

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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# Mediation Joint Statement

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For hearing topics 033 and 034 Coastal zones  
and activities mediation session on

General Coastal zone – Background and  
introduction (D.5.1 of the PAUP)

**Date: Monday, 17 November 2014 am session**

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## 1. Introduction

This is a record of the mediation outcome held for this topic. It is prepared in accordance with section 134(4) and (5) of the Local Government (Auckland Transitional Provisions) Act 2010.

### 1.1 Mediation

<b>Hearing Topic</b>	033 and 034 Coastal zones and activities		
<b>Matters for mediation</b>	Sub topic - General Coastal zone – Background and introduction (D.5.1 of the PAUP)		
<b>Mediators</b>	Alan Watson Bryan Bates	<b>File Ref:</b>	033 & 34 MJS GCM Background and introduction 2014-11-17
<b>Where</b>	AUPIHP Hearing Chamber Level 16, 205 Queen Street, Auckland City Hearing room 1	<b>When</b>	Monday, 17 November 2014
<b>IHP Staff</b>	Crystal Chan	<b>Time:</b>	9.30pm Meeting closed 12pm

## 2. Attendance of submitters

### 2.1 Attendance

The mediators confirmed the attendance of submitters and further submitters at the mediation meeting. Refer to Attachment 1 for the Parties to Mediation record.

### 2.2 Authority to participate in mediation

The mediators confirmed with the submitters or their representatives that they have full authority to participate in the mediation sessions and where necessary can reach agreement on the matters being mediated for and on behalf of the submitters / further submitters that they represent.

Submitters and further submitters were reminded that they must follow their submissions and cannot act outside the scope of their submissions.

## 3. Conflicts of interest

- No conflicts were raised in respect of the mediators or support staff for the mediation session.

## 4. Matters for mediation

### 4.1 Marked up version of PAUP

In the context of the issues in 4.1 above, the mediation focused on discussion of the Auckland Council's proposed marked-up version of General Coastal Marine Zone – Background and introduction (D.5.1 of the PAUP).

## **5. Mediation Outcomes**

The matters discussed, agreed, disagreed and comments made are recorded in attachment 2 (Mediated version of section General Coastal Marine Zone – Background and introduction D.5.1 of the PAUP with mark up and comments dated 17 November 2014).

A summary of the main matters agreed at mediation or still outstanding is provided below.

### **5.1 Summary of matters agreed at mediation**

- Section 5 – Introduction to coastal zones – all agreed
- General Coastal Marine Zone description
  - POAL added '*forms of use and development*' to the purpose of the zone – all agreed
  - Replace the word '*development*' with '*wellbeing*' to be consistent with part 2 of the RMA

### **5.2 Summary of matters narrowed**

- Enabling significant infrastructure within the CMA as a bullet point to the purpose of the General Coastal Marine zone, parties generally in agreement but reserved positions pending on the outcome of submissions relating to '*functional need*' in the 008 RPS – Coastal and 012 – Infrastructure hearings.
- POAL sought the words 'from inappropriate use and development' as a qualifier to the bullet points that started with the word 'protecting'. Auckland Council disagree on the basis that this section is a generic statement to the purpose of the zone.

### **5.3 Other matters**

Council advised at the mediation that EDS and Royal Forest and Bird have provided an email seeking additional changes to this document. Council will ask EDS for permission to circulate their draft changes.

AUOG, POAL and Federated Farmers are concerned that EDS did not appear at the mediation to present its view and that it has provided further track changes directly to the Council.

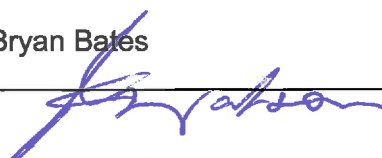

## **6. Confirmation of Parties to Mediation record**

The parties to the mediation have signed the Parties to Mediation record (see attachment 1) as confirmation of the outcome of mediation as recorded in the Mediation Joint Statement (section 6 and attachment 2 – Marked up version of PAUP)

The mediators have reviewed the content of this Mediation Joint Statement and the Attachments and confirmed that they are a true and accurate record of the mediation session held on Monday, 17 November 2014.

The Mediation Joint Statement will be available to all parties on the hearings page of the website within 3 days of the mediation.

The Parties and Issues report will be updated with before the hearing with the outcome of pre-hearing processes, including mediation. The updated Parties and Issues report will be available to all parties on the hearings page of the website before the hearing.

<b>Mediator's Name</b>	Alan Watson Bryan Bates
<b>Mediator's Signature</b>	 
<b>Date</b>	17 November 2014

## 7. Attachments

### 7.1 Attachment 1 Parties to Mediation record

### 7.2 Attachment 2 Marked up version of PAUP



## ATTACHMENT 2

### The Proposed Auckland Unitary Plan (notified 30 September 2013)

## 5 Coastal zones

### Introduction

The coastal marine area (CMA) applies to foreshore, seabed, water and air from mean high water springs (MHWS) to 12 nautical miles (territorial sea) (s. 2 RMA).

### Determining Mean High Water Springs

The MHWS boundary has not been surveyed for Auckland, as it has a dynamic and varying location. The indicative coastline shown on the maps is an approximate representation of MHWS-10, which is the level equalled or exceeded by the largest 10 per cent of all high tides. Where the line crosses a river mouth and the CMA boundary has been defined by agreement between the council and Department of Conservation, the CMA boundary at river mouths is indicated on the maps and detailed in [Appendix 6.4](#).

As a jurisdictional boundary, the exact location of MHWS needs to be defined on a case-by-case basis. Where activities are close to the indicative coastline, a site-specific survey will be required to determine the location of MHWS and the actual CMA boundary. If a site-specific survey determines that MHWS is not located in the position shown on the maps, the zone and overlays of the adjacent land or CMA applies.

#### Comment [VW1]:

All agree.  
Reason: Clarification that overlays apply as well.

### Management Framework

The CMA is managed through zone, precinct, overlay and bylaw provisions. The CMA zones are:

#### General Coastal Marine zone (CMA only)

This zone includes the majority of Auckland's CMA. It covers all of the CMA outside of the zones listed below.

#### Marina zone (land and CMA)

This zone provides for the development and operation of existing marinas. The Marina zone covers both land and CMA to enable integrated consideration of activities that cross MHWS.

#### Mooring zone (CMA only)

This zone contains objectives, policies and rules for moorings within a Mooring zone and has been established to provide for the mooring of vessels at strategic locations. By establishing mooring areas the Unitary Plan seeks to concentrate moorings in defined locations and avoid a proliferation of moorings throughout the CMA.

#### Minor Port zone (land and CMA)

This zone provides for the integrated and efficient operation of particular minor ports in the Auckland region. The Minor Port zone includes the Port of Onehunga, the Gabador Place Wharves, the Papakura LPG Terminal and the Chelsea Sugar Factory Wharf. The zone includes land as well as CMA at the Port of Onehunga and Gabador Place to integrate management across mean high water springs.

#### Ferry Terminal zone (CMA only)

This zone provides for the integrated and efficient operation and development of existing ferry terminal facilities, and provisions for the development of new ferry terminal facilities.

The Ferry Terminal zone applies to terminals at Devonport (includes Devonport and Victoria wharves), Stanley Bay, Northcote, Birkenhead, Beach Haven, Hobsonville, Mātīatia and Kennedy Point (Waiheke Island), and Whangaparāoa, Tryphena and Port Fitzroy (Great Barrier Island). The existing ferry terminal facilities at Gulf Harbour, Bayswater, West Harbour, Half Moon Bay and Pine Harbour are within marinas and are in the Marina zone.

#### Defence zone (CMA only)

This zone provides for the continued operation of defence activities in the CMA adjacent to the HMNZ Naval Base in Devonport and the Onetaunga Bay Wharf (Kauri Point).

#### City Centre zone and waterfront precincts (land and CMA)

## ATTACHMENT 2

### The Proposed Auckland Unitary Plan (notified 30 September 2013)

This area is included in the City Centre zone to recognise the key role of the waterfront as part of the city centre. This area includes the Port, Viaduct and Central Wharves, Wynyard and Westhaven precincts.

#### Auckland Airport sub-precinct coastal (CMA only)

The CMA adjacent to the Auckland International Airport is included in the precincts section.



## The Proposed Auckland Unitary Plan (notified 30 September 2013)

ATTACHMENT 2

### 5.1 General Coastal Marine zone

#### Zone description

The General Coastal Marine zone (GCM zone) comprises the majority of the coast, and includes the CMA that lies outside of the Marina, Mooring, Minor port, Ferry terminal, Defence or City Centre zones, and is not in a precinct.

The objectives, policies and rules of the GCM zone apply to all zones and precincts unless otherwise provided for in the zone or precinct. If an overlay applies to the area where an activity is proposed, the provisions of the overlay will also apply, including any overlay rule that applies to the activity.

The purpose of the GCM zone is to provide for use and development in the CMA, in particular those forms of use and development that have a functional need to be undertaken or located in the CMA, and to manage conflicts between activities, while:

- Enabling people and communities to provide for their social and economic wellbeing development, through the appropriate use and development of the CMA natural and physical resources in the CMA to provide for our social and economic well-being.
- Enabling the construction, operation, maintenance and upgrading of significant infrastructure within the CMA (that cannot be reasonably or practicably located on land).
- Protecting natural character and landscape values and natural features.
- Maintaining and enhancing water quality and the life-supporting capacity of the marine environment.
- Protecting significant ecological values.
- Protecting historic heritage values.
- Recognising and providing for Mana Whenua values in accordance with tikanga Māori.
- Maintaining and enhancing public access, open space, recreational use, and amenity values, and access to and along the CMA.
- Avoiding and protecting development from coastal hazard risks. Not increasing the risk of subdivision and use and development being adversely affected by coastal hazard.
- Managing conflicts between activities within the CMA.

#### Objectives and policies

The objectives and policies that apply to the management of the GCM zone are:

- Those that apply below MHWS in the parts of the plan relating to; historic heritage, natural heritage (natural character, outstanding natural landscapes and outstanding natural features and biodiversity), Mana whenua values, sustainably managing the coastal environment, natural hazards, and responding to climate change
- The objectives and policies relating to activities and use and development in the CMA.

Some parts of the GCM zone have particular significant use or values that are mapped in overlays or

**Comment [VW2]:** Requested POAL  
All agreed

**Comment [VW3]:** All agreed

**Comment [VW4]:** NZTA has also proposed definition of functional need that will be addressed as part of Topic 012.

AC agrees with this wording while reserving its position on a definition of functional need.

AUOG – agree with bullet point except do not agree with words (“cannot be reasonably or practicably located on land”) Minister of Conservation reserves position on this wording.

**Comment [VW5]:** POAL requests from inappropriate use and development to be added to the end of those statements starting ‘protecting’ AC disagree on the basis that this is a generic statement of purpose not an analysis of part 2 of the RMA. NZCPS and King Salmon. If later the objectives and policies change Council would reconsider.

**Comment [VW6]:** POAL request that where practicable be added to after the word maintaining and the word ‘enhancing’ to be removed. AC disagree on the basis that this is a generic statement of purpose not an analysis of part 2 of the RMA. NZCPS and King Salmon. If later the objectives and policies change Council would reconsider.

**Comment [VW7]:** All agreed

**Comment [VW8]:** POAL requested this to be clarified. The proposed wordings are acceptable – AC to check the outcomes of the natural hazard mediation.  
All agreed

## The Proposed Auckland Unitary Plan (notified 30 September 2013)

ATTACHMENT 2

precincts. Some overlays cross both land and sea areas. The overlays that apply below MHWS and to parts of the GCM zone are:

- Natural Heritage - Outstanding Natural Landscapes and Outstanding Natural Features
- Outstanding Natural Character and High Natural Character
- Volcanic viewshafts
- Significant Ecological Areas - Marine 1 and 2
- Historic Heritage – historic heritage place and sites of significance to Mana Whenua

In addition to the above, the Auckland-wide provisions for temporary activities, noise, signs and vehicles on beaches also apply to activities in the GCM zone. Discharges to the CMA from stormwater and wastewater are provided for in Auckland-wide objectives, policies and rules.





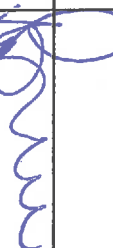

Activities in the CMA also need to comply with the Auckland Council Navigation Safety Bylaw 2008 and the Resource Management (Marine Pollution) Regulations 1998. Some activities such as moorings require a permit from the council's Harbourmaster's office. Other council bylaws control activities on beaches, such as dogs, vehicles and temporary events.

Any sites or places of significance to Mana Whenua that are identified prior to, or discovered during use and development in the CMA, must comply with [clause 2.5](#) of the General Provisions.









Council advised the mediation that EDS and Royal Forest and Bird have provided an email seeking additional changes to this document. Council will ask EDS for permission to circulate their draft changes.

AUOG, POAL and Federated Farmers are concerned that EDS did not appear at the mediation to present its view and that it has provided further track changes directly to the Council.

# Block 1 - Mediation attendance register

Submission Number	Full Name	General Coastal Marine Zone - Background and Introduction	Signature	Email
316	Auckland Yacht and Boating Association Incorporated	Alan Webb		richardandclarebrown@gmail.com
5469	Sealink Travel Group	Barry Kaye and Kir Littlejohn		littlejohn@quaychambers.co.nz
861, FS 3151	Te Arai South Joint Venture/ Ngati Manuhiri Settlement Trust	Catherine Clark		peter.hall@bofamiskell.co.nz
5805	Ngati Manuhiri Settlement Trust	Catherine Clark		peter.hall@bofamiskell.co.nz
FS 1235	Long Bay-Okura Great Park Society (Inc)	Cms Bethany and Bernard Stanley		webb@quaychambers.co.nz
6360, FS 3842	Minister of Conservation	Chris Stalle and Olivia Eaton		tcrossen@doc.govt.nz
5562	Pohutukawa Trust New Zealand	Eric Raymond		pohutukawatrust@xtra.co.nz
4582, FS 3478	Bayswater Community Committee Incorporated	Gay Richards		gyrichards@xtra.co.nz
6523, FS 2422	Federated Farmers of New Zealand	Gwyn Morgan		rgardner@fedfarm.org.nz
FS 3236	Westhaven Marina Users Association	Barry Holton		barry.holton@guifesign.co.nz
5716	Auckland Council	John Burns, Mathew Gibben, Kath Coombes, Matt Spino, Robert Scott and Stacey Faine		corina.faesenkloef@aucklandcouncil.govt.nz



1298	Kawau Island Advisory Committee	Lin Hardey		ipandey@xtra.co.nz
4185, FS 2127	Auckland Utility Operators Group Incorporated	Louise Delamare		ross.malcolm@vector.co.nz
5103	Mair and Associates Limited	Max Dunn		simonk@andrewstewart.co.nz
5251	Waheke Marinas Limited	Max Dunn		simonk@andrewstewart.co.nz
1725	The New Zealand Transport Agency Limited	Nicky McIndoe and Catherine Richards and Ben Frost and Nita Chhagan and David Greig		nicky.mcindoe@kensingtonswan.com
5137, FS 2139	Ports of Auckland Limited	Simon Pilkington		simon.pilkington@russellmcveagh.com
6811	Warren E Crook	Warren E Crook		alexis@maxnet.co.nz
2745	Vector Limited and Vector Gas Limited	Louise Delamare		Louise.Delamare@vector.co.nz
2191, FS 2937	Telecom New Zealand Limited	Louise Delamare		shen.williams@telecom.co.nz
2473, FS 2951	Vodafone New Zealand Limited	Louise Delamare		justin.rae@vodafone.com
8628, FS 2931	Chorus New Zealand Limited	Louise Delamare		grame.mccartson@chorus.co.nz
FS 2998	Counties Power Limited	Louise Delamare		louise.macpherson@countiespower.com



FS 2935	Heart of the City	Apologies sent		greg.mckeown@ihug.co.nz
838, FS 2265	New Zealand Defence Force	Apologies sent		kbevestock@tonkin.co.nz
FS 2368	New Zealand Steel Limited	Apologies sent		claire.jewell@bluescopesteel.com

