

Chapter 13: Use of the Coastal Environment

Draft Marlborough Regional Policy Statement Provisions

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Introduction

Marlborough's coastal environment is made up of two quite distinct geographic areas: the Marlborough Sounds and the south Marlborough coast. The Sounds are essentially large drowned river valleys lying between mountain ranges, extending from Cape Soucis in the west to Port Underwood in the east. In complete contrast the south Marlborough coast is an open sea coast, extending from Robin Hood Bay (Port Underwood) in the north, to Willawa Point in the south. Together these areas contain about 1,800 kilometres of coastline, or approximately 18% of New Zealand's total coastline.

The NZCPS recognises that the extent and characteristics of the coastal environment varies from region to region and locality to locality. The NZCPS also lists a range of factors that help inform what the coastal environment includes. In a Marlborough context the extent of the coastal environment has been identified in Chapter 6: Natural Character to include the coastal marine area and the active coastal interface area (where the sea is the dominant element and influence on landform, vegetation and perception), and a coastal significance area, (which generally includes the land up to the first coastal ridge, although in a Marlborough Sounds situation may extend further inland). The landward extent of the coastal environment is mapped in the RPS/Resource Management Plan and the provisions of this chapter apply seaward of the mapped line.

In addition to the distinct geographical differences in Marlborough's coastal environment, there is also diversity in land use: from the highly modified township areas of Picton and Havelock; the less modified pockets of holiday home development scattered through the Marlborough Sounds; areas of productive rural land bordering the coast; the salt works at Lake Grassmere in south Marlborough; and the almost pristine or unmodified tracts of indigenous vegetation in Tennyson Inlet in the Marlborough Sounds. The waters of Marlborough's coastal environment also reflect diversity in use and values including; for recreation; as a means of transport and travel; for commercial and recreational fishing; as a source of kaimoana and for cultural significance including for Marlborough's tangata whenua iwi; tourism: marine farming; boating, swimming and diving; jetties, moorings and boatsheds; and enjoyment of landscape and wilderness values.

Subdivision, Use and Development Activities in the Coastal Environment

There is an expectation by many people that the natural and physical resources of Marlborough's coastal environment will be able to be used and or developed. (This is an issue that has been covered in Chapter 4: Use of Natural and Physical Resources.) This is enabling for the community in that they are able to provide for their social, economic and cultural wellbeing. However, it is also important that subdivision, use and development activities are appropriately located and in a form or within prescribed limits in order to protect the values of Marlborough's coastal environment.

The role for this chapter is therefore to establish a management framework for activities in the coastal environment, having regard to the purpose and principles of the RMA and importantly to the provisions of the NZCPS. The NZCPS has been important in forming the basis for the management framework as the Council must give effect to the provisions of the NZCPS in the RPS/Resource Management Plan.

The issues in this chapter include uses of both land and the coastal marine area. Interconnections between the two reflect the need for integrated management, which is effectively the role of a regional policy statement. In many cases use or development extends across the high tide mark, for example the operation of ports and marinas. In other situations a use can be solely within the coastal marine area but can still have a connection with land, for example a mooring or a jetty to enhance access to an adjacent dwelling. Conversely a dwelling on land, in addition to requiring a jetty or mooring to enhance access, may also have implications for water quality in terms of the discharge of domestic waste water to land. Therefore the importance of recognising and providing for the interconnections between activities on land and on water cannot be understated.

Because of these interconnections, the management framework in this chapter is also supported by policy in other chapters. Collectively these policies help to define:

- Where subdivision, use or development may be appropriate;
- The form that any subdivision, use or development should take;
- Whether there are limits that should be applied; and
- Where activities should be avoided.

The other chapters of the RPS/Resource Management Plan are important to consider in terms of helping to protect the values of Marlborough's coastal environment, including those on landscape, biodiversity, natural character, public access, water quality etc.

Issue 13A – Trying to identify what are appropriate subdivision, use and development activities in Marlborough's coastal environment while protecting the values of that environment.

The 2010 NZCPS recognises a range of challenges in promoting the sustainable management of the coastal environment including:

- *“the natural and recreational attributes of the coast and its attraction as a place to live and visit combine with an increasingly affluent and mobile society to place growing pressure on coastal space and other resources;*

and

- *there is continuing and growing demand for coastal space and resources for commercial activities ...”*

At times it can be difficult to determine what are ‘appropriate activities’ in the face of these challenges (and others identified in the NZCPS). This is because there are competing demands and different values that users place on the resources of the coastal environment and also because of the dynamic, or changing, nature of that environment.

While the NZCPS sets out very clear direction through its policies about the adverse effects that are to be avoided, this obviously has to be determined in the context of the particular qualities and characteristics of Marlborough’s coastal environment and the uses and activities that already occur there. Therefore the management framework established through Objectives 13.1 and 3.2 (and their subsequent policies and methods) set out the qualities and characteristics that are important in making a determination about whether a particular subdivision, use or development activity is appropriate. These matters need to be considered in all applications for resource consent and are important in terms of giving effect to the NZCPS and to the principles of the RMA.

Objective 13.1 – Areas of the coastal environment where the adverse effects from particular activities and/or forms of subdivision, use or development are to be avoided are clearly identified.

There is direct responsibility for the Council to determine what is inappropriate subdivision, use and development in the coastal environment, in terms of the preservation of natural character (Section 6(a)), as well as in the protection of outstanding natural features and landscapes (Section 6(b)) and historic heritage (Section 6(f)). This is further reinforced through the provisions of the NZCPS, particularly Policy 7 Strategic Planning. If there is clear direction provided through the RPS/Resource Management Plan about the significant values in Marlborough’s coastal environment and where these are, then resource users will have a better appreciation of what may or may not be appropriate subdivision, use or development in particular locations.

Policy 13.1.1 – Adverse effects from subdivision, use and development activities are to be avoided in areas having:

- (a) Outstanding natural character;
- (b) Outstanding natural features and/or outstanding natural landscape;
- (c) Significant marine biodiversity value and/or are a significant wetland;
- (d) Significance for Marlborough’s tangata whenua iwi; or
- (e) Historic heritage value.

Policy 13.1.1 identifies five significant matters on which the adverse effects of activities are to be avoided. These matters are given particular direction through the principles of the RMA (Sections 6(a), (b), (c), (e) and (f)) and through direction provided by Policies 11, 13 and 15 of the NZCPS. The policy therefore gives effect to this direction. However, it is important to acknowledge that in implementing the policy it does not necessarily mean that activities are prohibited from occurring in the areas with the identified values. Rather it means that any adverse effects of those activities have to be avoided in those areas, rather than being mitigated or remedied.

Policy 13.1.2 – The values of significance identified in Policy 13.1.1 will be mapped in the RPS to provide certainty for resource users, Marlborough’s tangata whenua iwi, the wider community and decision makers.

Mapping the values by area that are identified in Policy 13.1.1 will provide a greater level of certainty about where the adverse effects of subdivision, use and development activities are to be avoided. This provides certainty to decision makers and the wider community. Mapping also assists applicants who will need to consider either different locations for their activity or ways in which adverse effects of their activity can be avoided.

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Policy 13.1.3 – Where areas of Marlborough’s coastal environment have not been assessed to determine their significance as at the notification of the RPS/Resource Management Plan, but through subsequent resource consent or plan change processes, are found to have the level of significance set out in Policy 13.1.1, then these areas will be added to the RPS/Resource Management Plan through the First Schedule process of the RMA.

While the Council has undertaken various assessments and studies to inform the areas that have been mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. This is because for certain values, like those having significant marine biodiversity for example, the information is about known sites that have been recorded through processes such as resource consent applications. It is not possible for all areas of the coastal marine area to be surveyed given the resources required for this. So where information does become available subsequent to the RPS/Resource Management Plan being notified these can be added at a later time through the First Schedule process of the RMA.

Objective 13.2 – Subdivision, use or development activities take place in appropriate locations and forms and within appropriate limits.

As important as it is to identify areas where adverse effects of activities are to be avoided, it is also important that regard is given to identifying appropriate areas, limits and forms in which subdivision, use and development activities can take place. This still needs to be within a context of recognising and providing for particular values in terms of the principles of the RMA but also within the enabling direction provided through Policy 6 of the NZCPS.

Policy 13.2.1 – The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough’s coastal environment are those which recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on, the following values:

- (a) The characteristics and qualities that contribute to natural character, natural features and landscapes of an area;
- (b) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga;
- (c) The coastal marine area is an extensive area of public space for the public to use and enjoy, including for recreational activities;
- (d) The importance of public access to and along the coastal marine area, including opportunities for enhancing public access;
- (e) The dynamic, complex and interdependent nature of coastal ecosystems;
- (f) The high level of water quality generally experienced in Marlborough’s coastal waters;
- (g) The attributes that collectively contribute to people and community expectation about coastal amenity.

While the values identified in the policy may not have the same level of significance as those set out in Policy 13.1.1, they are nonetheless important considerations in determining whether an activity is appropriate at a particular location or of an appropriate form or scale. Some of these matters have direction through the principles of the RMA e.g. those related to public access and amenity values. While others have come about in response to a community expression of what is important to recognise and provide for in the coastal environment. An example of this is subclause (f) in relation to the generally high levels of water quality found in Marlborough’s coastal waters. Collectively these values also give effect to a number of policies within the NZCPS.

These values are to be considered in any application for resource consent or plan change in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

Policy 13.2.2 – In addition to the values in Policy 13.2.1, the following matters shall be considered by decision makers in deciding whether subdivision, use and development activities in Marlborough’s coastal environment are appropriate at the location proposed and of an appropriate scale, form and design:

- (a) The contribution the proposed subdivision, use or development activity makes to the social and economic wellbeing of people and communities;**
- (b) The efficient use of the natural and physical resources of the coastal environment;**
- (c) Whether the efficient operation of established activities that depend on the use of the coastal marine area, is adversely affected by the proposed subdivision, use or development activity;**
- (d) Whether there will be an increase in the risk of social, environmental or economic harm from coastal hazards as a consequence of the subdivision, use or development activity;**
- (e) Whether there will be a contribution to the restoration of the values of the coastal environment at the site where these may have been adversely affected in the past;**
- (f) Does the activity result in, either individually or cumulatively, sprawling or sporadic patterns of subdivision, use or development that would compromise the values and matters in Policy 13.2.1 and 13.2.2;**
- (g) Is the proposed subdivision, use or development activity contributing to the network of regionally significant infrastructure identified in Policy 4.2.1;**
- (h) Does the subdivision, use or development activity create a demand for services or infrastructure that may result in a financial cost to the wider community and/or is the safety and efficiency of the road network affected;**
- (i) Functionally some uses and developments can only be located on land adjacent to the coast or in the coastal marine area.**

The policy sets out the matters which are important in determining the appropriateness of subdivision, use and development activities in the coastal environment. The matters listed are not values in the same way that Policy 13.1.1 and Policy 13.2.1 are, but even so some have direction through NZCPS policies, particularly Policies 4, 6, 7, 8, 9 and 25.

These matters are to be considered in any application for resource consent or plan change in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

Policy 13.2.3 – To enable periodic reassessment of whether there are effects on the values of the coastal marine area from activities and developments, and in consideration of the dynamic nature of the coastal environment;

- (a) Lapse periods for coastal permits will be no more than 5 years, except in the case of marine farming where the lapse period will be no more than 3 years.**
- (b) The duration of coastal permits granted for activities in the coastal marine area, for which limitations on durations are imposed under the RMA, will generally be limited to a period not exceeding 20 years.**

While the RMA allows consents within the coastal marine area to be a maximum of 35 years, the 2010 NZCPS specifically identifies a range of key issues and particular challenges in promoting sustainable management of the coastal environment. These include growing pressure and increasing demand for coastal space and other resources. In recognition of these pressures and demands, the changing and challenging issues facing use of coastal resources, the dynamic nature of coastal areas and the Section 6 matters of national importance in the RMA, resource consents will generally be limited to a 20 year

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duration to enable the impacts of resource use on the values of the coastal environment to be reassessed. For similar reasons it is appropriate that the lapse period for resource consents to be implemented in the coastal environment will be no more than 5 years (or 3 years in the case of marine farming). Additionally, and particularly in the case of activities in the coastal marine area, long lapse periods lock up the resource, preventing its possible use by others for that period.

Policy 13.2.4 – The attributes to be had regard to when considering any effects on coastal amenity value in a particular location may include natural character, biodiversity, public access, high water quality, recreational opportunities, structures and activities, open space and tranquillity and peacefulness.

It is important to identify what the attributes are that contribute to coastal amenity value in order for the objective to be achieved. Not all of the attributes identified will be relevant in all locations and therefore amenity values will be different for different locations within Marlborough's coastal environment. This is the reason why 'may' is used within the policy.

Policy 13.2.5 – The way in which amenity values of the coastal environment can be maintained and enhanced, include:

- (a) **Recognising the contribution that open space and natural character make to amenity values and providing appropriate protection to areas of open space;**
- (b) **Maintaining and enhancing where necessary, coastal and fresh water quality;**
- (c) **Maintaining or enhancing areas with indigenous biodiversity value;**
- (d) **Maintaining or enhancing sites or areas of particular value for outdoor recreation;**
- (e) **Making use of suitable development setbacks to avoid a sense of encroachment or domination of built form, particularly on areas of public open space and along the coastal edge;**
- (f) **Avoiding forms and location of development that effectively privatise the coastal edge and which discourage or prevent public access to and along and use of the coast;**
- (g) **Recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management;**
- (h) **Establishing standards for activities within the coastal environment;**
- (i) **Clustering together of structures and activities;**
- (j) **Avoiding the establishment of activities resulting in high traffic generation;**
- (k) **Ensuring the operation and speed of boats does not detract from people's enjoyment of the coastal marine area or cause navigational safety issues;**
- (l) **Requiring the removal of derelict or redundant structures within the coastal marine area; or**
- (m) **Encouraging appropriate design of new structures and other development.**

Section 7(c) of the RMA requires that in managing the use, development, and protection of natural and physical resources, particular regard shall be had to the maintenance and enhancement of amenity values. The RMA defines amenity values as "*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*". The quality and characteristics of the environment within which people live, work and play is a fundamental part of our quality of life. In this context the amenity of the coastal environment contributes to how people and communities provide for their social, economic and cultural wellbeing. In order for community wellbeing to be sustained it is important the attributes that contribute to amenity values in any particular area are looked after.

Policy 13.2.5 sets out how the coastal amenity values identified in Policy 13.2.4 are to be maintained and enhanced. This will help to protect people and communities' sense of place, appreciation and enjoyment

of the coastal environment. Consideration of these values will be important in assessments of resource consents as well as in the establishment of permitted activity rules and standards.

Policy 13.2.6 – In determining the extent to which coastal amenity values will be affected by any particular subdivision, use and/or development, the following shall be considered:

- (a) **People and community(ies) values about the area concerned;**
- (b) **The amenity related attributes of the area; and**
- (c) **Having regard to the changing nature of the coastal environment, the extent to which amenity values would be so affected by the proposed subdivision, use or development that those values could no longer be maintained or enhanced.**

To determine whether coastal amenity values will be adversely affected by any proposed subdivision, use or development, it is important that regard is had to the views about what values people and community(ies) hold about the area concerned. These can then be considered alongside an evaluation of the amenity related attributes of the area. An assessment then needs to be made about the extent to which those values and attributes will/will not be affected by the proposed subdivision, use or development. In this assessment it is important that the dynamic nature of the coastal environment is considered as community views change over time.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.1 Zoning

The use of specific coastal based zones to provide a management framework for Marlborough's coastal environment include a Coastal Living Zone, Coastal Marine Zone (coastal marine area), Port Zone, Port Landing Area Zone, Marina Zone, Lake Grassmere Zone and a Coastal Environment Zone (rural land areas). Additionally, there will be Open Space zones for recreational areas and areas of conservation value and Floodway Zones alongside rivers. For land within the coastal environment of the south Marlborough coast not otherwise zoned as Coastal Living, the zoning will be a Rural Zone.

13.M.2 Mapping of Significant Values

A range of values have been mapped in the RPS to assist in identifying areas with significance for landscape, natural character, marine biodiversity value (including coastal wetlands), Marlborough's tangata whenua iwi and historic heritage, within Marlborough's coastal environment. Policies provide management direction about how effects on the values that are mapped are to be assessed.

13.M.3 Regional and District Rules

A range of regional and district rules enable the use of the various coastal management zones as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards include amenity based standards. Rules will also require coastal permits for activities in the Coastal Marine, Port and Port Landing Area and Marina Zones where these activities need a greater level of control. In some cases a prohibited activity rule may apply. These rules are described further under the subsequent sections of this chapter. Additionally, other chapters of the RPS/Resource Management Plan also have regional rules for some activities that may affect the coastal environment e.g. discharges to air and water, natural hazards, landscape etc. Descriptions of these regional rules are set out in those chapters.

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13.M.4 Affected Party Status

The Harbourmaster and Maritime New Zealand will be treated as affected parties in respect of any resource consent application for a coastal permit to enable an assessment of any potential impacts on safe navigation of boats.

13.M.5 Information

Information is provided to the public through a 'Marlborough Sounds Safe Boating' brochure published annually. This provides information on navigational safety and is available on the Council's websites and at Marlborough's marinas. Information is also provided on the Council's website on appropriate locations for activities such as water skiing.

13.M.6 Other Legislation

Navigation and public safety within the harbour limits is also the responsibility of the Council as a harbour authority. The Council's Harbourmaster, under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules, (or any successor to these) carries out these functions. Bylaws also impose additional constraints on speed e.g. the 5 knot harbour speed limit.

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Recreational activities

The coastal environment of Marlborough is valued not only for its natural qualities, but is also valued and used for a wide range of recreational activities including swimming, fishing, diving, boating, picnicking and walking. Marlborough's coastal environment, especially that of the Marlborough Sounds, is a centre of recreational activity for both local residents and for visitors from elsewhere. This includes the use of many holiday homes located within the Marlborough Sounds from which recreational activity occurs. Consequently the coastal environment, including the coastal marine area, plays an essential role in the social wellbeing of both New Zealand generally, and the Marlborough community in particular.

This in turn has benefits economically for Marlborough as many of these recreational activities rely on local businesses for the provision of services and goods.

Issue 13B – Ensuring people and communities can carry out recreational activities to provide for their social wellbeing.

Recreation is one of the most extensive uses undertaken within Marlborough's coastal environment, especially within the Marlborough Sounds. This ranges from active to passive pursuits. Much of the value placed on the coastal marine area in particular is derived from the fact that it is the largest area of public open space in Marlborough. The public have a long held expectation that they have a right to use and enjoy the coastal marine area for a variety of purposes. They place a significant amenity value on the coastal environment and being able to use this for recreation, and this needs to be safeguarded for future generations.

Due to the range of recreational activities undertaken and the number of users, there is at times some pressure on the natural and physical resources of the coastal environment. The cumulative effects of recreational use can result in littering, sewage disposal from boats, damage to coastal vegetation, or conflicts between users detracting from public enjoyment. These effects arise from cumulative minor adverse effects of individual actions.

There is also potential for conflict to arise between recreational users and between other users of the coastal environment, which may see a need to manage activities in particular areas to avoid these conflicts.

Objective 13.3 – Recreation continues to make a significant contribution to people's health and wellbeing and to Marlborough's tourism industry whilst avoiding adverse effects on the environment.

Given the significant extent of Marlborough's coastline and the fact that the coast is readily accessible for many people, outdoor recreation both on land and in the sea is one of the most important activities that take place within this environment. The diversity of recreational opportunities available is a major reason for its popularity with local residents, domestic and international tourists. This means that recreational activities have over time become a significant contributor to Marlborough's tourism industry. Additionally, and just as significant, recreation contributes to the health and wellbeing of local communities.

Policy 13.3.1 – A permissive approach to recreational activities will be adopted, except where these:

- (a) Require associated structures and occupy the coastal marine area;**
- (b) Cause adverse environmental effects, including those resulting from discharges of contaminants, excessive noise, and damage to significant indigenous vegetation and significant habitats of indigenous fauna;**
- (c) Do not maintain or enhance public access to and along the coastal marine area;**
- (d) Endanger public health and safety;**

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- (e) **Compromise authorised uses and developments of the coastal marine area; or**
- (f) **Adversely affect the amenity values of the area.**

Recreation is arguably the most significant way in which the general public gain direct benefit from the coastal marine area. Therefore, such activity should be permitted unless it requires associated structures or occupies the coastal marine area in terms of Section 12 of the RMA or it causes adverse effects such as those identified in (b) to (f).

Policy 13.3.2 – Maintain and enhance opportunities for recreational use of the coastal marine area.

Recreational use of the coast is likely to increase and become more diverse. Linked with national direction to recognise and provide for public access to and along the coastal marine area as a matter of national importance, the Council considers there is a need to maintain and enhance opportunities for recreational use of the coastal environment.

Policy 13.3.3 – Ensure that the use of recreational vessels and vehicles does not create a public nuisance, or compromise the health and safety of other users, or result in adverse effects on the coastal environment.

While recreational activity is generally to be encouraged, the use of recreational vessels and vehicles can, by virtue of their speed, noise, or associated discharges, be a public nuisance, and inappropriate use may pose a risk to public health and safety and to the environment. In some situations this may see restrictions implemented through the bylaw making provisions of the Local Government Act e.g. navigation safety bylaws, or through the provisions of the RPS/Resource Management Plan, or both. For recreational vehicles onshore it may be necessary to prevent their use in some locations, particularly to minimise risks to public health and safety, physical damage to the foreshore area damage to intertidal areas and direct damage or disturbance of wildlife.

Policy 13.3.4 – Ensure recreational use has priority over commercial activities that require occupation of the coastal marine area in Queen Charlotte Sound, including Tory Channel. This policy does not apply to areas that are zoned Port or Marina.

The policy recognises that for Queen Charlotte Sound and Tory Channel, recreational use is significant and is to have a priority over commercial interests that require occupation of the coastal marine area. Recreational use is particularly important in these areas with a large number of holiday homes being a base for recreation and with good access points in Picton and Waikawa (including through launching ramps and marinas). Historically activities such as marine farming have been prevented from occurring in these areas because of the extent of recreational activities. This is the reason why marine farming was made a prohibited activity in the former Marlborough Sounds Resource Management Plan. For Queen Charlotte Sound particularly the significance of recreational activity retaining dominance over commercial activities was recognised by the Board of Inquiry in its 2012 decision on applications for salmon farming. The exclusion for the Port and Marina Zones in Queen Charlotte Sound acknowledges the establishment of these zones for port and marina activities within which recreational activities may not be appropriate.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.7 Regional and District Rules

A range of regional and district rules enable recreational activities as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards include amenity based standards. In some cases a prohibited activity rule may apply. These rules are described further under the subsequent sections of this chapter. Additionally, other chapters of the RPS/Resource Management Plan also have regional rules for some activities that may affect the coastal environment e.g. discharges to air and water, natural hazards, landscape etc. Descriptions of these regional rules are set out in those chapters.

Fishing

The waters of the Marlborough Sounds have been important for fisheries for a number of reasons including:

- An ongoing source of traditional food for Marlborough's tangata whenua iwi;
- Providing a livelihood for commercial fishers;
- Being a significant factor in many recreational and tourism activities; and
- Contributing to a range of species present in the Sounds and therefore the health of marine ecosystems.

(Fishing for the purposes of the RPS/Resource Management Plan does not include marine farming.)

Although commercial fishing is not as significant as it once was, collectively these reasons mean that fisheries are still important to Marlborough's overall community wellbeing.

There are significant restrictions on the ability of the Council to control outcomes for fisheries management as the Ministry for Primary Industries has the prime role of managing, conserving and enhancing fisheries under the provisions of the Fisheries Act 1996. However, although managing fisheries is not a direct function of the Council, it does have functions for protecting habitats of indigenous fauna and maintaining indigenous biological diversity under the RMA. Therefore the Council can indirectly assist to maintain and enhance wild fisheries in the Marlborough Sounds by managing any adverse effects on marine habitats caused by activities that it does have direct control over. Policies within Chapter 15: Resource Quality – Water and Chapter 8: Indigenous Biodiversity, are particularly relevant in this regard.

Issue 13C – The depletion of wild fisheries in the Marlborough Sounds.

Maintenance of traditional access to fisheries is of particular importance to Marlborough's tangata whenua iwi. There is particular concern that traditional fisheries are being depleted. Under fisheries legislation, taiapure, rahui and mataitai are three mechanisms by which tangata whenua can seek greater control of the management of local customary fisheries. However, the Council has no statutory role in either the establishment or management of these mechanisms, but may choose to support an application after consultation with interested parties.

Although the number of commercial fishers has decreased over the years, fishers with quota for various species still operate from both Picton and Havelock (or from other ports). While numbers can fluctuate in response to economic circumstances, recreational fishing and diving are important recreational pursuits for Marlborough residents and for visitors to the Marlborough Sounds. The main species targeted by recreational fishers are blue cod, groper, snapper, crayfish, scallops and pāua.

For a number of years there has been ongoing community concern over the state of fish and shellfish stocks in the Marlborough Sounds and the sustainability of the recreational fisheries that they support. The concern has tended to focus on the blue cod fishery. Catch bags have been reduced over the years in order to mitigate the declining fish numbers. However, the number of people using the Marlborough Sounds has been steadily increasing over this time, resulting in a fishery still under stress. There has also been periodic concern over the state of other recreational fisheries.

Objective 13.4 – The sustainable management of fisheries in the Marlborough Sounds.

Despite not having a direct statutory role in managing fisheries, (except to the extent outlined in the Introduction above), the Council considers that it does have an advocacy role in ensuring there is a sustainable fishery in the Marlborough Sounds. This is because fishing activities, whether they are recreational, commercial or traditional in nature, contribute to the economic, social, cultural and general community wellbeing of Marlborough's residents and visitors. It is therefore appropriate that the RPS/Resource Management Plan includes an objective to ensure the management of fisheries resources is sustainable.

Policy 13.4.1 – Support and advocate for intensive management of recreational and commercial fishing within the enclosed waters of the Marlborough Sounds.

Currently the Marlborough Sounds are part of the Challenger Fisheries Management Area, which extends from the Clarence River north, through Cook Strait, the Marlborough Sounds, west to Farewell Spit and down the west coast of the South Island. This area contains both open coastal water, near shore areas and the enclosed waters of the Sounds. Although there are restrictions that apply to different parts of this extensive area, including within the Marlborough Sounds, the Council considers that an intensive management regime needs to be applied to the Marlborough Sounds specifically, rather than as part of a much larger management area. This is in recognition of the continued increased pressure on fisheries, especially from recreational fishing.

Policy 13.4.2 – Support community groups working towards having a sustainable fishery for the Marlborough Sounds.

Often it is local community groups who provide the initial impetus for responding to issues. As an example the formation of the Marlborough Sounds Integrated Management Group will provide a focus and a forum for people within the community to share concerns about the state of resources within the Marlborough Sounds. Supporting groups such as this is important where they are aimed at enabling resource use but in a sustainable manner.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.8 Advocacy/Support

Advocate to the Minister of Fisheries that both commercial and recreational fishing be further regulated within the enclosed waters of the Marlborough Sounds to enhance the size and number of natural species.

Support initiatives of community groups working towards sustainable fisheries by providing advice and financial support where resources permit.

Residential Activity

Marlborough's coastal areas like many others around the country are an attractive place for people to live. The Marlborough Sounds especially have long been a desirable location in which to live and holiday with approximately 5,000 houses and holiday homes established. These and their associated jetties, boatsheds and moorings are obviously already part of the landscape in the locations in which they occur, especially the inner parts of Queen Charlotte and Pelorus Sounds and Kenepuru Sound. The density of residential use varies – ranging from baches in isolated bays, used on an intermittent basis, to ribbon development along the coastline. The density of residential activity decreases with distance from the access points of Picton and Havelock, so large parts of the outer Sounds are empty of structures.

The east Marlborough coast is much less developed for residential living, although the Rarangi settlement has provided a coastal living experience for people for many years as has an area of larger lifestyle blocks closer to the Wairau Diversion. Generally however, there isn't the same level of pressure for living in coastal areas along Marlborough's east coast as has been experienced in the Marlborough Sounds.

Issue 13D – There is pressure to use, develop and subdivide land within the coastal environment for residential uses.

The 2010 NZCPS identifies that there are particular challenges in promoting the sustainable management of the coastal environment including that the *“natural and recreational attributes of the coast and its attraction as a place to live and visit combine with an increasingly affluent and mobile society to place growing pressure on coastal space and other resources”*.

Historically the demand for residential properties in Marlborough's coastal areas has been satisfied through:

- The development of new residential dwellings on vacant lots (within permitted activity provisions for residential or rural zones);
- The extension, alteration or reconstruction of existing residential dwellings; and
- The creation of new residential allotments from rurally zoned land.

In any one of these situations there is the potential for residential activity to detract from the qualities and values of the coastal environment. This is particularly so in a Marlborough Sounds context where the RPS/Resource Management Plan has identified the Sounds as being the jewel in Marlborough's crown (Issue 4C Chapter 4: Use of Natural and Physical Resources). At any particular location these qualities and values, along with physical factors, place constraints on whether or not residential activity is appropriate at all locations within the coastal environment.

The construction of houses and holiday homes in areas where structures are absent from the landscape are likely to stand out and potentially detract from the “natural” appearance of that landscape. Even in areas where there are existing houses and holiday homes, buildings in prominent locations, large buildings, and buildings with bright and bold colours, can all detract from the landscape.

Further residential buildings obviously allow more people to be accommodated, either permanently or temporarily, in a particular location. Potentially the more that people live in and use an area, the less likely it is that the special qualities currently valued by existing residents will continue to be enjoyed. The degree of impact will be perceived differently from person to person, depending on our own values and experiences. This sort of change is also incremental and it is difficult to specify exactly when “enough is enough”.

Other factors affecting the appropriateness or otherwise of residential activity in the coastal environment include the ability for onsite disposal of domestic wastewater, impacts arising from natural hazards, difficulties in accessing remote areas, and the impacts from residential activity on water quality, water quantity, and indigenous biodiversity. Some of these may also have flow-on effects for other users of the

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coastal environment. The way in which these constraints are dealt with will determine how the demand for residential activity will be managed in Marlborough's coastal environment.

The subdivision of land determines where new residential buildings will be located and the density of residential development. Managing the subdivision of land is therefore just as important in retaining the character of the coastal environment as managing the subsequent residential development.

Objective 13.5 – Residential activity takes place within appropriate locations and limits within the coastal environment.

Because there is a demand for people to live or holiday in Marlborough's coastal environment it is important that this occurs in appropriate locations and limits in order to ensure that the qualities and values of the coastal environment are maintained and/or enhanced. This objective therefore reflects that aim and is also supportive of Objective 6 of the NZCPS, which is an enabling objective for people and communities to provide for their wellbeing and health and safety through subdivision, use and development. The objective requires (amongst other things) that in protecting values of the coastal environment this does not preclude use and development in appropriate places and forms and within appropriate limits.

Policy 13.5.1 – Identify areas where residential activity can take place.

Areas that have been determined as appropriate for residential activity to occur are zoned as Coastal Living Zone. The Coastal Living Zone recognises the need and demand, which exists for residential activity in Marlborough's coastal environment. The zone applies to areas that already have development occurring but which still maintain a high level of amenity associated with the coast. These areas, which were zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan, have been identified as having an ability to absorb further low density, mainly rural residential development, without detriment to their overall coastal character.

The areas of the Marlborough Sounds and Rarangi zoned Coastal Living have different characteristics, which is reflective of the particular environment in which they are located but their purpose remains the same. The different characteristics will be reflected in the performance standards and subdivision allotment standards.

Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land zoned Coastal Living to:

- (a) To protect recreational and coastal amenity values;**
- (b) Avoid sprawling or sporadic patterns of residential development; and**
- (c) Protect landscape, natural character and indigenous biodiversity values.**

It is important that there are some limitations on where residential activity can take place within Marlborough's coastal environment. If unrestricted development were allowed then the very values that make the coastal environment special are threatened, particularly within the Marlborough Sounds. The policy therefore is important in identifying the appropriate locations for residential activity are those provided through the resource of the Coastal Living Zone in conjunction with the enabling provision of Policy 13.5.5. This approach helps to give effect to the policies of the NZCPS as well as achieving the overriding objective for the Marlborough Sounds in Chapter 4: Use of Natural and Physical Resources of the RPS/Resource Management Plan in which the '*maintenance and enhancement of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds*'.

The policy directs that residential activity and subdivision for residential purposes '*should*' occur within the Coastal Living Zone rather than absolutely. The reason for this is that there may be occasions where through restoration works, enhancement of values or offsetting adverse effects, positive environmental outcomes can be achieved. Regard must be had to the other policies of the RPS/Resource Management Plan, especially those for natural character, public access and biodiversity to determine whether this is a relevant matter for consideration.

Policy 13.5.3 – Recognise there is an existing stock of land within the coastal environment able to be developed for residential activity to meet the needs of the community.

There are many areas within the Coastal Living Zone and the Coastal Environment Zone that can be developed for residential activity. Areas zoned as Coastal Living comprise areas zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan and areas of Township Residential and Rural Residential in the Rarangi area of the former Wairau/Awatere Resource Management Plan. There is capacity within these zoned areas for further residential activity to occur and this is where such development should occur. Additionally, there are allotments within the Coastal Environment Zone, which do not currently have a dwelling on them, but where residential activity could take place subject to meeting performance standards.

Policy 13.5.4 - Avoid expansion of residential activity in Rarangi beyond areas already zoned for this purpose because of uncertainty over tsunami risk, the fragile local ecology and insufficient infrastructure to support expansion.

In considering areas for urban expansion the Council has assessed the potential for Rarangi to accommodate further growth through the South Marlborough Urban Growth Strategy. The outcomes of the assessment were there is uncertainty around the level of hazard posed by tsunami for the area, there is uncertainty over the ability to secure a water supply that meets drinking water standards and that the Rarangi wetland system is a fragile ecological system and is vulnerable to further development. For these reasons the Council has decided not to provide for any expansion of the current zoning for residential activity in this area.

Policy 13.5.5 – Except in the case of land developed for papakainga, residential activity on land zoned Coastal Environment will be provided for by enabling one dwelling per Computer Freehold Register.

For property within the coastal environment but outside of the Coastal Living Zone it is appropriate that the Plan provides for residential activity. In some cases there will be ongoing primary production activities occurring and therefore it is appropriate provision is made for residential activity associated with this. There may also be smaller allotments where primary production activities do not occur but historically there has been a right, subject to performance standards, for a landowner to be able to erect a dwelling. The Plan continues with this approach as it provides in part a resource able to be developed for residential activity, without the need for further subdivision or rezoning of land. The exception recognises the need for Marlborough's tangata whenua iwi to be able to develop Maori land for papakainga to enhance the quality of life for whanau and iwi in a manner that is consistent with their cultural values and customs.

Policy 13.5.6 – Maintain the character and amenity values of land zoned Coastal Living by the setting of standards that reflect the following:

- (a) **Strong connection to the foreshore and coastal water;**
- (b) **Peaceful with relatively quiet background noise levels**
- (c) **Predominance of residential activity by enabling one dwelling per Computer Freehold Register;**
- (d) **Privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;**
- (e) **Ample sunlight to buildings;**
- (f) **Minimal advertising signs;**
- (g) **Views to the surrounding environment including to the sea;**
- (h) **Low building height; and**
- (i) **Limited infrastructure and services and low volumes of road traffic.**

This policy sets out the characteristics, which are reflective of land that is zoned Coastal Living, and for which standards have been considered necessary to be established through the permitted activity rules.

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Policy 13.5.7 – Where resource consent is required ensure that residential development and/or subdivision within the Coastal Living Zone is undertaken in a manner that:

- (a) Is consistent with the matters set out in Policy 13.5.6;
- (b) Is appropriate to the character of the locality in which the property is to be subdivided;
- (c) Provides for the maintenance of the attributes contributing to coastal amenity values of the locality as expressed in Policies 13.2.4 and 13.2.5;
- (d) Maintains and/or enhances the recreational values of the area for the wider community;
- (e) Is certain the site is able to assimilate the disposal of domestic wastewater; and
- (f) Makes sure the effects of any natural hazards are able to avoided, remedied or mitigated.

Where resource consent is required for subdivision or development within the Coastal Living Zone, the matters in this policy will help to determine whether the subdivision or development is appropriate or not. In particular the matters concerning the character of the locality and coastal amenity values are important in terms of having regard to 7(c) and (f) of the RMA. Other matters concerning the discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16: Waste to assist in giving effect to this policy.

Policy 13.5.8 – Non-residential activities within the Coastal Living Zone will be allowed where they do not detract from the existing character of the residential environment within which they are to be located.

Because the Coastal Living Zone has been established to accommodate residential activity and recognises the desire that many New Zealanders have to live or holiday beside the sea, it is important that these areas are predominantly used for this purpose. Some non-residential activities, especially those carried out within an existing dwelling will have limited impact on the characteristics of the Zone and are therefore provided for as a permitted activity. Other non-residential uses will however, be assessed through the resource consent process to determine their impact on the characteristics of the residential environment in which they are to be located.

Policy 13.5.9 – Where there is no road access to a site to be developed or subdivided for residential purposes, or the predominant means of access will be by water, then the need for, and location of, coastal structures and associated tracking (if relevant) to enable/enhance access shall be considered at the time of subdivision or in the case of development, if there is a resource consent requirement to enable the development.

This policy has particular relevance for the Marlborough Sounds. There is a limited road network in the Marlborough Sounds as a result of the nature of the topography and the difficulties in establishing roads in the steep terrain that exists in many parts of the Sounds. For this reason, many property owners (both commercial and private) rely upon boats to get access to their properties and this has resulted in a demand for coastal structures such as jetties, moorings and boatsheds.

It is important to recognise the role coastal structures play in providing access but whether it is appropriate or not to have these structures needs to be assessed. This assessment needs to occur at the same time as the proposal for subdivision or development is assessed by the Council and regardless of whether the subdivision or development is for individual or commercial reasons. This will enable the effects of the entire proposal to be considered at the same time. There may be a need for tracking to provide a path from the coastal structure to the dwelling. This should also be considered at the time of subdivision or development.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.9 Zoning

The Coastal Living Zone is a specific zone established for residential activity within the coastal environment for both the Marlborough Sounds and along the east Marlborough coast.

13.M.10 District Rules

A range of district rules will guide development within both the Coastal Living and Coastal Environment Zones. These rules will provide for residential activity and non-residential uses as a permitted activity subject to meeting performance standards for bulk and location of structures, disposal of domestic wastewater, stability of the land, colour etc. Rules will specify minimum allotment standards and will also enable the development of papakainga, subject to standards.

Draft

Rural Land Use

Currently being drafted

Draft

Boat Moorings and Anchoring

The enclosed waterways of the Marlborough Sounds offer many recreational boating opportunities to both residents of Marlborough and visitors to the area. Commercial use of boats¹ and other craft is also a significant feature of the district's tourism, marine farming and fishing industries. While many of the smaller recreational craft are stored on dry land and have no need for water-based storage, there are many boats that do need some form of mooring or berthage or other method of storage.

Moorings generally provide a convenient and readily available form of boat storage. Consequently, there are high-density moorings in areas such as Waikawa Bay, Ngakuta Bay and Okiwa Bay while individual moorings have been established around the Sounds providing a place for occasional recreational users and adjoining landowners to moor their boats. In some cases a mooring is established for the use of a boating club or for a boat charter company. These moorings are referred to as collective moorings.

Anchoring on a temporary basis is also a feature of many places around the Sounds. This occurs for recreational purposes where boats may overnight or in some instances and particularly in recognised locations, to provide for temporary shelter in bad weather. It is important that developments or activities in the coastal marine area do not affect the ability of the boating community to anchor in locations that are recognised anchorages.

Issue 13E – How and where to provide for mooring and/or berthage facilities in Marlborough's coastal environment.

Deciding how and where to provide for facilities or areas where boats are able to be safely moored or anchored is an issue given the wide range of economic, cultural and social values of Marlborough's coastal environment, in addition to significant natural character, landscape and biodiversity values.

Historically many property owners within the Sounds relied on swing moorings to moor boats. This continues to be the case today although many property owners now also seek other structures such as boatsheds and jetties to provide enhanced forms of access. In some areas, especially close to nodes of settlement, there are some issues with competing demand for coastal space for moorings, especially swing moorings. The location of swing moorings also has to take account of navigational routes for boats as well as being sited with sufficient separation from one another to ensure the safety of other boats on moorings.

For some people, especially those who do not own property in the Marlborough Sounds, the short term anchoring of boats is common. Some bays in the Sounds are recognised on navigational charts and in nautical publications as places for boats to anchor in certain wind conditions. However, the long term or permanent anchorage of boats can potentially give rise to adverse effects on the surrounding environment and to other users of the coastal environment. These effects may be a reduction in water quality, loss of or deterioration of benthic habitat, disturbance to marine species at important feeding sites, amenity related, impacts on natural character, a reduction in public access or recreational opportunities etc. While it is important that recognised anchorages are able to be used, it is also important that limitations are placed on longer term anchoring. Areas for large ship anchoring are identified on navigational charts and nautical publications.

Objective 13.6 – A range of options is available to accommodate mooring/berthage.

Given there are different needs and demands for boat owners to provide for the safe storage or berthage of their boat, it is important the RPS/Resource Management Plan provides a range of options to accommodate the different needs and demands. Not every option will be appropriate in every location

¹ The term 'boat' has the same meaning as 'ship'.

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within Marlborough's coastal environment and the following objectives and policies set out the circumstances where each of the options may be considered appropriate.

Policy 13.6.1 – Provide for the mooring or berthage of boats by:

- (a) Enabling anchoring of boats;
- (b) Establishing Mooring Management Areas where there is high demand for space in the coastal marine area;
- (c) Ensuring moorings outside of Mooring Management Areas are sited in appropriate locations; and
- (d) Zoning specific areas for activities related to the operation of marinas, ports and port landing areas in Picton, Havelock, Waikawa, Elaine Bay and Oyster Bay.

The four options provided for through this policy reflect both historic and recent approaches to providing for mooring or berthage of boats in Marlborough's coastal environment. Options a) to c) are applicable to the Coastal Marine Zone while option d) is specific to the Port, Port Landing Area and Marina Zones. This means the remaining policies under Issue 13E are not relevant considerations in the Port, Port Landing Area and Marina Zones. Policy for these zones is included under Issues **x** and **x** of this chapter.

Boat anchorages

Objective 13.7 – The coastal marine area is able to be used for anchoring by boats.

Anchoring of boats has long been considered an appropriate use within the coastal marine area, particularly for recreational use but also for commercial boats. The objective seeks to enable use of the coastal marine area for this purpose.

Policy 13.7.1 – Enable use of the coastal marine area for temporary anchoring by boats.

Boats of all sizes are reliant on being able to anchor for recreational purposes, anchoring during storms, or in the event of being damaged or where there is gear failure. An enabling approach to providing for this on a temporary basis has been provided subject to meeting standards.

Policy 13.7.2 – Restrict the long term or permanent anchorage of boats.

The long-term or permanent anchorage of boats in one location can potentially give rise to adverse effects on the surrounding environment and to other users of the coastal environment. These effects could see a reduction in water quality, amenity values, in public access or recreational opportunities or potentially on benthic habitat. Therefore it is appropriate that controls are placed on the ability of boats to anchor for long periods of time. This will help to achieve the policies of the NZCPS, especially Policy 6(2)(c) and also other policies in both the NZCPS and RPS/Resource Management Plan in relation to natural character, water quality, public open space and indigenous biodiversity.

Mooring Management Areas

Objective 13.8 – Efficient use of the coastal marine area where there is competing demand to occupy coastal space for swing moorings.

Where there is ongoing demand for coastal space for moorings and there is also competing demand for other uses or activities in the same space, a comprehensive management regime needs to be in place to ensure that efficient use of the coastal marine area is achieved. This will help to minimise overlap between swing circles and therefore damage to boats.

Policy 13.8.1 – Mooring Management Areas may be established to manage the placement and use of swing moorings where there is competing demand for coastal marine area to accommodate swing moorings.

Mooring Management Areas are a relatively new concept having been developed initially to manage conflicting demands with large numbers of swing moorings and other activities within Waikawa Bay. If a Mooring Management Area is established then it shall only be established through the plan change process after having regard to the matters in Policy 13.8.2. These areas will be identified in the RPS/Resource Management Plan maps.

Policy 13.8.2 – To determine the appropriateness of an area of coastal space to be identified as a Mooring Management Area in the RPS/Resource Management Plan, the following matters will be considered:

- (a) Current and anticipated demand for swing moorings in the area;**
- (b) The cumulative effect, including on coastal amenity values and on benthic habitats, of swing moorings and the capacity of the area to accommodate existing and additional moorings;**
- (c) Whether there are issues with the current layout of existing swing moorings including overlapping of swing circles;**
- (d) The intensity, character and scale of other activities in the area including:**
 - (i) Extent to which the use of, or access to, other coastal structures located in the area are or will be affected by more swing moorings;**
 - (ii) Residential development existing in the area and potential for future development having regard to the zoning of land;**
 - (iii) Recreational activities occurring in the coastal marine area;**
- (e) Impacts on navigation of continuing with an uncontrolled approach to siting of swing moorings.**

This policy contains the matters that need to be considered in making decisions to assess new locations to be managed as a Mooring Management Area. At the time the RPS/Resource Management Plan was made operative, the only Mooring Management Areas that had been identified were located in Waikawa Bay. These were established in response to the ongoing demand for moorings in the Bay and the different uses competing for water space. It is quite likely that other areas of the Marlborough Sounds may at some future time see a high demand for coastal space for swing moorings. If the demand reaches a point which results in inefficient use of coastal space then it may be appropriate to introduce Mooring Management Areas in other locations.

Policy 13.8.3 – Moorings located in a Mooring Management Area as identified on the RPS/Resource Management Plan maps will be encouraged by:

- (a) Enabling them as a permitted activity where a Moorings Management Bylaw is in place; or**
- (b) Where no Moorings Management Bylaw is in place, providing for moorings within a Mooring Management Area as a restricted discretionary activity. The matters the Council will restrict its discretion to in considering the consent will be:**
 - (i) Location within a Mooring Management Area;**
 - (ii) The type and specification of mooring sought including the swing arc; and**
 - (iii) The availability of space within the Mooring Management Area.**

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Once a Mooring Management Area has been established to more efficiently manage coastal space, moorings located within these areas can be controlled through a bylaw promulgated under the Local Government Act 2002 or through the resource consent process. This policy provides that where a bylaw is in place, then moorings within the Mooring Management Area are a permitted activity. The bylaw will set up a licensing system for moorings in the identified areas. Where no bylaw is in place then a restricted discretionary activity consent will be required under the RPS/Resource Management Plan and the matters that the Council will limit its discretion to are identified in b).

Moorings outside Mooring Management Areas

Objective 13.9 – Moorings are sited in appropriate locations outside of the Mooring Management Areas.

It is recognised that it is not appropriate or possible for all moorings to be located within a Mooring Management Area. The Mooring Management Areas are only to be established where there is competing demand for coastal space, however in many areas of Marlborough's coastal marine area there is space for competing demands to easily coexist. Therefore it is necessary for provision to be made within the RPS/Resource Management Plan for moorings to be considered outside of Mooring Management Areas. It is important though that moorings are appropriately located as they can have adverse effects either individually or cumulatively.

Policy 13.9.1 –The following matters are to be assessed in determining the appropriateness of the location for a mooring:

- (a) **Whether there is a Mooring Management Area with available space that is in the vicinity of the proposed mooring site;**
- (b) **What the proposed mooring is to be used for:**
- (c) **The potential for the mooring and any moored boat to adversely affect:**
 - (i) **the navigation and safety of other boats, including any other moored boat;**
 - (ii) **existing submarine cables or other utilities or infrastructure;**
 - (iii) **recreational use of the coastal marine area, including the short term anchorage of other recreational boats;**
 - (iv) **amenity values of adjoining residents or of land with high recreational value;**
 - (v) **the open space character of the coastal marine area;**
 - (vi) **the natural character, landscape or ecological values of the site, including on adjoining land and offshore islands;**
 - (vii) **the cultural and customary values of the site, including access for customary purposes; and**
 - (viii) **the operation of any existing activity or any activity that has been granted resource consent;**
- (d) **What practicable land-based storage options for the boat are available and/or alternative access points; and**
- (e) **Whether there will be a cumulative impact on the values of the coastal environment from a mooring in the location proposed.**

This policy identifies the matters that will be considered through the resource consent process in determining the appropriateness of a particular site for a mooring and its intended purpose i.e. to provide

access to an applicant's land, for moorings for commercial activities, for customary or for collective use. The purpose is an important consideration in determining the appropriateness or otherwise of the mooring, as particular conditions may be relevant for one purpose but not another. The broad nature of the other matters identified reflects the varied nature of activities and values of Marlborough's coastal environment.

Policy 13.9.2 – Subject to the matters in Policy 13.9.1 moorings will be limited by:

- (a) Regarding the installation of one mooring per Computer Freehold Register or Computer Unit Title Register to enhance access to private property as being appropriate;
- (b) Regarding a mooring where the applicant does not own land in the vicinity of the proposed mooring location as being inappropriate, except in the case of collective moorings; and
- (c) Where resource consent is granted for a mooring to provide access to an applicant's property or for a boat associated with a commercial activity undertaken in the vicinity of the mooring site, then the consent shall be linked to that property/commercial activity and will be required to be transferred on the sale of the property/commercial activity to the new owner(s).

Moorings enhance use of private property in the Marlborough Sounds and can also be important for commercial activities. However, because they are relatively simple structures and easy to install, landowners have often sought to have multiple moorings. This can create conflict with other users of coastal space and have adverse effects on a range of values of the coastal environment. Avoiding the proliferation of moorings by limiting numbers to one per property will help to avoid adverse effects and will also mean there is enough coastal space for other landowners to be able to locate moorings as well. For those wanting access to the Marlborough Sounds but who do not own property, a boat mooring will be regarded as inappropriate as there are other alternatives available. These include moorings within Mooring Management Areas, boating club (collective) moorings, temporary anchorage or marina berths. Additionally, the numbers of boat moorings can be reduced by requiring consents to be linked to a property or commercial business and requiring these consents to be transferred to a new property or business owner where these are sold. The reason the policy has been made subject to the matters in Policy 13.9.1 is that there may be circumstances where the need for a mooring falls outside the limitations specified in 13.9.2

Policy 13.9.3 – A swing mooring should be sited so that the risk of collision with a boat on an adjacent swing mooring is avoided.

At a number of locations around the Marlborough Sounds where there are multiple swing moorings in place, there have been safety issues with boats colliding with one another. To avoid this situation occurring in the future, the policy directs that swing moorings are to be sited in such a way where there is no likelihood of collision with another moored boat.

Policy 13.9.4 – The use of a mooring shall be limited to the size of boat for which consent was granted.

The size of a boat will dictate the size of anchor, swing circle and other specifications required for a swing mooring. The swing circle is an important factor in ensuring the safety of other moored boats. It is therefore important a consented mooring is not used for boats larger than what was considered through the consenting process. If a swing mooring is intended to be used for a larger boat than originally consented, then this needs to be reassessed through the resource consent process.

Policy 13.9.5 – Moorings shall be maintained and marked in a way which protects the safety of navigation, including providing and maintaining of adequate buoyage and anchoring systems.

Because moorings are located in the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that the mooring structures are marked and maintained in good condition so they remain visible and intact to ensure public safety is protected. This will require compliance with relevant consent conditions.

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Policy 13.9.6 – A mooring shall be required to be removed from the coastal marine area in the following circumstances:

- a) Where there is no longer a need for a mooring to moor a boat;
- b) Where the existence of a commercial activity has been the justification for approving a coastal permit for a mooring and the commercial activity no longer exists or operates;
- c) Where a collective mooring is no longer to be used as a collective mooring;
- d) When a coastal permit for the mooring expires and no new coastal permit has been sought;
- e) Where consent is refused for an existing mooring for which a new consent has been sought.

There may be circumstances where a mooring is no longer needed to moor a boat. Where this is the case then it is appropriate for the mooring to be removed from the coastal marine area. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed on resource consents granted. This policy will also help to ensure that the purpose for which consent was granted is continued.

Policy 13.9.7 – In determining an application for a new consent for a lawfully established existing mooring outside of a Mooring Management Area, the matters in Policies 13.9.1 to 13.9.4 will be considered. The extent to which the existing mooring is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated, will be a significant factor in whether a new consent is granted.

The policies to be considered in an application for a new coastal permit for an existing mooring include consideration of matters which may be expected to change over time and therefore warrant reconsideration. This includes in particular natural character, recreation, amenity values and public access.

Policy 13.9.8 – Avoid moorings in Waikawa Bay outside of the Mooring Management Areas and Waka Mooring Management Area, except where:

- (a) The moorings are to provide access to immediately adjoining properties; or
- (b) The moorings are a renewal of currently consented moorings where:
 - (i) The mooring has a swing circle that does not intersect with a Mooring Management Area;
 - (ii) The mooring does not impede navigation or compromise the functioning of a Mooring Management Area; and
 - (iii) The mooring is listed in Appendix **xx** of the RPS/Resource Management Plan.

In terms of a) the matters in Policy 13.9.1 are to be assessed in determining the suitability of a new mooring in Waikawa Bay.

Waikawa Bay is a focal point for recreational boating activity but is also important for commercial and cultural activities. Given there are competing demands to occupy and or use coastal space in Waikawa Bay, Mooring Management Areas have been established to identify appropriate locations for moorings in the bay. New moorings outside the defined Mooring Management Area in Waikawa Bay are discouraged unless they are for the specific purpose of mooring boats associated with land owners/residents adjacent to those mooring locations. The RPS/Resource Management Plan identifies specific locations for Mooring Management and Waka Management Areas within Waikawa Bay, which is defined as being the coastal marine area south of a line drawn between The Snout and Karaka Point.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.11 Mooring Management Areas

A specific regime is proposed for the management of moorings in the Marlborough Sounds where there is significant competition for coastal space. Mooring Management Areas may be established in response to avoid conflict with competing uses and users and to ensure efficient use is achieved. Management will occur either through a bylaw or if no bylaw is in place through the resource consent process.

13.M.12 Regional Rules

Short term anchorage of ships/boats will be enabled by a permitted activity rule.

Moorings within a Mooring Management Area will be provided for as a restricted discretionary activity, subject to standards and terms, unless a bylaw is in place that provides the management framework. If a bylaw is in place then moorings within the Mooring Management Area will be a permitted activity.

Where a mooring is sought to be located outside of a Mooring Management Area, a discretionary activity resource consent will be required.

13.M.13 Information

Publications such as 'The Pilot' or 'The Cruising Guide' provide information on anchorages as do navigational charts and directions from the Harbourmaster.

13.M.14 Monitoring and Investigation

The Council will monitor annually the number and location of consented moorings. Within xx years of the RPS/Resource Management Plan being publically notified, and having regard to the monitoring information, the Council will determine whether investigations into establishing a carrying capacity for moorings in the Marlborough Sounds is necessary.

Coastal structures, reclamations and disturbance to the foreshore and seabed

Marlborough's coastal marine area is characterised by a number of activities, which involve the erection of structures, the disturbance of the foreshore or seabed and in some cases, both. The Marlborough Sounds are obviously a major focus for these activities given the extensive nature of this sheltered waterway. This means that it is also the place where the issues about how activities are provided for and coastal space is allocated, are apparent. The Marlborough Sounds has a large number of physical structures or occupations that are permanent. There are nearly 1,600 jetties, slipways, boatsheds and other structures (retaining walls, pipelines, sub-aqueous cables, boat ramps etc) dotted around the Sounds. Reclamations have occurred to enable port or marina operations to take place while in some remote locations there are reclamations that assist in forestry harvesting activities.

Other activities that take place in the coastal marine area, which involve some disturbance of the foreshore and seabed include, but are not limited to, dredging navigational channels; the cleaning of blocked pipes (e.g. stormwater outfalls); beach tidying and grooming; the deposition of material on the seabed; and the burial on the foreshore of dead marine mammals.

Coastal structures, reclamations or disturbance activities provide private benefit to the person undertaking them but in some cases there is also wider community benefit. It is important therefore that the uses and forms of development appropriate for Marlborough's coastal marine area are identified and adverse effects can be addressed, while at the same time the social, economic and cultural wellbeing of the community can be achieved.

Issue 13F – There continues to be significant pressure for the development and/or redevelopment of a variety of coastal structures, including providing for boat access to properties within the Marlborough Sounds.

There is a limited roading network in the Marlborough Sounds as a result of the nature of the topography and the difficulties (financial and physical) in establishing roads in the steep terrain that exists in many parts of the Sounds. For this reason, many property owners rely upon boats to gain access to their properties. This has necessitated the:

- Construction of jetties to enable the safe and efficient set down and loading of passengers and associated cargo; and
- Construction of boat sheds (and slipways/ramps) for the storage of boats and boating related equipment that cannot be easily stored elsewhere on the property.

Even in cases where there is road access, property owners still expect to be able to enhance their access to the Sounds by having jetties and boatsheds. It is important to recognise the significance of these coastal structures in providing property owners and visitors access to existing residential properties. This obviously needs to be weighed against the potential for coastal structures to intrude, visually, into the landscape/seascape as well as having impacts on other values such as ecological, natural character, recreation, navigation, amenity etc. Of note is that the size of jetties and boatsheds has been increasing partly in response to the increasing size of boats.

Retaining walls and associated abutments (effectively a small reclamation) are often built in and around jetties and boatsheds. Reasons for this can include providing an anchoring point for a structure, to protect the structure from coastal processes, and to enhance access to the foreshore. Retaining walls can be built from a number of materials and if not sympathetically designed can be intrusive in the natural environment and can physically or perceptually hinder public access to and along the foreshore. Landscaping and development of reclaimed areas can also give the perception that the area is part of the boatshed or jetty development and the area is not available for public use. In other cases coastal

protection works are sought as a means of protecting land from being eroded by coastal processes or boat wash.

Other structures such as pipelines, cables, decking around boatsheds, slipways or boat launching ramps are also evident in many locations around the Marlborough Sounds. While there are few structures currently located along the east Marlborough coastline, the following provisions are also relevant to this area of the coastal environment.

Objective 13.10 – Structures in the coastal environment including jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables or other buildings or structures, are appropriately located and within appropriate forms and limits to protect the values of the coastal environment.

In addressing the Issue, the objective does not seek to preclude structures in the coastal environment but that where these are to occur it is important they are appropriately located and within appropriate forms and limits. This helps to give effect to Objective 6 of the NZCPS. The subsequent policies under this objective and those under Objectives 13.1 and 13.2, help to inform appropriate locations, what the appropriate forms and limits are and importantly what the values are for the coastal environment. (Regard to other chapters such as landscape, natural character, public access, indigenous biodiversity etc will help inform values for the coastal environment. Chapter 4: Use of Natural and Physical Resources may be relevant in terms of regionally significant infrastructure.) The following policies to achieve Objective 13.10 include guidance for the consideration of all coastal structures and additional policies for jetties, boatsheds and slipways and coastal protection structures. Objective 13.10 and its subsequent policies do not apply to the Port Zone, Port Landing Area Zone, Marina Zone, marine farming or to moorings.

All coastal structures

Policy 13.10.1 – Enable structures to be located within the coastal marine area where these are necessary for the purposes of assisting with navigation of ships/vessels or are temporary in nature for scientific monitoring or research purposes.

It is important for safety reasons that navigational aids are able to be strategically located in Marlborough's coastal marine area. Monitoring equipment for scientific purposes, or for research, is often only temporary in nature and does not usually involve significant alteration or occupation of the coastal marine area. An enabling approach to these types of structures is provided for through the rules, subject to standards.

Policy 13.10.2 – Other than as provided for in Policy 13.10.1, proposals to locate structures within the coastal marine area will be required to be assessed through the resource consent process.

In most cases any structure that occupies the coastal marine area in terms of Section 12 of the RMA, will require to be assessed through a discretionary activity resource consent. This is to ensure that regard is had to the values of the coastal environment and the impact on other uses or activities in deciding whether the proposed structure is appropriate or not.

Policy 13.10.3 – Efficient use shall be made of the coastal marine area by using the minimum area necessary for the use.

Policy 6 of the NZCPS requires the efficient use of occupied space within the coastal marine area and prescribes some circumstances by which this is to occur. In addition, the Marine and Coastal Area (Takutai Moana) Act 2011 sets out rights for use of the common marine and coastal area. In having regard to these rights the Council considers efficient use of the coastal marine area should be in part predicated on also using the least amount of space for structures.

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Policy 13.10.4 – The erection and use of decking structures:

- (a) By themselves or in conjunction with jetties, are regarded as inappropriate and shall be avoided; and
- (b) Where proposed in association with a boatshed shall only be for access between the foreshore and the boatshed. Decking will be limited to one metre wide along only one side of the boatshed and to 2 metres wide across the front of the boatshed. Any other decking will be regarded as inappropriate.

Policy 13.10.4 is specific to the placement of decking structures, which are often constructed as part of boatsheds and jetties to provide enhanced facilities for landowners to use. Where there are extensive areas of decking around jetties and boatsheds, or decking in conjunction with a jetty, this creates a significant privatisation of the coastal marine area. This is regarded as inappropriate given the direction in the NZCPS that the coastal marine area is an extensive area of public space for the public to use and enjoy – Objective 4. It may be regarded as appropriate for some decking to be constructed in association with a boatshed to provide access across the front of and down only one side of a boatshed.

Policy 13.10.5 – When assessing applications to locate structures within and immediately adjacent to the coastal marine area, the following matters will be considered in determining whether the structure is appropriate:

- (a) The proposed reason for the structure and the benefits likely to arise from its use;
- (b) Would the structure be the first to be located in the stretch of coastline either side of the proposed site;
- (c) Is the structure to be sited in a prominent or conspicuous location;
- (d) If land based alternatives are an option to the proposed structure, why the coastal marine area location is preferred;
- (e) Whether the structure is for public or multiple use or for individual use;
- (f) The functional need that requires the structure to be located within the coastal marine area;
- (g) What effects there will be on:
 - (i) navigation and safety of other users of the area including whether the area is used for temporary boat anchoring;
 - (ii) customary access; and
 - (iii) the terrestrial environment;
- (h) Whether coastal processes will be adversely affected by the structure; and
- (i) The operation of any existing activity or any activity that has been granted resource consent.

The policy applies to any application for coastal structures for which resource consent is sought in the coastal environment. It gives effect to a number of the policies within the NZCPS and also the matters of national importance in Section 6 of the RMA. In determining whether a structure is appropriate or not at any particular location, consideration has to be had to policy elsewhere in this and other chapters of the RPS/Resource Management Plan. Not all of the matters listed will be relevant in every case.

Policy 13.10.6 – Structures should be of an appropriate location, scale, design, cladding and colour so as to avoid, or mitigate adverse effects on the landscape and amenity values of the coastal environment.

It is important resources users, when designing or constructing structures, consider how adverse effects on landscape and amenity values can be avoided or mitigated. This approach is important given the imperatives in Sections 6 and 7 of the RMA on landscape, quality of the environment and amenity values. The policy also assists in addressing Issue 4C concerning a detraction from the character and intrinsic values of the Marlborough Sounds.

Policy 13.10.7 – Structures shall be designed and located taking into account relevant dynamic coastal processes, including sea level rise.

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that structures are designed by appropriately qualified experts to ensure these matters are taken into account.

Policy 13.10.8 – Where consent is granted for a structure the coastal permit will generally tie the structure to the property for which the use was intended. On sale of the property, or in the case of structure(s) consented for commercial purposes where the structure is related to the business being sold, the transfer of coastal permits for structures to the new owners of the property/business will be required.

In the initial granting of a coastal permit application the detail included with the application would have stated whether an applicant owned land adjacent to the site. Policy 13.10.5 also considered the need for the structure. It is important the consent is tied to a property for which the use was intended. It also follows therefore that where the property is sold, or in the case of a permit for which consent was granted to a business, the business is sold, that the coastal permit should be transferred to the new property/business owner. In some cases a structure such as a public launching ramp may not have an association with a specific property and therefore there is no need for the consent to be tied to a property.

Policy 13.10.9 – Coastal structures shall be maintained in a way which protects public safety including for safe navigation.

Because coastal structures are located in the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that the structures are maintained in good condition so they remain intact to ensure public safety is protected. This will require compliance with relevant consent conditions.

Policy 13.10.10 – Coastal structures shall be required to be removed from the coastal marine area in the following circumstances:

- (a) Where there is no longer a need for the structure;
- (b) When a coastal permit for a structure expires and no new coastal permit has been sought;
- (c) Where consent to authorise an existing structure is refused.

There may be circumstances where coastal structures are no longer needed or are not reconcented in terms of (b) or (c). Where this is the case then it is appropriate for the structure to be removed from the coastal marine area. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed on resource consents granted.

Additional policies for Jetties

Policy 13.9.11 – Where an application is made to construct a new jetty or to alter or extend an existing jetty, the following matters will be considered:

- (a) The necessity for the jetty (or alteration or extension), including whether it will be used for individual or community use or a commercial activity on land;
- (b) What the nature of the existing environment is including:
 - (i) The seabed profile at the proposed jetty site to help determine the appropriate length of the jetty;
 - (ii) The topography between the proposed site and adjacent properties;
 - (iii) Whether there are formed tracks from the proposed site to adjacent properties or whether there will be a need to construct access tracking; and

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- (iv) Whether there is an existing jetty in the vicinity of the proposed site that could provide access;
- (c) The extent to which the application site needs to be dredged to provide adequate depth for berthing boats and if dredging may be required in the future.

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing jetties will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment and the purpose of the jetty, decision makers will be better positioned to determine if the structure is appropriate or not and whether there may be alternatives available.

Policy 13.10.12 – Avoid the cumulative effects of jetties on the values of the coastal environment by:

- (a) Giving priority to the sharing of jetties or the development of community jetties.
- (b) Considering whether there is practical road access to an application site, whether there is practical access to another jetty and/or access to existing public launching facilities in the vicinity.

The reason for this policy is to address the cumulative effects of jetties along the coastal marine area. There are opportunities for sharing jetties between landowners, either in terms of the new jetty being proposed or in terms of an existing jetty that may be nearby. The practicality of using an existing jetty should be considered through the application process. In determining whether practical road access is available, it is acknowledged that there is no road access to many parts of the Marlborough Sounds. Additionally, while road access may be available it may be impractical to require use if there are significant distances to travel.

Policy 13.10.13 – The use of jetties by boats shall primarily be for embarkation and disembarkation purposes and not for providing berthage for vessels for extended periods of time.

The coastal marine area is available for all to use and there are rights guaranteed for this use through the Marine and Coastal Area (Takutai Moana) Act 2011. Given this and when considering other NZCPS and RPS/Resource Management Plan policies to efficiently use occupied space in the coastal marine area, it is important berthing of boats for long periods of time does not prevent others from using the jetty.

Policy 13.10.14 – A jetty shall be used to facilitate access between a vessel and the land and shall not be used for storing boats, boating equipment, marine farming equipment or other gear.

The primary purpose of a jetty is to provide access between a boat and the land and should not be used for any other purpose. Where storage for boats, boating equipment or other gear is needed, this should occur on private land or if the circumstances are appropriate, having regard to the policies, in a boatshed.

Policy 13.10.15 – Reduce the visual impact of jetties on the coastal environment by:

- (a) Limiting the width of jetties to that which is sufficient for foot passage and stability;
- (b) Where practicable using floating jetties, which tend to have a lower profile than fixed jetties and provide easier access to the shore;
- (c) Limiting the size, colour and height of mooring piles associated with the jetty;
- (d) Discouraging the use of jetties (or parts of jetties) running parallel to the shore as they can cause greater visual impact than a jetty solely perpendicular to the shore;
- (e) Avoiding the use of boatlifts alongside jetties for boat storage;
- (f) Avoiding locating lights on jetties other than that required to facilitate access;
- (g) Encouraging new jetties and link spans to be built of materials that are non-reflective or are painted in non reflective colours; and

- (h) **Avoiding signs on jetties other than for the purposes of assisting emergency services.**

Because jetties can have an impact on visual amenity and landscape values, this policy sets out matters which can assist to reduce these impacts and should be had regard to by decision makers. This includes consideration of the scale of a jetty in relation to the proposed location.

Policy 13.10.16 – Reduce the impact on public use and access to, within and along the coastal marine area, along the foreshore and on navigational safety by;

- (a) **Considering whether the jetty can be sited at one end of a beach rather than in the middle of a beach, having regard to landownership;**
- (b) **Requiring the provision of public access around the landward end of the jetty; and**
- (c) **Requiring the jetty to be made available for public use.**

The rocky nature of the Marlborough Sounds foreshore makes public access along the coast difficult at many locations. Structures such as jetties, which are built to connect to the land, can inhibit public access and therefore the policy directs that this be considered. On the other hand jetties do have the ability to provide for enhanced public access to the foreshore, which is consistent with Section 6(d) of the RMA. Given this requirement as well as other policy in the RPS/Resource Management Plan on public access, coastal permits will be conditioned to require jetties to be available for public use.

Policy 13.10.17 – Avoid the construction of jetties that effectively create a marina type berth i.e. a structure that runs along both sides of a boat.

With the use of a jetty having been described in Policy 13.10.13 as for embarkation and disembarkation purposes between a boat and the land and not for providing berthage for boats, this policy seeks to avoid a marina berth type jetty that would provide berthage. A jetty of this type also makes it difficult to be shared with adjoining landowners and increases the area of coastal marine area being occupied.

Policy 13.10.18 – In determining an application for a new consent for a lawfully established existing jetty, the matters in Policies 13.2.1, 13.10.8, 13.10.12(a), 13.10.13, 13.10.14, 13.10.15(e), (f) and (g) and 13.10.16(c) will be considered. The extent to which the existing jetty is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated, will be a significant factor in whether a new consent is granted.

The policies to be considered in an application for a new coastal permit for an existing jetty are limited. The policies include consideration of matters that may be expected to change over time and therefore warrant reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations.

Additional policies for Boatsheds and slipways

Policy 13.10.19 – The purpose of a boatshed shall be to house boats and boating equipment. Where the use of a boatshed differs from this purpose and it is to be located in the coastal marine area or on land immediately adjacent to the coastal marine area, then it is an inappropriate activity in the coastal environment and is to be avoided.

By default a boatshed cannot be a boatshed if it is used for uses other than storing a boat or boating equipment. Given the public nature of the coastal marine area and reserve land adjacent to the foreshore, it is important a boatshed is used for the purpose for which consent was sought. This means that where the use of a boatshed that is located in the coastal marine area or on land adjacent to the foreshore that is not privately owned, ceases for its consented use, then the building should be removed.

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Policy 13.10.20 – Where an application is made to construct a boatshed and/or slipway or to extend an existing structure, the following matters will be considered:

- (a) **What is the nature of the boat and boating equipment to be stored in the boatshed e.g. what is the size of the boat;**
- (b) **The materials to be used in construction of the boatshed, including cladding, doors and roofing and the dimensions of the boatshed including height and pitch of roof;**
- (c) **What are the opportunities for storing boats and boating equipment on private property and also whether there are any launching facilities nearby.**

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing boatsheds and slipways will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment and what the boatshed is to be used for, decision makers will be better positioned to determine if the structure is appropriate or not and whether there may be alternatives available.

Policy 13.10.21 – The installation of sanitary plumbing within or as part of the boatshed shall be avoided.

As the purpose of a boatshed is to house boats and boating equipment, there is no need for there to be sanitary plumbing of any kind. There is no functional need for these facilities to be located within or as part of a boatshed. They are more appropriately located within a dwelling.

Policy 13.10.22 – The visual impact of boatsheds on the values of the coastal environment will be reduced by:

- (a) **Ensuring boatsheds are limited to one storey in height with no internal upper flooring;**
- (b) **Requiring boatsheds to be built of materials that are non-reflective or are painted in non reflective colours that blend with the surrounding shoreline or bush;**
- (c) **Avoiding large windows and glass doors (including glass sliding doors);**
- (d) **Avoiding the use of boatlifts alongside jetties for boat storage;**
- (e) **Avoiding locating lights on boatsheds other than that required to facilitate access; and**
- (f) **Avoiding signs on boatsheds other than for the purposes of assisting emergency services.**

Because boatsheds can have an impact on visual amenity and landscape values, this policy sets out matters which can assist to reduce these impacts. Unlike jetties which are not a solid structure, a boatshed has the potential because of its size, colour and construction material to have an adverse effect on landscape, amenity and natural character values.

Policy 13.10.23 – In determining an application for a new consent for a lawfully established existing boatshed and slipway, the matters in Policies 13.2.1, 13.10.8, 13.10.19, 13.10.20(a) and (b), 13.9.21 and 13.9.22 will be considered. The extent to which the existing boatshed and slipway is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated, will be a significant factor on whether a new consent is granted.

The policies to be considered in an application for a new coastal permit for an existing boatshed are limited. The policies include consideration of matters that may be expected to change over time and therefore warrant reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations. Any ability to further reduce visual impacts is also important to consider as is confirming the original purpose of the boatshed for storing boats and boating equipment remains valid.

Additional policies for coastal protection structures or works

Policy 13.10.24 – The establishment of coastal protection structures or works may be considered appropriate where:

- (a) Alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost, or have greater adverse effects on the environment; and**
- (b) The works are justified by a community need; or**
- (c) Regionally significant infrastructure is at risk.**

This policy sets out the circumstances when coastal protection works may be considered appropriate. In general the circumstances prescribed demonstrate that there needs to be clear positive effects on the environment from having coastal protection works and that these outweigh any negative effects. The subsequent policies for coastal protection works are only applicable when the tests in Policy 13.10.24 have been satisfied.

Policy 13.10.25 –The use of non-structural methods of coastal protection work shall be preferred where practicable, including planting and beach nourishment, rather than structural methods.

Using non-structural coastal protection methods is preferred over structural methods where this is a practicable option. This policy helps to give effect to Policies 25-27 of the NZCPS. Structural methods artificially stabilise the coastline but may be appropriate where it can be demonstrated that such a solution is the best practicable method for remedying or mitigating the hazard.

Policy 13.10.26 – Any proposal for coastal protection structures or works shall demonstrate that:

- (a) The design, construction and placement of the coastal protection structure will not lead to any of the following effects (either in a temporary, permanent or cumulative manner):**
 - (i) Undermining of the foundations at the base of the structure;**
 - (ii) Erosion behind or around the ends of the structure;**
 - (iii) Settlement or loss of foundation material;**
 - (iv) Movement or dislodgement of individual structural components;**
 - (v) The failure of the coastal protection structure should overtopping by water occur;**
 - (vi) Offshore or longshore loss of sediment from the immediate vicinity; and**
 - (vii) Any increase in the coastal erosion posed to the coastline in question; and**
- (b) Any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect waahi tapu sites, natural processes, ecological or amenity values of the coastal marine area beyond the site of the work.**

It is important coastal protection works, which are structural in nature, have been designed by experts in natural coastal processes. The reason for this is to ensure that the proposed works will not exacerbate the hazard and will do the job they are designed for and at the same time do not transfer adverse effects elsewhere.

Policy 13.10.27 – Discourage the use of concrete slab retaining walls, sheet piling, car tyres or similar for coastal protection measures and encourage the use of materials similar to those found naturally occurring in the area, or which can be locally sourced.

Many people find the appearance of hard protection works unattractive and inconsistent with the protection of the natural character of the coast and in turn inconsistent with the provisions of the NZCPS. Retaining walls or similar can also cover or reclaim part of the beach and can affect access to the beach. These types of protection structures can therefore have direct and indirect adverse effects on natural

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character, landscape values, amenity values and public access. It is therefore preferable that materials similar to those naturally occurring in the area to be protected are used. Where this is not practicable materials, which can be sourced locally can also be used.

Issue 13G – Disturbance of the foreshore and seabed through reclamation, dredging, drainage, deposition etc can have adverse and irreversible effects on values of the coastal environment

Section 12 of the RMA places restrictions on use of the foreshore and seabed within the coastal marine area. Essentially, no person may reclaim or drain, disturb (excavate, drill or tunnel), deposit substances or remove any natural material (sand, shingle, shell) in respect of the foreshore and seabed, unless it is provided for by either a rule in a plan, or by a resource consent.

Various activities involving disturbances to the foreshore and seabed are undertaken within Marlborough's coastal environment. A number provide considerable benefits to the community. An example is the clearance, cutting and realignment of river mouths to lessen potential effects of flooding events. The ability for people or authorities to undertake this activity provides considerable benefits and it is likely that the need for this activity will continue in the future. Similarly, reclamations constructed as part of port and marina development bring both economic and social wellbeing to the community.

However, depending on the scale of the disturbance activity and its location there can be considerable adverse effects arising for a range of values. For example, the most significant adverse effect of a reclamation is the burial of the seabed. This threatens habitats associated with the seabed and potentially the life-supporting capacity of a much larger surrounding area as well as potentially affecting iwi values. Other potential effects associated with reclamation include interruption to the water movement patterns, shoaling effects, exclusion of water-based uses, visual impacts and construction effects.

Dredging activities, which are most often required around ports and marinas and particularly within and approaching the Havelock port area, can also have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic aquatic life within the dredged area (organisms that live in or on the bottom sediments). Dredging can also affect water movement patterns and alter the physical nature of sediments, thus potentially affecting habitats.

Therefore the objectives and policies that follow establish an approach to enable the continuation of some disturbance activities, especially where these are essential for the ongoing and safe operation of existing infrastructure, while ensuring the effects of disturbance activities are appropriately addressed or otherwise avoided.

Reclamation and drainage

Objective 13.11 – Minimise the loss of Marlborough's coastal marine area through reclamation or drainage.

Reclamations and/or drainage permanently alter the foreshore and seabed and alter the area available to the public in terms of the rights for use of the common marine and coastal area, (as set out in the Common Marine and Coastal Area (Takutai Moana) Act 2011). It is therefore important that the loss of coastal marine area through reclamation is minimised.

Policy 13.11.1 – Proposals to reclaim or drain the coastal marine area will be required to be assessed through the resource consent process.

Any proposal to reclaim or drain the coastal marine area in terms of Section 12 of the RMA will require to be assessed through a resource consent application. This is to ensure that regard is had to the values of the coastal environment and the impact on other uses or activities in deciding whether the activity is appropriate or not.

Policy 13.11.2 – Reclamation or drainage in the coastal marine area shall be avoided unless:

- (a) The activity to be carried out on the reclamation has to be adjacent to the coastal marine area; and**
- (b) It can be shown there are no alternative land-based sites available (above Mean High Water Springs); or**
- (c) They are for either the operational needs of ports within Port Zones, or for the operational needs of marinas within Marina Zones where they are consistent with other relevant policies of this RPS/Resource Management Plan.**

The matters in this policy give effect to Policy 10(1) of the NZCPS. In any application for resource consent it will be important that the purpose for which the reclamation or drainage is proposed is clearly established given the public nature of the coastal marine area. This policy will help to avoid situations where the effect of a reclamation would be to privatise the foreshore and seabed for private use. In terms of reclamations within Port or Marina Zones, port and marina facilities have been identified as regionally significant infrastructure so (c) has been included in having regard to NZCPS Policy 10(1)(d).

Policy 13.11.3 – The need to dispose of dredged material or other material should not dictate the need for, or size of, a reclamation.

Reclamation must be needed for a reason other than to dispose of dredged material or other material. Similarly the size of any reclamation proposed should be related to the intended activity to be carried out and not as justification for disposing of dredged material or other waste.

Policy 13.11.4 – Where an application is made for resource consent to reclaim or drain the coastal marine area, effects (including cumulative effects) on the following matters will be considered:

- (a) The proposed reason for the reclamation/drainage and the benefits likely to arise from its use;**
- (b) If land based alternatives are an option to the proposed reclamation/drainage, why the coastal marine area location is preferred;**
- (c) The functional need that requires the activity to be carried out on the reclamation;**
- (d) What the effects will be on:
 - (i) navigation and safety of other users of the area including whether the area is used for temporary boat anchoring;**
 - (ii) cultural values; and**
 - (iii) the terrestrial environment, including an assessment of any earthworks necessary;****
- (e) Whether coastal processes will be adversely affected by the structure; and**
- (f) The operation of any existing activity or any activity that has been granted resource consent.**

This policy provides direction to decision makers as to the matters that need to be considered when deciding on resource consent applications for reclamation or drainage in the coastal marine area. It gives effect to a number of the policies within the NZCPS and also the matters of national importance in Section 6 of the RMA. In determining whether a reclamation or drainage is appropriate or not at any particular location, regard has to be had to other policy in this chapter and to other chapters of the RPS/Resource Management Plan.

Policy 13.11.5 – Reclamations shall be designed taking into account relevant dynamic coastal processes, including sea level rise.

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that reclamations are designed by appropriately qualified experts to ensure these matters are taken into account.

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Policy 13.11.6 – Material used to create and form any reclamation or impoundment should not include contaminants, which could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.

This policy effectively directs that materials to be used in a reclamation or impoundment should be inert so that contaminants do not leach into the coastal marine area. This helps to protect the water quality, aquatic ecosystem and biodiversity values identified in the policy. This policy also gives effect to Policy 10(2)(c) of the NZCPS.

Policy 13.11.7 – Where practicable, an esplanade reserve or strip shall be required to be set aside on reclaimed areas of the coastal marine area, for public access.

Enhancement of public access along the coastal marine area is a matter of national importance in the RMA. Policy 10 of the NZCPS also requires that regard is had to providing for public access along a reclaimed area where practicable. There are some circumstances where it may not be practicable to provide for public access along reclaimed areas and regard should be had to Objective 9.2 of Chapter 9: Public Access and Open Space which sets these circumstances out.

Policy 13.11.8 – The finished appearance of the reclaimed or drained area and its future use, shall as far as practicable be compatible with the environment in which it is to be located.

For landscape reasons, which includes visual amenity, it is important that consideration is given to the finished appearance of a reclaimed area and its future use, not just the reclamation itself. For areas that are located away from established port or marina areas a reclamation could be a significant intrusion within the coastal environment and therefore mitigation of this impact is important. Even within areas of the coastal environment such as at Picton or Havelock, which have already been modified, the appearance of the reclaimed area and subsequent development could also have an adverse visual impact if not compatible with the existing form of development. The policy also helps to give effect to Policy 10 of the NZCPS.

Disposal and deposition

Objective 13.12a – Minimise the disposal or deposition of organic or inorganic material into the coastal marine area.

It is preferable that disposal or deposition of organic or inorganic material is minimised. This will help to avoid adverse effects on a range of values within the coastal marine area, including ecological, natural character, iwi, navigation, amenity etc.

Objective 13.12b – Material dredged from the coastal marine area is appropriately disposed of.

Where dredged material is to be disposed of in the coastal marine area it is important the location and circumstances in which the deposition is to occur is appropriate. There are no specific dumping sites for dredged material identified within the RPS/Resource Management Plan and therefore any proposals for disposal need to be considered through the resource consent process so that it can be determined if it is an appropriate activity or not.

Policy 13.12.1 – Proposals to dispose dredged material or other material in the coastal marine area shall demonstrate that:

- (a) There are no reasonable and practicable alternatives to disposal available on land;
- (b) The disposal will be undertaken in a location and at times of the day, or year, that will avoid in the first instance, then remedy or mitigate adverse effects on:
 - (i) the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna;

- (ii) navigational safety;
 - (iii) other established activities located in the coastal marine area, which are likely to be affected by the disposal; and
 - (iv) water quality including an increase in water turbidity or elevated levels of contaminants; and
 - (v) shoreline instability or coastal erosion on adjacent coastal land;
- (c) In the case of dredged material, the site is located so as to avoid, as far as practicable, the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters through the action of coastal processes such as waves, tides and other currents.

Given that significant effects can arise through disposal of material within the coastal marine area, it is appropriate to consider why the alternative of disposing of land is not reasonable or practicable. The policy also identifies particular values to be protected or environmental effects to be addressed when considering resource consent applications as well as the characteristics of the disposal site.

Policy 13.12.2 – The disposal of contaminants or material containing contaminants should be avoided.

There are potentially significant adverse effects that may arise from the marine disposal of contaminants or material containing contaminants which may be significant depending on what is being disposed of, the level of contamination and the location and method of disposal. The policy therefore directs that disposal of contaminants, or material containing contaminants, is to be avoided.

Disturbance of the Foreshore or Seabed not elsewhere provided for

Objective 13.13 – The effects of disturbance to the foreshore or seabed not provided for elsewhere are appropriately managed.

Previous objectives and policies under Issue 13E have provided direction on specific disturbance activities. There are however, other circumstances where disturbance activities may occur and it is necessary for there to be a framework within which these activities are managed.

Policy 13.13.1 – Activities that result in little disturbance of the foreshore or seabed will be provided for as a permitted activity.

There are some activities, particularly recreational activities, which have minimal or no impact on the foreshore or seabed in terms of associated disturbance. These activities are considered to be appropriate and are provided for as a permitted activity subject in some cases to standards.

Policy 13.13.2 – Enable disturbance of the foreshore and seabed in the following circumstances:

- (a) At London Quay Beach, Shelly Beach and at Waikawa Beach for the excavation or removal of foreshore or seabed material where this is for the purpose of removing marine debris or litter or for the renourishment or grooming of beaches;
- (b) For the excavation or removal of foreshore or seabed material for marine mammal rescue or burial.

The policy provides for two specific instances where disturbance of the foreshore and seabed are appropriate activities. In the case of the beach areas in Picton and Waikawa, the disturbance activities enabled have positive social benefits in terms of enhancing recreational use within the identified areas. For (b) the policy enables disturbance to deal with infrequent occurrences of marine mammal deaths or strandings. Both instances are considered to have minor adverse effect are enabled through permitted activity rules subject to meeting standards.

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Policy 13.13.3 – Discourage the use of motorised vehicles on the foreshore where this will impact on ecological values, safety of other users of the foreshore, where the foreshore acts as protection from the sea or on cultural, heritage and amenity values.

There are some locations around Marlborough's coastline where the foreshore environment is such that motorised vehicles are able to be used. The use of motorised vehicles can have some adverse impacts including on other beach users, from both a safety and amenity perspective, as well as on ecological and cultural and heritage values. Where there is the potential for these values to be affected, particularly on a cumulative basis, the policy is intended to discourage use of motorised vehicles. The policy gives effect to Policy 20 of the NZCPS.

Policy 13.13.4 – Where disturbance of the foreshore and seabed will occur as a result of structures being fixed to the seabed (e.g. jetties, boatsheds, moorings, retaining walls,) then this shall be allowed where the effects are short term, reversible, or minor.

There are some circumstances where minor disturbance of the foreshore and/or seabed will occur as a result of structures being erected. In many cases the effects of this are only short term, reversible and/or minor and in these circumstances the disturbance is regarded as appropriate.

Policy 13.13.5 – Enable opening of the Wairau River and Wairau Diversion mouths where this will assist to reduce the effects of flooding and improve land drainage and to enable navigation across the river mouths.

The Wairau River mouth bar is a natural feature that has a dominating effect on water levels in the Wairau estuary, the Wairau Lagoons, the lower Wairau to upstream of Ferry bridge, and the lower Opawa. If the bar is partially closed the water there may stay almost completely devoid of saline water, or conversely stay with an extensive saline wedge. Opening of the Wairau River mouth will also ensure that navigation across the river mouth can occur. It is therefore appropriate to provide for the opening of the Wairau River mouth and Wairau Diversion mouth to address these issues, subject to meeting standards.

Policy 13.13.6 – Enable the clearing, cutting or realignment of stream and river mouths, drainage channels and stormwater outfalls and pipes within the coastal marine area in order to protect public health and property during flood events.

The blockage of stream and river mouths, drainage channels and stormwater outfalls and pipes through deposition of sediment or debris can result in flooding of adjacent land or impoundment of water, which could potential pose a health risk. It is necessary that appropriate provision is made for work to be undertaken to address these situations.

Policy 13.13.7 – Proposals for an activity involving any disturbance activity of the foreshore or seabed not otherwise provided for shall demonstrate that:

- (a) **There will only be short term adverse effects on plants and animals or their habitat, and the area will be naturally recolonised by a similar community type;**
- (b) **The disturbance will be undertaken in a way that does not:**
 - (i) **result in any significant increase in water turbidity or elevated levels of contaminants;**
 - (ii) **result in significant adverse changes to bathymetry, foreshore contours, sediment particle size or physical coastal processes;**
 - (iii) **have any off-site adverse effects; and**
 - (iv) **be likely to cause or exacerbate shoreline instability or coastal erosion on adjacent coastal land.**

There will from time to time be instances where any activity involving some form of disturbance to the foreshore or seabed has not been otherwise described or provided for in the previous policies. Where this is the case then this policy will assist in determining the outcome of any resource consent application, having regard to the values of the coastal environment. It will be appropriate for a number of the values that regard is also had to other policies of this and other chapters of the RPS/Resource Management

Plan. Additionally where a disturbance activity has been provided for in the policies under Objective 13.13, but that activity does not meet permitted activity standards, then the matters in this policy need to be considered by decision makers.

Policy 13.13.8 – Where the removal of sand, shingle, shell, or other natural material from any foreshore or seabed is proposed then the matters in Policy 13.13.7 shall apply.

Historically the extraction of sand, shingle, shell, or other natural material has not occurred to any significant degree within Marlborough's coastal marine area. However, if there were proposals to undertake such activities then it is appropriate there is policy guidance as the effects of such an activity are similar to those for other disturbance activities.

Policy 13.13.9 – In addition to the matters in Policy 13.13.7 any proposal for dredging within the coastal marine area that is not for ship berthage or navigational channels in the Port Zone or and Marina Zone or for river mouth/stormwater pipe clearance shall demonstrate:

- (a) The necessity for dredging; and
- (b) An appropriate disposal method having regard to the matters in Policy 13.12.1 regarding disposal if disposal is to be in the coastal marine area.

From time to time the Council has received resource consent applications for dredging or other disturbance related activities in the coastal marine area, that are not related to the operation of existing ports and marinas. Although these applications are not significant in number, for similar reasons set out in Policy 13.13.8, it is appropriate there is a management framework in place to be able to assess such applications by.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.15 Regional Rules

Regional rules provide for as a permitted activity, subject to meeting performance standards, structures and disturbance activities where these will have no more than minor adverse effects on the environment. These include things such as structures for navigation, recreational activities, temporary scientific monitoring equipment, beach enhancement etc.

Discretionary activity consents will be required for most occupations, for reclamations and many disturbance activities. Detailed assessment criteria are included within the policies to assist decision makers in determining whether consent should be granted or not.

13.M.16 Guidance

To be drafted

Shipping activity

With Marlborough having 18% of New Zealand's coastline, it is not surprising that water transportation is an important part of Marlborough's overall transport network. The Council is the harbour authority for Marlborough and exercises the functions, duties and powers required under the Local Government Act 2002 and delegations under the Maritime Transport Act 1994. There is the potential for some overlapping in terms of the functions of the Council as a harbour authority and in respect of the RMA.

The first boating users of the Marlborough Sounds were Maori who used the Sounds as an important waka navigation routes. Since those early times, the waters of the Sounds have become of strategic importance to New Zealand's overall national transportation network. The link between the North and South Islands is especially important with large numbers of passengers and significant volumes of freight transported daily between Picton and Wellington. Other equally important users of the Sounds' waterways include internationally trading ships, cruise ships, vessels transporting primary produce from around the Sounds, smaller commercial vessels, and vessels for commercial or customary fishing or for charter purposes. There are also many hundreds of private vessels, yachts, kayaks and other recreational craft using the waters of the Sounds.

In contrast, Marlborough's open coast is used by coastal and export ships transiting from one port to another around New Zealand and to other countries. Commercial fishing and use by recreational craft is also made of this coastline but in comparison to the Marlborough Sounds, this use is much more limited.

Issue 13H – Water transportation is a significant aspect of Marlborough's overall transportation network but has the potential to be affected by various uses and activities.

Given the extensive use made of Marlborough's coastal marine area for water transportation, there is the potential for a range of activities, including the placement of structures, to have an impact on the safe and efficient navigation of ships. Navigation issues arise from the mix of craft types operating, especially given the concentration of boats of different size, speed capability, visibility and manoeuvrability. These problems can be made worse by skill levels of boat operators and from the placement of structures such as moorings or marine farm structures.

What is important is ensuring that activities in the coastal marine area, when allowed either directly by the RPS/Resource Management Plan or by resource consent, do not adversely affect navigational safety. The inappropriate siting of structures such as a jetty, swing mooring or marine farm for example, may have an effect on the ability of ships travelling in that area to navigate safely. Control needs to be exercised over the exact location of structures, and their maintenance as well as various activities, in relation to important water transportation routes. Lighting on land or on structures in the coastal marine area can also have an impact on the safe navigation of vessels and needs to be carefully controlled.

Water transportation in and through Marlborough needs to be provided for in a way that is compatible with other activities taking place in the coastal environment. This may involve the prioritising of some forms of water transportation in some areas and thus limiting them from other areas.

Objective 13.14 – The use of the coastal marine area as part of Marlborough's overall transportation network continues to contribute to the social, economic and cultural wellbeing of Marlborough and New Zealand.

The use of the coastal marine area in Marlborough has developed over time for a wide range of transport related activities. The varying types of surface water activities from small recreational boats operating at a non-commercial level through to large export vessels have all contributed significantly over time to the social and economic wellbeing of Marlborough. The objective seeks to ensure that this remains the case.

Policy 13.14.1 – Enable water transportation activities where these do not have an adverse effect on the coastal environment.

Because of the nature of Marlborough’s coastal marine area (i.e. the extensive sheltered waterways of the Marlborough Sounds), and a central location in New Zealand, a number of water transportation activities are operating and have been for some considerable length of time. It is important that provision is made to enable these activities, which have been identified in Objective 13.14, to continue where there is little adverse impact on the coastal environment.

Policy 13.14.2 – The strategic importance of areas of the Marlborough Sounds used as a transportation route for interisland shipping will be recognised as a ‘National Transportation Route’.

The use of areas of the Marlborough Sounds for shipping provides a particularly important transport link between the North and South Islands. Tory Channel and inner Queen Charlotte Sound comprise a transportation route of national significance for shipping activity. It is therefore important to recognise this route is of strategic importance and a resource that needs to be sustainably managed. This route has been identified by the Council as a ‘National Transportation Route’ in the RPS/Resource Management Plan and rules apply to ships operating along this route.

Policy 13.14.3 – Ensure the following existing ports, marinas and community/commercial jetties/landing areas continue to provide links between land transport modes and water transport to the Marlborough Sounds and beyond:

- (a) Ports of Picton and Havelock;
- (b) Port landing areas at Oyster Bay (Port Underwood) and Elaine Bay (Tennyson Inlet);
- (c) Picton, Havelock and Waikawa marinas; and
- (d) Jetties and landing areas in Torea Bay and Onahau Bay (Queen Charlotte Sound); Elmslie Bay (French Pass); Kapowai Bay (d’Urville Island); and Portage, Te Mahia and Waitaria Bay (Kenepuru Sound).

The linkages, which the existing ports, marinas and community/commercial jetties and port landing areas provide between the different modes of transport, are a significant factor in contributing to social, economic and cultural wellbeing of Marlborough. In Picton, Waikawa and Havelock there is well established infrastructure in place providing very important links between road and rail forms of transport and various forms of water transportation. This infrastructure has been identified as regionally significant infrastructure in Chapter 4: Use of Natural and Physical Resources. The jetties and port landing areas identified in b) and d), are recognised by the Council as necessary and strategic links in Marlborough’s transport network and which are also very important to local communities.

Objective 13.15 – The efficient and safe use of the coastal marine area for water transportation.

Activities within the coastal marine area, including surface water activities and the placement of structures, have the potential to affect the efficiency and safe use of the coastal marine area for water transportation. Safety is more directly the subject of other legislation (the Local Government Act 2002, the Building Act 1991 and the Maritime Transport Act 1994). However, the RMA is also concerned with safety and navigation issues through part of its purpose in Section 5 in “*enabling people to provide for ... their health and safety*”. Therefore an objective seeking efficiency and safety outcomes for water transportation is appropriate, particularly as the use of water transport has been identified as contributing significantly to social, economic and cultural wellbeing in Marlborough.

Policy 13.15.1 – Activities and/or structures along the National Transportation Route shall to be sited and/or undertaken in such a way that adverse effects on the safety and efficiency of ships transiting the National Transportation Route are avoided.

The significance of the National Transportation Route for the economic and social wellbeing of Marlborough and for New Zealand has been recognised in Policy 13.14.2. Given the recognition that has

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been given to this route, it is important the safety and efficiency of ships using this part of the coastal marine area is not adversely affected. This will be a major consideration in the assessment of activities and structures proposed to be located or carried out at any point along the route.

Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:

- (a) Maintaining safe, clear navigation routes around headlands unimpeded by structures;**
- (b) Avoiding activities and/or avoiding locating structures within significant commercial shipping routes (including shipping routes from the Port of Picton, Havelock Harbour and from Waikawa Marina);**
- (c) Avoiding emissions of light that could affect the safe navigation of ships;**
- (d) Ensuring the safety of navigation and use of, or access to, mooring sites, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not affected by activities or structures in the coastal marine area; and**
- (e) Requiring structures to be maintained or marked in a way that protects the safety of water transportation activities. This includes, but is not limited to, providing and maintaining of adequate buoyage and lighting systems and avoiding the loss of structures, lines, ropes and buoys from marine farms.**

These criteria are necessary in providing a framework to assist decision makers in assessing the effects on water transportation arising through resource consent applications for activities or structures in the coastal marine area.

Policy 13.15.3 – Ensure that all lighting associated with any land based activity will be shielded or directed away from navigation channels to avoid the spill of light or glare that is a hazard to navigation within the coastal marine area (unless the purpose of the light is to mark a navigation channel).

To avoid the creation of hazards for water transportation activities, the impact of lighting associated with land based activities beyond its target area needs to be considered. The timing and frequency of the adverse effects of lighting will vary depending on the number of hours of poor light or darkness and the time of year. Light spill can be avoided by several means including shielding, directing and using lighting of appropriate wattage and focal characteristics.

Issue 13I – Ships capable of travelling at speed or generating significant waves in Queen Charlotte Sound and Tory Channel have the potential to conflict with a range of other coastal users and values and generate adverse environmental effects.

The Council recognises that shipping activity contributes to the social, economic and cultural wellbeing of people and communities by providing an important link between the North and South Islands and by providing a means of transport for goods in the Marlborough Sounds. However, ships capable of generating significant waves in enclosed waters do have the potential to conflict with a range of other coastal users and values and generate adverse environmental effects.

The amount of energy contained in waves generated by ships adds substantially to the natural energy levels in the environment. These increased energy levels are responsible for generating adverse effects on the environment including changes to shoreline morphology, sub-tidal and inter-tidal zone habitats, impacts on public safety, public access and enjoyment of the coastal environment and the amenity values of the area. The speed at which some ships travel also has implications for the safety of those using the coastal marine area. Such a situation became very apparent for the Marlborough community (as well as nationally) when fast ferries were introduced onto the interisland route in 1994.

The Council monitors the effects of ship generated waves and indications are that, since the introduction of the fast ferry speed restrictions, there has been some improvement and recovery in the condition of the

environment, particularly around the coastal margin of the Sounds. It is important however, the potentially adverse effects of ship-generated waves from large and/or fast ships continue to be managed to avoid more significant effects in the future than those experienced presently.

Shipping activity in other areas of the Marlborough Sounds such as in Pelorus and Kenepuru Sounds is different to that of Queen Charlotte Sound and Tory Channel. The majority of shipping within these areas is coastal or local in nature and includes transport of tourists, logs, livestock as well as fishing and marine farming fleets. These vessels are generally smaller than the interisland ferries but there is an increasing number of recreational and commercial vessels using the Sounds waters, some of which travel at speeds similar to fast ferries. At this stage there is little justification for the regulation of shipping activity in areas outside of Queen Charlotte Sound and Tory Channel but the potential for adverse effects from waves generated by these ships may need to be investigated in the future.

Objective 13.16 – The environmental effects of ship-generated waves and ship speed are managed so that potential conflict with other coastal users and values is avoided.

Ships travelling at high speed or which can generate significant waves have been shown to have adverse impacts within the enclosed waters of Queen Charlotte Sound and Tory Channel. This objective seeks to avoid adverse impacts on cultural values, natural character, marine ecology, recreational use, navigational safety and amenity values whilst allowing the continued use of the Queen Charlotte Sound and Tory Channel for water transportation purposes.

Policy 13.16.1 –The effects of shipping activity in Queen Charlotte Sound and on the National Transportation Route will be:

- (a) Based on ship-generated wave energy; and**
- (b) Managed in terms of the wave energy levels of those based on the effects associated with the conventional ships operating prior to the introduction of the MV Aratere in 1999.**

The Environment Court has determined that the amount of energy appropriate for the National Transportation Route is to be founded on the environmental effects associated with conventional ships operating prior to the introduction of the M.V. Aratere in 1999. The energy limits included in the RPS/Resource Management Plan are therefore based on the need to ensure that damage or change at the shore is minimised, cultural values of Marlborough's tangata whenua iwi and the amenity values enjoyed by residents and visitors are provided for and the natural character of the Sounds environment is protected.

Policy 13.16.2 – Recognise and provide for Marlborough's tangata whenua iwi continued access to, and use of, traditional coastal resources in Tory Channel and Queen Charlotte Sound and in particular, recognise the value of Tory Channel for Te Atiawa, in terms of the mauri, mana and manaakitanga that this area brings to this iwi.

The tikanga Maori (customary values and practices) of Te Atiawa in particular have been adversely affected by the operation of ships, particularly the fast ferries, with a decline in kaimoana and associated mana. The need for Marlborough's tangata whenua iwi to practice kaitiakitanga and ensure that Queen Charlotte Sound and Tory Channel are available for future generations is very important.

Policy 13.16.3 – When considering applications for resource consent for ships that are expected to propagate waves having energy levels in excess of limits specified in the RPS/Resource Management Plan, to have particular regard to the potential for adverse effects on:

- (a) Places and cultural values of importance to Marlborough's tangata whenua iwi;**
- (b) The ability of people to effectively use any lawfully established structure for that structure's intended purpose and any adverse effects on the structure itself;**

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- (c) **People's use and enjoyment of the foreshore and coastal marine area for recreational activities;**
- (d) **The life supporting capacity of coastal ecosystems;**
- (e) **Beaches and the shoreline;**
- (f) **Amenity values enjoyed by residents; and**
- (g) **The natural character of the coastal environment of the Sounds.**

The criteria are to be used to assist decision makers in assessing the adverse effects arising from ships that may propagate waves exceeding the energy levels prescribed in the RPS/Resource Management Plan.

Policy 13.16.4 – Undertake monitoring to assist in developing appropriate approaches to managing the effects of shipping activity in Queen Charlotte Sound and Tory Channel.

The Council will monitor the effect of ship-generated waves as part of its responsibilities for state of the environment monitoring. A monitoring framework and programme were established by the Council in collaboration with the Department of Conservation following the introduction of the fast ferries in late 1994. This framework will form the basis for ongoing monitoring and will be amended if appropriate over time. The results of the monitoring may be used to assist in the review the overall framework for managing the effects of shipping activity, or where there is a need to review the conditions of resource consents.

Policy 13.16.5 – An adaptive management approach to dealing with ship generated wave issues will be used but regulation will be an important component of the management framework for dealing with the effects of ship generated waves.

The provision of accurate and up to date information on the environmental effects of waves generated by ships is the foundation of an adaptive management regime that continually assesses the overall framework established to manage the issue. Information will need to continue to be collected, analysed and an assessment made with regard to the effectiveness and efficiency of the regulatory framework. This process is fundamental to an adaptive management regime, which recognises the uncertainty of understanding the effects of change in the coastal environment.

Policy 13.16.6 – Work with the community, Marlborough's tangata whenua iwi and the shipping industry to continually assess the appropriateness of the overall framework for shipping activities in light of environmental and technological changes or the occurrence of unforeseen effects from shipping activity.

The adoption of an adaptive management method that is responsive to new information and better understanding has to be based on a collaborative approach to management. This becomes available through the monitoring and shared analyses of existing and future shipping activities, state of the environment monitoring and future technological advances in ship design. This policy is intended to be implemented in part through the establishment of an advisory group who would be representative of the key stakeholders in the management of issues concerning ship-generated waves.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.17 Area identification

The RPS/Resource Management Plan maps identify Tory Channel and part of Queen Charlotte Sound as a National Transportation Route. The route is located in Tory Channel (between East and West Head) and extends into inner Queen Charlotte Sound (between West Head, Ruakaka Bay, and a point southwest of Kaitapeha Bay) to the Port of Picton (excluding Grove Arm). Queen Charlotte Sound (excluding the National Transportation Route) has also been defined as being part of an established shipping route.

13.M.18 Regional Rules

Regional rules apply to the use of ships operating in the National Transportation Route and in Queen Charlotte Sound subject to controls on speed and ship-generated wave energy. Where any structure or activity is proposed to be located along the National Transportation Route, the effects of that use/activity on the safe and efficient operation of ships using the route will be considered. The rules do not restrict the use of surface water by ships elsewhere in the Marlborough Sounds or in Marlborough's open coastal waters or by smaller boats.

Prohibited activity rules will prevent the rafting of logs through the Coastal Marine Zone as a means of moving them from one location to another.

13.M.19 Monitoring

The Council intends to continue with and enhance its current monitoring of the effects of shipping activity as necessary. The type and extent of monitoring will be reviewed as the types of ships and level of shipping activity changes over time. The monitoring framework includes:

- *Near shore benthic and shoreline biological monitoring;*
- *Shoreline monitoring of beach profiles;*
- *Ongoing monitoring of land slip activity along the National Transportation Route; and*
- *Periodic assessment of the community's views of the effects of ship generated wave activity in the Sounds.*

Ship generated waves will also be measured and monitored from time to time.

Monitoring of the effects of the impacts of waves generated by individual ships may also be a requirement imposed as conditions of resource consent.

In addition, the Council will support Marlborough's tangata whenua iwi initiatives to monitor cultural, and ecological effects from the wake of ship-generated waves e.g. the effects on access to waahi tapu and other sites of significance, the passing of tikanga Maori to future generations and the effects on the gathering of kaimoana.

The results of the monitoring may be used to assist in the review of the overall framework for managing the effects of shipping activity, or where there is a need to review the conditions of resource consents.

13.M.20 Advisory Group for Considering Effects of Shipping Activities

An advisory group will be established by the Council to assist the Council in determining an ongoing approach to manage the effects of shipping activities. Members will be appointed by the Council and will include representatives from community groups, the shipping industry, Marlborough's tangata whenua iwi and the Council.

Marine farming

Policy drafted and previously considered by the Regional Planning and Development Committee

Draft

Ports and marinas

Marlborough's existing ports and marinas are located within the sheltered waterways of the Marlborough Sounds and are important for the social and economic wellbeing of Marlborough. The facilities at each of the ports and marinas span the water and land interface and all have reclaimed areas of the coastal marine area, some of which are significant.

Three substantial marinas have been established at Picton, Waikawa and Havelock. They provide important landing, storage, and loading facilities for residents of the Sounds as well as providing an important access point to the Sounds for many boat owners who are not Sounds residents. The marinas provide for a variety of boat related activities and support facilities and a range of commercial activities. The marinas also contribute to the amenity and attraction of the Marlborough Sounds as well as the townships within which they are located.

The deep water port of Picton, which includes Shakespeare Bay, plays a critical role nationally in the transportation of people and goods between the North and South Islands while the passage of vehicles and people through the port is closely related to the economic activity of the town's commercial and accommodation activities. Picton is a base for commercial fishing vessels, marine farming and fishing activities as well as being an export/import port and more recently has become popular as a port of call for cruise ships. The port also provides facilities that enable people to access the Marlborough Sounds.

The port and marina at Havelock is located in an estuarine environment limits the draft of vessels able to access the port/marina basin. Havelock has become the primary service port for Marlborough's marine farming industry but is also an access point for residents and other landowners in Pelorus Sound and is the primary access point for tourism, forestry and other commercial activities in the area.

Two other locations within the Marlborough Sounds provide limited facilities for the commercial loading/unloading of marine farming and fishing produce but on a limited scale. From these locations at Elaine Bay in Tennyson Inlet and Oyster Bay in Port Underwood, produce is transported elsewhere (in Marlborough and beyond) for processing.

Issue 13J – It is important that Marlborough's existing ports, port landing areas and marinas continue to contribute to community economic and social wellbeing.

The existing port infrastructure at Picton and Havelock, and latterly at Oyster Bay and Elaine Bay, has been built up over many years. Today these facilities are owned and operated by Port Marlborough New Zealand Limited, a company established in the late 1980s to succeed the Marlborough Harbour Board as a consequence of local body reform. Port Marlborough also owns and operates the marinas at Picton, Havelock and Waikawa.

The ports and marinas at Havelock, Waikawa and Picton as they exist or are consented to at the time that the RPS/Resource Management Plan becomes operative, have been identified as regionally significant infrastructure in Chapter 4: Use of Natural and Physical Resources. This reflects the function of the strategic integration of infrastructure with land use given to the Council in Section 30 of the RMA.

The port infrastructure especially has been identified as being regionally significant due to the contribution it makes to Marlborough's social and economic wellbeing, health and safety. Picton in particular also has national importance. It is important therefore that this strategic infrastructure is able to operate efficiently, effectively and safely on an on-going basis for community wellbeing. In some cases this may generate a need to manage activities operating near ports but which are not connected with the operation of the port.

An important aspect of implementing a resource management framework for Marlborough's ports, marinas and port landing areas is ensuring management occurs in an integrated way across the land/water interface. In this context it is also important that these facilities have clearly defined purposes to ensure efficient use is made of these facilities.

Objective 13.17 – Enable the efficient operation of Marlborough’s ports and marinas.

Given the contribution that the operation of ports and marinas make to Marlborough’s economic and social wellbeing, it is important these facilities are able to operate efficiently. The objective helps give effect to Policy 9 of the NZCPS, which requires recognition that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes. It also gives effect to Policy 6 of the NZCPS relating to activities in the coastal environment and the coastal marine area. The objective helps to achieve Section 7(b) of the RMA where the Council is required to have regard to the efficient use and development of natural and physical resources and supports other policy within Chapter 4 of the RPS/Resource Management Plan that recognises the ports and marinas in Picton, Havelock and Waikawa as regionally significant infrastructure.

Policy 13.17.1 – Specific areas are identified for activities related to the operation of ports, port landing areas and marinas.

The use of zones enables activities to occur in specified and established areas of both the coastal marine area and land that are regarded as appropriate for the operation of ports/port landing areas/marinas. The areas zoned are based in part on facilities that have existed for some time with largely known effects. Some additional areas have been zoned as Port in Shakespeare Bay (which is part of the Port of Picton) in recognition of a need for expanded facilities. The different nature of ports in Marlborough is reflected in the differences in zoning approach and subsequent rules e.g. the marina facilities in Havelock are co-located with the port facilities while smaller port landing areas have different rules than those for Picton or Havelock. This policy also helps to achieve the NZCPS especially Policy 4 regarding integrated management of natural and physical resources in the coastal environment.

Policy 13.17.2 – Promote the efficient use of the land available within ports and marinas.

At Marlborough’s ports and marinas there are physical constraints and environmental considerations that may impact on further expansion so it is important that land associated with these facilities is used for port and marina related purposes. This helps to give effect to Policy 10 of the NZCPS. While other activities may have similar effects to those connected with a port or marinas purpose, these could interfere with the efficient management of these facilities and potentially be inconsistent with the NZCPS. For ports the policy gives effect to Policy 9 of the NZCPS.

Policy 13.17.3 – Recognise and provide for the following operational requirements of Marlborough’s existing ports in Picton and Havelock:

- (a) Shipping activities;
- (b) The loading and unloading of ships, cargo handling, the storage of cargo and some processing of cargo;
- (c) Transportation activities and passenger terminals;
- (d) Ship building, repair and maintenance;
- (e) Marine fuel facilities;
- (f) Building and structures (including on wharves), wharves, reclamation, mooring structures and slipways;
- (g) Maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage, and manoeuvring of commercial vessels;
- (h) Maintenance, repair, removal and replacement of buildings and structures;
- (i) Quarantine and border control activities;
- (j) Placement and maintenance of navigation aids;
- (k) Port administration including security, servicing and maintenance activities; and
- (l) Signage.

The policy identifies those activities which are the operational requirements for the ports in Picton and Havelock and it underpins what the purpose of a port is. A wide range of activities in the Port Zones will be permitted by district and regional rules, subject to meeting performance standards. For some activities within the coastal marine area however, including those that require reclamation, the erection of structures and in some instances the disturbance of the seabed, there will be consent requirements. Some land based activities will also require consent, including some forms of cargo processing particularly where they have the ability to create adverse environmental effects and/or where there are servicing requirements.

Policy 13.17.4 – Recognise and provide for the following operational requirements of Marlborough’s existing marinas in Picton, Havelock and Waikawa:

- (a) Shipping activities;**
- (b) Loading and unloading of people and goods;**
- (c) Transportation activities;**
- (d) Marine fuel facilities;**
- (e) Commercial activities related to the operation of a marina;**
- (f) Ship repair and maintenance;**
- (g) Building and structures (including on jetties), jetties, reclamation, mooring structures (but not swing moorings) and slipways;**
- (h) Maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage, and manoeuvring of commercial vessels;**
- (i) Maintenance, repair and replacement of marina infrastructure;**
- (j) Placement and maintenance of navigation aids;**
- (k) Marina administration including security, servicing and maintenance activities; and**
- (l) Signage.**

The policy identifies those activities which underpin the purpose of a marina and sets out the operational requirements for the marinas in Picton, Havelock and Waikawa. Marinas serve additional purposes to simple boat mooring, largely as a result of their placement in the urban environment. Often there is a demand for a variety of activities to be located in close proximity to a marina. These activities may include boat brokering, charter boat hire, chandlery, sail making, parking, boat building, boat maintenance, club facilities and restaurants.

Therefore a wide range of activities in the Marina Zone will be permitted by district and regional rules. The types of activities provided for as permitted activities are consistent with high levels of public access, which is common in marinas. For some activities within the coastal marine area however, including those that require reclamation, the erection of structures and in some instances disturbance of the seabed, there will be consent requirements.

Policy 13.17.5 – Recognise and provide for the following operational requirements of ports at Elaine Bay and Oyster Bay:

- (a) Shipping activities;**
- (b) Cargo handling, the storage of cargo and the loading and unloading of ships;**
- (c) Building and structures, wharves, mooring structures (except swing moorings) and launching ramps;**
- (d) Marine fuel facilities;**
- (e) Maintenance, repair, removal and replacement of buildings and structures;**
- (f) Placement and maintenance of navigation aids; and**
- (g) Signage.**

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The policy identifies those activities which are the operational requirements for the port landing areas at Elaine Bay and Oyster Bay. It underpins what the purpose of these port landing areas are and because they are located in areas where there is little other development, the activities provided for are much more constrained in nature than provided for in the Port Zone. Some activities in the Port Landing Zone will be permitted by district and regional rules. For some activities within the coastal marine area however, especially those that require reclamation, the erection of structures or disturbance of the seabed, there will be consent requirements.

Policy 13.17.6 – Activities not recognised as having an operational requirement, as identified in Policies 13.17.3 to 13.17.5, to be located in the Port, Port Landing Area or Marina Zones will be required to be assessed through a resource consent to ensure the efficiency and safety of the port/port landing area/marina is not compromised.

NZCPS Policy 6(e) in relation to the coastal environment states there is a need to *'consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area'*. This is further reinforced in the case of ports by Policy 9 of the NZCPS where it states that a national transport system needs an efficient network of ports. It is important therefore that activities located within the zoned boundaries do have an operational requirement to be located there. This is particularly important in the case of the ports and marinas in Picton, Havelock and Waikawa, which have been identified as regionally significant infrastructure. The policy directs therefore that those activities not directly related to the operational requirements specified in the previous policies (13.17.3 to 13.17.5), are to be assessed through the consent process to effectively ensure the integrity of the zones.

Policy 13.17.7 - Use, development and occupation within the coastal marine area adjacent to but not directly connected with operation of the ports, port landing areas and marinas should not adversely affect day to day operations of the ports, port landing areas and marinas.

In the coastal marine area part of the Port, Port Landing Area and Marina Zones, there is the potential for individuals, organisations etc other than the port/marina operator to want to carry out some use or development. While currently Port Marlborough New Zealand Limited has occupation rights through Section 384A of the RMA for some areas of the coastal marine area associated with its operations, it is important that where there are uses or developments not related to the operational requirements set out in previous policy, that consent is required so the effects on the operation of the port, port landing area or marina can be considered by the Council.

Policy 13.17.8 – Where an activity is proposed in the Havelock Port Zone that is not related to the operational requirements of the Zone, then decision makers must take into account the following matters:

- (a) The extent to which the activity impacts on the matters in Policy 13.17.6; and
- (b) The availability of suitable land elsewhere in Havelock.

This policy recognises the potential difficulties in finding land available in Havelock for industrial or commercial purposes. In determining whether it is appropriate for an activity not related to the operational requirements provided for within the Havelock Port Zone, the consideration of whether there is available land elsewhere in Havelock is relevant. As important, however, is the extent to which the proposed activity impacts on the matters identified in Policy 13.17.6, i.e. the efficient and safe operation of the port and to Policy 10 of the NCPS.

Policy 13.17.9 - Restrictions on public access to and within port areas may be appropriate to ensure public health, safety and security is maintained.

The operational area of a port is often popular for a range of recreational activities such as fishing, walking, and viewing port activities. However, these activities are not always compatible with a working port. Health and safety hazards, international security legislation and local security needs are all valid reasons why access may need to be restricted particularly for an export port such as at Picton. Because reclamation and port development have the effect of limiting public access to public resources (being the coastal marine area), limitations on public access should only be exercised where necessary.

Policy 13.17.10 – Restricting public access to, within and through marinas should be avoided unless public health, safety or security is an issue.

Marinas are often popular for the public for walking and viewing day to day activities taking place. They also provide in some circumstances, such as at Picton and Waikawa, access to the foreshore beyond the marina. Provision for public access has also in the past been requirements of consent to establish or extend marinas. Because of this it is important that restrictions on public access to these areas are avoided unless there are very real and apparent concerns for public health and safety or for the security of boats.

Issue 13K – There is the potential for adverse effects to arise from the operation and maintenance of existing ports at Picton and Havelock, of the port landing areas at Elaine Bay and at Oyster Bay and of existing marinas at Picton, Waikawa and Havelock.

The nature of activities occurring within ports, port landing areas and marinas means there is the potential for adverse effects to occur. Ports and marinas are one of the most concentrated forms of development within the coastal environment that spans the land/water interface.

The potential adverse effects of operating ports and marinas can be significant, unless appropriate management mechanisms are in place. Effects may arise through the fact that boats come and go at any time therefore noise and traffic movement may be of concern to nearby residents. Lighting may also be of concern for nearby residents as ports and marinas are commonly lit at night for security reasons. Other activities involve discharges to air or water and depending what these are, may also be an issue for nearby residents or the wider environment.

While Marlborough currently experiences very little of the conflict that occurs between residential areas and ports around most of New Zealand's larger cities, any adverse amenity effects do need to be minimised, as much as possible.

The effects of many of the activities within ports and marinas are able to be managed through performance standards and these are an appropriate mechanism to manage effects. From time to time however, infrastructure within the ports or marinas may need replacement, expansion or alteration to meet changing commercial demands or needs. Any expansion or significant alteration to facilities has the potential to cause significant environmental effects and these need to be carefully assessed, particularly within the coastal marine area.

Objective 13.18 – Operation and maintenance of ports, port landing areas and marinas occurs in a way that minimises adverse effects on adjoining zones, on water quality, air quality, or values of the coastal environment.

By its very nature the operation of a port, port landing area or marina does create the potential for adverse effects to occur on the surrounding land and coastal marine area. This objective therefore seeks to ensure that the operation and maintenance of ports, port landing areas and marinas occurs in a way that protects the values and uses of the sensitive coastal environment within which these facilities function.

Policy 13.18.1 – Ensure the intensity, character and scale of development and operation of the Port, Port Landing Area and Marina Zones is appropriate in relation to the values of the coastal environment in these locations.

Ports and marinas have a functional need to be located in the coastal marine area and so are an appropriate activity in the context of Policy 6(2)(c) of the NZCPS. In Marlborough the places identified as being appropriate for these activities are zoned in the RPS/Resource Management Plan. However, the coastal environment in which these zones are located is sensitive to change, even where there has been modification of that environment. This policy therefore seeks to ensure that the intensity, character and scale of development and operation of each of the Port, Port Landing and Marina Zones recognises the

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particular values of the coastal environment at each of the identified areas. For example, the relatively unmodified coastal environment at Elaine Bay and Oyster Bay means there is a more limited range of activities provided for when compared with the ports at Picton and Havelock. Even in the Havelock and Picton ports however, it will be important to ensure development and ongoing operation is sensitive to the values of the coastal environment and most importantly to the connection and relationship these areas have with their respective townships.

Policy 13.18.2 – Ensure that activities occurring within the Port, Port Landing Area and Marina Zones do not adversely affect water, air or soil quality within or beyond the zone boundary including by:

- (a) The setting of performance standards for permitted activities;**
- (b) Prohibiting the discharge of effluent from boats berthed within the ports, port landing areas or marinas;**
- (c) Requiring the provision of facilities for:**
 - (i) The collection and disposal of rubbish, sewage effluent, and other wastes from boats;**
 - (ii) Boat maintenance activities (including sanding and blasting effects); and**
 - (iii) The avoidance of contamination of water from the application and removal of antifouling paints.**

This policy seeks to ensure that port and marina operations do not have an adverse effect on water, air or soil resources within and beyond zone boundaries. In some cases adverse effects will be mitigated through the setting of performance standards for permitted activities for discharges. In other cases there will be a consent requirement to allow a discharge to occur and this will need to be considered with regard to the resource quality policies contained in Chapter 15: Resource Quality.

Policy 13.18.3 – Ensure the potential for reverse sensitivity effects arising from any noise sensitive activities located in zones adjoining Port and Port Landing Area Zones, and Marina Zones is minimised by:

- (a) Avoiding encroachment of residential activities towards and around ports/port landing areas; and**
- (b) Avoiding residential activities within marinas.**

One of the most significant amenity effects arising from the operation of ports, port landing areas and marinas is the generation of noise. The ports, especially in Picton and Havelock, operate in close proximity to residential areas as do the marinas at Picton, Waikawa and Havelock, and there is potential for noise to be an issue for nearby residents. In order to enable the ports, port landing areas and marinas to operate efficiently while also protecting the amenity values for nearby residents, it will be necessary to avoid residential activities encroaching on these zones. Therefore standards will be imposed for residential activities through the use of noise contours which reflect the present level of effect experienced by adjacent properties.

Policy 13.18.4 – Activities that are related to the operation of the Port Landing Area Zone shall take place within the zone.

The Port Landing Area Zones at Elaine and Oyster Bays are much smaller, compared to the port areas at Picton and Havelock. The coastline in Elaine Bay and Oyster Bay is less modified than in Picton or Havelock. Given the limited land available and the limited nature of activities that can occur through the zone rules, it is important these activities take place within the boundaries of the zone and do not spill over to adjoining zones or to the coastal marine area.

Policy 13.18.5 – The environmental effects from activities within the port and marina zones in Picton, Havelock and Waikawa are avoided, remedied or mitigated through the setting of standards so that:

- (a) **Vehicle parking, access, and loading do not adversely affect the operation of the port or marina, the road system, or safe pedestrian movement.**
- (b) **Signage enables public identification of port and marina operations but does not dominate the landscape.**
- (c) **Structures and buildings in the various port and marina zones do not dominate the landscape, particularly when having regard to visual effects as viewed from the adjoining zones in Picton and Havelock.**
- (d) **The location or height of buildings does not shade sites in adjacent zones;**
- (e) **Noise levels allow the zones to function effectively, but which also minimise noise nuisance for surrounding residents.**
- (f) **Light spill does not occur in adjoining Residential, Recreation and Town Commercial Zones.**

This policy seeks to manage the effects of port operations through the setting of performance standards for permitted activities. This will enable a wide range of activities to occur within Port Zones and Marina Zones but in a way that avoids, remedies or mitigates adverse effects of port and/or marina operations on the immediate and wider environment, including on adjoining zones.

Policy 13.18.6 – Dredging for the maintenance of berths and for identified navigation channels shall be recognised as an appropriate activity in Port and Marina Zones subject to standards to mitigate adverse effects including on navigational safety and water quality and aspects of the dredging operation, including limits on the volume able to be dredged.

With an enabling approach having been taken to dredging in and around port and marinas, limitations will be placed on the amount of material able to be dredged, there will be requirements for navigational safety, to reduce impacts on water quality and importantly where the dredged material is not able to be disposed of.

Policy 13.18.7 – Where dredging is proposed in Port and Marina Zones but exceeds specified volume limits or is associated with the construction of a new berth, the following matters will be considered:

- (a) **The need for dredging, including the volume;**
- (b) **The length of time over which the dredging activity will occur;**
- (c) **How the adverse effects of sediment disturbance and the release of contaminants into the surrounding environment will be mitigated; and**
- (d) **Where the dredged material is to be disposed of or deposited. Policies under Objectives 13.12a and 13.12b will also need to be considered if disposal/deposition is to occur within the coastal marine area or under Objective xx² where consent is needed for deposition on land.**

There may be occasions where the volume of material to be dredged exceeds that enabled through rules or is necessary in conjunction with the construction of a new berth. In these cases a resource consent will be required and the matters in this policy are to be considered through the decision making process. Additionally, it is necessary that as part of the application details that the location of where the dredged

² Objectives/policies for deposition of material on land have not been written as yet. It is likely that there would be some permitted activity standards for volumes of deposition of material on land but what the amount limits would be haven't been determined. This policy will need revisiting to at least insert reference to policy numbers concerning land disturbance.

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spoil is to be disposed of is known. There will be consenting requirements for this and if within the coastal marine area, then policies under Objectives 13.12a and 13.12b also need to be considered. If deposition is on land then consideration of policies under Objective xx will be necessary.

Policy 13.18.8 – Where a resource consent is required to extend or alter port or marina infrastructure and this will occur within that part of the Port Zone or Marina Zone located in the coastal marine area, then the following matters shall be considered by decision makers:

- (a) The intended use of the extended or altered infrastructure (having regard to Policies 13.17.3 and 13.17.4) and the benefits likely to arise from this use;
- (b) Design of structures/reclamation including size and construction materials;
- (c) Where reclamation is involved Policies 13.11.2, 13.11.4, 13.11.6 – 13.11.9;
- (d) Whether there will be a loss of public access, or public access will be impeded, to and along the coastal marine area;
- (e) The effects of glare, lighting and noise;
- (f) Effects on natural coastal processes; and
- (g) Effects during construction on:
 - (i) other users of the area, navigation and public safety; and
 - (ii) water and air quality.

Operations at ports are constantly changing as the nature of shipping activity and cargo and passengers needs changes. This means that there needs to be some flexibility in the way a port or marina operates in response to changing customer needs. In the coastal marine area part of the Port Zone and Marina Zone, it will be important to consider the impacts of any expansion or alteration through the resource consent process, including the impacts during construction on other users of the area affected. Other users may be people living adjacent to the proposed site, recreational users or those with cultural interests in the area. The matters identified in this policy that need consideration are limited in extent in recognition of the generally highly modified character of the existing port and marina facilities in Havelock, Waikawa and Picton but do also include reference to a number of identified policies from Issue 13G.

Policy 13.18.9 – Promote visual and physical connections between the port/marina zones and their respective town centres, neighbouring urban areas and foreshore areas through landscape design and enhancement measures compatible with visual character of the surrounding urban and coastal environment.

The ports at Picton and Havelock have a close association with their respective town centres and this relationship needs to be carefully managed. The connections considered important are physical and visual in terms of providing good linkages between the towns and the ports as well as making the ports an attractive place to visit or view. For Havelock this is important because the port functions as a recreational boating marina as well as an operational port. There are many visitors to the Havelock Port because of this mix. In Picton the linkages between the ferry terminal and the foreshore and town centre are also particularly important given the significant number of tourists coming through the ferry terminal every year. For the marinas which also have close associations with their respective urban and coastal surroundings, the connections are also visually and physically important. The linkages between ports and marinas and their respective surroundings also help to enhance public access to the coastal marine area as required by Section 6(d) of the RMA.

Methods of Implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.21 Zoning

Zones are established to provide for the operation of ports adjacent to the townships of Picton and Havelock and those smaller facilities located in more remote areas of the Marlborough Sounds.

The use of two zones reflects the different scale and type of activity/use that occurs at each facility. A Port Zone is applied to land and water areas in Picton (including Shakespeare Bay) and Havelock while a Port Landing area Zone is applied to land and water areas in Elaine Bay (Tennyson Inlet) and Oyster Bay (Port Underwood).

A Marina Zone is applied to land and water areas in Picton and Waikawa, while a Marina Zone has been applied to part of the land area at Havelock, which is consistent with the activities in that particular area.

13.M.22 Regional and District Rules

Rules provide for a range of activities within the identified Zones. In many cases activities are provided for as permitted subject to performance standards. This reflects the operational requirements of the particular Zone. The standards include bulk and location standards, standards to avoid amenity conflicts with adjoining zones and in some cases, most notably in Shakespeare Bay, a setback from boundaries to protect visual and biodiversity values. Most activities within the coastal marine area will require a resource consent as will activities that are not related to the operational requirements of the Zone.

13.M.23 Liaison

The Council will liaise with port and marina operators in enhancing the landscape quality and integration of foreshore areas and town centres.

13.M.24 Guidelines for Urban Design

The Council is developing guidelines for urban design (including for the colour of buildings) which will be applicable in the port and marina areas.

Draft

Lake Grassmere Salt Works

Lake Grassmere is located in southern Marlborough, approximately 6 kilometres south of the Awatere River and immediately north of Cape Campbell. The lake has been extensively modified for the production of solar salt. Construction of the salt works at Lake Grassmere began in 1943 in response to shortages of rubber available during World War 2. Salt was needed to make caustic soda, which was required in the process of recycling old rubber. The first harvest of salt occurred in 1949.

Lake Grassmere was considered an ideal site to make salt because of its low rainfall, high sunshine hours, strong drying winds during the summer months, generally from the north-westerly direction, a large area of flat terrain with impervious soils located close to the coast, unimpeded access to sea water and ready access to transport facilities. Today approximately 50% of New Zealand's annual salt consumption and specialist high grade salt is produced from Lake Grassmere and exported.

Salt is produced from the pumping of sea water into the lake through an intake structure and then pumped through a series of concentrating ponds as it increases in strength. Salt is finally deposited on the bottom of the crystallising ponds in summer and harvesting usually begins by early March. Between 60 and 70,000 tonnes of salt are harvested each year. A variety of storage and processing facilities on the edge of the lake have been established over time in connection with the harvest of solar produced salt from the crystallising ponds. From the stockpiled mounds, salt is processed to cleaned, bagged product or refined and processed to specific end products.

Issue 13L – The production of solar salt at Lake Grassmere is important to Marlborough but there is the potential for adverse effects on the environment to arise through production and harvesting processes.

The production of solar salt at Lake Grassmere contributes to the Marlborough economy through the provision of employment at the salt works but also during harvest when a large amount of contract equipment is needed e.g. trucks to transport salt. The salt works operation also contributes to the national economy, with the export of high grade specialist salt, which is refined at Mt Maunganui from salt harvested at Lake Grassmere.

While this is an existing operation that has been in existence for over 60 years, there is the potential for adverse effects to occur on the surrounding environment from the salt production process. Despite its modifications with the development of the salt works activities, the lake and its environs still have a number of important values. For example:

- Lake Grassmere is highly valued for its bird life. It has national importance as a stopover for domestic and overseas migrating birds, including species such as the seldom seen New Zealand dotterel.
- Areas of remnant estuarine habitat including saltmarsh.
- The area around the southern and south-eastern side of the lake has considerable historical significance for some of Marlborough's tangata whenua iwi.

It is important these values continue to be unaffected by the salt works activities.

Lake Grassmere was chosen for the solar production of salt partly because of the hot drying winds in summer that aid in the crystallisation process. However, these same winds can also carry dust, which may be salt laden. If the salt laden dust falls on properties surrounding the lake, farmland could potentially be contaminated. Salt laden foam generated by waves on the lake can also potentially be a problem for adjoining properties if winds are strong enough to carry foam. Salt laden water can also be pushed by strong winds up Cattle Creek, which runs through a diversion channel around the south end of

the crystallising ponds before exiting into Lake Grassmere under the rail bridge. This can affect the ability of Cattle Creek to be used for stock drinking water.

The Lake Grassmere area has low annual rainfall but management of freshwater becomes important during storm events or periods of prolonged rain. Rainwater lying on top of the crystallising ponds gets decanted off as it can dissolve the forming salt crust. The decanted seawater is salt laden and is used to help control dust in the areas surrounding the crystallising ponds or can be recycled through the concentration ponds.

It is therefore important to recognise that although there are benefits economically from the salt works operation to Marlborough and to New Zealand, its operations need to be carefully managed to ensure adverse effects do not arise.

Objective 13.19 – Enable the production of solar salt at Lake Grassmere in a sustainable manner.

The production of solar salt at Lake Grassmere is unique in New Zealand, while some of the methods used to produce the solar salt are unique in the world. Combined with the significance of the activity nationally and regionally, it is important that provision is made in the RPS/Resource Management Plan to enable the activity to continue. As the salt works operation stands, it is lawfully established having existing use rights under the RMA for a good part of its operations. Notwithstanding these rights it is important that activity continues in a sustainable manner.

Policy 13.19.1 – Recognise the national, regional and district significance of the salt works operation.

The Council recognises the importance of the salt works operation at Lake Grassmere in terms of its national and district significance. The Council has therefore identified the area used by the salt works operation with a specific zone that reflects the activities that occur there. The zone extends to provision within the coastal marine area to accommodate the intake of seawater.

Policy 13.19.2 – Enable the continuation of the salt works operation provided that appropriate measures are in place to avoid the potential for cross boundary effects and any other adverse effects on the environment are avoided, remedied or mitigated.

The solar production of salt does have the potential to cause environmental effects, particularly for the surrounding rural land. These effects include dust, noise, soil contamination and wind borne salt foam. However, because the salt works operation is already established; it can be seen and has been seen in operation, a degree of permissiveness has been provided by the rules for established activities with minor adverse effect. Resource consents are required for other activities where there may need to be a higher level of scrutiny to ensure adverse effects can be avoided, remedied or mitigated.

Policy 13.19.3 – Encourage the establishment of a Landcare Group comprising residents, iwi, Department of Conservation and the Salt Works Company to manage the boundary area of the Zone.

The Council considers that the establishment of a Landcare Group or similar would be of benefit to those with interests in the area, particularly in terms of the continued management of the effects of the salt works operation at the boundary of the Zone.

Policy 13.19.4 – Activities in the coastal marine area will be required to meet standards that will maintain the quality of coastal water at Class NS within 1km radius of the coastal water intake existing at 30 May 2002.

It is important to recognise that the salt works operation relies on the ability to pump high quality sea water into the lake to begin the salt production process. This policy although not applicable within the Lake Grassmere Salt Works Zone itself, sets a standard for water quality that activities occurring outside the Zone need to ensure is maintained.

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Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

13.M.25 Zoning

The Lake Grassmere Salt Works Zone is identified on the planning maps and includes the Lake itself, an administration, workshop, salt refining and processing area, and a Pipeline Extension Corridor in the coastal marine area.

13.M.26 District Rules

District rules permit the solar production of salt and associated by-products and the full range of processes required, subject to standards and conditions. Conditions are included to protect surrounding rural land uses from excessive noise, soil contamination, dust and wind borne salt foam.

13.M.27 Regional Rules

Regional rules permit a range of discharges required as part of the production process, subject to standards and conditions. Conditions are included for discharges to air, to the coastal marine area for diluted brine and for excavation of a temporary stormwater outlet.

Rules require resource consents for certain discharges to air, excavation of land and activities in the coastal marine area. Resource consents are also required for activities associated with management of salt water intrusion into Cattle Creek and to manage stormwater entering Lake Grassmere.

13.M.28 Landcare Group

The Council will encourage the establishment of a Landcare Group with membership from residents, iwi, the Department of Conservation and the Salt Works company.

Anticipated Environmental Results and Monitoring Effectiveness

The following table identifies the anticipated environmental results for provisions for the coastal environment. The anticipated environmental results are 10 year targets, unless otherwise specified. For each anticipated environmental result, there are a series of indicators that will be used to monitor the effectiveness of the provisions. Some anticipated environmental results from other chapters will also assist in achieving the anticipated environmental results set out here, for example those on public access, biodiversity, landscape, natural character etc.

Anticipated Environmental Result	Monitoring Effectiveness
13.AER.1 The values associated with areas of significance identified on the RPS/Resource Management Plan maps are protected.	Periodic reassessment of mapped areas of significance for natural character, landscape, biodiversity, heritage and Marlborough's tangata whenua iwi. Survey of stakeholder and interested parties perspectives of values of significance in Marlborough's coastal environment. All resource consent decisions show that consideration has been given to the mapped values. Monitoring of resource consent conditions imposed to

	protect areas of significance.
<p>13.AER.2</p> <p>Subdivision, use and development of the coastal environment, including on land and water, is located in appropriate places and within appropriate limits.</p>	<p>No resource consents are granted for areas identified as inappropriate for development within the coastal environment.</p> <p>New building and development in the coastal environment is consistent with the character of the area, including retaining a lower density of development in the coastal environment.</p> <p>Consistent treatment of resource consent applications for activities in the coastal environment.</p> <p>No coastal permits are granted for activities without a functional need for a coastal location.</p> <p>Monitoring of resource consent conditions imposed to address the effects of activities on a particular location.</p> <p>Reassess the zonings applied to land and water to ensure that appropriate areas are identified for use and development in the coastal environment.</p>
<p>13.AER.3</p> <p>Aside from residential activity associated with rural activities, residential activity in Marlborough's coastal environment takes place within Coastal Living Zones.</p>	<p>A decrease in subdivision for residential activity outside of Coastal Living Zones.</p> <p>Survey land use within Coastal Living Zones to determine availability of land for residential activity.</p>
<p>13.AER.4</p> <p>Continued availability of rural land for primary productive purposes existing at the time the RPS/Resource Management Plan was publically notified.</p>	<p>Survey patterns of land use against a baseline, including actual use and changes in use.</p>
<p>13.AER.5</p> <p>The amenity values of the coastal environment are maintained and enhanced.</p>	<p>Enforce the application of performance standards established to protect amenity values.</p> <p>Survey the public about their perspectives of the attributes contributing to amenity values in Marlborough's coastal environment and how activities and uses may be affecting these values.</p> <p>Monitor complaints and/or incidents received from landowners and the public about activities and uses in the coastal environment.</p>
<p>13.AER.6</p> <p>Equitable, efficient and sustainable allocation of water space in the coastal</p>	<p>Monitor the number and nature of complaints made by the public about conflicts with the allocation of water</p>

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<p>marine area.</p>	<p>space.</p> <p>Assess the need to introduce Mooring Management Areas in locations other than Waikawa Bay to address a demand for swing moorings including competing demand for other uses or activities in the same space.</p> <p>Review coastal permits for swing moorings to assess the need for multiple moorings servicing a property.</p>
<p>13.AER.7</p> <p>The public is aware of information relating to the location of safe anchorages, provisions for safe navigation around Marlborough’s coastal waters and the location of access points and water ski lanes.</p>	<p>Information is available on the Council’s website and reviewed annually, about:</p> <ul style="list-style-type: none"> (a) Navigational notices and directions from the harbourmaster. (b) Navigational safety generally through the ‘Marlborough Sounds Safe Boating’ brochure published annually. (c) Appropriate locations for activities such as water skiing and swimming.
<p>13.AER.8</p> <p>Ships/boats are able to safely and efficiently navigate Marlborough’s coastal marine area.</p>	<p>Monitor the number and nature of collisions, accidents or incidents within the coastal marine area.</p> <p>Monitor the number and nature of complaints made by the public about operation of ships/boats.</p> <p>Monitoring of resource consent conditions imposed to address navigational safety.</p>
<p>13.AER.9</p> <p>Waves generated from ships do not create adverse effects on the environment.</p>	<p>There is compliance by ship operators with speed limits specified in RPS/Resource Management Plan rules or by resource consent conditions through monitoring of a ship’s Data Recording Device.</p> <p>Monitor the number and nature of complaints made by the public about ship-generated waves.</p> <p>A 5 yearly assessment is carried out to determine the need to undertake monitoring specified in Policy 13.16.4 and the Monitoring Method (13.M.19) set out for water transportation.</p>
<p>13.AER.10</p> <p>A proliferation of coastal structures is avoided.</p>	<p>Monitor the number and extent of coastal structures authorised and conditions imposed to require sharing of structures where practicable.</p>
<p>13.AER.11</p>	

<p>No boatshed is used for any purpose other than for the storage of boats or boating equipment.</p>	<p>All new resource consents for boatsheds are conditioned to prohibit the use of the boatshed for living accommodation and the installation of sanitary fittings in boatsheds.</p> <p>A reduction in instances of boatsheds being used for living accommodation through compliance monitoring.</p>
<p>13.AER.12</p> <p>Clearly defined areas and operational requirements for port and marina activities, including areas for expansion.</p>	<p>Activities occurring in port and marina areas are enabled where related to the operation of those facilities and few resource consents are required.</p>
<p>13.AER.13</p> <p>Ports and marinas are able to operate effectively and efficiently.</p>	<p>Few resource consents are required for port and marina related activities.</p> <p>Monitor complaints received from port and marina operators about the impact of non port and marina related activities occurring within the coastal marina area part of the Port, Port Landing Area and Marina Zones.</p>
<p>13.AER.14</p> <p>Adverse effects of use and development in the Port, Port Landing Area and Marina Zones are controlled to acceptable levels of environmental quality.</p>	<p>Monitor complaints from the public about effects arising from operation of port and marina activities.</p> <p>Compliance with conditions for those activities requiring consent.</p>
<p>13.AER.15</p> <p>There is a high level of integration and connection between ports and marinas and their respective townships.</p>	<p>Surveys on the:</p> <ul style="list-style-type: none"> (a) Ease with which the public can move between the Port of Picton and the township. (b) Ability for the public to access marinas. (c) Appearance of marinas as an attractive place to visit.
<p>13.AER.16</p> <p>Integrated management of fisheries and natural and physical resources.</p>	<p>Increased awareness and understanding of the respective roles of Council and other parties in coastal and fisheries management.</p> <p>Ongoing communication with the Minister of Primary Industries in respect of the sustainable management of natural and physical resources as it relates to fishing activities.</p>
<p>13.AER.17</p>	

The continued sustainable and efficient functioning of the Lake Grassmere Salt Works.

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