



THE **PLANNING**
COLLECTIVE

Submission on Proposed Kaipara District Plan
Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Kaipara District Council** (via email: districtplanreview@kaipara.govt.nz)

1. SUBMITTER DETAILS

Name of Submitter: Environmental Defence Society Incorporated

This is a submission on the Proposed Kaipara District Plan.

Environmental Defence Society could not gain an advantage in trade competition through this submission.

2. HEARING OF SUBMISSION

Environmental Defence Society wishes to be heard in support of its submission and will consider presenting a joint case at a hearing with others if they make a similar submission.

Yours sincerely

Burnette O'Connor
The Planning Collective Limited
(*person authorised to sign on behalf of submitter*)

Date: 30 June 2025

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SUBMISSION

This submission relates to the Proposed Kaipara District Plan (**PKDP**) as a whole. As such, in terms of scope we reserve the right to provide further submissions or evidence on additional matters as necessary given the breadth of issues of interest the Environmental Defence Society (**EDS**) has and the interrelationships of submission points.

Overview

EDS is a public interest environmental organisation formed in 1971. The focus of its work is on achieving positive environmental outcomes by improving the quality of Aotearoa New Zealand's legal and policy frameworks and statutory decision-making processes.

Under s75(3) of the Resource Management Act 1991 (**RMA**), district plans must "give effect to":

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

In many key respects, the PKDP does not meet this legal requirement. The plan needs significant re-drafting to ensure that it gives effect to the National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**), the National Policy Statement for Freshwater Management 2020 (**NPS-FM**), the New Zealand Coastal Policy Statement 2010 (**NZCPS**) and the Regional Policy Statement for Northland and Northland Regional Plan.

EDS's submission is twofold:

1. To ensure that the PKDP gives effect to relevant national direction and regional planning instruments, and achieves the purpose of the RMA.
2. To ensure that areas of high environmental value in the Kaipara District area are appropriately protected, managed and restored.

EDS's more detailed submission is set out in Table A. In addition to the relief set out, EDS seeks any similar, consequential or alternative relief as necessary to address the issues raised in this submission, to ensure the PKDP:

- a. Promotes sustainable management of natural and physical resources;
- b. Is in accordance with Part 2 of the RMA;
- c. Fulfills Council's functions under the RMA; and
- d. Manages adverse effects on, and provides for the restoration and enhancement of, the environment in accordance with higher-order documents.

EDS request to be notified directly on the next stage of the PKDP.

Table A

Points for submission

| (1) The specific provisions of the Proposed Plan that my submission relates to are: | | (2) My submission is that: (include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views) | | (3) I seek the following decisions from Kaipara District Council. (Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.) |
|---|--|--|---|---|
| Chapter / Appendix / Schedule / Maps | Objective / policy / rule / standard / overlay | Oppose / support (in part or full) | Reasons | |
| Whole Plan and Part 1 – Introduction and general provisions | National Direction Instruments (General) | Oppose in part | <p>The PKDP must give effect to relevant National Policy Statements, National Environment Standards and National Planning Standards as stated in s75 of the RMA.</p> <p>All associated objectives, policies, rules and standards need to be worded in way that achieves and gives effects to this national direction.</p> <p>The provisions need to give effect to these national documents and be specific to Kaipara and the Strategic Direction to its assessment as a result.</p> | The PKDP be amended to give effect to national direction and regional planning instruments in a way specific to Kaipara. |
| Part 2 – District Wide Matters/ | VK – Vision for Kaipara (SD-VK-01 to SD-VK-08) | Oppose in full | As currently drafted, the objectives of the ‘Vision for Kaipara’ are not specific to the | There are interrelationships between the Vision and other Chapters. |

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| Strategic Direction | HH – Historic Heritage (SD-HH-01) | | <p>local area or local communities. They also do not give effect to national direction or regional planning instruments.</p> <p>The provisions are generically worded and do not reflect or respond to specific local issues or characteristics nor environmental values.</p> <p>The objectives and policies proposed do not flow through adequately to the zone provisions, and the wording of the objectives and policies is too generic and insufficiently directive.</p> <p>The objectives within the Vision for Kaipara section do not include any environmental values.</p> <p>Whilst each objective and its topic is of value in its own right, when combined, the objectives as a whole do not represent Kaipara as a District, its environmental values or the communities that live there.</p> <p>There are some clear omissions within this vision, including for greater specificity regarding each topic and the need for all objectives to be supported by policies</p> | <p>Financial Contributions should be a separate chapter as this is not part of the 'Vision'. Financial contributions are a mechanism that may be employed to assist with achieving the 'Vision'.</p> <p>The interrelationships need to be clearly identified, and the objectives and policies need to work together to achieve the overall Vision for Kaipara District.</p> <p>The Vision needs to recognise environmental values.</p> |
| | NE – Natural Environment (SD-NE-01 to SD-NE-03) | | | |
| | NH – Natural Hazards and Resilience (SD-NH-01) | | | |
| | TW – Tangata Whenua (SD-TW-01) | | | |
| | UFD – Urban Form and Development (SD-UFD-01 to SD-UFD-05), (SD-UFD-P1 to SD-UFD-P7) | | | |
| | FC – Financial Contributions (FC-01 to FC-04), (FC-P2 to FC-P8), (FC-R1), (FC-S1 to FC-S6) | | | |

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| | | | <p>stating how the objective is intended to be achieved.</p> <p>When the strategic direction is read in its entirety, including its objectives relating to Historic Heritage, Natural Environment, Natural Hazard and Resilience, Tangata Whenua, Urban Form and Development and Financial Matters the overall format is confusing with some topics only stating objectives, and others additionally relaying both policies and rules.</p> <p>As defined within the National Planning Standards (last updated 2022), <i>Chapter 7, (2) states that '2. Rules must not be included under the Strategic direction heading'</i>. This is clearly not the case currently, with Financial Matters currently listing Objectives, Policies, Rules and Standards.</p> <p>The chapter needs to be rewritten to improve the legibility and strategic direction for Kaipara in a way that is specific to the district.</p> | |
| Part 2 – District-wide matters / Natural | Entire Section (Ecosystems and Indigenous Biodiversity, | Oppose in part | Contrary to the NPS IB and NPS FM, the PKDP does not include mapped areas of significant indigenous vegetation and | The entire section be re-drafted to give effect to national direction and regional planning instruments. |

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| Environment Values | Natural Character, Natural Features and Landscapes, Public Access) | <p>significant habitats of indigenous fauna.</p> <p>The NPS-IB states (at Part 3, Subpart 2) Significant Natural Areas ‘SNA’s’ 3.8(1) that <i>‘every territorial authority must undertake a district-wide assessment of the land in its district to identify area of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNA’s’</i>.</p> <p>Without SNA mapping, it is not possible to state that the PKDP gives effect to national direction, or is the most effective or efficient way of achieving the principles and purposes of the RMA, including section 6(c) of the RMA.</p> <p>Relying on a future plan change does not address this issue.</p> <p>The requirements of the NPS-IB should be incorporated into the PKDP now so that associated objectives, policies, rules and standards can be drafted comprehensively to ensure that all SNA’s can be identified and protected, managed and restored as required.</p> <p>This requirement is equally referred to in the National Planning Standards at Chapter 7, Paragraph 19.</p> <p>This position equally refers to the National</p> | <p>The integrity of natural environment mapping is retained.</p> <p>Relevant objectives, policies, rules and standards to be reviewed to ensure planning outcomes are achieved which would not jeopardise the integrity of the natural environment in Kaipara.</p> |
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| | | | <p>Policy Statement for Freshwater Management 2020.</p> <p>It is noted that a series of other natural environment features are mapped within the PKDP. This includes ONL, ONF, HNC and ONC. This is supported, however, it is integral that these features should continue to be protected and not be diminished (unless the feature no longer exists or has diminished values meaning it no longer meets the required threshold).</p> <p>The Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes sections need to be re-drafted to give effect to national direction and the RMA. Throughout these sections the following specific issues arise:</p> <ul style="list-style-type: none"> • Subdivision should be referred to alongside use and development • Regulatory thresholds need to be strengthened. • The activity status of most activities needs to 'ratchet' up. • The ability to undertake earthworks and indigenous vegetation clearance should not be provided for annually. • Matters of control and discretion need to appropriately provide for the protection, management and | |
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| | | | <p>restoration of indigenous biodiversity and outstanding landscapes and features.</p> <p>There are clear omissions from the PKDP which do not provide for a clear policy framework overall with supporting rules and standards. This lack of framework risks the loss of important natural values which need to be protected for future generations. An example of how this could be addressed is to include provisions which offer the same or similar to Auckland Council's natural environment mapping.</p> <p>Please see Attachment 1 to this submission for reference. This includes the incorporation of:</p> <ul style="list-style-type: none"> • An activity table which refers to greater variety of activities pertaining to a particular topic (example; a greater breakdown of activities beyond just afforestation of commercial forestry). • A clearer reference to matters of discretion, which is otherwise currently linked to a policy (for example NFL-P6 in the PKDP). | |
| Part 2 – District-wider Matters / General District- | Entire Chapter | Oppose in part | The Coastal Environment as shown on the PKDP maps appears reflective of the operative coastal environment within the | The entire section be re-drafted to give effect to relevant national direction. |

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| Wide Matters / Coastal Environment | | | <p>Northland Regional Policy Statement. The incorporation of this mapping is supported.</p> <p>Under Chapter 7, Paragraph 28 of the NPS, there is a requirement to <i>‘provide cross-references to any other specific coastal provisions that may be located within other chapters’</i>. Whilst there is reference to the Natural Features and Landscape chapter, other chapters, such as the Eco-systems and Indigenous Biodiversity chapter have not been referred to – despite including a policy which specifically refers to biodiversity in the coastal environment (draft ECO-P1). requested seeks that the chapter is reviewed in line with the NPS – and more widely the requirements of s.75 of the RMA.</p> | Coastal environment mapping is aligned to the Northland Regional Policy Statement and is retained. |
| Mapping | Outstanding Natural Landscapes | Support | ONLs are mapped and appear to reflect PC1 of the Operative District Plan. | Retain mapped areas of Outstanding Natural Landscape. |
| Mapping | High Natural Character | Support | High Natural Character areas should continue to be protected and should not be diminished unless the feature no longer exists or has diminished values meaning it no long meets the threshold. | Retain the extent of High Natural Character areas. |

Attachment 1 – Auckland Unitary Plan Natural Environment Provisions

D10. Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay

PC 78 ([see Modifications](#))

[new text to be inserted]

D10.1. Background

These provisions give effect to Policy 15(a) of the New Zealand Coastal Policy Statement 2010, and the Regional Policy Statement objectives and policies in [B4.2](#) Outstanding natural features and landscapes.

The objectives and policies in this chapter apply to all activities undertaken in areas identified in the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, both above and below mean high water springs.

The factors in Policy [B4.2.2\(4\)](#) have been used to determine the features that have outstanding natural feature values. Areas with outstanding natural feature values are shown on the Plan maps and identified in [Schedule 6: Outstanding Natural Features Overlay Schedule](#).

The factors in Policy [B4.2.2\(1\)](#) have been used to determine the areas with outstanding natural landscape value. Areas with outstanding natural landscape values are shown on the Plan maps and identified in [Schedule 7 Outstanding Natural Landscapes Overlay Schedule](#).

The rules that apply to use and development in areas scheduled as outstanding natural landscapes are contained in [D11 Outstanding Natural Character and High Natural Character Overlay](#).

D10.2. Objectives [rcp/dp]

- (1) Auckland's outstanding natural features and outstanding natural landscapes are protected from inappropriate subdivision, use, and development.
- (2) The ancestral relationships of Mana Whenua with outstanding natural features and outstanding natural landscapes are recognised and provided for.
- (3) Where practicable the restoration and enhancement of outstanding natural features and outstanding natural landscapes, including in the Waitākere Ranges Heritage Area and the Hauraki Gulf /Te Moana-nui o Toi/Tīkapa Moana, is promoted.
- (4) Existing rural production activities are recognised as part of landscape values including in outstanding natural features and outstanding natural landscapes.

D10.3. Policies [rcp/dp]

- (1) Protect the physical and visual integrity of outstanding natural landscapes by:
 - (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to the values of the outstanding natural landscape;

- (b) maintaining the visual coherence and integrity of the outstanding natural landscape;
 - (c) maintaining natural landforms, natural processes and vegetation areas and patterns;
 - (d) maintaining the visual or physical qualities that make the landscape iconic or rare; and
 - (e) maintaining high levels of naturalness in outstanding natural landscapes that are also identified as outstanding natural character or high natural character areas.
- (2) Protect the physical and visual integrity of outstanding natural landscapes while taking into account the following matters:
- (a) the extent of anthropogenic changes to the natural elements, patterns, processes or characteristics and qualities;
 - (b) the presence or absence of structures, buildings or infrastructure;
 - (c) the temporary or permanent nature of any adverse effects;
 - (d) the physical and visual integrity and the natural processes of the location;
 - (e) the physical, visual and experiential values that contribute significantly to the natural landscape's values;
 - (f) the location, scale and design of any proposed development; and
 - (g) the functional or operational need of any proposed infrastructure to be located in the outstanding natural landscape area.
- (3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:
- (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values;
 - (b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and
 - (c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature.
- (4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters:
- (a) the value of the outstanding natural feature in its wider historic heritage, cultural, landscape, natural character and amenity context;

- (b) the educational, scientific, amenity, social or economic value of the outstanding natural feature;
 - (c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua;
 - (d) the extent of anthropogenic changes to the natural characteristics and qualities of the outstanding natural feature;
 - (e) the presence or absence of structures, buildings or infrastructure;
 - (f) the temporary or permanent nature of any adverse effects;
 - (g) the physical and visual integrity and the natural processes of the location;
 - (h) the physical, visual and experiential values that contribute significantly to the outstanding natural feature's values;
 - (i) the location, scale and design of any proposed subdivision, use or development; and
 - (j) the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.
- (5) Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.
- (6) Provide for appropriate rural production activities and related production structures as part of working rural and coastal landscapes in outstanding natural landscape and outstanding natural feature areas.
- (7) Encourage the restoration and enhancement of outstanding natural landscapes and outstanding natural features where practical, and where this is consistent with the values of the feature or area.

D10.4. Activity Table

Table D10.4.2 Activity table specifies the activity status for use and development in areas identified as outstanding natural features on land above mean high water springs pursuant to section 9(3) of the Resource Management Act 1991.

The rules that apply to use and development in outstanding natural features and outstanding natural landscape areas below mean high water springs are contained in Chapter F Coastal.

The rules that apply to use and development in outstanding natural landscape areas are contained in [D11 Outstanding Natural Character Overlay and High Natural Character Overlay](#).

The rules that apply to land disturbance activities in outstanding natural features and outstanding natural landscape areas are contained in [E12 Land disturbance - District](#).

The rules that apply to vegetation management in outstanding natural features and outstanding natural landscape areas are contained in [E15 Vegetation management and biodiversity](#).

The rules that apply to network utilities in outstanding natural features and outstanding natural landscape areas are contained in [E26 Infrastructure](#).

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

If any activity listed in rules (including standards) D10.4.2 to D10.6 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to the Outstanding Natural Features Overlay (“ONF”).

Where there is a rule in the plan that relates to an ONF then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to an ONF, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Table D10.4.1 Outstanding Natural Feature Code for activity tables applying to outstanding natural features

| Feature code | Feature Type | Brief Description |
|---------------------|---|---|
| A1 | Large landforms in working rural environments | Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact and which are currently used in working rural environments. |
| A | Large landforms | Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact. |
| V (V1 and V2) | Large volcanic landforms | V1: The publicly owned and mainly unmodified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields, including all areas zoned as open space. V2: The privately owned and partially modified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields. |
| B | Smaller more fragile landforms | Small landforms or other features that could be damaged or destroyed by relatively small-scale land disturbance or constructions. |
| C | Dynamic landforms and features | Landforms or features that rely on the continuation of natural physical processes beyond the feature for their continued existence such as shell spit, sand dune, and spring. |
| D | Exposures of geological material | Natural or man-made exposures that are sufficiently large and robust that small-scale land disturbance or rock sampling will have no significant impact, such as coastal cliffs. |
| E | Fragile exposures of | Small, natural or man-made exposures or high value portions of exposures that could be damaged or destroyed by small-scale, |

| | | |
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| | geological material | land disturbance, sampling or construction. |
| F (F1 and F2) | Caves | Caves, such as lava and sea caves and their entrances, may, depending upon their depth underground, be susceptible to damage from significant land disturbance or constructions above them, or from changes in their catchments. Caves are divided into interior areas within 5 metres of the entrance F1, and exteriors F2. |

Table D10.4.2 Activity table

| Activity | | Activity Status | | | | | | | | | |
|--------------------|--|-----------------|----|----|----|----|----|----|----|----|----|
| | | A1 | A | V1 | V2 | B | C | D | E | F1 | F2 |
| Development | | | | | | | | | | | |
| (A1) | Buildings and structures | P | RD | RD | RD | NC | NC | NC | NC | NC | RD |
| Use | | | | | | | | | | | |
| Rural | | | | | | | | | | | |
| (A2) | Farming not otherwise provided for in this table | P | P | P | P | P | P | P | P | P | P |
| (A3) | Grazing of sheep and goats | P | P | P | P | RD | RD | P | RD | NC | P |
| (A4) | Grazing of other stock | P | RD | RD | RD | RD | RD | RD | RD | NC | P |
| (A5) | Fences (post and wire) | P | P | RD | RD | RD | RD | RD | RD | NC | NC |
| (A6) | Fences (except post and wire) | RD | RD | RD | RD | RD | RD | RD | RD | NC | NC |
| (A7) | Existing forestry | P | P | P | P | RD | RD | RD | RD | NC | RD |
| (A8) | New forestry | P | RD | RD | RD | RD | RD | RD | RD | NC | RD |
| (A9) | Quarries – farm or forestry | Pr | Pr | Pr | Pr | Pr | Pr | Pr | Pr | Pr | Pr |

D10.5. Notification

- (1) Any application for resource consent for an activity listed in Table D10.4.2 Activity table 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\(4\)](#).

D10.6. Standards

There are no standards in this section.

D10.7. Assessment – controlled activities

There are no controlled activities in this section.

D10.8. Assessment – Restricted discretionary activities

D10.8.1. Matters of discretion

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

- (1) The nature, form and extent of proposed works.
- (2) Effects on the landscape values of the feature.
- (3) The degree of geological modification.
- (4) The need for, or purpose of, the proposed use or development
- (5) Alternative methods and locations.
- (6) Protection or enhancement of the feature.
- (7) Effects on Mana Whenua values.

D10.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below.

- (1) The extent to which the nature, form and extent of the proposed use or development adversely affects the criteria or values for which the feature was scheduled taking into account all of the following:
 - (a) whether the use or development will result in increased erosion, of the feature;
 - (b) whether the use or development will result in increased compaction or erosion of the feature, or changes to the vegetation will adversely affect the values for which the feature is scheduled;
 - (c) whether the use or development will result in ground disturbance or earthworks that will affect the values for which the feature is scheduled; and
 - (d) whether the use or development will interfere with natural processes associated with the feature.
- (2) The extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature.
- (3) The extent to which the proposed use or development will cause any significant loss of geological value of a feature, taking into account the extent a feature has already been modified and whether further modification will cumulatively result in a significant loss of geological value.
- (4) The extent to which modification of a feature is necessary to provide for the proposed use or development and the proposed structure has a functional or operational need to be in the location proposed.

- (5) The extent to which the proposed use or development has a specific connection or relationship to the scheduled feature.
- (6) Whether there are alternative methods and locations available to undertake the use or development that will not affect a scheduled feature.
- (7) Whether any site/s resulting from a subdivision can be developed without adversely affecting the values for which the feature is scheduled.
- (8) The extent to which the proposed works will protect the feature from damage, such as providing for erosion protection, or remediate previous damage, excluding any damage resulting from the use or development itself.
- (9) The extent to which the proposed use or development will adversely affect Mana Whenua values.
- (10) The extent to which, having had regard to the objectives and policies in [E20 Māori Land](#), the proposed use and development provides for Mana Whenua, matauranga and tikanga values.

D10.9. Special information requirements

- (1) Any application for resource consent must be accompanied by a site plan showing the location of the Outstanding Natural Feature Overlay and the location of the proposed activity.

D11. Outstanding Natural Character and High Natural Character Overlay

D11.1. Background

These provisions give effect to Policy 13 of the New Zealand Coastal Policy Statement 2010, and to the Regional Policy Statement objectives and policies in [B8.2](#) Natural character.

The objectives and policies in this chapter apply to all activities undertaken in areas identified in the Outstanding Natural Character or High Natural Character Overlay, both above and below mean high water springs.

The factors in Policy [B8.2.2\(1\)](#) have been used to determine the areas of outstanding or high natural character value. Areas of outstanding natural character and high natural character value are shown on the Plan maps and identified in [Schedule 8 Outstanding Natural Character and High Natural Character Overlay Schedule](#).

The objectives and policies that apply to areas identified as outstanding natural landscapes are contained in [D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay](#). The rules that apply to use and development in areas scheduled as outstanding natural landscapes are contained in this section.

[new text to be inserted]

D11.2. Objectives [rcp/dp]

- (1) The natural characteristics and qualities of areas with outstanding natural character, or high natural character values are preserved and protected from inappropriate subdivision, use and development.
- (2) Where practical areas with outstanding natural character or high natural character values in the coastal environment, including areas in the Waitākere Ranges Heritage Area and the Hauraki Gulf/To Moana Nui o Toi/Tīkapa Moana, are enhanced.

D11.3. Policies [rcp/dp]

- (1) Subdivision, use and development in areas scheduled in [Schedule 8 Outstanding Natural Character and High Natural Character Overlay Schedule](#) must:
 - (a) avoid adverse effects on the natural characteristics and qualities that contribute to the natural character values of outstanding natural character areas;
 - (b) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects, on the characteristics and qualities that contribute to the natural character values of high natural character areas;
 - (c) maintain significant landforms and indigenous vegetation and habitats that are significant natural characteristics and qualities in outstanding natural character and high natural character areas, to protect the visual and biophysical linkages between areas, while taking into account:

- (i) the location, scale and design of the proposed subdivision, use or development;
- (ii) the extent of anthropogenic changes to landform, vegetation, coastal processes and water movement;
- (iii) the presence or absence of structures, buildings or infrastructure;
- (iv) the temporary or permanent nature of any adverse effects;
- (v) the physical and visual integrity of the area, and the natural processes of the location;
- (vi) the intactness of any areas of significant vegetation and vegetative patterns;
- (vii) the physical, visual and experiential values that contribute significantly to the wilderness and scenic value of the area;
- (viii) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks;
- (ix) the natural characteristics and qualities that exist or operate across mean high water spring and land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments; and
- (x) the functional or operational need for any proposed infrastructure to be located in the area.

- (2) Promote land use practices and restoration activities that will enhance the values of outstanding natural character and high natural character areas.

D11.4. Activity table

Table D11.4.1 Activity table specifies the activity status of use and development on land above mean high water springs for areas identified in [Schedule 7 Outstanding Natural Landscapes Overlay Schedule](#) and [Schedule 8 Outstanding Natural Character and High Natural Character Overlay Schedule](#) pursuant to section 9(3) of the Resource Management Act 1991.

PC 78 ([see Modifications](#))

The objectives and policies for scheduled outstanding natural landscapes are contained in [D10 Outstanding Natural Features Overlay and Outstanding Natural Character Overlay](#).

The rules that apply to subdivision, use and development activities on land below mean high water springs in scheduled outstanding natural landscape, outstanding natural character and high natural character areas, pursuant to section 12(1), (2), (3) of the Resource Management Act 1991, are contained in F Coastal.

The rules that apply to vegetation management in scheduled outstanding natural landscape, outstanding natural character and high natural character areas are contained in [E15 Vegetation Management and biodiversity](#).

The rules that apply to land disturbance activities in scheduled outstanding natural landscape, outstanding natural character and high natural character areas are contained in [E12 Land disturbance – District](#).

The rules that apply to use and development for infrastructure in scheduled outstanding natural landscape, outstanding natural character and high natural character areas are contained in E26 Infrastructure.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

If any activity listed in rules (including standards) D11.4.1 to D11.6.2 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Outstanding Natural Character Overlay;
- High Natural Character Overlay; or
- Outstanding Natural Landscapes Overlay.

Where there is a rule in the plan that relates to any of the above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Table D11.4.1 Activity Table

| Activity | | Activity Status | | |
|------------|--|------------------------|-------------------------------|-------------------------------|
| | | High Natural Character | Outstanding Natural Character | Outstanding Natural Landscape |
| Use | | | | |
| (A1) | Temporary activities, including construction and safety structures | P | P | P |
| (A2) | Demolition of buildings or structures | P | P | P |
| (A3) | Existing farming as at 30 September 2013 | P | P | P |
| (A4) | Existing forestry as at 30 September 2013 | P | P | P |
| (A5) | New forestry up to 2 hectares in area | P | NC | P |
| (A6) | New forestry over 2 hectares in area | RD | NC | RD |

| | | | | |
|--------------------|--|----|----|----|
| (A7) | Viticulture, including supporting structures for vines | P | P | P |
| (A8) | Landfills, managed fills and cleanfills | PR | PR | PR |
| Development | | | | |
| (A9) | Buildings and structures accessory to pastoral farming, cropping and other forms of rural land production that is not intensive farming (excluding dwellings) that meet Standard D11.6.2 | P | P | P |
| (A10) | Buildings and structures existing at 30 September 2013, and additions to existing buildings or structures, provided the addition is limited to one addition that meets Standard D11.6.2 | P | P | P |
| (A11) | Buildings and structures, including any additions that do not meet Standard D11.6.2 | RD | D | RD |
| (A12) | Buildings and structures including dwellings not provided for as a permitted activity | D | NC | D |
| (A13) | Antennas and aerials with a cross-sectional dimension that does not exceed 300mm | P | P | P |

D11.5. Notification

- (1) Any application for resource consent for an activity listed in Table D11.4.1 Activity table 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\(4\)](#).

D11.6. Standards

Activities listed as a permitted activity in Table D11.4.1 Activity table must comply with the following standards.

D11.6.1. Temporary activities, including construction and safety structures

- (1) Temporary activities, including construction and safety structures, must comply with the permitted activity standards in [E40 Temporary activities](#) and the provisions of any licence or permit required under the relevant bylaws.

D11.6.2. Buildings and structures accessory to pastoral farming, cropping and other non-intensive forms of land production (excluding dwellings) and additions to a building or structure existing at 30 September 2013

- (1) Buildings and structures accessory to pastoral farming, cropping and other forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a total gross floor area of:
 - (a) 50m² in areas scheduled in the High Natural Character Overlay;
 - (b) 25m² in areas scheduled in the Outstanding Natural Character Overlay; and
 - (c) 50m² in areas scheduled in the Outstanding Natural Landscape Overlay.
- (2) Buildings and structures accessory to pastoral farming, cropping and other forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must not exceed a maximum height of 5 metres.
- (3) No maximum height applies to road lighting, traffic and direction signs, road name signs, traffic safety and operational signals or traffic monitoring equipment, or the support structures for these activities.
- (4) Buildings and structures accessory to pastoral farming, cropping and other forms of rural land production that is not intensive farming (excluding dwellings) and additions to a building or structure existing at 30 September 2013, must have an exterior finish that has:
 - (a) a reflectance value of up to 30 per cent; and
 - (b) be within Groups A, B or C as defined within the BS5252 standard colour palette.
- (5) No exterior finish applies to traffic and direction signs, road name signs or traffic safety and operational signals, aerials operated by a network utility operator and associated fixtures, galvanised steel poles, and GPS antennas.

D11.7. Assessment – controlled activities

There are no controlled activities in these overlays.

D11.8. Assessment – Restricted discretionary activities

D11.8.1. Matters of discretion

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

- (1) Effects on the characteristics and qualities that contribute to the natural character and/or landscape values of the area.

- (2) The setback from mean high water springs.
- (3) Architectural elements and design, including height, bulk, colour, reflectivity and materials.
- (4) The cumulative effects of subdivision, use and development.
- (5) Landscape, visual and amenity effects.
- (6) Land instability, coastal erosion, coastal hazards and sea level rise.
- (7) Earthworks and modification to landform.
- (8) Vegetation clearance.
- (9) Mana Whenua values.
- (10) The mitigation of effects.

D11.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities.

- (1) Whether there are practicable alternative locations for the activity, building or structure outside of the overlay area.
- (2) Whether, taking into account the characteristics and qualities of the site, the activity, building or structure is located within an area that has the greatest potential to absorb change and minimise adverse effects on the landscape and/or natural character values.
- (3) Whether the proposed mitigation measures will ensure that there will be no more than minor effects on all of the following:
 - (a) amenity values or views, both from land and sea;
 - (b) landscape and natural character values; and
 - (c) people's experience and values associated with an area, including the predominance of nature and wilderness values.
- (4) Whether the siting of the activity, building or structure adversely affects the line and form of the landscape with particular regard to ridgelines, headlands and promontories.
- (5) Whether the activity, building or structure will be visually obtrusive from any public road or public place, including from beaches and the sea.
- (6) The extent to which the location, scale, height, design, external appearance and overall form of the building or structure is appropriate to the rural and coastal context, and the colours and material used for roofs, walls and windows is of low reflectivity and merges with the surrounding landscape.

- (7) Whether the activity, building or structure will result in adverse cumulative effects, having regard to other activities, buildings or use and development.
- (8) The extent of adverse visual or ecological effects from any earthworks, landform modification or vegetation removal associated with creating a building platform, driveways or other servicing requirements.
- (9) The extent to which the proposed building or structure will impact on Mana Whenua values.
- (10) Whether, having had regard to the objectives and policies in [E20 Māori Land](#) the building or structure is appropriate to provide for Mana Whenua, mātauranga and tikanga values.
- (11) New forestry over 2 hectares in area:
 - (a) whether new forestry over 2 hectares in area will create adverse effects on the characteristics and qualities that contribute to the values of the landscape.

D11.9. Special information requirements

There are no special information requirements for these overlays.

[\[new text to be inserted\]](#)

PC 78 ([see
Modifications](#))

D9. Significant Ecological Areas Overlay

D9.1. Background

Auckland's indigenous biodiversity is unique with a diverse range of ecosystems reflecting the complex physical environment of the region. Natural ecosystems and indigenous biological diversity contribute to the character and identity of Auckland and distinguish it from other regions of New Zealand.

Healthy and functioning ecosystems contribute to improved water quality, soil conservation and carbon sinks, as well as providing opportunities for our recreation, economic, and cultural use. However, development has resulted in the loss of habitats and a reduction of biodiversity. Urban expansion and development, changes in coastal and rural land uses, and the ongoing degradation from pest species continue to threaten the maintenance of indigenous biodiversity.

In order to protect and better provide for the management of areas that contribute significantly to Auckland's biodiversity it is important to spatially identify them as significant ecological areas, in accordance with [B7.2](#) Indigenous biodiversity. Significant ecological areas have been identified for terrestrial areas, and parts of the coastal marine area.

D9.1.1. Significant Ecological Areas – Terrestrial (SEA-T)

Significant Ecological Areas – Terrestrial are identified areas of significant indigenous vegetation or significant habitats of indigenous fauna located either on land or in freshwater environments. In order to maintain indigenous biodiversity these areas are protected from the adverse effects of subdivision, use and development.

PC 78 ([see Modifications](#))

[new text to be inserted]

[Schedule 3 Significant Ecological Areas – Terrestrial Schedule](#) identifies the factors used to determine Significant Ecological Areas – Terrestrial and the values of scheduled areas.

The management of vegetation and biodiversity outside of identified significant ecological areas is subject to the provisions in [E15 Vegetation management and biodiversity](#).

The management of fresh waterbodies and riparian margins are subject to the provisions of Section [E3 Lakes, rivers, streams and wetlands](#).

Objective E28.2.(2) is to be considered alongside Objectives D9.2.(1)-(3) in relation to Policy D9.3.(8A).

With respect to excavation of minerals in a Special Purpose – Quarry Zone, policy D9.3(8A) recognises that it is not practicable to avoid adverse effects on the values of a SEA at Brookby Quarry, which is shown in Figure E15.10.1 Brookby Quarry extent, and Drury Quarry (excluding SEA_T_5349), which is shown in Figure E15.10.2 Drury Quarry extent, and therefore these effects are required to be mitigated or offset.

D9.1.2. Significant Ecological Areas – Marine (SEA-M)

Significant Ecological Areas – Marine are identified areas of significant indigenous vegetation or significant habitats of indigenous fauna located in the coastal marine area.

[Schedule 4 Significant Ecological Areas – Marine Schedule](#) identifies the factors used to determine Significant Ecological Areas – Marine and the values of scheduled areas.

The following categories of significant ecological areas in the coastal marine area are identified in [Schedule 4 Significant Ecological Areas – Marine Schedule](#) and on the planning maps:

SEA-M: Significant Ecological Area – Marine

SEA-M1: Areas which, due to their physical form, scale or inherent values, are considered to be the most vulnerable to any adverse effects of inappropriate subdivision, use and development.

SEA-M2: Areas are of regional, national or international significance which do not warrant an SEA-M1 identification as they are generally more robust.

SEA-M1w, SEA-M2w: Areas that are identified as significant wading bird areas.

Coastal and marine ecosystems are subject to change, damage or destruction from inappropriate subdivision, use and development, as well as natural processes. The quality of the coastal environment is fundamentally determined by the presence of a diversity of ecosystems and by their ability to function as biological systems.

The management of indigenous biodiversity and marine ecosystems outside of scheduled significant ecological areas are subject to the objectives and policies in [E15 Vegetation management and biodiversity](#), and to the vegetation management provisions in Chapter F Coastal.

D9.1.3. Rules for significant ecological areas

The rules that apply to Significant Ecological Areas – Terrestrial are contained in:

- [E3 Lakes, rivers, streams and wetlands](#) (overlay rules);
- [E15 Vegetation management and biodiversity](#) (overlay rules);
- [E11 Land disturbance - Regional](#) (overlay rules); and
- [E26 Infrastructure](#) (overlay rules).

The rules that apply to Significant Ecological Areas – Marine are contained in:

- Chapter F Coastal (rules are through various activity sections).

D9.2. Objectives [rcp/rp/dp]

- (1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.
- (2) Indigenous biodiversity values of significant ecological areas are enhanced.
- (3) The relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.

D9.3. Policies [rcp/rp/dp]

Managing effects on significant ecological areas – terrestrial and marine

- (1) Manage the effects of activities on the indigenous biodiversity values of areas identified as significant ecological areas by:
 - (a) avoiding adverse effects on indigenous biodiversity in the coastal environment to the extent stated in Policies D9.3(9) and (10);
 - (b) avoiding other adverse effects as far as practicable, and where avoidance is not practicable, minimising adverse effects on the identified values;
 - (c) remedying adverse effects on the identified values where they cannot be avoided;
 - (d) mitigating adverse effects on the identified values where they cannot be avoided or remediated; and
 - (e) considering the appropriateness of offsetting any residual adverse effects that are significant and where they have not been able to be mitigated, through protection, restoration and enhancement measures, having regard to [Appendix 8 Biodiversity offsetting](#).
- (2) Adverse effects on indigenous biodiversity values in significant ecological areas that are required to be avoided, remedied, mitigated or offset may include, but are not limited to, any of the following:
 - (a) fragmentation of, or a reduction in the size and extent of, indigenous ecosystems and the habitats of indigenous species;
 - (b) fragmentation or disruption of connections between ecosystems or habitats;
 - (c) changes which result in increased threats from pests on indigenous biodiversity and ecosystems;
 - (d) loss of buffering of indigenous ecosystems;
 - (e) loss of a rare or threatened individual, species population or habitat;

- (f) loss or degradation of originally rare ecosystems including wetlands, dune systems, lava forests, coastal forests;
 - (g) a reduction in the abundance of individuals within a population, or natural diversity of indigenous vegetation and habitats of indigenous fauna;
 - (h) loss of ecosystem services;
 - (i) effects which contribute to a cumulative loss or degradation of habitats, species populations and ecosystems;
 - (j) impacts on species or ecosystems that interact with other activities, or impacts that exacerbate or cause adverse effects in synergistic ways;
 - (k) loss of, or damage to, ecological mosaics, sequences, processes, or integrity;
 - (l) downstream effects on wetlands, rivers, streams, and lakes from hydrological changes further up the catchment;
 - (m) a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a result of the use or development of other land, freshwater, or coastal resources;
 - (n) a reduction in the historical, cultural, and spiritual association held by Mana Whenua or the wider community;
 - (o) the destruction of, or significant reduction in, educational, scientific, amenity, historical, cultural, landscape, or natural character values;
 - (p) disturbance to indigenous fauna that is likely or known to increase threats, disturbance or pressures on indigenous fauna; or
 - (q) increases in the extinction probability of a species.
- (3) Enhance indigenous biodiversity values in significant ecological areas through any of the following:
- (a) restoration, protection and enhancement of threatened ecosystems and habitats for rare or threatened indigenous species;
 - (b) control, and where possible, eradication of plant and animal pests;
 - (c) fencing of significant ecological areas to protect them from stock impacts;
 - (d) legal protection of significant ecological areas through covenants or similar mechanisms;
 - (e) development and implementation of management plans to address adverse effects;

- (f) re-vegetating areas using, where possible, indigenous species sourced from naturally growing plants in the vicinity with the same climactic and environmental conditions; or
 - (g) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.
- (4) Enable activities which enhance the ecological integrity and functioning of significant ecological areas including:
- (a) the management and control of pest species that threaten indigenous biodiversity; and
 - (b) managing works in the vicinity of kauri, such as deadwood removal or earthworks, to control kauri dieback disease by preventing the spread of soil and kauri plant material.

Vegetation management

- (5) Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land:
- (a) trimming of vegetation;
 - (b) vegetation removal to maintain existing open areas, including tracks;
 - (c) vegetation removal to establish and maintain a reasonable cleared area around a building;
 - (d) vegetation removal required to maintain lawfully established activities, structures and buildings;
 - (e) vegetation removal necessary to provide for a dwelling on a site;
 - (f) vegetation removal necessary to provide for marae and papakainga on Māori land;
 - (g) vegetation removal in areas of high wildfire risk to manage this risk; and
 - (h) vegetation removal necessary to provide access and exit for emergency service vehicles.
- (6) While also applying Policies D9.3(9) and (10) in the coastal environment, avoid as far as practicable the removal of vegetation and loss of biodiversity in significant ecological areas from the construction of building platforms, access ways or infrastructure, through:
- (a) using any existing cleared areas on a site to accommodate new development in the first instance;
 - (b) assessing any practicable alternative locations and/or methods that would reduce the need for vegetation removal or land disturbance;

- (c) retaining indigenous vegetation and natural features which contribute to the ecological significance of a site, taking into account any loss that may be unavoidable to create a single building platform for a dwelling and associated services, access and car parking on a site;
 - (d) designing and locating dwellings and other structures to reduce future demands to clear or damage areas of significant indigenous biodiversity, for example to provide sunlight or protect property;
 - (e) avoiding as far as practicable any changes in hydrology which could adversely affect indigenous biodiversity values;
 - (f) implementing measures to maintain existing water quality and not increase the amount of sediment entering natural waterways, wetlands and groundwater; and
 - (g) using techniques that minimise the effects of construction and development on vegetation and biodiversity and the introduction and spread of animal and plant pests.
- (7) Provide for the role of Mana Whenua as kaitiaki in managing biodiversity, particularly in Treaty Settlement areas, and for cultural practices and cultural harvesting in significant ecological areas where the mauri of the resource is sustained.
- (8) Manage the adverse effects from the use, maintenance, upgrade and development of infrastructure in accordance with the policies above, recognising that it is not always practicable to locate and design infrastructure to avoid significant ecological areas.

Significant Ecological Areas in the Special Purpose – Quarry Zone (Brookby and Drury Quarries only (excluding SEA_T_5349), which are shown in Figure E15.10.1 Brookby Quarry extent and Figure E15.10.2 Drury Quarry extent respectively).

- (8A) Manage the removal of vegetation within significant ecological areas to provide for mineral extraction activities within a Special Purpose Quarry Zone (Brookby and Drury Quarries only (excluding SEA_T_5349)), provided that, any significant adverse effects:
- (a) from excavating minerals including removal of overburden are mitigated or offset; or
 - (b) from other mineral extraction activities not within (a) are first avoided, and, if avoidance is not practicable having regard to the need to operate a safe and efficient quarry, are remedied, mitigated or offset;

while:

promoting where practicable the implementation of mitigation or offset planting or other measures prior to any removal of vegetation; and

- (i) having regard to matters 1 (noting that the activities described in 8A(a) above are only required to mitigate or offset significant adverse effects), 2 (in respect to additionality), 3, 4 and 5 in Appendix 8 Biodiversity Offsetting, including taking account of the environmental benefits of undertaking actions in advance of any vegetation removal.

Protecting significant ecological areas in the coastal environment

- (9) Avoid activities in the coastal environment where they will result in any of the following:
 - (a) non-transitory or more than minor adverse effects on:
 - (i) threatened or at risk indigenous species (including Maui's Dolphin and Bryde's Whale);
 - (ii) the habitats of indigenous species that are at the limit of their natural range or which are naturally rare;
 - (iii) threatened or rare indigenous ecosystems and vegetation types, including naturally rare ecosystems and vegetation types;
 - (iv) areas containing nationally significant examples of indigenous ecosystems or indigenous community types; or
 - (v) areas set aside for full or partial protection of indigenous biodiversity under other legislation, including the West Coast North Island Marine Mammal Sanctuary.
 - (b) any regular or sustained disturbance of migratory bird roosting, nesting and feeding areas that is likely to noticeably reduce the level of use of an area for these purposes; or
 - (c) the deposition of material at levels which would adversely affect the natural ecological functioning of the area.
- (10) Avoid (while giving effect to Policy D9.3(9) above) activities in the coastal environment which result in significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities, on:
 - (a) areas of predominantly indigenous vegetation;
 - (b) habitats that are important during the vulnerable life stages of indigenous species;
 - (c) indigenous ecosystems and habitats that are found only in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;

- (d) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes including fish spawning, pupping and nursery areas;
 - (e) habitats, including areas and routes, important to migratory species;
 - (f) ecological corridors, and areas important for linking or maintaining biological values; or
 - (g) water quality such that the natural ecological functioning of the area is adversely affected.
- (11) In addition to Policies D9.3(9) and (10), avoid subdivision, use and development in the coastal environment where it will result in any of the following:
- (a) the permanent use or occupation of the foreshore and seabed to the extent that the values, function or processes associated with any Significant Ecological Area – Marine is significantly reduced;
 - (b) any change to physical processes that would destroy, modify, or damage any natural feature or values identified for a Significant Ecological Area – Marine in more than a minor way; or
 - (c) fragmentation of the values of a Significant Ecological Area – Marine to the extent that its physical integrity is lost.
- (12) Manage the adverse effects of use and development on the values of Significant Ecological Areas – Marine, in addition to the policies above, taking into account all of the following:
- (a) the extent to which existing use and development already, and in combination with any proposal, impacts on the habitat, or impedes the operation of ecological and physical processes;
 - (b) the extent to which there are similar habitat types within other Significant Ecological Areas – Marine in the same harbour or estuary or, where the significant ecological area - marine is located on open coast, within the same vicinity; and
 - (c) whether the viability of habitats of regionally or nationally threatened plants or animals is adversely affected, including the impact on the species population and location.
- (13) In addition to Policies D9.3(9) and (10), avoid structures in Significant Ecological Areas – Marine 1 (SEA-M1) except where a structure is necessary for any of the following purposes:
- (a) scientific and research purposes, or for public education, and will enhance the understanding and long-term protection of the significant ecological area;

- (b) navigation and safety;
 - (c) habitat maintenance and enhancement; or
 - (d) to benefit the regional and national community, including structures for significant infrastructure where there is no reasonable or practicable alternative location on land, or elsewhere in the coastal marine area outside of a Significant Ecological Area – Marine 1 (SEA-M1).
- (14) In addition to Policies D9.3(9) and (10), avoid the extension to, or alteration of, any existing lawful structure in Significant Ecological Areas – Marine 1 (SEA-M1) unless all of the following can be demonstrated:
- (a) that the existing structure has no significant adverse effects on the values and ecological and physical processes operating in the significant ecological area;
 - (b) that the extension or alteration will not involve significant disturbance of foreshore or seabed, clearance of indigenous vegetation, or significantly increase the need to dredge in order to obtain access to the structure; and
 - (c) that the purpose of the extension cannot practicably be met by a land-based alternative.
- (15) Avoid mangrove removal within Significant Ecological Areas – Marine where it will threaten the viability or significance of the ecological values identified.
- (16) Avoid mangrove removal within Significant Ecological Areas – Marine 1 (SEA-M1) unless the removal is for any of the following purposes:
- (a) to maintain or enhance the ecological values of the significant ecological marine area, where it is demonstrated these values are being adversely affected by mangrove colonisation;
 - (b) to maintain or restore the open nature of the wading bird feeding and roosting areas identified in Appendix 5 Wading bird areas;
 - (c) to enable the reasonable operation, maintenance and use of lawful structures and/or to allow for the efficient functioning of drainage systems; or
 - (d) to enable the provision, maintenance and use of public infrastructure, such as roads, walkways and drainage systems, and any associated public health and safety requirements, where there is no practicable alternative location outside the significant ecological area that would achieve a better environmental outcome.
- (17) Enable mangrove seedling removal in Significant Ecological Areas – Marine 1 (SEA-M1) that do not have significant values associated with mangroves and that are identified in [Schedule 5 Significant Ecological Areas – Marine where mangroves are a minor component or absent](#).