constructed and maintained to withstand such coastal processes and storm events, as are relevant to the location and the layout of the marina basin and its wave protection system.
- ii) The marina structures shall be maintained in a structurally sound and safe condition at all times.
- iii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the marine structures and layout before they are erected.

#### **Assessment Criteria**

In assessing any application for marina structures within the Tairua Marina Zone II the Regional Council shall have regard to:

- i) The extent which the activity will adversely affect or impact on the ecological values of Tairua Harbour and the general environment.
- ii) The extent to which the activity will adversely affect or impact on access to the CMA, access to moorings and enjoyment of the natural and physical resources of the CMA.
- iii) The manner in which the activity provides for an appropriate relationship between the adjacent land based marina activities and the CMA.

**Principal Reasons for Adopting:** This rule is designed to allow for the reasonable and foreseeable expansion of the Tairua marina project by means of an application for a coastal permit which relies upon an appropriate assessment of effects.

### **16.4.10 Structures Associated with Network Utility Operations (Permitted Activity)**

The use of or occupation of space by any structure existing at the date this Plan becomes operative, which is operated by a network utility operator for the purposes of:

- i) distribution or transmission of natural or manufactured gas; or
- ii) telecommunication or radiocommunication; or
- iii) electricity transmission and distribution; or
- iv) vehicle or foot transport; or
- v) stormwater discharge

is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) The structure shall be maintained in a structurally safe condition at all times.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- ii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the structure by the Network Utility Operator within six months of the date this Plan becomes operative.
- iii) Adequate clearances shall be maintained for the safe passage of vessels under overhead cables located above the surface of navigable water measured at Mean High Water Springs.
- iv) The location and/or clearances of overhead or underwater cables shall continue to be adequately indicated on signs erected on both sides of the waterway.
- v) Any stormwater discharge shall not cause erosion or scouring at the point of discharge or in the inter-tidal area between Mean High Water Springs and Mean Low Water Springs.
- vi) Any stormwater structure shall be either buried, or extend no more than one metre into the CMA.

**Principal Reasons for Adopting:** It is considered that the above network utilities are well established and cause minimal adverse effects. The importance of such structures for communities is also recognised.

**Advisory Notes:**

- Some network utilities are also governed by other legislation.
- For the purposes of this Rule “adequate” is defined in accordance with the requirements of the Maritime Transport Act 1994 and under the authority of the Director of the Maritime Safety Authority.
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### **16.4.11 Structures Associated with Network Utility Operations (Controlled Activity)**

The erection, placement, use of or occupation of space by any new structures associated with network utility operations within the CMA, but not within the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), and associated vehicle use, is a controlled activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) Any pipes shall be located under the foreshore or seabed and/or under the water.
- ii) Adequate clearances shall be maintained for the safe passage of vessels under overhead cables located above the surface of navigable water measured at Mean High Water Springs.
- iii) The location and/or clearances of overhead or underwater cables shall continue to be adequately indicated on signs erected on both sides of the waterway.
- iv) It shall be demonstrated that there is a functional need for the structure to be located in the CMA.
- v) The structure shall be maintained in a structurally safe condition at all times.
- vi) The structure shall not be located in any area identified as waahi tapu.
- vii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the structure before it is erected.
- viii) The structure shall not restrict public access to the CMA.
- ix) No contaminants shall be discharged to water or land from the vehicle.

**Control Reserved Over**

The matters over which the Regional Council reserves control are:

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- The location of the structures and alignment with other network utilities.
- The monitoring and information requirements.
- The extent and nature of the effects on water quality and biota.
- The extent and nature of the disturbance to the foreshore and seabed.
- The extent and nature of disturbance to natural character and amenity values of the area.
- The extent and nature of effects on scenic, recreational and historic areas, areas of spiritual or cultural significance and regionally important scientific and landscape features.
- Hazard identification markings, where appropriate.
- The extent and nature of any adverse effects on any conservation value shown within an ASCV area marked on maps in Appendix III and described in Appendix IV of this Plan.
- The location, extent and timing of the use of vehicles.

**Principal Reasons for Adopting:** This recognises that there are some locations where it is essential for structures associated with network utilities to be located in the CMA. As a safety issue and to ensure the adverse effects are not widespread, it is desirable that as many as possible are located in the same area. ASCV 9 is a RAMSAR site, and is recognised as a wetland site of international importance. A high level of protection is appropriate to protect values in this area. Therefore network utility structures within ASCV 9 will be dealt with as a non-complying activity. For the purposes of this Rule “adequate” is defined in accordance with the requirements of the Maritime Transport act 1994 and under the authority of the Director of the Maritime Safety Authority.

#### **16.4.12 Structures Which Impound or Effectively Contain the CMA (Discretionary Activity)**

Unless otherwise prohibited by Rule 16.4.13, the erection of any structure in the CMA which will impound or effectively contain four hectares or more of the CMA, excluding floating or open pile structures which can be demonstrated not to impede water flows, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

##### **Standards and Terms**

- i) The structure shall not be located in any area identified as waahi tapu.
- ii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the structure before it is erected.

##### **Assessment Criteria**

In assessing any application for structures which impound or effectively contain the CMA, regard shall be had to:

- i) the extent to which the structure will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the structure has a functional need for location in the CMA; and
- iv) the extent to which the structures will be designed, constructed and maintained to a standard to withstand coastal processes and relative changes in sea level.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Principal Reasons for Adopting:** Impoundments in the CMA reduce water quality by restricting flushing. This can also affect species, ecosystems and habitat.

**Advisory Notes:**

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.
- Refer to Rule 16.4.26 and section 16.8 regarding the use of and occupation of space by structures.

### **16.4.13 Structures Which Impound or Effectively Contain the CMA (Prohibited Activity)**

The erection, placement, use of or occupation of space by any structure in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), which will impound or effectively contain four hectares or more of the CMA, (but excluding structures or works for flood or erosion control; and/or improvements to carriageways for existing formed roads within existing road reserves) is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore activities which would have a significant and irreversible effect on these areas are unacceptable.

### **16.4.14 Structures More or Less Parallel to Mean High Water Springs (Discretionary Activity)**

Unless otherwise prohibited by Rule 16.4.15, the erection of any structure or structures in the CMA, excluding submarine or sub-aqueous cables, or floating or open pile structures which can be demonstrated not to have adverse effects, which:

- i) is solid (or presents a significant barrier to water or sediment movement); and
- ii) when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of Mean High Water Springs (including separate structures which total 300 metres or more contiguous)

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) The structure shall not be located in any area identified as waahi tapu.
- ii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the structure before it is erected.

**Assessment Criteria**

In assessing any application for structures more or less parallel to Mean High Water Springs, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the structure has a functional need for location in the CMA; and
- iv) the extent to which the structures will be designed, constructed and maintained to a standard to withstand coastal processes and relative changes in sea level.

**Principal Reasons for Adopting:** The placement of such structures present a significant barrier to sediment and water movement. This will have implications for coastal processes which will be altered.

**Advisory Notes:**

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.
- Refer to Rule 16.4.26 and section 16.8 regarding the use of and occupation of space by structures.

### **16.4.15 Structures More or Less Parallel to Mean High Water Springs (Prohibited Activity)**

The erection, placement, use of or occupation of space by any structure or structures, other than network utilities, in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), which:

- i) is solid (or presents a significant barrier to water or sediment movement); and
- ii) when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of Mean High Water Springs (including separate structures which total 300 metres or more contiguous length), (but excluding structures or works for flood or erosion control; and improvements to carriageways for existing formed roads within existing road reserves)

is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore activities which would have a significant and irreversible effect on these areas are unacceptable.

### **16.4.16 Structures Oblique or Perpendicular to Mean High Water Springs (Discretionary Activity)**

Unless otherwise prohibited by Rule 16.4.17, the erection of any structure or structures in the CMA, excluding submarine or sub-aqueous cables, which:

- i) is solid (or presents a significant barrier to water or sediment movement);
- ii) is sited obliquely or perpendicular in horizontal projection to the line of Mean High Water Springs in the CMA; and
- iii) is in the horizontal projection 100 metres or more in length;

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## Standards and Terms

- i) The structure shall not be located in any area identified as waahi tapu.
- ii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the structure before it is erected.

## Assessment Criteria

In assessing any application for structures which are oblique or perpendicular to Mean High Water Springs, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the structure has a functional need for location in the CMA; and
- iv) the extent to which the structures will be designed, constructed and maintained to a standard to withstand coastal processes and relative changes in sea level.

**Principal Reasons for Adopting:** Such structures will alter coastal processes, sediment and water movement. The adverse effects of this will be significant.

### Advisory Notes:

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.
- Refer to Rule 16.4.26 and section 16.8 regarding the use of and occupation of space by structures.

## 16.4.17 Structures Oblique or Perpendicular to Mean High Water Springs (Prohibited Activity)

The erection, placement, use of or occupation of space by any structure in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), which:

- i) is solid (or presents a significant barrier to water or sediment movement);
- ii) is sited obliquely or perpendicular in horizontal projection to the line of Mean High Water Springs in the CMA; and
- iii) is in horizontal projection 100 metres or more in length;

(but excluding structures or works for flood or erosion control; and improvements to carriageways for existing formed roads within existing road reserves);

is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore, activities which would have a significant and irreversible effect on these areas are unacceptable.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## **16.4.18 Structures Used in the Petroleum and Chemical Industry (Discretionary Activity)**

Unless otherwise prohibited by Rule 16.4.19, the erection of any structure in the CMA for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres is a discretionary activity provided it complies with the standards and terms stated in this Rule.

### **Standards and Terms**

- i) The structure shall not be located in any area identified as waahi tapu.
- ii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the structure before it is erected.

### **Assessment Criteria**

In assessing any application for structures used in the petroleum and chemical industry, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the structure has a functional need for location in the CMA; and
- iv) the extent to which the structures will be designed, constructed and maintained to a standard to withstand coastal processes and relative changes in sea level.

**Principal Reasons for Adopting:** Such structures increase potential risk of petrol and chemical spills. The adverse effect of such contaminants, in such large quantities, will be significant.

### **Advisory Notes:**

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.
- Refer to Rule 16.4.26 and section 16.8 regarding the use of and occupation of space by structures.

## **16.4.19 Structures Used in the Petroleum and Chemical Industry (Prohibited Activity)**

The erection, placement, use of or occupation of space by any structure in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres, is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore, activities which would have a significant and irreversible effect on these areas are unacceptable.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **16.4.20 Maintenance and Repair of Structures (Permitted Activity)**

The maintenance and repair of any existing lawful structure in the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) Any visible disturbance to the foreshore shall be remedied within 48 hours.
- ii) The maintenance and repair shall not result in any increase in the area of foreshore or seabed occupied by the structure.
- iii) Any visible change in water quality shall not be detectable 48 hours after discharge.
- iv) The maintenance or repair does not substantially change the external appearance of the structure. (For the avoidance of doubt, repainting shall be deemed not to substantially alter the appearance of a structure).

**Principal Reasons for Adopting:** The majority of adverse effects occur during a structure's construction phase. Well maintained structures ensure safety and minimise adverse effects on amenity values.

#### **Advisory Note:**

- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### **16.4.21 Maintenance and Repair of Structures (Controlled Activity)**

The maintenance and repair of any existing lawful structure in the CMA which results in disturbance to the foreshore or seabed of the CMA, and associated vehicle use, and which does not comply with the conditions for a permitted activity in Rule 16.4.20 is a controlled activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The maintenance and repair shall not result in any increase in the area of the foreshore or seabed occupied by the structure as lawfully established.
- ii) The maintenance and repair shall not substantially change the external appearance of the structure. (For the avoidance of doubt, repainting shall be deemed not to substantially alter the appearance of a structure.)
- iii) No contaminants shall be discharged to water or land from the vehicle.

#### **Control Reserved Over**

The matters over which the Regional Council reserves control are:

- The monitoring and information requirements.
- The extent and nature of any disturbance to the foreshore or seabed.
- The extent and nature of disturbance to natural character and amenity values in the area.
- The extent of any adverse effects on the conservation values shown within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan.
- The extent to which water quality may be affected.
- The location, extent and timing of the use of vehicles.

**Principal Reasons for Adopting:** This Rule provides for on-going requirements to maintain and repair structures, which may have some impacts on the CMA.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## **16.4.22 Minor Extensions and/or Alterations to Structures (Controlled Activity)**

Except as provided for in any other rule in this Plan, any minor extension, reconstruction or alteration to any existing lawful structure, and associated vehicle use, and any use of or occupation of space by the extension, reconstruction or alteration in the CMA is a controlled activity provided it complies with the standards and terms stated in this Rule.

### **Standards and Terms**

- i) The extension, reconstruction or alteration shall add no more than 5% to the overall lawfully established size of the structure.
- ii) There shall be no significant change to the external appearance of the structure. (For the avoidance of doubt, repainting shall be deemed not to substantially alter the appearance of a structure).
- iii) Any visible disturbance to the foreshore shall be remedied within 48 hours.
- iv) There shall be no incremental extensions or alterations which in total extend the structure, as it existed at 6 August 1994, beyond Standard and Term i) of this Rule.
- v) No contaminants shall be discharged to water or land from the vehicle.

### **Control Reserved Over**

The matters over which the Regional Council reserves control are:

- The time by which the activity shall be completed.
- The information and monitoring requirements.
- The extent and nature of the disturbance to the foreshore or seabed.
- The extent to which water quality may be affected.
- The location, extent and timing of the use of vehicles.

**Principal Reasons for Adopting:** The need for minor extensions and alterations to any structure in the CMA generally arises from use of the structure and consideration that it could be operated more effectively if minor adjustments were made. Environment Waikato requires notice of such extensions, both in order to control the level of effects and also in respect of any subsequent requirements for Crown rentals.

## **16.4.23 Removal or Demolition of Structures (Permitted Activity)**

The removal or demolition of any structure in the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

### **Conditions**

- i) Any visible disturbance to the foreshore shall be remedied within 48 hours.
- ii) Any visible change in water quality shall not be detectable 48 hours after discharge.
- iii) Any structure which is being removed or demolished, shall be completely removed from the CMA.
- iv) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the proposed structure before it is removed or demolished.
- v) The structure is not recorded on the Historic Places register (in accordance with s22 of the Historic Places Act 1993).

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Principal Reasons for Adopting:** This Rule allows for the removal or demolition of structures such as moorings, which may need to be removed from time to time. It is recognised that this activity has no adverse effects on the CMA which should be further controlled.

**Advisory Note:**

- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### **16.4.24 Structures (Discretionary Activity)**

The erection, placement, use of, occupation of space by, extension, reconstruction, alteration, removal or demolition of a structure in the CMA which:

- i) does not comply with the conditions of a permitted activity, or the standards and terms for a controlled activity, as provided for by rules in section 16.4; or
- ii) does not comply with the standards and terms for a discretionary activity in Rule 16.4.8; or
- iii) is not otherwise provided for by a rule in section 16.4;

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) The structure shall not be located in any area identified as waahi tapu.
- ii) The Hydrographic Office of the Royal New Zealand Navy, and the Maritime Safety Authority shall be given written notice of the details of the structure before it is erected.

**Assessment Criteria**

In assessing any application for structures, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity
- iii) the extent to which the structure has a functional need for location in the CMA; and
- iv) the extent to which the structures will be designed, constructed and maintained to a standard to withstand coastal processes and relative changes in sea level
- v) the extent to which the structure results in cumulative effects
- vi) the extent to which the structure provides for public use and access.

**Principal Reasons for Adopting:** This Rule recognises that there are a variety of structures which are appropriately located in the CMA. However, it is also recognised that cumulative effects, amenity values and natural character need to be considered on a site by site basis. It is therefore important that the effects of such structures are managed.

**Advisory Notes:**

- Council accepts no liability in the event that vessels tied to pole moorings for which consent has been granted suffer any loss or damage, whether caused by third parties, natural processes (including storms) or any other cause.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- Navigation safety requirements may also need to be met as per the Environment Waikato Navigation Safety Bylaw.

### **16.4.25 Poles and pontoons within a Marina Basin (Permitted Activity)**

The erection, placement, use of or occupation of space by any pole or pontoon structure within the confines of a marina basin is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) The structures shall be maintained in a structurally safe condition at all times.

**Principal Reasons for Adopting:** This Rule recognises that such structures are an integral part of the marina development. It is considered that once the site for the marina basin is approved the structures do not require further environmental management.

### **16.4.26 Use of and Occupation of Space by Structures (Discretionary Activity)**

Unless otherwise restricted by Rule 16.8.1 or 16.8.2, the use of or occupation of space by any structure or structures in the CMA described by any of Rules 16.4.12, 16.4.14, 16.4.16 or 16.4.18 is a discretionary activity.

#### **Assessment Criteria**

In assessing any application for the use of or occupation of space by a structure or structures regard shall be had to:

- i) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity.

**Principal Reasons for Adopting:** Use of a structure and occupation of space by a structure are deemed under the RMA to be distinct from the activity of erecting a structure. Each of these distinct activities is restricted by section 12 of the Act. These structures also require consent for their use and occupation of space. It is particularly important that the ongoing need for these structures and their appropriateness is reassessed at the expiry of any consent.

## **16.5 Marine Farming**

### **16.5.1 Fish Aggregation Devices and Spat Catching Buoys and Lines (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any structure in the CMA for operation as:

- i) a fish aggregation device; or
- ii) buoys and lines for spat collection purposes outside of the Wilson Bay marine farming zone as identified in Map 11 in Appendix III of the Plan;

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## Standards and Terms

- i) The fish aggregation device shall not be located inside any harbour; shall be located at least 300 metres offshore; and shall be located at least 5 kilometres away from any other fish aggregation device.
- ii) The total surface area occupied by the fish aggregation device shall not be greater than 3 metres in diameter.
- iii) The structure shall not be located within 200 metres of any jetty, boat ramp or any other point of regular public use, including ski-lanes.
- iv) The structure shall not be located on, or adversely affect, any benthic reef community<sup>18</sup>.
- v) The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- vi) The structure shall be clearly marked with the owner's name and coastal permit number.
- vii) The structure shall not cause a navigation hazard.
- viii) The structure shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand.
- ix) The Hydrographic Office of the Royal New Zealand Navy and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- x) The owner of the structure shall maintain all buoyage and beaconage requirements.
- xi) No artificial foods or antibiotics shall be added to the water.
- xii) The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.
- xiii) The structure shall be completely removed by the owner at the expiration of the resource consent.
- xiv) The owner of the structure shall provide the map reference of the corner points of the structure (to an accuracy of at least plus or minus 10 metres) to confirm the structure is located in its approved location, as directed from time to time by Environment Waikato.
- xv) The applicant shall undertake an ecological investigation of the proposed area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.
- xvi) The owner of the structure shall be required to undertake environmental monitoring, as directed from time to time by Environment Waikato, of the adverse effects of the structures on the environment. In addition, the owner of the structures shall be required to bear a proportion of the costs fixed by Environment Waikato that are associated with any environmental monitoring undertaken by Environment Waikato.

## Assessment Criteria

In assessing any application for structures under this Rule, regard shall be had to the following:

- i) The structure shall not be located in any area identified by the tangata whenua as waahi tapu.
- ii) The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the Maps in Appendix III and described in Appendix IV of this Plan.
- iii) The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity.

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<sup>18</sup> For the purposes of clarification, this standard and term relates to benthic reef communities which may exist prior to any marine farming structure being erected, and does not include any benthic reef community that may have developed at the particular site since the initial establishment of the structure.

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Principal Reasons for Adopting:** This Rule provides for the establishment of fish aggregation devices and spat catching buoys and lines within the coastal marine area. NB: this Rule does not relate to longline spat catching structures located within the Wilson Bay marine farming zone – these structures are provided for under Rule 16.5.4 as part of the activity of marine farming. It is recognised that structures used as fish aggregation devices and spat catching buoys and lines can have adverse effects (including cumulative effects) on the environment. These include, for example, cumulative effects on recreation, natural character, amenity, landscape and seascape, cultural and ecological values, and navigation safety. By providing for these structures as discretionary activities, and specifying standards and terms that must be met, the effects of these structures on the values identified can be avoided as far as practicable. It also allows for the effects of these activities to be assessed on a case-by-case basis. The maintenance, repair, replacement and removal of structures are controlled under Rules 16.4.20 – 16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned or derelict structures.

**Advisory Notes:**

- This Rule does not apply to longline spat catching structures located within the Wilson Bay marine farming zone, as identified in Map 11 in Appendix III of the Plan. These structures are provided for under Rule 16.1.4.
- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- Any person carrying out aquaculture must register with the Ministry of Fisheries.

## **16.5.2 Structures for Shellfish Research Purposes (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any structure in the Coastal Marine Area, excluding the area restricted in Rule 16.5.7, for shellfish research purposes (but not including structures for shellfish production-related purposes)<sup>19</sup>, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) The Hydrographic Office of the Royal New Zealand Navy and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- ii) The structure shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand.
- iii) The structure shall be clearly marked with the owner's name and coastal permit number.
- iv) The owner of the structure shall maintain all buoyage and beaconage requirements.
- v) The total surface area occupied by the structure shall not exceed 1 hectare.
- vi) The structure shall not be located within 200 metres of any jetty, boat ramp or any other point of regular public use, including ski-lanes.

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<sup>19</sup> For the purposes of clarification, the words "shellfish research purposes, as used in this Rule do **not** include any structures associated with commercial scale developments, farming, harvesting, or any other production-related activities.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- vii) The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- viii) No artificial foods or antibiotics shall be added to the water.
- ix) The structure shall not cause a navigation hazard.
- x) The structure shall not be located on, or adversely affect, any benthic reef community<sup>20</sup>.
- xi) The structure shall be completely removed by the owner at the expiration of the resource consent.
- xii) The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.
- xiii) The applicant shall undertake an ecological investigation of the proposed area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.

### **Assessment Criteria**

In assessing any application for structures under this Rule, regard shall be had to the following:

- i) The structure shall not be located in any area identified by tangata whenua as waahi tapu.
- ii) The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the Maps in Appendix III and described in Appendix IV of this Plan.
- iii) The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan and which are relevant to this activity.

**Principal Reasons for Adopting:** This Rule provides for the establishment of structures that would be used for the purposes of experimental shellfish seeding and enhancement, or for other non-commercial and non-productive research on shellfish. The maintenance, repair, replacement and removal of marine farming structures is covered under Rules 16.4.20 – 16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned structures.

### **Advisory Notes:**

- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- The words "shellfish research purposes" as used in this Rule do not include any structures associated with commercial scale developments, farming, harvesting, or any other production-related activities.
- Any person carrying out aquaculture must register with the Ministry of Fisheries.

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<sup>20</sup> For the purposes of clarification, this standard and term relates to benthic reef communities which may exist prior to any marine farming structure being erected, and does not include any benthic reef community that may have developed at the particular site since the initial establishment of the structure.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### 16.5.3 Current<sup>21</sup> Marine Farm Structures (Discretionary Activity)

The use of, or occupation of space by any marine farm structure in the CMA, and associated discharges to water and air, and the disturbance of and deposition on the seabed, for the same activity and location as covered by a current marine farming lease or licence granted under the Marine Farming Act 1971; or a current coastal permit under the Resource Management Act 1991 is a discretionary activity, provided it complies with the standards and terms stated in this Rule.

#### Standards and Terms

- i) The structure shall have a current lease or licence under the Marine Farming Act 1971 or a current coastal permit under the Resource Management Act 1991.
- ii) At the time of making a coastal permit application, the structure shall comply with all terms and conditions of the current lease or licence granted under the Marine Farming Act 1971, or current coastal permit granted under the Resource Management Act 1991.
- iii) The structure is in the location approved in the current lease, licence or coastal permit (refer to the Maps and Schedule of Current Marine Farms in Appendix III of the Plan), and it is not extended or re-located from this location.
- iv) The marine farm structure is of the same type and form as approved in the current lease, licence, or coastal permit.
- v) The structure shall be marked in accordance with the buoyage and beaconage requirements of the Maritime New Zealand.
- vi) Landing, loading and unloading activities within the Waikato Region<sup>22</sup> associated with the operation of the marine farm shall occur only at authorised landing facilities or sites.<sup>23</sup>

#### Assessment Criteria

In assessing any application for Current Marine Farm Structures, regard shall be had to the following:

- i) The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the ASCV Maps in Appendix III and described in Appendix IV of this plan.
- ii) The Decision-Making Criteria and Considerations which are set out in the General and Marine Farming sections of Appendix II of this Plan.
- iii) The extent to which the area granted by the current lease, licence, marine farming permit or coastal permit has been fully developed.

**Principal reasons for adopting:** The intent of this Rule is to provide a process whereby “current” lease or licence holders can apply for a coastal permit (for the same activity and location as covered in the lease/licence) if they choose to do so, and where those “current” coastal permit holders can apply for a new coastal permit (for the same activity and location) before their existing coastal permit expires.

The discretionary activity status recognises that the pre-RMA farms should be re-considered under the RMA, with particular attention given to sustainable management and cumulative effects. This will enable Environment Waikato to help ensure that these

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<sup>21</sup> The word “current” refers only to those marine farming structures referenced in the Maps and the Schedule of Current Marine Farms in Appendix III of the Plan, provided that where the location of a structure deviates from the position in which it was originally consented to, the position originally consented to shall be the only position relevant for the purpose of this rule.

<sup>22</sup> For the purposes of clarification, this standard and term does not restrict landing, loading and unloading activities from occurring outside of the Waikato Region.

<sup>23</sup> For the purposes of this rule “authorised landing facilities or sites” refers to landing facilities or sites authorised under the Resource Management Act 1991.

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

marine farms are managed consistently, and that any adverse environmental effects are addressed. (Refer also to Policy 3.3.1 of the NZCPS)

This rule only applies to those farms that are referenced in the Maps and the Schedule of Current Marine Farms as contained in Appendix III of the Plan. A coastal permit will not be granted under this rule unless the standards and terms stated are complied with. Any current marine farming structure that does not meet the standards and terms of this rule will be assessed as a prohibited activity under Rule 16.5.6.

The maintenance, repair, replacement and removal of marine farming structures are controlled under Rules 16.4.20 – 16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned marine farm structures.

#### **Advisory Notes:**

- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- The use of the word “Current” in this rule refers only to those marine farm structures referenced in the Maps and Schedule of Current Marine Farms in Appendix III of the Plan.

## **Marine Farming within Wilson Bay Zone**

### **16.5.4 Conventional Longline Marine Farming and Associated Structures in Wilson Bay Zone Areas A and B (Controlled Activity)**

The erection, placement, use of, or occupation of space by any conventional longline marine farming structure and associated discharges to water and air, and disturbance of and deposition on seabed, in Area A or Area B of the marine farming zone as shown on Map 11 in Appendix III of the Plan, for the purpose of marine farming, is a controlled activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The Hydrographic Office of the Royal New Zealand Navy, and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- ii) The marine farming zone shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand, and all marine farm owners within the marine farming zone shall contribute to the erection and maintenance of approved lighting and navigational marking requirements.
- iii) Each marine farm shall be a maximum size of 12.5 hectares. There shall be an accessway of 75 metres between each adjacent marine farm.
- iv) Within each marine farm (of a maximum size of 12.5 hectares), each corner of the marine farm shall display an orange marker buoy, as shall the middle of each of the seaward-most and landward-most longlines.
- v) The owner of the marine farm shall be jointly responsible with other marine farm owners in the zone for maintaining all buoyage and beaconage requirements as required by standard and term ii) of this Rule.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- vi) Each marine farm (of a maximum size of 12.5 hectares) shall be clearly marked with the owner's name and coastal permit number on at least one of the four orange corner marker buoys.
- vii) The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- viii) Any coastal permit issued for a marine farming structure shall contain conditions requiring development to be (a) commenced within 1 year of the approval of the coastal permit, and (b) completed within 5 years of the date of the approval of the coastal permit, failing either of which the coastal permit shall lapse.
- ix) No artificial foods or antibiotics shall be added to the water.
- x) The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.
- xi) The applicant shall undertake an ecological investigation of the proposed farm area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.
- xii) Any application shall include with it a copy of a management plan for the proposed marine farm. This shall include details of:
  - the proposed marine farm site (including surveyed grid references)
  - farm layout (including number of longlines)
  - placement of longlines (i.e. whether surface or subsurface)
  - placement of navigational markings
  - species to be farmed
  - timing of development within the first 5 years of the coastal permit being granted
  - methods to be used for the collection and disposal of non-biodegradable material
  - methods to be used for the disposal for non-saleable crop
  - landing, loading and unloading locations
  - emergency contact details of the marine farm owner and the marine farm manager
- xiii) A copy of the management plan shall also be lodged with the appropriate district council by the applicant within 7 days of the filing of the coastal permit application.
- xiv) The owner of the marine farm shall be required to undertake environmental monitoring, as directed from time to time by Environment Waikato, of the adverse effects of the marine farm on the environment, both in relation to each marine farm lot, and to the wider Firth of Thames area (if the marine farm is located in this area). In addition, the owner of the marine farm shall be required to bear a proportion of the costs fixed by Environment Waikato that are associated with any environmental monitoring undertaken by Environment Waikato.
- xv) The owner of the marine farm shall provide the map reference of the corner points (i.e. the corner anchor blocks) of the marine farm (to an accuracy of at least plus or minus 10 metres) to confirm the farm is located in its consented location, as directed from time to time by Environment Waikato.
- xvi) Within the Wilson Bay marine farming zone (as identified in Map 11 in Appendix III of the Plan), the cumulative number of farmed hectares in Area 'A' shall not exceed 470 hectares; and in Area 'B' the cumulative number of farmed hectares shall not exceed 520 hectares.
- xvii) No marine farm structure shall be located in the accessway between Areas 'A' and 'B' of the Wilson Bay marine farming zone (as identified in Map 11 in Appendix III of the Plan).
- xviii) Any coastal permit issued for a marine farm structure under this Rule shall include a consent condition requiring development of the farm structures to be undertaken using a staged approach in accordance with Method 17.5.3.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- xix) Any coastal permit issued under this Rule for a marine farm structure shall include as part of the consent conditions a review clause in accordance with s128(1)(a)(i) or (iii) of the Resource Management Act for the purpose of addressing any adverse effects on the environment from the activity, particularly adverse effects on the ecosystem near the marine farm and effects on the wider Firth of Thames area.
- xx) Landing, loading and unloading activities within the Waikato Region<sup>24</sup> associated with the operation of the marine farm shall occur only at authorised landing facilities or sites.<sup>25</sup>

### **Control Reserved Over**

The matters over which the Regional Council reserves control are:

- the monitoring and information requirements
- duration of the coastal permit
- the buoyage and beaconage management of the marine farming zone
- the staged development of the marine farming zone
- the location of any required boat moorings
- landing, loading and unloading locations
- the layout of farms relative to each other.

In the context of standard and term viii) of this Rule:

“Commenced” means: the establishment of a minimum of two conventional longlines per 10 hectares of space granted in the coastal permit for the area in question.

“Completed” means: the establishment of the maximum number of conventional longline structures as approved in the coastal permit granted for the area in question.

**Principal Reasons for Adopting:** The western coast of the Coromandel Peninsula is subject to a high demand for coastal space for marine farming. This Rule recognises the identification of a zone offshore from Wilson Bay within which marine farming is an accepted activity (refer to Map 11 in Appendix III of the Plan). The marine farming zone is located at least one kilometre offshore from MHWS. The location of the zone will avoid as far as possible any adverse effects (including cumulative effects) on natural character, landscape values, amenity values, ecological values, cultural and traditional values, recreational uses, and the navigation safety of small boats along the coast. By requiring longline marine farm development to be concentrated in defined areas, the Rule also seeks to preserve the natural character of the coastline by avoiding the cumulative effects of sprawling and sporadic development of farms along the entire coastline. Adverse effects on navigation safety and commercial fishing areas will also be minimised as new longline farms will be located in the same area.

The maximum area to be allocated for marine farming under this Rule is 1,120 farmed hectares, within a wider spatial zone. The farmed area will be allocated for development in stages to allow for any adverse effects to be determined (refer to Method 17.5.3). If adverse effects are detected from the first stage of development, no further space will be approved for development, unless these effects can be adequately remedied or mitigated. This Rule therefore allows for further marine farm development to occur in this area without requiring further substantial research to be undertaken, while recognising the need to adopt a precautionary approach where effects are

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<sup>24</sup> For the purposes of clarification, this standard and term does not restrict landing, loading and unloading activities from occurring outside of the Waikato Region.

<sup>25</sup> For the purposes of this rule “authorised landing facilities or sites” refers to landing facilities or sites authorised under the Resource Management Act 1991.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

uncertain and to ensure the sustainable management of the whole of the Firth of Thames.

This Rule seeks to ensure that the coastal space allocated for marine farming purposes is used efficiently (as per s7(b) RMA) by requiring development to occur within a specified time-frame. Coastal tendering will be used to allocate any space within the zone that is made available for re-allocation to competing applicants, e.g. if a marine farm is not developed within the required time-frame, then the coastal permit for that area will lapse and the area will be tendered (refer to Method 17.5.2).

This Rule is consistent with the national priorities in Chapter 1 of the NZCPS relating to the preservation of natural character of the coastal environment, its protection from inappropriate use and development, and sprawling or sporadic development, and avoiding cumulative adverse effects of use and development. It is also consistent with NZCPS Policies 2.1.2 'Protection of characteristics of special value to tangata whenua', 3.1.3 'Protection of areas of open space', 3.2.1 'Provision for appropriate use and development', and 3.3.1 'Precautionary approach', and Part II of the RMA (in particular s7(b) – the efficient use and development of natural and physical resources). The maintenance, repair, replacement and removal of marine farming structures are controlled under Rules 16.4.20 –16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned marine farm structures.

#### **Advisory Notes:**

- For the purpose of clarification, the term “conventional longline structures” refers to the use of existing longline structure technology and layout, and includes any future technological changes that do not substantially alter the concept of a longline layout (e.g. the use of single backbone lines and circular floats).
- The term “farmed hectares” refers to the area of water space granted for marine farming purposes, but excludes the 75 metre accessway spaces provided between each individual marine farm.
- Applicants should contact the Public Health Unit of Health Waikato during the initial stages of applying for a coastal permit to obtain advice on the requirements for a sanitary survey for the proposed area. A sanitary survey must be completed by Health Waikato before shellfish can be harvested for human consumption.
- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- Any person carrying out aquaculture must register with the Ministry of Fisheries.

### **16.5.4A Other Marine Farm Structures in Wilson Bay Zone Areas A and B (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any marine farming structure (excluding conventional longlines) and associated discharges to water and air, and disturbance of and deposition on the seabed, in Area A or Area B of the marine farming zone as shown on Map 11 in Appendix III of the Plan, for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The activity occurs within an authorised marine farm.
- ii) No fed aquaculture shall occur, and no medicinal compounds shall be added to the water.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- iii) The applicant shall submit as part of the resource consent application a baseline survey and a proposed monitoring programme that addresses the matters set out in Appendix IA of this Plan.

### **Assessment Criteria**

In assessing any application, regard shall be had to:

- i) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;
- ii) the potential for genetic effects on the wild population as a result of the presence of the farmed stock;
- iii) the potential for parasites and/or diseases to be introduced and their potential transmission between farmed stock and wild populations;
- iv) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the maps in Appendix III and described in Appendix IV of this Plan or affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna;
- v) the adequacy of the proposed environmental monitoring programme, marine mammal and bird interaction management plan, and disease management plan (as per the Information Requirements set out in Appendix I); and
- vi) the adequacy of any development plan, including proposals for staged development.

### **Conditions will be imposed in respect of, but not limited to, the following matters:**

- i) integrity of the structure and associated anchoring and mooring systems;
- ii) navigation lighting, buoyage and beaconage requirements;
- iii) provision of written notice to Land Information New Zealand and Maritime New Zealand;
- iv) provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;
- v) removal of the structure on expiry of the consent (if no further consent has been applied for or granted);
- vi) provision of information to the Waikato Regional Council with respect to the final location of the structure;
- vii) environmental monitoring to be undertaken sufficient to demonstrate the environmental effects associated with the use of the structure;
- viii) reporting of stock escapes, measures taken to recapture escaped stock, and prevention of further escapes;
- ix) reporting of pest or disease outbreaks and measures taken to control them;
- x) reporting of interactions with or entanglements of marine mammals, and seabird mortalities;
- xi) location of landing, loading and unloading activities associated with the operation of the marine farm; and
- xii) timing and purpose of reviews of any or all conditions in accordance with Section 128 of the Resource Management Act 1991.

**Principal Reasons for Adopting:** Rule 16.5.4A provides for the establishment of new types of aquaculture in Areas A and B of the Wilson Bay Zone, provided that it occurs on authorised farms and that no fed aquaculture occurs. By allowing consent applications for structures other than conventional longlines the Council can provide for diversification of marine farming within the Wilson Bay Zone, consistent with Policy 6.1.1A.

### **Advisory Notes:**

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- Any person carrying out aquaculture activities must register with the Ministry of Fisheries.
- In addition to any reporting requirements imposed as a condition of consent, other legislation such as the Marine Mammals Protection Act 1978 and Biosecurity Act 1993 may require the consent holder to notify other agencies in specified circumstances.

### **16.5.4B Marine Farming in Wilson Bay Zone Area C (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any marine farming structure and associated discharges to water and air (but excluding the discharge of feed and medicinal or therapeutic compounds), and disturbance of and deposition on the seabed, in Area C of the marine farming zone as shown on Map 11 in Appendix III of the Plan, for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

NB: Discharges of feed, medicinal or therapeutic compounds require a separate consent under Rule 16.5.4C.

#### **Standards and Terms**

- The consent applicant holds an authorisation to apply for a coastal permit to occupy space within Area C of the Wilson Bay Zone, issued by the Waikato Regional Council pursuant to Policy 6.1.4(a).
- The applicant shall submit as part of the resource consent application a baseline survey and a proposed monitoring programme that addresses the matters set out in Appendix IA of this Plan.

#### **Assessment Criteria**

In assessing any application, regard shall be had to:

- the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;
- the potential for genetic effects on the wild population resulting from escapees and/or interbreeding;
- the potential for parasites and/or diseases to be introduced and their potential transmission between farmed stock and wild populations;
- the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the maps in Appendix III and described in Appendix IV of this Plan or affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna; and
- the adequacy of the proposed environmental monitoring programme, marine mammal and bird interaction management plan, and disease management plan (as per the Information Requirements set out in Appendix I); and
- the adequacy of any development plan, including proposals for staged development.

#### **Conditions will be imposed in respect of, but not limited to, the following matters:**

- integrity of the structure and associated anchoring and mooring systems;
- navigation lighting, buoyage and beaconage requirements;
- provision of written notice to Land Information New Zealand and Maritime New Zealand;
- provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- v) removal of the structure on expiry of the consent (if no further consent has been applied for or granted);
- vi) provision of information to the Waikato Regional Council with respect to the final location of the structure;
- vii) environmental monitoring to be undertaken sufficient to demonstrate the environmental effects associated with the use of the structure;
- viii) reporting of stock escapes, measures taken to recapture escaped stock, and prevention of further escapes;
- ix) reporting of pest or disease outbreaks and measures taken to control them;
- x) reporting of interactions with or entanglements of marine mammals, and seabird mortalities;
- xi) location of landing, loading and unloading activities associated with the operation of the marine farm; and
- xii) timing and purpose of reviews of any or all conditions in accordance with Section 128 of the Resource Management Act 1991.

**Principal Reasons for Adopting:** Rule 16.5.4B provides for the establishment of aquaculture within Area C of the Wilson Bay Zone. In accordance with Policy 6.1.4(i), tendering will be used to allocate space within Area C of the Wilson Bay Zone, and it is therefore a requirement that consent applicants under Rule 16.5.4B hold an authorisation to apply for a coastal permit to occupy space.

### **16.5.4C Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming in Area C of Wilson Bay Zone (Discretionary Activity)**

The discharge of any feed, medicine or therapeutic compound into the CMA associated with marine farming activities in Area C of the marine farming zone as shown on Map 11 in Appendix III of the Plan is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The total net discharge of nitrogen authorised by all consents (including any current application if granted) shall not exceed 300 tonnes per year.
- ii) The consent applicant holds an authorisation to apply for a coastal permit to occupy space within Area C of the Wilson Bay Zone under Rule 16.5.4B, issued by the Waikato Regional Council pursuant to Policy 6.1.4(a).
- iii) Fed aquaculture shall only be located at sites where there is a minimum water depth of 20 metres (relative to chart datum) at all parts of the site.
- iv) The applicant shall submit as part of the resource consent application a baseline survey and a proposed monitoring programme that must address the matters set out in Appendix IA of this Plan.

#### **Assessment Criteria**

In assessing any application, regard shall be had to:

- i) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;
- ii) the flushing characteristics of the site (including water depth, residual currents and clearance between the structures and the seafloor);
- iii) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the maps in Appendix III and described in Appendix IV of this Plan or affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna;

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- iv) the extent to which the discharge (either by itself or in combination with other discharges) will or is likely to result in any adverse effects (including bio-accumulative effects) on flora, fauna, kaimoana or on any other marine farms;
- v) the adequacy of the proposed environmental monitoring programme; and
- vi) the adequacy of any development plan including proposals for staged development.

**Conditions will be imposed in respect of, but not limited to, the following matters:**

- i) environmental monitoring to be undertaken;
- ii) reporting of the quantities of feed discharged into the coastal marine area and its nutrient content, addition of stock, stock harvesting, and removal of stock mortalities from the farm area;
- iii) reporting of the timing, types, quantity and method of discharge of medicinal and therapeutic compounds into the coastal marine area; and
- iv) timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.

**Principal reasons for adopting:** Several types of marine farming involve feeding of the stock and may require the use of medicines to manage pests and diseases. The discharge of such compounds raises additional matters that require assessment at the consenting stage.

Consistent with Policy 6.1.1B marine farming involving the feeding of stock and/or the discharge of any medicine or therapeutic compound within the Wilson Bay Zone and the Firth of Thames will be restricted in order to ensure that effects on nutrient levels within this semi-enclosed body of water are minimised. Rule 16.5.4C applies to marine farming within the Wilson Bay Zone<sup>26</sup> only. Rule 16.5.5C applies to any other marine farming that occurs within the Firth of Thames.

Intensive marine farming is susceptible to the transmission of pests and diseases from wild populations. As well as affecting production, this can have animal health and welfare implications for the farm stock and act as a reservoir for the re-infection of the wild population. If the infection cannot be managed by active husbandry techniques, such as rotating stock and fallowing sites, it may be appropriate to treat the farmed animals with medicines and other therapeutic compounds. The potential environmental effects of the treatment and potential impacts on neighbouring marine farms will require assessment.

**Advisory Note:**

- Any medicine or therapeutic compound must have been approved for use under the Agricultural Compounds and Veterinary Medicines Act 1997.

## **Marine Farming Activities outside the Wilson Bay and the Coromandel Marine Farming Zones**

### **16.5.5 Conventional Inter-tidal Oyster Farm Structures (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any conventional inter-tidal oyster farming rack structure in the CMA, excluding the area restricted in Rule 16.5.7 and excluding current inter-tidal oyster farm structures provided for by Rule 16.5.3, for

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<sup>26</sup> Noting that fed aquaculture is not permitted within Areas A or B of the Wilson Bay Zone.

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

the purpose of oyster farming is a discretionary activity, provided it complies with the standards and terms stated in this Rule.

### Standards and Terms

- i) The Hydrographic Office of the Royal New Zealand Navy, and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- ii) An access way of at least 200 metres shall be required between a farm and any jetties, boat ramps and other points of regular public use, including ski-lanes.
- iii) The structure shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand.
- iv) The structure shall be clearly marked with the owner's name and coastal permit number.
- v) The owner of the marine farm shall maintain all buoyage and beaconage requirements.
- vi) An access way of at least 10 metres shall be maintained between each 2 hectare block of an oyster farm, if the farmed area exceeds this size.
- vii) Any coastal permit issued for a marine farming structure shall contain conditions requiring development to be (a) commenced within 1 year of the approval of the coastal permit, and (b) completed within 5 years of the date of the approval of the coastal permit, failing either of which the coastal permit shall lapse.
- viii) The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- ix) The structure shall not cause a navigation hazard.
- x) No artificial foods or antibiotics shall be added to the water.
- xi) The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.
- xii) The applicant shall undertake an ecological investigation of the proposed farm area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.
- xiii) Any application shall include with it a copy of a management plan for the proposed marine farm. This shall include details of:
  - the proposed marine farm site (including surveyed grid references)
  - farm layout (including number of racks and their placement)
  - placement of navigational markings
  - species to be farmed
  - timing of development within the first 5 years of the coastal permit being granted
  - methods to be used for the collection and disposal of non-biodegradable material, and methods for cleaning up under the farm
  - methods to be used for harvesting the crop and accessing the farm
  - methods to be used for the disposal for non-saleable crop
  - on-shore loading facility requirements
  - emergency contact details of the marine farm owner and the marine farm manager
- xiv) A copy of the management plan shall also be lodged with the appropriate district council by the applicant within 7 days of the filing of the coastal permit application.
- xv) The owner of the marine farm shall provide the map reference of the corner points of the marine farm (to an accuracy of at least plus or minus 10 metres) to confirm the farm is located in its consented location, as directed from time to time by Environment Waikato.
- xvi) The owner of the marine farm shall be required to undertake environmental monitoring, as directed from time to time by Environment Waikato, of the adverse effects of the marine farm on the environment. In addition, the owner of the

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

marine farm shall be required to bear a proportion of the costs fixed by Environment Waikato that are associated with any environmental monitoring undertaken by Environment Waikato.

### **Assessment Criteria**

- i) In assessing any application for conventional inter-tidal oyster farm rack structures, regard shall be had to the following:
- ii) The structure shall not be located in any area identified by the tangata whenua as waahi tapu.
- iii) The extent to which the development would occupy any bay or shoreline area.
- iv) The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the Maps in Appendix III and described in Appendix IV of this plan.
- v) The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity.

In the context of standard and term vii) of this Rule, the terms “commenced” and “completed” will be specified by Environment Waikato on a case-by-case basis.

**Principal Reasons for Adopting:** Conventional inter-tidal oyster farm structures usually consist of wooden racks with posts and rails, and are located on the inter-tidal foreshore or seabed. Treating applications for the establishment of new inter-tidal oyster farm rack structures as discretionary activities will allow flexibility in assessing the effects of the activity on a case-by-case basis. This Rule seeks to ensure that the coastal space allocated for marine farming purposes is used efficiently (as per s7(b) RMA) by requiring development to occur within a specified time-frame. The maintenance, repair, replacement and removal of marine farming structures are controlled under Rules 16.4.20 –16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned marine farm structures.

### **Advisory Notes:**

- Applicants should contact the Public Health Unit of Health Waikato during the initial stages of applying for a coastal permit to obtain advice on the requirements for a sanitary survey for the proposed area. A sanitary survey must be completed by Health Waikato before shellfish can be harvested for human consumption.
- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- Any person carrying out aquaculture must register with the Ministry of Fisheries.

### **16.5.5A Extensions of Marine Farms (Discretionary Activity)**

The erection, placement, use of, and occupation of space associated with the extension of any marine farming structure and/or area of the CMA occupied by a marine farm (excluding conventional inter-tidal oyster farming rack structures), and any associated discharges to water and air (but excluding the discharge of feed and medicinal or therapeutic compounds), and disturbance of and deposition on seabed, for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

NB: This Rule does not authorise the discharge of any feed, medicinal or therapeutic compounds. These require a separate consent under Rule 16.5.5C.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## Standards and Terms

- i) The marine farming structure is not located in the Wilson Bay or Coromandel marine farming zone as shown on the marine farming maps in Appendix III of the Plan.
- ii) The extension is proposed to be undertaken by the consent holder for the marine farm that is proposed to be extended.
- iii) The extension adds no more than one hectare or 10 percent to the authorised area of the marine farm that is proposed to be extended, whichever is the greater.
- iv) The marine farm has not been granted consent to extend in the previous five years.
- v) Either:
  - a) The area subject to application is not a previous extension of a marine farm; or
  - b) If the area is a previous extension, a period of 5 years has elapsed since the consent for the extension was first granted.
- vi) The extension is contiguous with the marine farm that is proposed to be extended.
- vii) The applicant shall submit as part of the resource consent application a baseline survey and a proposed monitoring programme that addresses the matters set out in Appendix IA of this Plan.
- viii) A separation distance of at least 50 metres is maintained between the extension and any other marine farm, and of at least 50 metres between the extension and mean low water.

## Assessment Criteria

In assessing any application, regard shall be had to:

- i) the structure shall not be located in any area identified by the tangata whenua as waahi tapu;
- ii) the decision-making criteria listed in Appendix II that are relevant to this activity;
- iii) the extent of compliance with the conditions of the consent for the marine farm;
- iv) the layout of the proposed extension;
- v) the potential effects of the extension on hydrodynamics, water quality, benthic characteristics, and ecology and compared to the authorised marine farming site;
- vi) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the ASCV Maps in Appendix III and described in Appendix IV of this Plan or indigenous biodiversity, including any areas of significant indigenous vegetation or significant habitat of indigenous fauna;
- vii) separation distances;
- viii) the potential cumulative effects resulting from granting the extension may have on the coastal environment; and
- ix) the adequacy of the proposed environmental monitoring programme.

## Conditions will be imposed in respect of, but not limited, to the following matters:

- i) integrity of the structure and associated anchoring and mooring systems;
- ii) navigation lighting, buoyage and beaconage requirements;
- iii) provision of written notice to Land Information New Zealand and Maritime New Zealand;
- iv) provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;
- v) removal of the structure on expiry of the consent (if no further consent has been applied for or granted);
- vi) provision of information to the Waikato Regional Council with respect to the final location of the structure;

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- vii) environmental monitoring to be undertaken sufficient to demonstrate the environmental effects associated with the use of the structure;
- viii) the expiry date, including desirability of alignment with the expiry date of the consent for the authorised marine farm; and
- ix) timing and purpose of reviews of any or all conditions in accordance with Section 128 of the Resource Management Act 1991.

**Principal Reasons for Adopting:** This rule provides for small extensions of marine farms where adverse effects can be appropriately avoided, remedied or mitigated. Conventional intertidal oyster farms are excluded from the rule as Rule 16.5.5 provides for both new farms and extensions of farms.

'Small' extensions are defined as an addition of 1 hectare or 10 percent of the size of the marine farm that is proposed to be extended. Applications for extensions are only able to be made every five years in order to further limit the potential for adverse effects on the environment. In order to keep effects within a relatively limited area, extensions must also be contiguous with the authorised area of the farm.

As many of the farms were developed prior to RMA requirements, before a farm can extend information is required on the effects of marine farming on the surrounding area. Where effects are significant, consent for any extension may be declined.

For the avoidance of doubt, when consents granted under this rule expire, replacement consents are to be sought under Rule 16.5.5B.

### **16.5.5B Marine Farming Structures (Discretionary Activity)**

The erection, placement, use of, and occupation of space by any marine farming structure not provided for by Rules 16.5.1 – 16.5.5A and Rule 16.5.5D, and any associated discharges to water and air (but excluding the discharge of feed and medicinal or therapeutic compounds), and disturbance of and deposition on the seabed, for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

NB: Discharges of feed, medicinal or therapeutic compounds require a separate consent under Rule 16.5.5C.

#### **Standards and Terms**

- i) The activity is not located in the Wilson Bay Marine Farming Zone as shown on Map 11 in Appendix III of the Plan.
- ii) The activity occurs within an authorised marine farm.
- iii) Fed aquaculture within the Firth of Thames shall only be located at sites where there is a minimum water depth of 20 metres (relative to chart datum) at all parts of the site.
- iv) Fed aquaculture outside the Firth of Thames shall only be located at sites where:
  - a) For finfish, there is a minimum water depth of 20 metres (relative to chart datum) at all parts of the site;
  - b) For all other fed aquaculture species, there is a minimum water depth of 10 metres (relative to chart datum) at all parts of the site.
- v) The applicant shall submit as part of the resource consent application a baseline survey and a proposed monitoring programme that addresses the matters set out in Appendix IA of this Plan.

#### **Assessment Criteria**

In assessing any application, regard shall be had to:

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- i) the structure shall not be located in any area identified by the tangata whenua as waahi tapu;
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;
- iii) the potential for genetic effects on the wild population resulting from escapees and/or interbreeding;
- iv) the potential for parasites and/or diseases to be introduced and their potential transmission between farmed stock and wild populations;
- v) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the maps in Appendix III and described in Appendix IV of this Plan or affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna;
- vi) the adequacy of the proposed environmental monitoring programme, marine mammal and bird interaction management plan, and disease management plan (as per the Information Requirements set out in Appendix I); and
- vii) the adequacy of any development plan including proposals for staged development.

**Conditions will be imposed in respect of, but not limited to, the following matters:**

- i) integrity of the structure and associated anchoring and mooring systems;
- ii) navigation lighting, buoyage and beaconage requirements;
- iii) provision of written notice to Land Information New Zealand and Maritime New Zealand;
- iv) provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;
- v) removal of the structure on expiry of the consent (if no further consent has been applied for or granted);
- vi) provision of information to the Waikato Regional Council with respect to the final location of the structure;
- vii) environmental monitoring to be undertaken sufficient to demonstrate the environmental effects associated with the use of the structure;
- viii) reporting of stock escapes, measures taken to recapture escaped stock, and prevention of further escapes;
- ix) reporting of pest or disease outbreaks and measures taken to control them;
- x) reporting of interactions with or entanglements of marine mammals, and seabird mortalities;
- xi) location of landing, loading and unloading activities associated with the operation of the marine farm; and
- xii) timing and purpose of reviews of any or all conditions in accordance with Section 128 of the Resource Management Act 1991.

**Principal Reasons for Adopting:** Rule 16.5.5B provides for the establishment of new types of aquaculture within Waikato outside the Wilson Bay Zone, provided that it occurs within authorised marine farms. Marine farming within the Wilson Bay Zone is covered by Rules 16.5.4 – 16.5.4C. Applications for fed aquaculture will be assessed on their merits.

**Advisory Notes:**

- Any person carrying out aquaculture activities must register with the Ministry of Fisheries.
- In addition to any reporting requirements imposed as a condition of consent, other legislation such as the Marine Mammals Protection Act 1978 and Biosecurity Act 1993 may require the consent holder to notify other agencies in specified circumstances.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **16.5.5C Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming outside the Wilson Bay Zone (Discretionary Activity)**

The discharge of any feed, medicine or therapeutic compound into the CMA associated with marine farming activities (excluding discharges provided for by Rules 16.5.4C and 16.5.5E) is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The discharge is not located in the Wilson Bay Marine Farming Zone as shown on Map 11 in Appendix III of the Plan.
- ii) Fed aquaculture within the Firth of Thames shall only be located at sites where there is a minimum water depth of 20 metres (relative to chart datum) at all parts of the site.
- iii) Fed aquaculture outside the Firth of Thames shall only be located at sites where:
  - a) For finfish, there is a minimum water depth of 20 metres (relative to chart datum) at all parts of the site;
  - b) For all other fed aquaculture species, there is a minimum water depth of 10 metres (relative to chart datum) at all parts of the site.
- iv) The applicant shall submit as part of the resource consent application a baseline survey and a proposed monitoring programme that must address the matters set out in Appendix IA of this Plan.

#### **Assessment Criteria**

In assessing any application, regard shall be had to:

- i) the discharge shall not be located in any area identified by the tangata whenua as waahi tapu;
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;
- iii) the flushing characteristics of the site (including water depth, residual currents and clearance between the structures and the seafloor);
- iv) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the maps in Appendix III and described in Appendix IV of this Plan or affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna;
- v) the extent to which the discharge (either by itself or in combination with other discharges) will or is likely to result in any adverse effects (including bio-accumulative effects) on flora, fauna, kaimoana or on any other marine farms;
- vi) the adequacy of the proposed environmental monitoring programme; and
- vii) the adequacy of any development plan including proposals for staged development.

#### **Conditions will be imposed in respect of, but not limited to, the following matters:**

- i) environmental monitoring to be undertaken;
- ii) reporting of the quantities of feed discharged into the coastal marine area and its nutrient content, addition of stock, stock harvesting, and removal of stock mortalities from the farm area;
- iii) reporting of the timing, types, quantity and method of discharge of medicinal and therapeutic compounds into the coastal marine area; and
- iv) timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Principal Reasons for Adopting:** Some types of marine farming involve the feeding of the stock and may require the use of medicines to manage pests and diseases. The discharge of such compounds raises additional matters that require assessment at the consenting stage.

Intensive marine farming is susceptible to the transmission of pests and diseases from wild populations. As well as affecting production, this can have animal health and welfare implications for the farm stock and act as a reservoir for the re-infection of the wild population. If the infection cannot be managed by active husbandry techniques, such as rotating stock and fallowing sites, it may be appropriate to treat the farmed animals with medicines and other therapeutic compounds. The treatments used will have to be approved under other legislation relating to food safety and veterinary medicines. The potential environmental effects of the treatment and potential impacts on neighbouring marine farms will require assessment.

**Advisory Note:**

- Any medicine or therapeutic compound must have been approved for use under the Agricultural Compounds and Veterinary Medicines Act 1997.

## **Marine Farming within the Coromandel Marine Farming Zone**

### **16.5.5D Marine Farm Structures within Coromandel Marine Farming Zone (Discretionary Activity)**

The erection, placement, use of, or occupation of space by, any marine farming structure within the marine farming zone as shown on Map 13 in Appendix III of this Plan and associated discharges to water and air (but excluding the discharge of feed and medicinal or therapeutic compounds), and disturbance of and deposition on the seabed for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

NB: Discharges of feed, medicinal or therapeutic compounds require a separate resource consent under Rule 16.5.5E.

#### **Standards and Terms**

- i) The applicant holds a current authorisation issued by the Waikato Regional Council pursuant to Method 17.5.2A or a current authorisation granted as a settlement asset to apply for a coastal permit to occupy space within the zone.
- ii) The application is consistent with the applicant's tender as accepted by the Waikato Regional Council or any agreement negotiated under section 165X of the Resource Management Act 1991 under Method 17.5.2A or a current authorisation granted as a settlement asset and approved by the Waikato Regional Council.
- iii) The applicant has submitted, as part of the resource consent application for this activity, a baseline survey and a proposed monitoring programme that addresses the matters set out in Appendix IA of this Plan.
- iv) The application is not for the farming of unfed shellfish except as part of a multi-trophic farming system including fed aquaculture.

#### **Assessment Criteria**

In assessing any application, regard shall be had to:

- i) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- ii) the potential for genetic effects on wild populations resulting from escapees and/or interbreeding;
- iii) the potential for parasites and/or diseases to be introduced and their potential transmission between farmed stock and wild populations;
- iv) the extent to which the activity will affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna;
- v) the matters considered by a Ministerial Advisory Panel on the Coromandel marine farming zone<sup>27</sup>;
- vi) the extent to which the baseline survey and proposed environmental monitoring programme meet or exceed the guidance provided in Appendix IA, including consistency of approach with other consent holders in relation to addressing potential cumulative effects within the zone;
- vii) the adequacy of the proposed marine mammal and bird interaction management plan, and disease management plan required under Appendix I of this Plan; and
- viii) the adequacy of any development plan, including proposals for staged and/or adaptive development.

**Conditions will be imposed in respect of, but not limited to, the following matters:**

- i) Integrity of the structure and associated anchoring and mooring systems;
- ii) Navigation lighting, buoyage and beaconage requirements;
- iii) Provision of written notice to Land Information New Zealand and Maritime New Zealand;
- iv) Provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;
- v) Removal of the structure on expiry of the consent (if no further consent has been applied for or granted);
- vi) Provision of information to the Waikato Regional Council with respect to the final location of the structure;
- vii) Environmental monitoring to be undertaken sufficient to demonstrate the environmental effects associated with the use of the structure;
- viii) Reporting of stock escapes, measures taken to recapture escaped stock, and prevention of further escapes;
- ix) Reporting of pest or disease outbreaks and measures taken to control them;
- x) Interactions with or entanglements of marine mammals and seabird mortalities;
- xi) Location of landing, loading and unloading activities associated with the operation of the marine farm;
- xii) Adaptive management in order to address adverse effects on the environment, including measures such as, but not limited to, reducing production capacity or area of cages; and
- xiii) Timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.

**Reasons for Adopting:** Rule 16.5.5D provides for the establishment of fed aquaculture and multi-trophic aquaculture within the Coromandel marine farming zone given the provisions of Policy 6.1.1D. Consistent with Policies 6.1.1D and 6.1.4(i), tendering will be used to allocate space within the zone, and it is therefore a requirement that applicants under this Rule hold an authorisation to apply for a coastal permit to occupy space. Applications for unfed shellfish farming that is not part of a multi-trophic proposal that includes fed aquaculture cannot be made within the Coromandel marine farming zone.

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<sup>27</sup> Refer to the Aquaculture Ministerial Advisory Panel's report entitled Proposed Coromandel Finfish Marine Farming Zone. Report of the Ministerial Advisory Panel. 25 February 2011. Ministry of Fisheries Unpublished Report. 56 p.

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **16.5.5E Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming within Coromandel Marine Farming Zone (Restricted Discretionary Activity)**

The discharge of any feed, medicine or therapeutic compound into the coastal marine area associated with marine farming activities located within the Coromandel marine farming zone, and any associated deposition of fish wastes, is a restricted discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The applicant holds or has applied for a consent under Rule 16.5.5D for the same farm site.
- ii) The amount of net nitrogen and feed discharge authorised by the consent will be a proportion of the total allowed in the zone, equivalent to the proportion of the area of the zone that the proposed farm will occupy.
- iii) The cumulative total net nitrogen discharge within the Coromandel marine farming zone shall not exceed 800 tonnes per year and the cumulative total feed discharge shall not exceed 13,600 tonnes per year.

#### **Extent of Discretion**

The matters to which the Waikato Regional Council will restrict the exercise of its discretion are:

- The extent to which the discharge is likely to cause the production of conspicuous oil, grease films, scums, foams, or floatable suspended materials.
- The ecological toxicity, persistence and bio-accumulations potential of any discharged compound or contaminants derived from them (individually and in combination) to any species potentially exposed.
- The effect of the discharge, and any contaminants derived from it, and any associated fish wastes (either by itself or in combination with other discharges) on aquatic life, kaimoana or on other marine farms.
- The effect of the discharge, and any contaminants derived from it, and any associated fish wastes on sediment quality and water quality, including colour, clarity and odour.
- The solubility of any discharged compound and contaminants derived from it.
- The extent to which adverse effects on water and sediment quality will impact on other activities, in particular marine farming.
- Demonstration that the volume and level of discharge has been minimised to the greatest extent possible.
- Mechanisms for modifying or changing the medicines or therapeutics to be used within the farm.
- The adequacy of the proposed disease management plan.
- The proposed adaptive management regime.
- The proposed environmental monitoring programme in relation to its ability to address the standards and terms of this Rule.
- Whether or not a consent has been granted under Rule 16.5.5D that relates to the same part of the coastal marine area.
- The consistency of the proposed activity with the objectives and policies of this Plan.
- The imposition of a condition relating to the review of any or all conditions.

**Conditions will be imposed in respect of, but not limited to, the following matters:**

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- i) The staging of development consistent with Rule 16.5.8;
- ii) The type, volume, rate and frequency of discharges of feed, medicinal or therapeutic compounds; and
- iii) Timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.

**Principal Reasons for Adopting:** Some types of marine farming involve the feeding of the stock and may require the use of therapeutic compounds and medicines to manage pests and diseases. Although the Coromandel marine farming zone is characterised by deep and well-flushed water, and is therefore considered an appropriate area for the establishment of fed aquaculture, it is still important that the potential effects of these discharges are assessed and, where appropriate, managed through the imposition of conditions.

Fed aquaculture will result in increased deposition of faeces on the seafloor. Poor management will also result in excessive quantities of feed being deposited. This has the potential to smother benthic habitats and, in extreme cases, result in the seafloor in the vicinity of the marine farm becoming anoxic. The release of feed beyond the cages can also attract wild populations to the farm. The potential environmental effects associated with the discharge of marine farm feed therefore needs to be assessed and managed.

Intensive marine farming is susceptible to the transmission of pests and diseases from wild populations. As well as affecting production, this can have animal health and welfare implications for the farm stock and act as a reservoir for the re-infection of the wild population. If the infection cannot be managed by good farm husbandry, it may be appropriate to treat the farmed animals with medicines and other therapeutic compounds. The treatments used must be approved under other legislation relating to food safety and veterinary medicines. The potential environmental effects of the treatment and potential impacts on the receiving environment, including neighbouring marine farms, will require assessment through the consent process.

The discharge of feed, medicine and therapeutic compounds raises additional matters that require assessment separately from the matters being considered in relation to the development and operation of the marine farm as a whole (as assessed under other rules in the Plan). This restricted discretionary rule provides for the consideration of these specific discharge matters.

#### **Advisory Notes:**

- Any medicine or therapeutic compound must have been approved for use under the Agricultural Compounds and Veterinary Medicines Act 1997.

## **Marine Farming Prohibited Activities**

### **16.5.6 Marine Farming Structures (Prohibited Activity)**

The erection, placement, use of, or occupation of space by any marine farming structure that does not comply with the standards and terms for an activity in Rules 16.5.3, 16.5.4, 16.5.4A, 16.5.4B, 16.5.5A, 16.5.5B or 16.5.5D is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** This Rule prohibits the location of any other marine farm structures in the coastal marine area of the Waikato Region that are not specifically provided for, and which do not meet the standards and terms for Rules 16.5.3 (Current Farms), 16.5.4, 16.5.4A, 16.5.4B (Wilson Bay Zone), 16.5.5A (Extensions to Marine Farms) or 16.5.5B (Marine Farming Structures Outside Wilson

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

Bay Zone) or 16.5.5D (Marine Farm Structures within the Coromandel marine farming zone). It does not apply to those structures which meet the standards and terms for a discretionary activity in Rules 16.5.1 (FADs and Spat Catching), 16.5.2 (Structures for Research Purposes), or 16.5.5 (Oyster Farms). (NB: Structures which do not meet the standards and terms for a discretionary activity under Rules 16.5.1, 16.5.2 and 16.5.5 are non-complying activities under rule 16.1.2).

Uncontrolled development of new marine farm structures would have significant adverse effects (including cumulative effects) on the coastal marine area. In particular natural character, landscape, amenity, cultural, ecological, habitat and recreational values would be adversely affected by the sporadic and sprawling development of marine farms along the coastline. Safe navigation, the functioning of natural coastal processes and commercial fishing areas would also be compromised. A high level of protection is appropriate to protect the range of values identified. This Rule provides for a precautionary approach to be adopted towards further marine farm development. This is necessary as the nature and extent of environmental effects from large scale marine farm development are uncertain. This Rule allows detailed monitoring of the effects of the zone development in Wilson Bay to be undertaken (e.g. in relation to sustainability and the carrying capacity of the Firth), before decisions are made about future marine farm development in the Region. If, in the future, further development is required, a plan change (as per the First Schedule of the RMA) will need to be made. This will mean that future marine farm development, such as the development of any additional marine farming zones, would be the subject of wide public consultation.

#### **16.5.6A Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming (Prohibited Activity)**

The discharge of any feed, medicine or therapeutic compound into the CMA associated with marine farming activities that does not comply with the standards and terms in Rules 16.5.4C, 16.5.5C, or 16.5.5E is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** This rule prohibits the discharge of any feed, medicine or therapeutic compound from marine farming if it does not comply with the standards and terms of Rule 16.5.4C or 16.5.5C. This means that, within the Firth of Thames, consent applications cannot be received or granted to discharge material unless an authorisation is held to apply for a permit. Discharges that would result in the total net discharge of nitrogen to the Firth of Thames from marine farming exceeding 300 tonnes per annum are also prohibited. This will ensure that effects on nutrient levels within this semi-enclosed body of water are minimised. Discharges that would result in the total net discharge of nitrogen to the Coromandel marine farming zone from marine farming exceeding 800 tonnes per annum are also prohibited.

#### **16.5.7 Marine Farm Structures (Prohibited Activity)**

The erection, placement, use of, or occupation of space by any marine farming structure in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. formally acknowledged as a wetland site of international importance. It has significant ecological, habitat, native flora and fauna values that require protection from marine farm development. A high level of protection is appropriate to protect the values in this area. Any activities which would have significant or irreversible adverse effects on the

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

values in this area are unacceptable. The development of marine farms within these areas would have significant adverse effects on this area and its values.

## **16.5.8 Staging of the Consents within the Coromandel Marine Farming Zone**

Resource consents for marine farming that involve fed and multi-trophic aquaculture in the Coromandel marine farming zone will include conditions requiring a staged development of the marine farm. Each resource consent will be divided into a series of stages.

The staging of each consent will be relative to the limit specified in Policy 6.1.1B and proportional to the allocation provided to the applicant under Method 17.5.2A. Stage 1 will allow discharge of up to 50% of the nitrogen and feed authorised by the discharge consent issued under Rule 16.5.5E. Stage 2 will allow discharge of up to 75% of the nitrogen and feed authorised by the consent. Stage 3 will allow discharge of up to 100% of the nitrogen and feed authorised by the consent.

The first stage of each resource consent may not be exercised until a baseline survey is complete. Development to the next stage may not occur until permission is granted to do so by the Waikato Regional Council. The Council will not grant that permission until:

1. monitoring of a minimum of two production cycles at full development of that stage is complete;
2. the monitoring data has been analysed in comparison to predetermined thresholds;
3. there are no significant adverse effects occurring including cumulative effects; and
4. compliance against resource consent conditions held for the marine farming activity has been assessed.

**Principal Reasons for Adopting:** Fed aquaculture has not been carried out in the Waikato region prior to the establishment of the Coromandel marine farming zone. A staged approach assists in fulfilment of Policy 6.1.1B of this Plan.

## **16.6 Disturbances**

### **16.6.1 Recreational Activities (Permitted Activity)**

The carrying out of any recreational event or activity on the foreshore of the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) Where the event or activity requires the use of a service motor vehicle(s), such vehicle(s) shall be used in the CMA for a period of no more than one week.
- ii) All equipment, and materials used for the event or activity and any rubbish shall be removed from the site on completion of the event or activity.
- iii) The event or activity shall have no more than a minor adverse effect on any conservation value shown within the ASCV areas marked on maps in Appendix III and described in Appendix IV of this Plan.
- iv) Any visible disturbance to the foreshore shall be remedied within 48 hours.
- v) The event or activity shall not restrict public access, other than to the extent necessary to protect public health or safety.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

**Principal Reasons for Adopting:** The Second Schedule of the RMA requires that regional coastal plans provide for the recognition of opportunities for recreation. This Rule permits those recreational events or activities that have minimal adverse effects on the environment.

**Advisory Notes:**

- This Rule permits activities in the CMA. Because many events that take place on the foreshore cross the line of Mean High Water Springs, contact should also be made with the appropriate territorial authority to ascertain any associated controls above Mean High Water Springs.
- Surface water activities may be subject to Environment Waikato's Navigation Safety Bylaw.
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### **16.6.2 Vehicle Use (Permitted Activity)**

The use of motorised vehicles on the foreshore or seabed of the CMA for the purposes of:

- i) launching boats; or
- ii) life saving activities; or
- iii) conservation activities undertaken by the Department of Conservation, in accordance with their statutory functions; or
- iv) dune management activities, or the servicing of public facilities undertaken by territorial authorities; or
- v) private access where no other landward access is available; or
- vi) removal of sediment from mouth of waterways which empty into the CMA; or
- vii) access for people with disabilities; or
- viii) defence purposes, undertaken in accordance with the Defence Act 1990; or
- ix) gathering drift seaweed or driftwood; or
- x) maintenance of infrastructure; or
- xi) temporary events authorised under any Waikato Regional Council Navigation Safety Bylaw; or
- xii) being an accessory use to the activities provided for by the following rules in this Plan:
  - a) 16.2.1 Removal of Vegetation (Permitted Activity)
  - b) 16.4.1 Temporary Structures (Permitted Activity)
  - c) 16.4.1A Monitoring and Sampling Structures (Permitted Activity)
  - d) 16.4.5 Navigational Aids (Permitted Activity)
  - e) 16.4.10 Structures Associated with Network Utility Operations (Permitted Activity)
  - f) 16.4.20 Maintenance and Repair of Structures (Permitted Activity)
  - g) 16.4.23 Removal or Demolition of Structures (Permitted Activity)
  - h) 16.6.1 Recreational Activities (Permitted Activity)
  - i) 16.6.4 Military Training (Permitted Activity)
  - j) 16.6.5 Military Training in Military Operation Areas (Permitted Activity)
  - k) 16.6.7 Removal of Sediment from Waterways (Permitted Activity)
  - l) 16.6.10 Minor Disturbances/Deposits (Permitted Activity)
  - m) 16.6.23 Maintenance of Existing Drainage Canal Outlets, Floodgate Outlets and Stopbanks (Permitted Activity)

is a permitted activity provided it complies with the conditions stated in this Rule.

### **Conditions**

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- i) Any visual disturbance to the foreshore or seabed shall be remedied within 24 hours, except for the activities provided for in Rule 16.6.23.
- ii) No contaminants shall be discharged to water or land from the vehicle.
- iii) There shall be no use of vehicles on shellfish beds, vegetated areas, bird nesting areas during nesting season, or in any area identified as waahi tapu, except for the activities provided for in Rule 16.6.23.
- iv) No vehicle shall be operated at a speed in excess of 10 km/hour.
- v) The vehicle shall take the most direct route, and shall only operate within the area necessary to carry out the works to ensure minimal disturbance to the foreshore and seabed.

**Principal Reasons for Adopting:** Although motorised vehicles can have adverse effects on the foreshore and/or seabed, it is recognised that access will be necessary in certain circumstances, and in association with other permitted activities such as temporary recreational events and minor disturbance and deposits. Vehicle use is also necessary to maintain infrastructure.

**Advisory Note:**

- This Rule only permits vehicle use on the foreshore or seabed of the CMA. Other activities associated with vehicle use may require resource consents under separate rules, for example, rules on removal of vegetation and removal of sediment from waterways.

### 16.6.3 Vehicle Use (Discretionary Activity)

The use of motorised vehicles on the foreshore or seabed of the CMA for any purpose which does not comply with the conditions for a permitted activity in Rule 16.6.2 is a discretionary activity provided it complies with the standard and terms stated in this Rule.

**Standards and Terms**

- i) There shall be no use of vehicles on shellfish beds, vegetated areas, bird nesting areas during nesting season, or in any area identified as waahi tapu.
- ii) No contaminants shall be discharged to land or water from the vehicle.

**Assessment Criteria**

In assessing any application for vehicle use, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which there will be risk to public safety; and
- iv) the extent to which any visible disturbance to the foreshore or seabed will be remedied within 48 hours.

**Principal Reasons for Adopting:** If motorised vehicles are being used on the foreshore or seabed of the CMA for purposes other than those listed in Rule 16.6.2, a coastal permit must be obtained. Because of the cumulative adverse effects vehicles may have on the foreshore or seabed, their access should be restricted.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

#### **16.6.4 Military Training (Permitted Activity)**

Unless otherwise prohibited by 16.6.6, the carrying out of any military training activity for defence purposes within the CMA is a permitted activity, provided it complies with the conditions stated in this Rule.

##### **Conditions**

- i) The activity shall not take place within any ASCV area marked on maps in Appendix III and described in Appendix IV of this Plan.
- ii) The activity shall not take place in areas vegetated by mangroves, eel grass or saltmarsh, or in areas used for bird nesting during nesting season.
- iii) Any visible change in water quality shall not be detectable 48 hours after discharge.
- iv) The activity shall not involve the construction of permanent structures.
- v) Any structure erected or placed in the CMA shall be removed at the end of the defence exercise.
- vi) At least two weeks advance written advice will be given to the Regional Council covering the nature of the activity and the area within which the activity is to occur. The Council will assist in identifying high density shellfish breeding beds which should be avoided.
- vii) The activity shall not exclude public access from areas of the CMA over 10 hectares.
- viii) The activity shall not exclude the public from more than 316 metres along the length of the foreshore.
- ix) The activity shall not involve occupation or use of areas greater than 50 hectares.
- x) Any restrictions on access necessary to protect public safety shall be publicly notified in advance and at the site being used, for the duration of the activity.
- xi) The activity shall occur for less than 31 days.

**Principal Reasons for Adopting:** Policy 4.1.5 of the NZCPS requires regional coastal plans to make provision for use of the CMA for defence purposes. Defence purposes are those undertaken in accordance with the Defence Act 1990.

##### **Advisory Note:**

- See Rule 16.6.2 Vehicle Use for associated vehicle use.

#### **16.6.5 Military Training in Military Operation Areas (Permitted Activity)**

The carrying out of military training activities by the Defence Forces in military operation areas D 232F and D 232N located northeast and east respectively of Coromandel Peninsula, and restricted area R 109 within the Hauraki Gulf, is a permitted activity.

**Principal Reasons for Adopting:** Policy 4.1.5 of the NZCPS requires regional coastal plans to make provision for use of the CMA for defence purposes. Defence purposes are those carried out in accordance with the Defence Act 1990.

##### **Advisory Note:**

- See Rule 16.6.2 Vehicle Use for associated vehicle use.

#### **16.6.6 Military Training (Prohibited Activity)**

Any military training activity involving explosions, detonations and other incendiary devices in an area of significant conservation value (ASCV) as shown on maps in

**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

Appendix III of this Plan, or where there are identified heritage and cultural sites, or in Marine Reserves, is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** Areas where there are identified significant values require protection. Identified/reserved heritage and cultural sites are those areas with reserve status or which are listed in the Historic Places Trust Register of historic places.

### **16.6.7 Removal of Sediment from Waterways (Permitted Activity)**

The removal of sediment in the CMA from the mouth of waterways which empty into the CMA is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) Any removal of sediment is solely for the purpose of unblocking the stream or waterway and shall not result in increases to the channel width or depth dimensions that existed prior to the blockage.
- ii) No sand, shingle, shell or other natural marine material shall be removed from the CMA, except where it is placed on dunes within 500 metres of the waterway mouth.

**Principal Reasons for Adopting:** Waterways can often become blocked by sediment after storm events. The clearing of these waterways is necessary in order to prevent flooding and to maintain natural habitats and ecosystems. Clearance, while allowing passage for fish migration and preventing flooding, must also be kept to a minimum to avoid adverse effects (e.g. disruption to habitat and water quality).

#### **Advisory Notes:**

- Refer also to other rules in this Plan relating to the use of vehicles and removal of vegetation.
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### **16.6.8 Removal of Sediment from Waterways (Discretionary Activity)**

The removal of sediment in the CMA from the mouth of waterways which empty into the CMA, which does not comply with the conditions for a permitted activity in Rule 16.6.7 or the standards and terms for a controlled activity in Rule 16.6.9 is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) No sand, shingle, shell or other natural marine material shall be removed from the CMA, except where it is placed on dunes.

#### **Assessment Criteria**

In assessing any application for the removal of sediment from waterways, regard shall be had to:

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the removal is necessary to avoid flood hazard risk, or to allow fish migration; and
- iv) the extent to which the removal will adversely affect indigenous species or their habitats.

**Principal Reasons for Adopting:** Sometimes removal of sediment from waterways is necessary on a larger scale. It is important to weigh the necessity of the clearance against the potential adverse effects. Such clearance often coincides with fish migration, and therefore requires the minimisation of adverse effects from the activity on water quality and vegetation.

**Advisory Note:**

- Refer also to other rules in this Plan relating to the use of vehicles and removal of vegetation.

### **16.6.9 Maintenance Dredging (Controlled Activity)**

The removal of sand, shingle, shell or other natural marine material from the CMA, and associated vehicle use, for the sole purpose of maintenance dredging is a controlled activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i) The activity shall have no more than a minor adverse effect on any conservation value shown within the ASCV area as marked on maps in Appendix III and described in Appendix IV of this Plan.
- ii) Any visible change in water quality shall not be detectable 48 hours after discharge.
- iii) No contaminants shall be discharged to water or land from the vehicle.

**Control Reserved Over**

The matters over which the Regional Council reserves control are:

- The frequency and timing of the dredging.
- The method of dredging.
- The volume of dredged material.
- The location and extent of the disturbance to the foreshore or seabed.
- The location and method of disposal of dredged material.
- The information and monitoring requirements.
- The location, extent and timing of the use of vehicles.

**Principal Reasons for Adopting:** This Rule recognises that maintenance dredging (defined in the Glossary) is required for navigation and safety reasons, and to protect amenity values associated with recreational uses.

### **16.6.9A Construction Dredging within Tairua Marina Zone I (Restricted Discretionary Activity)**

Unless otherwise restricted by either of Rules 16.6.13, the removal of sand, shingle, shell or other natural marine material from the CMA for the sole purpose of construction

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

and maintenance dredging of the marina channels and basin within the Tairua Marina Zone I is a restricted discretionary activity, and including the deposition of dredged materials for replenishment purposes in nominated harbour systems, provided it complies with the standards and terms stated in this Rule. If any part of the activity that would otherwise be assessed under this Rule is also described by Rule 16.6.13 it is a discretionary activity assessed under Rule 16.6.9B.

### **Standards and Terms**

- i) Any visible change in water quality shall not be detectable 48 hours after the construction dredging or dredging deposit is made.
- ii) Any equipment or materials used at the site shall be removed on completion of the construction dredging.
- iii) The material deposited shall not contain any contaminants.
- iv) The use of the dredged material shall be for replenishment purposes within nominated harbour systems.

### **Extent of Discretion**

The matters to which the Regional Council will restrict the exercise of its discretion are:

- The frequency and timing of the dredging.
- The method of dredging.
- The volume and area of dredged material.
- The location and method of disposal of dredged material.

**Principal Reasons for Adopting:** The marina proposal at Tairua holds a licence granted under the Harbours Act 1950 and the necessary dredging to establish the marina channels and basin is provided by that licence and is recognised as a continuing activity through this Rule.

## **16.6.9B Construction Dredging within Tairua Marina Zone II (Discretionary Activity)**

The removal of sand, shingle, shell or other natural marine material from the CMA for the sole purpose of construction dredging of the marina channels and basin within the Tairua Marina Zone II (or in the Tairua Marina Zone I where the activity is otherwise restricted by Rules 16.6.13 or 16.6.16) and including the deposition of dredged materials for replenishment purposes in nominated harbour systems, is a discretionary activity unless such dredging is otherwise provided for in the rules as a controlled activity, and provided it complies with the standards and terms stated in this Rule. If any part of the activity being assessed under this Rule is also described by Rule 16.6.13 then it is a discretionary activity assessed under this Rule.

### **Standards and Terms**

- i) The material being deposited shall not contain any contaminants.
- ii) Any equipment or material used at the site shall be removed on completion of the construction dredging.
- iii) The use of the dredged material shall be for replenishment purposes within nominated harbour systems.

### **Assessment Criteria**

In assessing any application for construction dredging within the Tairua Marina Zone II the Regional Council shall have regard to:

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- i) The extent to which the activity will adversely affect or impact on the ecological values of Tairua Harbour and the general environment.
- ii) The extent to which the activity will adversely affect or impact on access to the CMA, access to moorings and enjoyment of the natural and physical resources of the CMA.

**Principal Reasons for Adopting:** This Rule is designed to allow for the reasonable and foreseeable expansion of the Tairua Marina project by means of an application for a coastal permit which relies upon an appropriate assessment of effects.

### **16.6.10 Minor Disturbances/Deposits (Permitted Activity)**

Any disturbance to, or any deposit of any sand, shell, shingle or other natural marine material, in, on, or under the foreshore or seabed, per discrete location, in quantities less than 100 cubic metres, per 30 day period is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) No sand, shell, shingle or other natural marine material shall be removed from the beach system, other than when being taken for scientific sampling and research purposes.
- ii) Any visible disturbance to the substrate of the coastal marine area shall be remedied or recontoured within 24 hours.
- iii) Any visible change in water quality shall not be detectable 24 hours after the disturbance or deposit is made.
- iv) Any equipment or materials used at the site shall be removed on completion of the disturbance or deposition.
- v) The disturbance or deposit shall not occur on saltmarsh, eel grass, mangroves, bird nesting areas during nesting season, or shellfish breeding beds.

**Principal Reasons for Adopting:** It is acknowledged that certain activities which may cause disturbance of or deposition on the foreshore or seabed are of a minor nature in terms of any adverse environmental effects, and should therefore be permitted, rather than being required to get a consent. For the purposes of clarification, “shellfish breeding beds” refers to significantly sized beds of mature shellfish. It is acknowledged that shellfish move over time and therefore an applicant would be expected to seek local community knowledge about the location of such beds before undertaking any activity covered by this Rule.

#### **Advisory Notes:**

- This Rule does not cover other activities such as the removal of vegetation, vehicle use, or structures (refer to other related rules).
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### **16.6.11 Minor Disturbances/Deposits (Controlled Activity)**

Any disturbance to, or any deposit of any sand, shell, shingle or other natural marine material, in, on, or under the foreshore or seabed, per discrete location at any point in time, in quantities of 100 cubic metres or greater and less than 1,000 cubic metres, and associated vehicle use, is a controlled activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) No sand, shell, shingle or other natural marine material shall be removed from the beach system.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- ii) Any visible disturbance to the substrate of the coastal marine area shall be remedied or recontoured within 24 hours.
- iii) Any visible change in water quality shall not be detectable 24 hours after the disturbance or deposit is made.
- iv) Any equipment or materials used at the site shall be removed on completion of the disturbance or deposition.
- v) The disturbance or deposit shall not occur on saltmarsh, eel grass, mangroves, bird nesting areas during nesting season, or shellfish breeding beds.
- vi) No contaminants shall be discharged to water or land from the vehicle.

### **Control Reserved Over**

The matters over which the Regional Council reserves control are:

- The location of material to be disturbed or deposited.
- The information and monitoring requirements.
- The method and timing of the disturbance/deposit.
- The frequency of any disturbance or deposit.
- The particle size and composition of the deposition.
- The location, extent and timing of the use of vehicles.

**Principal Reasons for Adopting:** This Rule recognises that where larger volumes of marine material area disturbed or deposited, there may be adverse effects which should be addressed. In particular it enables controls to be placed on location and methods for such deposits/disturbances. For the purposes of clarification, “shellfish breeding beds” refers to significantly sized beds of mature shellfish. It is acknowledged that shellfish move over time and therefore an applicant would be expected to seek local community knowledge about the location of such beds before undertaking any activity covered by this Rule.

### **16.6.12 Disturbances/Deposits to the Foreshore or Seabed (Discretionary Activity)**

Any activity in the CMA, but not within the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), involving disturbance to the foreshore or seabed, in any 12 month period, and involving any:

- i) removal of sand, shingle, shell or other natural marine material from the CMA:
  - a) in quantities of 50,000 cubic metres or less; or
  - b) extracted from areas of less than 4 hectares; or
  - c) which extends less than 1,000 metres over the foreshore or seabed; excluding maintenance dredging and disturbances resulting from maintenance as specified in Rule 16.6.23, or any
- ii) deposition of sand, shingle, shell or other natural marine material onto the foreshore or seabed of the CMA:
  - a) in quantities of 1,000 cubic metres or more (except as provided for by Rule 16.6.15) but not exceeding 50,000 cubic metres; or
  - b) which does not comply with the standards and terms for a controlled activity in Rule 16.6.11, or the conditions of a permitted activity in Rule 16.6.10,

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## Standards and Terms

- i) There shall be no disturbance to high density shellfish breeding beds, areas vegetated by mangroves, eel grass or saltmarsh, bird nesting areas during nesting season, fish spawning grounds or any area identified as waahi tapu.
- ii) The material being deposited shall not contain any contaminants.

## Assessment Criteria

In assessing any application for disturbances/deposits to the foreshore or seabed, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which the material being deposited shall be of a similar particle size and composition to the existing material;
- iv) the extent to which there will be risk to public safety; and
- v) the extent to which any visible change to water quality shall not be detectable 48 hours after discharge.

**Principal Reasons for Adopting:** This Rule covers the removal from and deposition in the CMA of natural material in large quantities. Much of the Waikato east coast is a 'closed physical system', that is, no more sand is being produced by natural processes to compensate for that being removed. For this reason, the removal of sand from the CMA must be managed. The deposition of sand or other material onto the foreshore or seabed can adversely affect both water quality and habitat. The potential adverse effects depend, to a large extent, on the nature of the material deposited and the nature of the receiving environment. It is therefore necessary to evaluate consent applications on a case-by-case basis. Therefore disturbances within ASCV 9 will be dealt with as non-complying or prohibited under Rule 16.6.14.

### 16.6.13 Disturbances/Deposits to the Foreshore or Seabed (Discretionary Activity)

Unless otherwise prohibited by Rule 16.6.14, any activity in the CMA involving, in any 12 month period, disturbance to the foreshore or seabed, and involving any:

- i) removal of sand, shell, shingle or other material from the CMA:
  - a) in quantities greater than 50,000 cubic metres; or
  - b) extracted from areas of 4 hectares or more; or
  - c) which extends 1,000 metres or more over the foreshore or seabed; excluding maintenance dredging and disturbances resulting from maintenance as specified in Rule 16.6.23; or any
- ii) deposition of material on the foreshore or seabed in quantities greater than 50,000 cubic metres

is a discretionary activity, provided it complies with the standards and terms stated in this Rule.

## Standards and Terms

- i) There shall be no disturbance to shellfish beds, vegetated areas, bird nesting areas during nesting season, fish spawning grounds or any area identified as waahi tapu.
- ii) Any material being deposited shall not contain any contaminants.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## Assessment Criteria

In assessing any application for disturbances/deposits to the foreshore or seabed, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which there will be risk to public safety; and
- iv) the extent to which any material being deposited will be of a similar particle size and composition to the existing material.

**Principal Reasons for Adopting:** The disturbance of large quantities of sediment may cause adverse effects on the natural character, ecosystem and hydrology of the area.

### Advisory Note:

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.

## 16.6.14 Disturbances/Deposits to the Foreshore or Seabed (Prohibited Activity)

Any activity in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), involving, in any 12 month period, disturbance to the foreshore or seabed, and involving any:

- i) Removal of sand, shell, shingle or other natural marine materials from the CMA:
  - a) in quantities greater than 50,000 cubic metres; or
  - b) extracted from areas of 4 hectares or more; or
  - c) which extends 1,000 metres or more over the foreshore or seabed; excluding maintenance dredging or disturbances resulting from the maintenance of infrastructure; or any
- ii) deposition of material on the foreshore or seabed in quantities greater than 50,000 cubic metres,

(but excluding structures or works for flood or erosion control; and improvements to carriageways for existing formed roads within existing road reserves)

is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore, activities which would have a significant and irreversible effect on these areas are unacceptable.

## 16.6.15 Beach Nourishment (Controlled Activity)

The deposition of less than 10,000 cubic metres of clean sand and/or shell onto the foreshore of the CMA for the sole purpose of beach nourishment, and associated vehicle use, is a controlled activity provided it complies with the standards and terms stated in this Rule.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## Standards and Terms

- i) The material to be deposited shall not contain any contaminants.
- ii) The deposition shall not exceed 10,000 cubic metres in volume in any 12 month period.
- iii) No contaminants shall be discharged to water or land from the vehicle.

## Control Reserved Over

The matters over which the Regional Council reserves control are:

- Particle size and composition of material.
- The location of the deposit.
- The method and rate of deposition.
- Information and monitoring requirements.
- The location, extent and timing of the use of vehicles.

**Principal Reasons for Adopting:** Beach nourishment differs from the disposal of unclean sand in that the primary purpose is to provide positive benefits to the beach. Beach nourishment is considered one of the favoured options in remedying beach erosion.

### **16.6.16 Refer Rule 16.6.13(ii)**

### **16.6.17 Refer Rule 16.6.14(ii)**

## **16.6.18 Deposition of Material Containing Hazardous Substances (Prohibited Activity)**

The discharge or deposition of any material that contains hazardous substances into the CMA and which:

- i) is not a discretionary activity:
  - a) within Rule 16.3.12; or
  - b) within Rule 16.3.13; or
  - c) within clause 4(2) of the Resource Management (Marine Pollution) Regulations 1998
- or
- ii) is not otherwise allowed by Part 3 of the Resource Management (Marine Pollution) Regulations 1998.

is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** Hazardous substances can adversely affect flora, fauna, and their habitats, water quality, natural character and amenity values of the CMA. Containment and isolation of such substances in the CMA is difficult due to the connected nature of the CMA.

## **16.6.19 Reclamations (Discretionary Activity)**

Unless otherwise prohibited by Rule 16.6.21, any activity reclaiming the foreshore or seabed of the CMA which:

- i) equals or exceeds one hectare;
- ii) extends 100 or more metres in any direction; or

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- iii) is an incremental reclamation connected to, or part of, another reclamation which:
  - a) was commenced or received a resource consent after May 4, 1994 and
  - b) the sum of the existing and proposed reclamations are equal to or exceed the dimensions in (i) and (ii)

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The reclamation shall be designed, constructed and maintained to a standard to withstand coastal processes, and relative changes in sea level.

#### **Assessment Criteria**

In assessing any application for reclamations, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which there will be risk to public safety; and
- iv) the extent to which there shall be disturbance to shellfish beds, vegetated areas, bird nesting areas during nesting season, fish spawning grounds or any area identified as waahi tapu.

**Principal Reasons for Adopting:** Reclamations cause irreversible loss of habitat and may affect physical processes and water quality.

#### **Advisory Note:**

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.

### **16.6.20 Reclamation or Drainage (Discretionary Activity)**

Unless otherwise restricted by Rule 16.6.19, any activity involving the reclamation or drainage of the foreshore or seabed of the CMA, which:

- i) is less than one hectare; or
- ii) extends less than 100 metres in any direction

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) There shall be no disturbance to shellfish beds, vegetated areas, bird nesting areas during nesting season, fish spawning grounds or any area identified as waahi tapu.
- ii) The reclamation shall be designed, constructed and maintained to a standard to withstand coastal processes, and relative changes in sea level.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## Assessment Criteria

In assessing any application for reclamation or drainage, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii) the extent to which there will be risk to public safety.

**Principal Reasons for Adopting:** Reclamation or drainage has the potential to cause significant adverse effects on the foreshore and seabed, as they generally result in irreversible changes.

### 16.6.21 Reclamations (Prohibited Activity)

Any activity in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), reclaiming the foreshore or seabed of the CMA which:

- i) equals or exceeds one hectare;
- ii) extends 100 or more metres in any direction; or
- iii) is an incremental reclamation connected to, or part of, another reclamation which:
  - a) was commenced or received a resource consent after May 4, 1994 and
  - b) the sum of the existing and proposed reclamations are equal to or exceed the dimensions in (i) and (ii) of this Rule

(but excluding structures or works for flood or erosion control; and improvements to carriageways for existing formed roads within existing road reserves)

is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore activities which would have a significant and irreversible effect on these areas are unacceptable.

### 16.6.22 Materials Used For Reclamations/Declamations (Prohibited Activity)

The deposition of any material, other than cleanfill, in a reclamation in the CMA, or in retaining walls associated with a declamation which will become a structure in the CMA, is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** Reclamations must be required for a purpose other than 'getting rid of' surplus material. There are adverse effects on aquatic flora and fauna associated with the leaching of contaminants and the smothering of biota associated with reclamations. In addition, there are potential adverse effects associated with the leaching of contaminants and sediments from retaining walls constructed as part of a declamation.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

### **16.6.23 Maintenance of Existing Drainage Canal Outlets, Floodgate Outlets and Stopbanks (Permitted Activity)**

The disturbance of material within the CMA for the purpose of maintaining existing drainage canal outlets, floodgate outlets and stopbanks which service designated drainage districts, drainage schemes or flood protection schemes administered by local authorities, is a permitted activity provided it complies with the conditions stated in this Rule.

#### **Conditions**

- i) The disturbance shall only take place in an existing drainage canal outlet, floodgate outlet or borrowpit and shall be limited to a 20 metre wide strip on one side of the drainage canal outlet, floodgate outlet or borrowpit.
- ii) Any equipment or materials used at the site shall be removed on completion of the disturbance or deposition.
- iii) No sand, shell, shingle or other natural material shall be removed from the CMA, other than material taken from borrowpits to maintain stopbanks.

**Principal Reasons for Adopting:** This Rule recognises the importance of maintaining existing drainage canal outlets, floodgate outlets and stopbanks which service designated drainage districts, drainage schemes or flood protection schemes. Designated drainage districts, drainage schemes and flood protection schemes are those that have been established under the Land Drainage Act 1908, the Soil Conservation & Rivers Control Act 1941 or the Resource Management Act 1991. Clearance of drainage canal outlets, floodgate outlets and/or borrowpits is often required at short notice and in response to flood conditions. These activities are well established, and the adverse effects are known and are considered to be minimal. They also occur infrequently, once every 5 to 10 years. Disturbance of material pursuant to this Rule has been made a permitted activity as conditions can be established with reasonable certainty of the environmental outcome.

#### **Advisory Notes:**

- Refer also to other rules in this Plan relating to the use of vehicles on the foreshore and the removal of vegetation.
- See Rule 16.6.2 Vehicle Use for associated vehicle use.

### **16.6.24 Declamations (Discretionary Activity)**

Any activity involving the declamation of land that will result in inundation by seawater, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i) The declamation shall be designed, constructed and maintained to a standard to withstand coastal processes, and relative changes in sea level.

#### **Assessment Criteria**

In assessing any application for a declamation, regard shall be had to:

- i) the extent to which changes in groundwater levels may impact on the CMA; and
- ii) the extent to which the location of the declamation is considered to be an appropriate land use by the relevant territorial authority; and
- iii) the Decision-Making Criteria and Considerations which are set out in Appendix IV of this Plan, and which are relevant to this activity; and

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

- iv) the extent to which there will be risk to public safety.

**Principal Reasons for Adopting:** Declamation has the potential to cause significant adverse effects on the foreshore and seabed, as they generally result in irreversible changes. While the activity may be primarily undertaken as a land use activity until such time as the retaining wall is breached, it then becomes part of the CMA. It is therefore critical that this activity be managed by both regional and district councils.

## 16.7 Natural Hazards

### 16.7.1 Short-Term Structures for Hazard Management (Controlled Activity)

The erection or placement of any structure in the CMA, for a period of time less than three months, for the sole purpose of managing hazard risk is a controlled activity provided it complies with the standards and terms stated in this Rule.

#### Standards and Terms

- i) It shall be demonstrated that there is a functional need for the structure to be located in the CMA.
- ii) The structure shall not restrict public access to the CMA.
- iii) The structure shall be totally removed from the CMA within three months of the issue of a Resource Consent under this Rule.

#### Control Reserved Over

The matters over which the Regional Council reserves control are:

- Location of the structure.
- Material used.
- Method of placement.
- Method of removal.

**Principal Reasons for Adopting:** This recognises that there are natural hazard situations when a rapid response is required to manage the hazard risk to the landward properties. Short-term structures provide protection while long-term solutions are investigated and actioned.

## 16.8 Public Access

### 16.8.1 Exclusive Occupation (Discretionary Activity)

Unless otherwise prohibited by Rule 16.8.2, any activity involving occupation of the CMA which:

- i) would exclude, or effectively exclude, public access from areas of the CMA over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security); or
- ii) would exclude, or effectively exclude, the public from more than 316 metres along the length of the foreshore; or
- iii) would involve occupation or use of areas greater than 50 hectares of the CMA, and such occupation or use would restrict public access to or through such areas

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**

## **Standards and Terms**

- i) There shall be no disturbance to shellfish beds, vegetated areas, bird nesting areas during nesting season, fish spawning grounds or any area identified as waahi tapu.

## **Assessment Criteria**

In assessing any application for exclusive occupation, regard shall be had to:

- i) the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity.

**Principal Reasons for Adopting:** The maintenance and enhancement of public access to and along the CMA is a matter of national importance, as set out in the NZCPS.

### **Advisory Note:**

- Any activity not complying with the standards and terms of this Rule will be assessed as a non-complying activity in accordance with Rule 16.1.2.

## **16.8.2 Exclusive Occupation (Prohibited Activity)**

Any activity in the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), involving occupation of the CMA which:

- i) would exclude, or effectively exclude, public access from areas of the CMA over 10 hectares; or
- ii) would exclude, or effectively exclude, the public from more than 316 metres along the length of the foreshore; or
- iii) would involve occupation or use of areas greater than 50 hectares of the CMA, and such occupation or use would restrict public access to or through such areas

(but excluding structures or works for flood or erosion control; and improvements to carriageways for existing formed roads within existing road reserves)

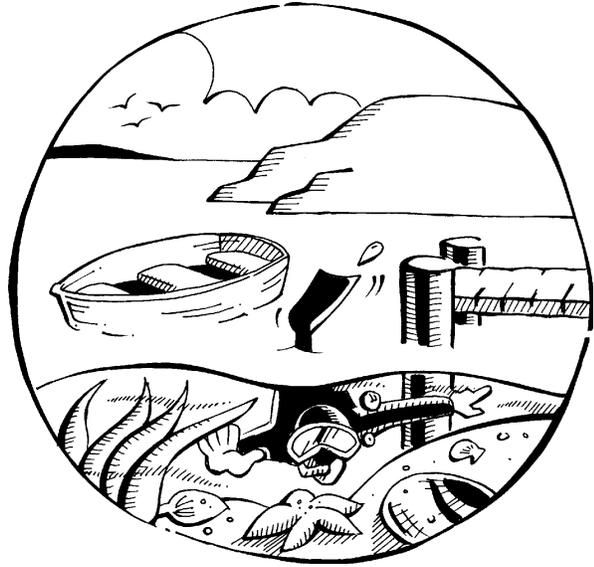
is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore activities which would have a significant and irreversible effect on these areas are unacceptable.

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**NB: Any activity not covered by a rule in this Plan, and which is restricted in the CMA by s12, s14, s15, s15A, s15B, or s16 of the RMA, shall be a non-complying activity in accordance with Rule 16.1.2.**





# Implementation Methods - Other



# 17 Other Methods

The following methods include processes such as advocacy, co-ordination, investigation and education available to Environment Waikato to facilitate the implementation of the objectives and policies of this Plan.

Advocacy is the encouragement, or request for action on the part of Environment Waikato to other agencies or groups of the community. Advocacy is a useful method of implementation when action falls within the jurisdiction of another agency. In most cases, advocacy works best in conjunction with **Other Methods** to achieve objectives and policies.

One of the key functions of regional councils under s30 of the RMA is the achievement of integrated management of natural and physical resources through the implementation of objectives, policies and methods in this Plan. In some cases, action to be taken falls within the jurisdiction of an agency other than Environment Waikato. Consequently, co-ordination and consultation with that agency is necessary to achieve the resource management objectives.

Education is used as a method in this Plan where it is perceived that changes in individuals' and communities' understanding or behaviour can make a significant difference to the management of the coastal environment. Education includes raising community awareness, changing attitudes, increasing skills and knowledge and promoting participation in resource management.

Investigation and the gathering of information is an important method in the achievement of the objectives and policies of this Plan. The lack of information about the Region's coast will be addressed by this method.

## 17.1 Tangata Whenua

The following methods primarily implement the policies in the Tangata Whenua chapter, but they may also relate to other policies in the Plan.

### 17.1.1 Establishing a Working Relationship

Environment Waikato will work within tribal structures when consulting with tangata whenua and will seek to establish a working relationship to manage coastal resources in this Region in an integrated manner.

**Principal Reasons for Adopting:** Environment Waikato is aware that there are some iwi who would like to have further involvement in the future development of this Plan as well as in managing coastal resources in their area. It is recognised that tangata whenua have structures and protocols which Environment Waikato should respect and acknowledge when consultation takes place. However, it is also recognised that for this to occur a well-founded working relationship needs to be established.

### 17.1.2 Transfer/Delegation of Functions

Environment Waikato will consider the transfer and/or delegation of RMA functions, powers or duties, in relation to the management of those characteristics which have been identified in the CMA as being of special value to the tangata whenua.

**Principal Reasons for Adopting:** While the issue of Maaori 'ownership' of coastal resources does not come under the focus of the RMA, it is recognised that tangata whenua still consider such resources to be in their ownership and guardianship. Transferring responsibilities relating to the management of the CMA to tangata whenua

is a management option which would recognise their role as Kaitiaki with respect to the coast.

### **17.1.3 Identification of Areas/Characteristics of Special Value**

Environment Waikato will work with tangata whenua over time to identify areas or characteristics of special value that require protection from use or development in the CMA.

**Principal Reasons for Adopting:** It is recognised that there is a need to identify areas of special value to tangata whenua and to record these in a manner acceptable to tangata whenua.

### **17.1.4 Consultation on Consent Applications**

Environment Waikato will encourage applicants to consult with tangata whenua prior to submitting applications for coastal permits.

**Principal Reasons for Adopting:** The coastal environment and its resources are of great cultural, spiritual and economic value to tangata whenua. The productivity of the coastal environment and water quality are highly valued, and the iwi and hapu who are Kaitiaki have a responsibility to nurture and safeguard these values for future generations. Consultation with tangata whenua has an important place in the decision-making process under the RMA.

### **17.1.5 Marae-Based Meetings**

Environment Waikato will encourage marae-based meetings when consulting with tangata whenua on coastal management issues.

**Principal Reasons for Adopting:** Environment Waikato recognises the importance of having marae-based meetings, not only for receiving valuable input from local people for the purpose of coastal management, but also for discussing contentious issues. Such meetings would contribute to information gathering, community education, and allow tangata whenua to have valuable input into the management of coastal resources.

### **17.1.6 Consultation with Tangata Whenua and Promotion of Kaitiakitanga**

Environment Waikato will consult with tangata whenua on a resource and site specific basis, and develop the meaning of kaitiakitanga as it applies to the management of resources in the CMA, and within this Plan. Environment Waikato will also consult with tangata whenua to seek to identify opportunities for the practical expression of kaitiakitanga within the CMA.

**Principal Reasons for Adopting:** The practical role of kaitiakitanga can be identified in terms of knowledge, willingness to assist on the identification of key participants within the tribal framework and interpretation of tikanga Maaori. These are roles that local authorities can not assume or undertake on behalf of tangata whenua. Early and meaningful consultation is therefore an essential part of understanding and promoting the role that tangata whenua have as Kaitiaki.

### **17.1.7 Identification of Iwi Authorities**

Environment Waikato will seek, through consultation with tangata whenua, the identification of iwi, hapu and whanau having the authority to speak on behalf of tangata whenua interests in the CMA.

**Principal Reasons for Adopting:** Local authorities need to understand tribal structures and the concept of mana whenua, and who has authority to speak on resource management issues. Although the identification of mana whenua is something that tangata whenua decide, local authorities need to be aware of

appropriate people to approach, and become familiar with working within tangata whenua processes. This information needs to be accessible so that resource users and the community are also aware of the appropriate people to approach.

### **17.1.8 Treaty Claims**

Environment Waikato will ensure tangata whenua are informed where Treaty claims or customary rights, including the use and enjoyment of ancestral taonga, may be affected by proposals.

**Principal Reasons for Adopting:** Under s6(e) and s8 of the RMA the implications of resource management decisions on Treaty claims and customary rights need to be taken into account in the decision-making process. These methods recognise that much should be done to avoid and not exacerbate Treaty grievances.

## **17.2 Natural Character, Habitat and Coastal Processes**

The following methods primarily implement the policies in the Natural Character, Habitat and Coastal Processes chapter, but they may also relate to other policies in the Plan.

### **17.2.1 Consultation with Territorial Authorities**

Environment Waikato will seek to ensure that district plans and other regional plans recognise and protect natural character, including natural features and community values which are of regional significance in the coastal environment. In particular, Environment Waikato will promote:

- i) the recognition and maintenance of coastal processes
- ii) the protection of landscapes, seascapes and landforms from inappropriate land use changes or developments and the retention of buffer zones
- iii) the protection of open space, remote, and isolated areas, from the adverse effects of incremental development
- iv) the location of subdivisions and developments in areas already modified and where appropriate services can be provided so that sporadic developments are avoided
- v) the maintenance or enhancement of amenity values
- vi) the protection and restoration of significant indigenous vegetation and significant habitats of indigenous fauna
- vii) the protection of historic places and heritage resources that cross the boundary of Mean High Water Springs
- viii) the protection and restoration of the functioning of transitional environments and ecosystems
- ix) the protection of areas of national, international and regional significance.

**Principal Reasons for Adopting:** Although territorial authorities have responsibility for land use decisions, subdivisions and developments can impact on the natural character values of the CMA, which is the regional council's responsibility. The Plan cannot provide rules to achieve preservation of the natural character of the coastal environment above Mean High Water Springs, therefore there is a need for integrated management between the regions and the districts so that controls implemented on land, above Mean High Water Springs, complement those below Mean High Water Springs. It is also a matter of national importance to protect the natural character from inappropriate subdivision, use and development in the coastal environment.

### **17.2.2 Reserve Areas**

Environment Waikato supports the establishment of marine protected areas and land-based reserves, which contribute to the protection of significant indigenous vegetation and habitats of indigenous fauna, and amenity values within the CMA.

**Principal Reasons for Adopting:** The reserving of coastal areas is a key mechanism for protecting natural character, and significant and representative parts of the coast. Environment Waikato recognises the need to work with other agencies in seeking to protect coastal areas.

### **17.2.3 Consultation with the Ministry of Fisheries**

Environment Waikato, in conjunction with the Ministry of Fisheries, will advocate management practices to resource users harvesting marine life that:

- i) do not adversely affect significant or extensive areas of indigenous vegetation and habitat of indigenous fauna
- ii) avoid sensitive inshore areas
- iii) ensure marine ecosystems and fish stock are managed sustainably.

**Principal Reasons for Adopting:** The Ministry of Fisheries is responsible for controlling the harvesting of fish, and has joint responsibility with Environment Waikato for their habitats. Some fishing techniques can result in damage to habitat and other species. The Ministry of Fisheries and Environment Waikato share responsibility for ensuring adverse effects from such activities on coastal habitat are avoided or remedied.

### **17.2.4 Native Coastal Plant Species**

Environment Waikato will promote the protection, rehabilitation, and enhancement of appropriate native coastal plant species, and their habitats, particularly in sensitive areas such as estuaries and coastal dunes.

**Principal Reasons for Adopting:** There are a range of different organisations and groups involved in managing the coastal environment. Use of appropriate native coastal plant species will not only protect the coastal transition zones, but also enhance natural character values.

### **17.2.5 Identification of Unrecorded Historic and Archaeological Sites**

Environment Waikato will advocate to territorial authorities, the New Zealand Historic Places Trust and other relevant agencies, the development and use of a predictive model to assist in identifying coastal areas where there is a high or medium probability of an archaeological site occurring.

**Principal Reasons for Adopting:** To ensure that significant unrecorded archaeological sites are not degraded, it is important that such areas are identified. As a large proportion of archaeological sites are located above Mean High Water Springs (i.e. outside the CMA), it is considered more appropriate for territorial authorities and the New Zealand Historic Places Trust to develop and apply a predictive model for identifying sites. These agencies also have the information needed to develop such a model, readily available to them (e.g. site records, air photographs).

### **17.2.6 Environment Waikato: Works and Services**

Environment Waikato will seek to ensure that all works and services it undertakes will be managed in a way which as far as practicable avoids adverse effects on natural character, and where possible restores areas where adverse affects have occurred.

**Principal Reasons for Adopting:** It is recognised that there is a need for a consistent approach to management of coastal resources when Environment Waikato works within its functions.

## **17.2.7 Protection and Restoration of Natural Character in the CMA**

Environment Waikato will co-operate with and support territorial authorities and other agencies to undertake activities in the CMA which will protect and/or restore natural character and amenity values. (It should be noted that coastal permits may also be required in accordance with other chapters of the Plan).

**Principal Reasons for Adopting:** There are areas where natural character features have been degraded or are threatened, where it would be possible to restore or rehabilitate the area. Cross-boundary responsibilities between regional councils, territorial authorities and other agencies are likely to be involved and should be co-ordinated to obtain good cost effective environmental outcomes.

## **17.2.8 Tangata Whenua Values**

Environment Waikato will consult with tangata whenua to determine how information on areas of significant value to Maaori should be identified and recorded and how such areas should be protected. Such information would contribute to determining appropriate use and development in the CMA. Applicants will also be required to consult with iwi over specific proposals in the CMA.

**Principal Reasons for Adopting:** While a regional overview of tangata whenua values has been taken into account in this Plan, Environment Waikato recognises that there is a need to identify significant areas at a more localised level. Consultation will be required as to how best to proceed.

## **17.2.9 Consultation with Department of Conservation**

Environment Waikato will consult with the Department of Conservation over any proposed use or development in areas identified with significant conservation value where the proposed activity may affect the values identified in the areas marked on the maps in Appendix III of this Plan.

**Principal Reasons for Adopting:** Areas identified as containing significant conservation values require careful management to ensure the identified conservation values are protected from adverse effects. It is appropriate for Department of Conservation staff to provide comments on the potential adverse effects on these values of any proposed use or development.

## **17.2.10 Community Values of Significance**

Environment Waikato will work with tangata whenua and local communities to identify natural features, including remote and isolated areas, which require protection.

**Principal Reasons for Adopting:** Information on areas of regional and local significance needs to be collected. It is recognised that community consultation is required for this to be undertaken. In conjunction with Other Method 17.2.24 criteria will be developed to assist in determining regional and local 'features' of significance.

## **17.2.11 Protection of Riparian Vegetation and Transition Zones**

Environment Waikato will consult with territorial authorities, and landowners to promote the retention and enhancement of landward vegetation. These transition zones between the land and water:

- i) provide habitat for species
- ii) buffer adjacent land from natural hazards
- iii) assist in the control of diffuse run-off from land
- iv) allow for predicted rises in sea level.

**Principal Reasons for Adopting:** The transitional area between land and sea, and between land and other waterways, is a critical zone for protecting the quality of the CMA, particularly in reducing diffuse discharges from land. Riparian and transition zones also provide habitat for many species. This is particularly important adjacent to marine reserves as the quality of the marine reserve will be affected by the condition of landward margins. It is therefore important that integrated management occurs between interested parties. Refer also to Policy 3.2.7 of the NZCPS.

### **17.2.12 Pest Management Strategies**

Environment Waikato will co-ordinate its response to animal and plant pest management through pest management strategies developed under the Biosecurity Act 1993, and will seek to ensure that appropriate control takes place within coastal fringe and transition areas.

**Principal Reasons for Adopting:** Integrated management between the RMA and the Biosecurity Act is essential for efficient and effective management of animal and plant pests in this Region.

### **17.2.13 Management of Coastal Processes**

Environment Waikato will consult with territorial authorities to ensure that the importance of coastal processes is recognised and that appropriate provisions are made for sea level rise.

**Principal Reasons for Adopting:** The effect of coastal processes is not limited to the CMA. Activities which occur above Mean High Water Springs also have the potential to adversely affect coastal processes, and potentially be affected by sea level rise.

### **17.2.14 Buffer Zone Along Coastal Margin**

To encourage territorial authorities to adopt a protected riparian/buffer zone along the coastal margin, of at least 20 metres wide with additional width where appropriate for protection:

- i) from coastal erosion and of bank stability
- ii) from inundation risk from storm and predicted sea level rise
- iii) of indigenous coastal vegetation (especially natural sequences)
- iv) as buffer zones for salt-marsh, mangrove communities and wetlands.

**Principal Reasons for Adopting:** The best protection for land use and development from erosion and flooding is to provide a suitably wide buffer zone between land and water. Where such a zone is present, it would be unlikely that beach renourishment and dune contouring would be required for protective purposes. Buffer zones would also enhance the water quality in the CMA, by enabling the natural filtering by flora to occur.

### **17.2.15 Livestock Grazing**

Environment Waikato will consult with territorial authorities, farmers and farming organisations to ensure the intent of the Rule prohibiting livestock grazing in ecologically and culturally sensitive areas of the CMA is understood, and to ensure the management of livestock does not adversely impact on coastal sediments, vegetation or water quality.

**Principal Reasons for Adopting:** Although livestock grazing in the CMA has been commonly undertaken, it must be recognised that it has significant adverse effects on the inter-tidal environment, in particular vegetation, water quality and foreshore stability. To protect sensitive areas of the CMA from adverse effects, livestock will also need to be managed above Mean High Water Springs. Co-operation with farmers will therefore be critical.

### **17.2.16 Consultation with New Zealand Historic Places Trust**

Environment Waikato will encourage applicants to consult with the New Zealand Historic Places Trust over any proposed use or development which will, or has the potential to, affect any heritage resource identified on the register of historic places, historic areas, and waahi tapu areas.

**Principal Reasons for Adopting:** The responsibilities of Environment Waikato and the New Zealand Historic Places Trust overlap and the two organisations should co-operate with respect to the likely effects of activities on known heritage sites. An up-to-date register should always be available for decision-making purposes. This will give more certainty for applicants when seeking a resource consent and will mean less likelihood of accidental damage to heritage sites.

### **17.2.17 Information on Marine Habitats/Vegetation Enhancement**

Environment Waikato will raise public awareness about the variety and importance of marine habitats and areas of vegetation, including how land-based activities affect these habitats, and will promote community involvement in improving degraded areas and caring for other areas of the CMA.

**Principal Reasons for Adopting:** Environment Waikato is committed to environmental education and the promotion of community groups as they are the most efficient and effective means of raising public awareness of values and sustainable management.

### **17.2.18 Information on Coastal Processes**

In consultation with territorial authorities, Environment Waikato will prepare information for dissemination to the community on coastal processes, how developments are affected by such processes and what design features may need to be considered.

**Principal Reasons for Adopting:** Both regional and territorial authorities have responsibilities for managing the potential risks from natural hazards. Education of the public on coastal processes can assist in the management of near shore activities.

### **17.2.19 Information on Exotic Species in the Coastal Environment**

In co-ordination with other authorities, Environment Waikato will raise public awareness about the possible threats exotic species pose to the coastal environment, methods by which they might inadvertently be introduced, and possible prevention and eradication methods.

**Principal Reasons for Adopting:** Environment Waikato, territorial authorities, Department of Conservation and other agencies all have responsibility for ensuring exotic species are managed in a way that does not adversely affect the coastal environment. Public awareness of the threats and methods of control are critical for assisting in the management of this threat.

### **17.2.20 Heritage Resources**

In conjunction with the New Zealand Historic Places Trust, Environment Waikato will provide education and practical guidance on how adverse effects on heritage resources might be managed or avoided.

**Principal Reasons for Adopting:** It is considered that one of the most effective ways of achieving protection of heritage resources is through increasing public interest and awareness. Environmental education programmes provide a forum for conveying such information to community groups.

### 17.2.21 Information from Applicants

Environment Waikato will require information from applicants about the natural character, significant features, amenity and cultural values, indigenous vegetation and habitats, and physical processes of the area, and how this will be affected by their proposal.

**Principal Reasons for Adopting:** It is necessary that this information is supplied by applicants, to ensure consistency with the requirements of s6, s7 and s8 of the RMA.

### 17.2.22 Heritage Criteria

Environment Waikato will, in conjunction with the New Zealand Historic Places Trust, establish and use a set of evaluation criteria for assessing the vulnerability of heritage resources, which have the potential for being adversely affected by use and development in the CMA.

**Principal Reasons for Adopting:** When making decisions on resource use, there needs to be a mechanism for ensuring that the vulnerability of heritage resources is identified and that adverse effects on such resources are managed appropriately. Establishing a set of criteria for achieving this would enable heritage resources to be recognised.

### 17.2.23 Complexity and Inter-Relatedness of CMA

Environment Waikato will require all applicants to show that flow-on effects from the proposed activity to neighbouring and distant coastal flora, fauna (including fish and shellfish), habitats and features has been taken into account and to demonstrate how such effects will be avoided, remedied or mitigated.

**Principal Reasons for Adopting:** Applicants are legally required to recognise and protect the complexity and inter-relatedness of coastal ecology. Activities within the CMA have the potential not only to adversely affect the ecology and features in the operational area but also other areas in the CMA, through the connecting water medium. This method will also help to ensure that productive and healthy fish and shellfish resources are maintained in the CMA of the Waikato Region.

### 17.2.24 Gathering Further Information on Vegetation, Habitats, Coastal Processes and Community Values

Environment Waikato will develop criteria to be used to identify regionally and locally significant:

- i) indigenous vegetation
- ii) habitats of indigenous fauna
- iii) representative landscapes, seascapes, landforms and geological features, and
- iv) remote and isolated areas.

Environment Waikato will also gather further information to identify areas and values of regional and local significance, and those characteristics which contribute to the natural character of specific areas.

**Principal Reasons for Adopting:** There is a lack of base-line information about the coastal features and coastal processes of this Region. In addition, information on significant historical, cultural and other values to be protected needs to be recorded in a way that is accessible to people proposing to use or develop in the CMA. Assessment criteria will be developed to determine 'regional' and 'local' significance.

### **17.2.25 Information Recorded**

Environment Waikato will record on a database, verified information about, natural features, seascapes, landscapes, habitat areas, fauna and flora, which is provided by coastal permit applicants.

**Principal Reasons for Adopting:** Applications are an important source of information on natural and physical resources in the CMA. It would be inefficient not to collate information supplied by applicants for use by other parties.

### **17.2.26 Identification of Key Protection Areas**

In consultation with the Department of Conservation, Environment Waikato will undertake investigations to identify key areas or values that require protection.

**Principal Reasons for Adopting:** While Appendix III and IV of this Plan have identified certain significant conservation values that need to be given particular consideration by proposed activities, it is also recognised that there will be an ongoing need to gather further information on such values and/or additional areas which should be protected.

## **17.3 Water Quality**

The following methods primarily implement the policies in the Water Quality chapter, but they may also relate to other policies in the Plan.

### **17.3.1 Consultation with Territorial Authorities**

Environment Waikato will consult with territorial authorities and Transit New Zealand to determine how the adverse effects of stormwater, leachates and other urban wastewater run-off can be avoided, remedied or mitigated, and where necessary to encourage the adoption of alternative (e.g. green engineering) methods for managing stormwater with territorial authorities to ensure:

- i) sewage and rubbish disposal facilities, for both commercial and recreational ships, are provided in busy areas; and
- ii) facilities are available for the disposal of contaminants associated with the operation or maintenance of ships.

**Principal Reasons for Adopting:** Urban waste water run-off, leachates and stormwater discharges are major contributors to the degradation of water quality in the CMA. While it is a practicable and simple management solution to discharge into the CMA, there may be significant effects from sediment and contaminants entering waterways from land and roads as well as from undesirable substances being poured down drains. Enhancing water quality in the CMA needs to be achieved through integrated management with territorial authorities.

Rubbish disposal and pump out facilities are also important in ensuring people do not dispose of their litter into the CMA.

### **17.3.2 Management of Ballast Water**

Environment Waikato will liaise with other regional councils and appropriate Government departments to ensure it is kept informed on the research and proposed management regime for ballast water, particularly in relation to its discharge within the CMA.

**Principal Reasons for Adopting:** Currently there are voluntary guidelines for ships in New Zealand waters which have been developed by an inter-governmental working party on Ballast Water. In addition, Ministry of Fisheries released a discussion document entitled "Minimising the Risk of Introducing Exotic Marine Organisms into

New Zealand via Ships' Operational Procedures". (A summary of submissions on this document is currently being considered from a national perspective). It is therefore important that Environment Waikato is aware of international and national progress on this issue.

### **17.3.3 Oil Spill Plans**

Environment Waikato will consult with oil industry suppliers to the CMA to ensure that, where oil or petrol is transferred from land to sea, that Tier 1 Oil Spill site plans are developed in accordance with regulations under the Maritime Transport Act, 1994. These plans are required to be approved by the Regional Council.

**Principal Reasons for Adopting:** Under the Maritime Transport Act, there is a framework of national, regional and local tier plans required to deal with potential oil spills. This method identifies the need for consistency between the RMA and the Maritime Transport Act.

### **17.3.4 Gathering Further Information**

Environment Waikato will gather further information, including base-line data on the Region's water quality against which any future changes can be measured and appropriate classification standards developed if necessary.

**Principal Reasons for Adopting:** Unless there is frequent and comprehensive monitoring of water quality, degradation will not be detected. At present there is a lack of baseline data on water quality.

### **17.3.5 Review of Existing Discharge Permits**

Once the Plan has become operative, Environment Waikato will review all permits to discharge a contaminant into water in the CMA, and where the standards set by the Rules in this Plan are not being met, the conditions of the permits will be reviewed in accordance with s128 and s132 of the RMA. Environment Waikato will also identify areas where discharges occurring above Mean High Water Springs are resulting in adverse effects in the CMA, and seek to have these effects remedied by working with territorial authorities or through the Waikato Regional Plan(s).

**Principal Reasons for Adopting:** Under s128-s132 of the RMA, Environment Waikato may review the conditions placed on consents. Consultation and discussion with consent holders regarding water quality may enable serious sources of pollution to be remedied prior to the expiry of existing consents. In addition, those discharges which occur above Mean High Water Springs but impact on the CMA will need to be addressed jointly. Refer also to Policy 5.1.4 of the NZCPS.

### **17.3.6 Stormwater Liaison**

Environment Waikato will work in conjunction with territorial authorities to promote the development of stormwater management plans to ensure the best practicable option is used to manage stormwater from the coastal environment, and to assist in educating people about rubbish and other discharges entering the stormwater systems.

**Principal Reasons for Adopting:** Management of stormwater is primarily a territorial authority responsibility. However where the discharge enters the CMA, the regional council is responsible for the discharge. Thus there is a need for the councils to work together to ensure the water quality in the CMA is managed appropriately.

### **17.3.7 Consultation with Boating Interests**

Environment Waikato will encourage boat owners, boating organisations and clubs, and the boating industry to:

- i) use antifouling paints which are non-toxic to marine organisms

- ii) promote ship maintenance and cleaning practices which will not result in toxic or harmful substances entering the water of the CMA
- iii) introduce sewage holding tanks and/or on-board chemical treatment facilities for all ships which provide accommodation or are used for overnight stays
- iv) refrain from discharging sewage into estuaries or harbours
- v) utilise land-based sewage and rubbish collection facilities.

**Principal Reasons for Adopting:** As ships cumulatively create diffuse pollution in the CMA, the above points are important in maintaining water quality. Consultation with boating parties is an important complementary method to regulation.

### 17.3.8 Marine Farming

Environment Waikato will recognise the importance of water quality to marine farming and seek to protect farms from any new direct discharges. The cumulative effects of marine farms on water quality will also be considered.

**Principal Reasons for Adopting:** High water quality is important to the successful operation of marine farms. Applications for new discharges will be looked at in terms of potential effects on the water quality in the vicinity of marine farms. The effects of marine farming on the quality of coastal water are unknown. The cumulative effects of marine farms on water quality must therefore be monitored.

### 17.3.9 Regional and District Plans

Environment Waikato will promote the development of policies and objectives within regional and district plans to:

- i) manage river and land use activities above Mean High Water Springs
- ii) take into account the downstream effects on water quality
- iii) avoid adverse effects on existing water quality.

**Principal Reasons for Adopting:** Both direct run-off from land and discharges from river systems are major sources of pollutants in the CMA. It is therefore important that, in addition to controlling direct discharges into the CMA, Environment Waikato seeks to manage run-off from land. This may include land not directly adjacent to the CMA and may also include leachates.

### 17.3.10 Regional and District Plans

Environment Waikato will ensure the policies and objectives developed within regional and district plans for managing the damming or diversion of waters above Mean High Water Springs, takes into account the downstream effects on water quality and current patterns.

**Principal Reasons for Adopting:** The damming or diversion of water above Mean High Water Springs can have significant effects on water quality and in particular affect water flow patterns and the distribution of habitat. It is therefore important that consideration is given to the effects occurring in the CMA.

### 17.3.11 Land-Based Waste Treatment

Environment Waikato will work with territorial authorities to encourage the use of land-based waste treatment systems by jointly undertaking or supporting research into sustainable land-based treatment systems.

**Principal Reasons for Adopting:** Land-based treatment for waste is considered to be more appropriate than disposal of waste into coastal waters. Land-based treatment ensures the mauri of the water is sustained and also contributes to improved water quality which benefits all users of the CMA. Improved management systems also reduce the likelihood of contamination from leachates (from, for example, septic tanks, rubbish dumps etc).

### **17.3.12 Water Quality Promotions**

Environment Waikato will raise public awareness about water quality through educational material and by promoting appropriate land management practices and 'anti-pollution' campaigns, including information and research on alternative and new land-use practices related to reducing impacts on down stream water quality, which may ultimately effect water quality in the CMA.

Environment Waikato will also support groups interested in reducing litter and debris in the CMA.

**Principal Reasons for Adopting:** Community understanding of the issues and their effect is a pre-requisite to community involvement in solving the problem.

### **17.3.13 Disseminating Research on Water Quality**

Environment Waikato will disseminate research on alternative and new technologies related to improving the quality of any discharges to the CMA.

**Principal Reasons for Adopting:** Research undertaken, which has the potential of improving the effects of discharges on the CMA, should be distributed or disseminated to those with an interest or who would find the information useful. Although this research will not necessarily be undertaken by Environment Waikato, the organisation can fulfil the role of information provider.

### **17.3.14 Notification**

Environment Waikato will advise the relevant health authorities when it is considered that water and shellfish have been degraded to such an extent that they do not comply with guidelines for swimming, shell-fish gathering, or other activities.

**Principal Reasons for Adopting:** Notifying health authorities when significant degradation of coastal water quality has occurred will ensure that public health and safety is not put at risk. Refer also to Policy 5.1.7 of the NZCPS.

### **17.3.15 Managing Discharges within a Marina**

Environment Waikato will liaise with marina operators, territorial authorities and central Government agencies to ensure that the requirements of the Maritime Transport Act (Oil Spill Planning), Biosecurity Act (ballast, hull cleaning, and plant and marine pest issues) and the Resource Management Act (Marine Pollution Regulations) are appropriately managed within the context of a marina development. In addition focus will be given to the avoidance of waste materials in the CMA and the disposal of sewage into reticulated systems.

**Principal Reasons for Adopting:** Discharges into the CMA are managed under a range of different legislation. This method will enable liaison to occur and encourage the appropriate management of waste materials and avoidance of environmental damage from the risk of oil spills, waste, sewage and biosecurity issues.

## **17.3 Structures**

The following methods primarily implement the policies in the Structures chapter, but they may also relate to other policies in the Plan.

### **17.4.1 Consultative Approach to Historic Structures**

Environment Waikato will consult with the Department of Conservation, Land Information New Zealand, Historic Places Trust and community representatives to identify and decide on responsibilities and/or strategies for maintaining or repairing historic structures in the CMA.

**Principal Reasons for Adopting:** Historic structures need to be maintained to ensure that they are protected for future generations. It is recognised that there is overlap with the responsibilities of Environment Waikato and other agencies, therefore there needs to be a co-ordinated approach with all affected parties with respect to the repair and maintenance of historic structures.

#### **17.4.2 Establishing a Database**

Environment Waikato will establish a database of existing authorised structures which will be kept up-to-date as further structures are approved and built.

**Principal Reasons for Adopting:** At present there is limited information on existing authorised structures in the CMA. This information will be necessary to assess cumulative effects as well as providing a basis for collecting any Crown rentals that may be required in accordance with s360 of the RMA.

#### **17.4.3 Surveying the Coast**

Environment Waikato will undertake a survey of the CMA to determine what structures exist, who is responsible for them, and any other information required. As unauthorised structures are identified, person(s) responsible will be contacted to endeavour to legalise or remove these structures.

**Principal Reasons for Adopting:** At present there is not a clear perception of what structures exist around the coast and what legal status they may have. The approach outlined in this Plan will ensure consistent management of structures in the Region.

#### **17.4.4 Removal of Structures**

Where structures have been identified as being not lawfully established, unsafe and/or derelict and causing adverse environmental effects in the CMA, Environment Waikato will:

- i) require the owner to remove them; or
- ii) remove them at the owner's expense; or
- iii) where the owner is unidentifiable, arrange for removal at the expense of Environment Waikato and/or the Crown

unless the removal is not practicable, the structure is an identified historic resource, its removal adversely affects an identified historic place or area, or removal will have greater adverse effects on the CMA than leaving the structure in place.

**Principal Reasons for Adopting:** The removal of derelict or unsafe structures where there are resultant adverse effects on the environment of the CMA, will ensure that the environment is protected from future degradation as well as ensuring that such structures do not cause future safety problems for other users in the CMA. In addition, the removal of these structures will improve amenity values.

#### **17.4.5 Notification of Structures and Works**

Environment Waikato will ensure that the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy are notified when a coastal permit is granted for a new structure or work in the CMA and when that structure or work is completed.

**Principal Reasons for Adopting:** This method gives effect to Policy 5.1.4. Because a resource consent may not be given effect to immediately, it is considered necessary for notification to occur upon completion of the structure or work, as well as at the time consent is given.

## 17.5 Marine Farming

### 17.5.1 Support for Good Management Practices

Environment Waikato will consult with the marine farming industry on environmental issues relating to marine farming and will advocate industry initiatives that avoid, remedy or mitigate adverse environmental effects, including the development and implementation of industry codes of practice and the promotion of other good management practices. Environment Waikato will also promote a consistent and co-operative approach amongst marine farm operators to the management of lighting, other navigational marking and environmental monitoring where multiple marine farms are located in one particular area.

**Principal Reasons for Adopting:** Industry initiatives, such as the preparation of codes of practice, encourage the adoption of good management practices by industry members. These codes are voluntary and are designed to make farmers and operators more aware of the environmental effects of their activities, and to encourage farmers to take more responsibility for addressing adverse effects. This method supports the rules in the Plan controlling the adverse environmental effects of marine farming. In addition, supporting such initiatives is consistent with the provisions of the RMA.

### 17.5.2 Coastal Tendering Regime

Environment Waikato will use tendering, as provided for by section 165E of the RMA, to allocate any undeveloped space in the marine farming zone identified in Map 11 in Appendix III of the Plan. This will apply when a coastal permit has lapsed, or when a coastal permit has expired and no application has been lodged to replace it, and environmental monitoring has shown that there will be no adverse effects from the development of the space.

**Principal Reasons for Adopting:** The RMA provides for coastal tendering (section 165E) to be adopted as the default allocation method for marine farming space. At present there is a high demand for coastal space on the western coast of the Coromandel Peninsula for the establishment of new longline marine farms. A zone has been identified for further marine farm development (Map 11 in Appendix III of the Plan) on the west coast of the Coromandel Peninsula. Because there is only a limited amount of space available within these areas and there is potential for competing applications to be received for this space if an area becomes eligible for re-allocation (i.e. if the conditions on the coastal permit cannot be met, or if the coastal permit has expired and no application has been lodged to replace it), a coastal tendering regime would provide for the efficient allocation of this space among competing applicants. The efficient use and development of resources is consistent with s7(b) of the RMA.

#### 17.5.2A Allocation of Space within the Coromandel Marine Farming Zone

Authorisations to apply for a resource consent within the Coromandel marine farming zone will be allocated in two ways, as settlement assets and by a weighted attribute tender process.

The Waikato Regional Council will not allocate any of the Coromandel marine farming zone, until 20% of space within the zone has been declared by notice in the *Gazette* to be an aquaculture settlement area or areas under the Maori Commercial Aquaculture Claims Settlement Act 2004.

The remaining space within the Coromandel marine farming zone will then be allocated to industry by weighted attribute tendering.

The weighted attribute tender process will use criteria that will include, but are not limited to, the following:

1. The extent to which the tender proposal achieves the purpose of the Coromandel marine farming zone consistent with Policy 6.1.1D.
2. Promotion of the sustainable management of natural resources.
3. Contribution to the economic and social wellbeing of the region and country.
4. Environmental management practices of the applicant.
5. Monetary contribution.

Authorisations are not transferable unless the authorisation is a settlement asset.

**Principal Reasons for Adopting:** The Crown has an obligation under the Maori Commercial Aquaculture Claims Settlement Act 2004 to provide 20% of space in the Coromandel marine farming zone to Māori for settlement purposes, and has advised that it intends to declare a representative 20% of the zone to be an aquaculture settlement area or areas. This will prevent the Council from granting any authorisation to industry to apply for a resource consent within that space. The remaining space will be allocated by weighted attributes tendering. It is important that this space is used well and benefits accrue to the local, regional, and national economies and social wellbeing. For these reasons, the attributes used to select an appropriate applicant to carry out marine farming in the zone will be weighted towards those benefits. Obtaining an authorisation to apply does not guarantee the granting of a consent. The holder of an authorisation must complete the normal consent application process. An authorisation granted under this method cannot be transferred and will lapse after two (2) years (unless the authorisation is a settlement asset) if no consent application is lodged (refer to section 165T of the RMA). Any consent granted to the holder of an authorisation can be transferred, subject to any restriction imposed as a condition of the consent.

### 17.5.3 Staged Development of Marine Farms

The allocation of space for marine farm lots within the Wilson Bay marine farming zone identified in Map 11 (Appendix III of the Plan) will take place in two stages as follows:

- i) Firstly, 200 farmed hectares in Area 'A' and 260 farmed hectares in Area 'B', shall be allocated.
- ii) Secondly, once Area A has been significantly developed<sup>28</sup> and it has been demonstrated that there are no significant adverse environmental effects from the development, then a further 200 farmed hectares in Area 'A' shall be allocated; and once Area 'B' has been significantly developed<sup>29</sup> and it has been demonstrated that there are no significant adverse environmental effects from the development, then a further 260 farmed hectares in Area 'B' shall be allocated.

As part of the staged development approach, Environment Waikato will require marine farmers to undertake an environmental monitoring programme to identify the trigger points which could result in the restriction of further development. This monitoring programme shall be developed in conjunction with Environment Waikato and marine farmers, and shall be reviewed at regular intervals and/or when adverse environmental effects need to be addressed. Consent holders will be expected to contribute significantly towards the costs associated with any monitoring required under this programme.

**Principal Reasons for Adopting:** This method provides for the staged development of marine farms on the western coast of the Coromandel Peninsula. By opening up the space available for marine farming on this coast in different stages, Environment Waikato is adopting a precautionary approach to marine farm development, i.e. some development can take place, while recognising the need to take account of the cumulative effects and any other environmental issues associated with the large scale

<sup>28</sup> For the purpose of this method, "significantly developed" means 75% of the total area of Area 'A' developed with marine farm structures; or if this is not achievable, a hectarage of Area 'A' as agreed by Council which appropriately reflects any environmental, economic or technological constraints in the overall development of the area.

<sup>29</sup> For the purpose of this method, "significantly developed" means 75% of the total area of Area 'B' developed with marine farm structures; or if this is not achievable, a hectarage of Area 'B' as agreed by Council which appropriately reflects any environmental, economic or technological constraints in the overall development of the area.

block development of marine farms. Therefore, a staged approach to marine farm development is closely linked to the need for detailed environmental monitoring to be undertaken. Further marine farm development will be dependent on whether or not there are adverse environmental effects from the first stage of development.

**Advisory Note:**

- The term “farmed hectares” refers to the area of water space granted for marine farming purposes, but excludes the 75 metre accessway spaces provided between each individual marine farm.

### **17.5.4 Information Gathering - Marine Farming**

Environment Waikato, in conjunction with marine farm applicants and farmers, will gather further information, including base-line data, on marine farming in the Region and its environmental effects (including cumulative effects), to support further policy development and resource consent decision making in relation to marine farm development. This information will also be used to monitor the sustainability of the marine farms within the Firth of Thames. This information will include, but will not be limited to, the effects on natural coastal processes (e.g. currents, hydrodynamic regimes, sediment transport processes and nutrient cycling processes), natural character, benthic communities, marine ecology, habitats of native flora and fauna and coastal water quality, and will be relevant not only to the marine farm site, but also to the potential impacts on the wider geographical area.

Environment Waikato will also encourage the dissemination of results from relevant research projects undertaken by various agencies/groups to all parties who have responsibilities for managing marine farming.

**Principal Reasons for Adopting:** There is currently limited information on marine farming and its effects on the Region’s coastal marine area. In particular, very little is known about the cumulative adverse effects of marine farms on the functioning of natural coastal processes and marine ecosystems over wider geographical areas, e.g. the Firth of Thames. The sustainability of the Firth of Thames ecosystems is also critical. This Method is linked to Method 17.5.3, requiring sufficient monitoring to be undertaken to ensure any adverse environmental effects are identified and appropriately analysed. Research projects undertaken by other agencies and organisations, coastal permit applications, and monitoring programmes can be a valuable source of information. A collaboration of efforts from different agencies/groups will help co-ordinate and focus the projects undertaken and the resources required. This is consistent with NZCPS Policy 3.3.2. Information gathering is important for future policy development and decision making, determining the cumulative effects of marine farms on the environment, and encouraging the further development of good management practices and methods for achieving the long-term sustainability of the industry.

### **17.5.5 Integrated Management Between Agencies**

Environment Waikato will consult with:

- i) Territorial authorities concerning adequate land based servicing facilities for marine farms, including unloading requirements and vehicle access. The use of joint hearings will be promoted when marine farm applications require resource consents for associated activities on land.
- ii) Adjoining regional councils concerning cross-boundary issues and the sharing of information to achieve integrated management
- iii) Maritime New Zealand to ensure that all navigation safety requirements are met.
- iv) Ministry of Fisheries and marine farming industry representatives regarding:
  - a) the potential adverse effects on feral shellfish stocks from marine farm development
  - b) the links between resource management and fisheries management issues

- c) the development and likely environmental effects of new forms of marine farming
- d) the sharing of monitoring information.
- v) Health Waikato to ensure the Public Health Unit are informed of all new marine farm applications in the Region, and to encourage the sharing of monitoring information.
- vi) Department of Conservation to ensure the Department is informed of all new marine farm applications received.
- vii) Transit New Zealand to ensure consultation is undertaken where marine farm applications have roading, access and transportation issues associated with them.

**Principal Reasons for Adopting:** These agencies all have different responsibilities relating to marine farming. To ensure an integrated and consistent approach to marine farm development and management, it is essential that consultation and liaison with these agencies takes place. The use of joint hearings allows for marine farming activities and associated adverse effects above and below the line of MHWS to be dealt with consistently.

Health Waikato is responsible for assessing the suitability of areas for the cultivation of shellfish from a public health viewpoint, and undertakes regular water quality monitoring in marine farming areas. Sharing of information between the various agencies that have responsibilities linked to marine farming should reduce unnecessary monitoring overlaps.

### **17.5.6 Marine Farming Forum**

Environment Waikato will facilitate and promote the development of a marine farming forum between key parties involved in marine farming development and management to ensure a strategic approach is taken to address issues of concern.

**Principal Reasons for Adopting:** There are a number of different parties with responsibilities linked to marine farming or with interests in marine farming (e.g. territorial authorities, Regional Council, Maritime New Zealand, Ministry of Fisheries, Department of Conservation, Health Waikato, Transit NZ, industry representatives, tangata whenua, marine farm operators and other relevant parties, e.g. adjacent coastal landowners). This method acknowledges the benefits of involving these parties in the management of marine farming and in addressing strategic issues related to marine farming, and provides the opportunity to establish a forum to discuss these matters and help decide on directions to be taken. This method will assist in allowing for marine farming activities and any associated effects above and below the line of MHWS to be dealt with consistently.

### **17.5.7 Hearing Commissioners**

Environment Waikato will seek appointment of an appropriate representative(s) of local tangata whenua to assist as a commissioner(s) in the decision making process on any coastal permit consent hearings.

**Principal Reasons for Adopting:** Consistent with sections 6(e), 7(a), 8, and 34(3) (delegation of functions to hearings commissioners) of the Resource Management Act 1991, this method provides an opportunity for tangata whenua to be a part of the decision making process in respect of coastal permit applications.

### **17.5.8 Lighting Management**

Environment Waikato expects marine farms to be lit appropriately at all times. Appropriate lighting will be defined in conjunction with Maritime New Zealand. Environment Waikato shall manage lighting requirements as follows:

- i) New farms located in the Wilson Bay and Coromandel marine farming zones shall be required to have a comprehensive lighting plan, which will light each area within the zone. This plan will be required to be approved by Maritime New Zealand. Consent holders shall have a joint responsibility for managing the lighting (including funding and maintenance). In this respect the joint group of consent holders shall advise Environment Waikato of the contact person who shall respond immediately to any lighting complaints.
- ii) Current farms located in the marine farming zone shown in Map 11 which have coastal permits under the Resource Management Act 1991, shall be required to reconsider their lighting plan and ensure that it is appropriate to the zone location. A review of the consent conditions may be required to ensure this occurs. Any change to the lighting shall be required to be approved by Maritime New Zealand. Current consent holders shall have a joint responsibility for managing the lighting (including funding and maintenance). In this respect the joint group of consent holders shall advise Environment Waikato of the contact person who shall respond immediately to any lighting complaints.
- iii) With respect to current farms (as defined under Rule 16.5.3) which are deemed to have resource consents by the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, Environment Waikato will review the conditions of these deemed consents to ensure that appropriate lighting is provided.
- iv) The organisers of any night boating event in the vicinity of any marine farm shall provide the location (in latitude and longitude) of all marine farms in the vicinity to all of the participants in the event. Consent holders or their lighting contractors given adequate prior notice of any night boating event by the organisers, shall ensure that a check is undertaken on the lighting on any marine farm, spat catching buoys, fish aggregation devices, or shellfish research purpose structures in the vicinity of the proposed event and will provide an oral or written assurance to the organiser of that event that all such lighting is working.
- v) Where non-compliance with any lighting consent conditions occurs, Environment Waikato reserves the right to arrange to repair the lights and duly charge the consent holders for this service, or take other enforcement actions as provided under the Resource Management Act 1991.
- vi) Environment Waikato will forward a copy of any resource consent application for any marine farm structure to the Minister of Transport<sup>30</sup> and take into account any report submitted by the Minister on any navigation related matters, including any conditions which the Minister considers should be included in the consent. Should the Minister of Transport not submit a report, Environment Waikato shall ensure that the marine farm structure is marked in accordance with the most current and/or relevant buoyage and beaconage requirements of Maritime New Zealand.

**Principal Reasons for Adopting:** It is recognised that the current management regime for lighting of marine farms is inappropriate for the Wilson Bay and Coromandel marine farming zones. The zone will require a joint approach to the layout and management of the lighting to ensure that a clear navigation signal is given, and a confusion of lights avoided. Lack of lighting is a significant hazard for boats navigating at night. It is therefore desirable for all marine farms to be required to meet consistent lighting requirements. The need for integrated management between the different agencies involved is also recognised.

## 17.5.9 Inshore Passage at Wilson Bay

Environment Waikato will seek the removal of all farms between Area 'A' of the marine farming zone (as identified in Map 11 in Appendix III of the Plan) and the line of Mean High Water Springs. In the first instance, Environment Waikato will pursue the revocation of the MAF licence and coastal permit for these farms. In the event that this is not legally possible, the resource consent and licence holders in the area shall be offered the option of applying for a coastal permit (at a lesser number of farmed hectares) in accordance with Rule 16.5.4 to re-locate into Area 'A'. If a coastal permit

<sup>30</sup> In accordance with section 395 of the Resource Management Act 1991

is not issued to the incumbent consent/licence holders within 2 years from the date on which Council releases its decisions on the proposed Marine Farming Variation to the Regional Coastal Plan for Waikato, then the area shall be made available for application to other interested parties by using coastal tendering.

**Principal Reasons for Adopting:** There are currently two marine farms in the area between Area 'A' of the Wilson Bay marine farming zone and Mean High Water Springs. The preference is to protect this area from marine farm development to provide for natural character, amenity values and navigation safety purposes. Rule 16.5.6 prohibits any new marine farms from being located in this area, thus the two existing farms in this area would not be able to renew their existing resource consent/licence. Therefore, Council wishes to proactively promote an alternative solution for these marine farms. By requiring the existing resource consent/licence holders to apply for a coastal permit under Rule 16.5.4, these farms will be subject to the same requirements as the other new farms established in the marine farming zone.

## 17.6 Foreshore and/or Seabed Disturbances

The following methods primarily implement the policies in the Foreshore and/or Seabed Disturbances chapter, but they may also relate to other policies in the Plan.

### 17.6.1 Recreation Events above Mean High Water Springs

Environment Waikato will consult with territorial authorities to ensure recreational events are authorised and approved, and vehicle access to the foreshore is used. Environment Waikato will particularly seek, in conjunction with hazard management issues, to ensure vehicles do not destroy dune vegetation. Management should be consistent above and below Mean High Water Springs.

**Principal Reasons for Adopting:** In general, recreational events have minimal adverse effects on the foreshore. Such activities usually occur above Mean High Water Springs and are therefore managed by territorial authorities. There is also wide concern about vehicle damage to dunes. Consultation between district and regional councils in this instance will ensure greater efficiency. Vehicle access is the responsibility of both the territorial authority and Environment Waikato and integrated management is therefore important.

### 17.6.2 Consultation with the Ministry of Fisheries

Environment Waikato will consult with the Ministry of Fisheries to promote the use of fishing methods which minimise adverse effects on the seabed.

**Principal Reasons for Adopting:** Some fishing methods have an adverse effect on the seabed, for example, scallop dredging. Environment Waikato will consult with the Ministry of Fisheries to promote the use of new technologies that have less harmful effects on the seabed.

### 17.6.3 Damage to Margin Habitats from Livestock and Horses

Environment Waikato will consult with and encourage local authorities to prevent damage to dune areas and other fragile margin habitats from livestock and horses.

**Principal Reasons for Adopting:** Livestock and horse grazing and trampling can cause extensive damage to dune vegetation, mangroves and other important transition zones. Trampling and grazing can also lead to erosion and the degradation of the physical and biological functioning of beach systems.

#### **17.6.4 Beach Wardens**

Environment Waikato will consult with territorial authorities over the option for appointing beach wardens in areas where there are conflicts between different users of the CMA.

**Principal Reasons for Adopting:** Beach wardens would provide for 'local' contact between beach users, local communities, territorial authorities and Environment Waikato, and could assist in implementing the directions of this Plan.

#### **17.6.5 Dune Management**

Environment Waikato will consult with and encourage territorial authorities to manage dune systems in a way which would also contribute to meeting this Plan's objectives relating to hazard management, natural character and coastal processes, water quality, public access and the protection of historic and cultural sites and values.

**Principal Reasons for Adopting:** Dunes act as buffer zones between land and sea, absorbing the force of waves, particularly during storms. They also filter run-off from the land, thereby protecting the water quality of the CMA. Many specialised plants and animals live in this dynamic zone. Inappropriate use and development can adversely affect the functioning of dunes. Effective management of dunes is therefore important in protecting the functioning and resilience of this buffer zone between land and sea, and protecting the natural character and indigenous species of the coastline. Designated walkways and access ways for boats, vehicles, and horses provide public access to the foreshore while encouraging the protection of fragile vegetation and historical and culturally important sites. There is high public opposition to vehicles in fragile areas such as dunes.

#### **17.6.6 Cross-Boundary Effects**

Where there are cross-boundary effects as a result of disturbances to the foreshore or seabed, Environment Waikato will seek to hold joint hearings with territorial authorities and/or other regional councils.

**Principal Reasons for Adopting:** Because many activities which take place in the CMA have effects on the landward side of Mean High Water Springs, and many activities which take place on land have effects in the CMA, it is important that both the regional and the territorial authorities are represented at any hearings of this nature.

#### **17.6.7 Information Requirements**

Environment Waikato recognises that there is limited information available on the effects of disturbances to the foreshore or seabed. The onus will therefore be on the applicants to provide appropriate levels of information on potential effects and to monitor for any future trends or effects which may occur.

**Principal Reasons for Adopting:** Under the RMA, the onus is placed on applicants to ensure adequate levels of information are provided both when applying for resource consents and following implementation of their activity (i.e. monitoring information). Information supplied by applicants will be added to the Environment Waikato database.

### **17.7 Natural Hazards**

The following methods primarily implement the policies in the Natural Hazards chapter, but they may also relate to other policies in the Plan.

#### **17.7.1 Consultation with Other Agencies**

Environment Waikato will consult with other councils and research agencies to promote research relevant to the assessment of coastal hazard risk.

**Principal Reasons for Adopting:** There are a number of research areas fundamental to the assessment of coastal hazards. Encouraging further research in these areas will help improve the assessment of coastal hazard risks.

### **17.7.2 Guidance on Assessment Methodology**

Environment Waikato will provide guidance to other councils and applicants on appropriate methodologies for the assessment of coastal hazard risk.

**Principal Reasons for Adopting:** There is currently a wide range of methodologies used for assessing coastal hazard risk. Environment Waikato will provide guidance on which methodologies are appropriate for use in respect of this Region's coast.

### **17.7.3 Development of Hazard Management Strategies**

In developing hazard management strategies, Environment Waikato will work with territorial authorities, iwi, communities and other relevant parties to:

- i) identify coastal hazards and assess hazard risk
- ii) identify and assess management options
- iii) develop and implement a plan of action
- iv) monitor and evaluate the effectiveness of the strategy.

**Principal Reasons for Adopting:** Integrated management, involving all relevant parties working through the above steps, is essential to effective management of coastal hazard risks. Such strategies will enable localised issues to be dealt with on a case-by-case basis.

### **17.7.4 Appropriate Management Options**

In managing hazard risks, Environment Waikato will emphasise:

- i) proactive management of hazard risk by the avoidance of hazard risks
- ii) the use of district planning controls to restrict new or further development in areas of potential hazard risk
- iii) the use of measures which will protect and/or enhance natural buffers between coastal development and the sea
- iv) the avoidance of hazard management options which adversely affect public access and coastal values, in particular shoreline armouring works.

**Principal Reasons for Adopting:** Community consultation is critical in the management of hazard risk. Managing the interface between the coast and land also requires an integrated management approach with territorial authorities. The above options will most effectively avoid or mitigate hazard risk while protecting public access and coastal values. Soft engineering options such as beach nourishment or set back zones recognise that structures can not only interfere with wave patterns and sand transport, resulting in additional or transferred problems of erosion or accretion, but can also have adverse effects on natural character.

### **17.7.5 Consultation with Territorial Authorities**

Environment Waikato will assist territorial authorities with technical support as appropriate, including advice on applications for subdivision, use or development in and on land adjacent to hazard risk areas, and advice on the proposed avoidance and/or mitigation measures.

**Principal Reasons for Adopting:** Territorial authorities will have a primary role in consent applications in hazard risk areas. However, as it is a joint responsibility, Environment Waikato will provide advice to applicants and staff of territorial authorities.

### 17.7.6 Natural Hazards Awareness

Environment Waikato will raise awareness of the natural coastal hazards that can affect the Waikato Region, and promote community involvement in protecting buffer zones.

**Principal Reasons for Adopting:** Public awareness and involvement in coastal hazards, the associated risks and mitigation measures will assist in the management of coastal subdivision, use and development.

### 17.7.7 Identification of Vulnerable Areas

Environment Waikato will, where appropriate, undertake investigations in conjunction with territorial authorities to assess areas vulnerable to coastal hazard risk.

**Principal Reasons for Adopting:** There are a number of near-shore areas which have been developed, and for which there is insufficient information available to enable effective hazard management. It is appropriate for Environment Waikato to undertake this work in order to comprehensively manage coastal hazard risk.

### 17.7.8 Adoption of Precautionary Approach

Environment Waikato will take a precautionary approach in assessing hazard risks of applications to subdivide, use or develop the CMA, and will encourage territorial authorities to adopt a precautionary approach when assessing applications for near-shore subdivision, use and development.

**Principal Reasons for Adopting:** Applications to use or develop the CMA may potentially involve coastal hazard risks, and therefore should be assessed using a precautionary approach. As territorial authorities are primarily responsible for activities above Mean High Water Springs, it is important decisions are made based on a precautionary approach which takes into account our lack of knowledge of the coast and the possibility of sea level rise.

### 17.7.9 Protection of Natural Features

Environment Waikato will consult with the Department of Conservation and territorial authorities to ensure natural features that provide a buffer against natural hazards are protected and restored. Provision must be made for possible landward migration of features e.g. dunes and wetlands.

**Principal Reasons for Adopting:** Such 'buffering' features occur above and/or below Mean High Water Springs, therefore requiring co-ordination between organisations. It is important to leave undeveloped areas between land development and the sea to accommodate possible landward migration of dune and wetland systems, should a rise in sea level occur.

## 17.8 Public Access

The following methods primarily implement the policies in the Public Access chapter, but they may also relate to other policies in the Plan.

### 17.8.1 Provision of Service Facilities

Environment Waikato will advocate to territorial authorities and the Department of Conservation for the provision of service facilities in heavily used areas of the coast, including the appropriate identification of access ways to the beach, and other public signage.

**Principal Reasons for Adopting:** To ensure the coast is not degraded through public use, it is important that such facilities are provided. This service delivery role above

Mean High Water Springs is the responsibility of territorial authorities. Where there are impacts in the CMA which could be addressed by the provision of land-based services or facilities, such as toilets and rubbish bins, Environment Waikato will advocate to territorial authorities for the provision of appropriate services or facilities. The provision of signs at key points where people access the CMA is appropriate for conveying important information for safety purposes and for protecting the foreshore from inappropriate uses. However it is considered that these signs are more appropriately located outside the CMA.

### **17.8.2 Consultation with Territorial Authorities**

Environment Waikato will consult with territorial authorities to ensure that any near shore subdivision, use or development does not restrict public access, unless such a restriction is necessary, and that public access is provided to as much of the foreshore of the coast as possible.

**Principal Reasons for Adopting:** Because territorial authorities control subdivision and development above Mean High Water Springs, it is through them that Environment Waikato must advocate the retention of public access. Any restrictions on access to these areas implemented by Environment Waikato would apply only to the CMA. Situations where restrictions on public access may be necessary are set out in Policy 3.5.1 of the NZCPS.

### **17.8.3 Consultation with Department of Conservation and Local Communities**

Environment Waikato will, in conjunction with the Department of Conservation and local communities, identify areas of significant flora and fauna and other sensitive areas which require protection (including seasonal protection for breeding etc) and seek to protect these areas by limiting access to them.

**Principal Reasons for Adopting:** Although access to the coast must be maintained, there are times when this may compromise flora and fauna. This may be because the area supports sensitive or rare species, or it may simply be at certain times of the year (for example during breeding seasons). Any restrictions on access to these areas implemented by Environment Waikato would apply only to the CMA.

### **17.8.4 Protection of Iwi Values**

Environment Waikato will work with iwi to identify those areas of the coast which may need to have public access limited, to protect significant iwi values that are vulnerable to disturbance.

**Principal Reasons for Adopting:** Iwi values such as urupa may require public access to be limited to ensure the values are protected from adverse effects.

### **17.8.5 Promotion of Walkways**

Environment Waikato will consult with other resource management agencies, including the Department of Conservation and territorial authorities, to promote reserves and walkways in the coastal environment.

**Principal Reasons for Adopting:** Although walkways and reserves provide for public access to the coastal environment, the provision of such facilities, above Mean High Water Springs, are the responsibility of territorial authorities and the Department of Conservation. It is recognised that the promotion of reserves or walkways would also require extensive consultation with land owners and communities, and the goodwill of property owners.

## 17.8.6 Consultation with Territorial Authorities and Local Communities

Environment Waikato will consult with territorial authorities and local communities to identify areas where public access should be enhanced and to ensure suitable access ways are provided.

**Principal Reasons for Adopting:** In accordance with Policy 3.5.2 of the NZCPS, Environment Waikato and territorial authorities have a role to ensure public access is enhanced to and along the CMA. Designated access ways assist in protecting sensitive habitats such as shellfish beds, vegetation, dunes and estuaries.

## 17.8.7 Esplanade Reserves

Environment Waikato will advocate to territorial authorities to establish esplanade areas along the margin of the CMA, to protect conservation values, enable public access, or enable public recreational use.

**Principal Reasons for Adopting:** Territorial authorities control subdivision and development above Mean High Water Springs. When land adjacent to the sea is being subdivided or reclaimed, an esplanade reserve or strip is usually vested in the territorial authority.

## 17.8.8 Strategic Approach to Public Access

Environment Waikato will seek to work with local authorities and other agencies to develop a strategic approach to managing subdivision, use and development pressures on public access in the coastal environment.

**Principal Reasons for Adopting:** Public access pressures on coastal areas can be cumulative and can lead to adverse effects on the coastal values people hold for that area. An integrated approach is required to address this issue across the boundary of Mean High Water Springs by ensuring the regional and district plans are complementary.

# 17.8 Air Quality and Noise

The following methods primarily implement the policies in the Air Quality and Noise chapter, but they may also relate to other policies in the Plan.

## 17.9.1 Management of Air Quality

Environment Waikato will undertake further research on air quality and ensure that any management of air quality is consistent above and below Mean High Water Springs.

**Principal Reasons for Adopting:** At present there is limited information available about air quality and its management in the CMA. Environment Waikato will therefore undertake more research in this area and will co-ordinate it with management of air quality above Mean High Water Springs.

## 17.9.2 Integrated Management of Noise Emissions

Environment Waikato will consult with territorial authorities in order to manage noise emissions in an integrated manner across Mean High Water Springs.

Environment Waikato will consult with the Maritime Safety Authority in respect of launch wardens undertaking a noise management role, in accordance with the requirements of the Water Recreation Regulations.

**Principal Reasons for Adopting:** Noise emissions occur in local areas. Noise should therefore be managed in as consistent manner as possible above and below Mean High Water Springs, and controls implemented at a local level.

### **17.9.3 Determination of Excessive and Reasonable Noise Levels**

Environment Waikato will consult with territorial authorities, other relevant agencies and the public to determine appropriate noise level standards for the CMA.

**Principal Reasons for Adopting:** The threshold of acceptable noise in different areas of the coast will depend on the sensitivity of those areas. The requirement under s327 of the RMA, that excessive noise levels be reduced to a 'reasonable level', needs to be defined on a case-by-case basis. This will be done by liaising with relevant agencies and communities.

### **17.9.4 Management of Noise**

Environment Waikato will undertake further research on noise thresholds in the CMA, and determine appropriate standards which would meet amenity and faunal values.

**Principal Reasons for Adopting:** At present there is limited information available on noise emissions in the CMA. More research in this area is required to establish practicable levels and ensure integration with territorial authorities.

## **17.10 Surface Water Activities**

The following methods primarily implement the policies in the Surface Water Activities chapter, but they may also relate to other policies in the Plan.

### **17.10.1 Support for Launch Wardens**

Environment Waikato will consult with the Maritime Safety Authority concerning:

- i) continued support for honorary wardens
- ii) joint education projects with respect to surface water activities, covering both Resource Management Act and Harbours Act issues.

**Principal Reasons for Adopting:** The system of local honorary launch wardens is used to implement the Water Recreation Regulations. These wardens play a critical role in managing conflicts between users and could also have a significant education role on other resource issues.

### **17.10.2 Consultation with Local Communities**

Environment Waikato will, in consultation with local communities, identify local areas which require protection from the effects of surface water activities and determine appropriate solutions in order to avoid conflicts.

**Principal Reasons for Adopting:** Managing surface water activities is logically undertaken in conjunction with local communities which have the experience of the different uses and the potential conflicts with other users and/or the environment.

### **17.10.3 Development of Harbour Plans**

Environment Waikato will prepare Harbour Plans, in conjunction with tangata whenua, key stakeholders and community members, which identify appropriate use, development and protection of harbours and estuaries, taking into account for example, the following:

- Compatibility and conflicts between users of the CMA.
- Linkages with land based facilities and development.
- The relationship tangata whenua as Kaitiaki have with their identified ancestral taonga such as water, waahi tapu and kaimoana.
- The maintenance and enhancement where practicable of natural character, amenity, ecological values and public access.

- The need to minimise impacts on coastal processes.
- Social, economic, cultural and recreational aspirations of the local and regional community.
- The cumulative effects of use and development on estuaries and harbours from a strategic, region wide perspective.
- Safeguarding the life supporting capacity of ecosystems.
- Availability of information and the need to make information-based decisions regarding ecological and coastal processes.

**Principal Reasons for Adopting:** Holistic planning for use, development and protection in harbours and estuaries would ensure that the social, economic, cultural and recreational aspirations of tangata whenua and the regional community are met. Cumulative effects of use and development on estuaries and harbours will be better avoided, remedied or mitigated through a comprehensive and proactive planning process. An integrated approach involving the community, tangata whenua and other management agencies such as Territorial Authorities will assist in strategic planning. Once prepared the content of these Plans may be implemented as a change or variation (as per the First Schedule of the RMA) to the Regional Coastal Plan or the Navigation Safety Bylaw. The timing and priority of such plans would be set through the annual planning process.

NB: Harbour Plans will need to also take into account the Environment Waikato Navigation Safety Bylaw as prepared under the Local Government Act 1974.

## 17.11 Cross-Boundary Management

The following methods primarily implement the policies in the Cross-boundary Management chapter, but they may also relate to other policies in the Plan.

### 17.11.1 Plan Integration

Environment Waikato will advocate the resource management directions of this Plan when:

- i) other regional plans are being developed by both this and other Councils
- ii) district plans are being developed and/or reviewed
- iii) activities outside the jurisdiction of the Plan, including land use and resource consents, have the potential to impact on the CMA.
- iv) iwi authorities are developing iwi planning documents and environmental policies.

**Principal Reasons for Adopting:** Issues that cross boundaries need to be managed so that adverse effects on the CMA are recognised and addressed. Environment Waikato needs to consult with other authorities to ensure the directions of this Plan are taken into account in the development of other plans and when proposed activities may adversely affect the CMA.

### 17.11.2 Joint Hearings

Environment Waikato will seek to ensure joint hearings are held where any proposal requires resource consents from more than one consent authority.

**Principal Reasons for Adopting:** The link between structures in the CMA and land-based facilities is recognised. Where structures cross the administrative boundary of Mean High Water Springs, integrated management will be necessary, and joint hearings will be held.

### 17.11.3 Cross-Boundary Consultation

Environment Waikato will consult with other agencies that have management responsibilities in the CMA, particularly the Ministry of Fisheries, Maritime Safety

Authority, Department of Conservation and iwi authorities, to promote a joint agency approach to addressing cross-boundary issues.

**Principal Reasons for Adopting:** The resources of the CMA are managed by a range of different organisations. There is therefore a need for close consultation between these organisations in order to manage coastal issues in a consistent manner. In some circumstances it may also be necessary to involve communities and private landowners in discussions where resource management issues cross the boundary of Mean High Water Springs.

#### **17.11.4 Discussion and Sharing of Information**

Environment Waikato will:

- i) promote joint involvement in 'cross-boundary' Hearings
- ii) facilitate regular discussions with territorial and regional authorities in order to discuss cross-boundary issues
- iii) promote the development of joint strategies for such issues
- iv) promote the sharing of information between councils with respect to those matters.

**Principal Reasons for Adopting:** The resources of the coastal environment are managed by a range of different organisations. Where a proposal to use, develop and/or protect the CMA is likely to impact across an administrative boundary, or where landward activities are likely to impact on the CMA, Environment Waikato will encourage the sharing of resources and the joint involvement in hearings affecting cross-boundary matters.

#### **17.11.5 Consideration of the CMA**

Environment Waikato will encourage territorial authorities, when preparing district plans and processing resource consents, to give consideration to:

- i) the interconnected nature of the coastal environment
- ii) the inter-relationships between natural and physical resources
- iii) the potential for adverse for effects to occur and
- iv) the range of social, cultural and economic values within the Region.

**Principal Reasons for Adopting:** Land-based activities (i.e. activities above Mean High Water Springs) have the potential to adversely affect the CMA. Territorial authorities are therefore encouraged to ensure flow-on effects, and the interconnected nature of the coastal environment, are recognised and provided for in a manner that facilitates the objectives and policies of the Plan.

#### **17.11.6 Information on the Plan**

Environment Waikato will prepare information guidelines for dissemination to consent applicants, recreational user groups and the public so that the directions of the Plan and restrictions on use and development within the CMA may be understood and accepted.

**Principal Reasons for Adopting:** A key mechanism for implementing the Plan will be through the provision of information to a wide range of different key groups and users of the CMA. This will assist people in understanding the directions of the Plan and restrictions on use and development.

#### **17.11.7 Effects of Activities above Mean High Water Springs on the CMA**

Assess the objectives and policies in regional and district plans, relating to land and water resources, to ensure that activities outside the CMA have minimal effects on the CMA.

**Principal Reasons for Adopting:** It is important for other plans to recognise and manage adverse effects that, while outside the jurisdiction of the Regional Coastal Plan, may compromise the objectives and policies of the Regional Coastal Plan.

# APPENDIX I: Information Requirements

When applying for a coastal permit, adequate information must be provided by the applicant so that informed resource management decisions can be made. Environment Waikato recognises however that the type and detail of information required depends on the scale, location and anticipated effects of the proposed activity. It is therefore suggested that applicants discuss with Environment Waikato staff the scope and detail of information required, and where and how it should be attained, prior to making an application. In addition to any requirements set out in the Fourth Schedule of the RMA, the following information may be required.

Further information may be required from the applicant (in accordance with section s92 of the RMA), where Environment Waikato considers it necessary to better understand the nature of an activity, the effect it may have in the environment, or the ways in which adverse effects may be mitigated. Environment Waikato may also commission a report on any matters raised in relation to the application.

## General

Any application for a coastal permit **must** include:

- a) A description of the activity for which the permit is sought and its location.
- b) An assessment of any actual or potential effects on the environment and the way in which any adverse effects may be mitigated (see Fourth Schedule of the RMA for matters which should be included in this).
- c) A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.
- d) Any possible alternative locations or methods for undertaking the activity and the applicants reasons for making the proposed choice.
- e) A record of the consultation undertaken by the applicant.
- f) The functional need for the activity to be located in the CMA.
- g) The extent to which habitats, feeding grounds, ecosystems, or any other values will be adversely affected (including in particular, within any ASCV).
- h) Any flow-on effects (as defined in s3 of the RMA) of the activity on other parts of the coastal ecology, including any effects on habitats of fish and shellfish.
- i) The level of consultation undertaken with tangata whenua.
- j) The way in which any adverse effects will be avoided, remedied or mitigated.
- k) The extent to which the activity would adversely affect the values contained in any ASCV.
- l) The extent to which public access might be affected.
- m) The extent to which navigation and safety issues have been identified and how they have been addressed.
- n) The cumulative effects of the proposed activity.
- o) The extent to which the activity will affect and be affected by coastal processes (including natural hazards, erosion, and inundation).
- p) The extent to which heritage values have been identified, and how the adverse effects on these values will be avoided, remedied or mitigated.
- q) Significant adverse effects on the relationship tangata whenua as Kaitiaki have with their identified ancestral taonga such as water, lands, sites, waahi tapu and kaimoana, and how these may be avoided, remedied or mitigated.
- r) Any land based requirements and any flow-on effects to the CMA.
- s) Any mitigation measures proposed.

In addition, the following information may be required relating to specific issues:

## Natural Character, Habitat And Coastal Processes

- a) A description of the natural character of the area.
- b) The extent to which community values (including historical, cultural, amenity and spiritual) have been identified and significant values protected.
- c) Demonstration that the activity cannot be otherwise satisfied by any existing or proposed public facility or by shared use of any existing or proposed private facility.
- d) An outline of the natural values including biota, landscapes, seascapes and landforms, and the community values including scenic, amenity, recreational and historical, in the vicinity of the proposed activity.
- e) Scientific proof that there will be no adverse effects on existing habitat and indigenous flora and fauna from the introduction of exotic species.
- f) Scientific proof that the exotic species introduced is not invasive and the extent to which it is anticipated that it would spread.
- g) The type of vegetation to be removed, the method of removal and anticipated effects on water quality.
- h) The extent to which open space qualities will be protected.
- i) The effect the proposal may have on open space qualities.
- j) The extent that the proposed activity will affect and be affected by the coastal processes, including in particular, sediment drift, current flows, sea level rise, displacement of fauna and habitat.

NB: For information on geological sites and landforms within the CMA refer to the Inventory and Maps of Important Geological Sites and Landforms in the Waikato Region (1996), published by the Geological Society of NZ.

## Water Quality

- a) The level of treatment which will occur prior to the discharge into the CMA.
- b) The extent to which the discharge is located near areas of high public use or to significant conservation values as identified in the maps in Appendix III of this Plan.
- c) The level of toxicity of any contaminants (individually and in combination).
- d) Demonstration that the flushing ability of the CMA will not be significantly affected.
- e) The extent to which a proposed use or development will affect water quality.
- f) A description of the existing water quality, including biological communities and their habitats.
- g) The effect of the activity on water colour, clarity and odour.
- h) The mixing ability of any contaminants.
- i) The extent to which adverse effects on water quality will impact on other activities, in particular marine farming.
- j) The quantity and frequency of any discharge.
- k) The effect of the activity on aquatic life, including the potential to stimulate undesirable biological growth.
- l) The provisions made for land-based disposal of solid and sewage wastes at ports, marinas and boat maintenance areas.
- m) Demonstration that the volume and level of contamination of the discharge has been minimised to the greatest extent practicable.
- n) Identification of the water characteristics, values and uses that exist for water, where a discharge is being considered.

## Structures

- a) The extent to which the proposed structure will add to the cumulative effects of the proliferation of structures in any one area.
- b) The extent to which the appearance of the structure is compatible with natural character and amenity values.

- c) The extent to which design has taken into account the potential for natural hazards, in particular sea level rise, and the effects of and on coastal processes in particular waves and currents.
- d) The extent to which the structure has a functional need to be located in the CMA.
- e) The layout of the structure (including mooring type and layout within a mooring area).
- f) The method of construction and type of construction material.
- g) The shore-based facilities necessary.

## Moorings

- a) Contact details of applicant
- b) Harbour/estuary or bay the mooring is to be located within
- c) GPS location of mooring
- d) Draft, beam and length of vessel
- e) Type of vessel (launch/yacht etc)
- f) Alternative locations considered
- g) An assessment of any actual or potential effects that the activity may have on the environment
- h) Consultation with potentially affected local iwi, owners of legal mooring structures within 75 metres and landowners.

NB: Standard consent application forms can be obtained from Environment Waikato.

## Marine Farming

### *General requirements for all marine farming consent applications*

All marine farm proposals must include the following information:

- a) The location (including surveyed grid references) and area to be occupied by the proposed marine farm.
- b) A description of the activity, including but not limited to:
  - i) the species to be farmed and source of the stock;
  - ii) the farm layout details, including the type and number of structures to be used, their placement, marking and lighting, method of construction, type of construction material, and the extent to which the structure may be surface, subsurface or inter-tidal;
  - iii) daily and seasonal operational details of the farm;
  - iv) details on the management of non-biodegradable products, bio-fouling, and waste materials;
  - v) the requirements for land-based facilities (including proposed landing, loading and unloading location(s)), and the availability and adequacy of any land-based facilities;
  - vi) the level of noise and light emissions which are likely to occur, and for what periods of time;
  - vii) the extent of disturbance to the foreshore or seabed.
- c) A description of:
  - i) the natural character of the area;
  - ii) the natural values including flora and fauna, landscapes, seascapes and landforms, and the community values including scenic, amenity, recreational and historical, in the vicinity of the proposed marine farm; and
  - iii) the extent to which natural and community values have been identified and significant values protected.
- d) A description of the:
  - i) hydrodynamic regime;
  - ii) water quality; and
  - iii) sediment characteristics
 at the site.

- e) An assessment of any actual or potential effects on the environment and the way in which any adverse effects may be mitigated, including but not limited to:
- i) the extent to which the marine farm will affect and be affected by coastal processes, including in particular, natural hazards, sediment drift, erosion, scouring, silting, current flows, displacement of fauna, habitat, and sea level rise and inundation;
  - ii) the extent to which the operation of the marine farm will impact on water and sediment quality;
  - iii) the likely impact of the marine farm on the biomass of plankton communities;
  - iv) the extent to which habitats, feeding grounds, ecosystems and species, or any other values will be adversely affected (including in particular, within any ASCV);
  - v) any flow-on effects (as defined in s3 of the RMA) of the activity on other parts of the coastal ecology, including any effects on habitats of fish and shellfish;
  - vi) identification of significant adverse effects on the relationship tangata whenua as Kaitiaki have with their identified ancestral taonga such as water, lands, sites, waahi tapu and kaimoana, and how these may be avoided, remedied or mitigated;
  - vii) the extent to which the appearance of the structure is compatible with natural character and amenity values;
  - viii) the extent to which the proposed marine farm will add to the cumulative effects of the proliferation of structures in any one area;
  - ix) the extent to which the marine farm will impact on navigation safety, e.g. major navigation routes and recreational use;
  - x) the extent to which public access might be affected, and where public access will be restricted, demonstration that any proposed restriction is necessary:
    - to protect public health and safety; or
    - to ensure a level of security consistent with the purpose of a resource consent;
    - in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access;
  - xi) the extent to which heritage values have been identified, and how the adverse effects on these values will be avoided, remedied or mitigated;
  - xii) an outline of the possible cumulative effects of the marine farm;
  - xiii) the way in which any adverse effects will be avoided, remedied or mitigated.
- f) Any possible alternative locations or methods for undertaking the activity (including proposed landing, loading and unloading location(s)) and the applicant's reasons for making the proposed choice.
- g) A record of the consultation undertaken by the applicant, including details of consultation undertaken with tangata whenua having responsibilities in the area applied for.
- h) A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

Detailed guidance on the design of baseline surveys and monitoring programmes is provided in Appendix IA. In addition, further details on the investigative studies for subtidal shellfish farming are provided in a guideline prepared for Environment Waikato<sup>31</sup>.

For applications for small extensions to marine farms the information provided with an application should focus on the extent to which any of the matters outlined above will change as a result of the extension.

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<sup>31</sup> Davidson RJ (1999) Guideline for Ecological Investigations related to subtidal shellfish marine farm applications in the Environment Waikato Region. NB: This guideline does not form part of the Regional Coastal Plan

*Requirements for applications under Rules 16.5.4B, 16.5.5B, and 16.5.5D*

In addition to the above, all marine farm proposals under Rule 16.5.5B must include the following information:

- a) a marine mammal and bird interaction management plan; and
- b) a farmed stock disease management plan

*Requirements for applications under Rules 16.5.4C, 16.5.5C, and 16.5.5E*

In addition to the above, all marine farm proposals for fed aquaculture must include the following information:

- a) The ecological toxicity, persistence and bio-accumulative potential of any contaminants (individually and in combination) to any species potentially exposed;
- b) The type, volume, rate and frequency of discharges of feed, medicinal or therapeutic compounds;
- c) The effect of the discharge on water colour, clarity and odour;
- d) The mixing ability of any contaminants;
- e) The extent to which adverse effects on water and sediment quality will impact on other activities, in particular other marine farms; and
- f) Demonstration that the volume and level of contamination of the discharge has been minimised to the greatest extent practicable.

## **Disturbances**

- a) The extent to which the disturbance and its effects can be removed by tidal action within 48 hours.
- b) The extent to which the activity will result in the release of contaminants.
- c) The extent of the disturbance to the foreshore or seabed.
- d) The extent to which the material being deposited is of a similar particle size and composition to the existing material.
- e) The extent to which there is a functional need for the reclamation.
- f) An application for a reclamation shall be accompanied by adequate information to show the area proposed to be reclaimed, including its size and location and the portion of that area to be set apart as an esplanade reserve (see s246(3) of the RMA).
- g) Demonstration that consultation has taken place with tangata whenua where any reclamation is being considered.
- h) Demonstration of consultation with tangata whenua in respect to any proposal to remove minerals from the foreshore or seabed.

## **Public Access**

- a) The extent to which the proposed activity will enhance or restrict public access.
- b) Demonstration that any proposed restriction on public access is necessary:
  - i) to protect areas of significant vegetation and/or significant habitats of indigenous fauna; or
  - ii) to protect Maaori cultural values; or
  - iii) to protect public health or safety; or
  - iv) to ensure a level of security consistent with the purpose of a resource consent; or
  - v) in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.
- c) The extent to which the proposed activity will compromise the remote characteristics of an area.

## **Noise And Air Quality**

- a) The level of noise emissions which are likely to occur, and for what periods of time.
- b) The contaminants the discharge to air contains.

## **Surface Water Activities**

- a) A description of the effects of the proposed activity on recreation uses and safety and navigation.

# APPENDIX IA: Baseline Survey and Monitoring Requirements for Aquaculture Activities

This Appendix provides guidance for:

- designing, conducting and reporting results of baseline surveys required for applications for farm extensions, species change and new marine farms; and
- designing, conducting and reporting results of monitoring programmes for aquaculture activities.

The information requirements below are based on knowledge at the time this part of the Plan was prepared. There may be changes to monitoring and information requirements as development of aquaculture proceeds, knowledge expands, and technology evolves. There may also be changes to the methods by which monitoring is carried out in the future.

To ensure that baseline surveys and monitoring programmes are appropriate for a specific activity and location, consent applicants should discuss baseline survey and monitoring requirements with Council staff prior to lodging consent applications.

## **1. Fundamental aspects of baseline surveys and monitoring programmes**

### **1.1 Baseline survey**

A baseline survey is an assessment of the current state of environmental conditions below, within and in the vicinity of an existing marine farm.

A baseline survey:

- is required for an application for marine farming. Additional information to that described in this Schedule may be required depending on the type and scope of the aquaculture activity applied for.
- may, depending on the scale of the activity, be both spatial and temporal, giving baseline data on the natural environment and its changes throughout the proposed development area.
- generates data that can aid in the design of an appropriate monitoring programme.
- generates data that may be used for subsequent comparison to data gathered during a continuing monitoring programme. To allow this, site locations need to be recorded with sufficient accuracy to allow repeat sampling.

A baseline survey aims to provide:

- a description of the sediment characteristics below and in the vicinity of the marine farm site, in the chosen reference area and in any other area relevant for the consent application.
- a description of distribution, abundance and diversity of epifauna and infauna below and in the vicinity of the marine farm site, in the chosen reference area and in any other area relevant for the consent application,
- a description of hydrodynamic conditions within and in the vicinity of the marine farm site and in any other area relevant for the consent application,
- a description of water column characteristics within and in the vicinity of the marine farm site, in the chosen reference area and in any other area relevant for the consent application.

## 1.2 Monitoring programme

Monitoring is the regular collection of biological, chemical and/or physical data from predetermined locations such that environmental changes attributable to an activity can be quantified and evaluated. Monitoring provides data on the actual effects of an activity, in relation to contemporary reference and baseline data.

A monitoring programme sets out details of the monitoring requirements for a particular consent.

Monitoring aims to assess:

- the spatial scale of adverse effects of an activity,
- the intensity of adverse effects of an activity,
- the level of environmental change over time (biological, chemical or physical) attributable to an activity.

A monitoring programme specifies:

- the frequency of monitoring,
- the ecosystem components to be monitored,
- the monitoring site locations,
- the parameters to be measured,
- the methods to be used,
- the way results are to be reported,
- data to be provided to the Council.

## 1.3 General considerations for designing a baseline survey or monitoring programme

Table 1 lists matters that should be taken into account when designing a baseline survey or monitoring programme:

**Table 1: Designing a baseline survey or monitoring programme.**

<b>Baseline survey or monitoring programme specifications</b>	<b>Considerations</b>
Frequency of monitoring (applies to monitoring programme only)	Intervals could be set as a number of years, a number of crop cycles, or after each stage of development.
Ecosystem components to be surveyed or monitored	Baseline surveys and monitoring require assessment of ecosystem components affected by the aquaculture activity. These include (but may not be limited to) the water column, sediment and benthic biota.
Site locations	Sites must represent the range of characteristics of the ecosystem to be assessed, a gradient in anticipated intensity of effects and include contemporary reference sites. Sites are typically arranged along transects or in a grid pattern.
Parameters to be measured	Parameters must be appropriate for the anticipated effects of the

Baseline survey or monitoring programme specifications	Considerations
	aquaculture activity. Appropriate methods or specifications (e.g. water or sediment depth to be sampled) may be critical in ensuring relevance, consistency and comparability. The most suitable parameters may change and thus deviate from those listed in this schedule as development of aquaculture proceeds, knowledge expands and technology evolves.
Methods to be used	Methods used to collect samples, measure parameters and analyse data must be appropriate and scientifically sound. The most suitable methods may change and thus deviate from those listed in this schedule as development of aquaculture proceeds, knowledge expands and technology evolves.
Reporting of results	Results must be presented in a report. The scope of the report relates to the scope of the aquaculture activity and the consent being applied for.
Data to be provided to the Council	Raw data shall be provided to the Council at the same time as the report. If necessary, additional information must be provided to enable the recreation of any results (values, figures) shown in the report.  Data may be used by Council to inform modelling of effects from aquaculture activities.

#### 1.4 Qualification and experience standards

Baseline surveys and monitoring must be conducted by a person or persons appropriately qualified and experienced to measure and assess effects of the aquaculture activity, identify the statistical significance of adverse effects and assess the relevance of results in relation to management of aquaculture activities in the region.

#### 1.5 Sampling site locations

Sampling site location is a critical step in the design of a baseline survey or monitoring programme. The following list provides some guidelines on how to select appropriate sampling sites. Location specific aspects may create a need for additional sites.

Sampling sites must be located:

- within the area of the existing marine farm including the area expected to display the greatest effects;
- adjoining the marine farm site, along a transect (or transects) of decreasing effect intensity in the direction of the prevailing current;
- in a reference area (for example at the end of transects). Reference sites need to be located in areas with similar characteristics and water depth to the

aquaculture site but beyond the influence of water flowing through and deposition from the marine farm. There must be at least three reference sites, and the total number of reference sites must reflect the scope of the aquaculture activity;

- in areas potentially affected by the marine farm identified to have significant conservation value or ecological significance;
- in areas potentially affected by the marine farm of significance to tangata whenua.

### 1.6 Requirements to be assessed in a baseline survey or monitoring programme

The range of parameters to be included in a baseline survey or monitoring programme must be related to the type and scope of the aquaculture activity.

In general, baseline surveys and monitoring programmes related to extension of existing marine farms require a relatively low number of parameters. In fed aquaculture many specimens are grown in a confined area, which produces considerable amounts of nutrient waste in dissolved and particulate form, which are usually discharged to the surrounding environment. Therefore baseline survey and monitoring requirements for fed aquaculture are more stringent compared to those for non-fed aquaculture and require more parameters to be measured.

Parameter requirements are provided in Table 2.

**Table 2. Parameter requirements for baseline surveys and monitoring programmes related to consents considered in this schedule.**

Parameter	Extension		Species change and/or new marine farms			
	Baseline	Monitoring	Non-fed		Fed	
			Baseline	Monitoring	Baseline	Monitoring
<b>Water quality</b>						
Temperature	X	X	X	X	X	X
Salinity	X	X	X	X	X	X
Water clarity	X	X	X	X	X	X
Ammonium (NH <sub>4</sub> -N)			X	X	X	X
Ammonia (NH <sub>3</sub> -N)			X	X	X	X
Oxides of nitrogen (NO <sub>x</sub> -N)			X	X	X	X
Total N (TN)			X	X	X	X
Dissolved reactive phosphorus (DRP)			X	X	X	X
Total phosphorus (TP)			X	X	X	X
Dissolved oxygen					X	X

Parameter	Extension		Species change and/or new marine farms			
	Baseline	Monitoring	Non-fed		Fed	
	Baseline	Monitoring	Baseline	Monitoring	Baseline	Monitoring
saturation						
Chlorophyll a (phytoplankton biomass)	X	X	X	X	X	X
<b>Sediment chemistry</b>						
Organic carbon	X	X	X	X	X	X
Nitrogen	X	X	X	X	X	X
Phosphorus			X	X	X	X
Redox potential (E <sub>h</sub> )					X	X
Trace elements					X	X
Depth of the oxygenated sediment layer					X	X
Sulphide					X	X
<b>Benthic fauna and flora</b>						
Macroinfauna species	X	X	X	X	X	X
Macroinfauna community parameters (abundance, richness, diversity)	X	X	X	X	X	X
Epifauna species	X	X	X	X	X	X
Epiflora	X	X	X	X	X	X
<b>Seafloor</b>						
Sediment grain size	X	X	X	X	X	X
Substrate (e.g. mud, sand, rock, shell, boulder)	X		X		X	
Features of ecological interest (e.g. faeces, feed pellets)					X	X
Bacterial mat development (e.g. <i>Beggiatoa</i> spp.)					X	X

Parameter	Extension		Species change and/or new marine farms			
	Baseline	Monitoring	Non-fed		Fed	
			Baseline	Monitoring	Baseline	Monitoring
Sediment outgassing					X	X
Bathymetry					X	
<b>Hydrodynamics</b>						
Current speed			X		X	
Current direction			X		X	
<b>Farm characteristics</b>						
Farm development layout at time of sampling	X	X	X	X	X	X
Stocking densities at time of sampling	X	X	X	X	X	X
<b>Other parameters</b>						
Relevant landscape features (e.g. structures)					X	

### 1.7 Methodological considerations

Table 3 lists a selection of methods recommended for sample collection or measurements that do not require sample collection. The most suitable methods may differ among locations and may change as development of aquaculture proceeds, knowledge expands and technology evolves. Thus methods chosen may differ from those listed in this schedule.

**Table 3. Recommended sampling methods and considerations for method selection.**

Parameter type	Method for sample collection/measurement	General considerations
<b>Water quality/phytoplankton biomass</b>	Water sampling using a sampling device that enables accurate depth selection.	Water samples to be taken at water depth relevant for the aquaculture activity and parameter measured. Depths should represent areas where effects are expected to be greatest.
<b>Sediment chemistry/benthic fauna and flora</b>	Methods may include grab or core sample, or SCUBA survey.	For most physical and chemical sediment properties the top 2 cm of the sediment shall be sampled. Samples for macroinfauna analysis must be sufficiently deep to capture all individuals.
<b>Seafloor</b>	Methods may include SCUBA, video or	Quantitative data must be obtained. Bathymetry,

	photographic surveys. Methods for bathymetry may include echo or side-scan sonar or other methods capable of producing bathymetric contour maps.	substrate and seafloor features should be mapped for the relevant area (marine farm and surrounding area, including reference area).
<b>Hydrodynamics</b>	Methods may include deployment of an Acoustic Doppler Current Profiler (ADCP or ADP) or other instrument capable of measuring current velocities for a range of water depths.	Instrument deployments must be sufficiently long to resolve current dynamics in the region. Typically this means a minimum of 4-8 weeks. In most cases deployment at one site is sufficient.

General methodological considerations:

- Sufficient sample replication and frequency of sampling is needed to achieve statistical verification for observed changes over space and time, including separation of effects from natural variability.
- Particular care must be taken to ensure appropriate handling during sampling and transport of samples (e.g. appropriate refrigeration).

### 1.8 Reporting and assessment of results

Results of a baseline or monitoring survey must be reported in the form of a technical report. The report should follow accepted scientific protocols (including separation of results from analysis) and be written clearly and concisely.

The analysis of results should address:

- whether the situation is likely to represent a stable state,
- the relevance of findings to species and habitat and ecosystem functioning.

The report should identify as far as is possible which changes are attributable to the aquaculture activity, which are attributable to other human activities, and which are attributable to natural factors.

If adverse effects are found, the report should provide information on if and how these effects can be avoided, remedied or mitigated.

Specific considerations for preparation of a monitoring report (in addition to those listed above):

- The report should provide a comparison of monitoring results with the initial prediction of potential environmental effects provided with the application for consent, with the baseline information, with the conditions of the consent, and with any other information about the state of the marine environment.
- The analysis of monitoring results should address:
  - whether observed changes are likely to precipitate further changes,
  - whether changes are likely to be reversible,
  - the relevance of changes to species and habitat and ecosystem functioning.
- The report should identify changes in criteria for assessing the significance of any changes or trends apparent from the monitoring if these are considered necessary.



# APPENDIX II: Decision-Making Criteria and Considerations

In accordance with Policy 12.1.2 of this Plan, this Appendix sets out the decision-making criteria and considerations Council will use when making decisions on discretionary or non-complying activities.

## General

- a) The extent to which the activity has a functional need to be located in the CMA.
- b) Whether practicable alternatives existing outside the CMA have been given serious consideration.
- c) Identified iwi concerns and measures proposed to avoid, remedy or mitigate any adverse effects.
- d) The extent to which the activity adversely affects any values identified in any area of significant conservation value.
- e) The adverse effects of the activity on natural character, amenity, and cultural values.
- f) The extent to which the activity will have flow-on adverse effects to neighbouring and distant coastal flora, fauna (including fish and shellfish), habitats and features.
- g) The extent to which the activity adversely affects landscapes, seascapes and landforms, including:
  - i) significant representative examples of each landform which provide the variety in the Region
  - ii) visually or scientifically significant geological features and
  - iii) the collective characteristics which give the coastal environment its natural character including wild and scenic areas.
- h) The extent to which the activity will affect significant heritage sites or areas of historic and cultural significance.
- i) The extent to which the activity will affect and be affected by coastal processes (including natural hazards, erosion, and inundation).
- j) The extent to which the activity will affect water quality.
- k) The extent to which the activity will affect navigation safety.
- l) The extent to which the public will benefit from the activity.
- m) The extent to which the activity may give rise to effects above Mean High Water Springs, or have implications for land-based issues.
- n) The cumulative adverse effects the activity may have on the CMA.
- o) The extent to which the proposal contributes to sprawling or sporadic use or development.
- p) In relation to a heritage resource, the extent to which the principles under the ICOMOS NZ Charter have been considered<sup>32</sup>.
- q) The extent to which the activity affects or is compatible with land and areas administered by the Department of Conservation (Waikato Conservation Management Strategy, Volume II: Inventory of land Managed by the Department of Conservation, 1996), or which are proposed for protection.
- r) The extent to which any application for:
  - i) reclamations
  - ii) the removal of sand, shingle, shell or other natural materials, and
  - iii) rights to occupyclearly demonstrates the lack of any other available alternatives and the reasons for the proposed choice.
- s) The extent to which the occupation of space by a marina basin will adversely affect the recreational values of other users of the CMA.
- t) Effects on tourism.

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<sup>32</sup> The ICOMOS NZ Charter is the International Charter for the Conservation and Restoration of Monuments and Sites in New Zealand. This document sets out principles to guide the conservation and restoration of places of cultural value in New Zealand.

## Tangata Whenua

- a) The extent to which the application enables provision for the social, economic and cultural wellbeing of the iwi or hapu.
- b) The extent to which the proposal recognises and facilitates the special relationship between the Crown and tangata whenua as established by the Treaty of Waitangi.
- c) The extent to which the applicant has a special relationship with the site or location of the proposed use or development.

## Habitat And Coastal Processes

- a) The extent to which the removal of vegetation will result in:
  - i) the potential for increased hazard risk
  - ii) the removal of rare or endangered species or their habitat
  - iii) any significant adverse effects on aquatic life
  - iv) reduced water quality from sedimentation for more than one week after removal.
- b) The extent to which the activity will adversely affect breeding beds for shellfish.
- c) The extent to which the activity will affect any dotterel breeding sites.

## Water Quality

- a) The extent to which any discharge into the CMA will cause erosion or scouring.
- b) Whether or not the discharge contains any untreated sewage or hazardous substances.
- c) Whether or not the discharge of sewage or other contaminants will occur in an area where the water depth is 10 metres or less.
- d) Whether or not the discharge contains any solid waste.
- e) Whether or not the quality of the water will meet the standards required, after initial or reasonable mixing, for contact recreation purposes as stated in Third Schedule of the RMA.
- f) Whether or not the discharge of sewage or other contaminants will occur in any harbour or estuary.
- g) Whether or not the discharge contains nutrients which cause undesirable biological growth.
- h) The extent to which the discharge, after initial or reasonable mixing, results in:
  - i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
  - ii) any conspicuous change in the colour or visual clarity; or
  - iii) any emission of objectionable odour; or
  - iv) any significant adverse effects on aquatic life.
- i) The extent to which the take contributes to cumulative adverse effects.
- j) The extent to which the characteristics and values of the water into which a discharge may be made would be adversely affected.
- k) Provision of facilities for collection and disposal of hydrocarbon contaminants, for example, waste oil and paint.
- l) Provision of pump out facilities for collection and disposal of sewage.

## Structures

- a) Whether or not the proposed structure is of a greater size than necessary for its purpose.
- b) Whether or not the structure will affect other users in the CMA, have any adverse effects on water quality, adversely affect the natural character of an area, or limit public access along the foreshore.
- c) The ability of the structure to be maintained in a safe condition.
- d) Whether or not there are adequate shore-based facilities.
- e) Whether or not the adverse effects resulting from the removal of any structure are likely to be greater than the adverse effects of the structure remaining where it is.

- f) Whether or not the structure has historical/archaeological significance.
- g) Whether or not the structure is designed to a standard to withstand coastal processes and relative changes in sea level.
- h) The extent to which the structure may constitute a hazard to navigation.

## Marine Farming

In addition to the General Decision-Making Criteria and Considerations, the following matters will be considered specifically in relation to marine farming:

- a) Whether or not the structure will be located in any navigational channels, or create a navigational hazard, or will conflict with other users.
- b) Whether or not the structure will be located in any mooring area.
- c) Whether or not the structure is marked with appropriate navigational markings.
- d) The extent to which the structure will adversely affect water and sediment quality, the natural character of the area, landscape values, ecological values, cultural values, amenity values, recreational values, natural coastal processes, navigation safety, or limit public access to and along the CMA.
- e) The extent to which the structure modifies hydrodynamic regimes, including the potential of the structure to adversely affect sedimentation rates and wave action both within and surrounding the farm area.
- f) Whether or not the structure or farming activity will contribute to sporadic development or to cumulative adverse effects.
- g) Whether or not the structure is designed to a standard to withstand coastal processes and relative changes in sea level.
- h) Whether or not there are adequate shore-based facilities, and whether there have been any agreements made about the utilisation of land facilities.
- i) Whether or not the proposed marine farm might affect the productivity and functioning of other marine farms.
- j) The extent of any traffic effects on State Highways in the Waikato Region from the operation of the structure.

For the avoidance of doubt, for any application for marine farming relevant criteria relating to Tangata Whenua, Habitat and Coastal Processes, Structures, Disturbances, Air Quality and Noise, and Public Access will also be considered. For applications under Rule 16.5.5C, relevant criteria relating to Water Quality will be considered.

## Disturbances

- a) The extent to which a recreational event or activity will restrict public access and for what length of time.
- b) The extent to which the foreshore or seabed will be disturbed.
- c) Whether or not the material being deposited is of a similar particle size and composition to the existing material.
- d) Whether or not any material being deposited contains any contaminants.
- e) Whether or not the deposition of any material will adversely effect the amenity value of the foreshore.
- f) Whether or not the deposition will cause any permanent adverse effects on flora, fauna, or human values of the area.
- g) The extent to which any contaminants have been removed from the material being deposited.
- h) The extent to which the engineering design of a reclamation would meet potential future impacts from wave/wind movements and sea level rise.
- i) The extent to which any reclamation or drainage will impact on natural character and amenity values.
- j) The extent to which any reclamation or drainage must be located immediately adjacent to the CMA.
- k) The extent to which land use has been investigated as an alternative to reclamation.

- l) Whether or not marine influences will be introduced into a geologically unsuitable area.

## **Air Quality And Noise**

- a) Whether or not the anticipated noise levels and associated nuisance is in accordance with recognised national practice, and guidelines issued by the Health Authority.
- b) The extent to which the noise will have an adverse effect on wildlife.
- c) The extent to which the discharge shall have an adverse effect on flora, fauna, health and amenity values.
- d) The effect the prevailing weather conditions might have on the air discharge.

## **Public Access**

- a) The extent to which an activity will compromise public access along or within the CMA.
- b) The extent to which the remote characteristics of an area would be affected.
- c) The extent to which areas of significant flora or fauna are affected.
- d) The extent to which areas of significant value to Maaori (identified in accordance with Other Method 17.2.8) are affected.

# APPENDIX III: Maps

A key to the maps can be found on the last fold-out page (following Map 25)

## GENERAL INFORMATION MAPS

These maps provide some background information on the nature of the CMA in the Waikato Region.

<b>General Map 1</b>	Location of Regional Coastal Boundary
<b>General Map 2</b>	Coastal Features
<b>General Map 3</b>	Coastal Landscape Assessment
<b>General Map 4</b>	Rohe Potae
<b>General Map 5</b>	Monitoring Sub-Areas
<b>General Map 6</b>	Overview of ASCV

## SCHEDULES

The following schedules relate to the information shown on the maps:

<b>Schedule 1</b>	Maximum Mooring Numbers within ZMA
<b>Schedule 2</b>	Prohibited Mooring Areas
<b>Schedule 3</b>	ZMA Co-ordinates
<b>Schedule 4</b>	Cross-River CMA Boundaries
<b><u>Schedule 5</u></b>	<u>Current Marine Farms</u>
<b>Schedule 6</b>	Marine Farming Zones

## MARINE FARMING MAPS

*[This part of the Plan is subject to an appeal to the Environment Court]*

**Marine Farming Map 10**    Marine farms in Coromandel Harbour area

## MARINAS MAPS

<b>Marina Map 1</b>	Whitianga Marina Zone
<b>Marina Map 2</b>	Whangamata Marina Zone

## AREAS OF SIGNIFICANT CONSERVATION VALUE (ASCV)

The areas of significant conservation value shown on the maps are indicative of the values outlined in Appendix IV of this Plan. An overview of the ASCV is given on General Map 6. The areas shown on the maps indicate to applicants the need to give careful consideration to the significant conservation values within the specified areas, when making applications to use or develop resources in an ASCV. More detailed maps and information on these areas are held at Environment Waikato and Department of Conservation Offices.

NB: Where the line marking the ASCV boundary follows the open coast line or surrounds an island, it is deemed to be at a distance of one kilometre seaward of Mean High Water Springs.

## **CROSS-RIVER BOUNDARIES FOR THE CMA**

The maps indicate the boundary of the CMA where it crosses rivers and streams (refer to Schedule 4 for a list of specific rivers and streams). These are indicative only. Where there is no boundary defined, the CMA boundary is at Mean High Water Springs across the mouth of the stream. These boundaries have been agreed between Environment Waikato, the Minister of Conservation and the relevant Territorial Authorities. Contact Environment Waikato for further information.

## **MOORINGS AND ANCHORAGES**

The maps identify zoned mooring areas, prohibited mooring areas and anchorage areas. Schedule 1 sets out the maximum numbers in each mooring zone, Schedule 2 identifies the prohibited mooring areas, and Schedule 3 provides the co-ordinates of the corner points of each of the zoned mooring areas. These support the objectives, policies, methods and rules in the Structures chapter (Chapter 5).

Anchorage areas have been identified for the purpose of preventing the proliferation of moorings in areas commonly used by boat users as anchorages. These areas are indicative only based on usual weather conditions, and the practice of boat users of the area. Reasonable care must be taken, including compliance with the Environment Waikato Navigation Safety Bylaw and all other relevant maritime rules.

## **MARINAS**

The maps identify zones at Tairua related to the development of marinas. These zones were introduced by a decision of the Environment Court (*Pacific Paradise Limited and Tairua Marina Limited v Waikato Regional Council*) and support the objectives, policies, methods and rules in the Marinas chapter (Chapter 6A).

## **ACKNOWLEDGMENTS**

Digital Terrain Information obtained from the Department of Survey and Land Information. Digital Licence Number TDO93603/92. Crown Copyright Reserved.

Territorial Authority Boundaries obtained from Statistics NZ, Licence Number DMB 043. Crown Copyright DOSLI and Statistics 1991.

Bathymetric Data digitised from charts NZ 43, NZ 534, NZ 532, NZ 533, NZ 4423, NZ 5318, NZ 4421, NZ 531, by permission of the Hydrographer RNZN.

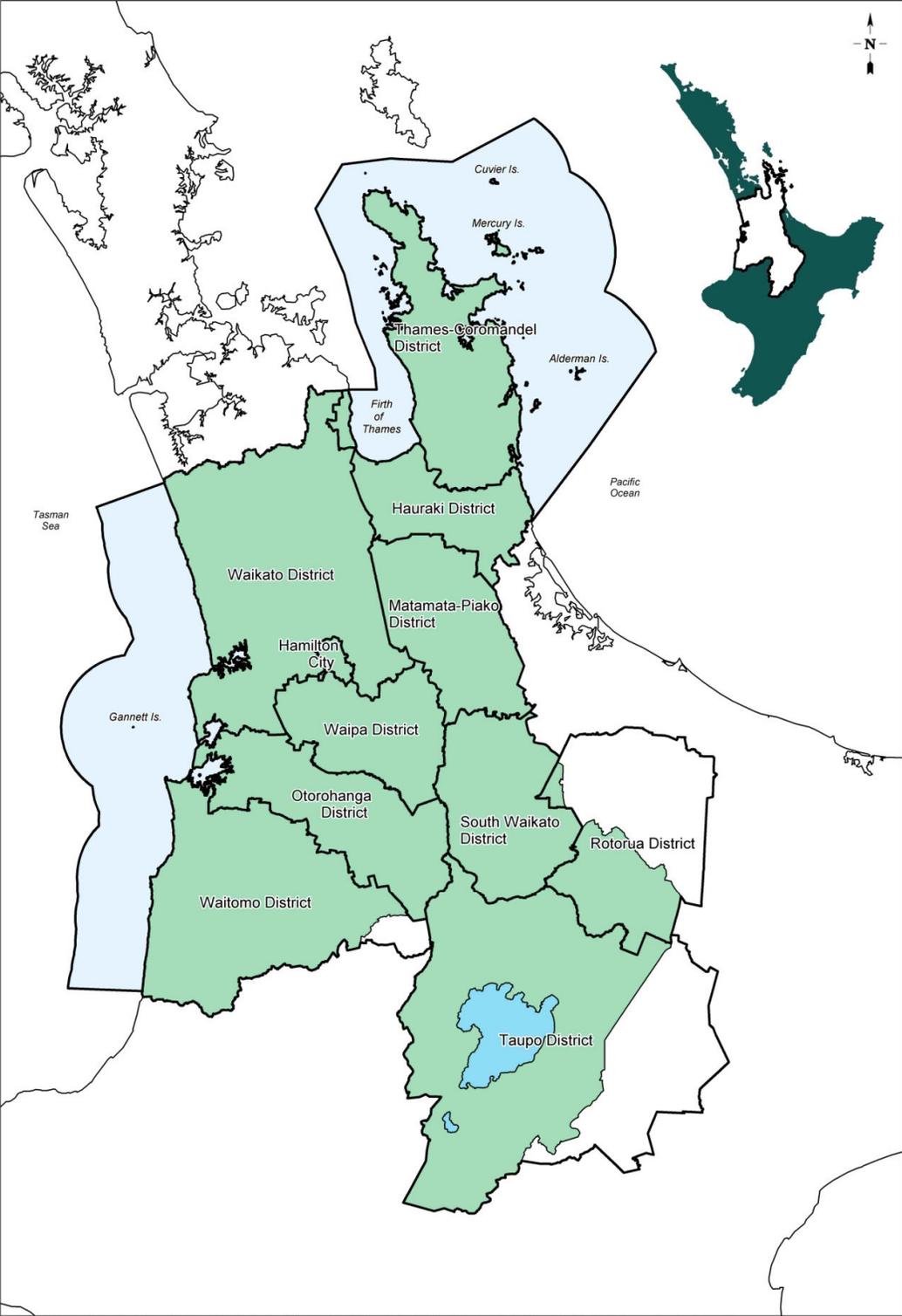
CMA and cross river mouth positions from grid reference coordinates based on NZMS 260 as agreed between the Minister of Conservation, Environment Waikato and the coastal Territorial Authorities.

All other information supplied by the Department of Conservation and aerial photographs.

# General Maps

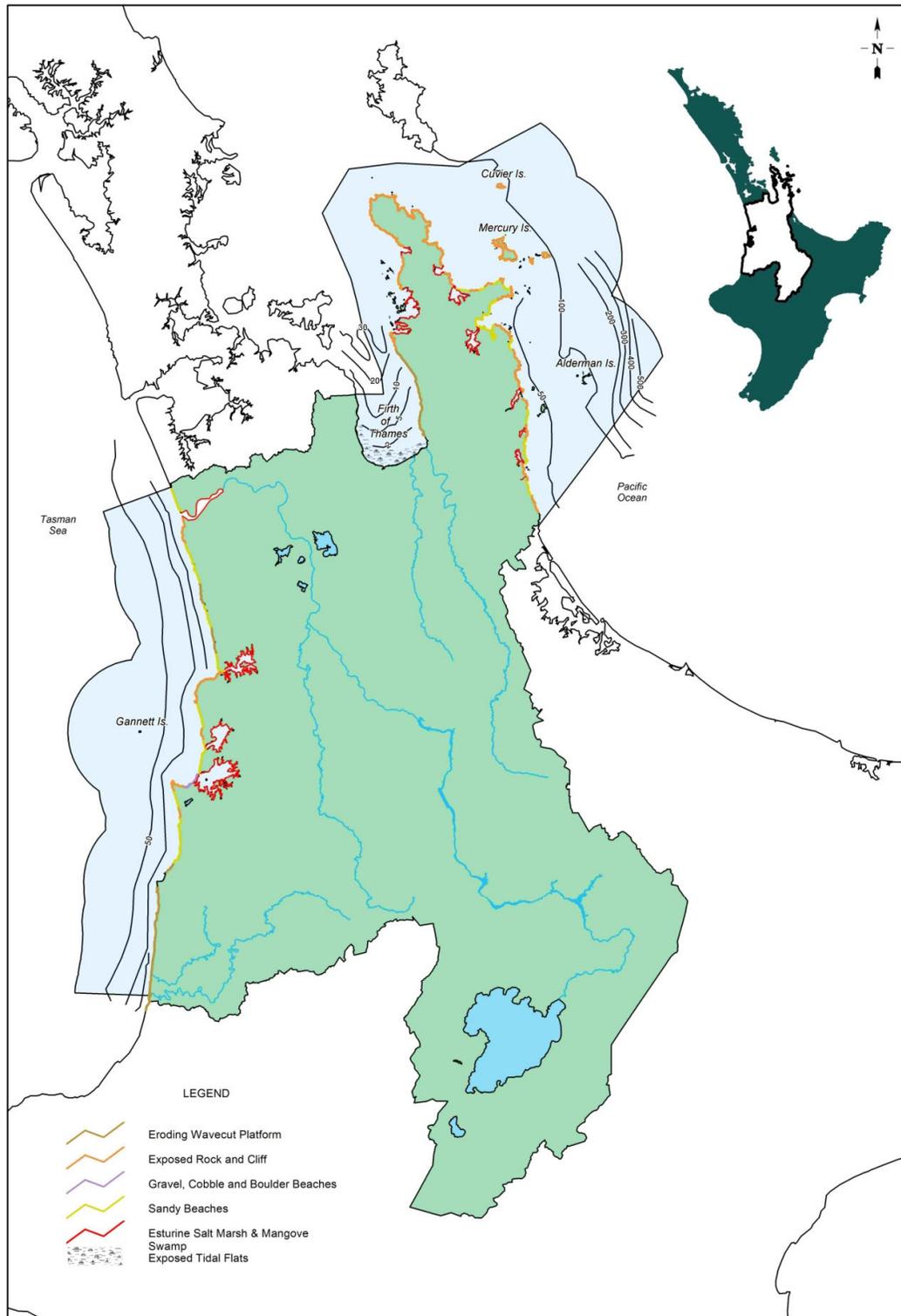


# General Map 1: Location of Regional Coastal Boundary



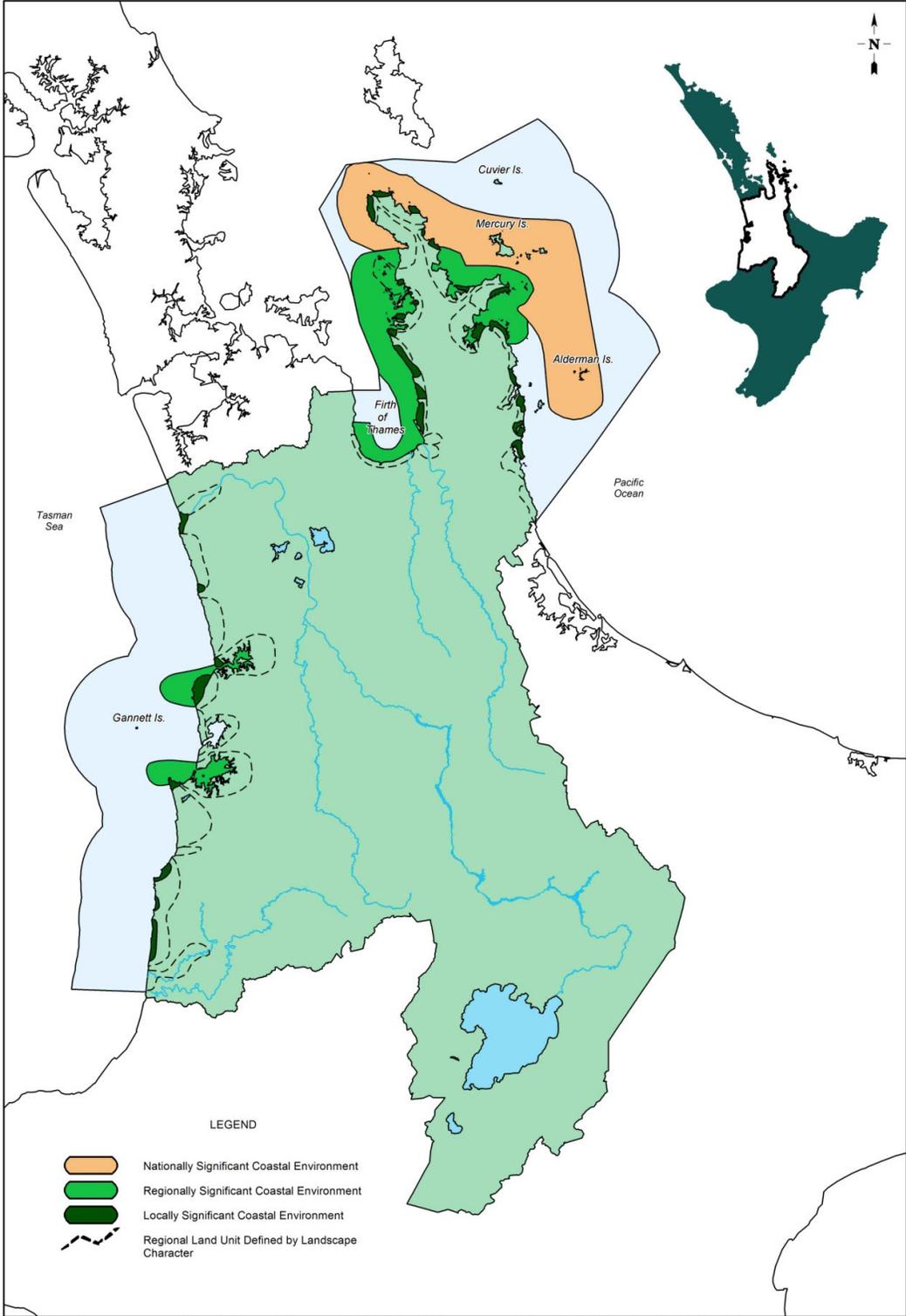
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# General Map 2: Coastal Features

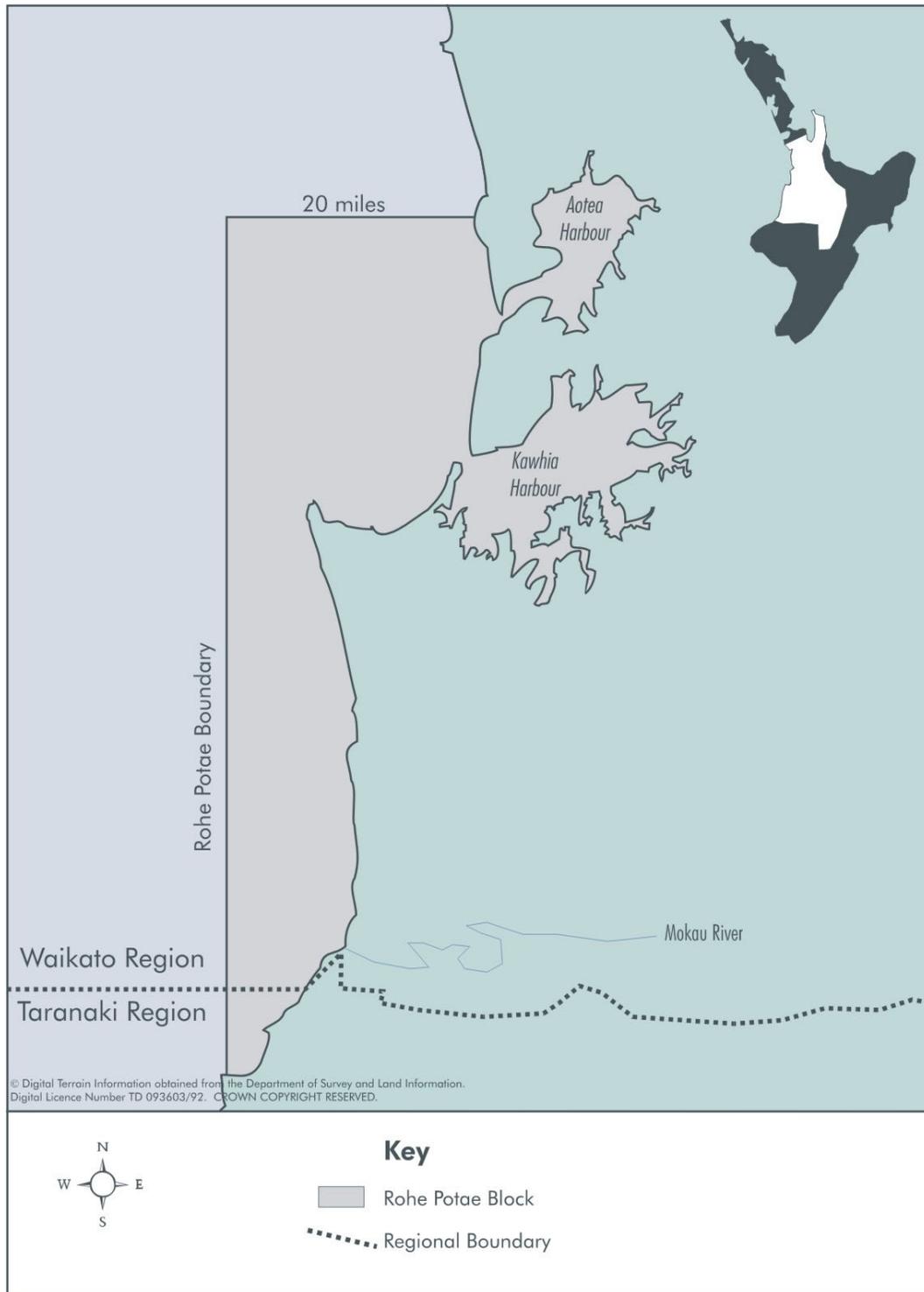


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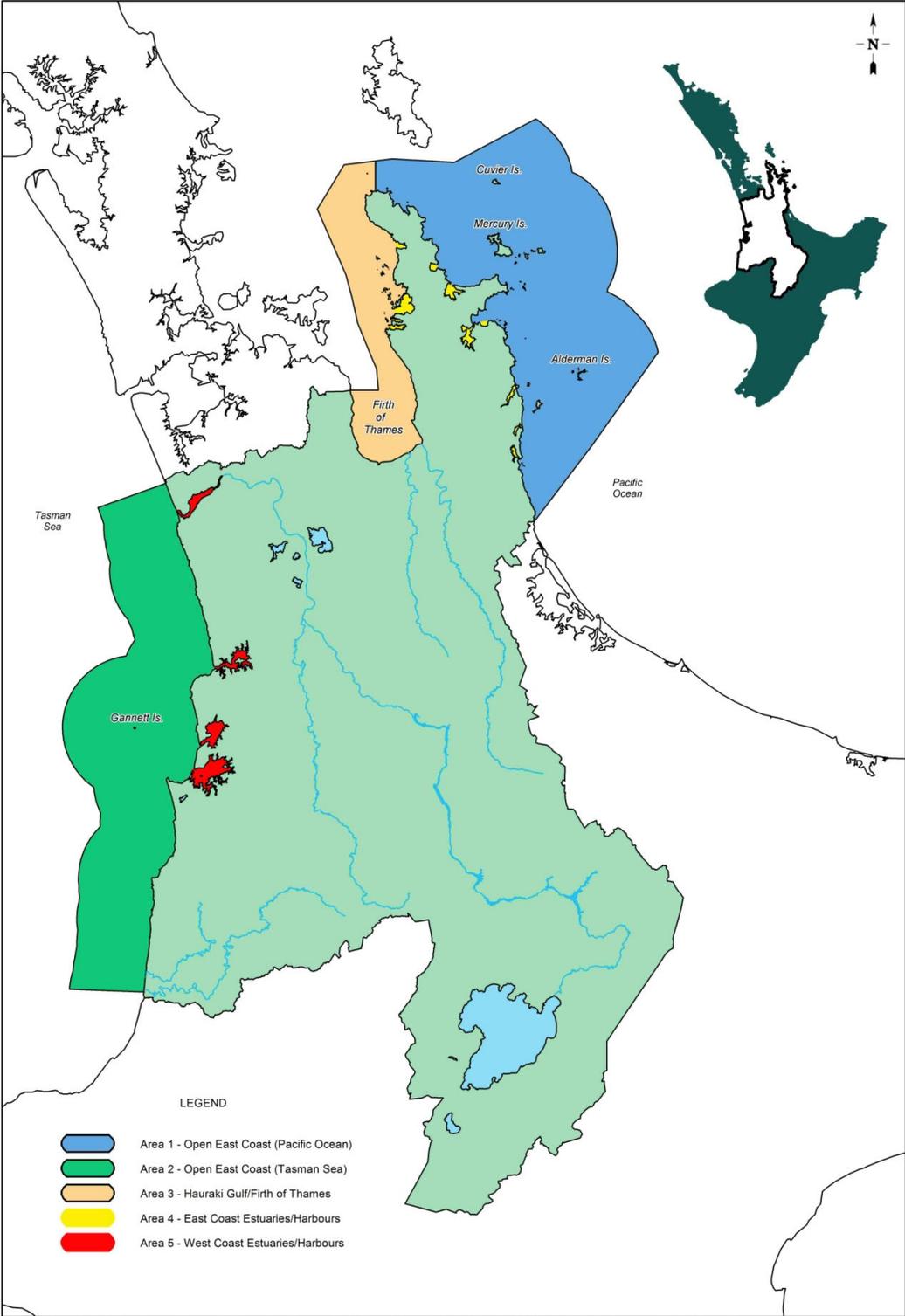
# General Map 3: Coastal Landscape Assessment



# General Map 4: Rohe Potae

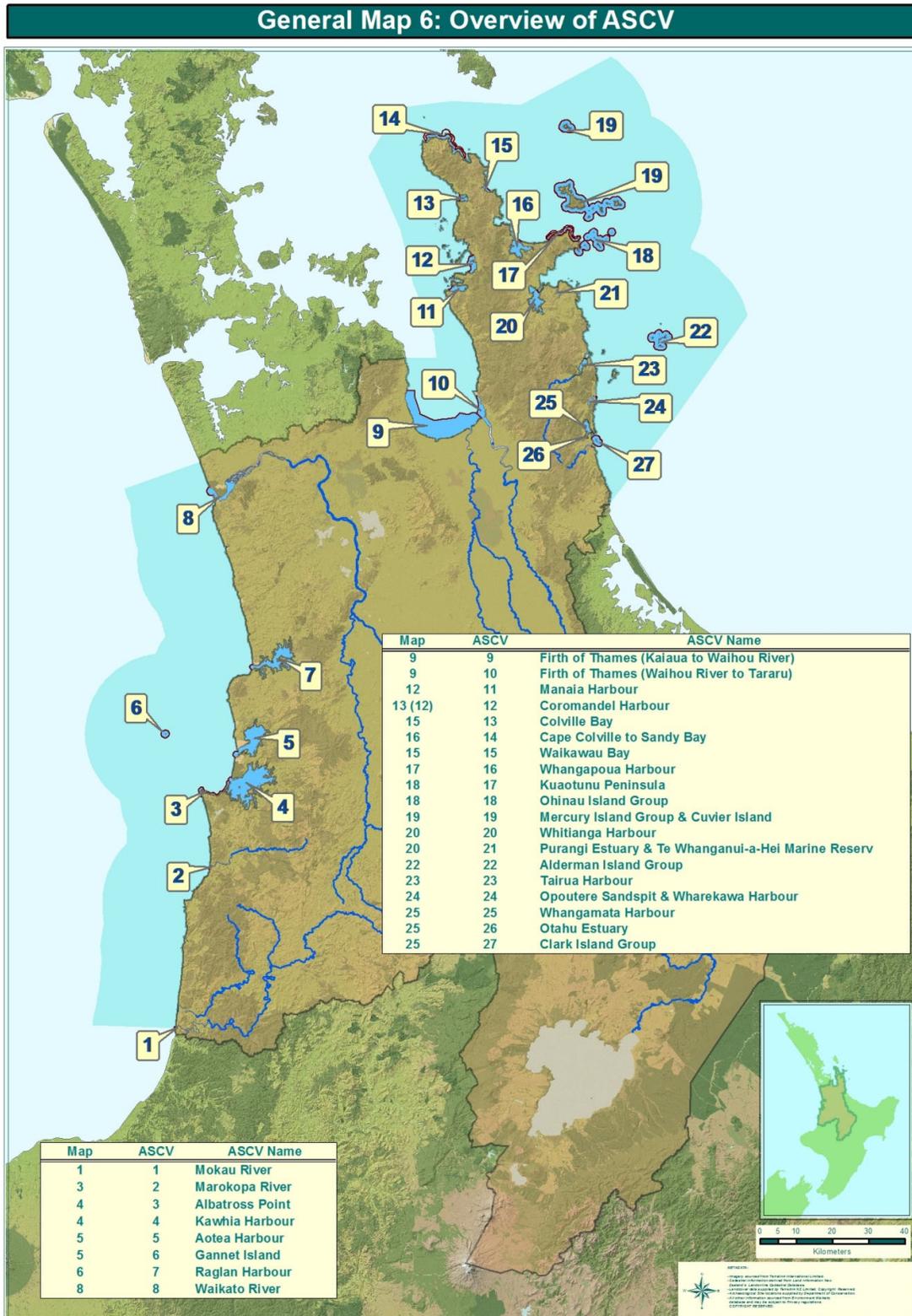


# General Map 5: Monitoring Sub-Areas



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# General Map 6: Overview of ASCV



# Schedules

## Schedule 1: Zoned Mooring Areas and Maximum Numbers of Moorings within these Zones

Map	ZMA	Name	Maximum Number of Moorings
4	A	Kawhia – North of Wharf	50
4	C	Kawhia – South of Wharf	20
4	B	Kawhia – Opposite Wharf	5
4	E	Kawhia – Te Waitere	15
4	D	Kawhia – Te Maika	25
6	F	Whaingaroa (Raglan) Harbour	30
12 / 13	G	Te Kouma Harbour	5
12 / 13	H	Takawhare Bay	120
12 / 13	I	Puhi Rare	70
13	J	Wyuna & McGregor Bay	63
13 / 14	K	Oamaru Bay	25
16	M	Carey Bay (Novis) – Port Charles	10
16	N	Little Sandy Bay – Port Charles	13
16	L	Port Charles – Jetty	10
19	O	Great Mercury Island	11
18	P	Matapaua Bay	12
20	R	Whitianga Harbour	200
20	Q	Flaxmill Bay (Maramaratotara)	25
23	T	Tairua Harbour	73
23	S	Tairua Harbour – Paku	4
25	U	Whangamata Harbour*	157

\* **Note:** This number is less than the current number of existing moorings. S20(2) of the RMA provides for lawfully established moorings to remain in place until 6 months after the Plan variation is operative.

## Schedule 2: Prohibited Mooring Zones

Map Number	Prohibited Mooring Zone
12 / 13	Takawhare Bay
12 / 13	Puhi Rare
13	Wyuna & McGregor Bay
16	Port Charles
19	Great Mercury Island
18	Matapaua Bay
20	Whitianga Harbour
20	Flaxmill Bay (Maramaratotara)
23	Tairua Harbour
25	Whangamata Harbour

## Schedule 3: ZMA Co-ordinates (WGS84 Datum)

Map	ZMA	Name	Latitude	Longitude
4	A	Kawhia – North of Wharf	38°04'00.64919"S 38°03'58.68540"S 38°03'53.51999"S 38°03'51.63480"S 38°03'54.11999"S 38°03'57.40499"S	174°49'28.99920"E 174°49'39.48960"E 174°49'47.13360"E 174°49'41.58180"E 174°49'30.89760"E 174°49'26.52540"E
4	B	Kawhia – Opposite Wharf	38°04'04.64040"S 38°04'07.41179"S 38°04'02.83260"S 38°03'59.21280"S	174°49'22.37460"E 174°49'22.18980"E 174°49'49.30440"E 174°49'48.46140"E
4	C	Kawhia – South of Wharf	38°04'18.86160"S 38°04'20.84460"S 38°04'00.51720"S 38°03'59.57880"S 38°04'07.32000"S	174°48'59.57220"E 174°49'03.58500"E 174°49'22.01700"E 174°49'20.65680"E 174°49'10.06440"E
4	D	Kawhia – Te Maika	38°05'50.09425"S 38°05'42.94800"S 38°05'40.49639"S 38°05'38.25540"S 38°05'42.07319"S 38°05'47.11437"S	174°46'30.32126"E 174°46'34.75080"E 174°46'32.24820"E 174°46'28.51740"E 174°46'22.87920"E 174°46'23.98509"E
4	E	Kawhia – Te Waitere	38°08'02.97780"S 38°08'02.07540"S 38°08'12.61860"S 38°08'13.27560"S	174°49'26.98020"E 174°49'32.84100"E 174°49'35.79240"E 174°49'31.26600"E
6	F	Whaingaroa (Raglan) Harbour	37°47'35.59559"S 37°47'42.65280"S 37°47'48.13260"S 37°47'40.90799"S	174°52'55.41060"E 174°53'10.52880"E 174°53'06.76260"E 174°52'51.68700"E
12 / 13	G	Te Kouma Harbour	36°49'44.53320"S 36°49'43.72139"S 36°49'47.67659"S 36°49'49.39979"S	175°26'53.80140"E 175°26'59.25780"E 175°26'59.97120"E 175°26'53.83140"E
12 / 13	H	Takawhare Bay	36°48'25.43341"S 36°48'29.50439"S 36°48'35.05080"S 36°48'36.14940"S 36°48'35.43840"S 36°48'36.80758"S 36°48'37.76999"S 36°48'36.70498"S 36°48'35.56921"S 36°48'30.81481"S 36°48'29.63879"S 36°48'25.89960"S 36°48'25.62001"S 36°48'26.14079"S	175°28'13.71539"E 175°28'13.35598"E 175°28'09.89458"E 175°28'08.14801"E 175°28'04.95300"E 175°28'02.67300"E 175°27'58.97221"E 175°27'54.98221"E 175°27'50.96702"E 175°27'45.61379"E 175°27'45.90960"E 175°27'56.68681"E 175°28'07.15378"E 175°28'05.93339"E
12 / 13	I	Puhi Rare	36°48'11.51881"S 36°48'15.68339"S 36°48'16.24680"S 36°48'06.41503"S 36°47'58.85941"S 36°48'00.70319"S 36°48'01.52879"S 36°48'02.98740"S	175°29'10.71779"E 175°29'06.14638"E 175°28'59.57139"E 175°28'48.00880"E 175°28'49.82701"E 175°28'57.37081"E 175°29'01.60379"E 175°29'05.50801"E
13	J	Wyuna & McGregor Bay	36°45'29.52899"S 36°45'50.53019"S 36°46'05.39769"S 36°45'59.20440"S 36°45'51.54719"S 36°45'43.69260"S	175°28'23.01840"E 175°28'41.70300"E 175°28'10.54788"E 175°27'57.11220"E 175°27'51.46380"E 175°27'53.83680"E
13 / 14	K	Oamaru Bay	36°44'07.08599"S 36°44'02.52240"S 36°44'08.49959"S 36°44'13.80960"S	175°27'49.84860"E 175°27'56.53440"E 175°28'02.65020"E 175°27'56.27580"E

16	L	Port Charles – Jetty	36°31'24.16020"S 36°31'24.84481"S 36°31'28.15799"S 36°31'28.47301"S 36°31'34.60081"S	175°27'55.20541"E 175°27'57.05401"E 175°27'55.82102"E 175°27'55.76041"E 175°27'59.56619"E
16	M	Carey Bay (Novis) – Port Charles	36°31'11.69459"S 36°31'04.71418"S 36°31'09.95039"S	175°28'11.58000"E 175°28'07.59239"E 175°28'22.50479"E
16	N	Little Sandy Bay – Port Charles	36°31'39.58501"S 36°31'40.20661"S 36°31'44.41679"S	175°28'04.99031"E 175°28'09.47100"E 175°28'07.09500"E
18	P	Matapaua Bay	36°44'28.09619"S 36°44'27.80940"S 36°44'20.78640"S 36°44'21.30059"S	175°48'46.92300"E 175°48'44.56380"E 175°48'40.59600"E 175°48'46.01940"E
20	Q	Flaxmill Bay (Maramaratotara)	36°49'49.61760"S 36°49'42.75780"S 36°49'49.23059"S 36°49'52.48499"S	175°43'13.92780"E 175°43'25.93680"E 175°43'25.32840"E 175°43'20.27280"E
20	R	Whitianga Harbour	36°49'56.41920"S 36°49'59.90819"S 36°50'03.60900"S 36°50'06.04860"S 36°50'05.97360"S 36°50'09.55920"S 36°50'21.02160"S 36°50'37.08960"S 36°50'44.76479"S 36°50'51.24239"S 36°51'01.84859"S 36°50'53.18339"S 36°50'45.97440"S 36°50'42.83820"S 36°50'13.93559"S 36°49'59.88900"S	175°42'39.00060"E 175°42'39.09900"E 175°42'37.18920"E 175°42'37.47780"E 175°42'44.44920"E 175°42'44.97540"E 175°42'38.84040"E 175°42'28.42620"E 175°42'16.83840"E 175°42'09.50400"E 175°41'59.38320"E 175°41'54.13140"E 175°42'04.40340"E 175°42'08.31300"E 175°42'32.99400"E 175°42'32.16840"E
23	S	Tairua Harbour – Paku	37°00'12.14400"S 37°00'11.63999"S 37°00'14.55060"S 37°00'16.10639"S	175°51'42.54360"E 175°51'45.56760"E 175°51'48.55980"E 175°51'46.40040"E
23	T	Tairua Harbour	37°00'44.83980"S 37°00'33.40320"S 37°00'25.69080"S 37°00'16.45020"S 37°00'21.95940"S 37°00'31.07939"S 37°00'48.15900"S	175°51'00.28980"E 175°51'05.61840"E 175°51'12.24660"E 175°51'26.28840"E 175°51'30.57900"E 175°51'15.89460"E 175°51'05.77500"E
25	U	Whangamata Harbour	37°12'04.21320"S 37°11'58.42200"S 37°11'48.95040"S 37°11'40.21260"S 37°11'37.87200"S 37°11'35.93520"S 37°11'29.38020"S 37°11'19.69560"S 37°11'16.92540"S 37°11'27.33840"S 37°11'56.94000"S	175°52'49.81320"E 175°52'39.87540"E 175°52'30.40740"E 175°52'26.02440"E 175°52'23.63340"E 175°52'17.46720"E 175°52'07.10160"E 175°52'01.26420"E 175°52'05.89560"E 175°52'17.56860"E 175°52'50.61060"E

## Schedule 4: Cross-River CMA Boundaries

Map	Area	River/Stream
1	West Coast - Waitomo District	Awakino River Mokau River
2	West Coast - Waitomo District	Waikawau River
3	West Coast - Waitomo District	Marokopa River Kiritehere Stream
4	Kawhia - Waitomo and Otorohanga Districts	Manawatuhatuha Stream Mangaora Stream Oparau River Te Kauri Stream Awaroa River Waiharakeke Stream Matauwai Stream Wainui Stream
5	Aotea - Waikato and Otorohanga Districts	Pakoka River Makomako Stream
6	Raglan - Waikato District	Ohautira Stream Waitetuna River Wainui Stream
7	West Coast - Franklin District	Kaawa Stream
8	West Coast - Franklin District	Waikato River
9	Firth of Thames - Hauraki and Thames Coromandel Districts	Waitakaruru Canal Piako River Waihou River Kauaeranga River
10	Coromandel West Coast - Thames Coromandel District	Waiomu Stream
11	Coromandel West Coast - Thames Coromandel District	Waikawau River Te Mata River Tapu River
12	Manaia - Thames Coromandel District	Manaia River
13	Coromandel - Thames Coromandel District	Whangarahi Stream Waiau River
14	Kennedy Bay - Thames Coromandel District	Harataunga Stream
15	Colville & Waikawau - Thames Coromandel District	Umangawha Stream Waikawau River
16	Port Charles - Thames Coromandel District	Tangiaro Stream Parakete Stream
17	Kennedy Bay & Whangapoua - Thames Coromandel District	Harataunga Stream Opitonui River Mapauriki Stream
18	Kuaotunu to Otama - Thames Coromandel District	Kuaotunu River Otama River

20	Whitianga - Thames Coromandel District	Taputapuatea Stream Whangamaroro River Ounuora River Waiwawa River Whenuakite River
23	Tairua - Thames Coromandel District	Tairua River
24	Wharekawa - Thames Coromandel District	Wharekawa River
25	Whangamata - Thames Coromandel District	Wentworth River Otahu River (Waiharakeke Stream)

## Schedule 5: Current Marine Farms in the Waikato Region

Farm ID	Consent Holder	Date Granted	Date Expires	Site Type	Farm Size (ha)	Species Farmed
LE101	Pacific Marine Farms (1996) Limited	1/08/79	31/07/07	Lease	2.286	Rock oyster
LE118	Pacific Marine Farms (1996) Limited	1/11/69	31/10/11	Lease	5.31	Rock oyster
LE125	Tio Marine Limited	1/11/85	31/10/99	Lease	2.819	Rock oyster
LE141	Paddy Bull Limited	1/05/86	30/04/00	Lease	2.625	Rock oyster
LE155	John Louden	1/10/86	30/09/00	Lease	4	Rock oyster
LE156	J F Hawkeswood	1/10/86	30/09/00	Lease	4	Rock oyster
LE20	Pacific Marine Farms (1996) Limited	1/03/75	28/02/03	Lease	3.714	Rock oyster
LE208	GK & MH Cooper, OL & I Lloyd	1/06/70	31/05/12	Lease	12.08	Rock oyster
LE224	Pacific Marine Farms (1996) Limited	1/08/70	30/04/08	Lease	4.183	Rock oyster
LE26	GJ & MA Relph	1/03/68	28/02/10	Lease	2.039	Rock oyster
LE310	Coromandel Pacific Limited	1/02/74	31/01/02	Lease	4.022	Rock oyster
LE4	Pacific Marine Farms (1996) Limited	9/01/73	31/08/01	Lease	4.047	Rock oyster
LE49	Pacific Marine Farms (1996) Limited	1/08/79	31/07/07	Lease	3.976	Rock oyster
LE59	Pacific Marine Farms (1996) Limited	1/11/81	31/10/09	Lease	6.1	Rock oyster
LE70	Pacific Marine Farms (1996) Limited	1/02/87	31/01/01	Lease	8.618	Rock oyster
LI278	R & J Dockery	10/01/83	30/09/11	Licensed	3.75	Green mussel
LI291	G D James	6/01/84	31/05/11	Licensed	12	Green mussel
LI292	J H Searle	6/01/84	31/05/12	Licensed	5	Green mussel
LI293	H C Black	6/01/84	31/05/12	Licensed	3	Green mussel
LI294	J and A Bartrom	6/01/84	31/05/12	Licensed	5	Green mussel
LI295	Paddy Bull Limited	6/01/84	31/05/12	Licensed	5	Green mussel
LI296	HBO Mussel Farm Limited	6/01/84	31/05/12	Licensed	4	Green mussel
LI304	Kennedy Bay Mussel Company NZ Ltd	4/01/85	31/03/99	Licensed	4.4	Green mussel
LI308	A D James	10/01/85	30/09/13	Licensed	15	Green mussel, Scallops
LI310	Sanford Limited	4/01/85	31/03/13	Licensed	10	Green mussel
LI326	Greenshell New Zealand Limited	5/01/85	30/04/13	Licensed	5	Green mussel
LI327	Seahorse Mussels Limited	11/01/85	31/10/99	Licensed	5	Green mussel
LI333	Paddy Bull Limited	11/01/85	31/10/13	Licensed	3	Green mussel
LI336	Sanford Limited	12/01/85	30/11/13	Licensed	5	Green mussel
LI341	Aqua-Agriculture Farms Limited	12/01/85	30/11/99	Licensed	3	Green mussel
LI343	T and R Brolund	2/01/86	31/01/14	Licensed	4	Green mussel
LI344	Sanford Limited	4/01/86	31/03/14	Licensed	10.5	Green mussel
LI345	Westpac Mussel Distributors Limited	2/01/86	31/01/14	Licensed	5	Green mussel
LI346	Sanford Limited	2/01/86	31/01/14	Licensed	5	Green mussel
LI347	Paddy Bull Limited	5/01/86	30/04/14	Licensed	5	Green mussel
LI349	Paddy Bull Limited	2/01/86	31/01/14	Licensed	4	Green mussel
LI350	Paddy Bull Limited	5/01/86	30/04/00	Licensed	5	Green mussel
LI351	K and S Whittle	1/01/86	31/12/99	Licensed	3	Green mussel
LI357	R and R McIntosh	5/01/86	30/04/00	Licensed	5	Green mussel

<b>Farm ID</b>	<b>Consent Holder</b>	<b>Date Granted</b>	<b>Date Expires</b>	<b>Site Type</b>	<b>Farm Size (ha)</b>	<b>Species Farmed</b>
LI361	Pacific Marine Farms (1996) Limited	8/01/87	31/07/01	Licensed	2.5	Green mussel
LI362	Sanford Limited	7/01/87	30/06/01	Licensed	3	Green mussel
LI363	E R and E Nicholson, R and J Coldicutt	12/01/86	30/11/00	Licensed	3	Green mussel
LI364	R and H Mikaere	10/01/86	30/09/00	Licensed	5	Green mussel
LI365	Tikapa Moana Enterprises Limited	12/01/87	30/11/01	Licensed	10	Green mussel
LI373	Gilbert James Family Trust	3/01/87	28/02/01	Licensed	6	Green mussel
LI376	J & A Bartrom	8/01/87	31/07/01	Licensed	3	Green mussel
LI377	Tikapa Moana Enterprises Limited	8/01/87	31/07/01	Licensed	4	Green mussel
LI378	Tikapa Moana Enterprises Limited	8/01/87	31/07/01	Licensed	3	Green mussel
LI379	E R and E Nicholson, R and J Coldicutt	8/01/87	31/07/01	Licensed	3	Green mussel
LI380	A D James	8/01/87	31/07/01	Licensed	2	Green mussel
LI383	M W James	8/01/87	31/07/01	Licensed	4	Green mussel, Rock oyster
LI396	Curtis Grey Marine Farms Limited	2/01/88	31/01/02	Licensed	10	Green mussel
LI402	Sanford Limited	12/01/91	30/11/05	Licensed	3.78	Green mussel
LI421	A D James	8/01/87	31/07/01	Licensed	1	Green mussel
LI466	Aqua-Agriculture Farms Limited	8/01/91	31/07/05	Licensed	3	Green mussel
LI521	J Nicholson and J Dollimore	7/01/93	30/06/07	Licensed	12	Green mussel
LI522	AAO Limited	7/01/93	30/06/07	Licensed	10	Green mussel
LI523	AAO Limited	8/01/93	31/07/07	Licensed	10	Green mussel
LI524	Sanford Limited	7/01/93	30/06/07	Licensed	10	Green mussel
LI525	Greenshell New Zealand Limited	7/01/93	30/06/07	Licensed	10	Green mussel
LI526	James and Blyth Limited	7/01/93	30/06/07	Licensed	10	Green mussel
LI527	NPKW Soc Ltd, NW Inc Soc Ltd	10/01/93	30/09/07	Licensed	27	Green mussel
LI528	Tikapa Moana Enterprises Limited	7/01/93	30/06/07	Licensed	27	Green mussel
LI529	R Barker and J Mellow	7/01/93	30/06/07	Licensed	10	Green mussel
LI531	H and M Dobbs	7/01/93	30/06/07	Licensed	3	Green mussel
LI534	Coromandel Marine Seed Farm Limited	4/01/94	31/03/99	Licensed	2.2	Green mussel
MFP93	Hauraki Marine Development Trust	31/08/94	30/08/29	Permitted	55.6	Various
MFP95	Hauraki Marine Development Trust	31/08/94	30/08/29	Permitted	12.5	Various
MFP97	Hauraki Marine Development Trust	31/08/94	30/08/29	Permitted	12.5	Various
MFP99	Hauraki Marine Development Trust	31/08/94	30/08/29	Permitted	12.5	Various
MFP347	Aqua Agriculture Farms Limited	14/01/99	30/04/32	Permitted	3	Green mussel
MFP364	Coromandel Marine Fms Assn Inc	7/05/98	31/12/23	Permitted	22.5	Green mussel, Rock oyster

## Schedule 6: Marine Farming Zones

### Wilson Bay Marine Farming Zone Farmed Areas:

Area A contains 470 farmed hectares  
 Area B contains 520 farmed hectares  
 Area C contains 90 farmed hectares  
 Current farmed area is 220 hectares  
 Total available zone is 1,300 hectares

### Wilson Bay Marine Farming Zone Corner Point Co-ordinates:

	WGS84 Datum		NZ Map Grid 1949 Datum	
	c	175:24.2934 E	36:53.8045 S	2724703
d	175:26.6558 E	36:56.2858 S	2728084	6470779
e	175:23.8260 E	36:58.0211 S	2723797	6467686
f1	175:21.6381 E	36:55.7217 S	2720665	6472025
f2	175:21.5197 E	36:55.5057 S	2720500	6472429

### History of the Establishment of the Wilson Bay Marine Farming Zone

Pursuant to section 36(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, the Wilson Bay Marine Farming Zone was declared an interim Aquaculture Management Area in February 2008. The Chief Executive of the Ministry of Fisheries subsequently made a determination that the interim Aquaculture Management Area does not have an undue adverse effect on fishing or the sustainability of fisheries resources. A copy of that decision is available on request from Waikato Regional Council.

### Coromandel Marine Farming Zone Farmed Area:

Total available zone is 300 hectares

### Coromandel Marine Farming Zone Corner Point Co-ordinates

	WGS84 Datum		NZ Map Grid 1949 Datum	
	a	175:21.5342 E	36:45.8359 S	2721001
b	175:21.5508 E	36:46.3763 S	2720998	6489307
c	175:19.5354 E	36:46.4160 S	2717999	6489313
d	175:19.5191 E	36:45.8756 S	2718001	6490313

# Maps

# APPENDIX IV: Areas of Significant Conservation Value

The following ASCV and their significant conservation values were identified using a set of assessment criteria derived from Schedule 2 of the Draft NZCPS. The criteria used include:

- a) Maaori cultural values of local, regional or national significance.
- b) Presence of protected areas.
- c) Wetlands, estuaries and coastal lagoons of national or international significance.
- d) Habitats, breeding sites, roost sites or feeding sites of marine mammals and birds.
- e) Ecosystems, flora and fauna habitats with regionally, nationally or internationally significant or threatened ecosystems or species.
- f) Scenic sites of regional, national or international importance.
- g) Historic places of outstanding significance.
- h) Representative examples of nationally significant or outstanding coastal landforms and associated processes.

It should be noted that the conservation values identified under this Appendix are not an exhaustive list, rather they are a summarised version of those values of regional importance originally identified by the Department of Conservation. It is acknowledged that these values cannot be made specific within the ASCV area, however they indicate to applicants the need to give careful consideration to them as significant conservation values, when making any application to use or develop resources in an ASCV.

MAP	ASCV	SITE	CONSERVATION VALUES
1	1	Mokau River Estuary	<ul style="list-style-type: none"> <li>• Site of cultural importance to Taranaki and Tainui iwi.</li> <li>• Adjoining high quality, protected riverine habitat.</li> <li>• Whitebait spawning habitat.</li> <li>• Regionally important whitebait and native fishery.</li> <li>• Resident and frequenting rare and threatened wildlife (waders and coastal birds and Hector's dolphin).</li> <li>• Mokau coastal features (R17 502 909).</li> </ul>
3	2	Marokopa River Estuary	<ul style="list-style-type: none"> <li>• Site of cultural importance to Tainui iwi for gathering kaimoana.</li> <li>• Resident and frequenting rare and threatened wading and coastal bird species and Hector's dolphin.</li> <li>• Geopreservation sites: Marokopa zeolite facies (R16 595 187), Marokopa-Kiritehere coast (R16 598 198), Marokopa River mouth - triassic-jurassic contact (R16 600 202).</li> </ul>
4	3	Albatross Pt and adjoining coastline	<ul style="list-style-type: none"> <li>• Site of cultural importance to Tainui iwi, for gathering kaimoana.</li> <li>• Haul out and breeding site for NZ fur seal (<i>Anctocephalus forsteri</i>).</li> <li>• Nationally significant fossil and geological site.</li> <li>• Arataura Pt (R15 631 415), Ururoa Pt (R15 648 430).</li> </ul>

MAP	ASCV	SITE	CONSERVATION VALUES
4	4	Kawhia Harbour	<ul style="list-style-type: none"> <li>• Site of immense value to Tainui iwi. Commonly referred to as the 'Hearth of Tainui'.</li> <li>• Canoe resting site - Te Ahurei.</li> <li>• Outstanding habitat for wildlife, wading, shore and wetland bird fauna.</li> <li>• Extensive eel grass communities.</li> <li>• Resident and frequenting endangered rare and threatened wading and coastal bird species.</li> <li>• Presence of Hector's dolphin.</li> <li>• Nationally significant fossil sites - Te Maika Pt (R15 658 441), Totara Pt (R15 659 411), Arataura Pt (R15 631 415), Heteri Pt (R15 664 401), Ohaua Pt (R15 684 411), Ururoa Pt (R15 648 430), Puti Pt (R15 734 481) and Motutara Peninsula (R15 722 474).</li> <li>• Waiharakeke bridge - kinohaku jurassic sequence (R16 772 399), Maire Point (R16 704 382).</li> <li>• Historic pohutukawa tree. (R15 697 467).</li> <li>• Te Puia Springs (R15 663 470).</li> </ul>
5	5	Aotea Harbour	<ul style="list-style-type: none"> <li>• Site of cultural importance to Tainui iwi.</li> <li>• Extensive sandspit and sand dune system classified as Scientific Reserve adjoining harbour.</li> <li>• Extensive eel grass communities.</li> <li>• Resident and frequenting rare and threatened waders and coastal bird fauna.</li> <li>• Hector's dolphin.</li> <li>• Nationally significant dune complex of Titanomagnetic iron sand.</li> <li>• Geopreservation sites: Aotea dune fields (R15 732 588), Taranaki Point (R15 673 565).</li> </ul>
5	6	Gannet Island	<ul style="list-style-type: none"> <li>• Island Wildlife Sanctuary.</li> <li>• Haul out and breeding site for NZ fur seal.</li> <li>• Major breeding site for Australasian gannet.</li> </ul>
6	7	Raglan Harbour	<ul style="list-style-type: none"> <li>• Site of cultural significance to Tainui.</li> <li>• Resident and frequenting rare and threatened wading and coastal bird fauna.</li> <li>• Hector's dolphin area.</li> <li>• Recognised southern limit of mangroves.</li> </ul>
8	8	Waikato River mouth and Estuary	<ul style="list-style-type: none"> <li>• Of immense value to Tainui.</li> <li>• Wildlife habitat of high value.</li> <li>• National significance whitebait and native fishery.</li> <li>• Resident and frequenting rare and threatened waders, coastal and freshwater bird fauna.</li> <li>• Nationally significant fossil and land forms exposed.</li> <li>• Geopreservation sites: Port Waikato complex landslide (R13 637 228), Port Waikato (R13 660 248).</li> </ul>
9	9 / 10	Firth of Thames to Tararu	<ul style="list-style-type: none"> <li>• Site of cultural significance to Hauraki iwi.</li> <li>• Internationally important wetland (RAMSAR site).</li> <li>• Resident and frequenting rare and threatened national and international migratory waders, coastal and freshwater bird species.</li> <li>• Nationally significant mangrove and mudflat communities.</li> <li>• Unique and globally rare land form (chenier plain).</li> <li>• Extensive shellfish beds and gathering of shellfish.</li> <li>• Miranda chenier plain and coastal flats (S12 146 469).</li> </ul>

MAP	ASCV	SITE	CONSERVATION VALUES
12	11	Manaia Harbour	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Unmodified representative estuarine system.</li> <li>• Saltmarsh, eel grass and mangrove communities.</li> <li>• Resident and frequenting rare and threatened waders and coastal bird species.</li> </ul>
13	12	Inner Coromandel Harbour	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Resident rare and threatened wading and coastal bird species.</li> <li>• Saltmarsh, eel grass and mangrove communities.</li> </ul>
15	13	Colville Bay	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Significant breeding site for NZ dotterel.</li> <li>• Resident and frequenting threatened and rare waders, coastal and freshwater bird species.</li> <li>• Nationally significant archaeological sites.</li> </ul>
15	15	Waikawau Bay and Estuary	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Representative estuarine system with largely unmodified coastal forest, mangrove and saltmarsh communities.</li> <li>• Resident and frequenting rare and threatened wading and coastal bird species.</li> <li>• Nationally important seascape.</li> <li>• Adjoining Waikawau Farm Park recreational reserve.</li> <li>• Regionally significant dune system fronting Waikawau Bay.</li> </ul>
16	14	Cape Colville to Sandy Bay	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Adjoining Cape Colville Farm Park, Recreation Reserve.</li> <li>• Resident rare and threatened wading and coastal bird species.</li> <li>• Unique subtidal environs.</li> <li>• Nationally significant coastal landscape.</li> <li>• Archaeological sites of 'Archaic' period.</li> <li>• Geopreservation sites: Sugar Loaf (S09 265 227), Fletchers Bay Waitemata Group sedimentary sequence (S09 254 224).</li> </ul>
17	16	Whangapoua Harbour	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Nationally important habitat for wildlife.</li> <li>• Resident and frequenting rare and threatened wading, coastal and freshwater bird fauna.</li> <li>• Significant saltmarsh, eel grass and mangrove communities.</li> <li>• Extensive shellfish beds.</li> <li>• A number of archaeological sites around harbour margins.</li> <li>• Gathering of shellfish.</li> <li>• Omara spit landform (T10 474 930).</li> </ul>
18	17	Kuaotunu Peninsula	<ul style="list-style-type: none"> <li>• Site of cultural and spiritual significance to Hauraki iwi.</li> <li>• Significant roosting and breeding sites for migratory birds and small populations of threatened wildlife, including the NZ dotterel and variable oyster catcher.</li> <li>• Extensive shellfish beds and shellfish gathering.</li> <li>• Representative coastal landscape (rocky shoreline).</li> </ul>

MAP	ASCV	SITE	CONSERVATION VALUES
18	18	Ohinau Island Group	<ul style="list-style-type: none"> <li>• Sites of significance to Hauraki iwi.</li> <li>• Significant colonies of sea birds.</li> <li>• Rare and threatened fauna.</li> <li>• Rare flora.</li> <li>• Nationally significant seascape.</li> <li>• Regionally significant archaeological sites.</li> <li>• Ohinau Island columnar rhyolite (T10 673 929).</li> </ul>
19	19	Mercury Island Group and Cuvier Island	<ul style="list-style-type: none"> <li>• Sites of significance to Hauraki iwi.</li> <li>• Islands and rock stacks are gazetted reserves.</li> <li>• Significant colonies of burrowing sea birds.</li> <li>• Rare and threatened sea and coastal bird species.</li> <li>• Rare and threatened lizard and insect species.</li> <li>• Threatened plants.</li> <li>• Nationally significant seascape.</li> <li>• Island managed as refuges for endangered fauna.</li> <li>• Regionally significant archaeological site.</li> <li>• Cuvier Island tourmalinised rocks (T09 584 257).</li> <li>• Red Mercury Island basalt (U10 732 052).</li> <li>• Stanley Island basalt vents and cone (T10 687 025).</li> <li>• White cliffs, Great Mercury (T10 620 057).</li> </ul>
20	20	Whitianga Harbour	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Nationally important wildlife habitat.</li> <li>• Resident and frequenting rare and threatened wading, coastal and freshwater bird species.</li> <li>• Resident common dolphins.</li> <li>• Extensive eel grass and mangrove communities.</li> <li>• Adjoining forest scenic reserves.</li> <li>• Geopreservation sites: Maramaratotara Bay coastal features (T11 529 819), Shakespeare Cliff clastic dikes (T11 534 820), Whitianga Ferry Landing ignimbrite (T11 522 818).</li> <li>• Archaeological site: Whitianga wharf (T11 523 818).</li> </ul>
20	21	Purangi Estuary and Te Whanganui-a-Hei Cathedral Cove) Marine Reserve south to Hereheretaura Peninsula	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Significant marine breeding ground, adjacent to the Te Whanganui-a-Hei Marine Reserve.</li> <li>• Significant mangrove communities.</li> <li>• Significant site of early European settlement.</li> <li>• Extensive shellfish beds and shellfish gathering.</li> <li>• Site of significance to Hauraki iwi.</li> <li>• Site includes Mahurangi Island Recreation Reserve.</li> <li>• Offshore islands used for relocation of threatened wildlife.</li> <li>• Islands contain rare plant communities.</li> <li>• Regionally significance seascape.</li> <li>• Geopreservation sites: Cathedral Cove (T11 593 821), Wigmore rhyolite dome (T11 615 804), Hahei rhyolite dome (T11 602 815).</li> </ul>

MAP	ASCV	SITE	CONSERVATION VALUES
22	22	Alderman Island Group	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi have been used for traditional harvest of titi and gardening.</li> <li>• Islands and rock stacks are gazetted nature reserves.</li> <li>• Frequented by NZ fur seal.</li> <li>• Significant burrowing seabird colonies.</li> <li>• Threatened lizard and tuatara.</li> <li>• Threatened plants.</li> <li>• Nationally significant seascape.</li> <li>• Regionally significant archaeological sites.</li> <li>• Alderman Islands coastal landforms, Middle Island (U11 845 668), The Spire (863 672), Pisa Rock (851 647).</li> <li>• Ruamahau-iti andesite flow (U11 849 652).</li> </ul>
23	23	Upper Tairua Harbour	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Resident and frequenting, rare and threatened wading and coastal bird species.</li> <li>• Saltmarsh, eel grass, and mangrove communities, and shellfish beds.</li> <li>• Archaeological shell middens.</li> <li>• Whitebait spawning habitat.</li> <li>• Geopreservation sites: Paku Island perlite (T11 656 628), Pauanui coastal flats (T11 656 614).</li> </ul>
24	24	Opoutere Sandspit and Wharekawa Harbour	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Outstanding wildlife habitat.</li> <li>• Large breeding population of NZ dotterel.</li> <li>• Resident and frequenting rare and threatened waders and coastal bird species, including variable oyster catcher, banded rail and bittern.</li> <li>• Significant saltmarsh, eel grass and mangrove communities.</li> <li>• Gathering of shellfish.</li> <li>• Wildlife Refuge, gazetted 1967.</li> </ul>
25	25	Upper Whangamata Harbour	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Extensive eel grass and mangrove communities.</li> <li>• Wildlife habitat of high value.</li> <li>• Resident and frequenting rare and threatened waders and coastal bird species.</li> <li>• Gathering of shellfish.</li> </ul>
25	26	Otahu Estuary	<ul style="list-style-type: none"> <li>• Site of significance to Hauraki iwi.</li> <li>• Unmodified saltmarsh, eel grass, mangrove and freshwater communities.</li> <li>• Representative wetland.</li> <li>• Linkage with forested catchment.</li> <li>• Native fisheries values.</li> <li>• Resident and frequenting rare and threatened, wading, coastal and freshwater bird species.</li> </ul>
25	27	Clark Island Group	<ul style="list-style-type: none"> <li>• Sites of significance to Hauraki iwi.</li> <li>• Island wildlife sanctuaries.</li> <li>• Rare and threatened fauna.</li> </ul>



# APPENDIX V: Additional Matters

This Appendix provides background information on additional matters relating to the management of the CMA. It is provided as information only. Objectives and policies have not been developed.

The following information is covered in this Appendix:

- a) Advice on consents process.
- b) Existing uses.
- c) Conditions on consents.
- d) Rents and royalties.
- e) Coastal tendering.
- f) Building Act.
- g) Bylaws.
- h) Transfer and/or delegation of functions, powers, duties.
- i) Fisheries Management.
- j) Maritime Transport Act.
- k) Marine Pollution.

## Advice on Consents Process

Environment Waikato recognises the consent process is complex and wishes to ensure that people have sufficient information about making applications for coastal permits. Applicants are encouraged to contact Environment Waikato staff prior to lodging an application. This will assist applicants to ensure sufficient information is provided to enable the application to be dealt with efficiently. Staff will be able to advise on:

- a) existing Rules and information requirements in this Plan
- b) the range of people who should be consulted regarding the proposed application
- c) discussions on possible options available to avoid, remedy or mitigate adverse environmental effects
- d) the range of matters that need to be covered in an assessment of effects on the environment that must be prepared by the applicant (see Appendix I of this Plan)
- e) the procedure to be followed in lodging an application, including the procedures to be followed should a formal hearing of the application be required
- f) any other requirements which might apply (e.g. rents or royalties payable to the Crown, authorisations from other agencies).

## Existing Uses

Under s20 of the RMA certain lawful existing uses which contravene a rule in a proposed Regional Plan, are permitted to continue until the rules in that Plan become operative. Any activity that contravenes a rule in this Plan may continue to be carried on until the plan becomes operative, if:

- (a) *the activity was lawfully established before the proposed plan was notified; and*
- (b) *the activity has not been discontinued for a continuous period of more than 6 months...since the proposed plan was notified; and*
- (c) *the effects of the activity are the same or similar in character, intensity, and scale to those which existed before the proposed plan was notified.*

Once the Plan becomes **operative**, an activity which was previously permitted or could be undertaken lawfully, but now requires a resource consent due to a rule in the Plan providing for it as a controlled, discretionary or non-complying activity, may be carried on if:

- (a) *the activity was lawfully established before the rule became operative; and*

- (b) *the effects of the activity are the same or similar in character, intensity, and scale to those which existed before the rule became operative; and*
- (c) *the person carrying on the activity has applied for a resource consent from the appropriate consent authority within 6 months of the rule becoming operative and the application has not been decided or any appeals have not been determined.*

In addition, Part XV of the RMA sets out transitional provisions which relate to various existing rights in the CMA. Further advice on these matters may be requested from Environment Waikato staff. It should also be noted that there may be subsequent amendments to the RMA, and clarification of the RMA resulting from Environment Court decisions and declarations.

## Occupation of Space

It should be noted that in accordance with s30(1)(d)(ii) of the RMA 1991, coastal permits relating to the occupation of space applies only to land that is foreshore or seabed that is vested in the Crown or the Regional Council.

## Conditions on Consents

In addition to any matters set out in this Plan, Environment Waikato retains the discretion of setting conditions as part of granting a resource consent in accordance with s108 of the RMA. Conditions on consents reflect the particular features of any application and are aimed at avoiding, remedying or mitigating adverse effects.

## Rents and Royalties

In accordance with s112 of the RMA, in every permit authorising the holder to

- (a) *Occupy, within the meaning of s12(4), any land of the Crown in the CMA; or*
- (b) *Remove any sand, shingle, shell or other natural material, within the meaning of s12(4), from any such land -*

*there shall be implied a condition that the holder shall at all times throughout the period of the permit pay to the relevant regional council on behalf of the Crown,-*

- (a) *Where the permit was permitted to be granted by virtue of an authorisation granted under s161, the rent and royalties (if any) specified in the authorisation held by the permit holder; and*
- (b) *Any sum of money required to be paid by any regulation made under s360(1)(c).*

The Transitional Fees, Rents and Royalties Regulations of the RMA set out the payments of rents and royalties relating to coastal permits, licences and other authorisations in the CMA. The Second Schedule to these Regulations sets out the fees payable. The role of Environment Waikato in respect of these fees is only to collect them on behalf of the Crown. At present the scope and amounts of fees are being reviewed by Government.

## Coastal Tendering

Part VII of the RMA provides for a system of coastal tendering. This is a mechanism for choosing between competing applications for the same area of coastal space, or for the removal of sand, shingle, shell and other material, or for the reclamation of the foreshore or seabed.

Coastal tendering will only be necessary where competing interests are attracted to the same area of the coast. Following the notification of a regional coastal plan, and the Minister of Conservation becoming aware of competition for use in an area of the coast, the Minister may issue an Order-in-Council which would direct Environment Waikato not to grant any coastal permits for the area it covers, unless an authorisation has first been obtained through the tendering process. The successful tender, following the receipt of

an authorisation, must then go through the normal consents process under the RMA. The tender process is therefore a mechanism for deciding which applicant can lodge an application for a coastal permit. The application is then dealt with by Environment Waikato under the requirements of the Plan and/or RMA.

Authorisations are transferable upon written notice to the Minister of Conservation and Environment Waikato.

## Building Act

Under the Building Act, 1991, Environment Waikato is responsible for issuing building consents for the construction or alteration of structures within the CMA. There is one exceptions to this: where there are specific exemptions provided in the Building Act. These consents are separate from resource management consents and are dealt with through different processes.

Environment Waikato will be considering either transferring the functions, duties, powers of the Building Act to Territorial Authorities, (given that they deal with Building Act consents above Mean High Water Springs), or contracting out this responsibility.

## Bylaws

In the past, day-to-day management of coastal areas was undertaken at the local level through bylaws made under the Harbours Act 1950. These bylaws covered certain foreshore and harbour areas and controlled navigation and safety matters, people's behaviour and use of these areas. The bylaws are now likely to expire on 1 October 1999, as a result of changes made to s424 of the RMA under the Resource Management Amendment Bill (No 4). Where no further bylaws are promulgated, the provisions of the Water Recreation Regulations 1979 will apply. The Minister of Transport commenced a review of the Harbours Act in early 1996. It is expected that the review will be completed by 1 October 1999.

## Transfer and/or Delegation of Functions, Powers, Duties

Sections 33 and 34 of the RMA provide the opportunity for Environment Waikato to transfer or delegate certain functions, powers or duties to another local authority, Iwi authority, Government department, statutory authority or joint committee (established under s80 of the RMA). Section 33 provides Environment Waikato with the power to **transfer** its functions, powers and duties under the RMA to any other 'public authority'. Such a transfer can only be made by Environment Waikato (see s33(4)) if:

- (a) *It has used the special consultative procedure specified in section 716A of the Local Government Act 1974; and*
- (b) *Before using that special consultative procedure it serves notice on the Minister of its proposal to transfer the function, power, or duty; and*
- (c) *Both authorities agree that the transfer is desirable on all of the following grounds:*
  - (i) *The authority to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power or duty:*
  - (ii) *Efficiency:*
  - (iii) *Technical or special capability or expertise.*

In any event, Environment Waikato will still retain responsibility for the exercise of the function, power, or duty.

Section 34 establishes the extent to which Environment Waikato may **delegate** its functions, duties and powers under the RMA to any committee of Council, hearing commissioner(s) or officer of Council. Such a delegation of powers can be made on any terms and conditions Environment Waikato thinks appropriate and can be revoked at any time. Any person who has been delegated a function, power or duty under this section of the RMA, may exercise or perform that responsibility in a similar manner and with the same effect as Environment Waikato could have.

These are mechanisms which would enable the management of certain responsibilities to be undertaken at a local level. This can provide a more efficient service for resource users in the CMA.

## Fisheries Management

The Fisheries Act 1983 provides for the management and conservation of fisheries and fishery resources within New Zealand and New Zealand fisheries waters. The Ministry of Fisheries is the Crown agency, responsible under the Fisheries Act, for fisheries management and conservation. Section 30(2) of the RMA specifies the limits of control which regional councils (and the Minister of Conservation) may exercise with respect to matters relating to fisheries management under the Fisheries Act 1983. Therefore, the Plan does not contain any provisions relating to the management or allocation of the fishery resource. Environment Waikato will however, undertake an advocacy role with the Ministry of Fisheries where significant community concerns, including issues regarding habitat and ecosystems, are raised. Environment Waikato will also advocate to the Ministry of Fisheries where it is drawn to the Council's attention that public education is required on the quota management system. Refer also to **Other Methods** 17.2.3, 17.2.10, 17.6.2 and 17.11.3. Provisions for establishing and managing taiapure and maataitai reserves are part of the fisheries management and allocation provisions of the Fisheries Act 1983.

## Maritime Transport Act

The Maritime Transport Act 1994 replaces the Shipping and Seamen Act 1952 and the Marine Pollution Act 1974. While the Maritime Transport Act sets out the broad principles of maritime law, it also sets out that environmental controls inside the 12 nautical mile limit are to be managed under the RMA. Thus, in the CMA, the Maritime Transport Act has a management component which overlaps with the RMA.

Parts of the Act of relevance to this Plan include marine environmental protection and the amendments to the RMA under the Resource Management Amendment Act 1994, which strengthen pollution controls and oil spill response provisions. Discharge, dumping and incineration controls for waters **outside** the 12 mile limit are provided for by the Maritime Transport Act through 'marine protection Rules', while waters **inside** the 12 mile limit will be controlled by regulations made under the RMA. Oil spill management and response and technical pollution prevention standards for ships are covered by the Maritime Transport Act only, and apply both within and beyond the 12 mile limit.

## Marine Pollution

Within the coastal marine area, the Resource Management (Marine Pollution) Regulations 1998, cover a number of matters relating to discharges. These regulations came into force on 20 August 1998. they have the effect of rules and must be read in addition to any rules contained in this Plan. In particular they regulate:

- the dumping of waste or other matter
- incineration of waste in marine incineration facility
- discharges of substances for purpose of avoiding, remedying, or mitigating oil spill
- discharge of oil
- discharge of noxious liquid substances
- discharge of sewage in coastal marine area

- discharge of treated sewage in coastal marine area
- discharge of garbage
- discharge of ballast water
- discharges made as part of normal operations of ship or offshore installation.



# APPENDIX VI: Glossary

**[NB: Definitions marked with an \* are taken from the RMA 1991 or Resource Management Amendment Act 1993]**

**Air Quality Characteristics:** Include:

- a) the health status of the air (i.e. the ability to sustain all life)
  - b) the presence/level/lack of objectionable odorous contaminants
  - c) the presence/level/lack of objectionable particulate contaminants
  - d) natural/unhindered views and visibility
  - e) matters of importance to Maaori.
- (Environment Waikato, 1997).

**AMA:** aquaculture management area.

**Amenity Values\*:** Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

**Anchoring:** means the securing of a vessel to the bed of the waterway by means of an anchor, cable or other device that is removed with the vessel when it leaves the site of anchorage.

**Aquaculture:** The farming of aquatic fish, shellfish, and plants (New Zealand Fishing Industry Board, 1994).

**Aquaculture Management Area\*:**

- (a) means a coastal marine area described as an aquaculture management area and included in a regional coastal plan or proposed regional coastal plan in accordance with section 165C; and
- (b) includes—
  - (i) an interim aquaculture management area that becomes an aquaculture management area under section 44 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; and
  - (ii) part of an aquaculture management area.

**ASCV:** Area of Significant Conservation Value.

**Authorised marine farm:** means, for the purpose of Rule 16.5.5B, a marine farm that was lawfully established by lease or licence under the Marine Farming Act 1971, or a current marine farming permit under the Fisheries Act 1983, or a coastal permit under the Resource Management Act 1991 issued under Rules 16.5.3, 16.5.4 or 16.5.5 of this Plan.

**Beach System:** A term used to describe the entire, inter-connected, dynamic system which composes a particular beach. The term incorporates all those parts of a beach between which sediment is regularly exchanged. As such, it includes the offshore subtidal regions of beaches (where sand is transported during storms) and the frontal dune behind the beach (which provides a reservoir of sand for the beach, drawn on during major storms).

**Bed\*:** In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

**Berm:** A landward ridge or bar; a flat topped feature which forms at the limit of the wave's wash (J Pethick, Introduction to Coastal Geomorphology, 1984).

**Best Practicable Option\*:** In relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:

- a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- b) the financial implications, and the effects on the environment, of that option when compared with other options; and
- c) the current state of technical knowledge and the likelihood that the option can be successfully applied.

**Bioaccumulative:** The intrinsic tendency for substances to accumulate in living organisms as they breathe contaminated air, drink or live in contaminated water or eat contaminated food.

**Blue Mud:** Anaerobic mud (unoxidized), typically blue/grey in colour (Environment Waikato, 1993).

**Charter Vessel** means a vessel available for hire for temporary recreational use.

**Cleanfill:**

- a) For the purposes of this Plan, cleanfill consists of the following materials:
  - i) uncontaminated soil and/or sand
  - ii) uncontaminated clay
  - iii) uncontaminated gravel or rock
  - iv) uncontaminated brick and rubble
  - v) general demolition material that is not contaminated by substances subject to biological, chemical, and/or physical breakdown.
- b) For the purposes of this Plan, the following materials are not permitted in a cleanfill:
  - i) asphalt, asphalt concrete and tarseal
  - ii) sawdust and/or bark
  - iii) combustible matter
  - iv) organic matter including timber, trees, and/or garden trimmings
  - v) sludges
  - vi) contaminated soil
  - vii) domestic, industrial or commercial waste
  - viii) hazardous waste
  - ix) medical or clinical waste.
- c) The deposit shall not contain any hazardous substances.

**Coastal Environment:** The coastal environment is an environment in which the coast is a significant part or element, and includes the CMA.

**CMA:** Coastal Marine Area.

**Coastal Marine Area\*:** The foreshore, seabed, and coastal water, and air space above the water -

- a) of which the seaward boundary is the outer limits of the territorial sea:
- b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
  - i) one kilometre upstream from the mouth of the river; or
  - ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

**Coastal Permit\*:** A consent to do something in CMA that otherwise would contravene any of sections 12, 14, and 15 of the RMA.

**Coastal Water\*:** Seawater within the outer limits of the territorial sea and includes -

- a) seawater with a substantial fresh water component; and
- b) seawater in estuaries, fiords, inlets, harbours, or embayments.

**Conditions\*:** In relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

**Contaminant\*:** Includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat -

- a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

**Controlled Activity\*:** An activity which:

- a) is provided for, as a controlled activity, by a rule in a plan or a proposed plan; and
- b) complies with standards and terms specified in a plan or proposed plan for such activities; and
- c) is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and
- d) is allowed only if a resource consent is obtained in respect of that activity.

**Declamation:** Involves the construction of a basin or channel which causes previously exposed land to be covered by salt water.

**Discharge\*:** Includes emit, deposit, and allow to escape.

**Discretionary Activity\*:** An activity:

- a) which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
- b) which is allowed only if a resource consent is obtained in respect of that activity; and
- c) which may have standards and terms specified in a plan or proposed plan; and
- d) which in respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity.

**DMA:** Defined Mooring Area.

**Ecosystem:** A dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit (United Nations Conference on Environment and Development, 1992).

**Effect\*:** As defined in s3 of the RMA, unless the context otherwise requires, the term 'effect' includes -:

- a) any positive or adverse effect; and
- b) any temporary or permanent effect; and
- c) any past, present, or future effect; and

- d) any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect, and also includes -
- e) any potential effect of high probability; and
- f) any potential effect of low probability which has a high potential impact.

**Enhancement:** Means allowing use and development of natural and physical resources while ensuring that use or development raises or improves the values, characteristics and qualities of the environment as a whole (Environment Waikato, 1996).

**Environment\*:** Includes -

- a) ecosystems and their constituent parts, including people and communities; and
- b) all natural and physical resources; and
- c) amenity values; and
- d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

**Environmental Results Anticipated:** Means the intended result or measurable outcome expected on the environment, which occurs as a consequence of implementing a policy or method (Environment Waikato, 1996).

**Environmental Standards:** Is used to describe the environmental limits which will be used to describe the use, development and protection of natural and physical resources in such a manner as to ensure the existing state of the environment is not further degraded (Environment Waikato, 1992).

**Esplanade Reserve\*:** A reserve within the meaning of the Reserves Act 1977:

- a) which is either -
  - i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
  - ii) a reserve vested in the Crown or a regional council under section 237 D; and
- b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.

**Esplanade Strip\*:** A strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.

**Exclusive Occupation:** Occupation or use that would exclude or effectively exclude public access from an area (Schedule 1.9 of the NZCPS).

**Exotic Plant:** A plant which is not native to New Zealand or indigenous to a locality. These may include introduced plants which are species not native to New Zealand, but have been brought in by accident or design (Environment Waikato).

**Fed aquaculture:** means the farming of any aquatic organism that involves the discharge of feed into the coastal marine area and includes finfish farming.

**Financial Contribution\*:** A contribution of -

- a) Money; or
- b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
- c) Works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource; or
- d) Services -

or any combination thereof, made for purposes specified in the plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and which does not exceed in value the maximum amount specified in, or determined in accordance with, the plan. (Section 108(9) of the RMA)

**Firth of Thames:** means, for the purpose of Policy 6.1.1B, Policy 6.1.4, Rule 16.5.5B and Rule 16.5.5C, all of the coastal marine area south of a line extending from Deadmans Point to Orere Point.

**Fish Aggregation Devices:** A raft or floating structure designed specifically to attract a target fish species or number of species in a particular area (Environment Waikato, 1994).

**Foreshore\*:** Any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the CMA.

**Functional Need:** The need for an activity to be located in the CMA where it is not able to function above Mean High Water Springs.

**Geomorphology:** The study of the development, configuration and distribution of the surface features of the earth (Funk and Wagnalls, Standard Dictionary, 1960).

**Habitat:** The place or type of site where an organism or population normally occurs (United Nations Conference on Environment and Development).

**Hapu:** Sub-tribe or cluster of whanau groups that share a common ancestor (Parliamentary Commissioner for the Environment, 1992).

**Hazard Risk:** The level of threat to people or what people value that is associated with the occurrence of a natural hazard. This risk can be escalated or reduced by human activity.

**Hazardous Substance:** means, unless expressly provided otherwise by regulations, any substance:

- a) With one or more of the following intrinsic properties:
  - i) Explosiveness:
  - ii) Flammability:
  - iii) A capacity to oxidise:
  - iv) Corrosiveness:
  - v) Toxicity (including chronic toxicity):
  - vi) Ecotoxicity, with or without bioaccumulation;

or

- b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a) of this definition. (Hazardous Substances and New Organisms Act 1996)

For the purposes of this Plan, 'hazardous substance' includes any substances listed in the seventh schedule of the Hazardous Substances and New Organisms Act 1996.

**Implementation Method:** Describes an action which outlines how a policy will be implemented, and can include specific procedures, programmes or techniques (Environment Waikato, 1996).

**Impoundments:** Structures which remove land of the foreshore or seabed from the influence of tides.

**Indigenous Vegetation:** Means vegetation that occurs naturally in New Zealand or arrived in New Zealand without human assistance (Environment Waikato, 1996).

**Infrastructure:** For the purposes of this Plan includes, buildings, network utilities, impoundments and other such structures located in the CMA.

**Initial Mixing:** The first phase of the mixing of a discharge with receiving waters. In the case of sewage effluent being discharged to waters of the CMA, initial mixing refers to all mixing processes that occur between the effluent leaving the discharge structure and reaching the surface of the receiving water (Environment Waikato, 1997).

**Issue:** A statement of concern or a problem as it relates to an aspect of natural and physical resources or the management of those resources within the Region. This includes those matters identified in s62 of the RMA (Environment Waikato, 1996).

**Iwi:** Means tribe, people: an iwi authority can refer to any group which legitimately represents Maaori tribal interests (Parliamentary Commissioner for the Environment, 1992).

**Iwi Authority\*:** The authority which represents an iwi and which is recognised by that iwi as having authority to do so.

**Kai Moana:** Food from the sea (Canterbury Regional Council, 1992).

**Kaitiakitanga\*:** The exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

**Karakia:** Prayer, chant, ritual.

**Kawa:** Protocol, local way, kawa varies among tribes.

**Land\*:** Includes land covered by water and the air space above land.

**Maataitai\*:** Food resources from the sea and “mahinga maataitai” means the areas from which these resources are gathered.

**Maintenance Dredging:** The dredging of the bed of the sea necessary to maintain water depths, for the safe and convenient navigation of ships, in navigation channels and at berthing and mooring facilities, including marina developments. (Schedule 1.6 of the NZCPS).

**Manaakitanga:** Hospitality, especially shown to visitors.

**Mana Whenua\*:** Customary authority exercised by an iwi or hapu in an identified area.

**Marina:** a comprehensively designed facility primarily for the accommodation of boats comprising berths, pontoons, piers, boat launching ramp and public jetties, and any associated reclamations, breakwaters and wave protection barriers. It may also include land based areas for carparking and associated facilities and services. (Note: such land based facilities may be above MHWS and not subject to this plan).

**Marina Basin** the area or footprint in the coastal marine area used for the purpose of berthing boats used primarily for pleasure or recreation.

**Marine Farming:** means the activities of breeding, hatching, collection, cultivation, rearing, on-growing or harvesting of fin fish, shellfish, aquatic life or marine vegetation (and includes spat catching and spat holding), and includes the placement or erection of structures or other equipment, the disturbance of matter on the foreshore and/or seabed,

and the use and occupation of the foreshore, seabed or water in the CMA (it should be noted that the breeding, hatching, collection, cultivation, rearing, on-growing or harvesting of fish and shellfish are controlled by the Ministry of Fisheries).

**Marine Protected Area:** An area of the marine environment especially dedicated to, or achieving, through adequate protection, the maintenance and/or recovery of biological diversity at the habitat and ecosystem level in a healthy functioning state (Marine Protected Areas Policy and Implementation Plan, 2005).

**Mauri:** Life force (after Goodall, Palmer and Tau, 1990).

**Mean High Water Springs:** The place on the shore where spring high tides reach on average over a period of time (often recognised by the upper line of debris on the beach) (Environment Waikato, 1993).

**Mooring:** means any weight or article placed in or on the foreshore, or the bed of a harbour, navigable lake, navigable river or of the sea for the purpose of securing a vessel, raft, aircraft or floating structure: and includes any wire, rope, buoy or other device attached or connected to such weight or article, but does not include an anchor which is normally removed with a vessel, raft, aircraft or floating structure when it leaves a site or anchorage, and does not include any structures associated with a marina. A mooring can either be a swing mooring which is placed on the sea, river or lake bed and allows the vessel to swing freely around it with the movement of tides and currents, or a pole mooring which is embedded in the sea, river or lake bed and to which the vessel is fixed in place at both bow and stern of the vessel.

**Mouth\*:** For the purpose of defining the landward boundary of the CMA, means the mouth of the river either -

- a) as agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on and notification of, the proposed Regional Coastal Plan; or
- b) as declared by the Planning Tribunal under s310 (of the RMA) upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative.

**MHWS:** Mean High Water Springs.

**National Policy Statement\*:** A statement issued under s52 (of the RMA).

**National Significance:** means one or more of the following:

- a) Issues and/or effects that are of concern to substantial parts of the national community.
- b) Values associated with natural and physical resources or any structure, place or feature, which are rare or unique within the Nation, and/or are nationally representative.
- c) Matters or effects which are of greater than local and/or regional significance to tangata whenua. (Refer also to Policies 1.1.3 and 1.1.4 of the NZCPS which provide national priorities for the protection and preservation of the natural character of the coastal environment).

**Natural Character:** The natural qualities of the coastal environment of New Zealand. Such qualities may include natural elements of ecological, physical, spiritual, cultural or aesthetic value. Both modified and managed environs have a degree of natural character by virtue of the presence of natural elements.

**Natural and Physical Resources\*:** Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

**Natural Hazard\*:** Any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding), the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

**Navigational Aid:** Includes any beacons, lights, buoys, ski lane poles and other markers which have the purpose of providing for the safety of people and ships at sea.

**New Zealand Coastal Policy Statement\*:** A statement issued under s57 (of the RMA).

**Network Utility Operator\*:** Means a person who -

- a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or
- b) operates or proposes to operate a network for the purpose of telecommunication or radiocommunication as defined in s2(1) of the Telecommunications Act 1987; or
- c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- e) undertakes or proposes to undertake a drainage or sewerage system or
- f) constructs, operates, or proposes to construct or operate, a road or railway line; or
- g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act, -

and the words “**network utility operation**” have a corresponding meaning.

**Non-complying Activity\*:** An activity (not being a prohibited activity) which:

- a) contravenes a rule in a plan or proposed plan; and
- b) is allowed only if an resource consent is obtained in respect of that activity.

**Non-degradation:** The maintenance or enhancement of the status quo. In respect of water resources, this means the protection and maintenance of the existing quality of a water body, including its physical and chemical characterisation and the integrity and health of associated biological communities (Water Quality Standards Handbook, Washington, December 1993).

**NZCPS:** New Zealand Coastal Policy Statement.

**Objective:** A statement of a desired outcome or end state (Environment Waikato, 1996).

**Obstruction:** Hindering or stopping passage through an area, but excluding situations where there is sufficient space within the foreshore to move around the obstruction (Environment Waikato, 1993).

**Occupier\*:** In relation to any land (including any premises and any CMA), includes any agent, employee, or other person acting or apparently acting in the general management or control of the land, or any plant or machinery on that land.

**Open Coastal Water\*:** Coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments

**Open Space:** Large areas that are free from structures. Such areas may be in their natural state or a modified state (Board of Inquiry Report on the NZCPS).

**Permitted Activity\*:** An activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in s108 or s220 of the RMA) specified in the plan.

**Plant Pest:** Any plant (terrestrial or aquatic) that is harmful and/or troublesome, and is specified as a pest in a pest management strategy prepared under the Biosecurity Act 1993.

**Policy:** A specific statement of the course of action (or type of intervention) which will be taken in order to achieve a stated objective (Environment Waikato, 1996).

**Precautionary Approach:** Recognising the relative lack of knowledge about the environment by providing for prohibited, non-complying, or discretionary activities, where:

- a) there is insufficient knowledge to predict the effects of an activity; or
- b) there is reason to believe that the activity will have significant adverse effects; or
- c) it is not practicable to require the applicant to gather sufficient information prior to granting a consent to be able to predict the impact of the effects of the activity (Environment Waikato, 1996).

**Preservation:** In relation to a resource, means the maintenance, so far as is practicable, of its intrinsic values (Conservation Act, 1987).

**Prohibited Activity\*:** Means an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by s105(2)(b) of the Historic Places Act 1993.

**Protection:** In relation to a resource, means its maintenance, so far as is practicable, in its current state, but includes:

- a) its restoration to some former state
- b) its augmentation, enhancement, or expansion (Conservation Act, 1987).

**Public Benefit:** Includes provision for a community's social, economic and cultural well being, and health and safety.

**Raft\*:** Any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation; but does not include booms situated on lakes subject to artificial control which have been installed to ensure the safe operation of electricity generating facilities.

**Rahui:** Form of prohibition or ban.

**Reasonable Mixing Zone:** The zone within which a discharge would dissipate into the existing waters. The zone will be defined on a case-by-case basis by consideration of location, size, shape, outfall design and in-zone quality.

**Regional Significance** means one or more of the following:

- a) Matters or values of national significance.
- b) Issues and/or effects that are of concern to substantial parts of the regional community.
- c) Values associated with natural and physical resources or any structure, place or feature which are rare or unique within the Region.
- d) The existence of significant cross-boundary issues and cumulative effects, where resources or effects cross administrative boundaries, and where co-ordination or integration of policies, actions or decision-making is required.
- e) Matters or effects which are of greater than local significance to tangata whenua. (Environment Waikato, 1996).

**Reclamation:** The deliberate act of filling in an area previously inundated by tide, so that the filled surface is raised above the level of mean high water spring. A reclamation does not have to be contiguous with the existing dry land.

**Removal:** In relation to vegetation includes pruning which does not result in killing the vegetation, and involves the removal of any pruned matter from the CMA.

**Restoration:** To re-establish and sustain one or more identified qualities that have been modified, damaged, reduced or lost, because of human actions, to a state representative of the ecosystem type. An identified quality may include biological and non-living features of a natural environment (e.g. water level regime in a wetland, or a specific or range of species) and/or natural ecosystem processes (e.g. nutrient, gas and water cycling, energy flow, and reproduction of component species) in either a whole natural system (ecosystem), or at a site within a larger system. Preference is given to using soft engineering methods natural materials and indigenous flora and fauna.

**RMA:** Resource Management Act (1991) and Amendments.

**Seabed:** See definition for 'Bed'.

**Ship:** Has the same meaning as in section 2 of the Resource Management Act 1991.

**Significant:** Means noteworthy, or of considerable amount, effect or importance<sup>33</sup> (Environment Waikato, 1996).

**Small Craft:** A ship that is less than 30 metres in overall length, or a seaplane that is less than 30 metres in overall length and is on the water (Water Recreation Regulations, 1979).

**Solid Waste:** Any combination of domestic, industrial and commercial waste, including non-hazardous special wastes, also known as community waste (Environment Waikato, 1994).

**Structure\*:** Any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft (Refer definition of land).

**Substrata:** A layer of rock or soil beneath the surface of the earth; a sedimentary bed.

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

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<sup>33</sup> The application of the term 'significant' will be determined on a case by case basis depending on the context in which it is used within the Regional Coastal Plan.

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

**Taiapure:** A taiapure-local fishery declared under the Maori Fisheries Act 1989, Part IIIA (Environment Waikato, 1992).

**Tangata Whenua:** In relation to a particular area, means the iwi, hapu, or whanau that holds mana whenua over that area.

**Taonga:** Treasure, property: taonga are prized and protected as sacred possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Included for example are language, waahi tapu, waterways, fishing grounds and mountains (Environment Waikato, 1996).

**Taonga Raranga\*:** Plants which produce material highly prized for use in weaving.

**Tapu:** Sacred, forbidden.

**Tauranga Waka\*:** Canoe landing sites.

**Temporary:** Lasting for a duration of no longer than one week and does not recur for another month (Environment Waikato, 1993)

**Territorial Authority:** A city council or a district council (Local Government Act, 1974, section 2).

**Territorial Sea\*:** Means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977 (12 nautical miles).

**Tikanga Maaori\*:** Maaori customary values and practices.

**Total net discharge of nitrogen ( $N_{\text{net discharge}}$ ):** means the discharge of nitrogen from a marine farm that is calculated according to the following formula:

$$N_{\text{net discharge}} = N_{\text{feed}} + N_{\text{other sources}} - N_{\text{fish stock}} - N_{\text{fish removed}}$$

where

- $N_{\text{feed}}$  is the quantity of nitrogen contained in feed added to the CMA;
- $N_{\text{other sources}}$  is the quantity of nitrogen from sources other than feed added to the CMA, such as the addition of fingerlings or other nitrogen containing compounds;
- $N_{\text{fish stock}}$  is the quantity of nitrogen contained in current stock;
- $N_{\text{fish removed}}$  is the quantity of nitrogen contained in stock removed from the CMA.

**Transition Zone:** An area of transition normally contains elements or aspects of two or more recognised biological community types. A transition zone (or environment) includes areas that are characterised by species that have adapted to the difficult physical conditions that occur between the sea and land interfaces (above Mean Low Water Springs and inland as far as coastal influences extend) and include dune systems, Chenier plains, rocky platforms and cliffs, river mouth deltas and estuarine shorelines (Zostera flats, mangrove swamps, saltmarsh and wetlands) (Environment Waikato, 1996).

**Treaty of Waitangi (Te Tiriti o Waitangi)\*:** Has the same meaning as the word 'Treaty' as defined in section 2 of the Treaty of Waitangi Act 1975 (Environment Waikato, 1992).

**Urupa:** Cemetery, ancestral burial grounds, burial site, tomb.

**Waahi Tapu:** A particular category of ancestral land or water which are held in the highest regard by tangata whenua. They can include places, sites, areas or objects that are tapu, sacred and special to an Iwi (Parliamentary Commissioner for the Environment, 1992)

**Wairua:** Spirit (Reed. A, Concise Maori Dictionary, 1990).

**Waka:** Canoe (Reed. A, Concise Maori Dictionary, 1990).

**Waste Hazardous Substance:** Hazardous substances which are unwanted and economically unusable (Environment Waikato, 1994).

**Wastes:** Materials or substances that are no longer needed or useable, or have lost their economic value and therefore require disposal.

**Water\*:**

- a) Means water in all its physical forms whether flowing or not and whether over or under the ground:
- b) Includes fresh water, coastal water, and geothermal water:
- c) Does not include water in any form while in any pipe, tank, or cistern.

**Water Quality:** The physical, chemical and biological attributes of water that affect its ability to sustain environmental values and uses.

**Wetland\*:** Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

**Whakanoa:** To uplift or remove tapu.