

Annexure A to Evidence of Max Dunn

Amended & Additional Plans Provided to Council in Response to Section 92 Requests

Plans attached to ASL letter S92 Response Letter of 13 May 2013

IMC 4208 –SK6 of 24-03-13 – Breakwater cross section plan

Riley DWG 101780-20 & 21– Additional primary breakwater cross section plans

Wardale Marine Consulting Ltd - Revised construction programme (Figure 34 of AEE)

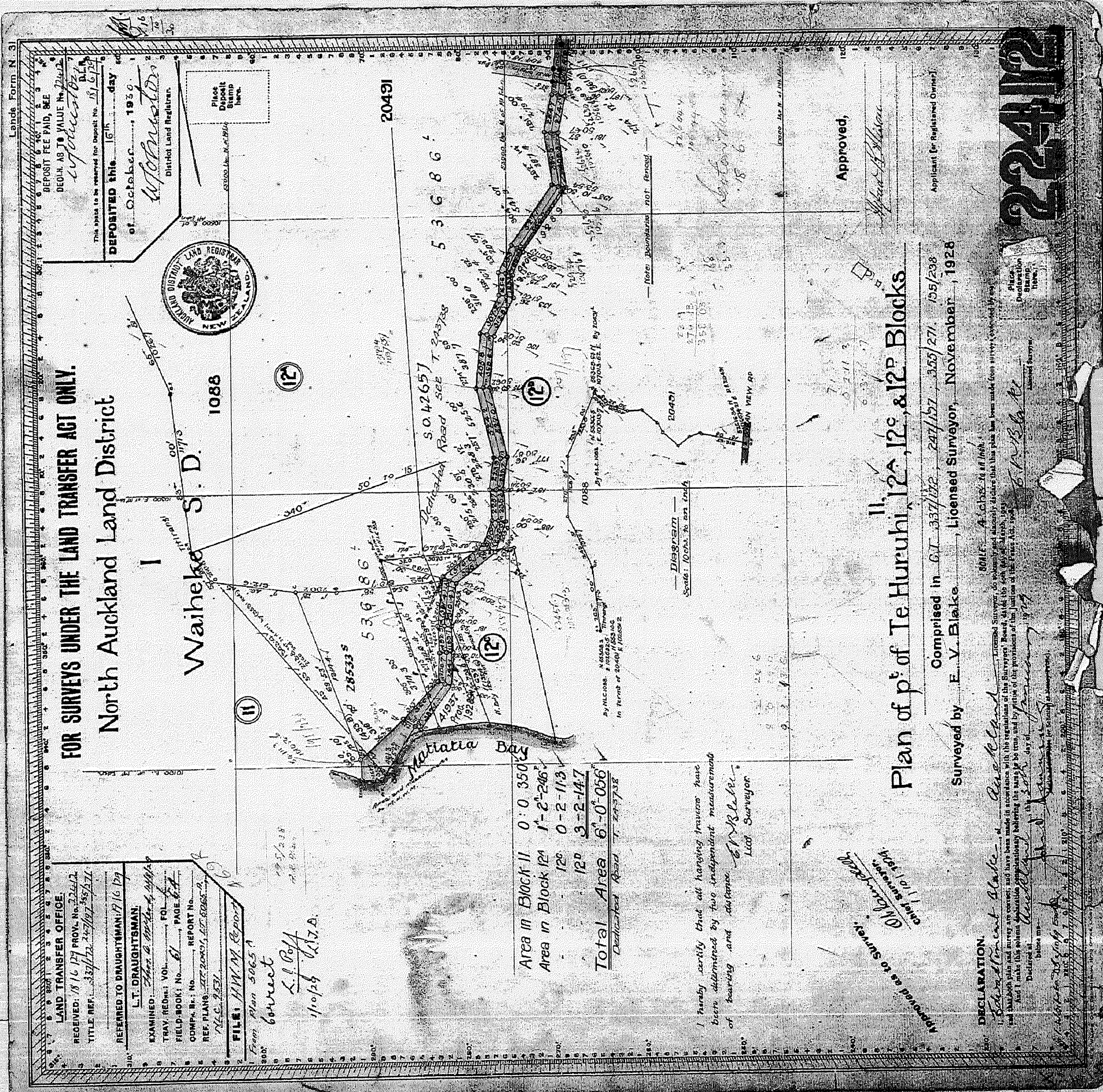
Riley – Amended services plan 10178- 13-Rev 5 (Figure 17 of AEE)

IMC 4208 –102 –Rev D - Amended marina office plan (Figure 16 of AEE)

Plans attached to ASL letter S92 Response Letter of 16 October 2013

IMC 4208-SK8/B of 30-09-13 –Aerial photo with existing buoys overlay

Wardale Marine Consulting Ltd - Revised long term moorings management plan (Figure 36 of AEE)



FOR SURVEYS UNDER THE LAND TRANSFER ACT ONLY.

North Auckland Land District

Waikato S. D. 1088

Plan of part of Te Huruhi, 12A, 12B, & 12C Blocks

Comprised in C.T. 337/122, 247/127, 355/271, 155/238

Surveyed by E. V. Blake, Licensed Surveyor, November, 1928

Scale: 1 inch = 100 feet

LAND TRANSFER OFFICE.
 RECEIVED: 18 16 177 PROV. No. 22442.
 TITLE REF. 337/122, 247/127, 355/271

REFERRED TO DRAUGHTSMAN: 16 129

L.T. DRAUGHTSMAN:
 EXAMINED: *John E. Mather*
 FIELD BOOK: No. 61 PAGE 67
 O.M.P. No.: No. REPORT No.
 REF. PLAN: *111 20001, 111 20002*
 N.L.C. 2531

FILE: *H.W.M. Report*
From Plan 5065 A
correct
L.I. Poff
11/10/28
D.V.D.

Area in Block 11 0:0:350
 Area in Block 12A 1'-2"-246'
 12B 0-2-113
 12C 3-2-147
 Total Area 6'-0"-056'
 Dedicated Road T. 243738

I hereby certify that all hanging traverses have been determined by two independent measurements of bearing and distance.

E.V. Blake
 Licd. Surveyor

Approved as to Survey:
John E. Mather
 Licd. Surveyor

DECLARATION.

E. V. Blake
 Licensed Surveyor

DECLARATION.
 I, *Max Dunn*, Licensed Surveyor, do solemnly and accurately declare that this plan has been made from surveys conducted by me and that both the plan and survey are correct and have been made in accordance with the provisions of the Surveyors' Board Act 1908 and the Surveyors' Act 1909. And I make this solemn declaration conscientiously believing it to be true, and by virtue of the provisions of the provisions of the Statute in that behalf made.

Declared at *Auckland* this *15th* day of *November* 1928.

Max Dunn
 Licensed Surveyor

APPROVED:
John E. Mather
 Licd. Surveyor

APPLICANT (or Registered Owner):
John E. Mather

APPLICANT (or Registered Owner):
John E. Mather

APPLICANT (or Registered Owner):
John E. Mather

APPLICANT (or Registered Owner):
John E. Mather

APPLICANT (or Registered Owner):
John E. Mather

APPLICANT (or Registered Owner):
John E. Mather

APPLICANT (or Registered Owner):
John E. Mather

22412

Annexure C to Evidence of Max Dunn

Submission on the Proposed Auckland Unitary Plan

Sections 123 and 125, Local Government (Auckland Transitional Provisions) Act 2010
Clause 6 of the First Schedule, Resource Management Act 1991

To: **Unitary Plan Submission Team, Auckland Council**
Freepost Authority 237170
Private Bag 92300
Auckland 1142

1. Submitter Details

Waiheke Marina's Ltd
PO Box 344,
Oneroa,
Waiheke Island

2. Scope of Submission

The specific provisions that this submission relates to are:

- (a) Planning Maps - Northern Matiatia Bay area
Coastal General Marine and Moorings zoning
Historic Heritage overlay
- (b) Chapter D
Section 5 – Coastal Zones - Introduction
Section 5.2 – Marina Zone – Zone Description, Objectives and Policies
Section 5.3 - Coastal Mooring Zone – Zone Description, Objectives and Policies
- (c) Chapter I
Rule 6.6.1 – Coastal General Marine Zone -Special Information Requirements – Design Statement
Rule 7.1- Marina Zone - Activity Table
Rule 7.2 - Marina Zone – Notification
Rule 7.3 – Marina Zone - Land Use Controls
Rule 7.4 – Marina Zone – Development Controls
Rule 7.5 – Marina Zone – Assessment – Restricted Discretionary Activities
Rule 7.6 – Marina Zone - Special Information Requirements
Rule 8.1- Coastal Mooring Zone - Activity Table
- (d) Part 4 –Definitions
Marina & Earthworks definitions
- (e) Chapter H
Auckland Wide Rules – Rule 1.2.3.2 - Number of parking and loading spaces Table 4 –
Parking Rates – All Other Areas - Marinas
- (f) Chapter E
Section 5.2 – Sites & Places of Value to Mana Whenua – Overlay description, objectives
and policies
- (g) Chapter J
Rule 5.2 – Sites & Places of Value to Mana Whenua – Activity table, Development controls
and Assessment

- (h) Part 5 - Appendix 4.2
Schedule of Sites and Places of Value to Mana Whenua - Item ID 1730 – Archaeology of Maori origin - Matiatia Bay Historic Reserve

3. Reasons for Submission

Our submission is:

- a) Waiheke Marina's Ltd (WML) have lodged resource consent applications with the Council for a marina in Matiatia Bay. The applications are also the subject of a direct referral to the Environment Court. The Court has recently advised that a hearing of the applications and submissions is being scheduled for October 2014. WML are expecting a decision on the applications and submissions before decisions are made by the Council on submissions to the Proposed Unitary Plan.
- b) The Matiatia marina site is zoned Mooring (primarily) and General Coastal Marine in the plan. Attached is a map showing the proposed marina in relation to the Mooring zone boundaries. The company request that the whole site of the marina be included within the Marina zone. The attached plan shows the extent of the Marina zone being requested.
- c) WML Ltd generally support the Marina zone provisions in the plan because they recognise the importance of marinas to the economic and social wellbeing of the region. The zone rules also recognise the need to provide for the progressive refurbishment and alteration of marinas as structures age and recreational boating demands change.
- d) WML note that the Marina zone applies to existing marinas and one recently consented in the Sandspit area. WML generally supports the Marina zone provisions in the plan. This includes supporting the rules that provide for capital dredging, new structures, wave attenuation devices and maintenance dredging as restricted discretionary activities, along with reclamation as a discretionary activity.
- e) WML note that the Marina zone covers both the coastal marine area and land areas at some marinas and this approach is requested for the Matiatia marina. WML support this approach as it will lead to more effective integrated management of the CMA and land areas developed by WML and be consistent with the wider plan provisions and Resource Management Act.
- f) Most of the Matiatia marina site is within the Mooring zone, which covers a long established mooring area. As a matter of principle WML consider that marinas should be generally provided for in the Mooring zone, because historically they have been established within these areas and they are generally appropriate locations for them. This is recognised in the current Regional Coastal Plan where marinas are provided for as discretionary activities in Mooring Management Areas, including the two in Matiatia Bay, one of which includes the marina site. Marinas make much more effective use of valued water space and have other environmental benefits compared to pile and swing moorings.
- g) WML submit that the Mooring zone rules should be amended to provide for marina's. Marina's, along with ancillary capital dredging and maintenance dredging should be listed as restricted discretionary activities, with ancillary reclamation for land based marina facilities being provided for as a discretionary activity. The requested provisions would be consistent with those proposed by the Council for the Marina zone.
- h) WML also consider that as a matter of principle the same or very similar provisions for marinas should be incorporated into the General Coastal Marine zone. Most of the recently built or consented marinas in Auckland, including Orakei and Sandspit, have involved sites that had a General Management Area zoning in the Regional Coastal Plan.

The General Management Area parts of the built or consented marina sites have generally been the shallower areas near the land that have mooring limitations, but with some dredging are eminently suitable for a marina.

- i) WML have concerns with Rule 7.6 of the Marina zone in Chapter I that requires a 'design statement' for buildings over 200m² in the CMA. The rule is not particularly explained and uses words like 'streetscape' that are inappropriate for a CMA based building. Also the rule is inconsistent with the definition of marina that specifically excludes 'buildings'.
- j) The WML submission requesting a Marina zoning of the Matiatia marina site relies on there being an appropriate definition of marina in Part 4 of the plan and that definition being linked to the requested activity provisions. WML generally support the definition of marina in Part 4 of the plan. However WML have concerns with two parts of it.
- k) The first WML concern is the exclusion of 'buildings' from the marinas definition. The exclusion is not explained and would affect the status of the marina office proposed at Matiatia marina, and other buildings that could be built in the future, and are found in some existing marinas. The second WML concern is the inclusion only of 'land based' areas for parking and vessel storage within the definition. This limitation is also not explained and could affect the activity status of floating dinghy racks planned within the Matiatia marina and also found in some existing marinas. Although the use could possibly be covered by the terms of 'pontoons' and 'associated facilities and services' (that are included in the definition) the distinction between 'land based' and 'water based' facilities is largely artificial and inappropriate. The same rationale applies to the apparent differentiation between 'land based' and 'water based' areas for parking. Some marinas use decks for parking that are primarily 'water based'. The plan provisions on these two matters as notified are inconsistent with other plan objectives and policies and Part 2 of the Resource Management Act.
- l) The WML resource consent applications lodged with the Council include a reclamation that is to be used for parking. Neither the operative Hauraki Gulf Islands District Plan, nor the operative Regional Coastal Plan contain parking standards for marinas. The parking standard of 0.35 spaces per berth in the Proposed Unitary Plan, will provide more certainty for marina developers. The proposed parking standard is reasonably consistent with the Australian Standard – Guideline for Design of Marinas AS3962- 2001 that has a minimum of 0.3 parking spaces per berth. Also the standard recognises the limited demand for parking at marinas, especially during weekdays, and the need to encourage alternative means of transport, especially where established services are in place, like at Matiatia.
- m) WML note part of the site of the proposed marina is subject to a Historic Heritage Overlay (Sites and Places of Value to Mana Whenua) being identified in Appendix 4.2 as being Site ID 1730 – Archaeology of Maori origin. The extent of the overlay being a 200m diameter circle as it affects the proposed marina is shown on the attached plan.
- n) The Appendix 4.2 record identifies the site as being recorded in the NZ Archaeological Association data base as R11- 1654. The NZAA record, a copy of which is attached, indicate that the site is a partially exposed shell midden between a boat shed (on private land) and the shore. The site record does not indicate that the midden extends into the water or coastal marine area (CMA). As such any plan overlay relating to the site should be confined to the land and not extend into the CMA.
- o) The NZAA records do not indicate that the site is anywhere near the scale recorded by the 200m diameter circle on the planning map. In addition, being a recorded archaeological site it is fully protected under the NZ Historic Places Act.

- p) The recorded archaeological site also appears to be largely within the Matietie Historic Reserve and protected under the Reserves Act. If any complimentary protection is sought by the Council through the unitary plan then it should relate simply to the NZAA recorded site and not an arbitrary 200m circle surrounding it and in turn rules on earthworks that impose a further 50m wide buffer around the circle, resulting effectively in a 300m diameter circle.
- q) The basis of the heritage overlay circle itself is also questioned. The centre of the circle, which is expected to represent the approximate centre of the recorded archaeological site, appears from the planning maps to be on the shoreline, if not in the water (CMA) itself, rather than further inland as indicated from the NZAA records. As a result the overlay circle extends even further into the CMA and extends the sphere of influence of what is simply a land based heritage site (midden).
- r) The activity table in Chapter J Rule 5.2.1 deems any earthworks within 50m of a site or place of value to mana whenua to be a restricted discretionary activity. The basis of the rule is not sufficiently explained in the plan and as outlined above it effectively places a 300m diameter restriction on earthworks, within which are often small midden and other protected archaeological sites. The related overlay description, along with the objectives and policies in Chapter E 5.2, do not adequately justify the earthworks rule and are inconsistent with other plan objectives and policies and Part 2 of the Resource Management Act.
- s) The Part 4 definition of earthworks is relevant to the above matters, particularly in terms of whether the associated rules on earthworks, 'catch' the dredging proposed for the marina. The earthworks definition refers to 'disturbance of soil, earth and substrate land surfaces' and then lists a number of 'included' activities. Dredging of the CMA is not amongst the 'included' activities. WML are seeking clarification of this matter to the extent that dredging (both capital and maintenance) is specifically listed as an activity excluded from the definition of earthworks. WML is also seeking clarification that initial placement of piles and floating marina structures and their future maintenance within the historic heritage overlay are not affected by the associated overlay rules. A request is made for Chapter J Rule 5.2 to be amended to include a specific activity listing for the Matiatia marina structures, if the principal relief sought of removing the overlay from the CMA is not accepted.

4. Relief Sought

- a) Alteration of the planning maps to include all of the Matiatia marina within the Marina zone as shown on the attached map;
- b) Inclusion of "Northern Matiatia Bay" in the list of sites where the Marina zone applies in Chapter D –Section 5.2;
- c) Inclusion in Chapter D - Section 5.3 of a statement in the Mooring zone description that marinas have traditionally been established within mooring areas and that some of these areas are expected to have marinas in the future in order to cater for the growing number of recreational craft in the Auckland region.
- d) Inclusion in Chapter D – Section 5.3 of an objective and a policy in the Mooring zone recognising that marinas make much more effective use of water space than moorings and have other environmental benefits and as such are generally considered to be an appropriate use within the zone.
- e) Inclusion in the Chapter I - Rule 8.1 - Mooring zone activity table, of rules that provide for marinas, capital dredging and ancillary maintenance dredging as restricted discretionary

- activities, and ancillary reclamation as a discretionary activity;
- f) Inclusion in the General Coastal zone activity table in Rule 6.1 of Chapter I, rules that provide for marinas, ancillary capital dredging, ancillary maintenance dredging and ancillary reclamation, as a discretionary activities.
 - g) Deletion of Chapter I Rules 6.6.1 and 7.6 – Special Information Requirements, in their entirety.
 - h) Deletion from the definition of marinas of the words “excludes buildings”.
 - i) Deletion from the definition of marinas of the words “land based” from the term “land based areas for parking and vessel storage”, i.e. the amended term simply reads “areas for parking and vessel storage”.
 - j) Confinement of the Historic heritage overlay – Site ID 1730 (midden site) to land, i.e. deletion of the overlay from the CMA.
 - k) Amendment of the Part 4 definition of earthworks to exclude dredging (capital and maintenance).
 - l) Amendment of Chapter J - Rule 5.2.1 Activity Table to provide for the erection and maintenance of marina structures in northern Matiatia Bay as a permitted activity if the Historic heritage overlay – Site ID 1730 (midden site) is not removed from the CMA.
 - m) Inclusion of appropriate explanations in the plan relating to the above matters.
 - n) Such other consequential amendments as are necessary to give effect to the above requests.

5. Trade Competition Matters

WML could not gain an advantage in trade competition through this submission.



By authorised agent
Max Dunn

26 February 2014

Address for service of the submitter:

Andrew Stewart Ltd
PO Box 911310
Victoria St West
Auckland 1142

Attention: Max Dunn - Manager Planning Services

Phone 09 3030311
Email maxd@andrewstewart.co.nz

Annexure D to Max Dunn Evidence: Matiatia Marina: Effects Summary

| Effect | WML Evidence Reclamation Based Marina | WML Evidence Deck Based Marina | Council s87F Report Reclamation Based Marina |
|----------------------------------|---|---|--|
| Coastal Processes | Minor adverse | Minor adverse | No more than minor adverse |
| Land Stability & Natural Hazards | Minor adverse | Minor adverse | No more than minor adverse |
| Ecological | Minor adverse | Minor adverse | No more than minor adverse |
| Water Quality | Minor adverse | Minor adverse | No more than minor adverse |
| Visual Effects | More than minor from 3 of 13 viewpoints | More than minor from 3 of 13 viewpoints | May be more than minor adverse |
| Natural Character | Less than minor adverse | Less than minor adverse | Minor adverse |
| Amenity | Minor adverse | Minor adverse | Minor adverse |
| Cultural | Minor adverse (at most) | Minor adverse (at most) | May be more than minor adverse |
| Heritage (Archaeological) | Less than minor adverse | Less than minor adverse | Less than minor adverse |
| Boat Navigation & Safety | Minor adverse | Minor adverse | Minor adverse |
| Public Access | Positive | Positive | Minor adverse |
| Recreation | Minor adverse | Minor adverse | No more than minor adverse |
| Construction Traffic | Less than minor adverse | Less than minor adverse | Minor adverse |
| Operational Traffic | Less than minor adverse | Less than minor adverse | May be more than minor adverse |
| Parking & Loading | Less than minor adverse | Less than minor adverse | Minor adverse |
| Noise | Minor adverse | Minor adverse | May be more than minor adverse |
| Vibration | Less than minor adverse | Less than minor adverse | Minor adverse |
| Lighting | Less than minor adverse | Less than minor adverse | No more than minor adverse |
| Amenity (Other) | Minor adverse | Minor adverse | More than minor adverse |
| Infrastructure | Less than minor adverse | Less than minor adverse | Minor adverse |
| Economic | Positive | Positive | Neutral |
| Social | Positive | Positive | Neutral |
| Cumulative | Minor adverse | Minor adverse | May be more minor adverse |
| Overall | Minor adverse | Minor adverse | More than minor adverse |

2. How to ensure that adequate provision is made for bicycle facilities so that cycling is appropriately recognised and provided for.

13.2.7 Passenger transport

Passenger transport is the principal means of access to the islands from the mainland. It is also an important method of transport around the islands. Existing bus services on Waiheke link with the ferry service. With car travel putting pressure on the existing road network it is important that the Plan integrates land use planning with transport and provides for the efficient and effective operation of passenger transport.

Principal issue

The significant resource management issue which needs to be addressed in the Plan is:

- How to ensure that the importance of passenger transport is recognised in the Plan and its use encouraged throughout the islands.

13.3 Resource management objectives and policies

13.3.1 Objective - wharves

To sustainably manage the use and development of the islands' wharves and associated infrastructure, while protecting the character and amenity values of the islands.

Policies

1. By recognising and providing for wharves and associated infrastructure at appropriate locations.
2. By integrating the land transport network with wharves to ensure accessibility to and from the islands is maintained and enhanced.
3. By ensuring that passenger transport is integrated with wharves, where those wharves have a passenger transport focus.

13.3.2 Objective - airstrips and helipads

To sustainably manage the use of the islands' airstrips and helipads and associated infrastructure, while protecting the character and amenity values of the islands.

Policies

1. By recognising and providing for the use and development of airstrips used for passenger and goods transport purposes and their associated infrastructure at appropriate locations.
2. By avoiding the location of activities sensitive to aircraft noise within the Claris and Okiwi airfield noise contours, unless the adverse effects can be adequately mitigated. At the airfield on Waiheke, adverse effects to the north of the airfield are managed by controlling the number of flight movements.
3. By recognising the need for helipads in remote locations, which may be difficult to access by other modes of transport.
4. By recognising that airstrips or helipads may be required for farming activities in the landform and rural land units.
5. By acknowledging that the gulf islands are a popular tourist destination and that air travel to, from and around the gulf islands is a recognised component of the tourist industry.
6. By not providing for helipads in locations that can adversely affect the amenity of surrounding residents.

13.3.3 Objective - roading

To recognise and provide for the existing road system as an important resource for an integrated transport network, while managing it to ensure the adverse effects on the surrounding environment are minimised.

Policies

1. By providing for and enhancing the road network to ensure it is safe, effective and efficient for vehicles, cyclists and pedestrians.
2. By reducing conflicts between vehicles, pedestrians and cyclists around key community focal points, such as wharves, commercial centres, schools and other public facilities.
3. By requiring a low impact design approach for new roads.
4. By continuing the council's programme for legalising roads.
5. By adopting and applying a functional road classification to roads on Waiheke to control access at specified locations.
6. By discouraging traffic generating activities in environments where they would have significant adverse effects.

13.3.4 Objectives - parking and access

13.3.4.1 Objective

To ensure the impact of activities on the safety and efficiency of the road network is addressed while avoiding adverse effects on the environment.

Policies

1. By requiring sufficient on-site parking to meet the demand generated by different activities.
2. By ensuring that there is not an oversupply of on-site parking, which can encourage traffic generation and result in unnecessary on-site modification.
3. By encouraging travel management plans to reduce the adverse effects of travel from new development.
4. By placing an upper limit on the number of on-site parking spaces which can be provided as of right to avoid the adverse effects associated with oversupply.

13.3.4.2 Objective

To ensure access to sites is provided at appropriate locations, while avoiding or mitigating adverse effects.

Policies

1. By controlling access at specific locations to ensure vehicle, pedestrian and cycle safety.
2. By controlling access gradients to avoid adverse environmental effects, such as sediment and stormwater runoff, safety, vegetation removal, stability and visual and amenity impacts.
3. By requiring a low impact design approach for accessways.
4. By requiring roadside parking platforms rather than accessways where access may give rise to significant adverse environmental effects.
5. By encouraging stable gradients for on-site accessways, and for the land on the adjacent road, to reduce erosion and sedimentation of waterways and the coastal environment.
6. By encouraging shared driveways where possible.

7. By acknowledging that all terrain vehicles can provide adequate access without needing to comply with access gradients.

13.3.5 Objectives - cycling, walking and horse riding

1. To improve cycling and pedestrian access to key community focal points such as residential areas, wharves, commercial centres, schools, and other public facilities.
2. To enhance the opportunities for recreational cycling, walking and horse riding.

Policies

1. By recognising that the road network must provide for pedestrians and cyclists as well as vehicles.
2. By encouraging the establishment of cycle facilities and cycleways, especially around key community focal points and public facilities.
3. By providing for the safe and efficient movement of pedestrians, especially around key community focal points and public facilities.
4. By considering cycling and walking issues and bridle paths when assessing subdivision applications.
5. By recognising and providing for recreational cycling, walking and horse riding.

13.3.6 Objective - passenger transport

To recognise and provide for passenger transport to, from and around the islands.

Policies

1. By continuing to improve passenger transport facilities.
2. By providing passenger transport facilities that integrate all transport modes.
3. By giving priority to public passenger transport where appropriate.
4. By working with transport providers and authorities to encourage greater connectivity between public passenger transport routes.

13.4 Resource management strategy

13.4.1 Context

This part of the Plan focuses on matters that are within the domain of resource management. The measures adopted within this part of the Plan need to complement and help give effect to the relevant regional plans and strategies, as well as the council's transport strategy - Connecting People and Places, and the Gulf Transport Strategy. In accordance with these other plans and strategies, the Plan adopts measures that integrate planning, transport and the environment, improve energy efficiency and accessibility and encourage a multi modal approach to transport.

13.4.2 Wharves

The commercial 7 (wharf) and Matiatia land units provide the relevant land use provisions for the land behind the wharves throughout the islands. As wharves are a vital component of the transport infrastructure it is important that this part of the Plan is consistent and integrated with the relevant provisions that control wharves elsewhere within the Plan.

13.4.3 Airstrips and helipads

The council has included within the Plan designations for the commercial airfields on Great Barrier. It may also investigate identifying appropriate sites for helipads on inner islands such as Rakino that do not have regular ferry services. This will provide for their ongoing

8. How to protect the Maori heritage values associated with the site, particularly the urupa.

10a.18.3 Objectives and policies

10a.18.3.1 Objective

To develop a safe and efficient transport network while maintaining the landscape character of Matiatia.

Policies

1. By identifying a specific area for the safe and efficient operation of wharf-associated activities and passenger transport so that these activities have priority over single occupancy vehicles.
2. By providing for the further development of carparking areas and carparking buildings and other transport infrastructure where such development will enhance the safety and efficiency of the transport network at Matiatia.
3. By requiring carparking areas and buildings and other transport infrastructure to be integrated with the proposed mixed use development (referred to in the objective below at [clause 10a.18.3.2](#)).
4. By providing for the relocation of Ocean View Road if that is necessary to achieve a safe and efficient road layout, and if road stopping procedures have been undertaken.
5. By requiring safe and convenient pedestrian walkways between the wharf and the mixed use development and carparking areas and buildings.
6. By ensuring that medium to large scale carparking areas and carparking buildings are not located adjoining the esplanade reserve nor are highly visible to those arriving at Matiatia, in order to avoid adverse effects on the landscape character of Matiatia.

10a.18.3.2 Objective

To create a safe and attractive mixed use development that will meet the needs of the residents and visitors using the area while maintaining the landscape character and Maori heritage values of Matiatia.

Policies

1. By requiring a mix of activities to occur on the site, to meet the needs of both residents (eg retail, offices and restaurants and cafes) and visitors (eg visitor accommodation and function facilities).
2. By providing for residential activity so that there are people in the area during both the day and night.
3. By ensuring that the built environment is designed to be safe and attractive and does not have adverse effects on the landscape character of Matiatia.
4. By requiring areas of open space to be developed for public use, both within the mixed use development and adjoining the esplanade reserve, adjacent to the Matiatia Bay foreshore.
5. By ensuring that the layout of buildings and walkways on the site is clear and easy to follow for pedestrians and vehicles and is integrated with the carparking areas and buildings and other transport infrastructure.

10a.18.3.3 Objective

To ensure development at Matiatia does not have adverse effects on natural features and resources and gives effect to environmental sustainability principles.

Policies

1. By limiting the use and development that can occur in the wetland area to public recreation activities and associated structures.
2. By ensuring that the level and nature of activities provided for can be serviced in terms of water supply and wastewater disposal without resulting in adverse effects on the environment.
3. By requiring buildings to have a 'low impact' on the environment through the use of 'green building' methods and 'environmentally sustainable design' principles.

10a.18.4 Resource management strategy

The strategy outlined below will provide a framework for the implementation of the final form of development.

The resource management strategy for Matiatia is to divide the land unit into three different areas so that each area can be developed and used in different ways.

The areas are as follows:

1. Transport area

The transport area is located directly behind the wharf and ferry building and makes specific provision for the passenger transport (buses, taxis and other multiple occupancy vehicles) and wharf associated activities located in this area.

2. Mixed use area

This area is located on the valley floor and is the area that will be redeveloped for a mixed use development. Threshold controls have been adopted for this area in order to ensure that the development will contain a mix of activities, some of which will primarily meet the needs of residents using the area (eg retail, offices and restaurants and cafes) and some of which will primarily meet the needs of visitors using the area (eg visitor accommodation and function facilities). Some activities (eg cafes) will meet the needs of both residents and visitors).

Dwellings are also provided for in the mix of activities. This is because residential activity ensures that there is a 'people presence' on the site at all times, which in turn provides a feeling of safety and vitality for those using the area. This feeling of safety and vitality is especially important for Matiatia as it will create a positive environment for visitors arriving on Waiheke and for residents using the ferry services.

The built environment of a mixed use development is very important as the buildings create a 'sense of place' and entice people to use the activities located within the area. To ensure that buildings are attractive, inviting and maintain the landscape character of Matiatia, buildings within the mixed use area require consent as a restricted discretionary activity. The restricted discretionary activity consent process also provides the opportunity to assess applications for buildings in order to ensure that they will not have an adverse effect on the urupa at Matiatia.

The development platform for the mixed use activity is placed over Ocean View Road and the existing carparking areas. This is so that buildings can be located in these areas if it is found to be necessary and if road stopping procedures have been undertaken.

Carparking and other transport infrastructure have also been provided for within this area in recognition that these activities are vital to the transport role of the land unit. It is, however, recognised that the final form of these activities and the road will need to be determined in conjunction with the final form of the mixed use development.

The amount of activity provided for in the mixed use development has been set at a level, by the threshold controls, which can be serviced in terms of water supply and wastewater disposal. Wastewater from the mixed use development will be treated and disposed of by the Owhanake wastewater treatment plant located on the upper

PART 1 - INTRODUCTION AND STRATEGIC DIRECTION»Chapter B: Regional Policy Statement - Kupu Kaupapa ā-Rohe»5 Addressing issues of significance to Mana Whenua - Ngā take matua a ngā Ahikā-roa mai i tawhiti»

5.4 Protection of Mana Whenua culture and heritage

Objectives

1. The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.
2. The relationship of Mana Whenua with their cultural heritage is provided for.
3. Mana Whenua cultural, spiritual and historical values associated with their cultural landscapes are recognised, protected and enhanced.
4. The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.
5. Mana Whenua cultural heritage and related sensitive information and management approaches are respected.

Policies

1. The council will work with Mana Whenua to develop a methodology for identifying, researching and assessing unscheduled sites and places of significance to Mana Whenua that will be nominated for scheduling.
2. Schedule Mana Whenua cultural heritage where it can be demonstrated it is of significance to Mana Whenua.
3. Identify and protect the values of Mana Whenua cultural heritage using one or more of the following criteria to support scheduling:
 - a. Mauri
Ko te mauri me te mana o te wāhi, te taonga rānei, e ngākaunuitia ana e te Mana Whenua

The mauri (life force and life-supporting capacity) and mana (integrity) of the place or resource holds special significance to Mana Whenua.
 - b. Wāhi tapu
Ko tērā wāhi, taonga rānei he wāhi tapu, arā, he tino whakahirahira ki ngā tikanga, ki ngā puri mahara, o ngā wairua a te Mana Whenua

The place or resource is a wāhi tapu of special, cultural, historic, metaphysical and or spiritual importance to Mana Whenua.
 - c. Kōrero Tūturu/historical
Ko tērā wāhi e ngākaunuitia ana e te Mana Whenua ki roto i ōna kōrero tūturu

The place has special historical and cultural significance to Mana Whenua.
 - d. Rawa Tūturu/customary resources
He wāhi tērā e kawea ai ngā rawa tūturu a te Mana Whenua

The place provides important customary resources for Mana Whenua.
 - e. Hiahiatanga Tūturu/customary needs
He wāhi tērā e eke ai ngā hiahia hinengaro tūturu a te Mana Whenua

The place or resource is a venue or repository for Mana Whenua cultural and spiritual values.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- f. Whakaaronui o te Wa/contemporary esteem
He wāhi rongonui tērā ki ngā Mana Whenua, arā, he whakaahuru, he whakawaihanga, me te tuku mātauranga

The place has special amenity, architectural or educational significance to Mana Whenua.

4. Protect the values and associations of Mana Whenua with their sites and places of significance or value, which are identified in the Unitary Plan, where subdivision, use and development may result in the loss or degradation of those values and associations by avoiding:
 - a. the destruction in whole or in part of the site or place and its extent
 - b. adverse cumulative effects on the site or place
 - c. adverse effects on the location and context of the site or place
 - d. the lack of assessment of and provision for mātauranga and tikanga Māori when making decisions
 - e. significant adverse effects on the values and associations Mana Whenua have with the site or place.
5. Recognise, enhance and protect Mana Whenua values associated with their cultural landscapes by developing an agreed methodology to:
 - a. identify and record, assess and map the values within a spatial context in accordance with tikanga and mātauranga Māori
 - b. determine the most appropriate mechanisms to recognise, enhance and protect Mana Whenua values and associations
 - c. prioritise areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage such as the coastal and freshwater environments, and areas subject to structure planning.
6. Provide opportunities to reflect the context provided by Māori cultural landscapes in public open space.
7. Manage the impact on unidentified sites and places of significance to Mana Whenua that are uncovered during subdivision, use and development by:
 - a. requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin
 - b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori
 - c. undertaking appropriate measures to avoid adverse effects.
8. Recognise that Mana Whenua are specialists in determining their values and associations with their cultural heritage.
9. Recognise that Mana Whenua cultural heritage may be significant to whānau, hapū or iwi.
10. Enable Mana Whenua to practice their customs and traditions in relation to their cultural heritage by having regard to cultural impact assessments undertaken during a resource consent and during the exercise of accidental discovery protocols.
11. Require a cultural impact assessment where subdivision, use or development may affect Mana Whenua cultural heritage.
12. Adopt a precautionary approach where structure planning is required by undertaking a Maori cultural landscape assessment, with Mana Whenua to:
 - a. identify Mana Whenua values associated with the landscape
 - b. identify sites and places that are suitable to schedule for their Mana Whenua cultural heritage values as part of a future plan change

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- c. reflect Mana Whenua values.
13. Encourage best practice in the provision of infrastructure in areas near the coast and around natural waterways and bush environments because of the known historic settlement and occupation patterns of the tupuna of Mana Whenua.
14. Recognise that some information surrounding the values and associations of Mana Whenua to their cultural heritage may be sensitive and put a site or place at risk of destruction or degradation, meaning it may not be appropriate to make it public.
15. Develop, together with Mana Whenua the knowledge base and methods, systems and protocols for recording, managing and protecting information relating to Mana Whenua cultural heritage.
16. Recognise that information may be held in various forms and may be in Te Reo Māori in accordance with the tikanga of the iwi or hapū.

Methods

Methods identified within section 5.1, 5.2, 5.3 and the following:

Regulatory

Unitary Plan:

- Overlay objectives, policies and rules for sites and places of significance to Mana Whenua and for sites and places of value to Mana Whenua.
- General Provisions for Mana Whenua Cultural Heritage: Accidental Discovery Protocols and Information Requirements.

Other

- Mana Whenua cultural heritage plan change
- Memoranda of understanding between the council, Mana Whenua and heritage protection agencies on processes for identifying and protecting Mana Whenua cultural heritage.

Non-regulatory

Non-Statutory layers, plans and strategies

- Information Management Protocols
- Road Naming Guidelines.

Monitoring and information gathering

- Identifying archaeological sites of Māori origin.
- Development and continual update of methods for the identification and protection of Mana Whenua cultural heritage and the values associated with cultural landscapes
- Partnerships with Mana Whenua to identify and protect Mana Whenua cultural heritage, including through a future plan change
- Ongoing work to identify and map the Mana Whenua values associated with cultural landscapes using GIS tools.

Funding and assistance

- Funding for further investigation and scheduling of Mana Whenua cultural heritage, including funding of

The Proposed Auckland Unitary Plan (notified 30 September 2013)

specialist input from Mana Whenua

- Funding for a plan change to schedule additional Mana Whenua cultural heritage
- Heritage acquisition fund.

Explanation and reasons

The approach to Mana Whenua cultural heritage addresses the multiple levels of Mana Whenua cultural heritage, incorporates the provisions of Policy 2 of the NZCPS and applies a precautionary approach where information is lacking but protection is warranted. Sites and places where the significance has been identified are protected through the Sites and Places of Significance to Mana Whenua overlay. Protection is also provided to sites and places where the presence of Mana Whenua cultural heritage has been confirmed and where Mana Whenua values exist through the Sites and Places of Value to Mana Whenua overlay. These values need to be recognised and provided for, but their significance has not yet been assessed in detail. Cultural landscape assessments are required for areas subject to structure planning to build the knowledge base and to identify additional sites that warrant protection. Cultural impact assessments are required for resource consent applications where Mana Whenua values are affected including archaeology of Māori origin where council information confirms the location. Accidental discovery protocols based on Mana Whenua values are provided for the unexpected discovery of archaeology or artifacts of Māori origin.

For reasons such as limited investment, cultural sensitivities and mismanagement of information in the past, very little Mana Whenua cultural heritage has been scheduled despite the large number of Mana Whenua groups with strong associations to Auckland. The council has a statutory responsibility, through Part 2 of the RMA, to protect Mana Whenua cultural heritage from inappropriate subdivision, use and development. These policies recognise this council's responsibilities under the NZCPS (Objective 3, Policies 2 and 15) to employ a collaborative approach with Mana Whenua, working in accordance with tikanga to identify, assess, protect and manage Mana Whenua cultural heritage including Māori cultural landscapes. Māori cultural landscapes, which provide the context for individual sites and places, are the footprint/tapu wae of Mana Whenua and will be identified in the Unitary Plan.

The knowledge base of information surrounding Mana Whenua cultural heritage is continually developing and tools that provide a form of protection and inform subdivision, use and development while respecting Mana Whenua protocols, are increasingly valuable. An improved knowledge base helps reduce the risk of damage, enables development that properly reflects the values associated with the context of an area, informs land owners and applicants of the characteristics of their site, and helps to avoid major time and cost implications to applicants when development is halted by accidental discovery.

The use of tools to identify unscheduled sites and places of significance to Mana Whenua where the locations have been confirmed and areas where there is a high potential for accidental discovery, is consistent with Policy 2 of the NZCPS.

Annexure H to Evidence of Max Dunn

The Proposed Auckland Unitary Plan (notified 30 September 2013)

PART 2 - REGIONAL AND DISTRICT OBJECTIVES AND POLICIES»Chapter D: Zone objectives and policies»5 Coastal zones»

5.3 Mooring zone

Zone description

Auckland has a large number of recreational vessels, and the number is likely to increase as Auckland's population grows. Recreational boating is a popular activity in Auckland, particularly in the Hauraki Gulf, and the mooring of vessels needs to be provided for in appropriate locations.

Many recreational vessels are permanently stored in the CMA, either in marinas or on moorings. While moorings enable recreational use of the CMA, individual moorings and groups of moored vessels can have adverse effects on the environment, particularly on natural character, landscape, visual and amenity values. Leaching from boat hulls can have adverse effects on water quality and ecological values.

Moorings can affect other recreational use of the CMA, including limiting the water space available for vessels to anchor at popular boating destinations. Moorings can also limit the areas where vessels can anchor to shelter from bad weather.

To consolidate moorings in appropriate areas a number of Mooring zones have been identified around Auckland's coast. Most Mooring zones are within the Hauraki Gulf, reflecting the high recreational boat use of the Gulf. Enabling the mooring of vessels within a Mooring zone ensures the efficient use of the coast by:

- concentrating moorings in suitable areas and avoiding a proliferation of moorings around the coast
- reducing conflict with other users of coastal space
- reducing pressure on areas with high natural values
- enabling the strategic planning and provision of land-based facilities such as dinghy racks, parking and boat ramps.

Note: The day-to-day management of moorings within a Mooring zone is managed by the Harbourmaster's office with reference to the Navigation Safety bylaw.

Objectives

[rcp]

1. Vessels are moored in appropriate locations in the CMA to avoid, as far as practicable, adverse effects on natural character, landscape, navigational safety, commonly used safe anchorage areas, recreational activities and amenity values.
2. The use of mooring space within a Mooring zone is maximised.
3. The use of a Mooring zone is enhanced by the provision of land-based facilities in appropriate locations.

Policies

[rcp]

1. Avoid moorings or Mooring zones being located:
 - a. within Significant Ecological Area - Marine 1 area
 - b. where they would have an adverse effect on any Outstanding Natural Feature
 - c. within an Outstanding Natural Character or High Natural Character area
 - d. where they would have an adverse effect on historic heritage values.
2. Avoid moorings or Mooring zones in areas:

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- a. where they will restrict opportunities for safe anchorage in strategic locations
 - b. that are commonly relied upon for safe anchorage during adverse weather conditions
 - c. that are popular cruising destinations used by the general public.
3. Determine the appropriateness of moorings outside a Mooring zone by also taking into account whether:
- a. there is a Mooring zone with available space in proximity to the proposed mooring location
 - b. there is a functional need for a mooring outside of a Mooring zone, and the ability to access the property from land
 - c. it can be demonstrated that short-term anchorage, as opposed to a permanent mooring, is not a practicable option
 - d. the proposed method of mooring is the most appropriate, taking into account the particular location, the extent of water space that will be occupied and the level of impact on other users
 - e. the navigation and safety of other vessels, or other lawful use of the CMA, will be adversely affected
 - f. land-based vessel storage is a practicable option
 - g. it will limit public access to and along the CMA.
4. Require proposals for moorings, or a new Mooring zone, to demonstrate that the location is suitable in terms of wave, tide, and wind conditions, particularly during storms.
5. Encourage the provision of land-based facilities in appropriate locations that support the use of a Mooring zone, such as boat ramps, dinghy storage, toilets and wastewater pump- out stations.
6. Discourage the use of a vessel as a dwelling within a Mooring zone.
7. Require existing moorings outside of a Mooring zone to either obtain a resource consent for the mooring, or for the mooring to be removed.
8. Encourage the shared usage of moorings.
9. Manage a Mooring zone to:
- a. concentrate moorings
 - b. consolidate moorings by progressively replacing swing moorings with bow and stern moorings where this is practicable
 - c. maximise the opportunities for the use of water space by other recreational activities
 - d. make provision for safe anchorage.
10. Avoid structures that will limit the ability to moor vessels in a Mooring zone.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

PART 2 - REGIONAL AND DISTRICT OBJECTIVES AND POLICIES»Chapter D: Zone objectives and policies»5 Coastal zones»5.1 General Coastal Marine zone»

5.1.1 Drainage, reclamation and declamation

Background

Large areas of Auckland's coast have been reclaimed and/or drained in the past in order to enable the development of the port and airport, provide land areas adjacent to marinas, and to construct roads and create farmland.

Reclamation and drainage in the CMA may sometimes be necessary to enable activities that have a functional need to locate on the coast and to provide for significant infrastructure and marine related activities. The repair and upgrade of existing reclamations and seawalls may also be necessary. However reclamation and drainage can have potentially significant and often irreversible adverse effects on natural character, coastal processes, habitats and ecosystems.

Declamation of land can have adverse effects on natural character, water quality, ecological values and coastal processes. The adverse effects from declamation, if undertaken in an appropriate location, and at an appropriate scale, may be offset by the enhanced public access and social and economic opportunities provided by extending water access.

Declamation of reclaimed land in the CMA can provide benefits to natural character, habitat and ecosystems, as well as community benefits, such as a greater level of access to water space.

Objectives

[rcp]

1. The adverse environmental effects of reclamation, drainage or declamation on the CMA are avoided, remedied, or mitigated.
2. The natural character, ecological values and natural coastal processes of the CMA are not adversely affected by inappropriate reclamation, drainage or declamation.
3. Public access, amenity and Mana Whenua values are not adversely affected by inappropriate reclamation, drainage or declamation.

Policies

[rcp]

1. Avoid reclamation and drainage in the CMA except where all of the following apply:
 - a. the reclamation, or purpose for which it is required, will provide significant public, regional or national benefit
 - b. the reclamation or drainage is necessary to enable the construction and/or efficient operation of infrastructure, including but not limited to, ports, marinas, airports, roads, pipelines, electricity transmission, railways, ferry terminals, and electricity generation, where they comply with other relevant policies
 - c. there are no reasonably practicable alternative methods of providing for the activity, including locating it on land outside the CMA
 - d. efficient use will be made of the CMA by using the minimum area necessary to provide for the proposed use, or to enable drainage
 - e. a scheduled historic heritage place or a site or place of significance to Mana Whenua is not adversely affected
 - f. significant adverse effects (including cumulative effects) on the GCM zone are avoided.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

2. Provide for reclamation and works that are necessary to enable the repair and upgrade of existing reclamations and seawalls.
3. Require proposals for reclamation to mitigate effects through the form and design of reclamation as far as practicable, taking into account:
 - a. the shape of the reclamation, and the extent to which the materials used are visually compatible with the adjoining coast
 - b. the ability to avoid consequential changes to coastal processes, including erosion and accretion.
4. Require the design of reclamations to take into account the potential effects of climate change, including sea level rise, over 100 years.
5. Maintain and where possible enhance public access to and along the CMA to the extent practicable in providing for reclamation, declamation and drainage, having regard to:
 - a. the purpose and proposed use of the area
 - b. whether a restriction on public access is necessary for public health, safety or operational reasons
 - c. the ability to remedy or mitigate any loss of public access.
6. Require an esplanade reserve or strip to be included on reclaimed or drained areas of the CMA, unless a restriction on public access is appropriate.
7. Avoid using contaminated materials in reclamation, unless any contaminants are contained in a way that will result in no more than minor adverse effects on water quality, aquatic ecosystems and indigenous biodiversity in the CMA.
8. Assess whether authorising past unlawful reclamation or drainage in the CMA is appropriate having regard to:
 - a. the extent of social or economic benefit provided to the public, including whether it is necessary to enable the operation of infrastructure
 - b. whether there will be more significant adverse effects resulting from the works required to restore the area than from retaining the reclamation or drained area
 - c. the extent to which the removal of the reclamation or reinstatement of the drained area is practicable.
9. Provide for the declamation of reclaimed land where it would:
 - a. restore the natural character and resources of the CMA, or
 - b. provide for better public access or greater open water space, or
 - c. provide for the efficient operation of nationally and regionally significant infrastructure.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Annexure J to Evidence of Max Dunn

The Proposed Auckland Unitary Plan (notified 30 September 2013)

PART 2 - REGIONAL AND DISTRICT OBJECTIVES AND POLICIES»Chapter E: Overlay objectives and policies»5 Mana Whenua»

5.2 Sites and Places of Value to Mana Whenua

Overlay description

The Sites and Places of Value to Mana Whenua overlay identifies sites and places where the presence of Mana Whenua cultural heritage has been confirmed, but their significance has not yet been assessed in detail. These may include sites and places identified within the New Zealand Historic Places Trust register. These sites and places are protected as they are of Māori origin and may contain Mana Whenua values which must be recognised and provided for. Where there is sensitive information regarding the values of the sites and places, special protocols agreed with Mana Whenua will outline the management of this information.

Objective

[rcp/dp]

1. The tangible and intangible values of sites and places of value to Mana Whenua are protected and enhanced.

Policies

[rcp/dp]

1. Require a cultural impact assessment where the location of sites and places of value to Mana Whenua have been confirmed and where existing information indicates a likelihood of their disturbance or effects on their values.
2. Avoid adverse effects on the values of sites and places of value to Mana Whenua.
3. Require subdivision and earthworks to:
 - a. avoid adverse effects on the values and associations of Mana Whenua with their sites and places of value
 - b. incorporate mātauranga, tikanga and Mana Whenua values
 - c. incorporate the outcomes articulated by Mana Whenua through consultation, within cultural impact assessments and within iwi planning documents.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

The land based facilities requiring consent under the ODP are either controlled, restricted discretionary or discretionary activities, except for the boardwalk landing and earthworks on the historic reserve, that are non-complying activities.

Non Complying Activity Test

Section 104D (1) of the RMA imposes a special 'gateway' test on all non-complying applications. They must meet either limb (a) or limb (b). Limb (a) requires that the 'adverse effects of the activity on the environment be minor', whilst limb (b) requires the activity 'not be contrary to the objectives or policies of the relevant plan'. If a non-complying application does not meet one of the alternate tests in Section 104D then it must be declined and does not fall for wider consideration under Section 104, Part 2 and the other provisions of the RMA.

The proposed reclamation and earthworks on the historic reserve will, subject to the imposition of the effects avoidance and mitigation measures outlined earlier in this report and the related consent conditions, have 'no more minor' effects. Neither of these activities will be contrary to the regional and district plan objectives or policies, as generally outlined in this report.

4.11 Hauraki Gulf Maritime Park Act

The proposed marina is within the area subject to the Hauraki Gulf Maritime Park Act (2000). The primary purpose of the Act in Section 3a is:

"To integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands and catchments".

The Act provisions generally augment those of the Resource Management Act and the NZ Coastal Policy Statement. Of particular relevance are the following subsections of Section 8 that require the management of the Hauraki Gulf to recognise matters of national significance:

The protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments;

The protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources;

The maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people of the Hauraki Gulf and New Zealand.

As outlined in Section 3 the proposed marina will protect and enhance the natural historic and physical resources of the Gulf and is consistent with these and other provisions in the Act.

4.12 Other Matters

The following non RMA based plans are relevant to the marina project:

- Matiatia Directional Plan 2008
- Matiatia Transportation Plan 2009
- Auckland Transport Plan 2009

- Auckland Regional Land Transport Strategy 2010
- Auckland Regional Public Transport Plan 2010
- Hauraki Gulf State of the Environment Report 2011
- Auckland Plan 2012

4.12.1 Matiatia Directional Plan

In 2008 the former Auckland City Council engaged a group of consultants to prepare a Matiatia Directional Plan. Council records indicate that the plan was intended to provide a 20 year vision for the future development of the Matiatia area as a destination, gateway and transport hub. Different 'traffic management options' and 'development axes' were investigated and a 'schematic site overview' was proposed.

The draft plan was presented to the former Waieke Community Board in June 2009. Council staff have indicated that the plan is still in draft form.

4.12.2 Matiatia Transportation Plan

The Matiatia Transportation Plan was initiated in 2009. Council records indicates it was developed initially to address transport operational issues but it was expanded to include long term transportation needs in line with the outcomes of the draft Matiatia Directional Plan. The records indicate that the draft plan identifies a number of short term actions to enable better operation of the existing parking areas and improved pedestrian safety.

The draft plan was also considered by the former Waieke Community Board in June 2009. Council staff have also indicated that the plan is still in draft form.

4.12.3 Auckland Transport Plan

The Auckland Transport Plan 2009 (ATP) was prepared by the former Auckland Regional Transport Authority (ARTA). The plan contains four chapters, a number of appendices, figures, maps and tables. The plan is 10 year forward planning document that *"brings together projects to implement the transport policies of the government and region"* It includes a number of key projects including electrification of the rail network and an integrated ticketing system for public transport.

Chapter 2 – Implementation Plan 2009-2019, includes a section on public transport. The Waiheke Island ferry services and in particular the Matiatia ferry terminal is not mentioned. The plan does however refer to *"additional ferry terminals and services to provide additional capacity for connectivity by sea."* No specific Waiheke Island based projects are listed in the Section 2.3 –Ten Year Plan.

Chapter 4 – ATP Progress contains tables of 'strategic area' focus and outcomes. Table 11-Isthmus lists twelve focus and outcomes. None of them directed at Waiheke Island and in particular ferry services to and from the Matiatia area.

4.12.4 Auckland Regional Land Transport Strategy

The Regional Land Transport Strategy 2010-2040 (RLTS) was produced by the former Auckland Regional Council (ARC) in April 2010. The report has six chapters and several appendices.

Chapter 2 – Vision identifies four public transport service ‘layers’; being a Rapid Transit Network (RTN), a Quality Transport Network (QTN), a Local Connector Network (LCN) and Targeted Services (TS).

Chapter 4 –The Strategy refers to the QTN as being *“a network of fast high frequency and high quality public transport operating between centres...including some ferry services.”* The Waiheke Island ferry services are considered to be part of the QTN.

Section 4.7.3- Role of Public Transport, notes that in 2006 public transport accounted for 3.9% of all trips but this is expected to increase to 10.3% by 2040. It highlights the importance of ferries both currently and in the future noting they are able to move large numbers of people between population centres.

Appendix F - Public Transport Service Guidelines sets out the minimum service level guidelines for RTN, QTN and LCN services. In respect of QTN bus and ferry ‘reliability and punctuality’ 99.9% of services are expected to be operated as scheduled and 95% within 5 minutes of schedule.

4.12.5 Auckland Regional Public Transport Plan

The Auckland Regional Public Transport Plan 2010 (ARPTP) was prepared by ARTA in June 2010. The plan has seven chapters and related appendices. It was prepared under the Public Transport Management Act 2008 and *“specifies the public transport services which ARTA proposes for the region and the policies which apply to those services.”*

Chapter 3 -Transforming Strategic Context, outlines a number of initiatives to improve the network. Section 3.2.5 - Improving the Infrastructure, has a ‘ferry’ component that lists three new or enhanced ferry terminals. Matiatia is not one of them. However this same section does note the importance of the existing infrastructure and need for progressive improvements. It states;

“A comprehensive integrated passenger transport system must be supported by infrastructure to make passenger transfers easy and to provide reliable travel times”.

It goes on to note:

“Transport interchange facilities at RTN stations and major nodes on the QTN will facilitate passenger transfer by reducing transfer distance and time, providing a safer environment for waiting and passenger movements and giving access to transport information and trip planning help.”

The Matiatia wharf and ferry terminal is a major QTN node. It is connected to the LCN of buses, taxis and other services.

Chapter 4 – Public Transport Objectives, identifies twelve objectives that in intended *“to underpin the RLTS and support the strategic direction for public transport....”*. Ferry services and in particular those serving Waiheke Island, are not specifically mentioned but are indirectly part of or linked to several of the objectives. Of particular note are Objective 2 *“an integrated network of services that makes interchange between and within modes easy”* and Objective 9 *“a high standard of transport infrastructure”*. The explanation to the latter objective refers to *“... well designed and well maintainedferry terminals....”*.

Chapter 5 - Policies & Actions has more detailed provisions and includes the following references to ferry services:

5.1- Network Structure

Policy 1.5 -“Improved access toferry terminals” with three ‘actions’ noted; and

Policy 1.10 –“Services to Hauraki Gulf Islands and...” with three actions, including “facilitate ferry services to Hauraki Gulf Islands.”

Many of the other Chapter 5 policies and actions are directly applicable to the ferry and other public transport services that are based at Matiatia. These include Policy set 5.2- Network Integration, which include the current ferry, bus and park and ride services. Policy set 5.4 –Service Reliability, and Policy set 5.9 – Infrastructure are also relevant.

Appendix 3 – Detailed Service Descriptions, contains information on the current Waiheke island ferry services, including their ‘frequency’ and ‘service period’.

4.12.6 Hauraki Gulf State of the Environment Report

The Hauraki Gulf State of the Environment Report (2011) was produced by the Hauraki Gulf Forum. The forum was established under the Hauraki Maritime Park Act and is made of representatives of local and regional Councils, central government (DoC, Maori Affairs, and Ministry of Fisheries) and tangata whenua. It has a full time manager and has published a number of reports on implementing the Act.

The State of the Environment Report is the first of the required tri-annual reports directed at identifying “*progress on towards integrated management and responses to prioritised strategic issues*”. The report has seven chapters along with a Chairman’s forward and executive summary.

Chapter 3 - The Gulf, contains current and historical trend information on the features and values of the gulf, much of which is relevant to the marina project. Of particular note are the sections on geology, currents and circulation sediments, reefs and the gulf ecosystem. Some of the information in this section is cited in the Poynter ecology report.

Chapter 4 - Environmental Indicators, also has a lot of valuable information and assessments on nutrient inputs, sedimentation, water quality, fisheries, and biodiversity that are relevant to the marina project. As above some of this information and assessment work is cited in the Poynter report. Section 4.10 - Coastal Development notes, at the beginning, amongst the factors affecting coastal development “*modification of natural coastline through reclamation and construction of marinas*”. The rest of this tends to focus on the pressure on the surrounding catchments from residential development, loss of camping grounds and other factors.

Chapter 5 - Research Gaps & Opportunities, Chapter 6 – Tangata Whenua and Chapter 7 - Response to Strategic Issues, contain a number of valuable insights and initiatives. Section 7.10 – Coastal Development, highlights the cumulative impact of development on the gulf ecology and landscapes. It also refers to relevant RMA based plans and the proposed Auckland Spatial Plan.

4.12.7 Auckland Plan

The Auckland Plan was produced in accordance with provisions in the Local Government Act that require the Auckland Council produce a ‘spatial’ to guide future growth and development of the area over the next 30 years. The plan is intended to make Auckland ‘an even better place than it is now and create the world’s most liveable city’. It was adopted by the Council after a process of community consultation, in March 2012.

Map 7.2 - Significant Recreation and Public Open Space Areas, identifies the inner Hauraki Gulf area including the waters around Waiheke Island as a place of 'high maritime recreational use for sailing and boating'.

Chapter 5 - Auckland's Recreation and Sport, contains a number of relevant 'priorities'. These include Priority 3, "*Maximise the contribution of recreation and sport to Auckland's economic prosperity*". In this regard Clause 362 notes "*The recreational marine industry is another major contributor to our economy, with 60% of New Zealand's marine companies based in Auckland and contributing \$149 million to Auckland's GDP. Recreational boating, including kayaking, sailing and power boating, is expected to continue as a contributor to the Auckland economy.*"

Chapter 12 - Auckland's Physical and Social Infrastructure, has a number of relevant priorities, including Priority 2 "*Protect, enable, align, integrate and provide social and community infrastructure for present and future generations*". In the context of an Auckland-wide 'quality of life', Directive 12.8 seeks to "*Maintain and extend the public open space network, sporting facilities, swimming pools, walkways and trails, and recreational boating facilities in line with growth needs.*" The Matiatia marina project has been developed with due regard to the Auckland Plan. The marina will be located in an area of high recreational boating, it will support the economically important recreational marine industry, and it will help address current and future boat 'mooring' needs of the Hauraki Gulf.

4.13 Consultation & Consideration of Affected Parties

4.13.1 RMA Provisions & Consultation Overview

Schedule 4 to the Act lists a number of matters that should be included in an AEE. They include the following:

"identification of the parties affected by the proposal, the consultation undertaken, if any, and any response to the views of the any person consulted."

Consultation with 'affected' parties, along with those parties with interests in the project began in early 2009 and related to the earlier 2011 marina design.

During the 2009-2011 period a number of parties were contacted by email, letter and/or phone and a number of meetings held. Following withdrawal of the applications for the 2011 project a number of parties who raised concerns about the marina design in terms of ferry wakes, wave climate and boat navigation and safety were contacted and discussions held. Draft plans were developed and refined during 2012 and early 2013.

Appendix V contains copies of relevant correspondence from WML and its advisors, along with responses from some of the affected and interested parties over the four year period. The consultation process has focused on those parties who are considered to be 'affected' by the project. However effort has been made to contact a number of wider 'interested' parties as outlined in the rest of this section.

The record of consultation includes some relevant material from the earlier 2011 marina project. This is because the 2013 revised marina layout is similar in a number of respects, with the principal differences being the rock breakwaters and additional pile moorings for affected mooring holders.