

## **F7. Coastal – Defence Zone**

### **F7.1. Zone description**

The Coastal – Defence Zone provides for the continued operation of defence activities in the coastal marine area adjacent to the Royal New Zealand Navy Devonport Naval Base and the Onetaunga Bay Wharf (Kauri Point).

### **F7.2. Objective [rcp]**

- (1) Effective operation of defence facilities at Devonport and Onetaunga Bay Wharf (Kauri Point) is continued.

### **F7.3. Policies [rcp]**

- (1) Avoid use and development adjacent to the Coastal – Defence Zone which would adversely affect the efficient operation of defence activities.
- (2) Recognise the importance of the Devonport Naval Base and Onetaunga Bay Wharf by:
  - (a) including those parts of the coastal marine area containing major wharves and other access structures within the zone; and
  - (b) providing for continued operation while encouraging the use of appropriate management techniques to avoid, remedy, or mitigate adverse effects.
- (3) Require any proposal to erect a structure in the Coastal – Defence Zone, other than those for marine and port activities, to demonstrate that:
  - (a) the area proposed for the structure is no longer needed and is not likely to be needed in the foreseeable future for marine and port activities;
  - (b) the loss of the proposed area will not result in increased pressure for the expansion of the Coastal – Defence Zone beyond its existing boundaries; and
  - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied, or mitigated.
- (4) Enable dredging within the Coastal – Defence Zone that is necessary to provide for the safe and efficient navigation, manoeuvring and berthing of vessels, while avoiding, remedying or mitigating any potential adverse effects.
- (5) Require the provision of port facilities and structures to provide adequate and convenient facilities to meet the needs of all vessels berthing or anchoring within the Coastal – Defence Zone for the collection and appropriate disposal of:
  - (a) sewage, bilge water and litter from vessels;
  - (b) residues from vessel servicing, maintenance and repair;
  - (c) spills from refuelling operations and refuelling equipment; and

- (d) spills, residues and debris from cargo operations.
- (6) Avoid reclamation and drainage in the Coastal – Defence Zone unless:
  - (a) it will not result in increased pressure for the expansion of the zone beyond its existing boundaries;
  - (b) it will not increase the intensity of activities where those activities will have adverse effects on the surrounding residential environment;
  - (c) adverse environmental effects, including effects on historic heritage, will be avoided, remedied or mitigated; and
  - (d) it is consistent with the reclamation and drainage provisions of the Coastal – General Coastal Marine Zone.
- (7) Design and locate buildings and other structures in the Coastal – Defence Zone to avoid, remedy or mitigate significant adverse effects on views from and to the adjoining land and water.
- (8) Manage the visual effects of buildings and other structures in the Coastal – Defence Zone while having regard to the function and context of the buildings and structures, to maintain or enhance:
  - (a) the visual environment of the area; and
  - (b) the landscape and amenity links between the harbour, the zone and adjacent commercial and residential areas.
- (9) Recognise that Calliope Dry Dock is a functioning dry dock and require any maintenance, repair, alteration, or reconstruction of this facility to be undertaken in a way which does not cause significant adverse effects on the integrity of the place and its identified historic heritage values.
- (10) Enable activities undertaken for defence purposes in the Coastal – Defence Zone subject to avoiding, remedying or mitigating adverse effects on the surrounding land and coastal environment.

#### **F7.4. Activity table**

Table F7.4.1 Activity table below specifies the activity status for works in the coastal marine area pursuant to section 12(1) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

### ***Resource Management (National Environmental Standards for Freshwater) Regulations 2020***

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('Freshwater NES') came into force on 3 September 2020. Currently, there may be duplication or conflict between specific plan rules and the Freshwater NES.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 apply to any part of the coastal marine area that is upstream from the mouth of a river.

If an activity provided for in rules F7.4.1 to F7.9, including any associated matters of discretion, is also regulated by the Freshwater NES, where there is conflict then the most restrictive provision will prevail.

If the Freshwater NES regulations do not apply to an activity, then the plan rules apply.

Duplication or conflict between plan rules and the Freshwater NES will be addressed in the plan as soon as practicable.

**Table F7.4.1 Activity table**

| <b>Activity</b> |                                                                                                                                                                                           | <b>Activity status</b> |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (A1)            | Reclamation other than maintenance or repair of a lawful reclamation or drainage system, or minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation | D                      |
| (A2)            | Maintenance dredging                                                                                                                                                                      | RD                     |
| (A3)            | Capital works dredging                                                                                                                                                                    | RD                     |

Table F7.4.2 Activity table below specifies the activity status of the taking, use and damming or diverting of coastal water pursuant to section 14 of the Resource Management Act 1991, and the discharge of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence). For the avoidance of doubt, the following provisions have precedence over the rules for discharges of hull bio-fouling organisms resulting from cleaning of a vessel (F2.19.7(A71) to (A78)).

**Table F7.4.2 Activity table**

| <b>Activity</b> |                                                                                                                        | <b>Activity status</b> |
|-----------------|------------------------------------------------------------------------------------------------------------------------|------------------------|
| (A4)            | Taking, use, damming, diversion and discharge of seawater and contaminants from the operation of the Calliope Dry Dock | P                      |

Table F7.4.3 Activity table below specifies the activity status of works and activities in the coastal marine area pursuant to section 12(1) and 12(3) of the Resource Management Act 1991; the associated occupation of the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991; and the associated discharges of contaminants into water pursuant to section 15 of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

**Table F7.4.3 Activity table**

| <b>Activity</b> |                                                                                                                                                                                                     | <b>Activity status</b> |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (A5)            | Workers' accommodation                                                                                                                                                                              | P                      |
| (A6)            | Marine industry                                                                                                                                                                                     | P                      |
| (A7)            | Aquaculture activities (including any activities under sections 12(1), 12(2), 12(3) and 15 of the Resource Management Act 1991)                                                                     | Pr                     |
| (A8)            | Clubrooms                                                                                                                                                                                           | NC                     |
| (A9)            | Public amenities                                                                                                                                                                                    | P <sup>1</sup>         |
| (A10)           | Marine and port activities                                                                                                                                                                          | P                      |
| (A11)           | Activities undertaken for defence purposes (excluding temporary military training activities) not otherwise provided for in the Coastal – Defence Zone or the Coastal – General Coastal Marine Zone | RD                     |

Table F7.4.4 Activity table below specifies the activity status for structures in the coastal marine area and occupation of the common marine and coastal area pursuant to sections 12(1) and 12(2) and 12(3) of the Resource Management Act 1991.

The provisions in the Coastal – General Coastal Marine Zone apply to the coastal marine area in the Coastal – Defence Zone unless otherwise specified in the following provisions (which take precedence).

Those activities marked with <sup>1</sup> have the listed activity status only when that activity is located on an existing coastal marine area structure (e.g. a new building on an existing wharf). If that activity and any associated structure is located directly in the coastal marine area (e.g. a new wharf) a different activity status will apply.

**Table F7.4.4 Activity table**

Note 1. Rule F7.4.4(A23) applies where occupation is proposed in an area that has an existing occupation consent. Rule F7.4.4(A23) does not apply if an activity is proposed by the party who holds the existing occupation consent or has received the written approval of that party (and is in accordance with that consent).

| Activity |                                                                                                                                                                                                                                                                                         | Activity status |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (A12)    | Marine and port facilities                                                                                                                                                                                                                                                              | P <sup>1</sup>  |
| (A13)    | Marine and port facilities except as specified as a permitted activity                                                                                                                                                                                                                  | RD              |
| (A14)    | Marine and port facilities for the refuelling of vessels                                                                                                                                                                                                                                | P               |
| (A15)    | Marine and port accessory structures and services excluding new pile moorings                                                                                                                                                                                                           | P               |
| (A16)    | Coastal marine area structures or buildings used for marine and port activities                                                                                                                                                                                                         | P <sup>1</sup>  |
| (A17)    | Coastal marine area structures or buildings not otherwise provided for                                                                                                                                                                                                                  | RD              |
| (A18)    | Wave attenuation devices                                                                                                                                                                                                                                                                | RD              |
| (A19)    | Observation areas, viewing platforms, and boardwalks                                                                                                                                                                                                                                    | RD              |
| (A20)    | New pile moorings established after 30 September 2013 including occupation and use by vessel to be moored                                                                                                                                                                               | RD              |
| (A21)    | Pile moorings existing at 30 September 2013 including occupation and use by the vessel to be moored                                                                                                                                                                                     | P               |
| (A22)    | Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity | RD              |
| (A23)    | Occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted where the area to be occupied is already the subject of an existing occupation consent                                                                                    | RD              |

### F7.5. Notification

- (1) Any application for resource consent for an activity listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### F7.6. Standards

- (1) Activities listed in Tables F7.4.1, F7.4.2, F7.4.3 and F7.4.4 Activity table above must comply with the following standards.

### F7.6.1. Height

- (1) The maximum height of the building or structure must be no more than 10m above mean sea level.

### F7.6.2. Noise

- (1) The  $L_{Aeq}$  (15 min) noise level and maximum noise level ( $L_{AFmax}$ ) arising from any activity within the Coastal – Defence Zone when measured at or within the boundary of any property in a residential zone must not exceed the limits in Table F7.6.2.1 Noise limits.
- (2) The noise limits in F7.6.2(1) do not apply to:
  - (a) the operational requirements of vessels (including cargo vessels, tugs, passenger liners, naval vessels and commercial fishing vessels); and
  - (b) temporary activities.

**Table F7.6.2.1 Noise limits**

| Time                         | Noise Limit                              |
|------------------------------|------------------------------------------|
| Monday to Saturday 7am -10pm | $L_{Aeq}$ (15 min) 55dB                  |
| Sundays 9am - 8pm            | $L_{Aeq}$ (15 min) 50dB                  |
| All other times              | $L_{Aeq}$ (15 min) 45dB $L_{AFmax}$ 75dB |

### F7.6.3. Use and activities and associated occupation of the common marine and coastal area

- (1) Port activities:
  - (a) for vessel construction in the Devonport area of the Coastal - Defence zone, but not the Calliope Dry Dock, in addition to the Coastal – General Coastal Marine Zone standards:
    - (i) the activity does not involve the use of wet and dry grit blasting or water blasting, including the use of detergents or chemicals for the purpose of paint stripping.
  - (b) any water blasting using low pressure washing systems must not exceed 1000 psi (6900 kPa), or any high volume wash down must not exceed 100 psi (690 kPa).

### F7.6.4. Taking, use, damming, diversion and discharge of coastal water

- (1) Taking, use, damming, diversion and discharge of coastal water and contaminants for the operation of the Calliope Dry Dock:
  - (a) as far as practicable, all contaminants or waste material from the cleaning and maintenance of ships must be swept up and removed from the dock prior to the dock being flooded and the gates being opened to re-float ships;

- (b) any existing collection or treatment facilities for liquids must be maintained in good working order and used to the fullest extent practicable when the dock is in operation.

#### **F7.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **F7.8. Assessment – restricted discretionary activities**

##### **F7.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application.

(1) for all restricted discretionary activities:

- (a) the effects from the construction or works methods, timing and hours of operation;
- (b) the effects of the location, extent, design and materials used;
- (c) the effects on coastal processes, ecological values, water quality and natural character;
- (d) the effects on public access, navigation and safety;
- (e) the effects on existing uses and activities; and
- (f) consent duration and monitoring.

(2) for occupation of the common marine and coastal area:

- (a) the effects of the location, extent, timing and duration of the occupation, including exclusive occupation.

##### **F7.8.2. Assessment criteria**

The Council will consider the following assessment criteria in when assessing a restricted discretionary resource consent application.

(1) All restricted discretionary activities.

- (a) construction or works methods, timing and hours of operation;
  - (i) whether construction or works methods avoids, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
  - (ii) whether construction or works are to be done at a time that will avoid or minimise, adverse effects on marine mammals, bird roosting, nesting and feeding, and recreational users of the coastal marine area; and
  - (iii) whether construction or works hours of operation are limited to minimise effects of noise and disruption on existing activities, and on nearby residential and open space areas.

- (b) location, extent, design and materials;
  - (i) whether the work is located and designed to avoid, remedy or mitigate adverse effects on the environment;
  - (ii) whether the form, intensity and scale of works, structures and buildings are sensitive to the marine environment and surrounding adjoining spaces;
  - (iii) whether works and structures ensure efficient use of the coastal marine area is made by using the minimum area necessary for their purpose; and
  - (iv) whether the materials used are compatible with the surrounding coastal environment and consistent with the natural materials at the site; taking into account the physical characteristics of the materials used, including texture, colour, composition, grain size, level of contamination and potential for leaching.
- (c) effects on coastal processes, ecological values, water quality and natural character and landscape values:
  - (i) whether measures can be taken to avoid, remedy or mitigate adverse effects on coastal processes, ecological values, water quality and natural character and landscape values.
- (d) effects on public access, navigation and safety:
  - (i) whether the effects on existing public access arrangements have been avoided by minimising the extent and duration of work and by providing alternative access routes where practicable;
  - (ii) whether the proposed activity or development adversely affects navigation and safety;
  - (iii) whether the effects on vessel access and berthage has been avoided, remedied or mitigated;
  - (iv) whether the layout of structures and activities enhances public access, including pedestrian access, to the coastline and particularly to any areas of public open space; and
  - (v) whether any loss of public access to, along and within the coastal marine area has been mitigated, including through provision of facilities such as public boat ramps, lookout platforms, and alternative access.
- (e) effects on existing uses and activities (including infrastructure):
  - (i) whether proposals avoid, remedy or mitigate adverse effects on existing activities as far as practicable, taking into account both activities in the coastal marine area and on adjacent land; and

- (ii) whether activities avoid, remedy or mitigate adverse effects on the amenity of adjacent residential and open space zoned land.

(f) consent duration and monitoring:

- (i) whether the consent duration should be limited to the minimum duration necessary for the functional or operational needs of the activity;
- (ii) whether the consent duration should be limited as part of an adaptive management approach; and
- (iii) whether monitoring is required in order to demonstrate the extent and type of environmental effects of the activity, and the degree to which the effects are remedied or mitigated during and after the activity.

(2) For occupation of the common marine and coastal area:

- (a) refer to assessment criteria set out for occupation in the Coastal – General Coastal Marine Zone.

**F7.9. Special information requirements**

There are no special information requirements in this section.