

# PART V:

  

# USE AND DEVELOPMENT POLICY

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

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

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

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

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

## **16. RECREATION**

### **16.1 INTRODUCTION**

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

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

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

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

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

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

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

### **16.2 ISSUES**

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

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

### **16.3 OBJECTIVE**

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

### **16.4 POLICIES**

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

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

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

**Explanation.** *Uses and developments which enhance recreational opportunities can enhance public benefit from the coastal marine area and therefore should be encouraged where appropriate.*



*(for Policy 3)*

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

cross-references

32.1(10)&(16)	32.2.7(3)
32.2.1(11)	32.2.9(3)

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

*(for Policy 4)*

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

cross-references

19.4(5)	19.5(12)
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7. Ensure that Regional Council Harbour Bylaws governing the speed of watercraft are enforced so that potential risks to the health and safety of other users from watercraft are avoided.
8. Publicise the location of ski lanes and surf lanes established under Harbour Bylaws and, where necessary, limit such activity to those defined areas.
9. Encourage the reporting of the unsafe use of motor vehicles on beaches and other foreshore areas to the NZ Police.
10. Include appropriate performance standards in this Plan on the control of noise.
11. Liaise with the Department of Conservation, district councils and relevant interest groups, to assess the need for specific areas to be set aside for passive recreation (where motorised vehicles and motorised vessels would be prohibited) and to evaluate options for establishing such areas.

cross-reference

10.5.15	10.5.16
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## **16.6 PRINCIPAL REASONS FOR ADOPTING**

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

### **Regulation**

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

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

### **Investigations/Monitoring**

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

### **Co-ordination**

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

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

## 17. STRUCTURES

### 17.1 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 17.2 ISSUES

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

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

### **17.3 OBJECTIVE**

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

### **17.4 POLICIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 17.5 METHODS OF IMPLEMENTATION

(for Policy 1)

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

cross-references

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

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

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

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

cross-references

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

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

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

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

cross-references

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

(for policy 2)

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



(for Policy 5)

10. Include appropriate rules and assessment criteria within this Plan providing for new structures within the Marine 3 and Marine 5 and Marine 6 Management Areas.

cross-references

31.5.2(a)	31.7.4(p)&(q)	32.2.1(2)&(4)
31.8.4(h) – (m)		

(for Policy 6)

11. Include appropriate rules and assessment criteria within this Plan providing for new structures within the Marine 4 Management Areas.

cross-references

31.6.3(f)	31.6.3(p)&(q)	31.6.3(b)
31.6.3(o)	32.2.1(3)	

(for Policy 7)

12. Promote the use of joint hearings for relevant resource consent applications for structures which traverse the coastal marine area boundary.
13. Include assessment criteria within this Plan allowing consideration of the effects of any activity directly associated with a structure, but occurring landward of Mean High Water Springs.

cross-references

32.2.1(10)

14. Promote, by appropriate submissions to district plans and Conservation Management Strategies, the inclusion of policies and rules on public access to the coastal marine area which are complementary to those within this Plan.

(for Policy 8)

15. Carry out annual monitoring of the safety and state of repair of authorised structures in the coastal marine area.
16. Include appropriate performance standards in this Plan and conditions on resource consents relevant to the state of repair of structures.

cross-references

31.3.4	31.5.3	31.7.4
31.4.4	31.6.3	31.8.4

(for Policy 9)

17. Include rules within this Plan, making the erection or placement of new buildings and houseboats a non-complying activity in Marine 1, Marine 2, and Marine 4 Management Areas.

cross-references

31.3.4(t)

31.4.4(x)

31.6.3(s)

18. Include rules within this Plan, allowing the control of the placement of signs within the coastal marine area.

cross-references

31.3.4(s)

31.4.4(s)-(u)

31.5.2(g)

31.6.3(p)-(r)

31.4.3

31.8.4(x)-(z)&(bb)

## 17.6 PRINCIPAL REASONS FOR ADOPTING

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

### Regulation

The use of rules (**Methods 1 to 6 inclusive, 8, 9, 10, 16 and 17**) and associated assessment criteria (**Method 7, 9, 10 and 12**) or performance standards (**Method 15**) allows site-specific provision for structures and/or control of their adverse effects, including those associated with maintenance and repair of structures. These rules need to reflect predominant uses of the marine management area within which the structure exists or could exist.

### Investigation/Monitoring

Regular monitoring is required to ensure that authorised structures are maintained in good order and repair (**Method 14**).

### Co-ordination

The use of joint hearings with district councils (**Method 11**) allows the effects of structures and their use which traverse the line of MHWS to be addressed together. This helps ensure a consistent approach to the provision for and management of structures within the coastal marine area.

Because structures can have adverse effects on both sides of the line of MHWS, integrated management of them is required. This would be facilitated by having similar policies and rules in district plans and conservation management strategies (**Method 13**).

## 18. RECLAMATION AND IMPOUNDMENT

### 18.1 INTRODUCTION

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

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

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

Other adverse environmental effects directly associated with reclamation include:

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

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

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

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

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

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

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

### 18.2 ISSUES

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

### 18.3 OBJECTIVE

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

### 18.4 POLICIES

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

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

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

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

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

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

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

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

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

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

## 18.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

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

*cross-references*

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

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

*cross-references*

*31.4.5(b) & (c)*

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

*cross-references*

*31.5.3(a)*

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

*cross-references*

*31.6.4(a)&(b)*

*32.2.2*

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

cross-references

31.7.5(a)                      32.2.2

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

cross-references

31.8.5 (a)

(for Policy 2)

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

cross-references

32.2.2(7)&(8)

(for Policy 3)

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

cross-references

31.3.5(a)                      31.4.5(a)

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

cross-references

34.2.2

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

(for Policy 4)

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

12. Include rules in this Plan making existing unauthorised impoundments a non-complying activity in Marine 1 and 2 Management Areas and include criteria to facilitate assessment of whether these should be required to be removed or allowed to remain.

cross-references

31.3.5(f)

31.4.5(d)

32.2.2(17)

13. Include assessment criteria within this Plan to allow the assessment of whether it is appropriate to require a financial contribution from the users of existing unauthorised impoundments.

cross-references

34.2.2

## 18.6 PRINCIPAL REASONS FOR ADOPTING

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

### Regulation

The use of rules (**Methods 1 to 5 inclusive, 7 and 11**) and associated assessment criteria (**Methods 4 to 6, 8 and 12**) allows site-specific provision for reclamation and impoundments and/or control of the adverse effects of reclamation and impoundments. These rules need to reflect predominant uses of the marine management area within which the reclamation or impoundment occurs or could occur.

### Investigations/Monitoring

The location of unauthorised impoundments is poorly known and needs to be investigated to enable these to be addressed (**Method 10**).

### Other

Because reclamations form dry land, district councils and Land Information New Zealand need to be advised (**Method 9**). These agencies are responsible for the day-to-day management of land and the surveyed boundaries of the coastal marine area respectively.

## 19. DISCHARGES TO WATER

### 19.1 INTRODUCTION

As discussed in Section 13, Northland's high standard of coastal water quality is one of the region's major assets. The main threat to the maintenance and enhancement of coastal water quality is the discharge of contaminants into it. In Northland, discharges of environmental concern in the coastal marine area include:

#### **Sewage**

- Discharges from sewage treatment plants.
- Seepage from on-site disposal systems within coastal settlements.
- Sewage discharges from small craft, ships and other passenger vessels.
- Direct deposition of excrement from livestock wandering or driven along beaches.

#### **Oil and By-product of Oil**

- Oil spills.
- Discharges from urban stormwater drainage systems.
- Bilge water discharges from boats.

#### **Heavy Metals**

- Discharges from urban stormwater drainage systems.
- Runoff and/or direct discharges from boat maintenance facilities.
- Seepage of leachate from landfills.

#### **Other**

- Wastewater discharges from dairy factories, the Marsden Point oil refinery, port operations and wastewater treatment plants.
- Rural runoff.
- Ballast water discharges from shipping.
- Cooling water discharges from existing industry and for the operational requirements of ships.

Litter is also an issue of concern in the coastal marine area, though to a much lesser extent than the discharges listed above.

There are also discharges associated with dredging spoil disposal. This is dealt with separately in Section 22.

Mechanisms for control of discharges vary, depending upon whether the discharge is a so-called 'point source', e.g. occurs via a pipe or outfall, or whether contaminants enter the water in a more diffuse manner, e.g. fallout of dust from the air, or general deposition of material around boat maintenance areas. The latter type of contamination is usually referred to as 'non-point source' contamination.

Point source discharges are relatively easy to address as the level of contaminants entering coastal waters can be more readily assessed and

appropriate effluent quality standards consequently applied. These standards can be set in relation to the receiving water quality standards specified as part of this Plan.

However, for both categories of discharge (point and non-point), a requirement to institute the "best practicable option" (BPO) can be applied as a tool for avoiding or mitigating the adverse environmental effects of discharges. Best practicable option is defined in the Act as meaning:

*... in relation to a discharge of a contaminant, ....the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to -*

- (a) The nature of the discharge .... and the sensitivity of the receiving environment to adverse effects; and*
- (b) The financial implications, and the effects on the environment, of that option when compared with other options; and*
- (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.*

This requirement is intended to avoid the situation of discharges only meeting minimum water quality standards. However, the requirement is difficult to apply or otherwise inappropriate for the control of discharges from vessels, oil spills, some boat maintenance activity and litter.

Sewage discharges from vessels are a growing concern, even though there is limited evidence to suggest a real health risk. The discharge of what is typically untreated sewage into relatively pristine waters is increasingly seen as unacceptable, and its long-term continuation inconsistent with other initiatives to clean up coastal waters.

The presence of people living aboard boats is also a factor taken into account in classifying waters for harvesting shellfish for export. The discharge of sewage from ships and other vessels could lead to restrictions on the harvesting of shellfish which in turn would reduce the viability of the industry in some Northland areas including the Waikare Inlet in the Bay of Islands and the upper Whangaroa Harbour.

With recent advances in technology, relatively compact and low cost on-board treatment systems are becoming available. These, and the possible use of holding tanks and associated pump-out facilities, provide real options for addressing the issue of sewage discharges from vessels. However, for the purposes of this Plan, it is considered important to differentiate between discharges from small craft and those of commercial passenger vessels and ships, on the basis of the relative volumes involved in each discharge and the practicality of instituting and policing quality controls.

Although a programme for measures is also required in this Plan for small craft, control of discharges from commercial passenger vessels and ships are considered a priority because of the large volumes involved. The implementation of such controls is also considered relatively easy to institute because of the fixed routes that these follow which involves the frequenting of

specific major wharves and jetties. The provision of pump-out facilities is therefore a more feasible option in the immediate future than for small craft.

It is important to note that, because all three types of vessel move freely into and out of Northland and other regions, a nation-wide strategy is essential to the permanent resolution of the issue.

Both hull defouling and the discharge of ballast water from vessels can result in the introduction of potentially invasive exotic organisms into the coastal marine area. Ballast water discharge is managed under the provisions of the Biosecurity Act 1993, by the Ministry of Fisheries.

The management of oil spills has been recognised in legislation as being an issue requiring specific control measures. Oil pollution is currently managed under the Maritime Transport Act 1994, which includes provision for the compulsory preparation of oil spill contingency plans.

An oil spill contingency plan has been prepared for all of Northland, superseding the previous contingency plan for Whangarei Harbour. The Regional Council and Northland Port Corporation also have equipment on hand to deal with small to moderate-sized oil spills. Major spills will require the involvement of central government via the Maritime Safety Authority.

Because of the risk of spills, special controls are needed for refuelling facilities within the coastal marine area. Such facilities are necessary for the provisioning of vessels but their location and design needs to be carefully considered.

A number of the types of discharges discussed above are covered, or covered at least to some extent by the Resource Management (Marine Pollution) Regulations 1998. These Regulations cover dumping and incineration, as well as the control of discharges, in the coastal marine area. In general terms, the regulations permit certain specified discharges; and deem as prohibited or discretionary activities, certain other discharges, as well as dumping and incineration. In terms of regulation 16 of the Regulations, no rule may be included in any regional coastal plan nor any resource consent granted relating to a discharge of some of the types that are covered in the Regulations. The Regulations should be referred to in detail, for the types of discharges permitted; and for those controlled and the way in which they are controlled.

Boat maintenance activity, concentrated at locations or facilities where the associated discharge of contaminants has been uncontrolled, is known to be a major contributor of heavy metals to the coastal marine area as a result of investigations carried out by the Northland Regional Council in the Whangarei Harbour, Bay of Islands and Whangaroa Harbour. Because boat maintenance at authorised facilities can be controlled to varying degrees, it is clearly desirable that maintenance activity occurs only at authorised boat maintenance facilities. The main emphasis on this plan is therefore to facilitate this.

Litter and other debris in the coastal marine area can come from either boats and shipping, or from adjacent land. At present, there is only limited available information on the quantities, types and likely sources of litter and debris found around Northland's coast. However, litter and debris from land is most

prevalent around urban areas. This material may be in the form of wind-blown paper and plastic packaging, wood and metal objects thrown into coastal waters, or general debris carried into the coastal marine area by stormwater. Plastic packaging in particular is known to be a threat to birds, fish and marine mammals.

The discharge of contaminants to water in the coastal marine area is of significant concern to tangata whenua. Tangata whenua perceive a real and serious risk to their spiritual, physiological and cultural health from the discharge of sewage to water. The relevant provisions of section 11 seek to address those concerns and should be read in conjunction with this section.

## 19.2 ISSUES

1. The effects of discharges of contaminants, particularly those containing sewage and toxic material, on the ecological, cultural and amenity values of the coastal marine area, and the consequent need to ensure that all practicable steps are taken to avoid discharges to the coastal marine area.
2. The practical and financial constraints of land-based disposal of effluent from wastewater treatment systems for major urban areas and industries, and the consequent need to recognise that discharges to coastal waters from such facilities, and the associated effects, are sometimes unavoidable.
3. The need to recognise the Maori traditional and cultural perspective in relation to discharges of waste to water, particularly human sewage.
4. The present lack of control of discharges from ships and other vessels and the inconsistency of this with initiatives to clean up sewage discharges from land-based facilities to the coastal marine area.
5. The serious environmental consequences of major oil spills and the consequent need to provide for prevention of, and adequate response to such spills.
6. The threat to birds, fish and marine mammals posed by plastic rubbish within the coastal marine area and the consequent need to avoid its introduction into the area.
7. The threat of the introduction of exotic organisms via ballast water discharges, and/or hull cleaning the consequent need to control such discharges and cleaning so as to minimise the risk of introduction.
8. The reliance of some existing industries located adjacent to the coastal marine area for large volumes of water for cooling purposes, the practical constraints on land-based disposal of such volumes of cooling water, and the consequent need to recognise that cooling water discharges to coastal waters from these industries is currently unavoidable.
9. The unavoidable operational requirements of ships and other vessels to cool their engines and to discharge cooling water back into the coastal marine area.

10. The often significant input of sediment, nutrients, and faecal coliform bacteria from diffuse runoff and riverine inflows to the coastal marine area, particularly in estuaries and harbours, and the consequent need to address this source of contamination in conjunction with management of the effects of point source discharges.

### 19.3 OBJECTIVE

**The avoidance of the effects of discharges of contaminants to Northland's coastal water and the remediation or mitigation of any adverse effects of those discharges of contaminants to coastal waters, which are unavoidable.**

### 19.4 POLICIES

1. In the consideration of coastal permit applications to use the best practicable option approach to avoid, remedy, or mitigate the adverse effects of:
- (a) discharges from wastewater treatment plants
  - (b) urban and industrial stormwater discharges
  - (c) discharges from boat maintenance facilities
  - (d) discharges from ports

on the coastal marine area.

**Explanation.** *Discharges of contaminants to the coastal marine area from wastewater treatment plants, boat maintenance facilities, ports, and stormwater discharges have the potential to significantly affect coastal water and sediment quality. There may also be options available for each of these types of discharges to be directed on to land. These options need to be fully explored before any new or continued discharge to the coastal marine area is allowed.*

2. Subject to Policy 1, in the consideration of coastal permit applications, to progressively eliminate direct discharges of human sewage to the coastal marine area from land-based wastewater treatment facilities, including existing authorised discharges, except where:
- (a) the allowance of the discharge better meets the purpose of the Act than disposal on to land; and
  - (b) there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and
  - (c) there has been consultation with the community generally.

**Explanation.** *Human sewage, even when treated, generally carries with it a greater potential for the transmission of disease than any other contaminant. Its discharge to water is also abhorrent to Maori. Therefore, the necessity for a new or continued discharge of human*

*sewage into the coastal marine area from wastewater treatment plants needs to be carefully considered.*

3. To establish whether any existing authorised wastewater discharges, after reasonable mixing, give rise to all or any of the following effects:
  - (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) any significant adverse effects on aquatic life;

and, if so, to review its consent conditions, pursuant to Section 128(1)(b) of the Resource Management Act.

**Explanation.** *The Act allows a review of the effects of existing discharges as one means of ensuring that the purpose of the Act is achieved. It is appropriate to provide for this to be done for all wastewater discharges within the 10-year term of this first Regional Coastal Plan.*

4. To ensure that the individual and cumulative effects of authorised discharges to the coastal marine area do not compromise the maintenance and enhancement of coastal water quality.

**Explanation.** *Where discharges to the coastal marine area are allowed, these need to be closely monitored to ensure that significant effects are detected as early as possible.*

5. To progressively eliminate, as far as practicable, unauthorised discharges of contaminants to the coastal marine area, particularly those which contain:
  - (a) untreated sewage (including those from ships and other vessels); or
  - (b) toxic substances in concentrations or amounts which are likely to have significant adverse effects on aquatic life or other uses of the coastal marine area.

**Explanation.** *Disease risk and toxicity to humans and aquatic life are the two major concerns regarding contaminants discharged to natural waters. Because of the potentially significant adverse effects of discharges of untreated sewage or toxic contaminants to the coastal marine area, these need to be avoided as far as practicable.*

6. To promote the effective management of rural runoff and its effect on the coastal marine area in order to improve coastal water quality.

**Explanation.** *Rural runoff is the most pervasive form of pollution of coastal waters. Rural run-off is often characterised by high sediment and nutrient loads. Sediment inputs can affect water colour and clarity, cause smothering of benthic life and siltation of navigation*

*channels. Nutrients can contribute to nuisance algal blooms in coastal waters. While it is important to acknowledge this fact, because the source of the problem is on land it is more appropriate that this be dealt with through means other than this Plan, e.g. within the Regional Water and Soil Plan or district plans.*

7. To ensure that the Regional Council, within its legal mandate, takes all reasonable steps to prevent and respond to oil spills should they occur.

**Explanation.** *The regular traffic of oil tankers to and from the Marsden Point oil refinery at the entrance to Whangarei Harbour, means that Northland has been identified as the region of greatest risk from oil spills in New Zealand. It is therefore necessary to ensure that all practical steps are taken to minimise the risk of oil spills occurring, including those available under other legislation, such as the Maritime Transport Act 1994.*

8. To identify sources of litter pollution in the coastal marine area and to develop appropriate means of dealing with each source.

**Explanation.** *Litter within the coastal marine area can come from a variety of sources. Therefore before management resources are allocated to dealing with the issue, a scoping exercise needs to be carried out.*

9. To promote the provision of facilities for the disposal of litter from ships and other vessels.

**Explanation.** *Preventing litter disposal to the coastal marine area includes providing appropriate disposal facilities for refuse. Refuse from ships and other vessels is one source of litter in the coastal marine area.*

10. To adopt a permissive approach to the discharge of cooling water to the coastal marine area, provided no contaminant other than heat is involved and any adverse effects on the coastal marine area are minor.

**Explanation.** *Cooling water discharges generally contain few contaminants other than heat. Because of the relatively large volumes of coastal water available to dissipate the heat, such discharges are generally innocuous and therefore do not require close control.*

11. To advocate for measure to minimise the risk of the introduction of exotic species via ballast water discharges.

**Explanation.** *Ballast water discharges can result in adverse effects due to the introduction of exotic species to the coastal marine area.*

## 19.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan requiring resource consents for discharges from wastewater treatment plants and discharges from boat maintenance facilities and ports into the coastal marine area.

cross-references

31.3.6(e)	31.5.4(d)	31.7.6(c)
31.4.6(f)	31.6.5(f)	31.8.6(e)
31.8.10(c)	31.7.6(f)	

2. In considering consent applications for discharges from wastewater treatment plants and discharges from boat maintenance facilities, require specific consideration of available treatment and disposal options, and only allow a discharge to coastal waters if it is demonstrated that this is the best practicable option and that relevant water quality standards will be met.

cross-references

32.2.3(4)&(5)

3. Include rules within this Plan requiring resource consents for stormwater discharges to the upper Whangarei Harbour from catchments within the Whangarei urban area and, through the Regional Water and Soil Plan, require stormwater quality management plans for these discharges.

cross-references

31.4.6(d)	31.6.5(c)	31.3.6(c)
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4. Require, through the Regional Water and Soil Plan, stormwater quality management plans for Port Whangarei, Marsden Point oil refinery and any other major industrial area which discharges stormwater to the coastal marine area.

cross-references

31.7.6(g)

5. Include rules within this Plan requiring consents for direct stormwater discharges to the coastal marine area from new subdivisions, and through the Regional Water and Soil Plan, require stormwater quality management plans for these discharges.

cross-references

31.3.6(d)	31.4.6(e)
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6. Include rules within this Plan requiring coastal permits for boat maintenance facilities (*method was under policy 5*).

cross-references

31.4.6(k)	31.6.5(f)	31.7.6(c)
31.8.10(b) & (c)		

7. Carry out an investigation of boat grids within Northland's coastal marine area including the necessity for this type of facility and the degree of

environmental contamination which arises from their use (*method was under policy 5*).

(for Policy 2)

8. When considering coastal permit applications for discharges from land-based wastewater treatment plants to the coastal marine area, include a mandatory requirement to fully assess the feasibility of available land-based disposal options.

cross-references

32.2.3(4)

(for Policy 3)

9. Review monitoring records for authorised discharges and/or institute appropriate monitoring programmes, and review conditions of consents, should any of the listed effects be apparent.

cross-references

13.5(1)-(3)

13.5(5) & (6)

(for Policy 4)

10. Regularly monitor the effects of authorised wastewater discharges to coastal waters and strictly enforce relevant coastal permit conditions.
11. Where appropriate, develop and implement state-of-the-environment monitoring to assess the cumulative effects of authorised discharges on the coastal marine area.

cross-references

13.5(1)-(3)

13.5(5) & (6)

(for Policy 5)

12. Include rules within this Plan controlling the discharge of sewage from vessels to the coastal marine area.

cross-references

31.3.6(j)-(l)

31.4.6(o)-(q)

31.5.4(c)

31.6.5(c)-(h)

31.7.6(c)-(h)

13. Carry out annual monitoring of landfills adjoining or adjacent to the coastal marine area, whether operative or closed, for the presence of leachate and/or the effects of leachate in the adjacent aquatic environment.
14. Make submissions, through the resource consent application process, in regard to any proposals for new landfills adjacent to the coastal marine area.

15. Include rules within this Plan controlling maintenance activity away from authorised facilities.

cross-references

31.3.6 (f)&(g)	31.5.4(d)	31.7.6(d)
31.4.6(l)	31.6.5(f)&(g)	31.8.10(a)

16. Include policies and methods in this plan to provide for sewage pump-out facilities in new marina developments.

cross-references

28.3.5(5)

(for Policy 6)

17. Prepare and implement a Regional Water and Soil Plan which includes controls relevant to the protection of water quality from rural landuse.

(for Policy 7)

18. Implement a Regional Oil Spill Contingency Plan for the whole of Northland, and provide equipment and regular training of regional council staff and local industry staff, in line with the New Zealand Oil Pollution Response Strategy.
19. Ensure that site-specific oil spill contingency plans are prepared for each site within the coastal marine area where oil is loaded or unloaded or where oil spillages are otherwise possible, in accordance with the Regional Oil Spill Contingency Plan.
20. Take appropriate steps to obtain funding from Central Government for sufficient oil spill control equipment to deal with a "target oil spill" at Marsden Point.
21. Design and implement a programme of regular auditing of contingency plans for land-based facilities, marine oil prospecting and mining activities within Northland's coastal marine area, as set out in the New Zealand Oil Pollution Response Strategy and relevant legislation.
22. In consultation with the Department of Conservation and other relevant parties, identify and prepare detailed resource maps of areas within the coastal marine area of particular sensitivity to oil spills and oil spill response techniques.
23. Encourage the Minister of Transport to enact powers under the MARPOL to formalise the current voluntary code to avoid oil tankers coming within close proximity of Northland's coastline and, in particular, the Poor Knights Islands.
24. Include rules within this Plan requiring consents for refuelling facilities in all Marine Management Areas.

cross-references

31.3.6	31.4.4(v)	31.6.3(m)
31.7.4(f)	31.8.4(p) – (s)	

25. Review the consent category for existing authorised refuelling facilities within two years of the plan being approved on the production of a nationally accepted standard or guideline for the construction, maintenance and operation of marine refuelling facilities, to determine whether the permitted activity status is appropriate where facilities comply with those standards or guidelines.

(for Policy 8)

26. In conjunction with interested parties, to monitor the type and amount of litter found within Northland's coastal marine area with particular reference to inner harbour areas and beaches, and assess options for effectively dealing with each source identified as contributing significantly to the litter volume.
27. Within the constraints of the Regional Council's resources, advocate and assist local community groups to carry out clean-up of litter in inner harbour areas and beaches.

(for Policy 9)

28. In co-operation with the Department of Conservation and appropriate district councils, financially support the provision of rubbish barges for use by recreational craft over the summer period.
29. To include assessment criteria within this Plan to assess whether it is appropriate to require marinas and any new port facilities, to provide facilities for the disposal of litter from vessels.

cross-references

32.2.7(6)	32.2.9(6)
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30. Where these are not already provided, encourage district councils to provide adequate, appropriately designed and conveniently located waste collection facilities at or near public wharves, boat ramps and adjacent to mooring areas.

(for Policy 10)

31. Include rules within this Plan permitting cooling water discharges from vessels, provided specified performance standards are met.

cross-references

31.3.6(a)&(b)	31.5.4(a)&(b)	31.7.6(a)
31.4.6(a)&(b)	31.6.5(a)&(b)	31.8.6(a)&(b)

32. Include rules within this Plan making the existing cooling water discharges from the Marsden A and B Power Station, the Golden Bay

cement works at Portland, and the Farmers fertiliser works, controlled activities.

cross-references

31.4.6(g)-(i)

31.7.6(e)

33. Encourage applicants for any port related facilities, including barge terminals, and for any vessel maintenance facilities to undertake a risk assessment of the proposed activities in relation to exotic organisms introduction.

## 19.6 PRINCIPAL REASONS FOR ADOPTING

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

### Regulation

The use of rules (**Methods 1, 3, 5, 6, 12, 15, 24, 30, and 31**) and associated assessment criteria (**Methods 2, 8, and 28**) allows site-specific provision for discharges and/or control of the adverse effects of discharges.

Rules 31.3.6 q, r and s and rules 31.4.6 w, x and y are required to ensure that cultural and public amenity concerns about water quality are dealt with, and that the food safety of harvested shellfish is further promoted by removing anomalous areas where untreated sewage could be discharged from ships and offshore installations as a result of the Resource Management (Marine Pollution) Regulations 1998.

### Investigations/Monitoring

Monitoring of the individual and cumulative effects of discharges within the coastal marine area (**Methods 10, 11, and 13**) is required to be able to assess whether the objective is being achieved. A review of monitoring records is necessary to ensure that the minimum standards required by this Plan are met (**Method 9**).

The use of boat grids within Northland's coastal marine area is a cause for concern because of the uncontrolled nature of associated discharges. However, an investigation of the costs and benefits of these structures is required to assess whether these should be removed or allowed to remain (**Method 7**).

Monitoring of foreshore areas is required to assess the amount of litter within the coastal marine area and its source. Both the Regional Council and the Department of Conservation have staff who regularly work in such areas and who could carry out monitoring (**Method 25 and 26**).

### Co-ordination

Stormwater discharges, including rural runoff, to the coastal marine area are of concern. However, because the source of the problem is on land, it is

more appropriate to institute quality control mechanisms through the Regional Water and Soil Plan (**Methods 4 and 17**).

Landfills are a potentially significant source of contaminants to the coastal marine area. Such discharges can and should be prevented (**Method 14**).

The Regional Council, the Department of Conservation and district councils all have an interest in seeing that waste from boats is effectively dealt with (**Method 27**). Marina developments, wharves, and jetties are areas used by vessels and therefore offer an opportunity to provide for waste generated from the use of vessels (**Methods 16, 28 and 29**).

### **Other**

Oil spills are a significant issue in the coastal marine area. While this is largely dealt with under other legislation, e.g. the Marine Pollution Act, there are measures that can be undertaken within the context of this Plan, to control the adverse effects of oil spills (**Methods 18 to 23 inclusive**).

## 20. DISCHARGES TO AIR

### 20.1 INTRODUCTION

As discussed in Section 13A, Northland generally has a high standard of coastal air quality. The main threat to the maintenance of coastal air quality is the discharge of contaminants into it. Contaminants can cause the following effects when discharged into air:

#### Odour

The degree of 'nuisance' caused by an odour depends on how often the odour occurs, its intensity (how 'strong' it smells), duration, offensiveness (including the type of smell) and location. Nuisance can range from mild annoyance to chronic stress and ill health for people continually exposed to objectionable or offensive odours.

#### Dust

Dust particles can cause a nuisance when they are deposited on ground and other surfaces. For example, dust can 'blanket' sensitive marine habitats. Fine dust that remains suspended in the air can also affect human health.

#### Smoke

Smoke affects visibility and sometimes carries noxious or poisonous substances into the atmosphere.

#### Release of other harmful substances

The combustion (or 'burning') of fossil fuels (e.g. coal, oil) and other materials produces gases such as sulphur dioxide, nitrogen dioxide and a range of other potentially noxious or poisonous substances. These substances can have various effects, ranging from effects on human health (e.g. sulphur dioxide is a respiratory irritant) to environmental effects such as acid rain (some gases produce acid when they combine with rainwater in the atmosphere).

#### Greenhouse Gases

Combustion also produces carbon dioxide, which is a 'greenhouse gas' that contributes to global warming. The Government has indicated that this issue will be addressed at a national level and accordingly this Plan does not contain any controls designed to prevent or reduce global warming.

Often more than one of these effects will result from the same activity.

The following activities within or near to Northland's coastal marine area involve discharges of contaminants into air that cause, or have the potential to cause, the type of effects identified above:

- Industrial activity [*odour, dust, smoke, release of harmful substances, greenhouse gases*].
- Loading and unloading of ships (e.g. fertiliser, cement powder, oil and refined petroleum products) [*dust, odour, release of harmful substances*].

- Abrasive blasting and spray painting of boats and structures (e.g. wharves, bridges, power pylons, navigational aids) for maintenance purposes [*dust, release of harmful substances*].
- Small-scale fish processing plants on wharves [*odour*].
- Open burning of inorganic refuse and the remains of dead animals (e.g. stranded marine mammals) [*odour, smoke, release of harmful substances*].
- Marine farming. Increased water temperatures during summer can result in shellfish mortality, with odour subsequently resulting from their decay [*odour*].
- Dredging and dredging disposal [*odour, release of harmful substances*].
- Application of herbicides to control spartina [*release of harmful substances*].
- Oil spill clean-up operations [*odour, release of harmful substances*].
- Engine exhaust emissions from boats [*smoke, odour, greenhouse gases*].

Under section 15(1) of the Resource Management Act, no person may discharge contaminants into air from industrial or trade premises unless the discharge is allowed by a rule in a regional plan, a resource consent or regulations. Under section 15(2), discharges of contaminants into air from any other source are allowed as of right unless there is a specific rule in a regional plan restricting them. This situation equally applies in the coastal marine area.

In the coastal marine area there are also some discharges to air that are expressly allowed by the Resource Management (Marine Pollution) Regulations 1998. The Marine Pollution Regulations allow discharges of contaminants into air that are associated with the normal operations of a ship or offshore installation, or oil spill clean-up operations. For the purpose of the Regulations 'ship' has a broad definition and includes small pleasure craft, fishing boats and the like. 'Offshore installation' specifically refers to offshore structures that are used for exploiting minerals (e.g. an oil rig). As defined in the Regulations, 'normal operations' includes all aspects of engine operation and the like but does not, for example, include the loading or unloading of a ship.

Under the Marine Pollution Regulations the Northland Regional Council is not able to include any rules in its Regional Coastal Plan relating to discharges to air associated with the normal operations of a ship or offshore installation. This means, for example, that the Regional Council cannot regulate exhaust emissions from boat engines, whether such emissions come from the outboard motor on a small pleasure craft or the funnel of a ship. The Regional Council can, however, regulate discharges to air associated with the loading or unloading of a ship.

## 20.2 ISSUES

1. Ambient air quality is one of a number of attributes that collectively make up the natural character of the coastal marine area and the landward area nearby. Natural character can therefore be compromised by the adverse effects of discharges of contaminants into air from activities located within or near to the coastal marine area.
2. Airborne contaminants can adversely affect the life-supporting capacity of the coastal marine area. The release of noxious or harmful substances, particulate matter (e.g. dust) and other contaminants has the potential to damage or destroy coastal habitats and harm flora and fauna. In this regard airborne contaminants can adversely affect coastal water quality, as a result of being deposited into water or deposited in a manner that results in them entering water. For example, airborne dust from industrial processes can be deposited on sensitive marine habitats and marine biota, and have a localised adverse effect on the coastal water quality that supports those habitats and biota.
3. Airborne contaminants can adversely affect the amenity values of the coastal marine area. Good air quality contributes to people's appreciation of the coastal marine area in terms of its pleasantness and recreational attributes. Odour, diminished visibility resulting from smoke or haze and other adverse effects caused by discharges of contaminants into air detract from people's use and enjoyment of the coastal marine area and landward area nearby for recreation purposes.
4. The open burning of inorganic refuse and the remains of dead animals (e.g. stranded marine mammals and stock) on the foreshore can cause significant localised nuisance effects and discharge harmful substances into the atmosphere.
5. Some activities that discharge contaminants to air may have only minor adverse effects on the environment.

## 20.3 OBJECTIVE

**To provide for the discharge of contaminants to air while avoiding adverse environmental effects and, where avoidance is not practicable, remedying or mitigating those effects.**

## 20.4 POLICIES

1. When considering any application for a plan change or resource consent for activities located within or near to the coastal marine area that involve discharges of contaminants to air, consent authorities shall recognise that ambient air quality is one of a number of attributes that collectively make up the natural character of the coastal environment.

**Explanation.** *Under section 6(a) of the Resource Management Act the preservation of the natural character of the coastal environment (including the coastal marine area) is required to be recognised and provided for as a matter of national importance. Ambient air quality is one component of natural character. The adverse effects of*

*discharges of contaminants into air can therefore compromise natural character.*

2. Discharges of contaminants into air from activities located within or near to the coastal marine area should not:
  - (a) Result in significant degradation of existing ambient air quality in the coastal marine area;
  - (b) Adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area;
  - (c) Have a significant adverse effect on water quality in the coastal marine area, as a result of airborne contaminants being deposited into water or deposited in a manner that results in them entering water;
  - (d) Except in the Port Facilities and Marine Farming Management Areas, detract from people's use and enjoyment of the coastal marine area for recreation purposes (for example by causing odour or diminishing visibility as a result of smoke or haze);
  - (e) Result in significant adverse cumulative effects on air quality in the coastal marine area, taking into account any existing discharges of contaminants into air in the locality.

Activities involving discharges of contaminants into air should not be located within or near to the coastal marine area if these adverse effects cannot be avoided, remedied or mitigated.

**Explanation.** *Many of the contaminants that are discharged into air from activities located within or near to the coastal marine area eventually fall into coastal water. This is particularly true for dust and other larger particulate matter. It is a function of the Northland Regional Council to provide for integrated management of the natural and physical resources of the region and, when assessing a discharge into air, discharges to other receiving environments must therefore also be considered.*

3. The best practicable option may be employed to prevent or minimise any adverse effects from the discharge of contaminants into air from activities located within or near to the coastal marine area by having regard to:
  - (a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
  - (b) The financial implications, and the effects on the environment, of that option when compared with other options; and
  - (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.

**Explanation.** *Adoption of the 'best practicable option', as an approach to the management of discharges of contaminants into air, is*

*considered particularly appropriate in situations where discharge control technology is still evolving, where standards establishing a level of protection for a particular receiving environment cannot easily be established or justified, where the maintenance or enhancement of the existing air quality is desirable, or where there is uncertainty over existing environmental quality.*

*The best practicable option provides flexibility and allows progressive upgrading of plant processes and activities, rather than setting a level of air quality and allowing degradation of existing air quality to that level. Adoption of the best practicable option may involve reducing or minimising emissions at source, adopting specified treatment and disposal technology, or simply adopting good maintenance and operating procedures for existing activities or processes.*

*The implementation of the best practicable option does not necessarily mean that consent holders will be required to use expensive or complex technology. In many cases, simple and relatively inexpensive methods are all that are required to achieve significant environmental protection, and to comply with other policies in this Plan.*

*The conditions of the best practicable option will be determined by the Northland Regional Council in consultation with the consent holder and those affected. Implementation of the best practicable option will involve the weighing of costs to the discharger, benefits to the receiving environment and assessment of risk of adverse environmental effect arising from the discharge. By adopting a consultative approach to the implementation of the best practicable option in addition to in-house experience and expertise, the Regional Council considers that sound decisions can be made in determining the best practicable option for use in any particular process or site.*

4. Open burning of inorganic refuse should not be undertaken within the coastal marine area.

**Explanation.** *Open burning is sometimes used as a means of disposing of refuse washed up on beaches. There are, however, alternative methods for disposing of refuse that do not result in significant adverse effects on the environment.*

5. In-situ cremation should not be used to dispose of the remains of dead animals (e.g. stranded marine mammals and stock) in the coastal marine area if practicable alternative methods of disposal are available that will have less significant adverse effects on the environment. Natural decomposition should be considered as an acceptable alternative in situations where it will not result in significant nuisance effects or cause a health hazard and where other disposal options will have more significant adverse effects.

**Explanation.** *There are alternative methods for disposing of dead animals that do not cause significant adverse effects on the environment (e.g. burial). If left to decompose, however, the remains of larger marine mammals such as whales equally cause nuisance effects (particularly odour) and are a health hazard in terms of the spread of certain diseases. It is therefore important that such remains*

*are disposed of quickly and in-situ cremation is sometimes the most practicable and effective means of achieving this.*

6. To recognise that many activities within the coastal marine area that discharge contaminants into air have a minor effect on air quality and, where appropriate, these activities should be provided for as permitted activities.

**Explanation.** *In controlling discharges of contaminants into air there is a need to adopt a level of control that is appropriate to the actual or potential effects of the discharge. Discharges that have a minor or insignificant effect on the environment can be provided for as permitted activities. Such discharges have previously been permitted in the region without any discernible adverse impact on the environment, and it is intended that this practice continue. In addition, such an approach enables the Regional Council to efficiently administer and implement this Plan, by focusing on discharges with significant adverse effects on the environment.*

## 20.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Assessment of the effects of discharges of contaminants into air on ambient air quality.

cross-references

32.3.1(8)	31.3.6(r)&(t)	31.4.6(gg)&(ii)
31.5.4(k)	31.6.5(r)&(t)	31.7.6(u)&(w)

*(for Policies 2 and 7)*

2. The control of discharges of contaminants into air which have, or are likely to have, adverse environmental effects.

cross-references

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

3. Require an assessment of the potential cumulative, effects of discharges into air, and possible mitigation measures, to be submitted with resource consent applications.

cross-references

32.3.1(1)	32.3.1(8)	31.3.6(r)&(t)
31.4.6(gg)&(ii)	31.5.4(k)	31.6.5(r)&(t)
31.7.6(u)&(w)		

4. Require an assessment of discharges to other receiving environments (coastal water) that may occur as a result of discharges of contaminants into air, and a statement as to any other resource consents that are required for the activity.

cross-references

32.3.1(7)	31.3.6(r)&(t)	31.4.6(gg)&(ii)
31.5.4(k)	31.6.5(r)&(t)	31.7.6(u)&(w)

*(for Policy 3)*

5. In conjunction with other resource management agencies and resource users (including consent holders, industry sector groups and recreational users of the coastal marine area) the Regional Council will:
  - (a) Promote the development and use of appropriate industry codes of practice and guidance documents to encourage best practice and effective methods to minimise the discharge of contaminants into air;
  - (b) Support the development and distribution of education material, providing information on how particular activities affect air quality and advice on how to avoid, remedy or mitigate adverse effects on coastal air quality;
  - (c) Encourage the use of new technologies that minimise the discharge of contaminants into air.

cross-references

26.5.2

*(for Policy 4)*

6. Prohibit the open burning of specified inorganic waste materials.

cross-references

31.3.6(s)	31.4.6(hh)	31.5.4(j)
31.6.5(s)	31.7.6(v)	

7. In conjunction with interested parties, monitor the type and amount of inorganic refuse found within Northland's coastal marine area and assess options for effectively dealing with each source identified as contributing significantly to the refuse volume.
8. Within the constraints of the Regional Council's resources, advocate and assist local community groups to carry out removal of inorganic refuse from the coastal marine area.

*(for Policy 5)*

9. Allow the open burning (or natural decomposition, if appropriate) of the remains of marine mammals as a permitted activity, provided that no other option exists for safe disposal of the carcass.

cross-references

31.3.6(n)	31.4.6(v)
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*(for Policy 6)*

10. Allow particular discharges of contaminants into air as permitted activities, subject to compliance with environmental standards to prevent or minimise the adverse effects of the discharges.

cross-references

31.3.6(m)	31.4.6(aa)-(ff)	31.5.4(f)-(h)
31.3.6(o)-(q)	31.6.5(i)-(q)	31.7.6(j)-(t)
31.4.6(u)&(w)-(z)		

*(for Policies 2 and 6)*

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

## 20.6 PRINCIPAL REASONS FOR ADOPTING

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

### Regulation

In the absence of regional plan rules, discharges of contaminants into air from industrial or trade premises require resource consent - no matter how minor their environmental effects. There are many discharges to air from industrial or trade premises that have only minor effects. The inclusion of rules that permit these discharges, subject to compliance with environmental standards, is an efficient means of managing such minor discharges and avoids unnecessary resource consent applications.

Conversely, discharges of contaminants into air from other sources are permitted unless regulated by a regional plan. Some of these other discharges may have a wide range of actual and potential effects that need to be assessed having regard to site-specific factors. In cases where many of the effects are unknown, requiring resource consent for these discharges is considered to be the most effective method of managing coastal air quality. Where the effects are known, the discharges can be permitted subject to compliance with environmental standards.

In summary, the air quality rules in this Plan allow minor discharges into air from industrial or trade premises that are unlikely to have any significant adverse effects, and regulate other discharges that may have significant adverse effects. The implementation of these rules provides certainty for applicants, affected parties and the Regional Council (**Methods 1, 2, 3, 4, 7, 10 and 11**).

### Investigations/Monitoring

Monitoring of the individual and cumulative effects of discharges into air from activities located within or near to the coastal marine area is required in order to be able to assess whether the objective is being achieved. A review of

monitoring records is necessary to ensure that the minimum standards required by this Plan are met (**Methods 5 and 12**).

### **Education/Co-ordination**

It is not practicable to control some discharges of contaminants into air within the coastal marine area using a regulatory approach. Other discharges are permitted under the Resource Management (Marine Pollution) Regulations 1998 and cannot be regulated by the Northland Regional Council. Some of these discharges can, however, have individual and cumulative adverse effects on air quality in the coastal marine area and landward area nearby. Wherever possible such adverse effects should be avoided, remedied, or mitigated (**Method 6**).

## **21. TAKING, USE, DAMMING AND DIVERSION OF COASTAL WATER**

### **21.1 INTRODUCTION**

Section 14 of the Resource Management Act places restrictions on the taking, use, damming and diversion of water in the coastal marine area. The Act draws a distinction between coastal water and open coastal water. The former incorporates sea water with a substantial freshwater component and occurs in estuaries, fiords, inlets, harbours or embayments. Open coastal water is coastal water that is remote from these areas.

Coastal water is able to be taken, used, dammed or diverted 'as of right' for domestic or recreational needs, provided there are no associated adverse effects, or for fire fighting purposes. It is not allowed to be taken for any other purpose, unless otherwise allowed by a rule in a coastal plan or by a resource consent.

No person may take, use, dam, or divert open coastal water in a manner which contravenes a rule in a coastal plan, unless expressly allowed to do so by a resource consent.

These provisions do not apply to the taking or use of sea water for the operational needs of ships, boats and vessels, where no authorisation or licence was previously required prior to 1 October 1991.

In any event, in most circumstances there is no need to apply controls over the taking and use of sea water, due to the large volumes available and the associated improbability of significant adverse effects occurring. However, there may be need for caution where water is taken from relatively shallow upper estuarine areas where the activity may influence, for example, water temperatures. Given the presence of the Marsden A Power Station in Bream Bay and the Farmers' Fertiliser works in the upper Whangarei Harbour, there is also a need to address the potential effects of taking of very large volumes of sea water for cooling purposes from Northland's coastal marine area. Concerns have been expressed regarding the destruction of aquatic life, mainly plankton, as a result of this activity.

Damming and diversion of sea water are more likely to cause adverse effects, although these are anticipated to arise from the structures involved rather than the damming or diversion itself. Dams are impoundments and as such the objective, policies, and methods set out in Section 17 apply.

Diversion of sea water will generally only occur either:

- (a) around the mouths of rivers or estuaries where flow is redirected to avoid flooding and/or maintain an open channel; or
- (b) in the upper reaches of estuaries to improve land drainage; or
- (c) as a result of reclamation and impoundment.

If not correctly carried out, this could potentially destabilise the channel margins resulting in loss of habitat values, property, or land. As mentioned

above, the effects of reclamation and impoundment are addressed separately in Section 18.

## 21.2 ISSUES

1. The negligible effects associated with most takes of sea water and the consequent need to avoid unnecessary control on this activity.
2. The potentially significant ecological effects of large takes of sea water for industry within Bream Bay and Whangarei Harbour and the consequent need to address this within this Plan.
3. The possible effects of damming and diversion of sea water in estuarine areas on habitat values, water quality, and the migration of eels and other diadromous fish species and the consequent need to provide for the avoidance or mitigation of these effects within this Plan.
4. The possible erosion of channel margins as a result of diversion of coastal water, and the consequent need to avoid or mitigate such occurrences.

## 21.3 OBJECTIVE

**The avoidance, remediation or mitigation of the adverse effects of taking, use, damming or diversion of water in the coastal marine area.**

## 21.4 POLICIES

1. To adopt a permissive approach to the taking of coastal water and open coastal water, other than for large intakes (such as for thermal power stations) where adverse effects are no more than minor.

**Explanation.** *For all practical purposes, there is an inexhaustible quantity of coastal water to be taken. The quantities taken for most uses and developments are usually instantly replenished, therefore, making close control unnecessary.*

2. To apply the precautionary approach to damming and diversion of sea water where adverse effects may occur.

**Explanation.** *Unlike taking of sea water, the damming and diversion of sea water can adversely affect the coastal marine area. A measure of control is therefore required to ensure that these effects are avoided or mitigated.*

## 21.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan permitting the taking of sea water subject to specified conditions.

cross-references

31.3.7(a),(b),(c) &(d)

31.6.6(a),(b)&(c)

31.4.7(a),(b),(c) &(d)  
31.5.5(a),(b),(c),(d) &(e)

31.7.7(a),(b),(c) &(d)  
31.8.7(a),(b) & (c)

2. Include rules within this Plan making the taking of sea water for cooling water for existing authorised large scale users, a controlled activity.

cross-references

31.4.6(i)

31.7.7(d)

(for Policy 2)

3. Include rules within this Plan restricting the damming (impoundment) of the coastal marine area.

cross-references

31.3.5(e)  
31.5.3(a)

31.4.5(c)  
31.7.5(a)

4. Include rules within this Plan requiring consents for diversion of sea water.

cross-references

31.3.7(e)

31.4.7(e)

## 21.6 PRINCIPAL REASONS FOR ADOPTING

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

### Regulation

The use of rules (**Methods 1 to 4 inclusive**) allows site-specific provision for taking, use, damming and diversion of coastal water and/or control of any associated adverse effects.

## 22. DREDGING AND DREDGING SPOIL DISPOSAL

### 22.1 INTRODUCTION

Dredging of the foreshore and seabed is generally undertaken to allow ship or boat navigation or berthage in areas which would otherwise be too shallow. It is most often required around commercial ports and marinas in the upper reaches of harbours, although dredging can be required in deeper areas where large ships are involved.

For management purposes, dredging activity is generally categorised as either:

- (a) capital dredging - when dredging of an area is first undertaken; or
- (b) maintenance dredging - where the depth or width of a previously dredged area is periodically re-established.

For the purposes of this Plan, capital dredging includes the further deepening or widening of previously dredged areas.

Dredging of bottom sediments requires consideration of where the resultant spoil will be disposed of. Options include:

- Side-casting the spoil to adjacent intertidal or shallow subtidal areas.
- Dumping at sea.
- Disposal to purpose-built settling ponds or bunded areas, either in the intertidal area or on adjacent land.
- Disposal on land away from the coastal marine area.

Both dredging and dredging spoil disposal can have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic and interstitial aquatic life within the dredged area. Benthic and interstitial organisms are those that live in or on the bottom sediments. Dredging spoil disposal other than into dredge ponds can also affect aquatic life through their permanent physical burial or temporary smothering.

Dredging can also affect water movement patterns in an area. This in turn can lead to such changes as movement or shoaling of natural drainage channels and/or the creation of 'dead zones' - areas of reduced tidal flushing where sediment or any pollutants in the water tend to settle.

Both dredging and spoil disposal can alter the physical nature of the sediments in the affected area. This in turn can change the type and abundance of organisms present. A major concern is the ability of the disrupted communities to recover from such effects. Some organisms can cope with such changes (e.g. those which live within naturally disturbed areas) whereas others cannot (e.g. those which live in relatively stable environments).

In addition, indirect effects of dredging and spoil disposal may arise from the disturbance of bottom sediments and other associated material. Adverse effects can include reduced water clarity, decreased dissolved oxygen levels

in the water, and the increased exposure of aquatic life to any pollutants present in the sediment.

Dredging and dredging spoil disposal activity may occur in all Marine Management Areas except Marine 3 Management Areas. However, large scale maintenance dredging is largely restricted to the Marine 2, Marine 4 and Marine 5 Management Areas in the upper Whangarei Harbour.

Within the Whangarei Harbour, maintenance dredging of the main channel approaches in the upper harbour adjacent to Port Whangarei requires the removal of up to 155,000 cubic metres of material per year. This material is pumped into the Northland Port Corporation's dredge ponds at the rear of the port area by cutter suction dredge. Maintenance dredging of the lower harbour channel is infrequent, and methods for the disposal of material vary. Dredging of the Town Basin, in the past undertaken once every seven years and averaging around 45,000 cubic metres each time, has more recently been undertaken generally annually, using a barge-mounted hydraulic digger with disposal on-land at Kissing Point.

As well as requiring a coastal permit for dredge spoil disposal within the coastal marine area, under the Resource Management Act, a marine dumping permit from the Maritime Safety Authority, under the Maritime Transport Act 1994, is required for marine disposal at sea out to the 200 Nautical mile limit. Marine dumping applications require consideration of alternatives, in particular land-based sites.

Sand, shingle, and mineral extraction can also be a form of dredging. However, because its primary purpose substantially differs from dredging for navigation access, this type of dredging is dealt with separately in Section 23.

As discussed above, dredging and dredging spoil disposal have the potential for various adverse effects. However, it is also important to note that some benefits can result from dredging activity. These benefits are generally in the form of improved access to the coastal marine area, particularly in the case of ports and marinas. As ports and marinas have positive socio-economic benefits and are dependent on dredging activity for their viability, it is important that dredging activity be provided for, where appropriate, by this plan.

### **22.2 ISSUES**

1. The potentially significant changes in ecological values associated with major dredging and dredging spoil disposal operations.
2. The potential release of contaminants (particularly toxic material) into coastal waters during the dredging and disposal of contaminated sediments, and the consequent need to assess, where appropriate, the likelihood of this occurring before such activity commences.
3. The long-term nature of maintenance dredging requirements and associated spoil disposal in areas of high sediment loading or which are otherwise subject to siltation.
4. The dependence of some commercial operations, such as ports and marinas, on access to the coastal marine area, the economic benefits to the people and communities of Northland which can result from these

activities and the need to provide for capital and maintenance dredging and spoil disposal associated with such activity.

### 22.3 OBJECTIVE

**Provision for capital and maintenance dredging that is needed for the establishment and operation of appropriate facilities in the coastal marine area (such as Marinas and Ports), while avoiding, remedying, or mitigating the adverse effects of such dredging and any associated spoil disposal in the coastal marine area.**

### 22.4 POLICIES

1. Within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas, to restrict capital dredging except where the dredging activity is associated with a marina or port development, and in making such exceptions integrate where appropriate, in accordance with sections 102 and 103 of the Act, any required consent process for associated dredging spoil disposal.

**Explanation.** *Like reclamation, capital dredging has the potential to significantly change the coastal marine area. Close control is therefore required, particularly in areas of conservation value.*

2. Within the Marine 3 Management Area, to prohibit all capital dredging activity.

**Explanation.** *Capital dredging is considered unlikely in these areas given the size and location of them. However, as dredging would be contrary to the management purpose of these areas, it is necessary to state this.*

3. To provide for capital dredging within Marine 5 Management Areas where the dredging is required to allow access of vessels to new or extended authorised structure, subject to the avoidance, remediation or mitigation of adverse effects; and where appropriate, in accordance with sections 102 and 103 of the Act, to integrate any required consent process for associated dredging spoil disposal.

**Explanation.** *To remain economically viable, ports may need to expand. Because of the size of the vessels visiting ports, such expansion often requires capital dredging. Provision therefore needs to be made for this eventuality within port areas.*

4. Within Marine 2, Marine 4, Marine 5 and Marine 6 Management Areas, to provide for maintenance dredging of navigation channels and around wharves, and where appropriate, in accordance with sections 102 and 103 of the Act, to integrate any required consent process for associated dredging spoil disposal.

**Explanation.** *There are a number of areas within Northland's coastal marine area which have been dredged and whose continued use depends on the maintenance of the dredged depth. Provision therefore needs to be made for this activity to be carried out.*

5. Within Marine 1 and Marine 2 Management Areas, to provide for the clearance of artificial land drainage channels and tidal streams for the purpose of avoiding the flooding of land or releasing natural impoundments of water that present a public health risk.

**Explanation.** *The blockage of channels through the deposition of sediment or debris can result in the flooding of adjacent land or the impoundment of water, which potentially can pose a public health risk. It is appropriate to make provision for the clearance of land drainage channels and tidal streams for the purpose of addressing these situations.*

6. In Marine 1 and Marine 3 Management Areas to restrict the disposal of dredging spoil.

**Explanation.** *The disposal of dredging spoil in these areas may have an adverse impact on the conservation values and on the high water quality standards required for marine farming operations.*

7. To promote land-based disposal of dredging spoil from both capital and maintenance dredging of the coastal marine area, where this better meets the purpose of the Act.

**Explanation.** *Disposal of dredging spoil to sea or into intertidal areas can create significant adverse effects. In most situations, spoil disposal to land avoids these effects and therefore should be used where practicable.*

8. Where land-based dredging spoil disposal is proven not to be a viable option, to require evaluation of options by the applicant for the disposal of dredging spoil within the coastal marine area or beyond territorial limits, including the characterisation of the material to be dredged and environmental surveys of possible disposal sites.

**Explanation.** *There are a number of options for disposal of spoil within the coastal marine area and/or beyond territorial limits. Choosing the right option can mean the difference between creating and avoiding adverse effects. Careful consideration of the options is therefore necessary.*

## 22.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan restricting (capital dredging within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas), except where associated with a marina or port development.

cross-references

31.3.8(e)	31.4.8(g)	31.6.7(b)
31.8.8(e)		

2. Include rules within this Plan making capital dredging associated with:

- (a) marina development at locations considered potentially appropriate for marina development within Marine 4 Management Areas a discretionary activity; and
- (b) marina development and port development within Marine 1 Management Area and Marine 4 Management Area a non-complying activity.

cross-references

31.3.8(e)                      31.6.7(b)

(for Policy 2)

- 3. Include a rule within this Plan prohibiting capital dredging within the Marine 3 Management Area.

cross-references

31.5.6(a)

(for Policy 3)

- 4. Include rules within this Plan making capital dredging within Marine 5 Management Areas, a discretionary activity, provided specified criteria are met.

cross-references

31.7.8(b)                      32.2.5

(for Policy 4)

- 5. Include rules within this Plan making maintenance dredging within Marine 2, Marine 4, Marine 5 and Marine 6 Management Areas, a controlled activity at specified locations, and outside these locations in Marine 2 Management Areas, a discretionary activity.

cross-references

31.4.8(c)                      31.4.8 (d)                      31.6.7(a)  
31.7.8(a)                      31.8.8(a)

(for Policy 5)

- 6. Include rules in this Plan providing for the clearance of land drainage channels and tidal streams.

cross-references

31.3.8(b)                      31.4.8(b)

- 7. Notification received for Rules 31.3.8 (a) and 31.4.8 (a) will be recorded in a mangrove clearance register. This register will be used to monitor

each site annually and to distribute the relevant plan provisions pertaining to this activity to those persons carrying out the works.

cross-references

31.3.12 (a)                      31.4.12 (a)

(for Policy 6)

8. Include rules in this Plan restricting the disposal of dredging spoil in Marine 1 and Marine 3 Management Areas.

cross-references

31.3.8(c)&(d)                      31.5.6(b)

(for Policy 7)

9. In processing applications for resource consents for dredging spoil disposal, require evaluation of the costs and benefits of land-based disposal options.

cross-references

32.2.5(11)

10. Promote, through appropriate submissions, the inclusion of policies and rules within district plans which are complementary to those within this Plan, including policies relating to the identification of suitable disposal sites and the development of performance standards.

cross-references

31.8.8(b)

(for Policy 8)

11. Include rules within this Plan making dredging spoil disposal within Marine 2, Marine 4, Marine 5, and Marine 6 Management Areas, a discretionary activity, subject to specified criteria and require, through assessment criteria, the evaluation of the potential adverse environmental effects of the activity.

cross-references

31.6.7(c)                              32.1  
31.4.8(e)&(f)                      31.7.8(c)                      32.2.5  
31.8.8(c)

## 22.6 PRINCIPAL REASONS FOR ADOPTING

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

### **Regulation**

The use of rules (**Methods 1 to 7 inclusive and 10**) and associated assessment criteria allow site-specific provision for dredging and dredging spoil disposal within the coastal marine area and/or control of associated adverse effects. These rules need to reflect predominant uses of the marine management area within which the dredging or dredging spoil disposal occurs or could occur.

**Method 8** provides for an alternative spoil disposal option to be considered.

### **Co-ordination**

**Method 9** is required because options for the disposal of dredging spoil include disposal to land. If these alternatives are to be considered, specific provision within district plans is needed to facilitate this.

## 23. SAND, SHINGLE AND MINERAL EXTRACTION

### 23.1 INTRODUCTION

Extraction activity within Northland's coastal marine area is currently limited to sand mining for supply to building, sandblasting, and glass manufacturing industries. The volumes of sand allowed to be extracted annually under existing coastal permits total over 160,000 cubic metres. The bulk of sand extracted goes to the Auckland market. Future pressure for increased sand extraction activity in Northland is expected following recent restrictions on sand extraction in the Waikato Region and new construction activity in Auckland.

The major extraction areas are at the entrances to the Parengarenga, Kaipara and Mangawhai harbours. The sand from Parengarenga is high in silica and is used for glass manufacture. Sand extracted from the Kaipara and Mangawhai harbour areas is used for sandblasting and building purposes, such as the production of concrete.

The favoured method of sand extraction is by suction dredging rather than using mechanical grabs or bucket dredges. Sand is pumped by the suction dredge into an open barge, where the sand settles out and the sea-water flows back into the sea. As with other forms of dredging, the environmental effects of sand extraction largely result from the physical disturbance of the seabed. The effects of this physical disturbance can include:

- Changes to the seabed topography.
- Changes in sediment particle size.
- The suspension of any fine sediments associated with the sand resource.
- Coastal erosion.
- Changes in water movement patterns.
- Destruction of seabed habitat and/or aquatic organisms living in or on the seabed.

The degree of impact of any particular sand extraction operation will depend on:

- The location of the activity (inner harbour, harbour entrance, open coast, intertidal, subtidal).
- The type of dredge (mechanical grab, bucket dredge, cutter suction dredge).
- The method of dredging (stationary or moving).
- The nature of the sand resource (grain-size, thickness, organic content).
- The 'sustainability' of the resource (origin, sediment transport dynamics).
- Physical environmental conditions (wave exposure, tidal currents, water quality).
- Biological environmental conditions (the types of flora and fauna present, their relative abundance in and around the extraction area, and their ability to tolerate disturbance).
- Other human uses in and around the extraction area.

In January 1992, the Department of Conservation released its Auckland Sand Management Plan. The Plan contains objectives and policies that provide guidance as to where and under what conditions coastal sand extraction

should take place. The plan was used in the preparation of the policies and methods of implementation set out in this Section.

The Crown Minerals Act 1991 is administered by the Ministry of Commerce for the purposes of management and allocation of Crown minerals. Under this Act, sand, shingle and shell are considered to be minerals and management of this resource, in the coastal marine area, is subject to the provisions of this Act if a specific minerals programme is prepared by the Ministry of Commerce. Until the implementation of such a programme, management remains with the Regional Council under the Resource Management Act.

## **23.2 ISSUES**

1. The importance to the building, sand-blasting, and glass manufacturing industries of sand resources in Northland's coastal marine area and the consequent need to provide for this activity within this Plan.
2. The potential effects of sand extraction on natural sediment transportation processes, including the creation or acceleration of coastal erosion and the consequent need to carefully assess the location and/or extent of sand extraction activity in any particular area.
3. The potentially limited nature of sand resources in some parts of the coastal marine area, and the consequent need to adopt the precautionary approach and to carefully consider alternatives to sand extraction from within the coastal marine area, and set sustainable levels of extraction.
4. The need to recognise that silica sand in the Parengarenga Harbour is considered a taonga by the tangata whenua.
5. The presence of major sand extraction activity on both east and west coasts on or near the boundary between the Northland and Auckland regions, and the consequent need to co-ordinate management of these resources with the Auckland Regional Council.
6. The potential for increased sand extraction activity in Northland (particularly the Kaipara Harbour) due to the proximity of the Auckland market and the phasing out of the Waikato River sand supplies.

## **23.3 OBJECTIVE**

**Provision for the extraction of sand, shingle, shell, or other natural material while avoiding, remedying or mitigating any adverse effects of such activity on the coastal marine area.**

## **23.4 POLICIES**

1. In assessment of coastal permit applications to apply the precautionary approach for extraction of sand shingle, shell and other natural material, and require the consideration of alternative sources in areas where knowledge of replenishment rates or potential adverse effects is uncertain.

**Explanation.** *Sand or shingle extraction in inappropriate areas can cause significant adverse effects, including the exacerbation of coastal erosion. Sand or shingle extraction at rates which exceed rates of sediment replenishment are by definition unsustainable and should be avoided where practicable.*

2. To promote the sustainable extraction of sand from areas of known sediment replenishment.

**Explanation.** *The best means of ensuring that sand extraction activity is sustainable and adverse effects are minimised is to target appropriate areas where sediment is replenished at rates exceeding the extraction rate.*

3. To ensure that extraction activity within the coastal marine area is managed in ways which avoid, remedy or mitigate adverse effects on the natural character of the coast and its ecological, cultural and amenity values.

**Explanation.** *Extraction of sand, shingle, shell, and other natural material can adversely affect the ecological, cultural, and amenity values of the coastal marine area, therefore controls over it are necessary.*

4. To promote the integrated management of sand extraction from those areas around the Mangawhai/Pakiri coastline and Kaipara Harbour which are close to or straddle the administrative boundary between the Northland and Auckland regions.

**Explanation.** *Sand extraction in the two areas identified is a cross-boundary issue and needs to be dealt with accordingly.*

5. To provide for the extraction of small quantities of sand, shingle, shell and other natural material for the purposes of investigative sampling.

**Explanation.** *The removal of small quantities of sand for investigative sampling generally has an effect on the overall sediment budget that is no more than minor.*

## 23.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan making the extraction of sand, shingle, shell, or other natural material a discretionary activity within Marine 2 Management Areas, and within existing authorised locations in Marine 1 Management Areas, and include assessment criteria which allow for the consideration of alternative sources of sand, shingle, shell, or other natural material where the potential adverse effects of proposed activities are unknown.

### cross-references

31.3.11(b)	31.4.11(b)	32.1
32.2.10(3)		

2. Impose strict monitoring and information requirements and short terms of consent on any extraction of sand, shingle, shell or other natural material where adverse effects are unknown.

*(for Policy 2)*

3. Develop a database of sand resources in Northland's coastal marine area and as far as possible identify, in conjunction with the sand extraction industry, the Department of Conservation, and other relevant parties, those areas of sand replenishment.
4. In conjunction with the sand extraction industry, develop methods of quantifying the sustainable annual sand yield of particular extraction areas.

*(for Policy 3)*

5. Require monitoring of the effects of sand extraction on adjacent shoreline profiles as a condition of all permits to extract sand from within 500m of beaches.
6. Include policies within this Plan to allow the identification of sites, within the coastal marine area, of particular coastal sensitivity, in terms of erosion potential, and biological, recreational, cultural and historical values.

cross-references

8.4	9.2.4	15.4
9.1.4	12.4.4	

7. Include conditions on coastal permits requiring:
  - (a) the restriction of extraction volumes and rates to a level less than the rate at which sand can be replenished.
  - (b) monitoring for significant changes in median particle size resulting from extraction in order to minimise risks of beach slope destabilisation.

*(for Policy 4)*

8. Liaise with the Auckland Regional Council to establish a mutually agreed approach toward managing sand extraction from the Kaipara Harbour sand resource, including the exchange of relevant monitoring results.
9. Actively participate in the Mangawhai/Pakiri and Kaipara Harbour Sand Studies including representation on the Working Party established to oversee the study.

*(for Policy 5)*

10. Include rules providing for the extraction of small quantities of sand, shingle, shell and other natural material for the purposes of commercial exploration as a controlled activity.

cross-references

31.3.11(a)

31.4.11(a)

## 23.6 PRINCIPAL REASONS FOR ADOPTING

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

### Regulation

The use of rules and assessment criteria (**Methods 1 and 10**) allows site-specific provision for extraction activity within the coastal marine area and/or control of associated adverse effects. These rules need to reflect predominant uses of the marine management area within which sand, shingle and mineral extraction occurs or could occur.

Identification of areas which are sensitive to use and development is a general issue which relates to, but is not exclusive to, the extraction industry. Specific policies are appropriate but within the sections dealing with this issue (**Method 6**).

### Investigations/Monitoring

Monitoring of the individual and cumulative effects of sand, shingle or mineral extraction within the coastal marine area (**Methods 2, 5, and 7**) is required to be able to assess whether the objective is being achieved.

### Co-ordination

An information database on sand resources within the coastal marine area and methods of establishing sustainable yields of specific resources are essential to understand the scope for, and long-term effects of, the industry (**Methods 3 and 4**).

Management of the Kaipara and Mangawhai/Pakiri sand resources is shared between the Northland and Auckland regional councils. Regular liaison with the Auckland Regional Council (**Method 8**) and the joint development of management approaches (**Method 9**) is therefore necessary to ensure effective management of the effects of sand extraction from these areas.

## 24. NETWORK UTILITIES AND SERVICES

### 24.1 INTRODUCTION

For the purposes of this Plan, utilities and services are those which are essential for maintaining modern living standards. These include:

- The transmission or distribution of energy (e.g. electricity and natural gas).
- Telecommunications networks.
- Water supply systems.
- Waste disposal systems (sewerage, refuse).
- Transportation systems (road, rail, air and sea).

Under the Resource Management Act, those works and services which involve a distribution system or network such as roading, sewerage, water, and power can be termed 'network utilities'. However, the evaluation of environmental effects of proposals for new or extended network utilities and services is the same as if they were proposed by private individuals or organisations. This is because the environmental effects will be the same. Nevertheless, a distinction needs to be made between network utilities and other works because of their role in maintaining modern living standards. It is also necessary to recognise the rights of the community to enjoy the use of network utilities and services, where these are available.

Network utilities and services which occur within Northland's coastal marine area include:

- Aerial lines and cables for telecommunications and power.
- Submarine pipelines and cables.
- Roads and associated ferry services.
- Railway lines.
- Navigation aids.
- Culverts.
- Constructed land drainage channels.
- Aerial pipelines.

Most of these are located within Marine 1, Marine 2, and Marine 5 Management Areas. However, the overall number of such utilities is relatively small.

The management of the adverse effects of individual activities (e.g. structures, reclamation, and the disturbance of seabed), which are associated with network utility operation and maintenance, is dealt with in other sections of this Plan. The purpose of this section is to provide specific guidance for network utilities in recognition of their special contribution to the social, cultural and economic well-being of Northland.

### 24.2 ISSUES

1. The importance of network utilities and services to the health and well-being of Northland's community and the consequent need to recognise and provide for these within this Plan.

2. The potentially significant adverse effects associated with the construction and maintenance of network utilities and services especially roading and the need to avoid, remedy or mitigate such effects, where practicable.

### **24.3 OBJECTIVE**

**Provision for network utilities and services within Northland's coastal marine area while avoiding, remedying or mitigating the adverse effects of such activity.**

### **24.4 POLICIES**

1. To identify within this Plan, the type and location of existing authorised network utilities and services currently within the coastal marine area and provide for their operation and maintenance subject to specified criteria.

**Explanation.** *To manage the environmental effects associated with network utilities and services in the coastal marine area, there is an obvious need to know what types there are and where they occur.*

2. To ensure that existing authorised network utilities and services in the coastal marine area are managed so as to, avoid, remedy or mitigate adverse environmental effects.

**Explanation.** *As with other activities in the coastal marine area, there are a number of options for managing the adverse effects of network utilities and services. Provision needs to be made to ensure that the best option is chosen within the context of sustainable resource management.*

3. To ensure that any new network utilities and services within the coastal marine area are located, designed, and constructed so as to, as far as practicable, avoid adverse environmental effects, and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

**Explanation.** *Network utilities and services can have adverse effects on the coastal marine area and therefore controls over the activity are necessary.*

4. Subject to policy 3, to provide for the construction or emplacement of new network utilities and services within the coastal marine area provided that it can be shown that:
  - (a) existing facilities are insufficient, inappropriate and/or have adverse environmental effects; and,
  - (b) the new facility will have a demonstrable public benefit; and
  - (c) there is no practicable alternative method, route, or site on land which better meets the purpose and principles of the Act.

**Explanation.** *Network utilities and services are necessary to the maintenance of modern living standards. Provision therefore needs to be made for new utilities and services.*

## 24.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Show roads, railway lines, aerial and submarine cables (and any associated prohibited anchorage areas) on the accompanying maps in this Plan.
2. Include rules within this Plan providing for the maintenance, repair and minor upgrading of existing authorised network utilities and services as permitted activities subject to certain conditions, and otherwise as discretionary activities.

cross-references

31.3.4(k) & (l)	31.4.4(h) & (j)-(l)
31.6.3(k) & (l)	31.7.4(l) & (m)

3. Include rules within this Plan providing for the replacement of existing network utilities as either permitted, controlled or discretionary activities depending upon the likelihood of associated adverse effects.

cross-references

31.3.4(i)	31.3.4(j)	
31.4.4(i)	31.4.4(j)	31.4.4(k)

*(for Policy 2)*

4. Encourage owners and/or operators of network utilities and services, to provide within two years of this Plan becoming operative, management plans for the maintenance of facilities under their control within Northland's coastal marine area, including contingency plans for dealing with emergency situations.

*(for Policy 3)*

5. Include specific assessment criteria for structures, reclamations, and impoundments relevant to network utilities and services.

cross-references

32.2.1	32.2.2	32.2.3
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6. In processing coastal permit applications in relation to roading and rail system proposals, require the evaluation of costs and benefits of the use of bridges in preference to causeways if location in the coastal marine area is unavoidable.

(for Policy 4)

7. Include rules within this Plan providing for the construction or emplacement of new network utilities as discretionary activities if they meet the criteria specified.

cross-references

31.3.4(j)

31.4.4(i)

## 24.6 PRINCIPAL REASONS FOR ADOPTING

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

### Regulation

The use of rules (**Methods 2, 3 and 7**) and associated assessment criteria (**Method 5**) allows site-specific provision for network utilities and services within the coastal marine area and/or control of associated adverse effects.

**Method 1** allows the areas of application of the rules to be known.

### Other

**Method 4** encourages the industry to be pro-active in taking responsibility for the environmental effects associated with the maintenance of network utilities and services.

**Method 6** provides for the minimisation of reclamation and impoundment of the coastal marine area often associated with road and rail construction.

## **25. MARINE 1 (PROTECTION) MANAGEMENT AREA**

### **25.1 INTRODUCTION**

The Marine 1 (Protection) Management Area encompasses regionally significant sites of special ecological, cultural, historic, scientific, scenic, landscape and amenity value, including the areas of important conservation value identified by the Minister of Conservation.

Outstanding Natural Features and Seascapes also form an important component of the Marine 1 (Protection) Management Areas in the Northland Region.

There are a number of areas of important conservation value identified in the coastal marine area scattered along the length of the coastline. The purpose of the Marine 1 (Protection) Management Area is to sustain the values that make these areas important. Activities will be allowed in the areas of important conservation value provided that there are no more than minor adverse effects on the values of those areas.

### **25.2 ISSUES**

Areas of the Northland Region's Coast include areas of important conservation value including special ecological, cultural, historic, scientific, scenic, landscape and amenity values that are important regionally or nationally. These values may be threatened or damaged by the adverse effects of, use or development.

### **25.3 OBJECTIVES**

- 1. The protection of the important conservation values identified within Marine 1 (Protection) Management Areas including their ecological, cultural, historic, scientific, scenic, landscape and amenity values.**
- 2. Subdivision, use, and development in Marine 1 (Protection) Management Areas occurring without adverse effects on the areas' important values and natural character.**
- 3. To achieve local community involvement in the identification and protection of the important conservation values (as identified in Appendix 9), and the preservation of the natural character, of areas within the Marine 1 (Protection) Management Area.**

### **25.4 POLICIES**

1. The Council and Consent Authorities will give priority to avoiding adverse effects on the important conservation values (as identified in Appendix 9) associated with an area within any Marine 1 (Protection) Management Area when considering the subdivision, use, development and protection of the Northland Region's Coastal Marine Area.

**Explanation.** *Section 6 of the Resource Management Act 1991 states that it is a matter of national importance to recognise and provide for the preservation of the natural character of the Coastal Environment and the protection of outstanding natural features and values and the relationship of Maori with their culture and spiritual values and other taonga. These aspects of the Resource Management Act 1991 are further developed through the New Zealand Coastal Policy Statement, and are particularly relevant to the application of the Marine 1 (Protection) Management Area.*

*This policy is designed to give the greatest possible protection to those identified values in the discrete Marine 1 (Protection) Management Areas without precluding appropriate subdivision, use and development. Priority will be given to avoiding adverse effects arising from activities in these areas.*

### **Principal Reasons**

*It is a matter of national importance to recognise and provide for the preservation of natural character in the Coastal Environment, the protection of outstanding natural features and landscapes, and the protection of areas of significant indigenous vegetation and habitats of indigenous fauna as well as the relationship of Maori and their culture and traditions. Since the Marine 1 (Protection) Management Area consists of these things then this Policy is designed to further this requirement of the Resource Management Act 1991.*

2. The Northland Regional Council will consider additional means of protecting the important conservation values identified in the Marine 1 (Protection) Management Areas beyond the scope of the Resource Management Act 1991, and encourage other agencies including the Department of Conservation, Ministry of Fisheries and Iwi Authorities to do the same.

**Explanation.** *The important conservation values are identified in Appendix 9.*

*The Resource Management Act 1991 is not the only instrument available to protect areas and resources of importance within the Marine 1 (Protection) Management Areas.*

*The Northland Regional Council and agencies such as the Department of Conservation, Ministry of Fisheries, Iwi Authorities and the New Zealand Historic Places Trust may use other legislation such as the Reserves Act, the Fisheries Act, the Marine Reserves Act, the Historic Places Act and the Conservation Act to provide protection for identified values and in some cases the use of these mechanisms may be more appropriate. This Policy supports Objective 1 and 3.*

**Principal Reasons**

*Other agencies, using different legal instruments or voluntary agreements may be better placed to achieve the purpose of the Resource Management Act 1991 in the Marine 1 (Protection) Management Area. The Resource Management Act 1991 is not the only mechanism able to achieve protection of important values and areas.*

3. When considering any coastal permit application within the Marine 1 (Protection) Management Area, to implement the policies in the New Zealand Coastal Policy Statement and in Part IV (Protection Policy) of the Regional Coastal Plan for Northland which are consistent with the purpose of this Marine Management Area.

**Explanation.** *It is important to ensure that all relevant policy including policy set out in superior policy documents, such as the New Zealand Coastal Policy Statement, are considered when applications for resource consents are applied for.*

**Principal Reasons**

*It is a principle of law that Policies should not be read in isolation from the policy matrix of the plan or any superior policy documents.*

4. Subdivision, use and development proposals within the Marine 1 (Protection) Management Area will be considered appropriate where;
  - (a) the proposal gives rise to a demonstrable public benefit; and
  - (b) there are no practical alternative locations available outside the Marine 1 (Protection) Management Area; and
  - (c) the level of adverse effects on the important conservation values identified as occurring within that particular area are no more than minor.

**cross-reference**

*Section 11: Recognition of and Provision for Maori and their Culture and Traditions.*

**Explanation.** *Section 6(a) of the Resource Management Act 1991 and policies of the New Zealand Coastal Policy Statement require the Council to determine what activities are appropriate in the Coastal Marine Area. This policy sets out the matters that the Council will consider in determining what activities are appropriate in the context of the Marine 1 (Protection) Management Area. Subdivision, use and development that does not meet all of the considerations listed above may not be inappropriate provided the consent authority is satisfied that the adverse effects on the coastal environment of the activity for which the consent is sought will be negligible.*

**Principal Reasons**

*This Policy gives effect to the matters described in Section 6(a) of the Resource Management Act 1991 and Policy 1.1.1 of the New Zealand Coastal Policy Statement.*

5. Where the natural character of the coastal marine area is likely to be adversely affected by the effects of activities, the Council and Consent Authorities shall promote and where appropriate require restoration and rehabilitation of natural character within the Marine 1 (Protection) Management Area. Such provision may include financial contributions sought under Section 108 of the Resource Management Act 1991.

**Explanation.** *Section 1.1.5 of the New Zealand Coastal Policy Statement promotes, as a national priority, the restoration and rehabilitation of the natural character of the coastal environment where appropriate. This policy promotes this obligation and sets out a provision by which this may occur.*

**Principal Reasons**

*This Policy gives effect to section 1.1.5 of the New Zealand Coastal Policy Statement.*

**25.5 METHODS OF IMPLEMENTATION**

1. Include appropriate rules within this plan to implement the policies of section 25.4.
2. Encourage and advocate for other methods of recognition and/or protection of the important values identified in the Marine 1 (Protection) Management Area beyond the scope of the Resource Management Act 1991, including such methods as:
  - Maori Reserves, Maori Affairs Act 1953
  - Fisheries Legislation, including Taiapure and Maataitai Reserves
  - Reserves under the Conservation Act including wildlife reserves and marine mammal sanctuaries.
  - Marine Reserves under the Marine Reserves Act 1971.

**Principal Reason**

*This method implements Policy 31.3.1D(3).*

3. To promote, in conjunction with the Department of Conservation and other agencies and community groups, the concept of Biodiversity as set out in Agenda 21 of the Rio Accords and ratified by the New Zealand Government on 16 September 1993.

**Principal Reason**

*This Method implements, in part, Chapter 6 of the NZCPS concerning the implementation of New Zealand's International obligations affecting the Coastal Environment.*

## **26. MARINE 2 (CONSERVATION) MANAGEMENT AREA**

### **26.1 INTRODUCTION**

The Marine 2 (Conservation) Management Area includes that portion of the coastal marine area that is not within the Marine 1 (Protection) Management area, the Marine 3 (Marine Farming) Management Area, the Marine 4 (Moorings) Management Area, the Marine 5 (Port Facilities) Management Area or the Marine 6 (Wharves) Management Area and encompasses the greater proportion of the Northland Region coastal marine area.

Generally, little or no comprehensive information exists to assist the Northland Regional Council in deciding resource consent issues for the coastal marine area of this management area though it does contain significant amenity, visual and intrinsic values.

Underlying these values are natural processes such as sand movement, tides and currents that provide the integrity of coastal ecosystems as a whole. This has been recognised specifically in the New Zealand Coastal Policy Statement, Policy 1.1.4.

This Marine Management Area will ensure that use, development and protection of the coastal marine area is appropriate by, among other things, ensuring that adequate information regarding any proposed activity is supplied so that the effects of the activity on the coastal marine area can be determined prior to any decision being made. A cautious approach to the promotion of sustainable management will be given effect in this Marine Management Area and further research and the monitoring of the effects of activities in this area is a feature of this Plan.

### **26.2 ISSUES**

1. Use, development and protection of natural and physical resources must be provided for in areas of the coastal marine area where there is little information and the effects of activities may not be clearly understood.
2. Subdivision, use and development can adversely affect existing natural, cultural and amenity values.

### **26.3 OBJECTIVES**

1. **Subdivision, use and development occurring in such a way as to maintain, and where practicable, enhance, the existing natural, cultural and amenity values in the Marine 2 (Conservation) Management Area.**
2. **Involvement of local communities, and other agencies, in the awareness, maintenance and, where appropriate, enhancement of the values within the Marine 2 (Conservation) Management Area.**

## 26.4 POLICIES

1. Where there is a lack of knowledge about coastal processes and ecosystems in the Marine 2 (Conservation) Management Area, to adopt a cautious approach to decision-making.

### cross-references

#### Section 5.4

**Explanation.** *A cautious approach to decision-making includes ensuring that there is as much information as practicable on the effects of a proposal and minimising the risk of irreversible effects.*

### Principal Reasons

*This Policy is designed to implement Policy 3.3.1 of the New Zealand Coastal Policy Statement and Objective 26.3.1.*

2. To recognise that different areas within the Marine 2 (Conservation) Management Area have distinct natural, cultural and amenity values that should be maintained and where possible enhanced.

**Explanation.** *The Marine 2 (Conservation) Management Area is not homogenous and it is important to remember that each area has unique attributes, which must be considered within the context of the policy provisions relevant to the Marine 2 (Conservation) Management Area.*

### Principal Reasons

*This Policy is designed to implement Objective 26.3.1.*

3. To provide for sustainable, use and development whilst ensuring that the intensity, character and scale of use and development is compatible in relation to the character (including natural character), heritage and amenity values of the adjoining coastal environment.

**Explanation.** *This Policy is intended to ensure that use and development in the Marine 2 (Conservation) Management Area is not inconsistent with the surrounding environment.*

### Principal Reasons

*This policy is intended to give effect to Policy 3.2.1 of the New Zealand Coastal Policy Statement.*

4. The Northland Regional Council will encourage communities to participate in the use, development and protection of the coastal marine area in the Marine 2 (Conservation) Management Area through the establishment of community-based care programmes.

**Explanation.** *This Policy is designed to encourage a greater involvement by local communities in the use, development and*

*protection of the Marine 2 (Conservation) Management Area by providing for communities to design and implement local solutions for resource management issues with the Council acting in a supportive manner. Council will assist by offering information and expertise to local communities but it is anticipated that local communities will take responsibility for implementing appropriate methods to sustainably manage the use, development or protection of natural and physical resources.*

**Principal Reasons**

*Local communities may, in some cases, be better placed to meet the purpose of the Resource Management Act 1991 through local action and understanding of local issues rather than outside agencies imposing solutions on local communities. This Policy is designed to facilitate local solutions to local problems.*

5. The Northland Regional Council will consider, and encourage other agencies including the Department of Conservation, the Ministry of Fisheries and the Ministry of Agriculture and Forestry to consider other means of protecting special values identified in the Marine 2 (Conservation) Management Area beyond the scope of the Resource Management Act 1991.

**Explanation.** *The Resource Management Act 1991 is not the only instrument available to protect areas and resources of significance within the Marine 2 (Conservation) Management Area. The Council and agencies such as the Department of Conservation and the Ministry of Fisheries and the Ministry of Agriculture and Forestry may use other legislation such as the Reserves Act, the Fisheries Act, the Marine Reserves Act, the Historic Places Act and the Conservation Act to provide protection for special values and in some cases the use of these mechanisms may be more appropriate.*

**Principal Reasons**

*This Policy is designed to recognise that the Resource Management Act 1991 is not the only means available to achieve the purpose of the promotion of sustainable management and other methods should be utilised where practicable.*

**26.5 METHODS OF IMPLEMENTATION**

1. Include appropriate rules within this plan to implement the policies of section 26.4.
2. Encourage and advocate for other methods of recognition and/or protection of the special values identified in the Marine 2 (Conservation) Management Area beyond the scope of the Resource Management Act 1991, including such methods as:

- Maori Reserves, Maori Affairs Act 1953
- Fisheries Legislation, including Taiapure and Maataitai Reserves
- Reserves under the Conservation Act including wildlife reserves and marine mammal sanctuaries.
- Marine Reserves under the Marine Reserves Act 1971.

**Principal Reason**

*This method implements Policy 31.4.1D(5) and 31.4.1D(3).*

3. The Northland Regional Council will facilitate the establishment of Coastcare Groups in the Marine 2 (Conservation) Management Area, having as their primary objective the sustainable management of natural and physical resources, and will offer technical services and advice to such groups.

**Principal Reason**

*This method implements Policy 31.4.1D(3).*

## 27. MARINE 3 (MARINE FARMING) MANAGEMENT AREA

### 27.1 INTRODUCTION

Marine farming is a major industry in Northland's coastal marine area. In recent times, it has also been a significant growth area, building on the natural advantages that Northland has to offer, namely its many sheltered harbours with their extensive intertidal flats, warm waters, and generally high water quality.

Marine farms currently occur in ten of the region's 15 harbours. Large scale catching of oyster spat occurs in the Kaipara Harbour and a significant proportion of mussel spat used to seed farms throughout New Zealand is collected from Ninety Mile Beach, attached to drifts of seaweed.

Because it is a major occupier of space in the coastal marine area, and has, among other things, specific water quality requirements, marine farming needs to be recognised and specifically provided for within the framework of this Plan.

Prior to the passage of the Resource Management Act, marine farming in Northland was largely controlled by the Ministry of Fisheries under the Marine Farming Act 1971. The Marine Farming Act was principally concerned with the promotion of marine farming, and only required assessment of a limited range of environmental effects within the specific areas leased and licenced under the Act for marine farming.

Prior to the passage of the Resource Management Act, the Marine Farming Act 1971 also dealt with provision for spat-catching areas, access through leased areas, navigation and safety matters, protection of marine farms, and disease control and related provisions.

Most marine farms within Northland are currently authorised by Marine Farming Act leases or licences.

With the passage of the Resource Management Act 1991, the Marine Farming Act was significantly amended. In essence, the environmental effects of any new marine farming activity or a variation to an existing marine farm are now largely covered under the Resource Management Act. Unless allowed by a rule in this Plan, a coastal permit is now required if a proposed marine farm or a variation to an existing marine farm requires:

- Exclusive occupation of coastal space; or
- Placing of structures on the foreshore or seabed; or
- Disturbance of the foreshore or seabed; or
- Results in deposition of material on the foreshore or seabed or into coastal waters.

New oyster and mussel-farming operations using conventional methods (racks and longlines) and all other possible types of marine farming such as salmon, mullet and scallops require coastal permits. With the introduction of new techniques and technology, it is possible that the pressure for the expansion of the marine farming industry in Northland will continue.

An anomaly in this new system is that existing marine farming leases, licences, and spat-catching permits were largely exempted from the provisions of the Resource Management Act. In effect, within the areas authorised, marine farming and spat-catching activities continue to be managed by the Ministry of Fisheries under the Marine Farming Act 1971. The Ministry of Fisheries also retains a role, in conjunction with Northland Health, in relation to disease control in both new and existing marine farms.

A dual system also exists in relation to new marine farms. Following recent amendments to the Fisheries Act 1996, applicants for coastal permits for marine farming or spat-catching activity are now required to obtain a fisheries permit from the Ministry of Fisheries before marine farming can commence, i.e. both a coastal permit and a fisheries permit are required. The fisheries permit covers legal requirements in relation to the farmed produce (e.g. oysters, mussels).

Whether for new or existing marine farms, the Regional Council, in conjunction with the Minister of Conservation, has responsibility for managing any environmental effects both within and outside individual lease, licence, or coastal permit areas. While marine farming is generally seen as a relatively 'clean' industry, there are some adverse environmental effects associated with it. The major known or potential adverse effects of marine farming in Northland are:

- Physical exclusion of other uses from the marine farm area.
- Restriction of public access.
- Interference with navigation.
- Visual impacts of farm structures, particularly when the farm has been abandoned or where they have been allowed to deteriorate.
- Potential siltation and build-up of organic matter.
- Disposal of shell debris from oyster washing and sorting processes.
- Impacts on the feeding activity of some species of wading birds.

A particular long-standing issue in Northland is the effect of marine farming operations, and the potential effect of further marine farms on the natural character of the Rangaunu, Houhora and Parengarenga harbours of the Far North. These harbours have long been recognised as being significant in terms of the number, variety, and rarity of the wading bird species that they support. They also have high scenic value, and because of their relative isolation, are largely unspoilt by human use and development, i.e. they have a very high degree of natural character. All have been identified by the Minister of Conservation as Areas of Significant Conservation Value and have been incorporated as areas of important conservation value in the Marine 1 Management Areas established by this Plan. Marine farming operations have also had an adverse effect on the natural character of the Bay of Islands and the Kaipara Harbour.

An additional complexity in regard to marine farming is that the Ministry of Fisheries, through Northland Health Limited, is responsible for ensuring that coastal waters in commercial shellfish growing areas meet national aquaculture industry standards. Often, the Regional Council also monitors water quality in the same areas but in relation to the effects of point discharges and/or general water quality investigations.

## 27.2 ISSUES

1. The importance of marine farming to Northland's economy and as a major occupier of the region's harbours and estuaries and the consequent need to provide for it within this Plan, including recognition of its specific water quality requirements.
2. The dual legislative system for managing marine farming in New Zealand and the need to avoid, as far as possible, disparities in managing the environmental effects associated with the industry.
3. The relatively large areas of coastal space generally required for economic marine farming, and the consequent need to ensure that marine farms are located, constructed, and managed so as to avoid, remedy or mitigate adverse environmental effects including the potential conflict between marine farming and other activities or values of the coastal marine area.
4. The significant off-site requirements of the marine farming industry, including moorings, launching areas, and processing facilities; the potential adverse effects of these on the coastal marine area and the consequent need for integrated management of these activities.
5. The abandonment and long-standing derelict nature of some marine farms in Northland's coastal marine area and the need to remedy the effects of these on, for example, the natural character and amenity values of the coastal marine area.
6. The potential conflict between marine farming and the preservation of natural character of the coastal marine area, particularly the Rangaunu, Houhora and Parengarenga harbours, and the consequent need to address this within this Plan.

## 27.3 OBJECTIVE

**Provision for marine farming activity in Northland's coastal marine area while avoiding, remedying or mitigating its adverse effects.**

## 27.4 POLICIES

1. To promote the integrated management of marine farming activity and any associated land and water-based facilities and operations, including those associated with processing marine farm produce or with gaining access to and along the coastal marine area.

**Explanation.** *Marine farming operations generally require land-based facilities for storage of materials or processing of farmed produce. Integrated management is therefore needed to ensure that these requirements are taken into account in providing for marine farms within the coastal marine area.*

2. To recognise and provide for the particular water quality requirements of the marine farming industry, through the separation of conflicting activities and the promotion of the rationalisation, where possible, of

water quality monitoring required for or otherwise associated with, marine farming.

**Explanation.** *Because shellfish filter the water, they tend to accumulate any contaminants within the water. Because the saleability of shellfish is dependent on the edible quality of the shellfish, waters used for marine farming need to be kept free from potentially harmful contaminants.*

3. To promote the incorporation of all authorised marine farms into the planning framework of the Resource Management Act 1991.

**Explanation.** *While marine farms with existing Marine Farming Act leases or licences are allowed to continue without coastal permits, this creates a complex management system which can be simplified by requiring these farms to be managed wholly under the Resource Management Act. This would also be consistent with the management of all other activities requiring structures.*

4. To require the repair or removal of marine farms authorised under the RMA which have been allowed to fall into a state of disrepair or have been abandoned and to institute restoration measures where required.

**Explanation.** *The Regional Council is responsible for all marine farms authorised under the RMA. These areas need to be managed effectively and this requires provision to be made to allow for their repair or removal if required.*

5. To promote the repair or removal of marine farms authorised under the Marine Farming Act which have been allowed to fall into a state of disrepair or have been abandoned and to promote the institution of restoration measures where required.

**Explanation.** *The presence of derelict oyster farms within Northland's coastal marine area has been a long-standing issue. Among other things, the efficient utilisation of these areas could be used to provide for future expansion of the industry. Because most existing derelict farms are managed under the Marine Farming Act, The Ministry of Fisheries is responsible for addressing the matter.*

6. To promote the efficient utilisation of coastal space authorised for marine farming activity.

**Explanation.** *Because suitable sites for marine farming are limited and the effects of marine farming are not yet fully understood, it is important to fully utilise existing authorised areas before new ones are provided.*

7. To establish baseline data, and monitor the degree and extent of cumulative adverse effects of intensive marine farming activity on the quality of the coastal marine area, and to use the results to assess the appropriateness of proposals for new marine farms or extensions to authorised marine farms.

**Explanation.** *Self explanatory*

8. Subject to Policy 9, to provide for the expansion of marine farming within Marine 2 Management Areas, while ensuring that new marine farms are located, designed, constructed, and managed in ways which minimise adverse effects on the coastal marine area, particularly on its ecological, cultural, and amenity values.

**Explanation.** *Marine farming is an important contributor to Northland's economy. However, the areas sought for expansion are generally those of high natural character. Consideration therefore needs to be given to the likely adverse effects of new marine farms on these areas.*

9. To prohibit the establishment or expansion of authorised marine farms within:
- (a) Marine 1 Management Areas (to manage their conservation values); and,
  - (b) locations within the Marine 2 Management Area which are:
    - (i) already fully developed by marine farming; or
    - (ii) unsuitable for marine farming because of potential conflicts with adjacent areas of urban development and recreational activities; or
    - (iii) unsuitable for marine farming because of potential conflict with high existing natural character and amenity values.

**Explanation.** *Marine 1 and Marine 2 Management Areas are those of significant or high conservation value. While marine farms exist in these areas, the long-term protection of their natural values requires limits on future use and development.*

10. To require the consideration of land-based alternatives when reviewing proposals for the marine farming of non-conventional species, including non-indigenous fish.

**Explanation.** *As suitable sites for marine farming are limited and the effects of the cultivation of non-conventional species are not fully understood, it is important to promote the utilisation of land-based ponds and tanks where these alternatives to the occupation of the coastal marine area exist.*

## 27.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Facilitate discussions with the marine farming industry, Ministry of Fisheries, relevant district councils and the Department of Conservation in regard to the environmental effects of the industry and its need for land and water-based support facilities in the following areas of intensive marine farming activity:
- Waikare Inlet.
  - Kerikeri Inlet.
  - The upper Whangaroa Harbour.
  - Houhora Harbour.

- Parengarenga Harbour.
  - The Arapaoa (Pahi) and Whakaki arms of the Kaipara Harbour.
2. Consult with the marine farming industry over environmental issues relating to marine farming and promote industry initiatives to avoid, remedy or mitigate adverse environmental effects, including the development of industry codes of practice.
  3. Promote the use of joint hearings for applications for marine farming proposals which include associated facilities on adjacent coastal land.
  4. Promote, through appropriate submissions, the incorporation of policies and rules within District Plans which are complementary to those within this section.

*(for Policy 2)*

5. Include policies within this Plan aimed at classifying and maintaining water quality in existing marine farming areas at its current high standard.

cross-references

13.4(1)

6. Include appropriate provisions in the Regional Water and Soil Plan and make appropriate submissions on district plans and consent applications about the separation of conflicting activities for any discharge, subdivision or change in land use of coastal land adjoining or adjacent to marine farms where the proposed activity could conflict with marine farming including the potential to lead to a breach of the water quality classification standards (and therefore the viability of the marine farming activity).
7. Hold discussions with marine farmers, Ministry of Fisheries, and Northland Health Limited to assess possible streamlining of monitoring activity, including the sharing of resources.

*(for Policy 3)*

8. Prepare reports on the management difficulties created by the partial exclusion of existing marine farm leases and licences from the provisions of the Resource Management Act 1991 and use these to:
  - (a) encourage the Minister of Fisheries to not exercise the power to extend the term of existing leases and licences; and
  - (b) encourage the Minister of Fisheries and other relevant Ministers of Parliament to make the necessary changes to the legislation to bring marine farming more fully under the management regime of the Resource Management Act.
9. Include rules within this Plan enabling existing marine farms to become controlled activities under the Resource Management Act with a coastal permit duration of greater than the present 14-year maximum allowed under the Marine Farming Act 1971.

cross-references

31.5.8(a)

*(for Policy 4)*

10. Identify and maintain a register of existing marine farms within Northland's coastal marine area which have been authorised and have been abandoned or allowed to fall into a state of disrepair.
11. For marine farms authorised by coastal permits, issue enforcement orders for those marine farm owners or operators who have abandoned their farms or allowed them to fall into a state of disrepair and who do not have an agreed programme for upgrading or clean-up of the affected area.

*(for Policy 5)*

12. For marine farms authorised by Marine Farming Act leases, request Ministry of Fisheries to institute forfeiture proceedings against those marine farm owners or operators who have abandoned their farms or allowed them to fall into a state of disrepair and who do not have an agreed programme for upgrading or clean-up of the affected area.

*(for Policy 6)*

13. Include assessment criteria within this Plan to ensure that applicants for new marine farms who own or operate existing marine farms have fully utilised the space within their existing marine farm, and if not, to ensure that such applications are declined.

cross-references

32.2.8(4)

*(for Policy 7)*

14. Establish and implement "state of the environment" monitoring in marine farming areas identified in 27.5(1) above.
15. Investigate and report on the specific effects of marine farming in the Parengarenga and Houhora harbours on ecological values of those harbours.
16. Monitor all authorised marine farms under the Regional Council's jurisdiction.

*(for Policy 8)*

17. Subject to method 18, include rules within this Plan making the development of new marine farms, or the extension of existing authorised marine farms, a discretionary activity within the Marine 2 Management Area, and include assessment criteria within this Plan providing for the consideration of effects of proposals for new marine farms on ecological,



Parengarenga and Houhora harbours are a particular issue because of the essentially natural character of these harbours (**Method 15**).

**Method 7** recognises that monitoring of marine farming activity is shared between a number of agencies and, because of this, there may be opportunity to rationalise monitoring efforts.

### **Co-ordination**

**Method 1** gives recognition to the fact that marine farming activity generally requires provision of associated facilities on land. How this is done requires consultation with the industry and integrated management.

The use of joint hearings (**Method 3**) allows for the integrated management of the needs of marine farming and associated adverse effects above and below the line of MHWS to be addressed together. **Method 4** is also required to help ensure a consistent approach to dealing with marine farming activity.

**Method 8** is in response to the management difficulties created by the partial exclusion of existing marine farm leases and licences from the provisions of the Resource Management Act.

### **Other**

**Method 2** provides for the industry to take responsibility for the environmental effects that marine farming may create.

**Method 6** is required to maintain coastal water quality for the benefit marine farming among other uses of the coastal marine area.

**Methods 10, 11 and 12** are required to ensure that marine farms do not become neglected – a long-standing issue in Northland.

## **28. MARINE 4 (MOORINGS) MANAGEMENT AREAS**

### **28.1 INTRODUCTION**

Northland's east coast is characterised by numerous bays, estuaries and harbours. This, together with the relatively natural setting of much of Northland's coast and the region's warm climate, has made Northland one of the most popular areas in New Zealand for recreational boating. The commercial use of boats and other craft is also a major feature of the region's tourism, fishing, and marine farming industries. Larger craft associated with these uses require some form of permanent mooring such as swing moorings, pile moorings, or mooring alongside a jetty or in a marina berth.

While a proportion of smaller boats using the Northland coastline are stored on land using trailers, a variety of mooring types are used by the thousands of craft which are permanently moored in the coastal area. These moorings range from swing moorings in more exposed bays to pile, jetty and marina berths, which require more shelter. For the purposes of this Plan, moorings include swing moorings, pile moorings, marina berths and mooring jetties.

One particular type of mooring, generally requiring considerable shelter is a marina berth. For the purposes of this Plan, "marina" means:

A naturally or artificially enclosed or semi-enclosed area of protected water of suitable depth containing moorings in the form of finger jetties, berths or other similar structures which, in combination, provide for the permanent mooring of vessels, each with walking access, and which area is maintained and managed for that specific purpose.

A marina with associated facilities and services for launching, repairing, or provisioning craft is generally termed a "marina complex".

As well as permanent moorings, provision for recreational boating requires recognition of the need for safe anchorages, where temporary shelter can be sought in bad weather. While most of these areas will be known to the region's boating community, few to date have been formally recognised and/or set aside for the purpose.

Another allied issue is the need for prohibiting mooring and anchoring in some areas, for example, around commercial ports or over submarine cables or pipelines. Such areas are shown on navigational charts and are therefore also known to the region's boating community.

### **28.2 MOORINGS**

Prior to the introduction of the Resource Management Act, moorings within most of Northland's harbours were largely managed by the Northland Harbour Board under the provisions of the Harbours Act 1950 and primarily using harbour bylaws. Swing moorings could be authorised in several ways. Within harbour limits, the Harbour Board had the power to 'declare' mooring areas, and within these areas, which generally included the more popular sheltered bays, annual mooring licences were issued. The same procedure also applied in areas such as the Bay of Islands, where grants of control of the seabed and foreshore had been given by the Ministry of Transport to the former Northland Harbour Board, Bay of Islands County Council and

Department of Lands and Survey. Outside declared mooring areas, no licences were issued or annual fees paid, although the location of the swing mooring required the approval of the Harbourmaster.

Most pile and jetty moorings within harbour limits were within declared mooring areas and therefore required the approval of the Harbour Board on an annual basis. Because they constituted structures in the seabed, pile and jetty berths also required the approval of the Ministry of Transport/Department of Conservation under section 178 of the Harbours Act.

Outside harbour limits, all types of moorings were controlled by the Ministry of Transport, and later the Department of Conservation.

During this time, there were a significant number of unregistered permanent moorings placed on the coast, many of which are outside declared mooring areas.

With the introduction of the Resource Management Act in 1991, the Northland Regional Council was given the responsibility for managing the environmental effects of mooring over the entire Northland coast. In addition, the Council continued to exercise control over moorings through its bylaws, as a harbour board. In 1992, the entire coast was surveyed, all moorings were numbered and their position plotted on maps. These were then checked against the Northland Regional Council's register of licenced moorings, and those unregistered were noted.

Because many of the moorings had been placed without proper authorisation, an amnesty period was publicised in 1993. During this time, owners of unregistered moorings could come forward and register their moorings. Following the amnesty period, moves have been instituted to remove any remaining unlicensed moorings, including those for which an annual fee has not been paid. However, the Act contains specific provisions in relation to moorings which existed prior to 1 October 1991. These are allowed to remain until one year after the approval of this Plan after which time they become subject to its provisions. In addition, Navigation Safety Bylaws will continue to be used to manage and control moorings and navigation and safety matters.

Under the Resource Management Act, new moorings require a coastal permit to occupy space unless expressly allowed by a rule in the Plan. Such coastal permits may be subject to similar conditions as existing Harbours Act licences for moorings.

While having obvious benefits, the presence of permanent moorings in the coastal marine area can also cause adverse effects. Direct effects include:

- Visual impacts.
- Restriction of public access and recreation.
- Modification of natural water movement patterns.
- The effects of anti-fouling leachate.

In considering adverse effects, it is important to make a distinction between swing moorings in comparison with pile, jetty and marina berth moorings. Swing moorings are a relatively flexible means of providing for permanent moorings in that these are low-lying and more easily moved should the need arise. In contrast, the other more solid types of moorings are much more

visible and less easily moved. Visual impacts of these moorings can be exacerbated by the linear fashion in which they are usually arranged. If not properly aligned, this linear arrangement can also cause more pronounced changes in water movement patterns than a comparable number of swing moorings.

Notwithstanding the above, the benefit of pile, jetty and marina berth moorings is that they allow greater numbers of moorings to be concentrated in a particular area.

Other indirect effects associated with the use of all moorings, that also need to be considered, include:

- Effects on water quality as a result of sewage discharges.
- Effects on use of adjacent land particularly in relation to parking and waste disposal requirements.

Another related issue is the long-term anchorage of vessels. This equates to permanent mooring with similar environmental effects and consequently provision also needs to be made to control this activity.

### 28.2.1 ISSUES

1. The importance of permanent moorings to recreational and commercial boating activity, port operations and marine farming within Northland's coastal marine area, and the consequent need to make provision for their location and/or continued use within this Plan.
2. The overlapping responsibilities of the Regional Council under the Harbours Act and the Resource Management Act and the need to rationalise mooring administration in an efficient manner which integrates with the resource management framework set out within this Plan.
3. The actual and potential adverse effects of permanent moorings and their use on the coastal marine area, and the consequent need to control their proliferation and spread.
4. The requirement for on-shore facilities associated with permanent moorings and their use, and the consequent need to integrate the management of moorings.
5. The requirement of commercial and recreational vessels for safe anchorage areas within which to ride out storms, and the consequent need to protect such areas from other uses and developments which occupy space.
6. The potential for more pronounced adverse effects with pile moorings as opposed to swing moorings, and the need to balance this against the space-saving benefits of pile moorings when managing mooring numbers.
7. The similarity of effects of mooring of craft and long-term anchorage of craft and the consequent need for controls over this activity to avoid, remedy or mitigate these effects.

### 28.2.2 OBJECTIVE

**Provision for the appropriate location and use of moorings within the coastal marine area while avoiding, remedying or mitigating the adverse effects of these activities on the coastal marine area.**

### 28.2.3 POLICIES

1. To provide for the appropriate location and continued use of existing swing moorings which are licenced by the Northland Regional Council within all Marine 4 Management Areas.

**Explanation.** *The Northland Regional Council will continue to licence all moorings within Marine Management 4 areas under the Harbours Act.*

2. To provide for the location of new moorings within Marine 4 Management Areas as a controlled activity, providing there is adequate space available for the new mooring and except in specified locations where these are known to restrict recreational opportunities adjacent to specified bathing beaches.

**Explanation.** *To avoid a proliferation of moorings along the coastline, the location of new moorings in a Marine 4 Management Area is provided for as a controlled activity. This is limited by the number of existing moorings and identified restricted areas.*

3. When a Marine 4 Management Area is identified as nearing capacity, to consider all alternatives for extending the area or establishing a new area including:
  - (a) the judicious use of pile moorings to replace swing moorings
  - (b) restrictions on types of vessels to be catered for within mooring areas
  - (c) restrictions on the numbers of moorings able to be allocated to one person or organisation.

**Explanation.** *Rationalisation of moorings within a Marine 4 Management Area to make better use of the existing area should be addressed prior to the designation of new mooring areas.*

4. As far as practicable, to avoid the proliferation of moorings in Marine 1, Marine 2 and Marine 3 Management Areas through the classification of new and existing moorings as discretionary and require the applicant to justify why the mooring is required in these areas and why the new mooring cannot be located within a Marine 4 Management Area.

**Explanation.** *Moorings have the potential to proliferate rapidly because they are relatively simple structures and are easily installed. In relatively natural areas, the use of moorings can significantly reduce the natural character of the area. To protect natural character, the number and location of moorings should therefore be limited.*

5. To control the adverse effects of moorings and mooring use on the coastal marine area and other uses of it, particularly in relation to recreational activity and marine farming.

**Explanation.** *Moorings can interfere with recreational activity because they occupy large areas of reasonably sheltered coastal space. Discharges from moored vessels can also seriously affect the quality of farmed shellfish. This needs to be recognised in providing for and managing mooring areas.*

6. To identify recognised areas regularly used by recreational boats for temporary shelter during bad weather, or in the event of vessel damage or gear failure and protect these areas from use and development which would limit this function.

**Explanation.** *Yachts and launches travelling along the coast are reliant on areas of safe anchorage during major storms or in the event of vessel damage or gear failure. Therefore, in the interests of safe navigation, these areas need to be set aside for these sole purposes. If not otherwise controlled, the expansion of mooring areas will inhibit the availability of safe anchorages.*

7. To promote the integrated management of moorings and associated land based facilities.

**Explanation.** *The use of moorings requires land-based facilities such as car parking and refuse disposal facilities. The location and number of moorings in a mooring area therefore needs to be managed in an integrated manner which has regard to the need for provision of adequate land-based facilities.*

8. To avoid, remedy, or mitigate the adverse effects of long-term anchorage of vessels.

**Explanation.** *In the same way that the effects of proliferation of permanent mooring need to be controlled, it is also important to ensure that vessels anchor in areas where adverse effects can be minimised.*

## 28.2.4 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan allowing existing moorings licenced by the Northland Regional Council which are within Marine 4 Management Areas to become controlled activities except where the mooring location is inappropriate for the purposes of permanent mooring.

cross-reference

31.6.8(c), (d) & (e)

*(for Policy 2)*

2. Include rules within this Plan, generally making new moorings within Marine 4 Management Areas a controlled activity, providing there is adequate space available for the new mooring and, except where these are known to restrict recreational opportunities adjacent to specified bathing beaches.

cross-references

31.6.8(f)

32.2.6

32.2.7

*(for Policy 3)*

3. Consider all alternatives before making a decision about whether it is appropriate to extend a Marine 4 Management Area nearing capacity or establish a new area.

*(for Policy 4)*

4. Include rules and assessment criteria within this Plan, which make new and existing moorings in Marine 1, Marine 2, and Marine 3 Management Areas, a discretionary activity.

cross-references

32.2.6

31.3.9(c)-(e)

31.4.9(c) & (d)

31.5.7(d)

5. To establish as soon as practicable a working party comprising the Northland Regional Council, Northland's three District Councils, Northland Yachting Association and the Department of Conservation to undertake a comprehensive strategic review of the issues, objectives, policies, methods, rules and maps in the coastal plan relating to the provision for, and management of, moorings and marinas within Northland's coastal marine area, resulting in a Plan Change to the Regional Coastal Plan. The working party will consult with interested parties and mooring owners as part of the review.

*(for Policy 5)*

6. Where the presence of permanent moorings are known to significantly conflict with the use of adjacent specified bathing beaches, require a minimum distance from shore within which permanent mooring will be gradually removed, so as to allow for other recreational activity.

cross-references

31.6.8(c), (d) & (e)

7. Include policies within this Plan facilitating control of discharges and waste disposal from boats.

cross-references

19.4(5) & (9)

(for Policy 6)

8. In consultation with the boating public and other interested parties, locate recognised storm anchorages and prepare maps showing their location.
9. In considering applications for uses and developments within, adjoining or adjacent to these areas, give specific consideration to the effects on the use of the area as a safe anchorage, and decline the application should the proposed use or development significantly inhibit the use of the area as a safe anchorage.

cross-references

32.1(21)

(for Policy 7)

10. Consult with district councils, the Department of Conservation, and other interested parties over the adequacy of parking and waste disposal facilities on land adjacent to Marine 4 Management Areas and if necessary develop and implement a strategy to ensure that land-based facilities and Marine 4 Management Areas are established in an integrated manner having regard to the avoidance, remediation or mitigation of any associated adverse effects.
11. Promote, through appropriate submissions, the inclusion of policies and rules within district plans which are complementary to those within this Plan.

(for Policy 8)

12. Include rules within this Plan making short-term anchorage of vessels (i.e. anchored for fourteen consecutive days or less) a permitted activity within Marine 1, Marine 2, and Marine 4 Management Areas.

cross-references

31.3.9(a)

31.4.9(a)

31.6.8(a)

13. Include rules within this Plan making long-term anchorage (i.e. anchored for more than fourteen consecutive days), a prohibited activity in Marine 1 and 4 Management Areas and a discretionary activity in Marine 2 Management Areas.

## **28. MARINE 4 (MOORINGS) MANAGEMENT AREAS**

### **28.1 INTRODUCTION**

Northland's east coast is characterised by numerous bays, estuaries and harbours. This, together with the relatively natural setting of much of Northland's coast and the region's warm climate, has made Northland one of the most popular areas in New Zealand for recreational boating. The commercial use of boats and other craft is also a major feature of the region's tourism, fishing, and marine farming industries. Larger craft associated with these uses require some form of permanent mooring such as swing moorings, pile moorings, or mooring alongside a jetty or in a marina berth.

While a proportion of smaller boats using the Northland coastline are stored on land using trailers, a variety of mooring types are used by the thousands of craft which are permanently moored in the coastal area. These moorings range from swing moorings in more exposed bays to pile, jetty and marina berths, which require more shelter. For the purposes of this Plan, moorings include swing moorings, pile moorings, marina berths and mooring jetties.

One particular type of mooring, generally requiring considerable shelter is a marina berth. For the purposes of this Plan, "marina" means:

A naturally or artificially enclosed or semi-enclosed area of protected water of suitable depth containing moorings in the form of finger jetties, berths or other similar structures which, in combination, provide for the permanent mooring of vessels, each with walking access, and which area is maintained and managed for that specific purpose.

A marina with associated facilities and services for launching, repairing, or provisioning craft is generally termed a "marina complex".

As well as permanent moorings, provision for recreational boating requires recognition of the need for safe anchorages, where temporary shelter can be sought in bad weather. While most of these areas will be known to the region's boating community, few to date have been formally recognised and/or set aside for the purpose.

Another allied issue is the need for prohibiting mooring and anchoring in some areas, for example, around commercial ports or over submarine cables or pipelines. Such areas are shown on navigational charts and are therefore also known to the region's boating community.

### **28.2 MOORINGS**

Prior to the introduction of the Resource Management Act, moorings within most of Northland's harbours were largely managed by the Northland Harbour Board under the provisions of the Harbours Act 1950 and primarily using harbour bylaws. Swing moorings could be authorised in several ways. Within harbour limits, the Harbour Board had the power to 'declare' mooring areas, and within these areas, which generally included the more popular sheltered bays, annual mooring licences were issued. The same procedure also applied in areas such as the Bay of Islands, where grants of control of the seabed and foreshore had been given by the Ministry of Transport to the former Northland Harbour Board, Bay of Islands County Council and

Department of Lands and Survey. Outside declared mooring areas, no licences were issued or annual fees paid, although the location of the swing mooring required the approval of the Harbourmaster.

Most pile and jetty moorings within harbour limits were within declared mooring areas and therefore required the approval of the Harbour Board on an annual basis. Because they constituted structures in the seabed, pile and jetty berths also required the approval of the Ministry of Transport/Department of Conservation under section 178 of the Harbours Act.

Outside harbour limits, all types of moorings were controlled by the Ministry of Transport, and later the Department of Conservation.

During this time, there were a significant number of unregistered permanent moorings placed on the coast, many of which are outside declared mooring areas.

With the introduction of the Resource Management Act in 1991, the Northland Regional Council was given the responsibility for managing the environmental effects of mooring over the entire Northland coast. In addition, the Council continued to exercise control over moorings through its bylaws, as a harbour board. In 1992, the entire coast was surveyed, all moorings were numbered and their position plotted on maps. These were then checked against the Northland Regional Council's register of licenced moorings, and those unregistered were noted.

Because many of the moorings had been placed without proper authorisation, an amnesty period was publicised in 1993. During this time, owners of unregistered moorings could come forward and register their moorings. Following the amnesty period, moves have been instituted to remove any remaining unlicensed moorings, including those for which an annual fee has not been paid. However, the Act contains specific provisions in relation to moorings which existed prior to 1 October 1991. These are allowed to remain until one year after the approval of this Plan after which time they become subject to its provisions. In addition, Navigation Safety Bylaws will continue to be used to manage and control moorings and navigation and safety matters.

Under the Resource Management Act, new moorings require a coastal permit to occupy space unless expressly allowed by a rule in the Plan. Such coastal permits may be subject to similar conditions as existing Harbours Act licences for moorings.

While having obvious benefits, the presence of permanent moorings in the coastal marine area can also cause adverse effects. Direct effects include:

- Visual impacts.
- Restriction of public access and recreation.
- Modification of natural water movement patterns.
- The effects of anti-fouling leachate.

In considering adverse effects, it is important to make a distinction between swing moorings in comparison with pile, jetty and marina berth moorings. Swing moorings are a relatively flexible means of providing for permanent moorings in that these are low-lying and more easily moved should the need arise. In contrast, the other more solid types of moorings are much more

visible and less easily moved. Visual impacts of these moorings can be exacerbated by the linear fashion in which they are usually arranged. If not properly aligned, this linear arrangement can also cause more pronounced changes in water movement patterns than a comparable number of swing moorings.

Notwithstanding the above, the benefit of pile, jetty and marina berth moorings is that they allow greater numbers of moorings to be concentrated in a particular area.

Other indirect effects associated with the use of all moorings, that also need to be considered, include:

- Effects on water quality as a result of sewage discharges.
- Effects on use of adjacent land particularly in relation to parking and waste disposal requirements.

Another related issue is the long-term anchorage of vessels. This equates to permanent mooring with similar environmental effects and consequently provision also needs to be made to control this activity.

### 28.2.1 ISSUES

1. The importance of permanent moorings to recreational and commercial boating activity, port operations and marine farming within Northland's coastal marine area, and the consequent need to make provision for their location and/or continued use within this Plan.
2. The overlapping responsibilities of the Regional Council under the Harbours Act and the Resource Management Act and the need to rationalise mooring administration in an efficient manner which integrates with the resource management framework set out within this Plan.
3. The actual and potential adverse effects of permanent moorings and their use on the coastal marine area, and the consequent need to control their proliferation and spread.
4. The requirement for on-shore facilities associated with permanent moorings and their use, and the consequent need to integrate the management of moorings.
5. The requirement of commercial and recreational vessels for safe anchorage areas within which to ride out storms, and the consequent need to protect such areas from other uses and developments which occupy space.
6. The potential for more pronounced adverse effects with pile moorings as opposed to swing moorings, and the need to balance this against the space-saving benefits of pile moorings when managing mooring numbers.
7. The similarity of effects of mooring of craft and long-term anchorage of craft and the consequent need for controls over this activity to avoid, remedy or mitigate these effects.

### 28.2.2 OBJECTIVE

**Provision for the appropriate location and use of moorings within the coastal marine area while avoiding, remedying or mitigating the adverse effects of these activities on the coastal marine area.**

### 28.2.3 POLICIES

1. To provide for the appropriate location and continued use of existing swing moorings which are licenced by the Northland Regional Council within all Marine 4 Management Areas.

**Explanation.** *The Northland Regional Council will continue to licence all moorings within Marine Management 4 areas under the Harbours Act.*

2. To provide for the location of new moorings within Marine 4 Management Areas as a controlled activity, providing there is adequate space available for the new mooring and except in specified locations where these are known to restrict recreational opportunities adjacent to specified bathing beaches.

**Explanation.** *To avoid a proliferation of moorings along the coastline, the location of new moorings in a Marine 4 Management Area is provided for as a controlled activity. This is limited by the number of existing moorings and identified restricted areas.*

3. When a Marine 4 Management Area is identified as nearing capacity, to consider all alternatives for extending the area or establishing a new area including:
  - (a) the judicious use of pile moorings to replace swing moorings
  - (b) restrictions on types of vessels to be catered for within mooring areas
  - (c) restrictions on the numbers of moorings able to be allocated to one person or organisation.

**Explanation.** *Rationalisation of moorings within a Marine 4 Management Area to make better use of the existing area should be addressed prior to the designation of new mooring areas.*

4. As far as practicable, to avoid the proliferation of moorings in Marine 1, Marine 2 and Marine 3 Management Areas through the classification of new and existing moorings as discretionary and require the applicant to justify why the mooring is required in these areas and why the new mooring cannot be located within a Marine 4 Management Area.

**Explanation.** *Moorings have the potential to proliferate rapidly because they are relatively simple structures and are easily installed. In relatively natural areas, the use of moorings can significantly reduce the natural character of the area. To protect natural character, the number and location of moorings should therefore be limited.*

5. To control the adverse effects of moorings and mooring use on the coastal marine area and other uses of it, particularly in relation to recreational activity and marine farming.

**Explanation.** *Moorings can interfere with recreational activity because they occupy large areas of reasonably sheltered coastal space. Discharges from moored vessels can also seriously affect the quality of farmed shellfish. This needs to be recognised in providing for and managing mooring areas.*

6. To identify recognised areas regularly used by recreational boats for temporary shelter during bad weather, or in the event of vessel damage or gear failure and protect these areas from use and development which would limit this function.

**Explanation.** *Yachts and launches travelling along the coast are reliant on areas of safe anchorage during major storms or in the event of vessel damage or gear failure. Therefore, in the interests of safe navigation, these areas need to be set aside for these sole purposes. If not otherwise controlled, the expansion of mooring areas will inhibit the availability of safe anchorages.*

7. To promote the integrated management of moorings and associated land based facilities.

**Explanation.** *The use of moorings requires land-based facilities such as car parking and refuse disposal facilities. The location and number of moorings in a mooring area therefore needs to be managed in an integrated manner which has regard to the need for provision of adequate land-based facilities.*

8. To avoid, remedy, or mitigate the adverse effects of long-term anchorage of vessels.

**Explanation.** *In the same way that the effects of proliferation of permanent mooring need to be controlled, it is also important to ensure that vessels anchor in areas where adverse effects can be minimised.*

## 28.2.4 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan allowing existing moorings licenced by the Northland Regional Council which are within Marine 4 Management Areas to become controlled activities except where the mooring location is inappropriate for the purposes of permanent mooring.

*cross-reference*

*31.6.8(c), (d) & (e)*

*(for Policy 2)*

2. Include rules within this Plan, generally making new moorings within Marine 4 Management Areas a controlled activity, providing there is adequate space available for the new mooring and, except where these are known to restrict recreational opportunities adjacent to specified bathing beaches.

cross-references

31.6.8(f)

32.2.6

32.2.7

*(for Policy 3)*

3. Consider all alternatives before making a decision about whether it is appropriate to extend a Marine 4 Management Area nearing capacity or establish a new area.

*(for Policy 4)*

4. Include rules and assessment criteria within this Plan, which make new and existing moorings in Marine 1, Marine 2, and Marine 3 Management Areas, a discretionary activity.

cross-references

32.2.6

31.3.9(c)-(e)

31.4.9(c) & (d)

31.5.7(d)

5. To establish as soon as practicable a working party comprising the Northland Regional Council, Northland's three District Councils, Northland Yachting Association and the Department of Conservation to undertake a comprehensive strategic review of the issues, objectives, policies, methods, rules and maps in the coastal plan relating to the provision for, and management of, moorings and marinas within Northland's coastal marine area, resulting in a Plan Change to the Regional Coastal Plan. The working party will consult with interested parties and mooring owners as part of the review.

*(for Policy 5)*

6. Where the presence of permanent moorings are known to significantly conflict with the use of adjacent specified bathing beaches, require a minimum distance from shore within which permanent mooring will be gradually removed, so as to allow for other recreational activity.

cross-references

31.6.8(c), (d) & (e)

7. Include policies within this Plan facilitating control of discharges and waste disposal from boats.

cross-references

19.4(5) & (9)

(for Policy 6)

8. In consultation with the boating public and other interested parties, locate recognised storm anchorages and prepare maps showing their location.
9. In considering applications for uses and developments within, adjoining or adjacent to these areas, give specific consideration to the effects on the use of the area as a safe anchorage, and decline the application should the proposed use or development significantly inhibit the use of the area as a safe anchorage.

cross-references

32.1(21)

(for Policy 7)

10. Consult with district councils, the Department of Conservation, and other interested parties over the adequacy of parking and waste disposal facilities on land adjacent to Marine 4 Management Areas and if necessary develop and implement a strategy to ensure that land-based facilities and Marine 4 Management Areas are established in an integrated manner having regard to the avoidance, remediation or mitigation of any associated adverse effects.
11. Promote, through appropriate submissions, the inclusion of policies and rules within district plans which are complementary to those within this Plan.

(for Policy 8)

12. Include rules within this Plan making short-term anchorage of vessels (i.e. anchored for fourteen consecutive days or less) a permitted activity within Marine 1, Marine 2, and Marine 4 Management Areas.

cross-references

31.3.9(a)

31.4.9(a)

31.6.8(a)

13. Include rules within this Plan making long-term anchorage (i.e. anchored for more than fourteen consecutive days), a prohibited activity in Marine 1 and 4 Management Areas and a discretionary activity in Marine 2 Management Areas.

## 28.3 MARINAS

### 28.3.1 INTRODUCTION

There are currently five purpose-built marinas in Northland: the 227-berth Tutukaka Marina at the head of Tutukaka Harbour; the 25-berth Orams Marina in the Hatea River, upper Whangarei Harbour; the 108-berth Doves Bay marina in the lower Kerikeri Inlet; the 80-berth marina in Whangaroa Harbour; and the 210-berth Opuia marina. In addition there are a number of high density pile and/or jetty mooring areas which are generally referred to and managed as marinas. These are at Kissing Point and the Town Basin in the Whangarei Harbour and at Tinopai in the Kaipara Harbour.

In recent years, there have been a number of proposals for marina developments within Northland's coastal marine area, at Veronica Bay, Kerikeri Inlet, Kissing Point, Parua Bay and One Tree Point. Primarily, these are promoted as a means of rationalising coastal space by concentrating moorings into a smaller space. Areas sought for marinas are generally those used for permanent moorings due to the level of natural shelter needed. With their rigid floating mooring structures, marinas can accommodate more craft per unit area than other types of moorings. Marinas can also provide increased security and a range of support facilities for sewage and rubbish disposal, freshwater and fuel supplies.

While marinas have their benefits, they are also one of the most concentrated forms of development in the coastal marine area and consequently tend to significantly modify its natural character. As well as this, the construction of a marina can involve a number of activities, each with known or potential adverse effects. Such activities include:

- Dredging and dredging spoil disposal.
- Reclamation.
- The emplacement of breakwaters, finger jetties and other structures.
- The provision of facilities for sewage and rubbish disposal, refuelling, boat maintenance and water supply.
- Wastewater discharges to coastal waters from land-based facilities.
- The construction of stormwater management systems.

The individual and cumulative adverse effects of these activities largely depend on the marina location and design. Factors to be considered include:

- The size of the marina.
- The type of breakwater used (floating or solid).
- The flushing characteristics of the marina basin.
- The natural water quality.
- The presence of shellfish beds or fishing grounds in the vicinity.
- The presence of other recreational uses of adjacent waters.
- The presence of sensitive, ecologically important species, habitats or communities in the vicinity.

Clearly, the effects of marinas are far wider than those of individual moorings and must therefore be dealt with differently in a coastal management context. These effects need to be balanced against the potential benefits of marinas stated above, particularly in areas where usable space for other types of moorings is fully occupied and there is pressure for still more moorings; or for clearing out of particular mooring areas.

### 28.3.2 ISSUES

1. The extensive modification of the coastal marine area often required to accommodate marina developments, including loss of natural character and adverse effects on water quality, ecology, landscape, and cultural and amenity values.
2. The benefits of marinas over other forms of moorings in terms of the number of boats able to be catered for in the same sized area and the increased level of environmental management able to be implemented, once marinas are operational.
3. The displacement effect of marina developments in existing mooring areas, and the consequent need to take this into account in providing for such developments.

### 28.3.3 OBJECTIVE

**Provision for the appropriate location of marinas while avoiding, remedying or mitigating the adverse effects of marina construction and operation.**

### 28.3.4 POLICIES

1. To prohibit marina developments within Marine 1 and Marine 3 Management Areas.

**Explanation.** *Prohibiting marina development within the Marine 1 Management Area recognises that the protection of the important conservation values within these areas is a priority. While it is considered unlikely that a marina development would be proposed in a Marine 3 Management Area it needs to be recognised that this activity is incompatible with marine farming operations.*

2. To restrict marina developments within Marine 2 Management Areas.

**Explanation.** *While marinas have their benefits, marina development generally requires significant modification of the coastal marine area. Such development within areas of high natural character needs to be limited.*

3. To provide for new and existing marina developments within suitable Marine 4 Management Areas.

**Explanation.** *The approach taken in this Plan, is to generally consolidate development within areas of existing development within the coastal marine area. Marina development is a means of consolidating moorings in an area.*

4. To recognise and provide for the possible displacement of any existing swing or pile moorings as a result of proposed marina developments, including consideration of any opportunities for rationalisation of numbers and location of existing swing or pile moorings in the vicinity.

**Explanation.** *Because marinas are most likely to be developed in existing mooring areas due to their requirement for adequate shelter, a new marina may displace existing lower density moorings. For those displaced mooring holders who do not wish to obtain a marina berth, a suitable alternative mooring may be available from an adjacent mooring whose owner is buying a marina berth. In turn, the development of a marina may allow the possibility of reducing moorings in some adjacent bays.*

5. To require all new marina developments to have sewage pump-out facilities.

**Explanation.** *The discharge of sewage into the coastal marine area is undesirable and new marina developments should demonstrate adequate facilities for the 'shore-based' disposal of sewage from vessels.*

### 28.3.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan making new marina developments a prohibited activity within Marine 1 and Marine 3 Management Areas.

cross-references

31.3.9(g)

31.5.7(e)

*(for Policy 2)*

2. Include rules within this Plan making new marina developments a non-complying activity in Marine 2 Management Areas.

cross-references

31.4.9(f)

*(for Policy 3)*

3. Include rules within this Plan making new marina developments a discretionary activity within the following Marine 4 Management Areas:

In the Bay of Islands

- (a) On the western side of the Kawakawa River upstream from Opua
- (b) Matauwhi Bay
- (c) Doves Bay

In the upper Whangarei Harbour

- (d) the Town Basin
- (e) Kissing Point
- (f) Riverside Marina

In the Whangaroa Harbour

- (g) Kents Bay

Other

- (h) Parua Bay
- (i) Tutukaka

cross-references

31.6.8(h)

4. Include rules within this Plan making existing marinas, within the Marine 4 Management Area, a controlled activity.

cross-references

31.6.8(i)

5. Include policies, methods and rules within this Plan on activities relevant to marina construction and management, including reclamation, impoundment, structures, discharges, dredging and dredging spoil disposal.

cross-references

17.4	19.4
18.4	22.4

(for Policy 4)

6. Use assessment criteria within this Plan when processing applications for marina developments within Northland's coastal marine area.

cross-references

32.2.7

(for Policy 5)

7. To include assessment criteria requiring new marina developments to have sewage pump-out facilities.

cross-references

32.2.7(6)

### 28.3.6 PRINCIPAL REASONS FOR ADOPTING

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

#### **Regulation**

The use of rules (**Methods 1 to 5 inclusive**) allow site-specific provision for marinas within the coastal marine area and/or control of associated adverse effects. These rules need to reflect predominant uses of the marine management area within which the permanent mooring occurs or could occur.

The use of assessment criteria (**Method 6 and 7**) specifically for marina developments provides direction as to the potential effects that should be addressed.

## 29. MARINE 5 (PORT FACILITIES) MANAGEMENT AREA

### 29.1 INTRODUCTION

During the early stages of European settlement of New Zealand, Northland lacked the road and rail systems of other regions. Because of this, there was heavier dependence on shipping to transport people, goods and raw materials. In the 1930s, a total of over 15 ports of varying sizes were established around Northland's coast, including on the east coast: Houhora, Awanui, Mangonui, Whangaroa, Totara North, Opuia, Whangarei, and Mangapai; and on the west coast, Dargaville, Pahi, Rawene and Kohukohu. Most of these were used by coastal shipping only and gradually disappeared with the progressive development of, first, the region's rail system and, then, its roading network.

At present, Northland has three operative commercial wharf areas located at Whangarei, Portland and Marsden Point. Of these, Port Whangarei and Marsden Point are the only port facilities to handle a range of cargo and to have a sizeable amount of associated land dedicated to cargo storage and other port operations. The present port facilities at Marsden Point are the oil refinery jetties, and the port terminals containing a cargo jetty and tug berthage facility. In relation to the Marsden Point facility, resource consents have been granted to construct and operate the port and construction has been completed and operations at the port have commenced.

All three port areas play a significant role in the economy of the region. To continue to be commercially viable, all depend on access to deep water and relatively exclusive use of the coastal marine area adjacent to the port facilities. For this reason, it is necessary to provide for operation of ports and associated facilities within this Plan. The possibility of further development of these existing port areas also needs to be acknowledged.

Positive effects of port development centre on the stimulation to the regional economy resulting from port construction and port operations. The development of port areas can also have environmental benefits including improvements in the water quality monitoring and the potential to improve the standard of discharges, landscaping and roading in the surrounding coastal environment.

For the purposes of this plan, a "port area" is:

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

The suggestion of coastal barging facilities in the Far North indicates the need to address potential port developments outside Marine 5 Management Areas with particular regard to the adverse effects of such operations.

The major known or potential adverse effects on the coastal marine area associated with port operations in Northland are:

- The exclusion of other uses and the general public from coastal space in port areas.
- The effects of port related reclamation, dredging and structures on natural water movement and sediment erosion/deposition patterns.
- The effects of dredging of port berths and/or approach channels.
- The effects of dredging spoil disposal.
- The effects of accidental oil spillages during boat maintenance activity.
- The effects of bulk cargo spillage during loading and unloading operations.
- The effects of noise and dust generated by ship loading and unloading operations.
- The introduction of exotic organisms via ballast water discharges and hull cleaning.
- The effects of sewage discharges from ship holding tanks.

With regard to the occupation of space by existing ports, it is relevant to note that, as a consequence of the 1993 amendment of the Resource Management Act, the Northland Port Corporation sought and received coastal permits from the Minister of Transport for exclusive occupation of coastal space adjacent to its Port Whangarei and Marsden Point facilities. The term of the permits issued is 35 years. The areas covered by these permits are incorporated within the relevant Marine 5 Management Areas.

## 29.2 ISSUES

1. The importance of existing ports to Northland's economy and the consequent need to provide for these within this Plan, including recognition of their operational requirements.
2. The significant modification of land adjoining and/or adjacent to ports and the consequent need for integrated management and rationalisation of new and existing port developments.
3. The extensive modification of the coastal marine area generally required to accommodate port developments including loss of natural character, and the need to avoid or minimise this as far as practicable.

## 29.3 OBJECTIVE

**Provision for commercial port operations while avoiding, remedying or mitigating the adverse effects of such operations on the coastal marine area.**

## 29.4 POLICIES

1. To recognise and provide for the operational requirements of existing ports within Northland's coastal marine area including:
  - (a) the berthage of commercial ships adjacent to port facilities; and,
  - (b) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage, and manoeuvring of commercial vessels,

- (c) authorised structures (including buildings on wharves, wharves, dolphins, slipways and cargo handling areas) necessary for port operations; and
- (d) placement and maintenance of navigation aids; and
- (e) signage;

while avoiding, remedying or mitigating the adverse effects.

**Explanation.** *Port operations within Northland's coastal marine area contribute significantly to the region's economy. For these to continue to operate, provision needs to be made for such things as occupation of space and dredging requirements and other port-related requirements. The Marine 5 Management Area in particular caters for the requirements of port operations.*

2. To promote the integrated management of ports and any associated land- and water-based facilities and operations.

**Explanation.** *Port operations frequently result in extensive modification of both the coastal marine area and the adjoining land. Integrated management of port areas as a whole is therefore required to effectively manage their environmental effects.*

3. To ensure that port expansions and new port facilities are located, designed, constructed, and managed in ways which as far as practicable avoid adverse effects on the coastal marine area and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

**Explanation.** *The possibility of new port development has been raised in a number of areas. Because of the relatively high natural character of much of Northland's coastal marine area and the extensive modification of the coastal marine area often associated with such development, consideration of the effects of new ports is necessary.*

4. To ensure, within the constraints of legislation relating to foreign-owned vessels, that port owners, port operators and, where relevant, ships' agents take all practicable steps to avoid:
  - (a) the creation of noise and dust nuisance during loading and unloading of ships;
  - (b) spillages and other loss of cargo during loading and unloading operations;
  - (c) discharges of contaminated stormwater from cargo handling areas;
  - (d) oil spills;
  - (e) sewage discharges from ships at berth;

- (f) the introduction of exotic organisms via ballast water discharges.

**Explanation.** *Adverse effects of port operations can result from a range of sources. Each needs to be managed to ensure that the effects of the port operation as a whole are avoided as far as possible. Those who own or operate the port facilities are primarily responsible for avoiding the adverse effects of their operations.*

## 29.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan making the following permitted activities within Marine 5 Management Areas.
  - (a) the berthing of commercial vessels adjacent to port facilities;
  - (b) the occupation of space by existing authorised buildings, on wharves, necessary for port operations;
  - (c) the placement and maintenance of navigation aids;
  - (d) signage.

cross-references

31.7.9(a)	31.7.4(a)	31.7.4(c)
31.7.4(i)&(j)	31.7.4(r) – (t)	

2. Include rules within this Plan allowing the following to be controlled activities within Marine 5 Management Areas:
  - (a) existing authorised structures;
  - (b) the use of existing authorised buildings, on wharves, necessary for port operations;
  - (c) maintenance dredging.

cross-references

31.7.4(b)	31.7.8(a)	31.7.4(d)
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*(for Policy 2)*

3. Consult with the port operators/owners over environmental issues relating to port operations and promote industry initiatives to avoid, remedy or mitigate adverse effects, including the development of Port Area Management Plans.
4. Promote the use of joint hearings for applications for port development proposals which include associated facilities on adjacent coastal land.



Discharges to the coastal marine area is a general issue which relates to, but is not exclusive to, the port industry. Specific policies are appropriate but within the section dealing with this issue (**Methods 9**).

**Co-ordination**

The use of joint hearings (**Method 4**) allows for the integrated management of the needs of port operations and associated adverse effects above and below the line of MHWS to be addressed together. **Method 5** is also required to help ensure a consistent approach to dealing with port operations.

**Other**

**Methods 3 and 7** provide for the industry to take responsibility for the environmental effects that port activity may create.

## **30. MARINE 6 (WHARVES) MANAGEMENT AREA**

### **30.1 INTRODUCTION**

While Northland has three significant commercial wharf areas as discussed in Section 23, there are additionally a number of wharf areas used for commercial operations. Some, such as those at Russell and Paihia, are important for passenger services. Others, notably those at Pukenui, Mangonui and Totara North, are important for commercial fishing operations. Opua wharf services both commercial and recreational vessels.

These wharves provide an important means of physical access to the coastal marine area and some incorporate facilities, such as refuelling, which are important to all users of the coastal marine area.

The nature of operations at the wharves is not such that the public needs to be generally excluded from the facilities, although some minor exclusion may be required at times for safety reasons. Thus, these facilities do not need the restrictions on public access that the Plan provides in the Port Management Area.

The major known or potential adverse effects on the coastal environment associated with these wharves in Northland are:

- The effects of accidental oil spillages during refuelling.
- The effects of noise generated by activities in the zone.
- Any effects from maintenance dredging to maintain access and berthage.
- The effects of sewage waste/spillage/discharges entering the CMA.
- The effects of the scale of activity on the surrounding area and neighbourhood.
- The effects of demands on infrastructure.

These wharves are predominately commercial, and include mixed uses such as vessel loading/unloading, commercial passenger services, public access and buildings. These wharves require ongoing repair and maintenance and may be subject to development proposals and changes of use.

These wharves are located in areas that have character, heritage and amenity values that can be affected by wharves and their associated activities. Russell and Mangonui are particularly noted for their heritage values.

### **30.2 ISSUES**

1. The importance of existing wharves to Northland's economy and the consequent need to provide for these within the Plan, including recognition of their operational requirements, their mixed use and providing for new wharves and other development.
2. The environment that wharves are located in has character, heritage and amenity values that can be affected and altered by commercial wharves and their associated activities.

### **30.3 OBJECTIVE**

**Provision for wharves, which are predominately commercial, and include mixed uses, and their associated activities, while maintaining and enhancing the quality of the surrounding environment.**

### **30.4 POLICIES**

1. To identify as Marine 6 Management Areas those wharves and adjacent coastal areas with mixed uses, including commercial and recreational uses. These may include some of the following characteristics:
  - a) loading and unloading of goods, produce and freight;
  - b) commercial passenger services;
  - c) commercial facilities;
  - d) public access generally available;
  - e) buildings.
2. To promote the integrated management of Marine 6 Management Areas through:
  - a) ensuring that the intensity, character and scale of development is appropriate in relation to the character, heritage and amenity values of adjoining land in the coastal environment above MHWS;
  - b) ensuring that actual and potential adverse effects of activities in Marine 6 Management Areas on the conservation and amenity values in the adjoining Coastal Marine Area are avoided, and if avoidance is not possible, remedied or mitigated;
  - c) to ensure that the infrastructure (including roading and parking) necessary for use, activities and development occurring within Marine 6 Management Areas exists or is provided, within the zone or within the adjoining district.
3. To provide for and control the presence of signs within Marine 6 Management Areas through:
  - a) recognising the need for regulatory, operational and safety signs;
  - b) providing controls for commercial signs.
4. To provide for the maintenance and enhancement of public access to and along the coastal marine area except where a restriction is necessary:
  - a) to protect public health or safety;
  - b) to ensure a level of security and operation consistent with the purpose of a resource consent.

5. To recognise and provide for the operational requirements of wharves in Marine 6 Management Areas including:
  - a) to facilitate repairs, alterations and minor extensions of existing structures provided they are not inconsistent with the nature of the environment;
  - b) to provide for the requirements of existing operations as permitted activities where appropriate.

### **30.5 METHODS OF IMPLEMENTATION**

*(for Policy 1)*

1. Promote the identification of those wharves within Northland's coastal marine area which fit the criteria for the Marine 6 Management Area and their inclusion within the Marine 6 Management Areas.

*(for Policy 2)*

2. Include rules within this Plan to ensure the intensity, character and scale of development is appropriate, and the infrastructural requirements of that development already exist or are provided for.
3. Consult widely about environmental issues relating to wharf operations and promote industry initiatives to avoid, remedy or mitigate adverse effects.
4. Promote, through appropriate submissions, the incorporation of policies and rules within District Plans, which are complementary to those within this section and related sections.

*(for Policy 3)*

5. Include rules within this Plan making the placement of regulatory, operational and safety signs within Marine 6 Management Areas a permitted activity.
6. Include rules within this Plan making the placement of commercial signs within Marine 6 Management Areas a permitted activity subject to controls, and otherwise as a restricted discretionary activity.

*(for Policy 4)*

7. Include appropriate rules in this Plan providing for public access to and within Marine 6 Management Areas except where a restriction is necessary for public health or safety, security and/or operations consistent with a resource consent.

*(for Policy 5)*

8. Include appropriate rules and assessment criteria within this Plan recognising and providing for the operational requirements of wharves.

9. Include appropriate rules and assessment criteria within this Plan to facilitate repairs, alterations and minor extensions of existing structures.