

Marlborough District Council

Private Plan Change 21  
Port Marlborough New Zealand Limited

Waikawa Bay  
Mooring Management Areas and Marina Zone  
Extension

Section 32 Report

10 June 2010

**mitchell**   
partnerships

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## EXECUTIVE SUMMARY

Port Marlborough New Zealand Limited (PMNZ) has prepared a Private Plan Change to the Marlborough Sounds Resource Management Plan (MSRMP) to improve the management of the water space at Waikawa Bay.

The Plan Change proposes a long-term, integrated planning solution to resolve conflicts in spatial allocation within the finite waters of Waikawa Bay. It seeks to balance the needs and aspirations of mooring owners and applicants, aspirant marina berth holders, and the commercial marina operator (PMNZ) and other commercial interests with the needs and aspirations of tangata whenua, adjacent property owners, non-boating users of the area, other stakeholders and environmental considerations.

The Plan Change will establish a new Mooring Management system for swing moorings in those parts of the Bay that are zoned Coastal Marine 1 Zone. These changes are needed to resolve existing incongruities in swing mooring management within Waikawa Bay. Specific water space would be made available for swing moorings through establishment of Mooring Management Areas to be shown on the MSRMP planning maps. Space within these areas would be utilised in an efficient manner, and swing mooring requirements will generally be managed within the Mooring Management Areas.

The Plan Change also seeks to provide for long-term needs of boat accommodation within Waikawa Bay through nomination of an additional area of the Bay as Marina Zone. Marinas are recognised as the most efficient water based boat storage method available. The additional area, to the north west of the existing Waikawa Bay Marina Zone, would provide potential marina capacity for approximately 250 additional vessels, subject to the requirement to obtain resource consent. Finally, the Plan Change seeks to amend the provisions of the Marina Zone to more efficiently enable marina development within the Marina Zone. Changes to the MSRMP planning maps are attached in **Appendix A**, and changes to the MSRMP provisions are attached in **Appendix B**.

A corollary to the proposed Plan Change is the implementation of the Navigation Safety Bylaw 2010 (Mooring Management Areas) under the Local Government Act 2002. This Bylaw would establish a licensing system for the allocation and management of swing moorings within Mooring Management Areas. At the time of writing licensing and management protocols subservient to this new Bylaw are at an advanced stage of drafting, having been developed in consultation with mooring owners and other stakeholders.

Because the Bylaw is enacted under separate legislation to the Plan Change, it has been necessary to consider a scenario whereby the Bylaw is not in place by the time the Plan Change becomes operative, or for some reason, is not pursued. Accordingly, the plan provisions presented in this application provide for a situation whereby either:

- a) an appropriate Bylaw has been enacted; or
- b) an appropriate Bylaw has not been enacted, and an alternative method to manage moorings within Mooring Management Areas is provided.

These two options are considered more fully in the assessment of alternatives (section 8) as Option 2 and Option 3 respectively, and combined, become Option 4. This solution offers an effective solution to the resource management issue, and achieves the relevant MSRMP objective.

The amended MSRMP provisions are attached in **Appendix B**.

By way of background, the water area at Waikawa Bay is currently zoned partly as Marina Zone and partly as Coastal Marine Zone 1 in the MSRMP.

Swing moorings are currently provided for via a discretionary resource consent within the Coastal Marine 1 Zone. A 'bulk' resource consent application to Marlborough District Council for 186 individual (mostly existing) swing moorings at Waikawa Bay has been partially heard and is in adjournment pending development of a 'bay-wide' solution for management of waterspace within the Bay.

The bulk swing mooring consent application has many inherent difficulties. While the applications nominally seek to legalise existing moorings, not all moorings are physically in place and a number of moorings are not on their nominated sites. The applications as they stand present very serious levels of swing circle overlap (approximately 147 of the 186 applications have a swing circle overlap of 50% or greater). More than thirty of the applications are for swing mooring sites within the Marina Zone and consenting of these moorings would preclude use of the Marina Zone for its nominated purpose. The final difficulty with the bulk swing mooring consent application is that the moorings configuration as applied for presents navigational difficulties within the Bay.

PMNZ established and operates a 600-berth marina within the Marina Zone at Waikawa Bay. There is significant outstanding demand for berths in the existing marina that cannot be satisfied through existing capacity. PMNZ intends to expand its marina as soon as possible to meet existing demand through a 250-berth extension. In the longer term, demand for marina capacity is expected to continue and eventually a further extension of similar size is contemplated.

There is existing undeveloped Marina Zone to the north east of the existing marina structure that could accommodate a marina extension of approximately 250 berths now, pending resource consent and pending removal of existing swing moorings. These moorings are party to the bulk resource consent application referred to previously.

Port Marlborough has identified an additional area suitable for marina development to the north west of the existing marina area, that could also provide for around 250 additional vessels. Concepts for development of marina extensions both in the existing Marina Zone and in the north west area have been prepared. Consultation has shown a clear public preference that initial marina expansion should occur in the north west area – currently zoned Coastal Marine 1. Demand projections demonstrate that to meet recreational boat storage demand for a medium to long term horizon, eventually capacity for 500 additional berths will be required at Waikawa.

Extension of the Marina Zone to the north west as proposed by this Plan Change would enable staged development to take cognisance of consultation outcomes and therefore utilise the north west Marina Zone first, followed in the longer term by development in the north east as and when demand requires.

The existing marina and swing mooring spaces at Waikawa Bay are seen as an appropriate location for concentration of boat storage activities, given that existing infrastructure is in place, the Bay is well suited to the purpose and the context of the Bay is already highly modified. Provided that planning provisions achieve appropriate constraints on scale and management, the proposed Plan Change will efficiently meet the long-term management requirements for water space within Waikawa Bay.

In order to assess the environmental implications and appropriateness of the proposed Plan Change at Waikawa Bay, a number of technical assessments have been commissioned. The following provides a brief summary of the findings of each of these reports.

### **Marina Berths Demand Assessment and Recreation Assessment (Appendix C)**

A Marina Berths Demand Assessment and Recreation Assessment of Effects of the proposed Plan Change has been carried out by Rob Greenaway and Associates. This assessment firstly quantifies the short, medium and long term demand for marina berths, marine services and other facilities at Waikawa Bay and within the Marlborough Sounds. It then describes the local and regional marine recreation setting in relation to the management of the existing marina and the proposed extensions (via the Plan Change and subject to resource consent), and assesses the effects of the proposed Plan Change on recreation activities in Waikawa Bay and the Marlborough Sounds.

This assessment concludes that demand for a first stage (nominally the north west area) of marina development will outstrip supply. If a second stage marina extension was developed (making use of the north east marina zone space), under a medium growth scenario it would reach full capacity in approximately 30 years. It would reach capacity more quickly should a high growth scenario eventuate, and more slowly for a low growth scenario.

In terms of effects, the report concludes that future development of an expanded Marina Zone has potential to change foreshore access to the north of the existing marina, and will facilitate an increase in the number of large boats accessing the Sounds generally. Changes to recreational use of the foreshore to the north-west of the existing marina are likely to most affect those living adjacent to the development.

Overall, the report concludes that the Plan Change will benefit recreational boating in the Marlborough Sounds and in Waikawa Bay by supporting the additional uptake of an important national recreation pastime and better managing mooring distribution at Waikawa Bay. A lack of marina development will result in a significant constraint on boating opportunity in the Sounds, as mooring and marina berth capacity is clearly limited.

### **Economic Assessment (Appendix D)**

The Economic Assessment prepared by Brown Copeland & Co Ltd provides an assessment of the economic effects of the proposed Plan Change. These economic effects are principally those arising from the increased economic activity as a consequence of the construction and operation of the expanded Waikawa Marina. However, the report states that the proposed Plan Change will also bring improvements in economic efficiency through more productive use of coastal land and water space in Waikawa Bay and reduced processing costs for the allocation of water space.

The Economic Assessment concludes that the proposed plan change will enable the Waikawa and Marlborough communities to provide for their economic and social wellbeing and is consistent with the efficient use and development of natural and physical resources, in that:

- (i) The marina expansions, which would be enabled under the proposed Plan Change, will lead to significant increases in local expenditure, employment and incomes during their construction and operation;
- (ii) There will be more efficient use of the limited available water space in Waikawa Bay;
- (iii) More orderly and safer boat movements within Waikawa Bay will be provided for;
- (iv) PMNZ land and other assets at Waikawa Bay will be used more efficiently with consequent benefits for Marlborough District Council ratepayers; and
- (v) Requests for resource consents for existing and new swing moorings will be replaced with a licensing system, resulting in cost savings for both applicants and the Marlborough District Council.

### **Benthic Ecology Assessment (Appendix E)**

The Benthic Ecology Assessment, prepared by Cawthron Institute, assesses the suitability of the area proposed to be rezoned to Marina Zone, and the Mooring Management Areas, in terms of the impacts these activities would have on benthic ecology. The report describes the intertidal and subtidal habitats within the areas subject to the Plan Change, and assesses the potential marine ecological impacts of expansion of the marina facility and establishment of swing mooring fields in these areas.

Cawthron Institute has carried out three benthic surveys within Waikawa Bay since 2007, the latest being in May 2009. These surveys have been used to characterise the benthic environment within the proposed Mooring Management Areas.

This assessment notes that traditional block and chain swing moorings represent a continuing physical disturbance in the form of chain sweep effects on the seabed. However, the absence of significant biogenic features, the ubiquitous nature of the mooring zone substrates and the relatively small areas affected lead to the conclusion that the establishment of the proposed mooring zones will result in adverse benthic effects which are no more than minor. In addition, the assessment notes the opportunity to avoid the effects of chain sweep through employing alternative mooring techniques, for example Seaflex mooring systems. The design of Mooring

Management Areas proposed through this Plan Change relies on the use of such mooring technology beyond the 7 metre depth contour – so around half of the moorings would no longer use chain.

With regard to the extension of the Marina Zone, this assessment states that the surveys did not identify any specific impacts to benthic ecology outside the breakwaters of the existing marina which could be attributed to its operation. With management of a future expanded facility carried out within an effective operational and regulatory framework, it is not expected that such an expansion in existing marina activities will result in significant adverse ecological effects to benthic areas outside its boundaries.

### **Visual and Natural Character Effects Assessment (Appendix F)**

This assessment, prepared by Boffa Miskell Ltd, considers the potential visual and natural character effects of the Plan Change to extend the Marina Zone and reconfigure swing moorings within Mooring Management Areas at Waikawa. This assessment includes useful visual simulations which endeavour to depict the extended Marina Zone fully developed and occupied, and the proposed Mooring Management Areas occupied at full capacity. In utilising these visual simulations it is important to note that they provide a ‘snapshot’ of the Bay at one time on one day. They therefore cannot account for the dynamic nature of moorings whereby boats are continually coming and going within the Bay, and the seasonal changes in boat usage.

This report provides a thorough description of the existing landscape context of Waikawa Bay, noting that marina and boating activities dominate the inner bay, and marina activity already extends some way along the western shore. Along the western shoreline to the ‘Snout’, the report states that the northern end of the Snout currently has a high degree of natural character, and that the consented (but as yet undeveloped) nine residential dwellings proposal at the tip of the Snout will bring an element of development to this area.

In considering the effects of the proposed Marina Zone extension and the Mooring Management Areas on the existing Waikawa Bay landscape, the ‘indicative marina layout’ for the rezoned area prepared by International Marina Consultants has been used. The report concludes that if the proposed Marina Zone area were developed to a similar scale and nature to the existing marina, the visual effects of the rezoning would be minor in the context of the wider bay landscape. The report states that, in terms of natural character, it seems preferable to consolidate new marina development where existing marina activity already exists, rather than create new marinas in as yet undeveloped or less developed parts of the Sounds.

Similarly, the visual change and the change to the character of the Bay resulting from the proposed Mooring Management Areas would be less than minor given the existing context and nature of the coastal environment.

The Visual and Natural Character Assessment concludes that the Plan Change can be supported within this landscape context, and that the discretionary activity status of new marina development within the Marina Zone will enable the landscape and visual aspects of any proposal to be managed via the resource consenting process.



**Terrestrial Ecological Assessment (Appendix G)**

This report, prepared by Boffa Miskell, assesses the potential impacts of marina development within the proposed extended Marina Zone area to the North West of the existing marina at Waikawa. In order to carry out a thorough evaluation, this assessment is based on indicative plan for a potential northwest marina extension.

Samples of the limited landward area affected by the Plan Change were studied and the vegetation was considered as typical of naturally regenerating hill slopes and gullies of the Marlborough Sounds. The species that will be potentially affected are all considered to be locally common and abundant - there are no rare or threatened species or habitats present.

**Transport Assessment (Appendix H)**

The Transportation Assessment of the proposed Plan Change, prepared by Traffic Design Group, assesses the likely effects of the change in use on the transport network. This assessment covers construction effects (assuming additional marina capacity will be developed within the expanded Marina Zone), ongoing traffic associated with marina berths and swing moorings, together with any anticipated changes to car parking demand and the wider effects on the local road network.

This assessment concludes that the transportation effects of the proposed Plan Change are readily able to be accommodated both on-site and across the wider road network with minimal effect on other road users within the community.

**Acoustic Assessment (Appendix I)**

This report, prepared by Malcolm Hunt Associates, assesses the potential acoustic effects that would result from eventual development of the proposed extended Marina Zone and the establishment of Mooring Management Areas. The overall conclusion of the acoustic assessment is that noise likely to be received off-site can be controlled to ensure compliance with District Plan noise limits. The report concludes that the total cumulative noise levels are unlikely to change significantly with the introduction of new marina areas.

Given the results of the acoustic assessment, no changes to the current noise rules contained within the MSRMP are being sought through the proposed Plan Change.

**Consistency with the Various Policy Statements and Plans**

Based on the findings of the technical reporting and the section 32 analysis, it can be concluded that, from a planning perspective, the proposed Plan Change would be consistent with policies of the New Zealand Coastal Policy Statement, the objectives and policies within the Proposed New Zealand Coastal Policy Statement, and the Regional Policy Statement. The proposed Plan Change is also consistent with the outcomes for the Region identified by the community and key stakeholders as documented in the Outcomes for Places Report, a report jointly prepared by the Marlborough District Council and the Department of Conservation.

## **Consultation (Appendix J)**

The Plan Change is the culmination of comprehensive planning and research undertaken by PMNZ. Much of this planning and research has involved consultation with a wide range of stakeholders. Early consultation focussed on development of additional berth capacity at Waikawa Marina and possible solutions for swing mooring applicants within Waikawa Bay. These developments and solutions were contemplated as leading ultimately to a series of resource consent applications under the existing Marlborough Sounds Resource Management Plan.

The partial hearing in April 2008 of a resource consent application for 186 individual swing moorings in Waikawa Bay directed attention rapidly towards complex and conflicting demands for space. As consultation progressed it became apparent that a comprehensive Plan Change was an appropriate method for establishing long term plans for Waikawa Bay in a way that considered the needs of all stakeholders through an inclusive and robust process.

Consultation outcomes from all phases of planning for Waikawa Bay as outlined above have been considered and have informed the content of this Plan Change application. PMNZ has found much of the feedback valuable, and considers it has contributed to a proposal which will result in positive outcomes for Waikawa Bay as a whole. A particular contribution has been made by the Marlborough Berth and Mooring Association (MBMA) in representing swing mooring applicants through the Waikawa Bay Swing Moorings Working Group. This Group has worked together over considerable time to achieve a method which will ensure integrated management of swing moorings for Waikawa Bay, which has the endorsement of most swing mooring holders and applicants.

## **Section 32**

Through the preparation of the proposed Plan Change, a range of zoning and planning methods have been assessed to determine the most effective option to achieve the stated objectives and policies of the NZCPS and the MSRMP, and the purpose of the Act. As a result of this assessment, the findings of the technical reports, and the stakeholder feedback received, it is recommended that the comprehensive planning regime put forward by the subject proposed Private Plan Change be accepted.

The primary components of the Plan Change are:

- (i) Rationalisation of management of swing moorings within Waikawa Bay. The management regime for swing moorings promoted through this Plan Change would see Mooring Management Areas established, as well as a Waka Mooring Management Area. One approach is that a new Bylaw (Navigation Safety Bylaw 2010 (Mooring Management Areas)) promulgated by Marlborough District Council would work alongside the proposed Mooring Management Areas and associated provisions in the MSRMP for the management of swing moorings at the Bay. Under this Bylaw, the allocation and management of swing moorings would be carried out by the moorings manager via a licensing system.

The proposed amendments to the Coastal Marine Zone dovetail with the Bylaw and change the activity status of swing moorings within the overlay area. In brief, within Waikawa Bay, swing moorings would be permitted activities within Mooring Management Areas and, in most cases, non-complying activity outside of the Mooring Management Areas. In order to retain the permitted activity status for swing moorings within the Mooring Management Areas, the requirements set out within the Bylaw must be achieved. Beyond Waikawa Bay, swing moorings remain discretionary activities within the Coastal Marine Zone 1.

Should the Navigation Safety Bylaw 2010 (Mooring Management Areas) not be enacted, an alternative method will be required to manage moorings within the Mooring Management Areas. The Plan Change provides for this scenario, whereby moorings can be established within a Mooring Management Area by obtaining resource consent as a limited discretionary activity.

- (ii) Extension of the Marina Zone to include an additional area to the north west of the existing Waikawa Bay Marina Zone, to provide future capacity to meet long term demand forecasts for boat accommodation in an efficient manner.

Amendments to the Marina Zone provisions to provide more comprehensively for marina development and marina activities, and render more efficient assessment and processing of marina resource consent applications.

It is concluded that through the adoption of the proposed changes to the MSRMP, the management approaches promoted for Waikawa Bay will better achieve purpose of the Act, the objectives and policies of the NZCPS and the RPS and other relevant non-statutory documents.

# **1. INTRODUCTION**

## **1.1 PURPOSE OF THE REPORT**

This report is prepared in accordance with section 32 of the Resource Management Act (1991) (the Act). This requires that before adopting any objective, policy, rule or other method, the Council shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of this Act, and whether the policies, rules or other methods are the most appropriate for achieving the objectives.

## **1.2 REPORT STRUCTURE**

This report has been prepared to meet the requirements of section 32 of the RMA. It has been structured as follows:

Section 1	Introduction
Section 2	Resource Management Issue
Section 3	The Current Zoning over the Site
Section 4	The Purpose of this Plan Change
Section 5	Legislative Framework
Section 6	Relevant Non-Statutory Documents
Section 7	Consultation Process
Section 8	Assessment of Alternatives
Section 9	Conclusion

## 2. RESOURCE MANAGEMENT ISSUE

As part of the section 32 process, it is important to consider at the outset whether or not the subject of consideration is a resource management issue. If the matter is not a resource management issue it should not be addressed through the planning process.

Waikawa Bay is facing increasing demand for boat storage and moorings, and this is predicted to continue into the future<sup>1</sup>. The resource management issues can be summarised as:

- 1) There is an opportunity to promote the more efficient use of the finite water space in Waikawa Bay to accommodate the community's demand for boat accommodation.
- 2) It is important to appropriately manage the various uses and users of the water space within the Bay.
- 3) The promotion of this approach for Waikawa Bay is intended to meet existing and forecast demand for boat accommodation and at the same time avoid as far as can be achieved the need to provide for this type of use in other, less developed bays.
- 4) In managing the use of the Bay the effects on public access, landscape, amenity values, natural character and ecology need to be managed such that their extent and degree are acceptable.

The principal resource management issues that would be addressed by this proposed Plan Change include managing increasing demand for water space within the Sounds by utilising Waikawa Bay in a sustainable manner and providing for the efficient use of this finite water resource.

Historically Waikawa Bay has been developed to accommodate boat storage activities (swing moorings and marina berths) alongside other recreational uses. The relatively sheltered physical characteristics of Waikawa Bay combined with its proximity to roading infrastructure and adjacent flat support land render the area highly appropriate for these activities. It is considered that Waikawa Bay is a suitable site for further consolidation and careful further expansion of boat storage capacity. However a comprehensive management framework for these activities is required. This will provide for consolidation of swing moorings within defined area, ensuring efficiencies in infrastructure provision, transportation and the consolidation of boat accommodation within this already modified area of the Sounds.

The MSRMP is the appropriate forum to take a comprehensive approach to planning in Waikawa Bay. To effectively resolve the resource management issues identified, the plan provisions must establish a framework whereby appropriate levels of boat accommodation are provided for, efficiency of space

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<sup>1</sup> Greenaway 2009

utilisation is achieved, and other forms of recreation activities are appropriately provided for. The provisions must allow assessment of the extent of these activities, so effects are acceptable and the Bay is managed sustainably.

It is concluded that the current planning provisions within Waikawa Bay are not the most appropriate way to manage the finite water space resource. The subject application comprises a strategic change to the MSRMP which will result in the integrated management of marinas and swing moorings in Waikawa Bay. It is notable that marinas provide a very efficient method of water based boat storage when compared with both organised and casual swing moorings. By providing for a larger marina in Waikawa Bay, the water space can be utilised more efficiently by boats than is the current situation.

This is further emphasised for protecting the wider, currently undeveloped, parts of the Sounds from development sprawl. A comprehensive management framework to provide adequate boat storage facilities within Waikawa Bay would help to avoid future pressure in more natural areas of the Sounds. Potential for establishing marinas in other bays throughout the Sounds was canvassed with various stakeholders during the extensive consultation process undertaken by PMNZ (refer to section 7 of this report). A clear preference has emerged from this consultation that Waikawa Bay should be the focus for marina expansion and swing moorings consolidation, and that these activities should be managed in an organised, integrated manner.

The various options for managing the water space at Waikawa Bay are assessed in section 8 of this report.

### 3. CURRENT ZONING OF THE SITE

Under the MSRMP the water space at Waikawa Bay is zoned Marina Zone and Coastal Marine 1 Zone (refer to Maps 61 and 62 of the MSRMP, attached at **Appendix K**).

A narrow strip of land adjoining the Marina and Coastal Marine 1 Zones on the western side of Waikawa Bay is zoned Conservation. A very small area of this Conservation Zone land is proposed to be rezoned as Marina Zone as part of this Plan Change.

#### **Marina Zone**

Principles for promoting sustainable management within the Marina Zone are contained within Part 10.7 of Volume 1 of the MSRMP. Part 10.7 falls within the Urban Environments chapter and this identifies a number of issues, objectives and policies that specifically relate to the Marina Zone. Chapter 34 (Volume 2) of the MSRMP includes various rules and performance standards specific to the Marina Zone.

Chapter 10.7 of the MSRMP recognises that the Marlborough Sounds offer extensive opportunities for both commercial and recreational boating. Both Picton and Havelock are recognised as significant marine centres. The chapter also suggests that marina activity is an integral part of the urban environment. It is recognised that marinas offer the ability to use coastal marine space in a highly efficient way by concentrating boat storage activities. Marinas also concentrate adverse effects such as antifouling to a single part of the Coastal Marine Area avoiding the need for such activity and the emergence of such effects throughout the Coastal Marine Area. Good design and equipment, combined with appropriate controls can minimise the adverse effects within the marina itself<sup>2</sup>.

Chapter 10.7 includes an issues statement and two objectives and a range of associated policies to guide activities within the Marina Zone. 10.7.1 Issue states:

*"Inadequate provision of land with amenities compatible with marina activity can result in lack of recreational opportunities and adverse effects on the environment of surrounding areas; and,*

*The need to manage the effects of marinas."*<sup>3</sup>

Objective 1 states:

*"Maintaining a standard of amenity in existing marinas which is compatible with marina activities while avoiding, remedying and mitigating adverse effects resulting from this activity on the environment."*<sup>4</sup>

<sup>2</sup> Summarised from 10.7.1 of the MSRMP.

<sup>3</sup> Page 10-32 of the MSRMP.

<sup>4</sup> Page 10-32 of the MSRMP.

Objective 2 states:

*“Avoidance and, where necessary, remediation and mitigation of adverse effects resulting from marina operations and associated land-based activities.”<sup>5</sup>*

In general terms, relevant policy seeks to avoid as far as can be achieved, the generation of adverse effects on the natural character of the coast by enabling marina activity in existing marinas or in areas where natural character has been compromised. Policy also focuses on the avoidance of adverse effects from discharges, boat maintenance activities, and associated with the removal of antifouling paints. Moreover, a number of policies are set out which seek to ensure that marina facilities are provided with adequate car parking, landscaping, and that such facilities do not generate excessive levels of noise.

Chapter 10.7.1.2 also sets out a range of methods of implementation. Primarily the MSRMP relies on zoning to provide for marina activities. Two areas being Picton and Waikawa have been so zoned. The extent of these zones suggests that aside from the north eastern area of Waikawa, no coastal marine space for marina expansions is currently zoned for this activity.

The MSRMP is quite clear that it does not identify any specific sites for further Marina Zones. Rather, it is stated that on the basis that the scale and complexity of the Marlborough Sounds, together with the changing demands and design of marinas makes it impracticable to determine in advance, appropriate locations for further marinas. The MSRMP foreshadows that any such proposals will be considered either as applications for resource consent or as Plan Changes, and will be assessed in terms of the relevant objectives, policies and standards of the Plan, and the requirements of the Act<sup>6</sup>.

Chapter 34 includes rules specific to the Marina Zone and establishes a rule framework to determine activity status for activities. A comprehensive list of permitted activities is provided. All of these activities are permitted provided they can achieve a comprehensive and robust range of performance standards contained within Rule 34.1.1. If the various performance standards cannot be met then the activity must be dealt with as a discretionary activity in terms of Rule 34.4<sup>7</sup>.

Rule 34.4 includes a list of discretionary activities and where appropriate, restricted coastal activities. A range of activities including discharges, disturbance of the foreshore and seabed, new or extended reclamation, and structures of various descriptions are discretionary activities. Rule 34.4.2<sup>8</sup> includes those standards that ultimately render any given discretionary activity to also be a restricted coastal activity, as prescribed by the NZCPS.

Chapter 34 also includes a very broad range of assessment matters which need to be applied to any given application for resource consent in the zone.

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<sup>5</sup> Page 10-32 of the MSRMP.

<sup>6</sup> Pages 10-34 to 35

<sup>7</sup> Page 34-17

<sup>8</sup> Page 39-19



Under the current rule regime, new marina development would, at best, comprise a discretionary activity and a restricted coastal activity. Some elements are not provided for, and are therefore non-complying. However, there is scope to provide additional clarity around provisions relating to new marina development located within the Marina Zone to better provide for further marina development, and to improve efficiencies in the consenting process for such development.

### **Coastal Marine Zone**

Aside from the part of the Waikawa Bay that is zoned Marina, the remainder of the Bay falls within the Coastal Marine 1 Zone. This zone provides for a greater variety of activities than the Marina Zone and regulates against such activities as Marine Farming. For the subject Plan Change, the only aspects of the Coastal Marine 1 Zone that are being considered for change are those that relate to swing moorings within Waikawa Bay.

The Coastal Marine 1 Zone provides for swing moorings as discretionary activities throughout the zone (Rule 35.4). This zone covers a vast area of the Sounds, and in most of these areas, particularly where swing moorings are used for access to remote properties, applications for moorings are appropriately dealt with via the discretionary consent process. In other areas, concentrated clusters of swing moorings are used predominantly for long-term boat storage. These areas tend to be in sheltered bays near road access, for example Ngakuta Bay and Momorangi Bay. Allocation of space within these areas, although through an individual consenting mechanism, has required active management from Council staff to develop fair and equitable whole-bay solutions.

Waikawa has developed a distinct cluster of swing moorings within the inner Bay area, and along the eastern shoreline. These moorings, like others, were historically managed under the auspices of the Marlborough Harbour Board. Devolution of the Harbour Board and establishment of the Port Company saw management of swing moorings pass to the regional council. Council amalgamation and implementation of the Resource Management Act 1991 eventually resulted in the requirement for individual moorings to hold resource consent. No formal physical organisation of the Waikawa Bay moorings occurred until Council began facilitating a process during 2004 to assist Waikawa mooring owners to legitimise their moorings. Applications for 186 individual moorings were grouped together in a 'bulk' application, which was notified in March 2007, and proceeded to a hearing in April 2008. Because no formal organisation of these moorings has occurred, each consent has had to be treated on its merits. If the Council (in this case a Commissioner on behalf of the Council) was forced to make decisions on each of the resource consents being processed for swing moorings, inevitably some would be granted and some would be declined, meaning not all those wishing to utilise the Bay for swing moorings could continue to do so.

The bulk application presents a number of very difficult issues. These were highlighted during a partial hearing of the application in April 2008, and include:

- (i) Existence of 34 mooring applications intersecting with the Marina Zone, an area provided (nominally) for the specific purpose of meeting future demand for marina capacity
- (ii) Significant overlap of swing circles – to the extent that more than 50% of applications have swing circle overlaps greater than 50% - and many, a much higher degree of overlap
- (iii) Provision for a specific mooring for traditional waka, which has previously been undertaken within the Bay, was at risk of being lost to private applications for the mooring space

During the hearing it became apparent to all parties that a ‘whole bay’ solution was required that meets the needs and aspirations of all Waikawa Bay stakeholders. It was agreed that a Plan Change was likely to be the most appropriate vehicle to achieve this, and the hearing was adjourned to enable the Plan Change to be developed.

Development of this Plan Change has been a collaborative undertaking. Subsequent to the hearing adjournment, the Waikawa Bay Moorings Working Group was established with representation from Marlborough Berth and Mooring Association (nominated representative of a significant majority of mooring applicants), PMNZ, Marlborough District Council and with representation from the Harbourmaster’s Office. Interface with Te Atiawa as Kaitiaki has been through Marlborough District Council’s representative, who has chaired the working group.

As part of this work, Port Marlborough, in consultation with the Working Group has investigated the options for comprehensively designing areas within which to logically locate swing moorings. Using research carried out by Australian firm International Marina Consultants, space-efficient technology is proposed which would result in a lesser area being required to accommodate a given number of moorings than when traditional mooring technologies are used (refer **Appendix L**).

International Marina Consultants have designed three Mooring Management Areas (two on the eastern side of the Bay, and one on the western side of the Bay), which will have the capacity for all those swing moorings which are currently seeking consent in inner Waikawa Bay (refer Proposed Waikawa Bay Layout Plan attached as **Appendix A**). The proposed Mooring Management Areas layouts are based on traditional mooring tackle use in depths less than seven metres, and space efficient moorings (i.e. “Sea Flex” elasticised moorings or submerged buoy moorings) in depths greater than seven metres, with significant gains in spatial efficiency. International Marina Consultants has identified the intended locations of each individual mooring within the defined Mooring Management Areas. It is acknowledged that it would be more difficult for Council to allocate space within the Mooring Management Areas in accordance with the International Marina Consultants Layout Plan via resource consents for individual moorings compared with a licence system in terms of a Bylaw. For this reason, the proposed Plan Provisions provide for both eventualities (i.e. that the Bylaw either is, or is not enacted). This proposal, and

the dynamics between the plan provisions are discussed more fully later in this report.

The existing objectives of the Coastal Marine Zone are set out below.

Objective 9.2.1.1 states:

*The accommodation of appropriate activities in the coastal marine area whilst avoiding, remedying or mitigating the adverse effects of those activities.*

Objective 9.3.2.1 states:

*Management of the effects of activities so that water quality in the coastal marine area is at a level which enables the gathering or cultivating of shellfish for human consumption (Class SG).*

Objective 9.4.1.1 states:

*Protection of the coastal environment by avoiding, remedying or mitigating any adverse effects of activities that alter the foreshore or seabed.*

Objective 9.5.2.1 states:

*To ensure that the environmental effects of ship generated waves and speed are managed so that potential conflict with other coastal users and values is avoided, remedied or mitigated.*

By establishing Mooring Management Areas to allocate appropriate locations for swing moorings within Waikawa Bay, the first three objectives of the Coastal Marine Zone will be achieved. The Mooring Management Areas will be more appropriate for management of moorings than retaining the piecemeal status quo. The final objective is not considered to be relevant to the scope of the Plan Change.

### **Summary**

It is concluded from this assessment of the current planning requirements that a Plan Change is required to address the resource management issues facing Waikawa Bay.

## 4. THE PURPOSE OF THE PLAN CHANGE

The purpose of this Plan Change is to sustainably manage the demand for the occupation and use of the finite water space within Waikawa Bay now and for the future, and ensure that marina and mooring activities are consolidated efficiently within the Bay. Plan methods are also promoted which ensure that the appropriate checks and balances are applied to the assessment of effects that are likely to emerge from the further expansion of marina facilities in the Bay in particular.

The key components of the Plan Change are summarised as follows:

### Mooring Management Areas

- Establishment of Mooring Management Areas in the inner waters of Waikawa Bay. The establishment and operation of moorings within the Mooring Management Areas will be regulated by one of two options:
  - a. A new Bylaw being introduced under the Local Government Act 2002 would pass responsibility to a Moorings Area Manager for allocation and management of mooring space within the defined Mooring Management Areas, and to administer the mooring license process. If enacted, swing moorings within these areas would not require a resource consent, but instead would be managed through a licensing system required by the Bylaw. There will be discussion with mooring owners for an efficient transfer of boats from existing moorings to Mooring Management Areas, once these areas are established. This comprises **Option 2** in the assessment of alternatives section in chapter 8 below.
  - b. Should the Bylaw not be enacted, the establishment and operation of moorings within a Mooring Management Area will comprise a limited discretionary activity, and therefore require a resource consent to establish. This comprises **Option 3** in the assessment of alternatives section in chapter 8 below.
  - c. Together these options form the preferred approach, which is presented as **Option 4**, below.
- Retaining the discretionary activity status for the renewal of resource consents for existing consented swing moorings located within Waikawa Bay.
- Providing for the special needs of mooring waka in an identified area near the Arapawa Maori Rowing Club at Waikawa Bay.
- Defining a specific clear water amenity strip between low water and the nearest moored vessels to provide for increased recreational activity and visual amenity at Waikawa Bay.
- Providing access avenues to enable safe and convenient on-water access to and from the Waikawa Bay jetty and launching ramp.

- Providing for increased size of the designated swimming area adjacent to the Waikawa Bay Foreshore Reserve at Waikawa Bay.

As noted, the Council is developing a Navigation Safety Bylaw 2010 (Mooring Management Areas) which would provide for the licensing of moorings, and ongoing maintenance management of the Mooring Management Areas at Waikawa Bay specifically. If enacted, the Bylaw would integrate as part of the comprehensive management framework for Waikawa Bay proposed via this Plan Change. Without the Bylaw, moorings within Mooring Management Areas would require resource consent to establish and operate.

#### **Extension of Marina Zone**

- Rezoning areas to the north west of the existing Waikawa Marina (the majority of which is currently zoned Coastal Marine 1, with a small part being Conservation Zone) as Marina Zone. The Marina Zone over the as yet undeveloped north eastern area at Waikawa Marina will be retained. Combined, the two areas will provide for the future extension of the Waikawa Marina. It should be noted that PMNZ intends to develop new areas of marina in a staged way. The north western extension would occur first, followed by expansion to the north-east.
- Refining the Marina Zone objectives and policies to recognise the importance of marina development and better enable the expansion of marinas in a sustainable manner.
- Amending the Marina Zone rules to clearly define the activity status of new and existing marina activities and establish appropriate resource consenting processes for such applications.

## 5. LEGISLATIVE FRAMEWORK

### 5.1 RESOURCE MANAGEMENT ACT 1991

The proposed Plan Change affects the coastal marine area as well as a limited area on the landward side of the mean high water springs boundary. This is due to the Marina Zone crossing the mean high water springs boundary and encompassing the landward portion as well as the seaward area within which marina activities take place.

The Marlborough District Council is a unitary authority and the MSRMP contains the Coastal Plan as well as territorial (District) plan provisions. However, for the purpose of the subject plan change, the requirements set out for regional councils (s66) are considered to be relevant.

Section 66 (matters to be considered by regional councils) of the RMA states that any Plan Change to regional plans must be in accordance with the functions for regional authorities set out in section 30, the provisions of Part 2, the duties under section 32, and any regulations.

#### 5.1.1 PART 2 CONSIDERATIONS

##### **Section 6**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (e) *Relationship of Maori and their cultures and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

Waikawa Bay is not classified as an outstanding natural feature or landscape in the MSRMP. The Terrestrial Ecology Report (**Appendix G**) describes the vegetation adjoining the Plan Change area (being the eastern slopes of the northern end of the peninsular known locally as 'The Snout' where it abuts the Waikawa Marina) as typical of much of the advanced regeneration of Queen Charlotte Sound. The species present are considered to be typical of the ecological district, and no rare or unusual native plants were observed.

The Benthic Ecology Report (**Appendix E**) concludes that future expansion of the marina to the north west of the existing marina would result in a loss of intertidal and shallow sub tidal reef habitats of moderate value. However, in terms of ecological productivity and diversity, the loss of this habitat would be offset by the introduction of new structures such as breakwaters. Further, the

report concludes that the proposed mooring areas will not result in adverse effects on the benthic environment that are more than minor.

An archaeological survey of the area, commissioned by Port Marlborough and conducted in association with Te Atiawa, did not identify any known historic sites or known sites of cultural significance to Maori within the area affected by the rezoning or Mooring Management Areas.

The proposed Plan Change is consistent with section 6 of the Act.

### **Section 7**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:*

- (a) *Kaitiakitanga*
- (aa) *The ethic of stewardship*
- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*

Waikawa Bay already accommodates a marina and numerous swing moorings. This Plan Change, which seeks to rationalise the current ad hoc placement and casual management of swing moorings, and to provide for future demand for boat accommodation through intensive storage in marina facilities, is a logical extension of this existing activity. The Plan Change will result in efficiencies in the use of this finite water space as well as the existing infrastructure servicing.

Waikawa Bay has an established marina, and the Plan Change seeks to enable the extension of marina facilities within the Bay through rezoning an area predominantly zoned Coastal Marine 1 Zone to Marina Zone. Marinas provide a highly space efficient means of boat accommodation, which will provide for the efficient use and development of this natural resource whilst meeting the needs of the community.

Currently, the Coastal Marine 1 Zone provides for swing moorings anywhere within the zone as a discretionary activity. In areas such as Waikawa Bay there is high demand for moorings. As referred to earlier, there is currently an untenable situation where the Council has been asked by applicants to issue numerous resource consents for moorings, many of which have unsustainable levels of swing circle overlap. If resource consents for moorings were granted as currently sought by applicants to the bulk consent application, the physical arrangement of applicants would result in very real spatial conflicts. The MDC Planner's Report for the moorings hearing found that over 50% of applications having swing circle overlap of 50% or more, and noted that " ...a swing circle overlap of greater than 50% potentially means that two vessels could occupy the same space." In other words, vessels would collide. The Mooring Management Areas established by this Plan Change solve this problem, as well

as providing space for accommodation of those moorings currently located inappropriately within the Marina Zone.

The proposed Plan Change would result in the consolidation of swing moorings to defined Mooring Management Areas within Waikawa Bay, and provide stronger dis-incentives to moorings outside of these areas. To utilise a swing mooring in the Mooring Management Areas, a mooring holder will either obtain a licence in terms of the Bylaw, or resource consent (depending on whether or not the Bylaw is enacted) to occupy a particular site, which have been designed and located to make the most efficient use of the coastal marine area. The Mooring Management Areas have been designed and located to enable large swimming and navigational lanes.

A non-complying resource consent will be required for swing moorings within the Bay outside of the Mooring Management Areas, other than for re-consenting existing moorings which will be discretionary. The implementation of the Mooring Management Areas will enhance and maintain amenity values at the Bay, whilst enabling the most efficient management of this finite physical resource.

### **Section 8**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Whilst no Cultural Values Report has been prepared in relation to this Plan Change, there are no known Treaty principles that will be affected by this Plan Change.

A traditional food gathering area (mahinga kai) is located at the inlet of the Waikawa Stream (and other tributaries) to Waikawa Bay. The extension to the Marina Zone to the North West, and the relocation of the swing moorings would not encroach this area.

During consultation, Te Atiawa have identified the shellfish 'Kopukopu' (Ribbed mussel, *Aulacomya atra maoriana*) as a species of cultural importance as historically having been gathered along the shoreline of the Snout, including in the area proposed for extension of the Marina Zone. Cawthron Institute have conducted an extensive survey of shellfish in the area, including the ribbed mussel, and have concluded that "although the future expansion of the marina along the north-western shoreline would replace some mussel habitat with a potentially less suitable breakwater substrate, the overall proportion of the resource lost would be very small relative to that available in the wider area."

PMNZ will endeavour to continue to consult with Te Atiawa throughout the Plan Change process.



## **Section 5**

Under Section 5(2) of the Act:

*sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment”.*

This Plan Change is considered to be consistent with section 5 of the Act. As demonstrated by the Recreation Assessment and the Economic Assessment, the proposed comprehensive management of mooring and berthing distribution at Waikawa Bay will result in increased opportunity to satisfy current and future (predicted) boat storage demand. This will result in positive social, economic and cultural effects for the region, whilst containing these activities to an area which is already comparatively modified.

The Benthic Ecology Assessment, Transportation Assessment, Acoustic Assessment, Terrestrial Ecology Assessment and the Visual and Natural Character Assessment all conclude that the proposed Plan Change area (Waikawa Bay) has the ability to absorb further development. It is capable of doing so without giving rise to adverse effects that are incapable of being avoided, remedied or mitigated.

### **5.1.2 SECTION 63 – PURPOSE OF REGIONAL COASTAL PLANS**

Section 63 of the RMA sets out the purpose of regional plans (including regional coastal plans), while sections 64 to 70 set out the processes and general content of regional plans. Section 63 states:

- (1) *The purpose of the preparation, implementation, and administration of regional plans is to assist a regional council to carry out any of its functions in order to achieve the purpose of this Act.*
- (2) *Without limiting subsection (1), the purpose of the preparation, implementation, and administration of regional coastal plans is to assist a regional council, in conjunction with the Minister of Conservation, to achieve the purpose of this Act in relation to the coastal marine area of that region.*

Through the preparation of this section 32 report, regard has been given section 63, to Part 2 of the Act and to the New Zealand Coastal Policy Statement (section 5.1.4 of this report).

### 5.1.3 SECTION 32

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, both the Council and person seeking a Plan Change shall carry out evaluations considering alternatives, benefits and costs.

Section 32(3) provides:

- S32 (3) *An evaluation must examine—*
- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
  - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account—*
- (a) *the benefits and costs of policies, rules, or other methods; and*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

“Efficiency” and “benefits and costs” are relevant to the evaluation required under section 32. The evaluation requires the measurement of these factors to be made relative to the objectives of policies, rules, or other methods.

A report summarising the section 32 evaluation and giving reasons for the evaluation must be available for public inspection at the same time as the Plan Change (to which it relates) is publicly notified.

This report must set out the rationale and process underpinning the proposal to change the MSRMP as it relates to Waikawa Bay.

Section 66 states:

***Matters to be considered by regional council***

- (1) *A regional council shall prepare and change any regional plan in accordance with its functions under section 30, the provisions of Part 2, [a direction given under section 25A(1),] its duty under section 32, and any regulations.*
- (2) *In addition to the requirements of [section 67(3) and (4)], when preparing or changing any regional plan, the regional council shall have regard to—*
  - (a) *Any proposed regional policy statement in respect of the region; and*
  - (b) *The Crown's interests in land of the Crown in the coastal marine area; and*
  - (c) *Any—*
    - (i) *Management plans and strategies prepared under other Acts; and*
    - (ii) *Repealed.*

- [(iia) Relevant entry in the Historic Places Register; and]*
- [(iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and]*
- (iii) Repealed.*  
*to the extent that their content has a bearing on resource management issues of the region; and*
- (d) The extent to which the regional plan needs to be consistent with the regional policy statements and plans, or proposed regional policy statements and proposed plans, of adjacent regional councils.*
- [(2A) A regional council, when preparing or changing a regional plan, must—*
  - (a) take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has a bearing on resource management issues of the region; and*
  - (b) recognise and provide for the management plan for a foreshore and seabed reserve located in whole or in part within its region, once the management plan has been lodged with the council.]*
- [(3) In preparing or changing any regional plan, a regional council must not have regard to trade competition ~~[[or the effects of trade competition]].~~]*

Through the preparation of this section 32 report, regard has been given to the Marlborough Regional Policy Statement (section 5.1.5 of this report).

#### **5.1.4 THE NEW ZEALAND COASTAL POLICY STATEMENT**

In achieving the purpose of the Act, the MSRMP must give effect to the New Zealand Coastal Policy Statement 1994 (NZCPS). The purpose of the New Zealand Coastal Policy Statement is to state policies to achieve the purpose of the Act in relation to the coastal environment of New Zealand. The NZCPS was issued by notice in the Gazette on 5 May 1994. This document remains the operative NZCPS, despite a Proposed NZCPS 2008 having been notified by the Department of Conservation for submissions in February 2008.

The NZCPS 1994 sets out the general principles for the sustainable management of New Zealand's Coastal environment. Some NZCPS policies that are relevant to this proposed Plan Change are included in Chapter 1 "National Priorities for the Preservation of Natural Character of the Coastal Environment from Inappropriate Subdivision, Use and Development":

##### **Policy 1.1.1**

*It is a national priority to preserve the natural character of the coastal environment by:*

- (a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*

- (b) *taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- (c) *avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

**Policy 1.1.2**

*It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:*

- (a) *avoiding any actual or potential adverse effects of activities on the following areas or habitats:*
  - (i) *areas and habitats important to the continued survival of any indigenous species; and*
  - (ii) *areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;*
- (b) *avoiding or remedying any actual or potential adverse effects of activities on the following areas:*
  - (i) *outstanding or rare indigenous community types within an ecological region or ecological district;*
  - (ii) *habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and*
  - (iii) *areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;*
- (c) *protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and*
- (d) *recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.*

**Policy 1.1.3**

*It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:*

- (a) *landscapes, seascapes and landforms, including:*
  - (i) *significant representative examples of each landform which provide the variety in each region;*
  - (ii) *visually or scientifically significant geological features; and*
  - (iii) *the collective characteristics which give the coastal environment its natural character including wild and scenic areas;*
- (b) *characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and*
- (c) *significant places or areas of historic or cultural significance.*

**Policy 1.1.4**

*It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:*

- (a) *the dynamic processes and features arising from the natural movement of sediments, water and air;*
- (b) *natural movement of biota;*
- (c) *natural substrate composition;*
- (d) *natural water and air quality;*
- (e) *natural bio diversity, productivity and biotic patterns; and*
- (f) *intrinsic values of ecosystems.*

Chapter 2 of the NZCPS: “The Protection of Characteristics of the Coastal Environment of Special Value to the Tangata Whenua Including Waahi Tapu, Tauranga Waka, Mahinga Maataitai, and Taonga Rarana” includes the following policy that is considered relevant to the subject Plan Change:

***Policy 2.1.1***

*Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga Maori. This includes the right of the tangata whenua to choose not to identify all or any of them.*

Chapter 3 “Activities Involving the Subdivision, Use or Development of Areas of the Coastal Environment” includes the following relevant policies:

***3.1 Maintenance and Enhancement of Amenity Values***

***Policy 3.1.1***

*Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.*

***Policy 3.1.2***

*Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection.*

***Policy 3.1.3***

*Policy statements and plans should recognise the contribution that open space makes to the amenity values found in the coastal environment, and should seek to maintain and enhance those values by giving appropriate protection to areas of open space.*

***3.2 Providing for the Appropriate Subdivision, Use and Development of the Coastal Environment***

***Policy 3.2.1***

*Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.*

**Policy 3.2.2**

*Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.*

**Policy 3.2.4**

*Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.*

**Policy 3.2.8**

*Provision should be made for the protection of the habitats (in the coastal marine area) of species which are important for commercial, recreational, traditional or cultural purposes.*

**3.5 Maintenance and Enhancement of Public Access to and Along the Coastal Marine Area****Policy 3.5.2**

*In order to recognise the national importance of enhancing public access to and along the coastal marine area, provision should be made to identify, as far as practicable:*

- (i) the location and extent of places where the public have the right of access to and along the coastal marine area;*
- (ii) those places where it is desirable that physical access to and along the coastal marine area by the public should be enhanced; and*
- (iii) those places where it is desirable that access to the coastal marine area useable by people with disabilities be provided.*

Schedule 1 of the NZCPS sets out the circumstances in which activities that have significant or irreversible adverse effects on the coastal marine area will be made restricted coastal activities. These matters are currently rules within the MSRMP and are not being changed by the subject Plan Change.

A discussion of the Proposed Plan Change in relation to the current NZCPS follows the description of the Proposed NZCPS below.

**Proposed NZCPS 2008**

As noted above, the Department of Conservation publicly notified a Proposed NZCPS in February 2008 for public submissions. The public submission phase closed on 7 May 2008. The Proposed NZCPS is considered to be relevant to the subject Plan Change, albeit with significantly lesser weight attributed to it than the current NZCPS.

The Proposed NZCPS differs from the current NZCPS in that it lists the key objectives for the sustainable management of the coastal environment. These Objectives include:

**Objective 1**

*People and communities are able to provide for their social, economic, and cultural wellbeing through the use, development, and protection of natural and physical resources in the coastal environment.*

**Objective 2**

*Subdivision, use, and development in the coastal environment are managed to ensure they occur in places, in forms and within limits consistent with sustainable management.*

**Objective 3**

*The natural character of the coastal environment is preserved, through the protection or restoration of natural landscapes, features, processes and indigenous biological diversity.*

**Objective 4**

*Management of natural and physical resources in the coastal environment takes account of the principles of the Treaty of Waitangi and recognises the role of tangata whenua as kaitiaki.*

**Objective 5**

*The public utility of the coastal marine area as public open space is recognised, and its cultural and amenity values as open space are protected.*

**Objective 6**

*Public access to and along the coastal marine area is maintained and enhanced.*

**Objective 7**

*Water quality in the coastal environment is maintained, or improved over time where it has deteriorated from its natural state.*

**Objective 8**

*Coastal hazard risks are managed increasingly by locating or relocating development away from risk areas, protecting or restoring natural defences and discouraging recourse to hard protection structures.*

**Objective 9**

*Historic heritage in the coastal environment is protected from inappropriate subdivision, use, and development.*

**Objective 10**

*Management of the coastal environment recognises the Crown's interests as an owner of land in the coastal marine area, and New Zealand's international obligations.*

Policies contained within the Proposed NZCPS that are relevant to the proposed Plan Change include:

**Policy 16 Use and development of the coastal marine area**

*Policy statements and regional coastal plans shall identify where, in the coastal marine area, specified forms of use or development will and will not be*

*appropriate. In identifying these areas, while giving effect to this policy statement as a whole, local authorities shall:*

- (a) recognise the public utility of the coastal marine area as public open space and protect the cultural and amenity values of the coastal marine area as open space;*
- (b) recognise and make appropriate provision for activities important to the social, economic, and cultural wellbeing of people and communities that can, by nature, only be located in the coastal marine area;*
- (c) recognise that activities that do not, by nature, require location in the coastal marine area, generally should not be located there;*
- (d) avoid sprawling development, by encouraging efficient use of occupied space and discouraging the agglomeration of separate occupied areas; and*
- (e) buffer or otherwise protect sites of significant indigenous biological diversity value.*

#### **Policy 19 Amenity values**

*The amenity values of the coastal environment shall be maintained and enhanced, including by:*

- (a) maintaining or enhancing natural sites or areas of particular value for outdoor recreation in the coastal environment;*
- (b) having particular regard to the contribution that open space makes to amenity values, and giving appropriate protection to areas of open space;*
- (c) 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.*

#### **Policy 21 Cumulative effects**

*Coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects shall be identified, and plans shall include provisions to manage these effects. Where practicable, plans shall set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects should be avoided.*

### **NATURAL CHARACTER**

#### **Policy 30 Integrity and functioning**

*To preserve the natural character of the coastal environment, it is a national priority to protect its integrity and functioning by maintaining:*

- (a) the resilience and productivity of indigenous ecosystems;*
- (b) natural landscape and landform;*
- (c) the dynamic processes and features that arise from the natural movement of sediments, water and air;*
- (d) natural biotic patterns and movements;*
- (e) water and air quality; and*
- (f) natural substrate composition.*

#### **Policy 31 Indigenous biological diversity**

*To preserve the natural character of the coastal environment, it is a national priority to protect indigenous biological diversity in that environment, including by:*



- (a) *avoiding adverse effects of activities on:*
  - (i) *areas containing indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
  - (ii) *areas containing taxa that are listed as threatened by the International Union for Conservation of Nature and Natural Resources;*
  - (iii) *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
  - (iv) *habitats of populations of indigenous species that are at the limit of their natural range, or are naturally rare; and*
  - (v) *areas containing regionally or nationally significant examples of indigenous community types; and*
- (b) *avoiding significant adverse effects, and otherwise avoiding, remedying or mitigating adverse effects of activities on:*
  - (vi) *areas of predominantly indigenous vegetation in the coastal environment;*
  - (vii) *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
  - (viii) *indigenous ecosystems and habitats that are unique to the coastal environment and particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems, eelgrass and saltmarsh;*
  - (ix) *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
  - (x) *habitats, including areas and routes, important to migratory species; and*
  - (xi) *ecological corridors and buffer zones that are important for linking or maintaining areas identified under this policy.*

**Policy 33 Appropriate location, density and design of subdivision, use, and development**

*To preserve the natural character of the coastal environment, it is a national priority to:*

- (a) *promote, in appropriate locations, forms of subdivision, use, and development that avoid, remedy, or mitigate adverse effects on natural character through appropriate scale, density and design; and*
- (b) *avoid subdivision, use and development in inappropriate locations.*

**Policy 34 Natural areas and features**

*In preserving the natural character of the coastal environment, it is a national priority to protect natural areas and features that are:*

- (a) *of historic importance;*
- (b) *of special value to tangata whenua;*
- (d) *of special scientific importance; and*
- (d) *wild or scenic.*

**PUBLIC ACCESS****Policy 39 Walking access as a national priority**

*It is a national priority to maintain and enhance public walking access to and along the coastal marine area, including by:*

- (a) ensuring that public walking access to and along the coastal marine area is free of charge;*
- (b) avoiding significant loss of existing public walking access resulting from subdivision, use, and development;*
- (c) remedying or mitigating constraints on public walking access resulting from subdivision, use, or development;*
- (d) identifying where the public have walking access to the coastal marine area;*
- (e) identifying opportunities to enhance or restore public walking access; and*
- (f) having particular regard to pedestrian safety where public walking access is available.*

The proposed Plan Change is necessary to achieve the objectives and policies of the NZCPS and the proposed NZCPS. The Plan Change is necessary to manage moorings at Waikawa Bay, in order to avoid the sprawling of this activity throughout the outer parts of Waikawa Bay and into more natural parts of the Sounds. The current situation is such that there is no comprehensive strategy for the long term management of boat accommodation in this Bay. The proposed Plan Change would provide a comprehensive management framework to ensure that adequate, and environmentally appropriate, boat accommodation solutions are provided in suitable locations.

Through the allocation of appropriate areas for boat accommodation to those areas that are already developed or adjoining developed areas in the inner part of Waikawa Bay, Policy 1.1.1 will be achieved insofar as preserving the natural character areas of the Bay. In wider terms the natural character of other bays within the Sounds will be protected by focusing boat storage in an organised manner in Waikawa Bay. Through containing swing moorings to Mooring Management Areas, any sporadic use of this water space for moorings will be controlled and open space will be protected.

The site of the proposed Plan Change, in particular the area to be rezoned Marina Zone, and the areas specified for Mooring Management Areas, do not contain significant ecological habitats or unique coastal ecosystems<sup>9</sup>, therefore achieving Policy 1.1.2.

Policy 1.1.3 seeks to protect the natural character of the coastal environment. No significant representative examples of landforms, geological features have been identified within those areas of Waikawa Bay affected by the Plan Change.

That part of the shoreline within the proposed Marina Zone extension does not currently provide good public access due to the relatively high water level at high tide, and rocky nature of the shore. Extension of the existing marina into

<sup>9</sup> Assessment of Potential Terrestrial Ecology Effects, Boffa Miskell Ltd & Assessment of Potential Effects on Benthic Ecology, Cawthron

the proposed Marina Zone would be accompanied by extension of the marina roadway, providing continuity of public access to the northern tip of the proposed Marina Zone extension (Policy 3.5.2). In addition, a marina in this location would provide improved opportunities for recreational boating activities at the Bay provided by the increased number of berthing areas.

Policy 3.2.2 is achieved through concentrating and managing boat accommodation activities within the inner part of Waikawa Bay, and avoiding the more natural landscapes of the outer reaches of the Bay. The Visual and Natural Character Effects Assessment concludes that:

*Marina and boating activities dominate the inner bay, and marina activity already extends some way along the western shore... If all the proposed and existing marina zone area were developed (along the lines of the existing marina, and indicative layout) and the mooring areas established, the natural character of the bay would be reduced, but the change would not be significant in relation to the existing natural character and ongoing development of the bay. Similarly the visual effects resulting from the plan change would be less than minor.*

In relation to the Proposed NZCPS, key to the consideration of the subject Plan Change are Objectives 1, 2, 3 and 5. The Plan Change seeks to provide the comprehensive management of the finite water space at Waikawa Bay to meet the social, economic and cultural needs of people and communities who use the Bay. The Plan Change will ensure that development and occupation of the coastal marine area is contained within appropriate areas, thereby protecting more natural areas of the Marlborough Sounds from such development and use. This will be achieved by actively providing for moorings within organised Mooring Management Areas either as permitted or limited discretionary activities in the Resource Management Plan<sup>10</sup>, and ensuring demand for marina berths is able to be met by the provision of the Marina Zone extension, and more appropriately wording the Marina Zone objectives, policies and rules to be enable Marina development in the Marina Zone. By enabling the establishment of berths in these locations, the establishment of swing moorings and other berths in more natural areas will be discouraged.

The proposed Plan Change is in line with the overall policy direction of the Proposed NZCPS. Policy 16 – Use and Development of the Coastal Marine Area, requires regional coastal plans to identify where and in what form development should occur. Policy 19 – Amenity Values, recognises that some areas of the Coastal Marine Area derive their particular character and amenity value from a predominance of structures, modifications or activities. The amenity values of Waikawa Bay, are derived to some extent from marina and moorings within the Bay. The proposed Plan Change seeks to maintain and enhance these by concentrating boat accommodation activities within the inner part of the Bay and providing for open water space through preventing continued sprawl of swing moorings throughout the bay.

<sup>10</sup> Swing moorings within Mooring Management Areas will be permitted activities by the MSRMP if an appropriate Bylaw is enacted which sets out a licensing system for swing moorings within the Mooring Management Areas. If such a Bylaw is not enacted, moorings within a Mooring Management Areas will comprise limited discretionary activities.

### 5.1.5 THE REGIONAL POLICY STATEMENT FOR MARLBOROUGH

Section 67 of the Act states that the MSRMP must give effect to the Marlborough Regional Policy Statement (RPS). The RPS became operative on 28 August 1995 and is currently undergoing a review which has seen several discussion documents with possible changes being issued. The RPS contains objectives and policies complementary to the NZCPS that guide the management of the coastal marine area and support the enhancement of public access and amenity values in developed areas of the coast.

A regional policy statement is required under section 60 of the Act. The purpose of a regional policy statement is to promote the sustainable management of natural and physical resources. Marlborough's RPS does this by providing an overview of the resource management issues facing Marlborough, and by setting policies and methods to manage Marlborough's natural and physical resources. The Regional Policy Statement establishes the framework for the Regions' Resource Management Plans. There are currently two resource management plans operating under the Regional Policy Statement in Marlborough: the Marlborough Sounds and the Wairau/Awatere Resource Management Plans.

The following objectives and policies of the RPS have been considered in the preparation of the subject Plan Change:

#### **5.3 - Coastal Marine**

##### **5.3.2 Objective – Coastal Marine Water Quality**

*That water quality in the coastal marine area be maintained at a level which provides for the sustainable management of the marine ecosystem.*

##### **5.3.5 Policy – Contamination from Water-Based Activities**

*Avoid, remedy or mitigate the reduction of coastal water quality by contaminants arising from activities occurring within the coastal marine area.*

##### **5.3.10 Objective – Coastal Marine Habitat**

*The natural species diversity and integrity of marine habitats be maintained or enhanced.*

##### **5.3.11 Policy – Habitat Disruption**

*Avoid, remedy or mitigate habitat disruption arising from activities occurring within the coastal marine area.*

#### **7.1 - Community**

##### **7.1.2 Objective – Quality of Life**

*To maintain and enhance the quality of life of the people of Marlborough while ensuring that activities do not adversely affect the environment.*

##### **7.1.7 Policy – Amenity Values**

*Promote the enhancement of the amenity values provided by the unique character of Marlborough settlements and locations.*

## **7.2 - Activities Involving Public Resources**

### **7.2.7 Objectives – Subdivision, Use and Development of the Coastal Environment**

*The sustainable use and development, of the coastal environment, in a sustainable way.*

### **7.2.8 Policy – Coastal Environment**

*Ensure the appropriate subdivision, use and development of the coastal environment.*

### **7.2.10 Policies – Allocation of Coastal Space**

- (a) *Public access and recreational use will be considered when assessing all proposals for development of the coastal marine area.*
- (b) *Access to or along the coastal marine area will only be restricted for reasons of public safety, defence purposes, security, or matters of national importance including the protection of natural values and Maori cultural values.*
- (c) *Developments proposed in the coastal marine area may be allowed where they provide for public use/benefit.*

### **7.3.5 Objective – Cultural Values**

*Recognise and accommodate the diversity of cultural values that exist within the community.*

### **7.3.6 Policy – Iwi Consultation**

*Provision will be made for iwi consultation during the plan preparation and the administration process.*

## **8.1 - Visual**

### **8.1.2 Objective – Visual Character**

*The maintenance and enhancement of the visual character of indigenous, working and built landscapes.*

### **8.1.6 Policy – Natural Character of the Coastal Environment**

*Preserve the natural character of the coastal environment.*

In summary, some key issues relevant to the assessment of this Plan Change are dealt with by the RPS. These include objectives and policies that are intended to:

- protect water quality in the coastal marine area;
- maintain and enhance water ecosystems;
- maintain and enhance the quality of life for the Marlborough community;
- enhance the amenity values of the region;
- sustainably manage the coastal environment, including the appropriate management and allocation of public water space;
- maintain and enhance the natural character of the coastal environment.

The proposed Plan Change will achieve the relevant objectives and their associated policies contained within the RPS. In particular:

- neither the extended Marina Zone or consolidated swing moorings will reduce the water quality or impinge upon water ecosystems in the Bay;
- the proposed extension of the Marina Zone and creation of Mooring Management Areas will maintain the overall natural character of Waikawa Bay, and enhance the natural character of the wider Marlborough Sounds due to the focused and efficient approach being adopted to boat storage facilities within the identified part of Waikawa Bay;
- the comprehensive management of boat storage in the Bay will result in the sustainable management of the coastal environment, in particular by equitably and robustly allocating public water space;
- overall the amenity values of Waikawa Bay will be enhanced by achieving orderly, well managed boat storage facilities, and the creation of suitable swimming and boat passage lanes.
- providing for in a proactive and planned way to efficiently meet demand for use of the waterspace within Waikawa Bay, particularly as marinas provide the most efficient form of water based boat storage available, and set in place the assessment and management mechanisms to meet the objectives of the RPS.

## **6. RELEVANT NON-STATUTORY DOCUMENTS**

### **6.1 OUTCOMES FOR PLACES REPORT**

A report has been prepared, dated April 2009, for the Department of Conservation and the MDC entitled “Outcomes for Places – Stakeholder views on future development in the Marlborough Sounds”. This report is intended to provide a framework for development within the wider Marlborough Sounds area.

A series of workshops was held with key stakeholder groups and the local communities. The information gained through these workshops have formed the ‘Outcomes’ set out in the report.

The report identified the most commonly identified risks to the Sounds as:

- Uncontrolled land disturbance and clearance (from subdivision, forestry and farming);
- Increasing demands for water (both marine and fresh-water), uncontrolled or inadequate provisions for discharges and waste-disposal;
- Threats to biodiversity such as the draining of wetlands, weeds and pests and fire;
- Inadequate regulations and environmental monitoring to manage the impacts of industry (pastoral and marine farming, forestry and commercial shipping);
- Inadequate infrastructure and regulations to manage the impacts of increasing populations of both residents and holiday makers.

A spatial planning/visioning exercise was carried out at each workshop with the aim to identify where certain activities or developments, including the preservation of natural character, should occur. Whilst differing outcomes came from each workshop, the spatial planning/visioning exercise did not identify any specific activities for Waikawa Bay, with the exception of the map provided by Ngati Kuia that identified Waikawa as an area suitable for marae development.

Of some relevance to the proposed Plan Change, there was agreement that more intensive development should be confined to the ‘Inner Sounds’ areas in order to preserve the natural character of the ‘Outer Sounds’. The purpose of the subject Plan Change is consistent with this, as it seeks to confine boat accommodation activities to the inner area of Waikawa Bay so as to prevent (as far as practicable) the sprawling of these activities into areas which have more prominent natural character values.

## 7. CONSULTATION PROCESS

### 7.1 CONSULTATION SPECIFIC TO THIS PLAN CHANGE

Since 2007, PMNZ has actively consulted with the Waikawa Bay community, the wider community of Picton, and other key stakeholders regarding solutions for boat storage and potential further development of Waikawa Marina. The Consultation Report (refer **Appendix J**) provides detail of this consultation process. Over time, this consultation and feedback has assisted PMNZ in developing the proposed Plan Change which seeks to provide an integrated bay-wide solution regarding boat storage.

Stakeholders who have been involved in the consultation include:

- Waikawa Bay residents and ratepayers, particularly immediately neighbouring landowners
- Holders of resource consents in areas affected by the Plan Change
- Wider Picton and Queen Charlotte Sounds communities
- Te Atiawa Manawhenua Ki Te Tau Ihu Trust
- Arapawa Maori Rowing Club and waka mooring Interests
- Department of Conservation
- Waikawa Bay swing mooring applicants (both directly, and through Marlborough Berth and Mooring Association)
- Marlborough District Council Harbourmaster
- General boating community
- Recreational groups (swimming)

In addition to these parties, consultation with Marlborough District Council staff has taken place during the drafting of the plan change, to discuss the plan change content. The proposed changes to the MSRMP provisions have been discussed in detail. In particular, at the suggestion of Council staff the provisions include requiring a limited discretionary resource consent for swing moorings with Mooring Management Areas, should the Bylaw not be enacted.

### 7.2 KEY ISSUES RAISED AND RESPONSES

Comments and issues raised through the consultation process are set out in the Consultation Report (**Appendix J**). Primary consultation outcomes are summarised below. Specific responses of this Plan Change to these consultation outcomes are italicised.

1. There is a breadth of opinion regarding further development at Waikawa, ranging from strong support to strong opposition. Overall there is an acknowledgement that further marina capacity is required.
2. The community wishes to see and be involved in integrated planning for Waikawa Bay. They wish to avoid piecemeal development and use of resources that the community considers to be poorly conceived.
3. There is a view that the ultimate scale of development within Waikawa Bay, for both Marina development and the extent of swing mooring areas,



should be constrained. Waikawa Bay is seen as having an 'ultimate capacity' that should be respected.

4. Visual amenity is a prime concern. Any development should not impede view shafts (particularly for residents adjacent to the Waikawa Stream delta) nor clutter the bay. A view to clear water in the centre of the bay is important.
5. Recreational amenity and access to launching ramps and jetties is important. Swing moorings close to shore presently impede access to swimming areas, and also compromise visual amenity at the shoreline.
6. There is a general preference for any new marina development to occur first in the area to the North West of the existing marina, rather than in the presently vacant portion of Marina Zone. Some members of the community are reluctant to see any eventual development of the existing Marina Zone.
7. There is a strong desire particularly amongst the boating community that swing mooring holders within Waikawa Bay should be fairly treated, and that control of swing mooring areas should not fall to PMNZ. The boating community also requires adequate provision for backup maintenance and other services for existing and expanded marina capacity.
8. Te Atiawa does not wish to see any further development within Waikawa Bay. A full archaeological assessment of the Waikawa Marina area has been undertaken by PMNZ in association with Te Atiawa. Te Atiawa has expressed concern regarding the impact of existing and future marina development on customary kai moana resources, and alienation of customary activities and access to the Marlborough Sounds.
9. The Department of Conservation (DOC) has a view that additional development should occur in areas that are already modified, rather than relatively natural areas; the Department considers that Waikawa Bay is already highly modified. DOC supports more active management and allocation of swing moorings through a philosophy of concentrated and localised mooring areas rather than sprawling distribution; and support for linkage of mooring consents to land ownership and access requirements. DOC has continued awareness of the cumulative effects of recreational boating that result in pressure on facilities and the environment in the outer Sounds.
10. Swing Mooring Applicants to bulk resource consent application U040624 have been represented predominantly by the Marlborough Berth and Mooring Association (MBMA). A comprehensive moorings management regime has been developed in association with the MBMA and in consultation with individual mooring applicants. This regime will be initiated with the establishment of physical Mooring Management Areas (MMAs) through this Plan Change, and (preferably) the promulgation by Marlborough District Council of a Navigational Safety Bylaw 2010

(Mooring Management Areas) to establish the licensing and management plan provisions required for management of the MMAs. Preliminary allocation of sites within the MMAs has been agreed with a large majority of moorings applicants. The content of licence agreements and the Moorings Management Plan, developed in consultation with MBMA and individual mooring applicants, is at final draft status in anticipation of its adoption by the Moorings Manager upon completion of this Plan Change and implementation of the Bylaw<sup>11</sup>. The draft Moorings Management Plan and Draft Moorings Licence Agreements are provided in Appendix 6 of the Consultation Report (Appendix J to this document).

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<sup>11</sup> Note that should the Bylaw not be enacted, this Plan Change provides for swing moorings within Moorings Management Areas as limited discretionary activities.

## 8. ASSESSMENT OF ALTERNATIVES

There are a number of planning options available to manage the water space at Waikawa Bay in order to address the planning issues facing this area. The various options have been divided into five. An overriding assumption of the analysis that has been applied to the promulgation of this Plan Change is to utilise existing Plan methods where it is possible. In the light of extensive stakeholder and community discussion, it is evident that the optimal outcome for the Bay requires a comprehensive approach addressing the issues at a Bay wide scale. Non-regulatory options were considered in a preliminary way, but they were discounted as they were not considered to resolve the resource management issue identified.

The identified planning options include:

**Option 1: Status Quo** – retain current Marina and Coastal Marine 1 zoning and provisions at Waikawa Bay, that is, do nothing.

**Option 2: Extend Marina Zone boundary and amend some provisions of the Marina Zone to better provide for the ultimate development of marina facilities within the marina zone; and create Mooring Management Areas and associated policies, rules and other methods (including a bylaw licensing system) in the coastal marine 1 zone.** This option would develop methods to manage boat accommodation in Waikawa Bay in a comprehensive manner. This would involve creating Mooring Management Areas and amending associated policies, rules and methods within the Coastal Marine 1 Zone to enable the Moorings Manager to manage the placement and use of moorings in Mooring Management Areas via the use of a Bylaw. In addition, the Marina Zone boundary would be extended to include an area to the north west of the existing Marina Zone and some provisions of the Marina Zone would be amended to more efficiently provide for the ultimate development of marina facilities within the zone.

**Option 3: Extend Marina Zone boundary and amend some provisions of the Marina Zone to better provide for the ultimate development of marina facilities within the marina zone; and create Mooring Management Areas and associated policies, rules and other methods in the coastal marine 1 zone. No bylaw enacted.** This method would create Mooring Management Areas and amend associated policies, rules and methods within the Coastal Marine 1 Zone to encourage the placement and use of moorings in Mooring Management Areas. This option manages the placement and use of moorings in the Mooring Management Area via resource consent application. In addition extend the Marina Zone boundary to include an area to the north west of the existing Marina Zone and amend some provisions of the Marina Zone to better enable marina development within the zone.

**Option 4: Extend Marina Zone boundary and amend some provisions of the Marina Zone to better provide for the ultimate development of marina facilities within the marina zone; and create Mooring Management Areas and associated policies, rules and other methods (including licence under**

**bylaw or resource consent) in the coastal marine 1 zone.** This method would combine options 2 and 3 whereby the Marina Zone boundary is extended and the associated plan provisions are amended, Mooring Management Areas are created, along with methods to encourage the placement and use of moorings in Mooring Management Areas. The methods provide for a scenario whereby a relevant Bylaw has been enacted, and also a scenario whereby such a Bylaw has not been enacted.

**Option 5: Extend the Marina Zone boundary only. Retain all existing Resource Management Plan Provisions.** This option proposes no change to the MSRMP, aside from an extension to the Marina Zone extent in Waikawa Bay.

### **Definitions**

As part of the proposed Plan Change, the definition for 'Marina' is proposed to be amended, and new definitions for 'waka' and 'Waikawa Bay' are proposed. An assessment of these changes follows the assessments of alternatives for the primary options (refer section 8.5).

## **8.1 OPTION 1: RETAIN STATUS QUO**

### **Explanation**

Retain the current provisions of both the Marina and Coastal Marine 1 Zones and the current zone boundaries. Swing moorings would continue to comprise discretionary activities within the Coastal Marine 1 zone.

### **Effectiveness**

#### ***Marina Zone***

Retaining the current Marina Zone over the subject water space is not considered effective in providing a comprehensive approach to the management of water space in Waikawa Bay, and the wider Marlborough Sounds. Retaining the current zoning would not be the most effective means of meeting the need for additional boat accommodation capacity. This option effectively turns its back on the forecast demand for marina berths, and it leaves no or limited ability for expansion of marinas into areas where PMNZ and key stakeholders have indicated to be suitable for such growth.

It is likely to result in pressure being placed on other locations within the Sounds, resulting in potential sprawl into more natural areas of the Sounds and ad hoc development of marina facilities.

The Greenaway and Associates report identifies that there is significant demand for marina boat storage in the Picton / Waikawa area, such that the demand clearly outstrips supply and has done for some considerable time. The demand analysis shows that there will be a progressive need for 500 additional marina berths over a time horizon extending to between 15 – 40 years, depending on actual economic and other factors. By not extending the zone, the Plan provisions will not be as effective in addressing the issue at hand and in turn will fail to achieve the purpose of the Act.

Further, the current provisions of the Marina Zone do not adequately provide for new marina development. The issues, policies and objectives focus on managing effects of activities resulting from marina development, but do not specifically provide an enabling framework for marina development to occur within the zone.

With respect to the rules, any new marina activities within the Marina Zone development would be, at best, a discretionary activity, and most likely a non-complying activity as the current rules do not clearly provide for all of the activities which make up a marina.

Obtaining a resource consent for a new marina within the Marina Zone under the current provisions would be unnecessarily difficult, with attendant costs and risks.

The list of permitted and discretionary activities for the Marina Zone is not definitive and may result in uncertainty around the activity status of new and existing marina activities.

Overall, this option would not be effective in achieving the NZCPS objectives and policies which seek to identify the appropriate locations for development and use of the coastal marine environment.

### ***Coastal Marine Zone***

The current option has not proved to be effective in managing swing moorings at Waikawa Bay in a manner that is efficient.

There is currently no overall plan allocating swing mooring sites or identifying where swing moorings are an appropriate use of coastal marine space, and resource consent applications for swing moorings are processed on a 'first-in first served' basis. This has resulted in an ad hoc approach to the consenting of moorings in the Bay, which in some cases overlap and conflict with neighbouring swing circles. A bulk application initiative was facilitated by the Council in 2004 to rectify the situation. Through this process it became evident that not all applications for the inner part of Waikawa Bay could be accommodated on the basis on which they had been sought, and instead would need to occupy sites sprawling well out into what is currently open water.

The current issues regarding swing moorings in Waikawa Bay need to be resolved one way or another. This option fails to address this need and the only contemplated alternative is that a number of mooring holders party to the bulk mooring application would be disappointed in their ambition to retain / gain a mooring at Waikawa, and the consent authority would be challenged to resolve the issue in an equitable way.

This option is not effective in providing for other uses within the Bay such as waka mooring, the rowing club, recreational swimming, and providing clear navigational routes through the moorings.

Moreover, the sporadic sprawl of moorings within the Bay would likely give rise to significant adverse effects on visual amenity values, navigation and other forms of recreation.

The current approach to managing swing moorings at Waikawa Bay is not effective in achieving the sustainable management purpose of the Act or the NZCPS which seeks to identify appropriate locations for the development and use of the coastal marine area.

### **Benefits**

One of the benefits of this option is that no further work would be required in terms of progressing a plan change. This is considered a minor benefit when compared against the benefits other options generate.

Whilst the rezoning does not permit a new marina at the site, it would identify the area as appropriate for such development.

It is possible that there could be a perception that by not extending the Marina Zone to the north west that effects on elements such as visual and amenity values, and traffic effects would be better preserved. However, it has been identified (Greenaway) that boat use and demand for moorings would increase in any case. Accordingly, it is likely that facilities such as marinas will continue to be necessarily provided for somewhere in the Sounds.

With respect to swing moorings, the current situation allows individuals to apply for resource consent for a discretionary activity to place and use a swing mooring anywhere within the Coastal Marine 1 Zone, a situation that could be beneficial to some mooring applicants. However, the current approach is likely to result in winners and losers, because practically available mooring space is over-subscribed in terms of significantly conflicting individual moorings applications.

### **Costs**

Alternative forms and locations for boat storage outside of Waikawa Bay may result in adverse effects within areas of the Sounds that are comparatively undeveloped. When no water space is zoned for marinas, yet demand for this infrastructure is evident, new marina development could feasibly be justified anywhere within the Coastal Marine Zones. Sprawl of berths and/or swing moorings either throughout Waikawa Bay or throughout the wider Sounds is an inefficient use of the water space resource.

The lack of provision of suitable marina berths and swing moorings has the potential to frustrate growth in recreational boating and therefore access to the wider Queen Charlotte Sound area. Economic growth in the immediate locality would consequently be slowed.

This option would also likely see the continuation of individual resource consent applications for swing moorings being made and processed by the Council, with little direction in the MSRMP provided as to appropriate matters of

consideration. A cumulative impact assessment is difficult. This is a more costly and less efficient option for managing swing moorings in terms of administration and procedural costs compared with Options 2 and 4, and to a lesser extent, Option 3.

The current system places additional pressure and costs on third parties who have an interest in the water space and/or coastal marine area at Waikawa Bay through the individual resource consent processes.

This option does not best provide for other users of the Bay, including providing for clear water amenity strips, and access avenues to enable safe and convenient on-water access to and from the Waikawa Bay jetty and launching ramp, or for waka mooring and activities in the bay.

### **Efficiency**

By retaining the status quo the opportunity to gain efficiencies in the use of existing infrastructure associated with, and already developed as part of, the existing marina will be not realised.

The long term occupation of the water space at Waikawa Bay is not well served by maintaining the current zoning in this high demand area. This option is not forward-looking and does not consider efficient, planned ongoing use of the finite coastal space within Waikawa Bay.

With respect to swing moorings, the processing of numerous resource consent applications for individual moorings without clear direction regarding matters such as efficiency of use of water space and mooring type is not efficient and results in unnecessary processing costs for the community, and ongoing monitoring and compliance costs.

The status quo planning provisions do not provide for the long-term comprehensive management of the finite Waikawa Bay water space. This is evidenced by the ad hoc locations for some moorings which have resulted in conflicts with other moorings and other users of the Bay.

### **Risk of Acting or Not Acting**

The principal risk of not acting is that water space appropriate for marina development is lost to an alternative use which makes less efficient use of this finite resource.

A further risk of maintaining the status quo is the increased pressure for boat accommodation activities to spill into less modified and/or more natural parts of the Sounds. This would likely result in effects on visual and amenity values as well as effects on benthic ecology which are much more severe than those that would result from a consolidation strategy at Waikawa.

### **Appropriateness**

This option is not considered to be the most appropriate option as it does not provide for the comprehensive management of the water space at Waikawa Bay, which the proposed Plan Change seeks to facilitate.

## **8.2 OPTION 2: EXTEND MARINA ZONE BOUNDARY AND AMEND SOME PROVISIONS OF THE MARINA ZONE TO BETTER PROVIDE FOR THE ULTIMATE DEVELOPMENT OF MARINA FACILITIES WITHIN THE MARINA ZONE; AND CREATE MOORING MANAGEMENT AREAS AND ASSOCIATED POLICIES, RULES AND OTHER METHODS (INCLUDING A BYLAW LICENCING SYSTEM) IN THE COASTAL MARINE 1 ZONE**

### **Explanation**

This option would result in a comprehensive planning outcome for the management of activities within Waikawa Bay.

The Marina Zone area would be extended to the north west of the existing marina at Waikawa Bay, and some changes to the provisions of the Marina Zone would be made. The changes to the Marina Zone provisions would provide increased guidance for new marina developments and provide an objective and policy framework within which resource consent applications for new marinas can be appropriately assessed. This option would also include new activities being included within the list of permitted activities (Rule 34.1) and within the list of discretionary activities (Rule 34.4) contained within the Marina Zone. The new discretionary activities would ensure that all activities associated with the construction and use of marinas are clearly described and defined in the rules. This is not currently the case in the MSRMP.

Under this option, the development of new marinas would still require resource consent(s) for a discretionary and restricted coastal activity due to the nature of the works. However, a more appropriate framework for assessing the resource consent applications would be provided through the presumption that applications for those activities which are not restricted coastal activities would not be notified, allowing greater certainty to applicants. This option would also provide the Council with a framework under which robust decisions on such applications could be made and defended.

As part of the subject Plan Change, the removal of the definition for “marina” is also sought. This is discussed later in this report at section 8.5.

This option would also involve amending the Planning Maps (Map 61 and Map 62) to include new Mooring Management Areas, including a specific Waka Mooring Management Area, within Waikawa Bay. These revised planning maps would also define the boundary of Waikawa Bay, for the purpose of managing all swing moorings within the Bay.



Amendments to the provisions of the Coastal Marine 1 Zone would complement the amendments to the planning maps. The amendments to the provisions would provide for swing moorings within the Mooring Management Areas as permitted activities, subject to the mooring holder having obtained a licence for the mooring. All proposed swing moorings outside of the Mooring Management Areas would comprise non-complying activities. Existing consented moorings would be exceptions to the non-complying activity status for moorings outside of the Mooring Management Areas. Re-consenting existing moorings would remain discretionary activities.

Direction would be provided at a policy level that swings moorings for landowners of adjacent land is likely to be appropriate even if outside a Mooring Management Area.

This option assumes the adoption of the 'Mooring Management Areas' Bylaw for Waikawa Bay under the Local Government Act 2002. Option 3 addresses this option if the Bylaw is not enacted, and Option 4 presents a scenario which effectively combines Options 2 and 3 to provide for a situation where by Bylaw may or may not be enacted.

### **Effectiveness**

This option would be effective in addressing the issue facing the Bay, being the need to provide for boat accommodation in a spatially efficient manner, whilst ensuring that any adverse effects associated with marina development and swing moorings and their use are managed through the consenting process.

This option would be effective in achieving the NZCPS objectives and policies which seek to identify the appropriate locations for development and use of the coastal marine environment. This option would provide for the logical, coherent and progressive expansion of existing marina facilities at Waikawa, and would contain swing moorings within specified areas within the Bay thereby reducing pressure for marina development within less developed areas of the Sounds where the effects of the development may be less appropriate.

The Visual and Natural Character Assessment (**Appendix F**) states that Waikawa Bay has a mixed level of natural character and is dominated by marina and boating activities. This option would be effective in expanding on this existing development pattern at Waikawa Bay, consolidating development at the head of the Bay and along the western shore, rather than dispersing it into other parts of the Bay.

The consultation undertaken on the Plan Change options to date supports options to better manage boating storage within Waikawa Bay, and provision for non-boating priorities. This reflects the community held recognition of Waikawa Bay as being a hub for boat storage and marine recreation opportunities, which have the potential to be developed further if managed more efficiently. This option would be effective in achieving the community aspirations for the Bay.

Requiring a non-complying resource consent for any moorings outside of the Mooring Management Areas, but within Waikawa Bay, would deter applications being made, and would better enable the Council to decline such applications on a case by case basis if they do not meet policy provisions.

The permitted activity status for moorings within the Mooring Management Areas (subject to holding a licence under the proposed Bylaw) is a highly effective and simple planning mechanism. This option would provide certainty to mooring holders and other third parties/stakeholders at Waikawa through knowing the precise bounds of areas where the swing moorings will be placed.

Where an application is sought to re-consent existing consented moorings within the Bay, the Council would consider the applications for discretionary activities, and would be able to grant or decline the applications as is currently the case within existing Plan rules.

This option is effective in addressing other issues at the Bay relating to swing moorings, such as providing safe and convenient on-water access through the mooring areas to and from Waikawa Bay jetty and launching ramp. This option provides the ability to facilitate swimming areas (through the prevention of moorings encroaching these areas), a waka mooring and activity area, retaining clear water amenity areas within the Bay, and protecting visual amenity and navigational safety through provision of clear water through the centre of the Bay.

Should additional mooring areas be required in the future, a plan change would be required. This would enable a full and robust assessment of any environmental costs and benefits of the new area, and would provide a process for full public input.

This option would be effective if the Mooring Management Bylaw is adopted by the Council, as the Bylaw will be an effective method of managing the allocation, the location and operation of moorings within the Mooring Management Areas.

### **Benefits**

Well-planned provisions to meet long term demand for boat accommodation would lead to benefits in terms of recreational opportunities within the Sounds, fulfilling a segment of the community's social and cultural aspirations; refer Recreation Assessment of Effects (**Appendix C**). Marinas and other means of boat storage effectively facilitate public access to the coastal marine area of the Marlborough Sounds.

This option would provide significant short and long term economic benefits within the region. These effects would be in the form of employment and expenditure in the local community during the construction phases. Further, this option would result in long term economic benefits to the local community and wider district resulting from the increased expenditure from the berth holders, and as well the downstream effects such as an increase in boat

servicing facilities and general economic activity at Waikawa (cafes, accommodation etc) (refer Economic Assessment, **Appendix D**).

The expansion of the existing marina owned by PMNZ would result in improved efficiencies in the use of existing Council infrastructure (roads and services) as well as those assets owned by PMNZ.

Once built, the northwest extension to the marina will provide access to the northwest Moorings Management Area by extending the road along the coast, providing car parking, dinghy storage and access to the water at the northwest end of the new marina. This would replicate (with some improvements to) the existing access and amenities available to mooring holders in the North West. PMNZ has consulted directly with mooring and consent holders within this vicinity and will continue to do so during the Plan Change process and beyond.

Until such time as the marina is built, mooring holders who hold licences or resource consents to locate with the North West Moorings Management Area will be required to travel further across the water to their boats than if they were located within the new Marina Zone extension. We consider this effect temporary and not significant. Mooring holders will be aware of this matter when they obtain their allocated mooring.

This option would enable the consolidation of marina activities within Waikawa Bay, thus avoiding pressure upon other bays within the Sounds for development of marina facilities. Feedback from stakeholders during consultation regarding appropriate provision of marina berths and swing moorings in the Sounds clearly showed a preference for consolidation of berths within Waikawa Bay, as opposed to other Bays in the Sounds. This same feedback supported keeping berths and moorings to the edges and inner parts of the Bay, rather than allowing sprawl throughout Waikawa Bay.

This option would provide benefits of efficiency in terms of the use of the finite water space resource through the expansion of existing marina activities and consolidation of swing moorings into defined and efficiently organised areas. The Visual and Natural Character Effects Assessment (**Appendix F**) states that while the visual change resulting under this option (when the Marina Zone is fully developed) would be noticeable, the scale of the marina extensions would not be disproportionate to the scale of the landscape backdrop of the Snout landform and the open water in the Bay (when viewed from Cooks Ridge). From inner Bay, (refer to the report in **Appendix F**) views of the new marina zoned area would be distant, and screened by intervening moored vessels. Thus, this assessment concludes that this option would consolidate marina and swing mooring boat storage activities, which already dominate Waikawa Bay, along the western shoreline and the head of the Bay, rather than disperse it to other parts of the Bay and the Sounds.

This option would facilitate boat accommodation activities within Waikawa Bay and therefore mitigate pressure on other Bays which have greater natural character and are presently relatively free of development and mooring activities.

Providing a more comprehensive and inclusive list of permitted and discretionary activities within the Marina Zone, and more accurately defining the term “marina” would result in greater certainty in relation to the activity status of new and existing marina activities within this zone. This would avoid possible costs associated with determining activity status, through obtaining necessary certificates of compliance, existing use certificates or resource consents.

This option would also provide clearer guidance as to what activities are anticipated within the Marina and Coastal Marine zones. Importantly, this option would likely assist with dissuading applications for marinas outside of the Marina Zone and would provide a more robust framework for declining such applications.

Amending the Marina Zone provisions to provide the presumption that resource consent applications for discretionary activities will not be notified (other than for restricted coastal activities) would result in a clearer and more efficient resource consenting process for new marina development. This would provide greater certainty to applicants in relation to the intent of the zone, and would enable the Council to make robust decisions based on a sound policy framework.

Under this option, swing moorings would be permitted activities within the specified Mooring Management Areas. The Benthic Ecology Assessment (**Appendix E**) has assessed the likely effects of the moorings in these areas. This assessment states that the proposed Mooring Management Areas represent the spatial expansion of an existing activity, rather than a significant increase in the intensity of the activity due to the relocation of the existing swing moorings currently located within the Marina Zone into the Coastal Marine 1 Zone. Therefore, the Mooring Management Areas in themselves will not result in a significant increase in the overall number of vessels in Waikawa Bay, or vessel traffic. As such, they will not result in adverse effects on benthic ecology values over and above those currently associated with swing moorings in the Bay.

The Visual and Natural Character Assessment (**Appendix F**) states that the establishment of the Mooring Management Areas will intensify the swing moorings along both shores of Waikawa Bay, but leave the central area of the Bay open. When viewed from elevated positions, the moorings could appear more ‘visually cluttered’. However, when viewed from the shore, the moored vessels would appear very similar to the existing situation. This report concludes that, under this option, the visual effects of the proposed mooring areas would be no more than minor given the context and nature of the existing activities in the Bay.

This option would result in a high degree of certainty for the community and stakeholders as to where swing moorings are to be established, and would limit the sporadic spread of moorings further out into the Bay. It is notable that the International Marina Consultants Layout provides sufficient mooring spaces for those who currently moor vessels in the locality of the Marina Zone extension or the Moorings Management Areas.

It follows that this option, along with Option 3 would best manage visual effects through the definitive controlling of the locations in which moorings can be located within Waikawa Bay, and the consequent maintenance of open water space within the Bay. The proposed layout of the moorings is a highly efficient configuration, reducing the total area required to accommodate a given number of vessels. This effectively contains the visual effects of the moorings to pre-defined and concise areas of the Bay, and enhances navigational safety within the Bay.

The Mooring Management Areas would also ensure that 'development' sprawl is confined to the more developed areas of Waikawa Bay, and would go some way to reducing pressures to provide vessel accommodation in neighbouring bays. This would result in benefits in terms of visual effects and effects on natural character through avoiding moorings in the centre of the Bay (refer **Appendix F**).

### **Costs**

The development of a new marina within the rezoned area would result in some loss of visual and natural character values at Waikawa Bay. The Visual and Natural Character Effects Assessment (**Appendix F**) states that this option would reduce the natural character values along the western shore of the Bay, and the Snout. Residents of property along the western shoreline who overlook the Marina Zone extension area, and to a lesser extent the North West Moorings Management Area will, in particular, experience a significant change in outlook. The localised effect of a marina within the extended Marina Zone on the natural character of the shore line and adjacent water space will be significant. However, this report concludes that these effects would not be significant in relation to the existing development pattern and ongoing development occurring at Waikawa, including the yet to be developed subdivision at the tip of the Snout. Similarly, this report also concludes that the visual effects of any marina development within the rezoned area would be less than minor due to the dominance of marina and boating activities within the Bay.

The assessment of environmental noise effects (refer **Appendix I** attached) concludes that cumulative noise effects received off-site from both a marina established within the Marina Zone extension, and moorings within the Moorings Management Areas can be controlled to within Resource Management Plan noise limits. This including noise received by land owners and occupiers adjoining the north-west marina extension and north west mooring management area.

Regardless of whether or not the Marina Zone is extended, or the Mooring Management Areas are put in place, Waikawa Bay will continue to be utilised for boating activities, with demand continuing to increase over time. This popularity will mean that boats and their associated infrastructure will always be a feature of Waikawa Bay, thus affecting its level of "naturalness". If this Plan Change is not given effect, alternative arrangements will be required to address these issues.

The eventual extension of the marina into the rezoned area would result in some loss of benthic ecology across the marina site. Again, the Benthic Ecology Assessment (**Appendix E**) concludes that such a loss would not be significant, and would be offset to some extent by the re-colonisation facilitated by the new structures which provide sheltered habitat.

The development of an extended marina within the zone (under this option) would result in increased traffic movements to and from the site and within Waikawa. The Transportation Assessment (**Appendix H**) concludes that any increase in traffic resulting from the Plan Change to the Marina zone could be accommodated and/or provided for under the current Transportation provisions of the MSRMP.

The development of an extended marina (under this option) would also result in some loss in the naturalness of this part of the coastline. However this would be offset to some extent by the provision of a roadway and car parking which would, overall enhance public access and provide improved recreation opportunities to the western coastline of Waikawa Bay. Refer Marina Berths Demand Assessment and Recreation assessment of Effects (**Appendix C**).

It should be noted that, under this option, the Council retains the ability to carry out a full assessment of effects for any new marina development through a discretionary resource consent application.

There will be financial costs associated with the Plan Change. However, these may be offset by the long-term financial savings of the permitted activity status for moorings within the Mooring Management Areas, and a more efficient resource consenting process for marina developments within the Marina Zone.

There would be initial financial costs of allocating licences, which would be borne by the licensee.

This option relies on a licence system being established under a Bylaw in terms of the Local Government Act. Because this process is separate to the Plan Change process, it may not be enacted by the time the Plan Change becomes operative (or subsequently repealed), or it may be not be successfully enacted at all. This would be a cost to this option, as it does not provide a specific alternative method to manage swing moorings within Mooring Management Areas.

### **Efficiency**

This option would provide good efficiencies in terms of achieving the objectives of the NZCPS and the RPS, through concentrating development within an area of the Sounds that has already been altered from its natural state. By concentrating and organising development within the inner and western shore of Waikawa Bay, pressure for development sprawl into the more natural parts of the Sounds is reduced.

This option would expand on the existing development pattern, consolidating marina and boating activities, including swing moorings at the head of the Bay and along the shores, rather than disperse it onto other parts of the Bay, or other less developed bays within the Sounds. The Visual and Natural Character Assessment (**Appendix F**) states that while this option will result in the reduction of natural character values along the western shoreline, towards the Snout, marina and boating activities dominate the inner bay and marina activity already extends some way along the western shore. Views from dwellings overlooking the Marina Zone extension and North Western Moorings Management Area will change significantly from current typical views. Overall though, the change in natural character values and visual effect would not be significant in relation to the existing natural character and ongoing development in the Bay.

The Marina Berths Demand and Recreation Assessment (**Appendix C**) concludes that demand for marina berths at Waikawa currently outstrips supply. Demand projections demonstrate that over thirty years, there will be demand for the additional berth capacity at Waikawa provided for by this option. This option would therefore enable the efficient use of the water space at Waikawa reducing pressure for development sprawl into other Bays which do not have established marina facilities. It would meet projected demand over a considerable period, depending on the growth scenario that ultimately transpires.

This option would be effective in promoting the efficient use of the existing physical resources at Waikawa. Development in other bays which do not have the same level of service provision already established would not provide these efficiencies.

This option would also provide the greatest efficiencies in terms of the practical and cost effective administration of the MSRMP. There would be certainty around the activity status of marina activities. Processing of resource consent applications for new marinas would be more efficient as non-notified and 'technical' type applications, unless consent for restricted coastal activities are required.

The Mooring Management Areas identify the most appropriate locations for moorings in the Bay, according to a more concentrated, and spatially efficient layout. This results in other parts of Waikawa Bay being available for other uses. The permitted activity status of moorings within Mooring Management Areas would ensure ad hoc and individual resource consent applications are not sought, and that the moorings are organised and managed in an integrated manner.

The identification of defined areas for various uses enables activities to co-exist within this water space. This, along with Option 4 is considered to be the most efficient means of managing competing uses within a finite water space.

### **Risk of Acting or Not Acting**

This option would result in the Marina Zone being extended and the Marina Zone provisions being amended to more clearly define what activities are anticipated within the Marina Zone and to better enable new marina development within the zone; and provide organised, efficient areas within which to locate swing moorings. This option would provide very clear direction as to where the MSRMP envisages marina development and swing moorings occurring and where it does not. It would serve to dissuade marina developments within other zones, and the sprawl of swing moorings across Waikawa Bay.

The risk of not acting could see increased pressure for the allocation of swing moorings in the outer Waikawa Bay area, and the wider Marlborough Sounds, which may lead to the sprawling of this activity in the Bay and beyond. This would result in effects on visual and amenity values, and well as ecological effects. These effects have been assessed under the previous parts of the discussion of Option 2.

### **Appropriateness**

The majority of the existing Coastal Marine and Marina Zones planning provisions are appropriate in terms of their efficiency and effectiveness. These provisions have previously been subject to section 32 analysis as part of the preparation and adoption of the District Plan.

The proposed Marina Zone extension, coupled with amendments to some of the Marina Zone provisions and creation of Mooring Management Areas in the Coastal Marine 1 Zone, along with associated policies and methods are considered to be the optimal approach for the comprehensive management of water space at Waikawa Bay.

## **8.3 OPTION 3: EXTEND MARINA ZONE BOUNDARY AND AMEND SOME PROVISIONS OF THE MARINA ZONE TO BETTER PROVIDE FOR THE ULTIMATE DEVELOPMENT OF MARINA FACILITIES WITHIN THE MARINA ZONE; AND CREATE MOORING MANAGEMENT AREAS AND ASSOCIATED POLICIES, RULES AND OTHER METHODS IN THE COASTAL MARINE 1 ZONE. NO BYLAW ENACTED.**

### **Explanation**

This option is similar to Option 2, as it would still involve the comprehensive management of boat storage within Waikawa Bay via a Mooring Management Area. The difference between this option and Option 2 is that this option comprises of an approach utilising the provisions of the Resource Management Act and relevant plan provisions, as opposed to a Bylaw process.



Establishment of a mooring within the area would require a resource consent. The activity status would be limited discretionary, and Council's discretion would be limited to the following matters:

- Location within a Mooring Management Area; and
- The type and specification of mooring; and
- The availability of space within the Mooring Management Area; and
- The ability of the activity to comply with the Coastal Marine zone permitted activity noise standard, being Rule 35.1.1.4.1.

The assessment below relates solely to the introduction of limited discretionary activities for swing moorings within a Moorings Management Area. All other assessment set out in Option 2 is relevant to Option 3, so is not repeated. Option 4 presents a scenario whereby Options 2 and 3 are effectively combined.

### **Effectiveness**

This option provides an effective option. A resource consent would be required to be obtained to establish and operate swing moorings within Moorings Management Areas. This option would be effective in providing a suitable method (i.e. the resource consent process) for people wishing to obtain approved moorings within Waikawa Bay. This option would be effective in encouraging the establishment of swing moorings within a Mooring Management Area (as opposed to elsewhere in Waikawa Bay), and it would provide for the organisation of swing moorings in the Mooring Management Areas in an efficient and effective manner.

### **Benefits**

The control of swing moorings within Mooring Management Areas via District Plan rules means that the Plan Change can cover all required statutory changes in one application. This option does not rely on the enactment of a Bylaw which is established under different legislation to the Plan Change, and thus may not be able to run in parallel to the Plan Change process.

The benefits set of having Mooring Management Areas set out for Option 2 apply equally here.

### **Costs**

The resource consent process for each swing mooring holder within a Mooring Management Area would involve application preparation and Council processing costs which would be borne by the applicant.

### **Efficiency**

The specific matters Council can consider in its limited discretion will ensure the resource consent process is focussed on key issues. It will also ensure the water space within the Mooring Management Area is utilised efficiently. Accordingly, the presence of the Mooring Management Areas will still ensure an efficient use of water space, but achieving this via a resource consent regime

rather than a licence system under a Bylaw would most likely be less efficient than the Bylaw system. Council's ability to allocate spaces for each mooring in a highly efficient manner is likely to be reduced, compared with their ability under a Bylaw licensing system, and it may be that fewer moorings can be allocated into each Mooring Management Area via a resource consent process compared with the licence system.

#### **Risk of Acting or Not Acting**

The risk of proceeding with this option is considered to be low. The method of managing swing moorings within the zone via resource consent is sound.

#### **Appropriateness**

Managing swing moorings within Mooring Management Areas via a limited discretionary resource consent process is appropriate.

### **8.4 OPTION 4: EXTEND MARINA ZONE BOUNDARY AND AMEND SOME PROVISIONS OF THE MARINA ZONE TO BETTER PROVIDE FOR THE ULTIMATE DEVELOPMENT OF MARINA FACILITIES WITHIN THE MARINA ZONE; AND CREATE MOORING MANAGEMENT AREAS AND ASSOCIATED POLICIES, RULES AND OTHER METHODS (INCLUDING LICENCE UNDER BYLAW OR RESOURCE CONSENT) IN THE COASTAL MARINE 1 ZONE**

#### **Explanation**

This option combines Options 2 and 3 to allow for a scenario whereby a relevant Bylaw is not enacted at the time this Plan Change becomes operative, but may become enacted in the future.

It is Port Marlborough's preference that swing moorings within Mooring Management Areas are managed via a licensing system under a Bylaw, as opposed to requiring resource consent for these moorings. It is likely that the use of space within the Mooring Management Areas will be more efficient if managed under a Bylaw, compared with individual resource consent processes. However, given the Bylaw is promulgated under separate legislation, it is considered prudent to include within this Plan Change a solution which provides for a scenario whereby there is delay in enacting a Bylaw, a Bylaw is not enacted at all, or is later repealed for some reason or another.

Option 4 provides this option.

#### **Assessment**

Option 4 has not been assessed under each separate heading, as the assessments set out under Options 2 and 3 apply here. The benefit of Option 4 is that it provides an overall robust and certain solution to the resource management issue of allocation of water space through a Moorings Management Area (and its associated costs and benefits addressed in Option 2

above) without running the risk of not being able to proceed should a Bylaw not be enacted (or subsequently repealed) for any reason.

Option 4 is considered the most appropriate of all options considered, and achieves the relevant MSRMP objective.

## **8.5 OPTION 5: EXTEND THE MARINA ZONE BOUNDARY ONLY. RETAIN ALL EXISTING RESOURCE MANAGEMENT PLAN PROVISIONS.**

### **Explanation**

This option would see the Marina Zone extended to cover the north west area in the planning maps, and all other MSRMP provisions would be retained as they are currently.

This would mean that no change would be made to the provision in the MSRMP for swing moorings as the Mooring Management Areas would not be created, nor the associated provisions to give effect to them. The Marina Zone provisions would remain as they are currently.

The assessment for Option 1 as it applies to the Coastal Marina Zone applies equally here. Accordingly, the following assessment relates primarily to the Marina Zone extension and provisions, and any matters of relevance to the integrated aspect of the marina and swing moorings provisions.

### **Effectiveness**

This option would be moderately effective in fulfilling demand for additional berths at Waikawa Bay, through zoning additional water space for marinas. However, the current objective and policy framework, including the associated discussions, and the rules contained within the Marina Zone, do not support new marina development.

The Marina Zone has been included in the MSRMP to provide for marina activities. However, currently 'marinas', as defined in the MSRMP, are not provided for as permitted or discretionary activities within this zone. Generally consents for marina activities are sought as non-complying activities to ensure that all required activities are covered by the consent. This is not appropriate and is unnecessarily cumbersome for a marina in a Marina Zone. Amendments to the list of permitted and discretionary activities would provide greater certainty as to the activity status of lawfully established marina activities, and would provide a clearer statement of the zone's purpose for the development of new marinas. For smaller scale developments which do not constitute a restricted coastal activity, it would promote a presumption of non-notification, which gives the applicant, Council and public certainty about how a resource consent will be processed.

If the Plan Change only dealt with extending the Marina Zone it would not achieve its objective to provide an integrated planning approach to boat storage

in Waikawa Bay, and it would not be effective in solving the identified resource management issues.

Overall, this option would not be the most effective in achieving the NZCPS objectives and policies which seek to identify and facilitate the appropriate locations for development and use of the coastal marine environment.

### **Benefits**

The Plan Change process for this option would be relatively straight forward, as only changes to the spatial area of the Marina Zone would be proposed. This option removes the need to amend the objective, policy and rule framework.

### **Costs**

This option does not amend the Marina Zone provisions to provide an enabling framework for the consideration of new marina development within this zone. Rather, it perpetuates a framework that fails to give certainty for use of the Marina Zone for its nominal purpose. This is likely to lead to inefficiencies in costs, risk and uncertainty incurred through the resource consent processes for all new marina development, or reconfiguration of structures within existing marinas, within the Marina Zone in the future.

Retaining the current Marina Zone provisions would see the resource consenting process for new marina development (within the Marina Zone) remaining difficult to support and possibly difficult to defend, thus negating the purpose of having an area designated for this use. Resolution of the existing resource consent hearing, currently in adjournment pending development of an integrated Bay-wide planning solution, would be challenging under the existing provisions of the Marina Zone.

In the same vein, retaining the current Coastal Marina Zone provisions and not introducing the Mooring Management Areas would result in the continuation of resource consents being sought on an ad hoc basis for swing moorings, and no integrated management or consolidation of swing moorings being achieved.

### **Efficiency**

This option offers some short-term and limited efficiency in that no changes to the objectives, policies or rules are made, resulting in a potentially less contentious plan change process. However, given the feedback received during the consultation process, stakeholders gave clear direction that they wished to see a Bay-wide solution, including clear provision for and management of swing moorings in Waikawa Bay.

Beyond the Plan Change process, this option is not considered to be the most efficient means of managing activities within either the Marina or Coastal Marine Zones, as it does not provide an objective and policy framework that is consistent with the nominal purpose of the Marina Zone, nor does it efficiently provide for the coordination and management of swing moorings in the Coastal Marine Zones. This is likely to result in inefficiencies in the consenting process as has occurred to date.

Under this option, the ongoing use and development of marinas, and their associated activities remains uncertain and could result in 'technical' resource consents being required to confirm the legality of activities. This is not considered to be efficient, particularly when the current plan change process addresses the appropriateness of use in detail and so sets the purpose for the area allocated as Marina Zone.

The storage of boats within marinas is one of the most efficient methods of boat accommodation. This option would assist to facilitate new marina development at Waikawa, reducing pressure to develop vessel berthing facilities in other bays which do not have existing marina infrastructure and have higher natural character values. The Visual and Natural Character Effects assessment (**Appendix F**) states that this option expands on the existing development pattern on the Bay, therefore consolidating development at the head of the Bay and along the western shore, rather than disperse it to other parts of the Bay.

### **Risk of Acting or Not Acting**

As the provisions of the Marina Zone currently stand, whilst the spatial area of the Marina zone would provide for new marina development (under this option), the provisions do not encourage or definitively provide for such development. This could also result in marina development being proposed outside of the Marina Zone should applicants consider there are limited advantages of locating within this zone.

Under this option there is still risk that resource consent (discretionary activity and restricted coastal activity) would be declined under the Marina Zone provisions based on the existing objective and policy framework, and any positive decisions may be difficult to defend. This could result in unnecessary costs and uncertainty for the applicant and Council and ultimately a failure to provide appropriately for recreational demand and associated economic development.

The risks of acting or not acting with respect to the Mooring Management Areas and associated provisions have been considered under the three previous options.

### **Appropriateness**

The proposed Marina Zone extension is considered to be appropriate, in terms of resulting in a greater area of Marina Zone in the Plan to, in theory, enable the extension of existing Marinas to occur. However, this option will not achieve the comprehensive management of water space at Waikawa Bay. This option is not considered to be the most appropriate option as it does not provide a Bay-wide integrated solution for the provision and management of boat storage facilities within the Bay.

## 8.5 DEFINITIONS

### Definition of “Marina” Assessment of Alternatives

	<b>Effectiveness</b>	<b>Benefits</b>	<b>Costs</b>	<b>Efficiency</b>	<b>Risk of acting/Not acting</b>	<b>Appropriateness</b>
<b>Option: Amend Definition of “marina”</b>	The current definition for ‘Marina’ creates some confusion in the interpretation of the Marina Zone Rules, given ‘Marinas’ as defined, are not currently listed as permitted, controlled or discretionary activities. By virtue of rule 34.5 marinas as defined are likely to be a non-complying activity. This appears to be at odds with the intent of the zone. The amended wording of the definition, which should clearly cover the structures that would make up a marina, along with the addition of marinas listed as a discretionary activity (refer below) would alleviate the confusion around the current definition and its applicability in the zone.	This option would prevent uncertainty about the definition and the activity status of ‘marina’ and could prevent unnecessary additional resource consents, or a consent application being assessed according to an unduly restrictive activity status.	There are costs associated with the promulgation of the Plan Change to amend the definition (and include the additional activities as permitted and discretionary activities).	Amending the definition for Marinas and specifically providing for marinas as a discretionary activity would result in greater certainty and efficiencies in Plan administration.	The risks of acting are the risk associated with the Plan Change to include the proposed additional permitted and discretionary activities.	The amendment of the definition is considered to be appropriate.

### Definition of “Waka” Assessment of Alternatives

	<b>Effectiveness</b>	<b>Benefits</b>	<b>Costs</b>	<b>Efficiency</b>	<b>Risk of acting/Not acting</b>	<b>Appropriateness</b>
<b>Option 1: Status Quo No definition for ‘Waka’ in the MSRMP</b>	Not effective as the rules proposed as part of the subject Plan Change refer to the term ‘waka’, and there is no definition for this term.	No change to the MSRMP required.	Uncertainty as the Rules refer to ‘waka’ and the plan does not currently have a definition for waka.	Not efficient due to uncertainty around the meaning of the term which is used within the Plan.	Risk of not acting would result in uncertainty and possible confusion around the meaning of the term ‘waka’ in terms of the MSRMP.	Not considered to be an appropriate option.
<b>Option 2: Add Definition for ‘Waka’ in the MSRMP</b>	Effective in clarifying and providing certainty in relation to the Plan Change.	Ensure clarity of terminology used in the Plan, avoid confusion.	No costs identified.	Incidental change necessary as a result of the proposed Plan Change.	Risk of acting could lead to disagreement over the definition. However, this could be resolved through the consultation and submissions on the Plan Change.	Considered to be an appropriate option.

### Definition of “Waikawa Bay” Assessment of Alternatives

	<b>Effectiveness</b>	<b>Benefits</b>	<b>Costs</b>	<b>Efficiency</b>	<b>Risk of acting/Not acting</b>	<b>Appropriateness</b>
<b>Option 1: Status Quo No definition for ‘Waikawa Bay’ in the MSRMP</b>	Not effective as the rules proposed as part of the subject Plan Change refer to the term ‘Waikawa Bay’, and there is no current definition for this term in the MSRMP. To not clearly define the area which Waikawa Bay covers could	No change to the MSRMP required.	Uncertainty as the Rules refer to ‘Waikawa Bay’ and the plan does not currently have a definition for Waikawa Bay.	Not efficient due to uncertainty around the area being described when the term is used within the Plan.	Risk of not acting would result in uncertainty and possible confusion around the area covered by ‘Waikawa Bay’ in terms of the MSRMP.	Not considered to be an appropriate option.

	lead to confusion over the exact area to which the MSRMP provisions apply.					
<b>Option 2: Add Definition for 'Waikawa Bay' in the MSRMP</b>	Effective in clarifying and providing certainty in relation to the Plan Change.	Ensure clarity of terms used in the Plan, avoid confusion.	No costs identified.	Incidental change necessary as a result of the proposed Plan Change.	Risk of acting could lead to disagreement over the definition. However, this could be resolved through the consultation and submissions on the Plan Change.	Considered to be an appropriate option.

## 8.6 APPROPRIATENESS ASSESSMENT OF PROPOSED PLAN CHANGE PROVISIONS

Section 32(3)(a) and (b) requires an assessment of the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives. The following table summarises the findings of this assessment relevant to the objectives, policies, rules and other methods that are intended to be changed or added by the plan change.

Proposed Change	Effectiveness	Efficiency	Appropriateness
<b>Coastal Marine Zones</b>			
<b>Relevant objective:</b>			
9.2.1 Objective 1 The accommodation of appropriate activities in the coastal marine area whilst avoiding, remedying or mitigating the adverse effects of those activities (existing objective).			
<b>Section 9.2.1 Coastal Marine – new Policy 1.8</b>	Add new policy: <i>“Ensure that moorings within Waikawa Bay are allocated in an efficient and co-ordinated manner”.</i>	The policy will be effective in achieving the objective, as it will ensure that moorings within Waikawa Bay will be allocated in an efficient and co-ordinated manner. It will provide for moorings within Waikawa Bay, whilst avoiding the adverse effects of the moorings. The new policy will assist to remove the current uncoordinated situation of individual consents being sought for individual moorings throughout the Bay without direction being provided in the rules as to appropriate matters for consideration. This has led to consents being sought for overlapping spaces, and Council being put in the difficult position of potentially having to “pick winners” in terms of which consents to grant and which to decline.	The policy and associated methods will remove the need for ad hoc resource consents to be sought. Rather, the Mooring Management Areas which will give effect to this policy will enable the coordinated and efficient location and use of moorings in Waikawa Bay. This will ensure an organised, holistic approach for utilising Waikawa Bay as a coastal resource.
<b>Section 9.2.1 Coastal Marine – new Policy 1.9</b>	Add new policy: <i>“Avoid moorings in Waikawa Bay outside of the Mooring Management Areas and Waka Mooring Management Areas, except where: moorings are for providing access to immediately adjoining properties; or are a renewal of currently consented moorings and provided adverse effects on the environment are avoided, remedied or mitigated”.</i>	The policy will be effective in achieving the objective, as it provides clear direction about which locations are appropriate for moorings within Waikawa Bay. It makes it clear that moorings within Mooring Management Areas are appropriate. The policy also is clear that it is appropriate to enable landowners immediately adjoining coastal space and those who have consents for moorings in place to be able to obtain future consents more easily than in other circumstances. The policy will mean that current adverse effects that are being generated by the disorganised and informal moorings arrangements will be avoided, thus achieving the purpose of the objective.	The policy is efficient. It provides for an organised, holistic approach for utilising Waikawa Bay as a coastal resource, by introducing Mooring Management Areas.
<b>Section 9.2.1 Coastal Marine – amend Policy (now) 1.14</b>	Amend policy: <i>“To enable a range of activities in appropriate places in the water of the Sounds including marine farming, tourism, and recreation and cultural uses.”</i>	By adding the term “cultural uses” to the policy, it will be effective in achieving the objective as it ensures that cultural uses are enabled in the Coastal Marine Zone. It links with, in particular, the Waka Mooring Management Area which is created by the methods and planning maps.	The amendment to the policy is efficient. It provides for cultural uses to be specifically enabled in the Coastal Marine Zone, and will provide for the establishment of the Waka Mooring

<p><b>Section 9.2.2 Coastal Marine Methods of Implementation “Rules” - new method</b></p>	<p>Add the following additional method: <u>Moorings within the Mooring Management Area are managed via the resource consent process as a restricted discretionary activity as the default management process, unless a Bylaw is in place which provides an alternative management framework.</u></p>	<p>The method will be effective in achieving the objective as it identifies that a resource consent (limited discretionary) will be required to be sought for moorings within Mooring Management Areas, should the relevant Bylaw be enacted.</p>	<p>Management Area, in particular. The resource consent process will encourage moorings to locate within Mooring Management Areas (as opposed to other parts of Waikawa Bay and beyond), and provide Council with the opportunity to efficiently control moorings in the Management Areas, via a resource consent process, if no Bylaw is in place.</p>	<p>The method, combined with the Bylaw method, is the most appropriate</p>
<p><b>Section 9.2.2 Coastal Marine Methods of Implementation “Other Legislation” - new method</b></p>	<p>Add the following additional method: <u>Moorings in the Mooring Management Areas at Waikawa Bay be managed through a management plan under a bylaw promulgated under the Local Government Act 2002 as an alternative to the default resource consent process.</u></p>	<p>The method will be effective in achieving the objective as it identifies the relevant Bylaw which will control and manage moorings within the Mooring Management Areas within Waikawa Bay.  There is a need to ensure that allocation of space in the Bay for moorings is handled efficiently and in a flexible way. Doing so by resource consent has proven to be difficult due to intense competition for space and overlapping interests. Promoting an allocation and management method outside of the MSRMP is more reflexive to the demands of the situation and promotes greater co-operation between Council and mooring holders.</p>	<p>The method is efficient, as it does not require the use of planning provisions to manage moorings within Mooring Management Areas. The Bylaw will operate via a licence system which will ensure moorings are efficiently located and managed within the Bay.</p>	<p>The method, combined with the rule method referred to above, is the most appropriate for achieving the objective.</p>
<p><b>Planning Maps – add Mooring Management Areas</b></p>	<p>Add four Mooring Management Areas to the Waikawa Bay planning map, including one Waka Mooring Management Area.</p>	<p>The Mooring Management Areas will clearly identify appropriate locations for swing moorings within Waikawa Bay. The supporting technical reports support the inclusion of the Mooring Management Areas within the Bay, and their organisation through the bylaw will be effective in achieving the objective.</p>	<p>The Mooring Management Areas on the Planning Maps will efficiently identify the locations of the Management Areas. They will enable the efficient operation of the bylaw licence system.</p>	<p>The method is the most appropriate for achieving the objective.</p>
<p><b>Section 35.1 Coastal Marine Zones One and Two Permitted Activities – new rule</b></p>	<p>Add following new permitted activities: <u>The placement and use (including occupation and maintenance) of swing moorings within Mooring Management Areas;</u>  <u>The placement and use (including occupation and maintenance) of swing moorings for Waka in a defined Waka Mooring Management Area.</u></p>	<p>The rule will be effective in achieving the objective, as it permits moorings within the Mooring Management Areas. Moorings within Mooring Management Areas will be managed by the bylaw, thus no resource consents are necessary. Potential adverse effects of moorings within the Bay will therefore be avoided or mitigated.</p>	<p>The rule is efficient, as it does not require resource consents to manage moorings within Mooring Management Areas. The bylaw will operate via a licence system which will ensure moorings are efficiently located and managed within the Bay.</p>	<p>The rule is the most appropriate for achieving the objective.</p>
<p><b>Section 35.1 Coastal Marine Zones One and Two – permitted activity conditions. Add new 35.1.2.13 and 35.1.1.XX</b></p>	<p>Add new condition 35.1.2.13 and 35.1.2.14: <b><u>35.1.2.13 Swing Moorings within Mooring Management Areas</u></b> <u>Placement, use (including occupation of the coastal marine area) and maintenance of swing moorings within a Mooring Management Area shall be a permitted activity subject to the following conditions:</u>  a) <u>A lawfully established Bylaw is in place, and the Mooring has a current Mooring Licence to place and use the specified swing mooring has been issued by</u></p>	<p>The condition will ensure that moorings within the Mooring Management Areas are managed via the bylaw, thus not requiring resource consent. This is efficient in achieving the objective as potential adverse effects of moorings within the Bay will be avoided or mitigated.  Those moorings which do not hold a current licence under the bylaw will require resource consent, therefore safe guarding against potential adverse effects in accordance with the objective.</p>	<p>The condition is efficient, as it does not require resource consents to manage moorings within Mooring Management Areas. The bylaw will operate via a licence system which will ensure moorings are efficiently located and managed within the Bay.</p>	<p>The condition is the most appropriate for achieving the objective.</p>



	<p><u>the person appointed under the relevant Bylaw to authorise Mooring Licences.</u></p> <p><b>35.1.2.14 Swing Moorings within Waka Mooring Management Areas</b></p> <p><u>Placement, use (including occupation of the coastal marina area) and maintenance of swing moorings for Waka in Waka Mooring Management Areas shall be a permitted activity subject to the following conditions:</u></p> <p>a) <u>A lawfully established Bylaw is in place, and the Mooring has a current Mooring Licence to place and use the specified swing mooring has been issued by the person appointed under the relevant Bylaw to authorise Mooring Licences.</u></p> <p><i>NOTE: If no relevant Bylaw is in place, rules 35.3.2 and 35.3.3 apply.</i></p>			
<p><b>Section 35.3 Limited Discretionary Activities – Add rules 35.3.2 and 35.3.3 and associated limits to Council’s discretion</b></p>	<p><b>Add new rules and associated limits to Council’s discretion:</b></p> <p>35.3.2 <u>Where not provided as a permitted activity under Rule 35.1 and condition 35.1.2.13, the placement and use (including occupation) of swing moorings within Mooring Management Areas;</u></p> <p>35.3.2.1 <u>Limits to the Council’s Discretion</u></p> <p>35.3.2.1.1 <u>In the case described in 35.3.2, Councils discretion shall be limited to the following matters:</u></p> <p>a) <u>Location within a Mooring Management Area; and</u></p> <p>b) <u>The type and specification of mooring including the swing arc; and</u></p> <p>c) <u>The availability of space within the Mooring Management Area; and</u></p> <p>d) <u>The ability of the activity to comply with the Coastal Marine zone permitted activity noise standard, being Rule 35.1.1.4.1.</u></p> <p>35.3.2.1.2 <u>Applications in accordance with Rule 35.3.2 will be considered without public notification or without the service and without the need to obtain written approval of affected persons in accordance with section 95A of the Act.</u></p>	<p>The rules will be effective in achieving the objective, as they will provide a management regime for swing moorings within Mooring Management Areas, should the Bylaw not be enacted.</p>	<p>The rules are efficient, By limiting Council’s discretion, resource consents applied for under these rules will be focused on achieving the purpose of the Mooring Management Areas, which is efficient use of water space, including by requiring efficient mooring techniques and exact locations, and integrated management of vessel storage in Waikawa Bay. While individuals will still need to obtain individual consents, rather than simply obtain a licence under the Bylaw, the consent process will be narrower than it might be for moorings in other locations in Waikawa Bay and beyond. It is not necessary for the resource consent process for each mooring to be a public one, as it is Council’s role to allocate space within the Mooring Management Areas efficiently. This, in turn, will ensure the wider Waikawa Bay water space will be managed efficiently in terms of vessel storage.</p>	<p>The rules are appropriate for achieving the objective.</p>

	<p>35.3.3 <u>Where not provided as a permitted activity under Rule 35.1 and condition 35.1.2.14, the placement and use (including occupation) of swing moorings for Waka in a defined Waka Mooring Management Area.</u></p> <p>35.3.3.1 <u>Limits to the Council's Discretion</u>  35.3.3.1.1 <u>In the case described in 35.3.3, Councils discretion shall be limited to the following matters:</u>  a) <u>Location within a Mooring Management Area; and</u>  b) <u>The type and specification of mooring including swing arc; and</u>  c) <u>The availability of space within the Waka Mooring Management Area; and</u>  d) <u>The ability of the activity to comply with the Coastal Marine zone permitted activity noise standard, being Rule 35.1.1.4.1.</u></p> <p>35.3.3.1.2 <u>Applications in accordance with Rule 35.3.3 will be considered without public notification or without the service and without the need to obtain written approval of affected persons in accordance with section 95A of the Act.</u></p>			
<p><b>Section 35.4 Discretionary Activities and Where Applicable Restricted Coastal Activities - Amend rule</b></p>	<p>Amend discretionary activity rule:</p> <p>Activities listed as Permitted or Controlled Activities, which do not comply with the Standards specified for those activities, other than marine farms specified as Limited Discretionary Activities in Rule 35.3.1, <u>or Swing Moorings specified as Limited Discretionary Activities in Rules 35.3.2 or 35.3.3.</u></p> <p>Occupation of the coastal marine area, <u>excluding swing moorings in Mooring Management Areas or Waka Mooring Management Areas;</u></p> <p>Placement of swing moorings <u>outside Waikawa Bay;</u></p>	<p>The addition of swing moorings provided for by Rules 35.3.2 and 33.3.3 to this exemption ensures Rules 35.3.2 and 33.3.3 are not overridden.</p> <p>The exclusion of swing moorings in this rule ensures Rules 35.3.2 and 33.3.3 and not overridden.</p> <p>The condition amendment retains the status quo for moorings outside of Waikawa Bay.</p>	<p>The amendments will give effect to the limited discretionary activity rules.</p> <p>The condition is efficient as it retains the status quo for swing moorings located outside Waikawa Bay.</p>	<p>The amendments are the most appropriate for achieving the objective.</p>

<b>Section 35.4 Discretionary Activities and Where Applicable Restricted Coastal Activities – add new rule</b>	Add new discretionary activity rule:  <u>The renewal of resource consents for existing consented swing moorings (which were consented prior to this rule becoming operative), located within Waikawa Bay and outside of the Mooring Management Areas:</u>	The rule is effective in achieving the objective, as it acknowledges that those swing moorings which currently hold consents should be enabled to re-consent, according to the same activity status as currently prevails. The discretionary activity status will ensure that actual and potential adverse effects are appropriately assessed during re-consenting, thus achieving the purpose of the objective.	The rule is efficient as it requires discretionary activity resource consents to be obtained for existing consented moorings, when they come to renew. The alternative would necessitate consent to non-complying activity which cannot be justified in the circumstances of the current MSRMP provisions.	The rule is the most appropriate for achieving the objective.
<b>Section 35.5 Non-complying activities and where application restricted coastal activities – add new rule</b>	Add following non-complying activity:  <u>The placement and use (including the occupation of the coastal marine area) of moorings within Waikawa Bay, which were not consented prior to this rule becoming operative and which are located outside a Mooring Management Area or Waka Mooring Management Area.</u>	The rule is effective in achieving the objective, as it provides that moorings outside the Mooring Management Areas in Waikawa Bay will require a non-complying activity resource consent. This is deliberately intended to dissuade aspirants from seeking to locate moorings outside of the MMA. This is intended to avoid continued sprawl of moorings into other parts of the Bay and ensure that there is a much greater certainty of outcome provided for the community as to which areas of the Bay will be subject to moorings and which will not.	The rule is efficient for the reasons already stated.	The rule is the most appropriate for achieving the objective.
<b>Marina Zone Relevant objective:</b> Objective 3 Enable the sustainable development and operation of marinas and associated infrastructure within the Marina Zone. (new)				
<b>Section 10.7.1 Marina Activity – Issues add new Issue</b>	Add new issue:  <u>Demand for new marinas and the extension of existing marinas.</u>	This issue better identifies that marinas are appropriate activities within the marina zone, and recognises the purpose for which the zone has been established at the outset. There is currently a perceived lack of sufficiently enabling provisions within the zone to best recognise that zoned areas should be preferred as places in which marina development should occur. The zone is important to preserving the economic wellbeing of the community. The Greenaway analysis has shown that there is a clear and present demand for additional marina berths and that this demand will endure through time. It is important that the MSRMP properly reflects upon the zone based approach to marina development and that a more balanced approach is taken to provide for such facilities within the zone.	NA	NA
<b>Section 10.7.1 Marina Activity – add new objective 3</b>	Add new objective:  <u>Objective 3 Enable the sustainable development and operation of marinas and associated infrastructure within the Marina Zone.</u>	This objective better identifies that marinas are appropriate activities within the marina zone, and recognises the purpose for which the zone has been established at the outset. There is currently a perceived lack of sufficiently enabling provisions within the zone to best recognise that zoned areas should be preferred as places in which marina development should occur. The zone is important to preserving the economic wellbeing of the community. The Greenaway analysis has shown that there is a clear and present demand for additional marina berths and that this demand will endure through time. It is important that the MSRMP properly reflects upon the zone based approach to marina development and that a more balanced approach is taken to provide for such facilities	NA	The new objective is the most appropriate way to achieve the purpose of the Act.

		within the zone.		
<b>Section 10.7.1 Marina Activity – add new policy 3.1</b>	Add new policy:  <u>Policy 3.1 Avoid the proliferation of development within the coastal marine area by focusing development within the Marina Zone as a first priority.</u>	The new policy will be effective in achieving the objective, as it will ensure that marina development will be the first priority in the Marina zone. While other activities may also be appropriate, by giving marina activities priority within the zone, their development will be enabled in the zone, thus achieving the objective. Shows a preference for in zone development and dissuades proponents outside the zone.	The policy is efficient, as it will ensure the marina zone is utilised efficiently for use by marinas as a first priority. This will ensure an efficient use of the land and coastal marine area which makes up the marina zone.	This policy is the most appropriate for achieving the objective.
<b>Section 10.7.1 Marina Activity – add new policy 3.2</b>	Add new policy:  <u>Policy 3.2 Enable the construction, maintenance and operation of marina activities within Marina Zones, whilst ensuring any adverse effects on the environment are avoided, remedied or mitigated.</u>	The new policy will be effective in achieving the objective, as it specifically enables the construction, operation and maintenance of marina activities within Marina Zones. The current policies in the chapter do not achieve this. The proposed new policy recognises that adverse effects from marina activities must be appropriately mitigated.	The new policy is efficient, as it will ensure a level of consenting will be required to appropriately consider the effects of marina activities within the Marina zone.	The policy is the most appropriate for achieving the objective.
<b>Amend Waikawa Bay planning map to extend the Marina Zone to the north west</b>	Amend the Waikawa Bay planning map to extend the Marina Zone to the north west to include the proposed Port Marlborough marina extension.	Amending the Waikawa Bay planning map to extend the Marina zone to the north west will give effect to the objective. The supporting technical assessments support the extension of the zone, as they identify the proposed location as suitable for marina development (refer Appendices A – I). The recreation assessment clearly identifies the demand for better managed boat storage within the bay, and the visual and landscape assessment concludes the Bay has the capacity to absorb a marina in the location without generating significant adverse effects on the identified landscape values of the Bay.	Amending the Waikawa Bay planning map to extend the Marina zone is an efficient way of achieving the objective. The site is suitable for Marina development, and accordingly the Marina provisions will enable marina development while ensuring resource consents are required to appropriately assess potential adverse effects.	The method is the most appropriate for achieving the objective.
<b>Rules 34.1 Marina Zone Permitted Activities – amend an activity and related Permitted Activity Standard 34.1.2.X</b>	Add new permitted activity:  <u>Removal or demolition of structures;</u>  Add new standard:  <u>34.1.2.X Removal or Demolition of Structures</u> <u>Any removal or demolition of structures is a Permitted Activity provided that:</u> a) <u>The activity shall not involve any excavation of foreshore and/or seabed greater than 100m<sup>3</sup> in volume; and</u> b) <u>The activity does not result in any discharge or deposition of contaminants into the coastal marine area.</u>	The amended rule (and relevant activity standard) will give effect to the objective by more clearly permitting (subject to relevant standards) not only the maintenance, repair and additions to lawful structures, but also their removal. These changes will give certainty around the appropriate standards that must be met when working in the coastal marine area to remove structures. Such activities are part of marina construction and maintenance.	The amended rule will be efficient, as it will ensure resource consents will only be required for removal of structures when relevant standards are breached. This will ensure any consenting process remains focused on relevant actual and potential effects of the activity proposed.	The rule is the most appropriate for achieving the objective.
<b>Rules 34.1 Marina Zone Permitted Activities - amend an activity</b>	Amend following rule:  <del>Ship b-Building, repairing, fuelling and maintenance of ships;</del>	The amended rule will give effect to the objective, as it will better provide for permit relevant activities which are part of the usual, day to day operation of a marina.	The amended rule is efficient, as resource consent will only be required for those operational marina activities which exceed relevant performance standards. Better providing for the full gamut of activities that will usually occur in a marina avoids the unnecessary need for incidental consents.	The rule is the most appropriate for achieving the objective.

<b>Rules</b> <b>34.1 Marina Zone Permitted Activities – add activity</b>	Add following activity:  <u>Car parking areas and the use of car parking areas for vehicle and trailer parking associated with permitted Marina Zone activities;</u>	The rule will give effect to the objective by more clearly permitting (subject to relevant standards) car parking areas and the use of these areas associated with permitted Marina Zone activities. Currently the rules are not clear about whether car parking activities are permitted or not. The additional rule will give effect to the objective, by assisting in enabling activities associated with, and necessary to Marinas.	The rule is efficient, as car parking and its use are necessary and appropriate part of marina activities within the Marina Zone. The rule is subject to appropriate standards, which are now clearly linked to a relevant permitted activity. Better providing for the full gamut of activities that will usually occur in a marina avoids the unnecessary need for incidental consents.	The rule is the most appropriate for achieving the objective.
<b>Rule 34.4 Discretionary Activities and where appropriate restricted coastal activities – amend text</b>	Amend following text:  Application must be made for a Discretionary Activity and where indicated a Restricted Coastal Activity for the following <u>listed activities. Except for restricted coastal activities, applications made for discretionary activities will not require public notification.</u>	Numerous activities make up the construction, operation and maintenance of marina activities. In general terms, these activities are appropriate to be carried out within the Marina Zone, as this is the purpose of the zone. It is important however that Council retains the opportunity to ensure matters such as scale, design, contaminant control etc are appropriate for a particular site, and that associated adverse effects are suitably mitigated. Accordingly, resource consent should be required to be obtained for these activities, and these resource consents, should be processed without notification. The exception to this is for a restricted coastal activity which must always be notified in terms of the Act.	It is efficient that resource consents for marina activities within the marina zone be processed without notification. Council has the appropriate skills and responsibility to ensure adverse effects of these activities are appropriately mitigated.	This provision is the most appropriate for achieving the objective.
<b>Rule 34.4 Discretionary Activities and where appropriate restricted coastal activities – add rule</b>	Add following rule:  <u>Marinas</u>	The rule will give effect to the objective by clearly setting out that marinas (as newly defined via this plan change) are discretionary activities. The rule includes a statement which gives direction that resource consents should be processed without public notification. Currently the rules are not clear in terms of providing for the construction and use of marina activities, so the rule will give effect to the objective, which is to provide for marinas in the Marina Zone. The discretionary activity status will ensure that resource consent is required, and therefore relevant actual and potential adverse effects will be appropriately considered by Council.	The rule is efficient, as it will clearly identify that marinas are an appropriate use of the marina coastal marine area (and also, where relevant land), and will ensure that resource consent applications will focus on relevant adverse effects and their mitigation, rather than needing to justify the appropriateness of a marina in the location. The rules are currently unclear as to whether they specifically provide for all marina activities, thus resulting in a non-complying activity resource consent having to be sought.	The rule is the most appropriate for achieving the objective.

## 9. CONCLUSIONS

Following the assessments of the various options to provide for the comprehensive management of the water space Waikawa Bay it is concluded that a combination of options is required. These require changes to:

- Chapter 10.7 “Marina Activity” which contains the objectives and policies for the Marina Zone;
- Chapter 34 which contains the Rules for the Marina Zone;
- Chapter 9.0 “Coastal Marine”, which contains the objectives and policies for the Coastal Marine 1 Zone;
- Coastal Marine 1 Zone provisions; and
- Changes to the Definitions Chapter of the MSRMP.

These changes represent Option 4 discussed in section 8 of this report.

The proposed amendments under Option 4 to all these sections of the MSRMP are contained in **Appendix B**.

# **APPENDIX A**

Proposed Waikawa Bay Layout Plan

# **APPENDIX B**

Proposed MSRMP Provisions



# **APPENDIX C**

Marina Berths Demand Assessment and Recreation  
Assessment of Effects

# **APPENDIX D**

## Economic Assessment

# **APPENDIX E**

## Benthic Ecology Assessment

# **APPENDIX F**

Visual and Natural Character Effects Assessment

# **APPENDIX G**

## Terrestrial Ecology Effects Assessment

# **APPENDIX H**

## Assessment of Traffic Effects

# **APPENDIX I**

## Assessment of Environmental Noise Effects

# **APPENDIX J**

## Consultation Report



# **APPENDIX K**

Existing MSRMP Maps 61 and 62

# **APPENDIX L**

International Marina Consultants Plan