


5.7 Coastal management

Interpretation

If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than a more general rule. Where a proposal includes a number of activities which trigger separate specific rules, all of the relevant rules are considered when assessing the proposal. An activity needs to comply with all relevant rules in the Plan, including those in the **whaitua** Chapters 7 – 11.

For the purposes of these rules, ‘water’ means both fresh water and coastal water.

As noted in Section 2.1 provisions relevant to the coastal marine area are identified by this icon .

Under section 86B of the Resource Management Act 1991 all rules have immediate legal effect from 31 July 2015. The associated definitions, schedules and maps applicable to those rules also have immediate legal effect.

Many activities relating to the operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 are controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), separate to this Plan. Where the provisions of this Plan conflict with the requirements of the NESETA, the provisions of the NESETA apply.

Commented [NM1]:
Transpower New Zealand Limited
Consent Order granted 27 May 2020

The following table is intended as a guide only and does not form part of the Plan. Refer to specified rules for detailed requirements.

Code	Activity status
P	Permitted
C	Controlled
RD	Restricted discretionary
D	Discretionary
NC	Non-complying
Pr	Prohibited

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Coastal management general conditions	223						
Maintenance, repair, additions and alterations to existing structures	229						
<u>Rule R149: Maintenance or repair of structures</u>	229	•					
Rule R150: Minor additions or alterations to structures	230	•					
Rule R151: Additions or alterations to structures	230		•				

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Removal or demolition of structures	232						
Rule R152: Removal or demolition of a structure or part of a structure	232	•					
Rule R153: Removal or demolition of a structure or part of a structure	233			•			
New and replacement structures (including temporary structures)	233						
Rule R154: New temporary structures outside sites of significance	233	•					
Rule R155: New temporary structures	234			•			
Rule R156: New or replacement navigation aids	235	•					
Rule R157: New or replacement structures for special purposes	236		•				
Rule R158: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes	237				•		
Rule R159: Structures in airport height restriction areas or navigation protection areas	237						•
Rule R160: Structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone	238				•		
Rule R161: New structures, additions or alterations to structures outside sites of significance	238				•		
Rule R162: New structures, additions or alterations to structures inside sites of significance	239					•	
Rule R163: Replacement of structures or parts of structures	239	•					
Rule R164: Replacement of structures <u>or parts of structures</u>	240			•			
Seawalls	241						
Rule R165: Additions or alterations to, or replacements of, existing seawalls <u>outside Schedule C, Schedule F4 and Schedule F5 sites (excluding scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport)</u>	241		•				
Rule R165A: Additions or alterations to, or replacements of, existing seawalls <u>inside Schedule C, Schedule F4 and Schedule F5 sites (excluding scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport)</u>	243			•			
Rule R166: Seawalls outside sites of significance	242				•		
Rule R167: Seawalls inside sites of significance	242					•	
Heritage structures	243						
Rule R168: Maintenance or repair or alteration to structures identified in Schedule E2 or Schedule E3	243	•					

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Rule R169: Additions or alterations to structures identified in Schedule E1 or Schedule E2	243			•			
Rule R170: Additions to structures identified in Schedule E3	244	•					
Rule R171: Additions or alterations to structures identified in Schedule E1, Schedule E2 or Schedule E3	245				•		
Rule R172: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3	245				•		
Structures in the Commercial Port Area	246						
Rule R173: <u>Maintenance or repair or alteration</u> or alterations to structures inside the Commercial Port Area	246	•					
<u>Rule R174: Maintenance or repair or alteration or alterations</u> to structures inside the Commercial Port Area	246		•				
Rule R175: New structures associated with passenger and cargo handling inside the Commercial Port Area	247	•					
Boatsheds and swing moorings	248						
Rule R176: Use of boatsheds	248	•					
Rule R177: Change of use of boatsheds	248					•	
Rule R178: New boatsheds inside Boatshed Management Areas	248				•		
Rule R179: New boatsheds outside Boatshed Management Areas	248					•	
Rule R180: Swing moorings inside Mooring Areas	249	•					
Rule R181: New swing moorings outside Mooring Areas	249					•	
Occupation	249						
Rule R182: Occupation of space by regionally significant infrastructure or a structure owned by a network utility operator	249	•					
Rule R183: Renewal of existing resource consents for occupation of space by structures	250		•				
Rule R184: Occupation of space	250				•		
Surface water and foreshore activities	250						
Rule R185: General surface water and foreshore activities	250	•					
Rule R186: General surface water and foreshore activities	251			•			
Rule R187: General surface water and foreshore activities	252				•		
General disturbance activities	252						
Rule R188: Minor disturbances	252	•					

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Rule R189: Clearance of stormwater pipes	253	•					
Rule R191: Disturbance associated with beach grooming	254	•					
Rule R192: Beach recontouring for coastal restoration purposes	255		•				
Rule R193: River, stream and lake mouth cutting	256	•					
Rule R194: Disturbance or damage	257				•		
Rule R195: Disturbance or damage inside sites of significance	257					•	
Motor vehicles on the foreshore	258						
Rule R190: <u>Motor vehicles</u> for launching, retrieving or temporary mooring of vessels	258	•					
Rule R196: Motor vehicles	258	•					
Rule R197: Motor vehicles for certain purposes	258	•					
Rule R198: Motor vehicles inside sites of significance	259					•	
Rule R199: Motor vehicles <u>on the exposed</u> Titahi Bay fossil forest	259						•
Dredging	259						
Rule R200: Dredging for flood protection purposes or erosion mitigation	259		•				
Rule R201: Dredging for flood protection purposes or erosion mitigation inside sites of significance	261					•	
Rule R202: Maintenance dredging outside a Commercial Port Area or navigation protection areas	261		•				
Rule R202A: Maintenance dredging within a Commercial Port Area or navigation protection areas	261		•				
Rule R203: Dredging inside a Commercial Port Area or navigation protection areas <u>that does not meet the conditions of Rule R202A</u>	262				•		
Deposition	263						
Rule R206: Re-deposition of wind-blown sand	263	•					
Rule R207: Deposition for beach renourishment	263		•				
Rule R209: Deposition inside sites of significance	264					•	
Dumping of waste or other matter	264						
Rule R210: Dumping of waste or other matter outside sites of significance	264				•		
Rule R211: Dumping or storage of waste or other matter outside sites of significance	265				•		
Rule R212: Dumping of waste or other matter inside sites of significance	265					•	
Rule R213: Incineration of waste	266						•

Rules – Coastal management (CM)	Page	P	C	RD	D	NC	Pr
Reclamation and drainage	266						
Rule R214: Reclamation and drainage for regionally significant infrastructure outside of sites of significance	266				•		
Rule R215: Reclamation and drainage inside of sites of significance	266					•	
All other destruction, damage, disturbance or deposition	267						
Rule R204: Destruction, damage, disturbance or deposition outside sites of significance	267				•		
Rule R205: Destruction, damage, disturbance or deposition inside sites of significance	267					•	
Introduction of plants	267						
Rule R217: Planting	267	•					
Rule R218: Planting	268				•		
Rule R219: Planting of pest species	268						•

5.7.1 Coastal management other methods



The Wellington Regional Council will promote sustainable management of the coastal marine area through Methods M1, M2, M3, M4, M6, M8, M12, M15, M20, M21, M22, M23, M24, M25, M26, M27 and M28.

5.7.2 Coastal management general conditions

Coastal management general conditions



Coastal management general conditions for activities in the coastal marine area that apply when specified in a rule.

Disturbance

- (a) the coastal marine area, including river mouths shall not be disturbed to an extent greater than that required to undertake the activity, and
- (b) there is no disturbance of the foreshore or seabed to a depth greater than 0.5m below the seabed or foreshore within the Hutt Valley Aquifer Zone shown on Map 30, unless the activity is for the replacement of an existing submarine telecommunications cable, in which case the depth of disturbance must be no greater than 2.0m, and
- (c) all machinery, equipment and materials used for the activity shall be removed from the foreshore or seabed at the completion of the activity, and

Discharges

- (d) There shall be no discharge of contaminants (excluding sediment which is addressed by clause (f)) to water or the foreshore or seabed, except where the minor discharge is permitted by another rule in this Plan, and

Commented [NM2]:

CentrePort Ltd, Porirua City Council, Wellington International Airport Ltd, Wellington Water Ltd
Consent order granted 9 June 2021

- (e) The discharge of sediment to water from an activity in, on, over or under the foreshore or seabed in the coastal marine area shall meet the following:
- (i) the release of sediment associated with the activity shall not be undertaken for more than five consecutive days, and for more than 12 hours per day, and
 - (ii) it shall not, after reasonable mixing, cause any conspicuous change in the colour of the water in the receiving water or any change in horizontal visibility greater than 30% more than 24 hours after the completion of the activity, and

Erosion and scouring

- (f) The activity shall not result in erosion or scouring of river banks (that are part of the coastal marine area) and shall not result in flooding of a neighbouring **property**, and

Diversion

- (g) No structure shall alter the natural course of a river (that is part of the coastal marine area), including any diversion of open coastal water during flood events, and

Note

Tree planting or **vegetative bank edge protection** works that are limited to the banks of a river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition.

- (h) Any diversion of open coastal water undertaken as part of an activity shall only be temporary and for a period no longer than that required to complete the activity. All work shall be contained within the coastal marine area, and any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring **property**, and

Dumping

- (i) Demolition materials shall not be used for any purpose in the coastal marine area, and

Fish passage

- (j) Any structure constructed in the coastal marine area shall be carried out in a manner to ensure that fish passage between coastal and fresh water habitat is maintained at all times, except:
- (i) as required for the operation of backflow devices during heavy rainfall events, or
 - (ii) a temporary restriction of no more than 48 hours required for construction or maintenance activities, provided any full

obstruction is outside the months of August to December inclusive, and

Note

Any activity that results in fish passage being impeded may require approval from the Director General of Conservation under the Freshwater Fisheries Regulations 1983.

Inanga spawning

- (k) In any part of the coastal marine area (including any part of a river in the coastal marine area) identified as inanga spawning habitat in Schedule F1b (inanga spawning habitat), no disturbance of or deposition in, on or under the foreshore or seabed shall occur and no diversion of open coastal water or sediment discharge shall occur between 1 January and 31 May, except that material accumulated at the outlet of a stormwater discharge pipe may be removed between 1 January and 1 March, so long as there is no associated trimming or removal of vegetation (including weeds) on the bed or banks, and

Design and maintenance of structures

- (l) Any structure (other than stormwater network structures) shall be designed and maintained so that it does not reduce the ability of the river (that is part of the coastal marine area) to convey flood flows, including the management of flood debris accumulated against the structure, and

Refuelling

- (m) No refuelling or cleaning of equipment shall take place on the foreshore or seabed in the coastal marine area (excluding vessels in the **Commercial Port Area**), and fuel storage shall not occur at a location where fuel can enter coastal water, and

Lighting and glare

- (n) All exterior lighting shall be managed to avoid the spill of light or glare that is:
- (i) a hazard to traffic safety on streets outside the coastal marine area, and
 - (ii) a hazard to navigation in the coastal marine area,
- unless the lighting is necessary for public safety reasons or **operational requirements**, and

Noise in the coastal marine area

(o) Noise from activities located outside the **Commercial Port Area** shown on Map 32, Map 33 and Map 34 and the **Lambton Harbour Area** (Northern Zone) shown on Map 32 in the coastal marine area shall meet the following noise standards:

- (i) the activity shall not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area, and
- (ii) between the hours of 7.00am and 11.00pm, the noise level (Leq) measured at any point on the nearest Residential Area boundary shall not exceed 55dB(A), and
- (iii) between the hours of 11.00pm and 7.00am, the noise level (Leq) measured at any point on the nearest Residential Area boundary shall not exceed 45dB(A), and
- (iv) single events of noise shall not exceed an Lmax sound level of 75dB(A), and
- (v) noise shall be measured and assessed in accordance with *NZS 6802:2008 Acoustics – Environmental Noise*, and
- (vi) any construction activities shall meet standards specified in Table 1 of *NZS 6803:1999 Acoustics – Construction Noise*, and
- (vii) helicopter landing areas shall meet the standards specified for residential areas in Table 1 of *NZS 6807:1994 Noise management and land use planning for helicopter landing areas*, and

conditions (i) to (iv) shall not apply to the following:

- (viii) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves, or
- (ix) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to **property** or minimise or prevent environmental damage, or
- (x) commercial firework displays, or
- (xi) noise generated by overflying aircraft, and

conditions (ii) to (iv) shall not apply to temporary military training activities undertaken for defence purposes. Noise emission as a result of temporary military training measured on a line 20m from and parallel to the facade of any dwelling used for accommodation or the legal boundary where this is closer to the dwelling or building shall meet the following:

(xii) for all activities excluding the use of explosives:

Time (any day)	Limits (dB(A))	
	L _{eq}	L _{max}
0000 – 0630	45	75
0630 – 0730	60	75
0730 – 1800	75	90
1800 – 2000	70	85
2000 – 2400	45	75

(xiii) for activities involving the use of explosives: 122dB(C) during daylight hours, and

(p) Noise from **port-related activities** located within the **Commercial Port Area** shown on Map 32, Map 33 and Map 34 and the **Lambton Harbour Area** (Northern Zone) shown on Map 32 shall comply with the following noise standards:

- (i) the activity shall not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area, and
- (ii) noise shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6809:1999 Port noise management and land use planning, and
- (iii) noise from **port-related activities** in a **Commercial Port Area** and the part of the **Lambton Harbour Area** shown on Map 32 shall not exceed the following at or beyond the **Port Noise Control Line** as shown on Map 32, Map 33 and Map 34, and

Time (any day)	Limits (dB(A))		
	L _{dn}	L _{max}	L _{eq}
Any 5 consecutive 24 hour periods	65	-	-
Any 24 hour period	68	-	-
10pm – 7am		85	60 (9hr) 65 (15mins)

- (iv) CentrePort shall undertake a noise monitoring programme to ensure that noise from **port-related activities** comply with limits in (p)(iii) at the **Port Noise Control Line** as shown on Map 32, Map 33 and Map 34. This monitoring will be undertaken in accordance with the Port Noise Management

Plan for CentrePort Limited (Dec 2008) and the information shall be reported to the Wellington Regional Council, and

conditions (p)(i), (p)(iii) and (p)(iv) shall not apply to the following:

- (v) noise generated by navigational aids, safety signals, warning devices or emergency pressure relief valves, and
- (vi) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to **property** or minimise or prevent environmental damage, and
- (vii) noise generated by construction activities which shall meet the standards specified in Table 1 of NZS 6803:1999 Acoustics – Construction Noise, and
- (viii) noise generated by helicopter landing areas which shall meet the standards specified for commercial areas in Table 1 of NZS 6807:1994 Noise management and land use planning for helicopter landing areas, and

(q) The following noise standards shall only apply to activities in the **Commercial Port Area** at Seaview Wharf shown on Map 34 that are controlled by a rule in this Plan, are located in the coastal marine area and refer to the coastal marine area general conditions within the rule:

- (i) the activity shall not cause excessive noise (defined in section 326 of the Resource Management Act 1991) outside the coastal marine area at the nearest residential area boundary, and
- (ii) the noise level measured at any point on the nearest residential area boundary shall not exceed:

Time (any day)	Limits	
	L _{eq}	L _{max}
7am – 11pm	60 dB(A)	-
11pm – 7am	45 dB(A)	75 dB(A)

- (iii) noise shall be measured in accordance with *NZS 6801:2008 Acoustics – Measurement of environmental sound*. Corrected levels shall be determined in accordance with *NZS 6802:2008 Acoustics – Environmental Noise*, and

conditions (q)(i) and (q)(ii) shall not apply to the following:

- (iv) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves, and

- (v) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to **property** or minimise or prevent environmental damage, and
 - (vi) noise generated by construction activities which shall meet the standards specified in Table 1 of *NZS 6803:1999 Acoustics – Construction Noise*, and
 - (vii) noise generated by helicopter landing areas which shall meet the standards specified for Commercial areas in Table 1 of *NZS 6807:1994 Noise management and land use planning for helicopter landing areas*, and
- (r) Habitable rooms in buildings containing **noise sensitive activities** in a **Commercial Port Area**, the **Lambton Harbour Area** and the **Lambton Harbour Area (Northern Zone)**, shown on Map 32, Map 33 and Map 34, shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standards:


Area	Planning Map	Performance standard
Commercial Port Area	Map 32, Map 33, Map 34	$D_{nT,w} + C_{tr} > 35$ dB
Lambton Harbour Area (Northern Zone)	Map 32	$D_{nT,w} + C_{tr} > 35$ dB
Lambton Harbour Area	Map 32 (excluding northern zone)	$D_{nT,w} + C_{tr} > 30$ dB

- (s) Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5L/s per person. The required airflow level is based on the minimum standard for habitable spaces set out in *NZS 4303:1990 Ventilation for Acceptable Indoor Air Quality*, and

Port Noise Management Plan

- (t) CentrePort shall at all times have a port noise management plan in place.

5.7.3 Maintenance, repair, additions and alterations to existing structures

Rule R149: Maintenance or repair of structures – permitted activity 
 The maintenance or repair of a structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and

Commented [NM3]:
 CentrePort Ltd, Porirua City Council, Wellington International Airport Ltd, Wellington Water Ltd
 Consent Order granted 22 June 2020

- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the maintenance and repair of the structure is contained within the form of the existing structure and there is no increase in length, width, or height of the existing structure (except for increases for the purposes of replacement, removal and alterations of existing utility services, electric or aerial telecommunications cables/conductors/pipelines where these activities will not result in increases in design voltage and the new or altered cables/conductors/pipelines will not be lower in height above the foreshore or seabed), and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

Repainting is permitted by this rule.

This rule applies to all existing coastal marine area structures, including **seawalls**, navigation aids and port structures except those heritage structures identified in Schedules E1-E3 (in which case Rule R168 applies), and structures in the **Commercial Port Area** (in which case Rule R173 applies).

Rule R150: Minor additions or alterations to structures – permitted activity



The addition or alteration to a structure and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) there is no change in the use of the structure, and
- (g) the structure is not a **seawall**, and
- (h) the structure is not in the **Commercial Port Area**, and

Commented [NM4]:
CentrePort Ltd
Consent order granted 15 December 2020

- (i) the minor addition or alteration shall add no more than 5m in horizontal projection and 1m in vertical projection to the structure as it existed on the date of 31 July 2015 in the coastal marine area, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

Rule R173 and Rule R174 apply to additions and alterations in the **Commercial Port Area**.

Rules R168 to R171 apply to additions and alterations to heritage structures identified in Schedules E1 to E3.

Rule R151: Additions or alterations to structures – controlled activity



The addition or alteration to a structure and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that are not permitted by Rule R149 or Rule R150, is a controlled activity, provided the following conditions are met:

- (f) the structure is not located within a **navigation protection area** shown on Map 49, or in an airport height restriction area shown on Maps 50 and 51, and
- (g) there is no change in the use of the structure, and
- (h) the structure is not a **seawall**, and
- (i) the structure is not in the **Commercial Port Area**, and
- (j) the addition shall add no more than 10m horizontal projection and 3m vertical projection to the structure as it existed on the date of 31 July 2015, and
- (k) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters of control

1. The use and design life of the structure

Commented [NM5]:
 CentrePort Ltd, Minister of Conservation
 Consent order granted 15 December 2020
 Consent order granted 14 September 2021 – Topic 11(a) NZCPS

2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
5. Effects of coastal erosion and inundation (storm surge) on the structure
6. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)

Notification

In respect of Rule R151 applications are precluded from public notification (unless special circumstances exist).

Note

Rules R173 and Rule R174 apply to additions and alterations in the **Commercial Port Area**.

Rules R168 to R171 apply to additions and alterations to heritage structures identified in Schedules E1 to E3.

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

5.7.4 Removal or demolition of structures

Rule R152: Removal or demolition of structures or part of a structure – permitted activity



The removal or demolition of a structure or part of a structure in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants, and
- (d) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (e) the structure is not inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (f) the removal or demolition shall not disturb more than 10m³ of the foreshore or seabed, and

Commented [NM6]:
CentrePort Ltd
Consent order granted 15 December 2020

- (g) the structure or part of the structure, is completely removed from the coastal marine area, except for structures within the **Commercial Port Area**, and
- (h) no explosives shall be used in the removal or demolition, and
- (i) written notice detailing the scale and location of the structure and the timing of construction and removal shall be given five working days before work commences to:
 - (i) the Wellington Regional Council Harbourmaster, and
 - (ii) Maritime New Zealand, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

This rule applies to existing coastal marine area structures except those heritage structures identified in Schedules E1 to E3 (in which case Rule R172 applies).

Rule R153: Removal or demolition of a structure or part of a structure – restricted discretionary activity



The removal or demolition of a structure or part of a structure in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants, and
- (d) diversion of open coastal water

that is not permitted by Rule R152 and is not a discretionary activity under Rule R172 or Rule R166, or non-complying under Rule R162 is a restricted discretionary activity.

Matters for discretion

1. Effects on public access
2. Effects on public open space and visual amenity
3. Effects of disturbance, deposition, discharge and diversion associated with the removal
4. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats)
5. Lighting and noise

Commented [NM7]:

Transpower NZ Ltd
Consent order granted 15 December 2020

6. Navigational safety including the notification of the Wellington Regional Council Harbourmaster and Maritime New Zealand

5.7.5 New and replacement structures (including temporary structures)

Rule R154: New temporary structures outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – permitted activity



Commented [NMS]:
Wellington Water Ltd - Consent order granted 14 September 2021

The placement of a new **temporary structure** and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the structure is outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), and
- (g) the structure is outside a **navigation protection area** shown on Map 49, or airport height restriction areas shown on Maps 50 and 51, and
- (h) the structure shall be maintained in a safe condition at all times, and
- (i) the entire structure shall be removed after use, and
- (j) if the structure is on a wharf identified in Schedule E2 (wharves and boatsheds), the **temporary structure** shall not cause permanent physical damage to the wharf, and
- (k) the structure shall not include advertising or marketing signage, and
- (l) the structure shall not cause a hazard to navigation, and
- (m) the structure shall not be in place for a period exceeding a total of 31 days or part days during a 12 month period, inclusive of the placement and removal, and
- (n) the structure shall not prevent public access to and along the foreshore, and
- (o) written notice detailing the scale and location of the structure and the timing of construction and removal shall be given five working days before work commences to:
- (p) the Wellington Regional Council Harbourmaster, and

- (q) Maritime New Zealand,
- (r) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Rule R155: New temporary structures – restricted discretionary activity



Commented [NM9]:
Transpower NZ Ltd - Consent Order granted 15 December 2020

The placement of a new **temporary structure** and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R154 is a restricted discretionary activity.

Matters for discretion

1. Use of the structure
2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
6. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
7. Effects on the heritage values of structures identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds)
8. Lighting and noise
9. The structural integrity and condition of the structure
10. Navigational safety including the notification of the Wellington Regional Council Harbourmaster and Maritime New Zealand

Rule R156: New or replacement navigation aids – permitted activity



The placement of a new or replacement navigational aid and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) written notice detailing the scale and location of the structure and the timing of construction and removal shall be given five working days before work commences to:
 - (i) the Wellington Regional Council Harbourmaster, and
 - (ii) Maritime New Zealand, and
 - (iii) Land Information New Zealand, and
- (g) the navigational aid shall be maintained in a structurally safe condition at all times, and
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

This rule applies to coastal marine area navigation aids except those heritage structures identified in Schedules E1 to E3 (in which case Rules R168, R170 to R172 apply).

Rule R157: New or replacement structures for special purposes – controlled activity



The placement of a new structure or the replacement of a structure for scientific, research, monitoring and education purposes and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and

Commented [NM10]:

CentrePort Ltd – Consent order granted 15 December 2020
Transpower NZ Ltd

Commented [NM11]:

CentrePort Ltd

- (e) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- ~~(f) the structure is not identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids); and~~
- (f) the activity is not inside a site identified in Schedule E4 (archaeological sites) or Schedule J (geological features), and
- (g) the structure is outside a **navigation protection area** identified on Map 49, and
- (h) there is no change in use of the structure, and
- (i) the structure does not exceed an area of 2m² or a vertical projection of 2m, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters of control

1. Use of the structure
2. Effects on public access
3. Effects of disturbance, deposition, discharge and diversion associated with construction
4. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) ~~or Schedule K (surf breaks).~~
6. Lighting and noise mitigation methods

Notification

In respect of Rule R157, applications are precluded from public notification (unless special circumstances exist).

Rule R158: Structures in airport height restriction areas or navigation protection areas for airport/navigation purposes – discretionary activity



The placement of a new structure including a **temporary structure** or addition or alteration to a structure and the associated use of the structure:

- (a) in a **navigation protection area** shown on Map 49, or
- (b) within an airport height restriction area shown on Map 50 or Map 51,

including any associated:

- (c) occupation of space in the **common marine and coastal area**, and
- (d) disturbance of the foreshore or seabed, and
- (e) deposition in, on or under the foreshore or seabed, and
- (f) discharge of contaminants, and
- (g) diversion of open coastal water

is a discretionary activity, provided the following conditions are met:


- (h) in respect of condition (b), written approval is given by the relevant airport authority, and
- (i) in respect of condition (a), written approval is given by the Wellington Regional Council Harbourmaster.

Rule R159: Structures in airport height restriction areas or navigation protection areas – prohibited activity 

The placement of a new structure including a **temporary structure** or addition or alteration to a structure (excluding navigation aids, cables and pipelines fixed to the seabed) and the associated use of the structure in a **navigation protection area** shown on Map 49 or within an airport height restriction area shown on Map 50 or Map 51, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not a discretionary activity under Rule R158, is a prohibited activity.

Rule R160: New structures and disturbance associated with motor vehicles inside the Cook Strait Cable Protection Zone and adjacent foreshore, and inside a mana whenua sites of significance – discretionary activity 

The placement of a new structure and the associated use of the structure and disturbance associated with **motor vehicles** in the coastal marine area:

- (a) specific to the **National grid**, and
- (b) inside the Cook Strait Cable Protection Zone shown on Map 52, and adjacent foreshore, and

Commented [NM12]:
Transpower NZ Ltd – Consent Order 27/5/20 no changes

(c) inside a site of significance identified in Schedule C (mana whenua), including any associated:

- (d) occupation of the **common marine and coastal area**, and
- (e) disturbance of the foreshore or seabed, and
- (f) deposition in, on or under the foreshore or seabed, and
- (g) discharge of contaminants, and
- (h) diversion of open coastal water

that is not permitted by Rule R157 is a discretionary activity.

Rule R161: New structures, additions or alterations to structures outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity



The placement of a new structure, addition or alteration to a structure and the associated use of the structure outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R156, Rule R175, Rule R176, or controlled by Rule R151 or Rule R157 or Rule R174 or restricted discretionary under Rule R155 or prohibited under Rule R159 is a discretionary activity.

Rule R162: New structures, additions or alterations to structures inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity



The placement of a new structure, addition or alteration to a structure and the associated use of the structure inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the common marine and coastal area, and
- (b) disturbance of the foreshore or seabed, and

Commented [NM13]:

CentrePort Ltd
Porirua City Council – Consent order granted 14 September 2021

Commented [NM14]:

CentrePort Ltd
Porirua City Council – Consent order granted 14 September 2021

- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R156, Rule R175, Rule R176 or a controlled activity under Rule R151, Rule R157 and Rule R174, or a restricted discretionary activity under Rule R155 or a discretionary activity under Rule R160 or Rule R167A, or prohibited under Rule R159 is a non-complying activity.

Rule R163: Replacement of structures or parts of structures – permitted activity

COASTAL

Commented [NM15]:
CentrePort Ltd – Consent order granted 15 December 2020

The replacement of a structure or part of a structure and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the replacement structure has a **functional need** or **operational requirement** to be located in the coastal marine area, and
- (g) the structure is not a seawall (excluding revetments or those seawalls protecting wharves within a **Commercial Port Area**), and
- (h) there is no change in the use of the structure, and
- (i) the replacement structure is built in the same or similar location as the original structure, and
- (j) the replacement structure has the same or lesser footprint as the original structure, and
- (k) the replacement structure maintains the form of the original structure and there is no increase in the length, width or height, and
- (l) the replacement structure is not inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) excluding those structures for scientific, research or education purposes that will enhance the understanding and long term protection of the coastal marine area, and

- (m) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

This rule applies to existing coastal marine area structures except those heritage structures identified in Schedules E1 to E3 (in which case Rule R172 applies).

Rule R164: Replacement of structures or parts of structures – restricted discretionary activity

COASTAL

The replacement of a structure or part of a structure and the associated use of the structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R149, Rule R152, Rule R156 or Rule R163 or a controlled activity by Rule R157, is a restricted discretionary activity.


Matters for discretion

1. The use of the structure
2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
6. Light and noise
7. Effects on shoreline stability in the vicinity and nearby areas

5.7.6 Seawalls

Rule R165: Additions or alterations to, or replacements of, existing seawalls outside Schedule C, Schedule F4 and Schedule F5 sites

Commented [NM16]:
CentrePort Ltd
Transpower Ltd – CO 27/5/20 no changes

(excluding scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport) – controlled activity 

Commented [NM17]:
Minister of Conservation – Topic 16 Natural hazards – Consent order granted 8 December 2021

The addition or alteration to, or replacements of, an existing **seawall** and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (f) any addition shall add no more than 5m in horizontal projection at the ends of the existing structure parallel to the shoreline and 1m in vertical projection to the structure as it existed on the date of 31 July 2015,
- (g) the structure is not inside a site or habitat identified in Schedule F5 (coastal habitats) (other than those scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport, Schedule C (mana whenua), or Schedule F4 (coastal sites).
- (h) the addition shall not extend any further seaward than the existing seawall, and
- (i) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters of control

1. Effects on public access
2. Design, design life and construction
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
4. Effects on a site or habitat identified in Schedule F2(c) (indigenous birds), or those scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport, or on an adjacent site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features)
5. Effects of coastal erosion and inundation (storm surge) on the seawall

6. Effects on the heritage values of structures identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigational aids)

Note

*This exclusion does not apply to Giant kelp *Macrocystis* beds

Rule R165A: Additions or alterations to, or replacements of, existing seawalls inside Schedule C, Schedule F4 and Schedule F5 sites (excluding scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport) – restricted discretionary activity

COASTAL

The addition or alteration to, or replacements of, an existing seawall inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) (excluding scheduled kelp beds* and subtidal rocky reefs to the west and south of Wellington International Airport, and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not controlled by Rule R165, discretionary under Rule R166 or non-complying under Rule R167, is a restricted discretionary activity, provided the following conditions are met:

- (f) any addition shall add no more than 5m in horizontal projection at the ends of the existing structure parallel to the shoreline and 1m in vertical projection to the structure as it existed on the date of 31 July 2015,
- (g) the addition shall not extend any further seaward than the existing seawall, and
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters of discretion

- 1. Effects on public access
- 2. Design, design life and construction
- 3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas

Commented [NM18]:
Minister of Conservation – Topic 16 Natural hazards – Consent order granted 8 December 2021

4. Effects of coastal erosion and inundation (storm surge) on the seawall
5. Effects on a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features).

Note

*This exclusion does not apply to Giant kelp Macrocytis beds

Rule R166: Seawalls outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity



The placement of a new **seawall**, or the addition to or alteration or replacement of an existing **seawall**, and the associated use of the structure outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not a controlled activity under Rule R165 or a restricted discretionary rule under Rule R165A is a discretionary activity.

Rule R167: Seawalls inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity



The placement of a new **seawall**, or the addition to or alteration or replacement of an existing **seawall**, and the associated use of the structure inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

Commented [NM19]:
CentrePort Ltd – Consent order granted 14 September 2021

Commented [NM20]:
CentrePort Ltd
Porirua City Council
Transpower NZ Ltd – Consent order granted 14 September 2021

that is not a controlled activity under Rule R165, a restricted discretionary rule under R165A, or a discretionary activity under Rule R166 or R167A, is a non-complying activity.

Rule R167A: Existing regionally significant infrastructure and renewable energy generation activities within a site that meets any of the criteria in Policy P39A(a)(i) – (v) or (b) within the Coastal Environment - Discretionary Activity



Any destruction, damage, disturbance, deposition or reclamation, or the placement of a new structure or seawall, or addition or alteration to a structure or a seawall and the associated use of the structure or seawall, associated with the operation, maintenance, **upgrade and/or extension of existing regionally significant infrastructure and renewable energy generation activities** within a site that meets any of the criteria in Policy P39A(a) or (b) or included in Schedule F5, in the coastal environment including any associated:

- (a) occupation of space in the common marine and coastal area, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rules R149, R150, R154, R163, R173, or controlled under Rules R165 and R174 or restricted discretionary under Rules R164 and R165A or a discretionary activity under Rule R158 is a discretionary activity, provided the following conditions are met:

- (f) there is a **functional need or operational requirement** for the activity to locate in the area, and
- (g) there is no practicable alternative on land or elsewhere in the coastal marine area for the activity to be located, and
- (h) the resource consent application includes a biodiversity management plan setting out how the significant indigenous biodiversity values and attributes at and in proximity to the ecosystem or habitat or area that will be affected by the activity are to be maintained and restored or enhanced, and
- (i) where the extension relates to altering the alignment of existing infrastructure, a rehabilitation plan is included in a resource consent application that demonstrates how any areas vacated as a result of the extension will be rehabilitated to restore or enhance the significant values of the site.

Commented [NM21]: Consent order granted 14 September 2021
Topic 11(a) NZCPS

5.7.7 Heritage structures

Rule R168: Maintenance or repair or alteration of structures in Schedule E1, Schedule E2, and Schedule E3 – permitted activity

Commented [NM22]:
CentrePort Ltd – Consent order granted 15 December 2020

The maintenance or repair or alteration of a structure identified in Schedule E1 (heritage structures), E2 (wharves and boatsheds) or E3 (navigation aids) in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) for structures identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds except for Glasgow Wharf) and Schedule E3 (navigation aids), the materials used for maintenance or repair or alteration of the structure shall use the same materials, or the altered components should be of similar materials as the original it replaces in texture, form profile, design and appearance, and
- (f) except for Glasgow Wharf any alteration is contained within the form of the existing structure and there is no increase in length, width, height of the existing structure, and
- (g) for Glasgow Wharf:
 - (i) for maintenance or repair, or additions and alterations that add no more than 5m horizontal projection and 10m vertical projection to the structure as it existed on the date of 31 July 2015, the altered or repaired components should be of the same or similar materials to the existing structure in texture, form, profile, design and appearance.
 - (ii) a new or replacement structure for the transfer of passengers, crews and other persons or cargo handling shall not exceed a height of 27m.
- (h) the number of components altered should be substantially less than existing number of components, and
- (i) the alteration does not include the removal, relocation, partial or total demolition of any structure, and
- (j) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

Repainting is permitted by this rule.

Rule R169: Additions or alterations to structures identified in Schedule E1 or Schedule E2 – restricted discretionary activity

COASTAL

Commented [NM23]:
CentrePort Ltd

The addition or alteration to a structure identified in Schedule E1 (heritage structures), or Schedule E2 (wharves and boatsheds), and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R168, is a restricted discretionary activity, provided the following conditions are met:

- (e) the structure is not a **seawall**, and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters for discretion

1. Use of the structure
2. Effects on public access
3. Effects on public open space and visual amenity
4. Effects of disturbance, deposition and discharge associated with construction
5. Effects on the historic heritage values of structures identified in Schedule E1 (heritage structures) or Schedule E2 (wharves and boatsheds)
6. Lighting and noise
7. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas

Note

Additions or alterations to **seawalls** are either a controlled activity under Rule R165, a discretionary activity under Rule R166 or a non-complying activity under Rule R167.

Rule R170: Additions to structures identified in Schedule E3 – permitted activity



The addition to a structure identified in Schedule E3 (navigation aids), and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) the addition is for navigation safety or the efficiency of its operation, and
- (f) the addition shall add no more than 3m in horizontal projection and 2m in vertical projection to the structure as it existed on 31 July 2015, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Rule R171: Additions or alterations to structures identified in Schedule E1, Schedule E2 or Schedule E3 – discretionary activity



The addition or alteration to a structure identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds), or Schedule E3 (navigation aids) and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R168 or Rule R170 discretionary activity under Rule R169 is a discretionary activity.

Rule R172: Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3 – discretionary activity



The removal, demolition or replacement of a structure or part of a structure identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigation aids) and the associated use of a structure in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and

Commented [NM24]:

CentrePort Ltd
Porirua City Council
Wellington International Airport Ltd
Wellington Water Ltd

Commented [NM25]:

CentrePort Ltd

Commented [NM26]:

CentrePort Ltd – Consent order granted 15 December 2020

- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R152, Rule R168, Rule R170 or Rule R173, or controlled under Rule R157 or Rule R165, or restricted discretionary under Rule R169 is a discretionary activity.

5.7.8 Structures in the Commercial Port Area

Rule R173: Maintenance or repair or additions or alterations to structures inside a Commercial Port Area – permitted activity



Commented [NM27]:
CentrePort Ltd – Consent order granted 15 December 2020

The maintenance or repair or addition or alteration to a structure inside a **Commercial Port Area** shown on Map 32, Map 33 and Map 34 and the associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the structure is not inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (g) the maintenance or repair or addition and alteration shall add no more than 30m horizontal projection and 10m vertical projection to the structure, as it existed on the date of 31 July 2015,
- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

This rule applies to structures in the **Commercial Port Area**, except those heritage structures identified in Schedules E1 to E3 (in which case Rules R168 to R172 apply).

Rule R174: Maintenance or repair or additions or alterations to structures inside a Commercial Port Area – controlled activity



Commented [NM28]:
CentrePort Ltd – Appeal resolved 22 June 2020

The maintenance or repair or addition or alteration to a structure inside a **Commercial Port Area** shown on Map 32, Map 33 and Map 34 and the

associated use of the addition in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by Rule R173 is a controlled activity, provided the following conditions are met:

- (f) the addition and alteration shall add no more than 50m horizontal projection and 20m vertical projection to the structure as it existed on the date of 31 July 2015, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters of control

1. Use of the structure
2. Lighting and noise mitigation methods
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
4. Effects of disturbance, deposition, discharge and diversion associated with the activity

Notification

In respect of Rule R174, applications are precluded from public notification (unless special circumstances exist).

Note

This rule applies to structures in the **Commercial Port Area**, except those heritage structures identified in Schedules E1 to E3 (in which case Rules R168 to R172 apply).

Rule R175: New structures associated with passenger and cargo handling inside the Commercial Port Area – permitted activity



The placement of a new structure associated with passenger handling (for the transfer of passengers, crews and other persons) or cargo handling and the associated use of the structure inside a **Commercial Port Area** shown on Map 32, Map 33 and Map 34 in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and

Commented [NM29]:

CentrePort Ltd
Porirua City Council
Wellington International Airport Ltd
Wellington Water Ltd – Consent order granted 15 December 2020

- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

is a permitted activity, provided the following conditions are met:

- (f) the structure shall not exceed a height of 27m, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

This rule applies to structures in the **Commercial Port Area**, except those heritage structures identified in Schedules E1 to E3 (in which case Rules R168 to R172 apply).

5.7.9 Boatsheds and swing moorings

Rule R176: Use of boatsheds – permitted activity



The use of a boatshed in the coastal marine area, for water based activities that require a coastal location, is a permitted activity, provided the following condition is met:

- (a) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Rule R177: Change of use of boatsheds – non-complying activity



The change in use of a boatshed in the coastal marine area to an activity that does not have a **functional need** to be in the coastal marine area, after the date of 31 July 2015, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a non-complying activity.

Notification

In respect of Rule R177, applications must be publicly notified.

Commented [NM30]:
 CentrePort Ltd
 Porirua City Council
 Wellington International Airport Ltd
 Wellington Water Ltd

Rule R178: New boatsheds inside Boatshed Management Areas – discretionary activity



The placement of a new boatshed inside a Boatshed Management Area shown on Map 31 and the associated use of the boatshed in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a discretionary activity.

Rule R179: New boatsheds outside Boatshed Management Areas – non-complying activity



The placement of a new boatshed outside a Boatshed Management Area shown on Map 31 and the associated use of the boatshed in the coastal marine area that is not a discretionary activity under Rule R178, is a non-complying activity.

Rule R180: Swing moorings inside Mooring Areas – permitted activity



The placement of a swing mooring inside a Mooring Area shown on Map 36, Map 37, Map 38, Map 39, Map 40 or Map 41 and the associated use of the swing mooring in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) the mooring area has available mooring space, and
- (f) a mooring licence has been obtained from the Wellington Regional Council Harbourmaster, or a resource consent is held, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Rule R181: New swing moorings outside Mooring Areas – non-complying activity



The placement of a new swing mooring outside a Mooring Area shown on Map 36, Map 37, Map 38, Map 39, Map 40 and Map 41 and the associated use of the swing mooring in the coastal marine area, including any associated:

Commented [NM31]:
CentrePort Ltd
Porirua City Council
Wellington International Airport Ltd
Wellington Water Ltd


- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a non-complying activity.


Notification

In respect of Rule R181, applications are precluded from public notification (unless special circumstances exist).

5.7.10 Occupation

Rule R182: Occupation of space by regionally significant infrastructure or a structure owned by a network utility operator – permitted activity 

The occupation of space in the **common marine and coastal area** by a structure existing before the date of 31 July 2015 which is **regionally significant infrastructure** or owned by a network utility operator is a permitted activity.

Rule R183: Renewal of existing resource consents for occupation of space by structures – controlled activity 

The first renewal of an **existing resource consent** for the occupation of space by a structure in the **common marine and coastal area**, after the date of 31 July 2015 is a controlled activity.

Matters of control

1. Effects on public access
2. Effects on public open space and visual amenity


Notification

In respect of Rule R183, applications are precluded from public notification (unless special circumstances exist).

Rule R184: Occupation of space – discretionary activity 

The occupation of space in the **common marine and coastal area** that is not permitted, controlled, restricted discretionary, non-complying or prohibited is a discretionary activity.

5.7.11 Surface water and foreshore activities

Rule R185: General surface water and foreshore activities – permitted activity 

General surface water and foreshore activities and the associated use in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and

Commented [NM32]:
 CentrePort Ltd
 Porirua City Council
 Wellington International Airport Ltd
 Wellington Water Ltd

- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (e) the activity is not inside the **Lambton Harbour Area** (including Northern Zone) shown on Map 32, and
- (f) if the activity includes occupation of space in the **common marine and coastal area** that excludes public access or navigation of ships:
 - (i) the area of occupation shall be less than 1ha, and
 - (ii) the activity shall comply with the Wellington Regional Council Navigation and Safety Bylaws Wellington Region 2009, and
 - (iii) the occupation shall not affect the operational requirement of emergency services including the coastguard, police and surf lifesaving, and
 - (iv) written notice shall be given five working days before work commences to:
 - a. the Wellington Regional Council Harbourmaster, and
 - b. Maritime New Zealand, and
 - c. the relevant territorial authority, and
 - (v) the duration of the activity in a 12 month period must not exceed:
 - a. for temporary military training activities, 30 days, and
 - b. for all other activities, seven days, and
- (g) if the activity will exclude public access or navigation of ships in the **common marine and coastal area** for more than 24 hours:
 - (i) the public shall be notified of the proposed activity and associated restrictions on use of the area, including via a public notice in local newspapers, at least 14 working days prior to the commencement of the activity, and
 - (ii) signs shall be placed at the location of the activity notifying the public of the event with dates, times, the activity proposed, any restrictions imposed on the use of the area and contact information of the organiser at least seven working days prior to the occupation commencing, and

- (h) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

Permission may be required from the relevant city or district council.

Any activities which disturb the foreshore or seabed within the Cook Strait Cable Protection Zone (shown in Map 52), including anchoring and fishing, has the potential to damage the Cook Strait Cables, and is required to comply with the Submarine Cables and Pipeline Protection Order 2009.

Rule R186: General surface water and foreshore activities – restricted discretionary



General surface water and foreshore activities and the associated use in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

that is not permitted by Rule R185 is a restricted discretionary activity, provided the following conditions are met:

- (e) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters for discretion

1. Effects on public access
2. Effects on public open space and visual amenity
3. Use of the structure
4. Extent and exclusivity of the occupation of the **common marine and coastal area**
5. Navigation safety
6. Lighting and noise
7. Effects on a site or habitat identified in or using Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features)
8. Effects on the heritage values of structures identified in Schedule E1 (heritage structures), Schedule E2 (wharves and boatsheds) or Schedule E3 (navigational aids).

Commented [NM33]:

CentrePort Ltd
Porirua City Council
Wellington International Airport Ltd
Wellington Water Ltd

Rule R187: General surface water and foreshore activities – discretionary activity



General surface water and foreshore activities in and the associated use of the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants

not permitted by Rule R185 or restricted discretionary under Rule R186 is a discretionary activity.

5.7.12 General disturbance activities

Rule R188: Minor disturbances – permitted activity



The disturbance of the foreshore or seabed including any removal of sand, shingle, shell or other natural material in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants


is a permitted activity, provided the following conditions are met:

- (d) the activity shall not be inside a site or habitat identified in or using Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal) or Schedule J (geological features), and
- (e) no more than 0.1m³ of sand, shingle, shell or other natural material shall be taken by a person in a 12 month period, and
- (f) the removed natural material shall not be used for commercial gain, and
- (g) the area of excavation shall be smoothed over after the completion of the activity (e.g. no holes left on the foreshore), and
- (h) the extent of the foreshore or seabed disturbance is limited to that required to undertake the activity, and
- (i) no motorised excavation machinery shall be used to disturb or remove sand, shingle, shell or other natural material.

Note

While the removal of natural materials from a marine reserve (unless authorised for research purposes) is prohibited under the Marine Reserves Act 1971, a memorandum of understanding between the Department of Conservation and the


Wellington City Council enables the removal of natural material (beach grooming) within Taputeranga Marine Reserve with particular conditions.

Rule R189: Clearance of stormwater pipes – permitted activity 
The disturbance of the foreshore or seabed from the clearance of a **stormwater** pipe in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (d) the disturbance is undertaken by or for a local authority or a road controlling authority or is required for port maintenance, and
- (e) the extent of the foreshore or seabed disturbance is limited to that required to create a free-draining path from the **stormwater** outlet to the sea, and
- (f) the disturbance shall not prevent public access to or along the foreshore, and
- (g) all material excavated is retained within the **active beach** system except for visibly contaminated material. Any visibly contaminated material shall be removed from the beach system and disposed of appropriately, and
- (h) excavated material is not mounded, banded and/or deposited in a manner that creates ponding or the diversion of water on the foreshore or seabed, and
- (i) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Rule R191: Disturbance associated with beach grooming – permitted activity 

The disturbance of the foreshore or seabed for beach grooming including any removal of sand, shingle, shell or other natural material in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants

on the following beaches:

Ōtaki, Te Horo, Peka Peka, Waikanae, Paraparaumu, Raumati, Paekakariki, Tītahi Bay (excluding the area of fossil forest shown on Map 35), Karehana Bay, Plimmerton, Browns Bay, Bradley Point, Motukaraka Point, Mana Foreshore,

Commented [NM34]:

CentrePort Ltd
Porirua City Council
Wellington International Airport Ltd
Wellington Water Ltd

Commented [NM35]:

Tītahi Bay Residents Association – Consent order 31 March 2021

Onehunga Bay, Dolly Varden Beach, Pukerua Bay, Lyall Bay, Island Bay, Princess Bay, Worsler Bay, Scorching Bay, Oriental Bay, Freyberg, Petone, Point Howard, Sorrento Bay, Days Bay, Rona Bay, Castlepoint, Riversdale

is a permitted activity, provided the following conditions are met:

- (c) the beach grooming shall be carried out for the purpose of grooming and the removal of marine debris and litter, and
- (d) the activity shall be undertaken by or for a local authority, and
- (e) the activity shall not occur when shellfish beds are exposed, and
- (f) the activity shall not be within a site identified in Schedule C (mana whenua) or Schedule E4 (archaeological sites) or Schedule F4 (significant indigenous biodiversity values in the coastal marine area), except on Island Bay beach, and
- (g) the activity shall not be within the Tītahi Bay fossil forest shown on Map 35, and
- (h) the activity shall comply with the coastal management general conditions specified above in section 5.7.2.

Note

While the removal of natural materials from a marine reserve (unless authorised for research purposes) is prohibited under the Marine Reserves Act 1971, regulation 7 of the Marine Reserves (Taputeranga) Order 2008 enables a local authority to remove beach cast seaweed and debris after a storm within Taputeranga Marine Reserve with particular conditions.

Rule R192: Beach recontouring for coastal restoration purposes – controlled activity



The disturbance of the foreshore or seabed for **beach recontouring** in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants

is a controlled activity, provided the following conditions are met:

- (c) the activity forms part of a **coastal restoration plan**, and
- (d) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.
- (e) within the Tītahi Bay fossil forest area shown on Map 35, any **motor vehicle** used shall not have caterpillar tracks.

Matters of control

1. Timing of the activity associated with coastal fauna

Commented [NM36]:
Tītahi Bay Residents Association – Consent order granted 31 March 2021

2. Volume of material removed
3. Effects of disturbance, deposition, discharge and diversion associated with the activity
4. Effects on shoreline stability (including dunes and nearshore) and the potential to create a coastal inundation hazard
5. Effects on the heritage values of structures and sites identified in Schedule E1 (heritage structures) or Schedule E4 (archaeological sites)
6. Effects on sites and habitats identified in or using Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)

Notification

In respect of Rule R192, applications are precluded from public notification (unless special circumstances exist).

Rule R193: River, stream and lake mouth cutting – permitted activity



The disturbance of the foreshore or seabed for river, stream and lake mouth cutting in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) diversion of open coastal water, and
- (c) discharge of contaminants for the following rivers and lakes:
 - (d) Waitohu Stream, Ōtaki River, Mangaone Stream, Waimeha Stream, Waikanae River, Hadfield Drain, Wharemauku Stream, Whareroa Stream, Wainui Stream, Waikakariki Stream, Makara Stream, Motuwaireka Stream, Castlepoint Stream, Whakataki River, Tikotu Stream, and
 - (e) Lake Kohangapiripiri, Lake Kohangatera and Lake Onoke, and
 - (f) an unnamed stream approximately 190m south of the seaward end of Sunrise Way, Riversdale, and
 - (g) an unnamed stream approximately 145m north of the seaward end of Sunrise Way, Riversdale, and
 - (h) an unnamed stream at the seaward end of Karaka Drive, Riversdale

is a permitted activity, provided the following conditions are met:

- (i) the activity shall be carried out for the purposes of flood protection and/or erosion mitigation, and
- (j) the activity shall only be carried out by or for a local authority, and

Commented [NM37]:
 CentrePort Ltd
 Porirua City Council
 Wellington International Airport Ltd
 Wellington Water Ltd
 Consent Order granted 9 June 2021.

- (k) the activity is only undertaken when the trigger level defined in Schedule U (river mouth cutting) is equalled or exceeded, and
- (l) the foreshore shall not be mechanically disturbed to a depth greater than required to divert stream flow, and
- (m) the activity shall not prevent public access to or along the foreshore (this condition shall not apply to any restrictions on access arising from water flowing in any outlet channel), and
- (n) any material excavated shall be placed on the immediately adjacent foreshore area, and no material shall be removed from the site unless the material is contaminated and/or it contains **hazardous substances**, and
- (o) for activities undertaken in the mouths of either Lake Kohangapiripiri or Lake Kohangatera, any cutting operation shall be in accordance with the *Wellington Regional Council Parangarahu Lakes Area Co-Management Plan (August 2014)*, and
- (p) for activities undertaken in the Lake Onoke mouth, the mechanical opening shall not occur during the period 1 February to 31 May (inclusive) each year without notification to a nominated representative (or in their absence, a nominated deputy) from the Tuhirangi Marae, and
- (q) for activities undertaken in the Waikanae River, the Department of Conservation shall be notified at least two working days prior to the commencement of the cutting operation, and
- (r) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, except 5.7.2(k) where the activity only disturbs sand or gravel and does not disturb any vegetated area.

~~Rule R194: Disturbance or damage — discretionary activity~~



~~The disturbance or damage of the foreshore or seabed outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:~~

- ~~(a) — deposition in, on or under the foreshore or seabed, and~~
- ~~(b) — discharge of contaminants~~

~~that is not permitted by Rule R188, Rule R191 or Rule R193 is a discretionary activity.~~

Note

~~Rule R194 controls the damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material~~

Commented [NM38]:
NZ Transport Agency

~~in the coastal marine area refer to Rule R210, Rule R211, Rule R212 or Rule R213.~~

~~Rule R195: Disturbance or damage inside sites of significance – non-complying activity~~

COASTAL

Commented [NM39]:
NZ Transport Agency

~~Disturbance or damage of the foreshore or seabed inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:~~

- ~~(a) occupation in the common marine and coastal area, and~~
- ~~(b) deposition in, on or under the foreshore or seabed, and~~
- ~~(c) discharge of contaminants~~

~~that is not permitted by Rule R191 or Rule R193 or a controlled activity under Rule R192, is a non-complying activity.~~

Note

~~Rule R195 controls the damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rule R210, Rule R211 or Rule R212.~~

5.7.13 Motor vehicles on the foreshore

Rule R190: Motor vehicles for launching, retrieving or temporary mooring of vessels – permitted activity

COASTAL

Commented [NM40]:
Tītahi Bay Residents Association – Consent order granted 31 March 2021

The disturbance of the foreshore or seabed from a **motor vehicle** associated with the launching, retrieval or temporary mooring of a vessel in the coastal marine area is a permitted activity, provided the following conditions are met:

- (a) a boat ramp shall be used if available at the locality, and
- (b) within the Tītahi Bay fossil forest area shown on Map 35, the activity shall not be undertaken:
 - (i) within any area shown as Area A,
 - (ii) outside of the Area A, between 9.30pm and 5.00am,
 - (iii) on or within, a buffer zone of 5 metres of any exposed Tītahi Bay fossil forest,
 - (iv) by any motor vehicle with caterpillar tracks, and
- (c) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

Marine Reserves Regulations 1993 provide for anchoring and use of vessels in a marine reserve (section 5 and 6 respectively). Anchoring is only permitted on

the condition that no damage occurs, or that damage is kept to a minimum practical level. The Marine Reserves Act 1971 (section 23) provides for anchoring anywhere within a marine reserve in times of stress or emergency.

Rule R196: Motor vehicles – permitted activity



The disturbance of the foreshore from **motor vehicles**, other than those permitted by R190, in the coastal marine area is a permitted activity, provided the following conditions are met:

- (a) the activity is not within the area of Tītahi Bay shown on Map 35, and
- (b) the activity is not within a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), unless the activity involves light vehicles (a motor vehicle weighing less than 3,500kg) in the permitted driving area at Castlepoint Basin Lagoon, shown on Map 55.

Note

Permission may be required from the relevant city or district council.

Rule R197: Motor vehicles for certain purposes – permitted activity



The disturbance of the foreshore or seabed from **motor vehicles** in the coastal marine area, for the following purposes:

- (a) surf lifesaving operations, or
- (b) emergency situations, including firefighting, oil spills, rescue operations, salvage of vessels and marine mammal strandings, or
- (c) local authority activities, including law enforcement, or
- (d) activities carried out by or on behalf of the Department of Conservation, or
- (e) the maintenance, **upgrade** and operation of **regionally significant infrastructure**

is a permitted activity, provided the following conditions are met:

- (f) subject to (h) below, the vehicle shall take the most direct route, and shall only operate within the area necessary to carry out the activity to ensure minimal disturbance to the foreshore or seabed, and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, and
- (h) within the Tītahi Bay fossil forest area shown on Map 35, the activity shall not be undertaken on or within a buffer zone of 5 metres from any exposed fossil forest.

Commented [NM41]:

Castlepoint Ratepayers and Residents Association Inc
Tītahi Bay Residents Association – consent order granted 17
December 2020

Commented [NM42]:

Tītahi Bay Residents Association – Consent order granted 31.3.21

Rule R198: Motor vehicles inside Schedule C, Schedule E4, Schedule F2c, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity



The disturbance of the foreshore or seabed from **motor vehicles** inside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, that is not permitted by Rule R190 (excluding on the **exposed** Titahi Bay fossil forest) or Rule R196 (excluding on the **exposed** Titahi Bay fossil forest) or Rule R197 is a non-complying activity.

Commented [NM43]:

Castlepoint Ratepayers and Residents Association Inc
Titahi Bay Residents Association – Consent order granted 31.3.21
– Consent order granted 14 September 2021 Topic 11(a) NZCPS

Rule R199: Motor vehicles on the **exposed Titahi Bay fossil forest – prohibited activity**



The disturbance of the foreshore or seabed from **a motor vehicle on any exposed** Titahi Bay fossil within the mapped area on **Map 35** that is not a permitted activity under Rule R189, **a controlled activity under Rule R192** or non-complying under Rule R198, is a prohibited activity.

Commented [NM44]:

Titahi Bay Residents Association – Consent order granted 31.3.21

5.7.14 Dredging

Rule R200: Dredging for flood protection purposes or erosion mitigation – controlled activity



Destruction, damage, disturbance and deposition associated with dredging of the foreshore or seabed for flood protection purposes or erosion mitigation in a river or stream mouth in the coastal marine area, including any associated:

Commented [NM45]:

CentrePort Ltd
Porirua City Council
Wellington International Airport Ltd
Wellington Water Ltd

- (a) **deposition in, on or under the foreshore or seabed, and**
- (b) **discharge of contaminants, and**
- (c) **diversion of open coastal water**

is a controlled activity, provided the following conditions are met:

- (d) **the activity shall be carried out by or for a local authority, and**
- (e) **the activity shall not occur in Te Awa Kairangi/Hutt River, and**
- (f) **the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features), and**
- (g) **for dredging in the Waikanae River, the Department of Conservation is notified, and**
- (h) **the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, excluding condition (b).**

Matters of control

1. **Effects on public access**
2. **Method of dredging**

3. Frequency, volume and timing of disturbance and removal
4. Quality, nature and composition of the material to be disturbed and removed including the potential presence of contaminants
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard
6. Effects on sites or habitats identified in Schedule F2c (bird-coastal), Schedule F2a (birds-rivers)

Notification

In respect of Rule R200, applications are precluded from public notification (unless special circumstances exist).

Note

Rule R200 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rule R210, Rule R211 or Rule R212.

Rule R201: Dredging for flood protection purposes or erosion mitigation inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity



Destruction, damage, disturbance or deposition associated with dredging for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

that is not a discretionary activity under Rule R167A is a non-complying activity.

Note

Rule R201 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rule R210, Rule R211 or Rule R212.

Rule R202: Maintenance dredging outside a Commercial Port Area or navigation protection areas – controlled activity



Destruction, damage, ~~or~~ disturbance or deposition associated with maintenance dredging outside a **Commercial Port Area** shown on Map 32, Map 33 and Map 34 or a **navigation protection area** shown on Map 49, in the coastal marine area, including any associated:

Commented [NM46]: – Consent order granted 14 September 2021

Commented [NM47]:
CentrePort Ltd

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (d) the activity shall comply with any related current resource consent conditions and the area of the coastal marine area that this consent(s) specifies, and
- (e) the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, excluding condition (b).

Matters of control

1. Method of dredging
2. Depth of any dredging including that which occurs in the Hutt Valley Aquifer Zone in the Wellington Harbour (Port Nicholson) shown on Map 30
3. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on sites ~~and habitats identified in Schedule C (mana whenua), Schedule F2c (birds coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features) or Schedule K (surf breaks)~~
6. Effects on the heritage values of sites identified in Schedule E4 (archaeological sites)
7. Navigational safety and charting including notification of Land Information New Zealand, the Wellington Regional Council Harbourmaster and Maritime New Zealand

Notification

In respect of Rule R202, applications are precluded from public notification (unless special circumstances exist).

Note

Rule R202 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For

dumping of material in the coastal marine area refer to Rules R210, Rule R211 or Rule R212.

Rule R202A: Maintenance dredging within a Commercial Port Area or navigation protection area – controlled activity

Destruction, damage, disturbance or deposition associated with maintenance dredging within a Commercial Port Area shown on Maps 32, 33 and 34 or a navigation protection area shown on Map 49, in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a controlled activity, provided the following conditions are met:

- (d) a maximum volume up to 5,000m³ per calendar year in any one location with multiple non-contiguous locations allowed, and
- (e) the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites) or Schedule F5 (coastal habitats), and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2, and
- (g) within the Hutt Valley Aquifer Zone, the maximum depth is 0.5m below the seabed as delineated on Maps 53 and 54,
- (h) notification of updated seabed charts is provided to Land Information New Zealand, the Wellington Regional Council Harbourmaster and Maritime New Zealand upon completion of dredging.

Matters of control

- 1 Location, design and method of dredging
- 2 Depth of any dredging including that which occurs in the Hutt Valley Aquifer Zone in the Wellington Harbour (Port Nicholson) shown on Map 30 in which case the record of consultation with Wellington Water Ltd will be required
- 3 Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas and the potential to create a coastal inundation hazard
- 4 Effects of disturbance, deposition, discharge and diversion associated with the activity
- 5 Effects on sites and habitats identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features) or Schedule K (surf breaks)

Commented [NM48]:

CentrePort Ltd – Consent order granted 28 April 2021 and some Clause 16 changes for minor formatting

6 Effects on the heritage values of sites identified in Schedule E4 (archaeological sites)


7 Navigational safety.

Notification

In respect of Rule R202A, applications are precluded from public notification (unless special circumstances exist).

Note

Rules R202 and R202A control the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. For dumping of material in the coastal marine area refer to Rules R210, R211 or R212.

Rule R203: Dredging inside a Commercial Port Area or navigation protection areas that does not meet the conditions of Rule R202A – discretionary activity 

Commented [NM49]:
CentrePort Ltd – Consent order granted 28 April 2021

Destruction, damage, disturbance or deposition associated with dredging inside the **Commercial Port Area** shown on Map 32, Map 33 and Map 34 or in a **navigation protection area** shown on Map 49, in the coastal marine area that does not meet the conditions of Rule R202A, including any associated:

- (a) deposition in, on or under the foreshore or seabed and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

is a discretionary activity.

Note

Rule R203 controls the destruction, damage and disturbance of the foreshore or seabed. The dumping of dredged material is not included in this rule. Dredging outside a **Commercial Port Area** or **navigation protection areas** that does not meet the conditions of **Rule R202** is to be considered under Rules R204 and R205. For dumping of material in the coastal marine area refer to Rule R210, Rule R211 or Rule R212.

7.7.1 Deposition

Rule R206: Re-deposition of wind-blown sand – permitted activity 

Commented [NM50]:
CentrePort Ltd
Porirua City Council
Wellington International Airport Ltd
Wellington Water Ltd

The re-deposition of wind-blown sand into the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (c) the sand is free of contaminants and includes no litter, and
- (d) the sand has been derived from the beach where it is to be deposited, and
- (e) the sand is not removed from sand dunes, and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Rule R207: Deposition for beach renourishment – controlled activity



Commented [NM51]:
Minister of Conservation – Consent order granted 14 September 2021

The deposition of sand, shingle, shell or other naturally occurring coastal material for beach renourishment in, on or under the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

is a controlled activity provided the following conditions are met:

- (c) the deposition is for the purpose of managing beach or shoreline erosion or improving the amenity value of the foreshore, and
- (d) the deposition is undertaken by, or for, a local authority, and
- (e) the volume of material to be deposited shall not exceed 1500m³ per 12 month period
- (f) the deposition is not inside sites or habitats identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters of control

1. Type and composition of the material to be used including its size, roundness, shape and colour
2. Design, design life and method of deposition
3. Volume of material to be deposited
4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas

6. Effects of coastal erosion and inundation (storm surge) on the deposition
7. Effects on sites or habitats identified in Schedule F2c (birds-coastal), or on an adjacent site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
8. Measures to manage the loss of the deposited material through wind or water erosion
9. Navigational safety and charting including notification of Land Information New Zealand and Maritime New Zealand

Notification

In respect of Rule R207 applications are precluded from public notification (unless special circumstances exist).

Rule R207A: Deposition for beach renourishment – Restricted Discretionary activity



Commented [NM52]: Consent order granted 14 September 2021 – Topic 11(a) NZCPS

The deposition of sand, shingle, shell or other naturally occurring coastal material for beach renourishment in, on or under the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

that is not controlled by Rule R207 is a restricted discretionary activity, provided the following conditions are met:

- (c) the deposition is for the purpose of managing beach or shoreline erosion or improving the amenity value of the foreshore, and
- (d) the deposition is undertaken by, or for, a local authority, and
- (e) the activity forms part of a coastal restoration plan prepared in accordance with Schedule Y, and
- (f) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Matters of discretion

1. Type and composition of the material to be used including its size, roundness, shape and colour
2. Design, design life and method of deposition
3. Volume of material to be deposited

4. Effects of disturbance, deposition, discharge and diversion associated with the activity
5. Effects on coastal **natural processes** including effects on shoreline stability in the vicinity and adjacent areas
6. Effects of coastal erosion and inundation (storm surge) on the deposition
7. Effects on sites or habitats identified in Schedule C (mana whenua), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)
8. Measures to manage the loss of the deposited material through wind or water erosion
9. Navigational safety and charting including notification of Land Information New Zealand and Maritime New Zealand

~~Rule R209: Deposition inside sites of significance – non-complying activity~~



~~Deposition inside sites and habitats identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in, on or under the coastal marine area, including any associated:~~

- ~~(a) — disturbance of the foreshore or seabed, and~~
- ~~(b) — discharge of contaminants~~

~~that is not a permitted activity under Rule R206 or a controlled activity under Rule R207 or a discretionary activity under Rule R208, is a non-complying activity.~~

7.7.2 Dumping of waste or other matter

Rule R210: Dumping of waste or other matter outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity



The dumping of:

- (a) dredge material, and
- (b) sewage **sludge**, and

Commented [NM53]:
NZ Transport Agency


Commented [NM54]: – Consent order granted 14 September 2021

- (c) fish processing waste from an onshore facility, and
- (d) ships and platforms or other man-made structures at sea, and
- (e) inert, inorganic geological material, and
- (f) organic materials of natural origin, and
- (g) bulky items consisting mainly of iron, steel, and concrete

from a ship, aircraft or offshore installation or dredging activity outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (h) disturbance of the foreshore or seabed, and
- (i) discharge of contaminants

is a discretionary activity.


Rule R211: Dumping or storage of waste or other matter outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity 

The dumping or storage of waste or other matter arising directly from, or related to, the exploration, exploitation, and associated offshore processing of, seabed mineral resources in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

is a discretionary activity, provided the following condition is met:

- (c) the activity shall not occur inside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features).

Rule R212: Dumping of waste or other matter inside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity 

The dumping of:

- (a) dredge material, and
- (b) sewage **sludge**, and
- (c) fish processing waste from an onshore facility, and
- (d) ships and platforms or other man-made structures at sea, and

Commented [NM55]: – Consent order granted 14 September 2021

Commented [NM56]: – Consent order granted 14 September 2021

- (e) inert, inorganic geological material, and
- (f) organic materials of natural origin, and
- (g) bulky items consisting mainly of iron, steel, and concrete
- (h) from a ship, aircraft or offshore installation or dredging activity inside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:
- (i) disturbance of the foreshore or seabed, and
- (j) discharge of contaminants

that is not a discretionary activity under Rule R167A, Rule R210 or Rule R211 or is not a prohibited activity under Rule R213, is a non-complying activity.

Rule R213: Incineration of waste – prohibited activity



The dumping of incineration of waste or other matter in any marine incineration facility in the coastal marine area, including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) discharge of contaminants

that is not a discretionary activity under Rule R210 or Rule R211 or a non-complying activity under Rule R212, is a prohibited activity.

7.7.3 Reclamation and drainage

Rule R214: Reclamation and drainage for regionally significant infrastructure outside of Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites– discretionary activity



Reclamation and drainage for **regionally significant infrastructure** activities outside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) destruction of the foreshore or seabed, and
- (c) disturbance of the foreshore or seabed, and
- (d) deposition in, on or under the foreshore or seabed, and
- (e) discharge of contaminants, and
- (f) diversion of open coastal water

Commented [NM57]:
CentrePort Ltd
NZ Transport Agency – Consent order granted 14 September 2021

is a discretionary activity.

Rule R215: Reclamation and drainage inside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity



Reclamation and drainage in the coastal marine area, including any associated:

- (a) occupation of space in the **common marine and coastal area**, and
- (b) destruction of the foreshore or seabed, and
- (c) disturbance of the foreshore or seabed, and
- (d) deposition in, on or under the foreshore or seabed, and
- (e) discharge of contaminants
- (f) diversion of open coastal water

that is not a discretionary activity under Rule R167A or Rule R214 is a non-complying activity.

7.7.4 All other destruction, damage, or disturbance or deposition

Rule R204: Destruction, damage, disturbance or deposition outside Schedule C, Schedule E4, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity



Destruction, damage, disturbance or deposition outside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

that is not permitted, controlled, restricted discretionary, non-complying or prohibited, is a discretionary activity.

Note

For dredging outside of the **Commercial Port Area** and **navigation protection areas** that does not meet the conditions of Rules R202, R204 or R205 applies.

Rule R205: Destruction, damage, disturbance or deposition inside sites of significance – non-complying activity



Destruction, damage, ~~or~~ disturbance or deposition inside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

Commented [NM58]:

CentrePort Ltd – Consent order granted 14 September 2021

Commented [NM59]: – Consent order granted 14 September 2021

Commented [NM60]:

CentrePort Ltd – Consent order granted 28 April 2021 – and Clause 16 changes for minor formatting.

Commented [NM61]:

NZ Transport Agency

- (a) deposition in, on or under the foreshore or seabed, and
- (b) discharge of contaminants, and
- (c) diversion of open coastal water

that is not permitted, controlled, restricted discretionary, discretionary or prohibited, is a non-complying activity.

7.7.5 Introduction of plants

Rule R217: Planting – permitted activity



The introduction or planting of any plant species in the coastal marine area including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants

is a permitted activity, provided the following conditions are met:

- (d) the plant species shall not be identified in the *National Pest Plant Accord 2012* or in the *Greater Wellington Regional Pest Management Strategy 2002-2022*, and
- (e) the plant species planted shall be native species that naturally grow in the area planting occurs, and
- (f) there is no planting in sites identified in Schedule E4 (archaeological sites), and
- (g) the activity shall comply with the coastal management general conditions specified above in Section 5.7.2.

Note

The Wellington Regional Council will provide advice on its website and upon request regarding appropriate species to plant.

Rule R218: Planting – discretionary activity



The introduction or planting of any plant species in the coastal marine area including any associated:

- (a) disturbance of the foreshore or seabed, and
- (b) deposition in, on or under the foreshore or seabed, and
- (c) discharge of contaminants

that is not a permitted under Rule R217 or is not a prohibited activity under Rule R219, is a discretionary activity.

Commented [NM62]:

CentrePort Ltd
 Porirua City Council
 Wellington International Airport Ltd
 Wellington Water Ltd

Rule R219: Planting of pest species – prohibited activity



The introduction or planting of a pest plant species identified in the *National Pest Plant Accord 2012* or in the *Greater Wellington Regional Pest Management Strategy 2002-2022* in the coastal marine area is a prohibited activity.