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# **MARLBOROUGH ENVIRONMENT PLAN**

## **Section 32 Report**

### **Chapter 13 – Use of the Coastal Environment**

#### **Appropriate Subdivision, Use and Development Activities, Recreational Activities, Fishing, Residential Activity, Shipping Activity and Lake Grassmere Salt Works**

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## Overview

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### Background

Section 32 of the Resource Management Act 1991 (RMA) requires that in the process of reviewing its regional policy statement and resource management plans, the Marlborough District Council (the Council) must prepare and publish an evaluation report. The three documents being reviewed are the Marlborough Regional Policy Statement (MRPS), the Marlborough Sounds Resource Management Plan (MSRMP) and the Wairau/Awatere Resource Management Plan (WARMP). Each resource management plan is a combined regional, coastal and district plan.

Section 32<sup>1</sup> of the RMA requires that:

- reviewed regional policy statements and plans must be examined for their appropriateness in achieving the purpose of the RMA;
- the benefits, costs and risks of new policies and rules on the community, economy and environment be clearly identified and assessed; and
- the written evaluation must be made available for public inspection.

The Section 32 process is intended to ensure that the objectives, policies and methods the Council decides to include in the new resource management framework have been well-tested against the sustainable management purpose of the RMA. The Section 32 evaluation report for the proposed Marlborough Environment Plan<sup>2</sup> (MEP) has been prepared on a topic basis, centred on the policy chapters of Volume 1 of the MEP. Individual reports have been prepared on the following:

| Topic  | Volume 1 Chapter of the MEP |
|--|-----------------------------|
| Introduction to Section 32 evaluation reports  |                             |
| Marlborough's tangata whenua iwi   | 3                           |
| Use of natural and physical resources  | 4                           |
| Allocation of public resources – freshwater allocation   | 5                           |
| Allocation of public resources – coastal allocation  | 5                           |
| Natural character  | 6                           |
| Landscape  | 7                           |
| Indigenous biodiversity  | 8                           |
| Public access and open space   | 9                           |
| Heritage resources   | 10                          |
| Natural hazards  | 11                          |
| Urban environments   | 12                          |
| Use of the coastal environment – subdivision, use and development activities in the coastal environment, recreational activities, fishing, residential activity, shipping activity and Lake Grassmere Salt Works | 13                          |
| Use of the coastal environment – ports and marinas   | 13                          |
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<sup>1</sup> See Appendix A.

<sup>2</sup> The Marlborough Environment Plan is a combined regional policy statement, regional plan, regional coastal plan and district plan.

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| <b>Topic</b>             | <b>Volume 1 Chapter of the MEP</b> |
|--------------------------|------------------------------------|
| Resource quality – water | 15                                 |
| Resource quality – air   | 15                                 |
| Resource quality – soil  | 15                                 |
| Waste                    | 16                                 |
| Transportation           | 17                                 |
| Energy                   | 18                                 |
| Climate change           | 19                                 |

Chapters 1 and 2 of the MEP are not included within the Section 32 evaluation as they provide an introduction and background to the proposed document. These chapters do not include provisions that must be evaluated in accordance with Section 32.

The Introduction report covers the scope of the review that the Council has undertaken, including consultation and the nature of information gathered, investigations and research undertaken and analysis that has occurred. An overview of the Council's statutory obligations, the relationship of the MEP with other plans and strategies and working with Marlborough's tangata whenua iwi is described. A set of guiding principles the Council has used in the development of the objectives, policies and methods for the MEP is provided. The Council acknowledges that the principles have no statutory basis and do not in themselves have specific objectives, policies or methods. However, they have been included to provide the philosophy and values underlying the content of the MEP and consequently help to inform the Section 32 evaluation.

This Section 32 evaluation report covers aspects of the provisions for managing subdivision, use and development within Marlborough's coastal environment. The provisions analysed relate to determining appropriate subdivision, use and development in the coastal environment, recreational activities, fishing, residential activity, shipping activity and Lake Grassmere salt works activities. The policy provisions for these matters are included within Chapter 13 - Use of the Coastal Environment and the rules can be found within a number of zones, including Coastal Marine, Coastal Environment, Coastal Living and Lake Grassmere Salt Works Zone. Note that other provisions of Chapter 13 are evaluated in two other reports: ports and marinas, and coastal structures and disturbance of the foreshore and seabed.

This Section 32 evaluation report is set out as follows:

- Description of issues – provides an overview of the resource management issues.
- Statutory obligations – the extent to which there are direct links with Section 6 or 7 matters and whether the provisions are directed or influenced by national policy statements or national environmental standards.
- Information and analysis – whether specific projects, investigations or other information have influenced the inclusion of provisions or other responses to dealing with resource management issues.
- Consultation – an overview of the extent and nature of specific consultation undertaken on the proposed provisions.
- Evaluation – an assessment of the provisions under each of the identified issues. Where appropriate, reference is made to supporting material that has helped to inform why a particular option has been chosen. In some cases the evaluation is undertaken on an individual provision, while in others groups of policies or methods have been assessed together.

In some parts of this evaluation report there are references to provisions within other chapters of the MEP. This is due to those provisions assisting in implementing the management framework for the subject matter of this report or vice versa. A reader should consider the evaluation for these other provisions where they are referred to in this report.

## Key changes

The key changes in the MEP from the approach in the MRPS, WARMP and MSRMP are:

- An avoidance approach for activities that have adverse effects on areas with significant natural character, landscape, biodiversity and historic heritage values. Areas with natural character significance have not been previously mapped in the MSRMP or WARMP. The specific values for landscape and natural character that contribute to making the mapped areas significant are included in the MEP.
- Greater guidance through policy in determining the factors or values that are important in deciding whether subdivision, use or development activities including location, scale, form, design and limits are appropriate in the coastal environment.
- Justification for the 20 year coastal permit considered appropriate by the Council.
- Greater detail on the attributes contributing to coastal amenity values and how those values can be maintained and enhanced.
- Specific policy included for recreational activity where none existed in the MRPS, MSRMP or WARMP.
- Changes in zone names as the MSRMP and WARMP have been combined into a single document. A description of these changes is set out in the methods of implementation evaluation for Objectives 13.1 and 13.2.
- More specific guidance on appropriate locations for residential activity in the coastal environment, a description of the character and values of land zoned Coastal Living and how those values can be maintained and enhanced. Policy has also been included to require consideration of access to properties at the time of subdivision or development where water access will be the only or prime means of access.
- Removal of the grandfathering provisions for three named ships to be able to travel at speeds greater than 15 knots in Tory Channel and Queen Charlotte Sound.

## Summary of reasons for the proposed provisions

Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions included in the MEP. This summary of reasons for the provisions in relation to issues concerning appropriate subdivision, use and development in the coastal environment, recreational activities, fishing, residential activity, shipping activity and Lake Grassmere salt works activities are set out below. A more detailed evaluation is set out in the remainder of this report.

- It can be difficult to determine 'appropriate activities' in the coastal environment as users have competing demands and place different values on the resources of this environment. This can also be compounded by the dynamic, changing nature of that environment. The management framework established through Objectives 13.1 and 13.2 (and their subsequent policies and methods) describes the qualities and characteristics that are important in determining whether a particular subdivision, use or development activity is appropriate.
- If clear direction of the significant values and locations in Marlborough's coastal environment is provided through the MEP, resource users will have a better appreciation of what is considered appropriate subdivision, use or development in particular locations. Mapping significant values assists resource consent applicants, decision makers and the community, providing certainty regarding where the adverse effects of subdivision, use and development activities must be avoided. Appendices of the MEP describe the specific values for areas with landscape and natural character significance, further assisting applicants, decision makers and the community in understanding why these areas are significant.
- Historically, a 20 year period has been used for most coastal occupations in Marlborough, as the Council has considered this duration appropriate. However, although this has been applied in practice there has never been policy guidance as to why this is the case. Policy has now been included providing reasons for this duration.

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- Amenity values have previously been described in the MRPS, MSRMP and WARMP in very generic terms. There has been no description of the character and qualities that contribute to amenity values, including within the coastal environment. Through the feedback received during consultation, many people described a range of characteristics and qualities that they considered made the coastal environment significant (especially within the Marlborough Sounds) and requested that these values be protected. While the Council has partly responded to this through the inclusion of a separate Marlborough Sounds issue in Chapter 4 - Use of Natural and Physical Resources, specific policy regarding the characteristics contributing to coastal amenity values and how those characteristics and qualities can be maintained and enhanced is also included. The purpose of this is to protect the community's sense of place, appreciation and enjoyment of the coastal environment.
- Marlborough's coastal environment, especially the Marlborough Sounds, is a centre of recreational activity for both local residents and visitors. This includes the use of many holiday homes located within the Marlborough Sounds from which recreational activity occurs. A management framework has been included that provides a permissive approach to providing for recreational activities in the coastal environment, which will contribute to people's health and wellbeing. This approach also acknowledges that the coastal marine area is the largest area of public open space in Marlborough and that individuals have a long-held expectation of their right to use and enjoy this area for a variety of purposes. However, in certain circumstances some recreation activities can cause adverse effects on the environment and guidance is provided regarding when these circumstances may arise.
- For many years the waters of the Marlborough Sounds have been important for fisheries, including a) as a source of traditional food for Marlborough's tangata whenua iwi, b) for providing a livelihood for commercial fishers, c) being a significant factor in many recreational and tourism activities and d) contributing to a range of species present in the Sounds. While the Council is restricted in its ability to control fisheries, through its responsibilities for indigenous biological diversity under the RMA, it can indirectly work to maintain and enhance wild fisheries. The Council has included advocating policy within the MEP to ensure there is a sustainable fishery in the Marlborough Sounds. This acknowledges that fishing activities, whether recreational, commercial or traditional, contribute to the economic, social, cultural and general community wellbeing of Marlborough's residents and visitors.
- The demand for residential properties in Marlborough's coastal areas has been satisfied through new residential dwellings on vacant lots (including on land zoned for residential activity), the extension, alteration or reconstruction of existing residential dwellings and the creation of new residential allotments from rurally zoned land. In any one of these situations, there is potential for residential activity to detract from the qualities and values of the coastal environment. Physical factors such as the capacity for onsite disposal of domestic wastewater, impacts arising from natural hazards or difficulties in accessing remote areas can also constrain the areas in which residential activity can take place.
- The subdivision of land determines where new residential buildings will be located as well as the density of development. Managing the subdivision of land is therefore as important in retaining the character and qualities of the coastal environment as the subsequent management of residential development.
- The proposed management framework is based on directing people to use land already zoned for residential activity, as these areas have been identified as having the capacity to absorb further low density, mainly rural residential development without affecting overall coastal character. Provision has also been made for Coastal Environment zoned land to continue to have one residential dwelling.
- Specific policy for Rarangi states that further expansion of residential activity beyond those areas already zoned should be avoided. This came about as a result of the Council's reassessment of the potential for Rarangi to accommodate further growth in the South Marlborough Urban Growth Strategy. Uncertainty over tsunami risk, fragile local ecology and insufficient infrastructure to support expansion are the main reasons for avoiding further development in this area.

- Shipping activity continues to be an important use of the coastal marine area forming part of Marlborough’s overall transportation network. It is important that this activity continues to contribute to the social, economic and cultural wellbeing of Marlborough and New Zealand. An enabling approach to water transportation activities where these do not have an adverse effect on the coastal environment has been provided for, similar in approach to that of the MSRMP. This extends to identifying an area of the Marlborough Sounds (Tory Channel and inner Queen Charlotte Sound) as a National Transportation Route in recognition of the importance of this stretch of water for interisland shipping.
- Given the significance of water transportation in Marlborough, it is important to safeguard the efficient and safe use of the coastal marine area for this activity. In recognition of the significance of the National Transportation Route, specific policy has been included that requires assessment of activities and structures proposed to be located or carried out along any part of the route.
- The amount of energy contained in waves generated by large and fast ships adds substantially to the natural energy levels in the environment. These increased energy levels are responsible for generating adverse effects on the environment, including changes to shoreline morphology and sub-tidal and inter-tidal zone habitats and impacts upon public safety, public access and enjoyment of the coastal environment and the amenity values of the area. The speed at which some ships travel also has implications for the safety of those using the coastal marine area. This became very apparent for the Marlborough community (as well as nationally) when fast ferries were introduced onto the interisland route in 1994. Because of this provisions were added to the MSRMP for managing the speed of large and fast ships. These provisions have been retained to ensure the ongoing management of the impact of large and fast ships operating within the Marlborough Sounds.
- The production of solar salt at Lake Grassmere contributes to the Marlborough economy through the provision of employment at the salt works as well as during harvest. The salt works operation also contributes to the national economy through the export of high-grade, specialist salt harvested at Lake Grassmere and refined at Mt Maunganui. This operation has existed for over 60 years and the management framework included in the MEP remains largely the same as that in the WARMP. The potential for adverse effects from salt production processes on the surrounding environment is recognised and standards have been put in place to mitigate these.

## Description of issues

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The New Zealand Coastal Policy Statement 2010 (NZCPS) recognises that the extent and characteristics of New Zealand’s coastal environment varies from region to region and locality to locality. The NZCPS also lists a range of factors that help to inform what the coastal environment encompasses. In a Marlborough context, the extent of the coastal environment has been mapped and the issues described in Chapter 13 are relevant seaward of the mapped line.

Marlborough’s coastal environment consists of two distinct geographic areas: the Marlborough Sounds and the south Marlborough coast. In addition to the distinct geographical differences, there is diversity in land use, from the highly-modified areas of Picton and Havelock to the less modified pockets of holiday home development throughout the Marlborough Sounds; from areas of productive rural land bordering the coast to the salt works at Lake Grassmere in south Marlborough; and of course the pristine or unmodified tracts of indigenous vegetation in Tennyson Inlet in the Marlborough Sounds. The uses and values of Marlborough’s coastal environment are also diverse, including: recreation, transport and travel, commercial and recreational fishing activities; as a source of kaimoana and cultural significance for all (particularly Marlborough’s tangata whenua iwi); tourism; marine farming; boating; swimming; diving; jetties; moorings; boatsheds; and appreciation of landscape and wilderness values.

Chapter 13 differs somewhat from other chapters of the MEP as it includes management frameworks for specific activities. However, all subdivision, use and development activities within the coastal environment are firstly subject to the objectives and policies under Issue 13A. Subsequent to consideration of these objectives and policies in any resource consent application are the specific management frameworks applying to a range of activities.



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The issues in this chapter include use of both land and the coastal marine area. Interconnections between the two reflect the need for integrated management, which is effectively the role of a regional policy statement. Due to these interconnections, the management framework for Chapter 13 is also supported by policy in other chapters, including landscape, biodiversity, natural character, public access and resource quality.

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

- It can be difficult to determine ‘appropriate activities’ in the coastal environment, as users have competing demands and place different values on coastal resources. This can be compounded by the dynamic and changing nature of that environment.
- While the NZCPS policies provide clear direction on the adverse effects to be avoided, this must be determined in the context of the particular qualities and characteristics of Marlborough’s coastal environment and the uses and activities that already occur there. Therefore, the management framework established through Objectives 13.1 and 13.2 (and their subsequent policies and methods) describes the qualities and characteristics that are important in determining whether a particular subdivision, use or development activity is appropriate.

*Issue 13B – Providing for social wellbeing by ensuring people and communities can carry out recreational activities.*

- Recreation is one of the most significant uses of Marlborough’s coastal environment, especially within the Marlborough Sounds. Much of the value placed on the coastal marine area is derived from the fact that it is the largest area of public open space in Marlborough and that individuals hold a long-held expectation of their right to use and enjoy this area for a variety of purposes. Subsequently, significant amenity value is placed on the coastal environment and its use for recreation.
- Due to the range of recreational activities undertaken and the large number of users, the natural and physical resources of the coastal environment are at times placed under pressure. The cumulative effects of recreational use can include littering, sewage disposal from boats, damage to coastal vegetation and benthic (organisms that live in or on the bottom sediments) habitat and conflicts between users, all of which detract from public enjoyment of this area. There is also potential for conflict to arise between recreational and other users of the coastal environment and it may be necessary to manage activities in particular areas to avoid such conflicts.

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

- For many years the waters of the Marlborough Sounds have been important for fisheries, including a) as a source of traditional food for Marlborough’s tangata whenua iwi, b) for providing a livelihood for commercial fishers, c) as a significant factor in many recreational and tourism activities and d) as contributing to a range of species present in the Sounds.
- The Council is restricted in its capacity to control fisheries, as under the Fisheries Act 1996 this is the role of the Ministry for Primary Industries. However, through its responsibilities under RMA for indigenous biological diversity the Council can indirectly work to maintain and enhance wild fisheries.

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

- The demand for residential properties in Marlborough’s coastal areas has been satisfied through new residential dwellings on vacant lots (including on land zoned for residential activity), the extension, alteration or reconstruction of existing residential dwellings and the creation of new residential allotments from rurally zoned land. In any one of these situations there is the potential for residential activity to detract from the qualities and values of the coastal environment. Physical factors such as the capacity for onsite

disposal of domestic wastewater, impacts arising from natural hazards or difficulties in accessing remote areas can also constrain the areas within which residential activity can take place. Other factors affecting the appropriateness of residential activity in the coastal environment include impacts on water quality, water quantity and indigenous biodiversity.

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

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

- Given the extensive use of Marlborough’s coastal marine area for water transportation, the potential exists for a range of activities, such as the placement of structures, to have an impact on the safe and efficient navigation of ships. Navigation issues arise from the combination of craft types operating within an area, especially given the concentration of boats of different size, speed capability, visibility and manoeuvrability.
- Inappropriate siting of structures such as jetties and swing moorings may have an effect on the ability of ships travelling in that area to navigate safely. Controls need to be exercised over the location and maintenance of structures as well as various activities in relation to important water transportation routes. Lighting on land or on structures within the coastal marine area can also have an impact on the safe navigation of vessels and must be carefully controlled.
- Water transportation in and through Marlborough must be provided for in a manner compatible with other activities taking place in the coastal environment. This may involve prioritising some forms of water transportation in certain areas and limiting them from other areas.

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

- The Council recognises that shipping activity contributes to the social, economic and cultural wellbeing of people and communities by providing an important link between the North and South Islands and a means of transport for goods in the Marlborough Sounds. However, ships capable of generating significant waves in enclosed waters can potentially conflict with a range of other coastal users and values and generate adverse environmental effects.
- The amount of energy contained in waves generated by ships adds substantially to the natural energy levels in the environment. Increased energy levels are responsible for producing adverse effects on the environment such as changes to shoreline morphology, sub-tidal and inter-tidal zone habitats, impacts on public safety, public access and enjoyment of the coastal environment and the amenity values of the area. It is important that the potentially adverse effects of ship-generated waves from large and/or fast ships continue to be managed to avoid more significant effects in the future.

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

- The production of solar salt at Lake Grassmere contributes to the Marlborough economy through the provision of employment at the salt works and during harvest when contract equipment is needed (for example, trucks to transport salt). The operation of the salt works also contributes to the national economy through the export of high-grade specialist salt, when salt harvested from Lake Grassmere is refined at Mt Maunganui.

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- While the salt works operations have continued for over 60 years, there is the potential for salt production processes to have adverse effects on the surrounding environment. Despite the modifications made to the lake in the development of salt works activities, the lake and its environs still hold a number of important values, including bird life, ecological values with remnant estuarine habitat and historical significance for some of Marlborough's tangata whenua iwi.

## Statutory obligations

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All of the matters in Section 6 of the RMA are potentially relevant in determining the appropriate siting and operation of coastal structures, reclamations, seabed disturbance and anchoring. Many of the matters in Section 7 are also highly relevant. For Marlborough's tangata whenua iwi, Section 8 will also have relevance.

Sections 30(1)(a), (b) and (d) of the RMA set out a range of statutory functions in relation to the coastal marine area that enable the Council to establish management frameworks in response to the identified issues.

There are no national environmental standards relevant to the provisions being evaluated in this report. However, the NZCPS has considerable significance.

### New Zealand Coastal Policy Statement (NZCPS)

The NZCPS provides policies that enable the purpose of RMA to be achieved in relation to the coastal environment of New Zealand. The NZCPS identifies a range of characteristics, qualities and uses of the coastal environment and these create particular challenges in promoting sustainable management. Many of the qualities listed in the NZCPS are evident in Marlborough, including that the coastal environment:

- is varied in nature and extent;
- contains established infrastructure connecting New Zealand internally and internationally, such as ports and submarine cables;
- includes natural and physical resources important to the economic and social wellbeing of the nation and communities, including in areas with high natural character, landscape and amenity values;
- has natural and recreational attributes and is attractive as a place to live and visit, but when combined with an increasingly affluent and mobile society places growing pressure on coastal space and other resources;
- is susceptible to the effects of natural hazards such as coastal erosion and tsunamis, and those associated with climate change; and
- has particular importance to Marlborough's tangata whenua iwi, including as kaitiaki.

In order to manage these challenges, the NZCPS has identified objectives and policies that are to be given effect to through regional policy statements and regional coastal plans. Very few of the objectives and policies do not have relevance in the context of this evaluation report on coastal structures, reclamations, seabed disturbance and anchoring. Those that are irrelevant but which have been considered through other Section 32 evaluation reports are Policy 8 on Aquaculture and Policy 9 on Ports. If provisions being evaluated in this report are relevant to specific NZCPS objectives or policies, this will be described as appropriate.

## Information and analysis

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A number of investigations and monitoring activities have helped to inform the review of the provisions for coastal structures, reclamation, seabed disturbance and anchoring. An overview of these is provided below.

### Joint project with Department of Conservation

The Department of Conservation and the Council undertook a project together to identify a community vision for the Marlborough Sounds. This was termed the Marlborough Sounds Outcomes for Places Project and aimed to help in the review of the Nelson/Marlborough Conservation Management Strategy (CMS)<sup>3</sup> and the MRPS. The project was run with guidance from the Marlborough Sounds Advisory Group and involved a series of four interactive, participatory workshops/hui. The purpose of the project was to define a collective community vision for the Marlborough Sounds as an important first step in setting objectives for the management of the Sounds. The expectation was that if the CMS and regional policy statement shared a common community vision, then that vision would be much more likely to be realised.

The workshops/hui were designed to build upon the responses the Council received to discussion papers prepared for the review. Participants were asked to consider:

- the factors that make the Sounds special and/or that they valued;
- the elements of the Sounds that are at risk and the factors contributing to that risk; and
- how the Sounds should look in 50 years' time and what needs to happen to achieve that vision.

Participants were specifically asked to consider activities such as residential development, pastoral farming, marine farming, commercial forestry, tourist facilities and public facilities for access and recreation. The outcomes from the project were used in the process of developing new policy for the Council's resource management framework.

### Landscape review

In 2009 an extensive reassessment of Marlborough's landscapes was undertaken. The resulting report, the Marlborough Landscape Study 2009, identified Marlborough's outstanding natural features and landscapes, as well as landscapes with high amenity values. This assessment was used for the purposes of consultation with landowners in north and south Marlborough and as a consequence of this consultation, mapping has been reviewed. An updated report, Marlborough Landscape Study – Landscape Characterisation and Evaluation August 2015, contains the reviewed maps identifying areas of outstanding value as well as areas with high amenity values. These maps have been included within the MEP, along with a description of the values that make these landscapes significant.

### Natural character of the Marlborough coast

The NZCPS has specific requirements for considering natural character within the coastal environment. Policy 13 directs that to preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development, adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character should be avoided. Along with a specific direction to map or otherwise identify at least areas of high natural character in the NZCPS, the Council carried out a technical assessment of natural character values in Marlborough's coastal environment. This was undertaken by Boffa Miskell with input from Lucas Associates, Landcare Research, the Department of Conservation and the Council.

The resulting publication - Natural Character of the Marlborough Coast – Defining and Mapping the Marlborough Coastal Environment June 2014 - sets out the study approach and includes information on natural character values at a range of scales, from district-wide to individual bay level in some

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<sup>3</sup> The Nelson/Marlborough Conservation Management Strategy is prepared by the Department of Conservation under the Conservation Act 1987. It establishes objectives for the integrated management of the natural and historic resources managed by the Department.

cases. At the more detailed assessment level, the coastal environment is broken into nine distinct coastal marine areas and 17 distinct coastal terrestrial areas based on land typology. For each area, abiotic systems and landforms, biotic systems and experiential attributes were assessed.

Areas with high, very high and outstanding natural character values are mapped and descriptions of the values that contribute to an area's significant natural character are included. This information is subsequently also included within the MEP, providing a higher degree of certainty about the location of significant natural character values in Marlborough's coastal environment.

### **Significant marine area identification**

The identification of ecologically significant marine sites in Marlborough was undertaken as part of the Council's responsibilities under Sections 6(a) and (c) of the RMA. It is important to identify the location and composition of significant sites (biological features that have conservation, scientific or ecological value) to ensure their sustainable management and protection into the future. This work acknowledges that relatively few studies have focussed on identifying, surveying and assessing sub-tidal marine habitats in New Zealand (including Marlborough), so our understanding and knowledge of the coastal marine environment is limited.

Though the assessment of significant sites was based on existing data or known information, this was not comprehensive as many marine areas are unsurveyed or poorly documented, especially below the low tide mark. A total of 129 sites of biological significance were identified, stretching from Cape Soucis (Croisilles Harbour) through the Sounds and down the east coast of Marlborough. A subsequent survey of selected sites in 2014/2015 saw a reduction in the overall area of significant sites. The remaining sites and areas of significance have been included in the MEP.

### **Perception surveys**

The Council has carried out nationwide surveys to assist in determining New Zealander's perceptions of the values of the Marlborough Sounds. The initial survey in 2001 was undertaken in response to a large number of marine farm applications being received at the time. The most recent survey in 2012 found that the majority of respondents considered it important that the Marlborough Sounds remain available to be used now and by future generations, that the area is important to people throughout New Zealand as a recreational resource and that the Sounds contribute to the image of New Zealand as a whole.

The values upon which these responses were based were also surveyed. The scenic beauty of the Marlborough Sounds was the most significant value identified in both surveys, followed by peace and tranquillity, then natural environment/absence of development.

## **Consultation**

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### **Early consultation**

In 2006, the first round of consultation was initially undertaken solely for the review of the MRPS and saw the distribution of a community flyer to all ratepayers advising of the review. The aim of this exercise was to find out the community's views on the most important resource management issues that Marlborough would face over the next ten years. Approximately 380 responses were received on this flyer.

Of the responses received regarding the future management of the Marlborough Sounds, the provision of subdivision and residential development (including associated jetties, boatsheds and moorings) drew the most feedback. Concerns were raised at the current level of development, as well as the location and the type of development taking place.

Respondents considered that too much subdivision has been allowed in Queen Charlotte Sound, causing crowding and overloading of both land and sea. Concern was expressed about the appropriate density of housing in different areas of the Sounds and whether the Council will be able to provide the required infrastructure for these new developments. Concerns also highlighted the impacts of the extent of new development on current residents.

Suggestions were offered to minimise the impact this type of development would have on the Sounds, including:

- Guidance in the regional policy statement and resource management plan to stop ad-hoc subdivision and development. This included addressing rules for subdivision of rural land, especially for the protection of large lots. It was also suggested that where no community sewerage discharge schemes were in place, section sizes should be increased and that the height of buildings should be restricted along the coast.
- Rules to assess the impact of structures and other developments need to be stronger in regard to water supply, access to the foreshore and walking and boat launching. All of these matters should be determined before subdivisions are allowed to proceed.
- Recognition of the differences between development in the inner Sounds and outer Sounds. This included a suggestion that different parts of the Sounds could be managed for residential development through bay-wide solutions. The suggested framework was that:
  - bays that are currently pristine (or only mildly compromised) should be identified and further residential or forestry development therein should be restricted;
  - bays that have been compromised should be identified to cater for additional residential development. These areas may be located nearer the inner Sounds where road access is available. Forestry and other incompatible activities should be restricted from these areas; and
  - other compromised bays could accommodate both marine farming and residential development.
- It was proposed that where this framework could not be met, subdivision should be made difficult through stricter objectives and policies. It was also stated that developers should be made responsible for offsite effects.
- Other respondents suggested that more Sounds Residential zoned land is needed to allow for residential demand and to ensure that land already zoned Sounds Residential is desirable or appropriate for that purpose. It was also suggested that non-productive areas that are zoned rural could be used for lifestyle blocks. A limit of one house per one hectare was considered appropriate.
- It was considered that development should remain within areas that are already built up, rather than spreading homes throughout the rural coastal area. Another option was for subdivision to take place further west in the Sounds. For example, Tennyson Inlet Scenic Reserve was identified as unique and despite the success of its isolation in protecting the forests and coastline so far, greater protection against future commercial activity is needed, including protection from activities related to tracks, lodges and jetties.

However, other respondents stated that fewer restrictions should be placed upon Sounds residents for subdivision, jetties and moorings. These respondents suggested that making the Sounds more accessible and maintaining them as a desirable place to live will bring wealth and knowledge to the area, improve overall economic environment and be a positive step in the future of the Marlborough Sounds.

There was opposition to any proposals to change existing rural residential zonings, though there was a desire to see a reduction in area required for subdivision in the Pelorus Sound and a reduction from 30 to 20 or 25 hectares was suggested.

Limited feedback was received specifically on recreation, although it was commented on within the context of matters such as public access to the Sounds.

The state of fishing in the Marlborough Sounds was of concern to a number of respondents, who expressed a view that recreational fish numbers had declined to unacceptable levels. Many believed that commercial fishing had devastated fish stocks and that greater controls on commercial fishing are needed. Suggestions on how to restore the balance included:

- reducing commercial boat size to that used by amateur fisher people;

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- creating restricted fishing areas above breeding grounds;
- banning netting within the Marlborough Sounds, for both private and commercial fishers;
- establishing a marine sanctuary from Portage to the Kenepuru Heads (as this is a major spawning area for much of the marine life);
- banning all recreational and commercial fishing for a period of two years to allow the fishery to 'rest'; and
- active involvement by the Council with annual releases of fish spat, as this would greatly enhance stocks in the Sounds and attract both national and international tourists.

Following this initial consultation, a series of discussion papers were prepared by the Council and released for public feedback in late 2007. Two of these are particularly relevant to this Section 32 evaluation report: *Discussion Paper 4: The Future of the Marlborough Sounds* and *Discussion Paper 10: Transport and Access Issues*.

In total, 72 responses were received from individuals, iwi, industry groups and environmental groups on *Discussion Paper 4*. This paper's first issue sought feedback on what was the community's vision for the Marlborough Sounds. This issue directly informed the inclusion of Issue 4C in Chapter 4 - Use of Natural and Physical Resources of Volume 1 of the MEP, concerning the use and development of the Sounds' natural and physical resources that may detract from character and intrinsic values of this unique and iconic environment. In a general sense, the feedback on this issue is also relevant to identifying appropriate activities in the coastal environment of the Marlborough Sounds (Issue 13A). Comments received on this issue included the following:

- Respondents described the (personal) significance of the Marlborough Sounds. Common phrases used included "unique," "priceless," "irreplaceable," and in the context of the District as a whole, the Marlborough Sounds were seen by some as the "crowning glory" and the "jewel in the crown". Others described the characteristics that made the Marlborough Sounds so special, including low population density, isolation, tranquillity, a visually attractive landscape/seascape, clean air and water, heritage features and the terrestrial and marine flora and fauna.
- These respondents felt that the existing environment and the characteristics contributing to it should be protected and enhanced.
- Concern was expressed regarding the current extent and potential growth of commercial activity in the Marlborough Sounds. Some respondents felt that there should be no commercial activity in the Marlborough Sounds at all.
- This view was countered by others, who felt that the Marlborough Sounds was still very much a working landscape. This group felt that individuals should continue to have the opportunity to gain a living from the land or coastal waters, which in turn would sustain the community and contribute to the economic wellbeing of Marlborough.
- Increasing pressure for development was seen to have resulted from landowners looking for an economic return from their land in the face of a decline in the viability of agriculture and forestry.
- A number of respondents saw the future of the Marlborough Sounds as a mixture of indigenous landscape, aquaculture, agriculture, tourism, recreation and residential land uses.
- Indigenous biodiversity and the intrinsic value of the special flora and fauna present in the Marlborough Sounds were highly valued. Several respondents emphasised the importance of regenerating bush to the Marlborough Sounds' landscape and experience.

Issues of residential development and subdivision and the effects of shipping activity, fishing and recreation were also identified and are relevant to this Section 32 report.

*Residential development and subdivision*

Many respondents agreed with an issue identified in *Discussion Paper 4* regarding residential development having the potential to detract from the very landscape and amenity values that attract people to the Marlborough Sounds in the first place. This issue received the greatest level of feedback of any of the issues included in the discussion paper. Almost all respondents suggested that there needed to be greater control over the appearance, location and density of residential buildings within the Marlborough Sounds. Several respondents recognised that the issue is compounded by the fact that the nature of residential buildings has changed, with a tendency for larger houses and holiday homes.

Concerns over the visual impact of residential buildings were perhaps most evident in the number of responses seeking to ensure that residential developments blend into the surrounding environment. This was reflected in the overwhelming support for rules to control the appearance of residential dwellings. Several key aspects were identified, including height, scale, colour and building materials. Most respondents expressed a desire to avoid colours and building materials that would make the dwelling stand out in the landscape. Other responses on the appearance of buildings included:

- Calls for the Council to prepare a “design guide” to provide property owners clear direction on appropriate colours and building materials. Several respondents suggested that proposals inconsistent with this guide should be put through a resource consent process.
- The Department of Conservation raised a conflict between fire safety initiatives and efforts to minimise the visual impact of residential dwellings. The Department described how many houses are located in dense vegetation that affords screening, whereas the Rural Fire Service’s safety guidelines specify that 10 to 30 metres of open ground should surround dwellings, negating any screening effect.
- Several respondents raised concerns about vegetation removal associated with residential development in terms of wider landscape effects of vegetation loss (rather than the loss of screening potential). Consequently, tighter controls on indigenous vegetation removal associated with residential development were requested.

In considering the appropriate location for residential dwellings within the Marlborough Sounds, there was strong support for residential growth to be directed into areas that have already been compromised by residential land use. There was also strong support for clustered communities, as opposed to ribbon development along the coast. Several respondents highlighted that clustering also allows for the sharing of resources such as jetties, water supplies, waste and wastewater management.

Several respondents suggested it was important to avoid building houses on prominent headlands or along the skyline. Controls on the location of residential dwellings in such areas were considered necessary to ensure buildings blended in with the surrounding environment as much as possible. It was also suggested that subdivision applications should be required to include a visual landscape assessment, which would subsequently influence the location of building sites.

It was proposed that residential growth in the outer Sounds be constrained to protect the outstanding landscapes and seascapes of those areas. However, there concern was expressed that it would be unreasonable to prevent people building on land in the outer Sounds that was already zoned Sounds Residential. In this regard, the Department of Conservation supported an assessment of the stock of existing Sounds Residential zoned land and other subdivided land to meet demand for residential property.

The concept of “no-go” areas to concentrate residential development into areas where landscape and amenity values have already been compromised and away from areas of high landscape values and an absence of residential activity drew opposing views. Some believed that the lack of residential activity may reflect other constraints, rather than landscape considerations. It was also suggested that areas with little existing development may have greater capacity to absorb appropriate residential development and create the potential to bring about environmental enhancement.



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The Marine Farming Association and marine farming interests identified the potential for reverse sensitivity conflicts to arise between residential development and marine farming. They suggested that this could be resolved by using the regional policy statement to discourage residential development in areas where marine farming occurs or by providing clear signals that marine farming is an accepted part of the local environment.

Marlborough Sounds' residents and some residents' groups expressed concerns about what they saw as the increasing density of residential development in some parts of the Sounds. There were two aspects to these concerns: firstly, many respondents highlighted that they live and holiday in the Sounds for the isolated nature of the environment and for opportunity to 'get away from it all'. Fear was expressed that the increasing density of development was eroding this highly-valued isolation. Secondly, several respondents highlighted the implications of an increased density of residential living, including more traffic, greater use of public spaces, increased pressure on marine stocks and more rubbish dumping.

Support was evident for controlling the density of development. The most common suggestions in this regard were to specify appropriate minimum lot sizes or minimum road and water frontages. One respondent believed there should be restrictions upon residential growth in the Marlborough Sounds, while another similarly suggested that the carrying capacity of the environment should be determined.

Several respondents highlighted concerns over a perceived increasing trend of subdividing rurally zoned land blocks to enable residential use. A belief was held that rural areas should remain at low population densities.

### *Effects from shipping activity*

*Discussion Paper 4* highlighted the issue of effects from ships travelling at speed or generating significant waves in the enclosed waters of the Marlborough Sounds. Although there was agreement that this was a significant issue in Marlborough, there was little in the way of explanatory comment. Most respondents endorsed the Council's current management of ship wake as set out in the MSRMP. However, some were unhappy with the detail of the management, suggesting a blanket speed restriction would be more effective and expressing concern that the management does not apply to certain ships.

Several respondents also raised concerns regarding the effects of jet skis, water skiing, wakeboard and sea biscuit activities. The main concern was the impact of these activities on other peoples' enjoyment of the Marlborough Sounds. It was suggested that these activities should be confined to designated areas similar to ski lanes.

### *Fishing activity in the Marlborough Sounds*

Reflecting the importance of recreational fishing to those who live in and visit the Marlborough Sounds, this issue received a high number of responses. Many respondents suggested the regional policy statement should recognise the economic and social value of maintaining the recreational fishery for long-term communal benefit, while almost all respondents were comfortable for this to be at the potential expense of commercial fishing. Several respondents suggested that certain fishing stocks were at a critical level and that urgent action is required, while others expressed concerns regarding the ever-increasing fishing pressures. There was some criticism about the way the Ministry of Fisheries has managed the fishery in the Marlborough Sounds and an acknowledgement was made that local solutions were required for local problems.

Several responses highlighted the important link between fish stocks and protecting the habitat of different fish species. Respondents suggested that it must be appreciated that fish are part of an entire ecosystem that must remain sustainable, not simply viewed as a recreation for those who wish to fish.

Many respondents offered ideas on how to arrest the decline of the Marlborough Sounds' recreational fishery. Again, these suggestions focussed on local people finding local solutions. In acknowledging the need for greater restrictions on recreational fishing in the Marlborough Sounds, several respondents highlighted the practical issues in implementing these restrictions. Very few respondents were aware that the Council has limited ability to implement many of the suggested initiatives, but those who did understand this still felt that the Council should be responsible for taking a proactive lead on these issues, especially through community initiatives.

### *Recreation*

Although not included as a specific issue in *Discussion Paper 4*, a number of responses were made regarding the importance of tourism and recreation in the Marlborough Sounds to community wellbeing. The opportunity to use the Sounds for recreation was highly valued, although there was concern about the ability of some in the community to continue to afford to do so in the future. Generally speaking, there was a desire for greater recognition of the importance of the Marlborough Sounds as a recreational environment, including for social and economic wellbeing.

It was suggested that recreation is a regionally-significant issue in its own right and that the diverse nature of recreational pursuits creates the potential for conflict and cumulative effects. Respondents requested explicit policy on this matter be included within the regional policy statement, with an emphasis on promoting sustainable activities that do not adversely affect amenity values or the physical character of the area. Other respondents requested that the regional policy statement provide greater protection for amenity values. Monitoring of social factors was suggested in addition to the state of natural resources, particularly with regard to the difference between people's perceptions and actual experiences.

*Discussion Paper 10: Transport and Access Issues* included an issue on recognising the strategic importance of water transportation through the Sounds. Although 49 responses were received on this discussion paper, very little feedback was provided on the significance of water transportation. Those who commented highlighted the fact that water transport was integral to the operation of the marine farming industry and industry interests stated that without good water transport and access to coastal space, the industry could not function.

While the options included in *Discussion Paper 10* were supported, respondents also stated the need for balance in the form of a commitment to ensuring that the effects of water transport are managed in accordance with the purpose of the RMA. The types of effects identified included discharges from boat toilet systems and certain types of boats/recreational water activities that can impact on a wide range of values, including amenity and ecological.

### **Later consultation**

Early in the review process, the Council decided on an iterative approach in developing provisions for the MEP. This sought to test as many of the provisions as possible before the new resource management documents were formally notified under the First Schedule of the RMA. The rationale for this was that the greatest flexibility for change to provisions exists prior to notification of a proposed document; once notified, only those provisions submitted on can be changed and then only within the scope of those submissions. The Council therefore established a number of focus groups with the task of reviewing the provisions to discuss their likely effectiveness or otherwise. The aim was to have as much community participation as possible in developing the provisions to reflect the community's views and to resolve any substantive issues prior to notification.

The two main focus groups that considered the provisions were the Sounds Advisory Group and the Marine Focus Group. These groups considered several iterations of the policy provisions and were given the opportunity to provide feedback on draft rules. The Iwi Working Group also considered the provisions as part of their consideration of all policy provisions. Two other organisations that provided detailed feedback were:

- the Department of Conservation, who has a dual role with the Council in sustainably managing the coastal environment; and
- Port Marlborough New Zealand Limited, who were the proponent of the first Moorings Management Area in the Marlborough Sounds, providing berthing facilities and occasionally undertaking reclamation and disturbance of the seabed activities.

In mid-2013 the Council released a set of draft provisions for community feedback. The main focus of the provisions released was for policy and rules associated with the coastal environment, although other policy was also released. Three documents formed part of the feedback package.

## **Section 32: Chapter 13 – Appropriate activities, recreation, fishing, residential, shipping, Lake Grassmere**

### **1. Draft policy for Chapter 13 - Use of the Coastal Environment**

This chapter included policy on identifying appropriate use, subdivision and development, residential activity, moorings, coastal structures and disturbance of the foreshore and seabed, ports and marinas, shipping activities, fishing and Lake Grassmere.

### **2. Draft rules for the Port, Port Landing Area, Marina and Coastal Marine Zones**

Two significant differences were highlighted between the new rules and those of the MSRMP and WARMP: the introduction of the Port Landing Area Zone to manage marine farming and fishing loading/unloading activities at Elaine Bay in Tennyson Inlet and Oyster Bay in Port Underwood; and that the draft provisions were based on only one Coastal Marine Zone, with some activities managed through a series of overlays.

### **3. Draft policy to provide context and support provisions drafted for Chapter 13 - Use of the Coastal Environment**

As reference to a number of other draft chapters was made within Chapter 13, the Council grouped them together (where they had been completed) to provide context for the reader. Those chapters provided were: Use of Natural and Physical Resources; Landscape; Natural Character; Indigenous Biodiversity; Public Access and Open Space; Heritage Resources; Natural Hazards; Resource Quality (Water, Air, Soil); Waste; and Transportation. Comments were received on these chapters as well as on Chapter 13.

At the time of release, some aspects of the coastal environment provisions had not been completed and information was lacking in some of the material provided - for example, information on marine farming activities and provisions for air quality and noise was incomplete. These matters were the subject of separate consultation and are discussed in other Section 32 evaluation reports. Overall, very few responses were received (around 30), though some of the feedback was very comprehensive. This resulted in substantial changes to Chapter 13. Feedback on other chapters was not as comprehensive, but still helped to further refine the draft provisions.

During the consultation period there was an outstanding appeal to be decided by the Environment Court in relation to the Moorings Management Area and Marina Zone plan change. This was settled by consent between the parties in 2014. This private plan change had been lodged by Port Marlborough New Zealand Limited and sought to introduce Moorings Management Areas to Waikawa Bay and to extend the Marina Zone to the northwest of the existing marina. The decision of the Court resulted in a need to review the policies and rules for moorings specifically as they related to Waikawa Bay, to the extension of the marina zoning to the northwest and the removal of the marina zoning to the northeast of the existing marina.

## **Evaluation for Issue 13A**

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*Issue 13A – Trying to identify appropriate subdivision, use and development activities in Marlborough’s coastal environment while protecting the values of the environment*

### **Appropriateness of Objective 13.1**

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

#### **Relevance**

The Council is directly responsible for determining what is inappropriate subdivision, use and development in the coastal environment in terms of the preservation of natural character (Section 6(a)), the protection of outstanding natural features and landscapes (Section 6(b)), the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Section 6(c)) and historic heritage (Section 6(f)). This is reinforced through the provisions of the NZCPS, particularly Policy 7 Strategic Planning. If the MEP provides clear direction on the significant values and locations in Marlborough’s coastal environment, resource users will have a better appreciation of what will be considered appropriate subdivision, use or development in particular locations. Therefore

Objective 13.1 is directed at addressing Issue 13A in terms of protecting the values of the coastal environment. This objective also assists in achieving Issue 4C, in which it is recognised that “*the use and development of natural and physical resources in the Marlborough Sounds has the potential to detract from character and intrinsic values of this unique and iconic environment.*”

Given the matters in Section 6 (the subject of subsequent policy), the objective is relevant to achieving the purpose of the RMA. The objective also assists the Council in carrying out its functions under both Sections 30 and 31 of the RMA and is within the scope of the NZCPS. In particular, two policies of the NZCPS (Policies 13 and 15) require regional policy statements and plans to map or otherwise identify areas with significant natural character and landscape values. Identifying these areas clearly (as proposed through the objective and subsequent policy) is consistent with the NZCPS.

#### *Feasibility*

The objective is feasible as the MEP identifies those areas that do have significant value within which the adverse effects from particular activities and/or forms of subdivision, use or development are to be avoided. These areas have been included in the MEP as a consequence of specific investigations into natural character and landscape significance in the coastal environment

However, not all areas within the coastal environment have been assessed. For example, for values such as significant marine biodiversity, the only information available is on known sites recorded through processes such as resource consent applications. Given the resources required for more extensive assessment, it is not possible for all areas of the coastal marine area to be surveyed. As information becomes available subsequent to notification of the MEP, new areas will be added through a notified plan change under the First Schedule process of the RMA.

Given the information available and the Council’s experience in managing Marlborough’s coastal environment, the Council considers there is an acceptable level of uncertainty and risk associated with the objective and that it is within its powers, skills and resources to achieve. This approach is not entirely new, as mapping associated with landscape and biodiversity values was present within the MSRMP and WARMP.

#### *Acceptability*

This approach is not entirely new, as mapping associated with landscape and biodiversity values was present within the MSRMP and WARMP. There is therefore a level of acceptance of the identification of significant values. However, with the more express direction in the NZCPS to map (or otherwise identify) areas with significant natural character values, there has been a need to identify these values as well.

## **Assessment of provisions to achieve Objective 13.1**

### ***Policies 13.1.1 and 13.1.2***

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| Policy 13.1.1 – Avoid adverse effects from subdivision, use and development activities on areas identified as having: |
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- |  |
|--|
| <ul style="list-style-type: none"><li>(a) outstanding natural character;</li><li>(b) outstanding natural features and/or landscapes;</li><li>(c) significant marine biodiversity value and/or are a significant wetland; or</li><li>(d) significant historic heritage value.</li></ul> |
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| Policy 13.1.2 – Areas identified in Policy 13.1.1 as having significant values will be mapped to provide certainty for resource users, Marlborough’s tangata whenua iwi, the wider community and decision makers. |
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#### *Benefits*

Policy 13.1.1 identifies four significant matters upon which the adverse effects of activities are to be avoided. These matters are given particular direction through the principles of the RMA (Sections 6(a), (b), (c) and (f)) and direction provided by Policies 11, 13, 15 and 17 of the NZCPS. However, it is important to acknowledge that implementing the policy does not mean that all activities are prohibited from occurring in the areas with the identified values; the policy simply makes clear that any adverse effects of activities must be avoided in those areas, rather than being mitigated or remedied.

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Mapping areas identified in Policy 13.1.1 as having significant values will provide a greater level of certainty to decision makers and the community regarding where the adverse effects of subdivision, use and development activities are to be avoided. Mapping also assists applicants in considering either different locations for their activity or ways in which adverse effects of their activity can be avoided. In addition to mapping the significant areas, Appendices 1 and 2 describe the specific values for landscape and natural character (respectively) that contribute to making the mapped areas significant.

### *Costs*

The cost of undertaking the work to identify these areas has occurred as part of the review of the MRPS, MSRMP and WARMP. Additional costs may arise from the implementation of the policies - for example, the aspirations of a developer may not be met due to the necessity to avoid the adverse effects of an activity. This may occur either through consent being refused or where an applicant is required to meet conditions of consent. However, the level of such costs cannot be determined as they will be reliant on a proposal being lodged.

### *Efficiency*

The policies will be efficient in achieving Objective 13.1. Aside from the costs of undertaking the initial assessment work, the benefits to the community from having clearly identified areas, along with a description of the values that contribute to significant landscape and natural character areas, outweighs any costs to an individual resource user who may wish to undertake an activity in one of the identified areas. This approach is also more efficient for resource users, for whom a clear focus of the areas with significant values is provided.

### *Effectiveness*

The policies will be very effective in addressing Issue 13A. To determine appropriate subdivision, use and development activities in Marlborough's coastal environment, it is important that the values of that environment be identified. Policies 13.1.1 and 13.1.2 are the first step in identifying those values of significance in terms of the matters of national importance in Section 6 of the RMA as well as the direction given through the NZCPS. The policies will also be effective in achieving Objective 13.1. As expressed in the evaluation for the objective above, if the MEP provides clear direction on the significant values and locations in Marlborough's coastal environment, resource users will have a better understanding and appreciation of what may or may not be appropriate at a particular location.

## **Appropriateness of Objective 13.2**

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

### *Relevance*

Although it is important to identify areas where adverse effects of activities are to be avoided, it is also important that regard is given to identifying appropriate areas, limits and forms in which subdivision, use and development activities can take place. The objective is therefore relevant as it focusses on achieving the purpose of the RMA, particularly in relation to enabling people to provide for their social, economic and cultural wellbeing. This must be done within a context of recognising and providing for particular values in terms of the principles of the RMA, as well as within the enabling direction provided through Policy 6 of the NZCPS. Objective 13.2 assists the Council in carrying out its statutory functions under Sections 30 and 31 of the RMA and are within the scope of the provisions of the NZCPS.

### *Feasibility*

Objective 13.2 is comparable to Objective 9.2.1.1 of the MSRMP, although the subsequent policies of the MSRMP do not provide the same level of guidance as the MEP. This guidance is important in the context of helping to define appropriate subdivision, use or development in the coastal environment and particularly in assisting to determine appropriate locations, forms and limits.

Although the Council has had considerable experience in managing subdivision, use or development under this MSRMP objective, it considers that greater detail within policy would make the objective more achievable. Sections 30 and 31 of the RMA set out a range of statutory functions that enable the Council to establish management frameworks in accordance with the objective. The objective is therefore feasible in terms of the Council's powers under the RMA.

### *Acceptability*

Through feedback a wide range of views were expressed about activities occurring within the Marlborough Sounds. (it should be noted that little feedback was received on activities occurring along other parts of the Marlborough coast.) In relation to the Sounds, feedback described the characteristics that make this area so special, including low population density, isolation, tranquillity, a visually attractive landscape/seascape, clean air and water, heritage features and terrestrial and marine flora and fauna. Feedback also stated that the characteristics that contribute to the Sounds environment should be protected and enhanced.

Concern was expressed at the current and potential extent of commercial activity in the Marlborough Sounds, with some respondents believing that there should be no commercial activity in the Sounds at all. This view was countered by others who considered the Sounds a working landscape that should continue to provide people with the opportunity to gain a living from the land or coastal waters, which in turn would sustain the community and contribute to the economic wellbeing of Marlborough.

Based on this feedback, the Council considers Objective 13.2 is acceptable. There is provision for activities to occur and for economic wellbeing to continue to be gained from the use and development of natural resources in the coastal environment. At the same time there the objective acknowledges the characteristics and qualities of the coastal environment that are to be maintained and enhanced and identifying the areas within which activities can occur. The Council does not consider that this approach will result in unjustifiably high costs to the community.

## **Assessment of provisions to achieve Objective 13.2**

### ***Policies 13.2.1 and 13.2.2***

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

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

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

- (a) the contribution the proposed subdivision, use or development activity makes to the social and economic wellbeing of people and communities;
- (b) the efficient use of the natural and physical resources of the coastal environment;
- (c) whether the efficient operation of established activities that depend on the use of the coastal marine area is adversely affected by the proposed subdivision, use or development activity;
- (d) whether there will be an increase in the risk of social, environmental or economic harm from coastal hazards as a consequence of the subdivision, use or development activity;
- (e) whether there will be a contribution to the restoration of the values of the coastal environment at the site, where these may have been adversely affected in the past;
- (f) whether the activity results, either individually or cumulatively, in sprawling or sporadic patterns of subdivision, use or development that would compromise the values and matters of Policies 13.2.1 and 13.2.2;
- (g) whether the proposed subdivision, use or development activity contributes to the network of

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|     | regionally significant infrastructure identified in Policy 4.2.1;   |
| (h) | whether the subdivision, use or development activity creates a demand for services or infrastructure that may result in a financial cost to the wider community and/or whether the safety and efficiency of the road network is affected; and |
| (i) | functionally, whether some uses and developments can only be located on land adjacent to the coast or in the coastal marine area.   |

***Benefits***

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

While the matters listed in Policy 13.2.2 are not considered 'values' (as are the matters set out in Policies 13.1.1 and 13.2.1), some have been included in response to direction from the NZCPS. For example Policy 25 of the NZCPS concerns subdivision, use and development in areas of coastal hazard risk and Policy 13.2.2(d) has been included partly to address this NZCPS policy.

In addition to the management framework that may apply to specific activities as set out in the remainder of Chapter 13, all of the matters listed in these policies are to be considered in any application for resource consent or plan change. The application of these policies will result in environmental, cultural social and economic benefits to resources users and the wider community.

***Costs***

These policies are to be applied in the determination of resource consent or plan change applications. There are costs associated with that process but under the provisions of the MSRMP and WARMP there are also costs associated with resource consents and plan changes so no new costs in that regard are anticipated from these policies.

***Efficiency***

These policies will assist in determining appropriate locations, forms and limits for subdivision, use or development activities. Providing this guidance for resource users and decision makers will prove efficient in achieving Objective 13.2. Considering these matters in conjunction with Policy 13.1.1 will ensure a high net benefit to all of the community. Importantly, Policy 13.2.2 provides the opportunity for the positive aspects of proposals to be considered.

***Effectiveness***

The policies will be effective in achieving Objective 13.2 as they refine the determination of appropriate locations for subdivision, use and development activities as well as appropriate form, scale and design. These matters are all important in the coastal environment and reflect community views expressed through consultation that greater definition regarding appropriateness in terms of location, form, scale and design of structures be included in the new regional policy statement. This was particularly requested for structures within the coastal marine area, which is the public domain.

Policies 13.2.1 and 13.2.2 will also be effective in addressing Issue 13A. Given the range of challenges faced in promoting the sustainable management of the coastal environment, it can be difficult to determine appropriate activities. Users have competing demands and place different values on the resources of the coastal environment, which can be compounded by the dynamic or changing nature of that environment. These challenges are acknowledged in the NZCPS. However, providing more descriptive policy, setting out the qualities and characteristics that are important in determining whether a particular subdivision, use or development activity is appropriate in the coastal environment, increases the likelihood that Issue 13A will be addressed.

### Policy 13.2.3

Policy 13.2.3 – To enable periodic reassessment of whether activities and developments are affecting the values of the coastal marine area, to encourage efficient use of a finite resource and in consideration of the dynamic nature of the coastal environment:

- (a) lapse periods for coastal permits will be no more than five years; and
- (b) the duration of coastal permits granted for activities in the coastal marine area for which limitations on durations are imposed under the Resource Management Act 1991 will generally be limited to a period not exceeding 20 years.

#### *Benefits*

The RMA allows resource consents within the coastal marine area to be granted for a maximum of 35 years. There is also a specific requirement in the RMA that when granting resource consents for marine farming activities that the duration of a coastal permit shall not be less than 20 years, unless the applicant requests a shorter duration or there is a requirement for a shorter period to manage adverse effects.

Historically, a 20 year period has been used for most coastal occupations in Marlborough. The Council considers this duration appropriate as it enables the impacts of resource use on the values of the coastal environment to be reassessed. This may include consideration of:

- growing pressures and increasing demand for coastal space;
- changing and challenging issues facing use of coastal resources;
- the dynamic nature of the coastal environment is constantly changing; and
- matters of national importance in the RMA need to be recognised and provided for on an ongoing basis.

Where the adverse effects of a proposed activity are not well understood or are uncertain, a shorter duration may also be appropriate. For example, where it is not appropriate to manage the adverse effects of an activity through consent conditions, a shorter duration consent may be necessary. For similar reasons, it is appropriate that the lapse period for resource consents to be implemented in the coastal environment will be no more than five years.

#### *Costs*

The costs of this policy are limited to those activities that occur within the coastal marine area only, not on land within the coastal environment. Resource users will need to apply for new resource consent more frequently to enable their existing activity to continue. This practice has occurred for many years and resource users are familiar with it. Given the dynamic nature of the coastal environment and the fact that over time there is potential for the values of the coastal environment to change, these costs are considered justified.

#### *Efficiency and Effectiveness*

Policy 13.2.3 is both efficient and effective in achieving Objective 13.2. By setting a time period, the policy defines appropriate limits within which activities can occur in the coastal marine area. As identified in the Benefits evaluation above, a duration of 20 years has historically been used for most activities in Marlborough's coastal environment (although this was not previously expressed through policy in the MSRMP). Some of the rules for activities in the Coastal Marine Zone contain limits (imposed as standards) or terms for controlled and discretionary activities. However, including the rationale behind shorter durations in policy is considered more efficient and effective.

### **Policies 13.2.4 to 13.2.6**

Policy 13.2.4 – Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structures and activities, open space, tranquillity and peacefulness.

Policy 13.2.5 – Amenity values of the coastal environment can be maintained and enhanced by:

- (a) recognising the contribution that open space and natural character make to amenity values and providing appropriate protection to areas of open space;
- (b) maintaining and enhancing coastal and freshwater quality where necessary;



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- (c) maintaining or enhancing areas with indigenous biodiversity value;
- (d) maintaining or enhancing sites or areas of particular value for outdoor recreation;
- (e) making use of suitable development setbacks to avoid a sense of encroachment or domination of built form, particularly in areas of public open space and along the coastal edge;
- (f) avoiding forms and location of development that effectively privatise the coastal edge and discourage or prevent access to and use of the coast;
- (g) recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management;
- (h) establishing standards for activities within the coastal environment;
- (i) clustering together of structures and activities;
- (j) avoiding the establishment of activities resulting in high traffic generation;
- (k) ensuring the operation and speed of boats does not detract from people's enjoyment of the coastal marine area or cause navigational safety issues;
- (l) requiring the removal of derelict or redundant structures within the coastal marine area; or
- (m) encouraging appropriate design of new structures and other development in form, colour and positioning that complement, rather than detract from, the visual quality of the location.

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

- (a) individual and communities values about the area subject to application;
- (b) the amenity related attributes of the area; and
- (c) in regard to the changing nature of the coastal environment, the extent to which amenity values would be so affected by the proposed subdivision, use or development that those values could no longer be maintained or enhanced.

***Benefits***

Section 7(c) of the RMA requires that in managing the use, development and protection of natural and physical resources, particular regard shall be had to the maintenance and enhancement of amenity values. The RMA defines amenity values as “*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*” It is therefore important to identify the attributes that contribute to coastal amenity values. Not all of the attributes identified in Policy 13.2.4 will be relevant in all locations; amenity values will vary for different locations within Marlborough's coastal environment. (For this reason, the word ‘may’ is used within the policy.)

The quality and characteristics of the environment within which people live, work and play is a fundamental part of our quality of life. In this context, the amenity of the coastal environment contributes to the way in which people and communities provide for their social, economic and cultural wellbeing. For community wellbeing to be sustained, it is important to maintain the attributes that contribute to amenity values in any particular area. Policy 13.2.5 will help to protect people and communities' sense of place, appreciation and enjoyment of the coastal environment. These values will be considered in the assessment of resource consents and the establishment of permitted activity rules and standards. Policy 13.2.6 determines the extent to which coastal amenity values will be adversely affected by any proposed subdivision, use or development.

***Costs***

The costs associated with implementing these policies are considered to be negligible. The characteristics and qualities that contribute to amenity values have in part been used as the basis for permitted activity standards in the MEP. The current MSRMP and WARMP also contain permitted activities standards related to amenity values (for example, noise), so this approach is not new. However, the policy now defines the matters that contribute to coastal amenity values, which will help resource users and decision makers.

The costs associated with a determination of whether amenity values are affected by a proposed activity in any resource consent application (or plan change) will have already been required by the RMA through consideration of Section 7 matters. Any costs associated with these policies are therefore considered to be minimal.

#### *Efficiency*

These policies are efficient as they will likely achieve Objective 13.2 at the lowest total cost to the community. The costs of establishing permitted activity standards are borne by all ratepayers, while a more detailed assessment of coastal amenity values is required of resource users through resource consent or plan changes. In either case, coastal amenity values are maintained and enhanced.

#### *Effectiveness*

The policies will also be effective in achieving Objective 13.2. An important aspect of determining appropriate locations, forms and limits involves an assessment of amenity values. This is essential in the context of the coastal environment, where significant public use is made of this resource by both residents and visitors. The range of matters described in the policies was strongly directed by feedback through the review process. Many respondents remarked upon the attributes that contributed to their appreciation of the qualities and characteristics of the coastal environment, particularly within the Marlborough Sounds. The policies are therefore also considered to be effective in addressing Issue 13A in relation to protecting the values of the coastal environment.

## **Methods of implementation**

The methods of implementation in the MEP do not differ significantly from those of the current MRPS, MSRMP and WARMP.

The use of specific coastal based zones to provide a management framework for Marlborough's coastal environment includes the following:

- Coastal Living Zone – formerly the Sounds Residential Zone of the MSRMP and the Township Residential and Rural Residential Zones of the WARMP in the Rarangi area;
- Coastal Marine Zone – the coastal marine area, including the Coastal Marine Zones 1, 2 and 3 of the MSRMP and the Coastal Marine Zone of the WARMP;
- Port Zone and Marina Zone – remain as in the MSRMP, although there have been some modifications to the boundaries of the zones;
- Port Landing Area Zone – a new zone that applies to two smaller port areas in the Marlborough Sounds at Elaine Bay, Pelorus Sound and Oyster Bay, Port Underwood;
- Lake Grassmere Zone – remains as in the WARMP;
- Coastal Environment Zone – land previously zoned Rural 1 and, in some limited areas, Rural 2 of the MSRMP;
- Open Space zones – the Local and District Recreation and Conservation Zones of the MSRMP and WARMP; and
- Floodway Zone – a new zone located alongside rivers in some locations.

A Rural Environment Zone will apply for land not otherwise zoned as Coastal Living within the coastal environment of the south Marlborough coast.

A range of values have been mapped in the MEP to assist in identifying areas with significance for landscape, natural character, marine biodiversity value (including coastal wetlands) and historic heritage within Marlborough's coastal environment. While some of these values were mapped previously in the MSRMP and WARMP, the areas of natural character significance were not. Appendices 1 and 2 of Volumes 3 of the MEP describe respectively the values of areas mapped with landscape significance and natural character. Identifying the values that make mapped areas significant will help resource users determine whether these values will be adversely affected by the proposed activity. The NZCPS requires identification of areas with landscape and natural character significance by mapping or similar means.

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While the Council has undertaken various assessments and studies to inform the areas mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. For certain values, such as significant marine biodiversity, the available information is incomplete. However, where information becomes available subsequent to the MEP being notified, this can be reflected through plan changes under the First Schedule process of the RMA.

A range of regional and district rules enable the use of the various coastal management zones as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards to give effect to the matters identified in Policies 13.2.4 and 13.2.5. Rules will also require coastal permits for activities in the Coastal Marine, Port, Port Landing Area and Marina Zones, where activities require a greater level of control. These rules are described further under the subsequent sections of Chapter 13. Additionally, other chapters of the MEP also contain regional rules for some activities that may affect the coastal environment; for example, discharges to air, land and water. Descriptions of these regional rules are set out in other chapters. While the content of the rules may differ, the actual rules method is already used in the MSRMP and WARMP.

A new method has been included to identify the Harbourmaster and Maritime New Zealand as affected parties in respect of any resource consent application for a coastal permit. This will enable an assessment of any potential impacts on the safe navigation of boats. While this is already in practice, the Council has opted to include it as method of achieving the objectives in the MEP. Other legislation is also currently used by the Council to assist in achieving the sustainable management of the coastal environment. Accordingly, the same method has been carried across to the MEP. As an example the Council has responsibilities for navigation and public safety within the harbour limits. The Council's Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules (or any successor to these). Bylaws also impose additional constraints on speed, for example the five knot harbour speed limit.

Collectively, the methods of implementation will assist in efficiently and effectively achieving Objectives 13.1 and 13.2.

### **Other options considered to achieve Objectives 13.1 and 13.2**

No other options were considered by the Council to achieve Objectives 13.1 and 13.2. These objectives are new to the MEP and have been identified as regional policy statement objectives – high level goals to achieve the integrated management of natural and physical resources across Marlborough's coastal environment. This level of direction is not as evident in the provisions of the MRPS, MSRMP and WARMP. In addition, the more recent direction of the NZCPS 2010 required a more detailed response to dealing overall with the challenges in promoting the sustainable management of the coastal environment.

There is an expectation held by many that the natural and physical resources of Marlborough's coastal environment are available for use and/or development to provide for the social, economic and cultural wellbeing of the community. However, it is important that subdivision, use and development activities are appropriately located and carried out within prescribed limits to protect the values of the coastal environment. The role of the policies and methods for Objectives 13.1 and 13.2 is to ensure that in addition to the more detailed provisions for activities covered by Chapter 13 and to the remainder of the MEP, these matters are considered in all applications for resource consent or plan change. Collectively, these policies help to define:

where subdivision, use or development may be appropriate;

the form that any subdivision, use or development should take;

whether limits should be applied; and

where activities should be avoided.

## Evaluation for Issue 13B

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*Issue 13B – Providing for social wellbeing by ensuring people and communities can carry out recreational activities.*

### Appropriateness of Objective 13.3

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

#### *Relevance*

Given the extent of Marlborough’s coastline and the fact that the coast is readily accessible for many people, outdoor recreation both on land and in the sea is one of the most important activities that take place within this environment. The diversity of recreational opportunities available help make the environment popular with local residents and tourists and contributes significantly to Marlborough’s tourism industry. Additionally and importantly, recreation contributes to the health and wellbeing of local communities.

Objective 13.3 is directed at addressing the resource management issue identified in Issue 13B and is focussed on achieving the purpose of the RMA, particularly in relation to enabling people to provide for their social, economic and cultural wellbeing. This objective also assists in addressing the resource management issue in 4C in which it is identified that Marlborough’s social and economic wellbeing relies on the use of its natural resources, including for recreation and tourism. The provisions of Sections 6 and 7 of the RMA are also relevant. In Section 6(d), recognising and providing for the maintenance and enhancement of public access to and along the coastal marine area is important. The objective also assists in giving effect to Section 7 matters, including 7(c) (*the maintenance and enhancement of amenity values*) and 7(f) (*maintenance and enhancement of the quality of the environment*).

The objective assists the Council in carrying out its statutory functions under Section 30 and 31 of the RMA and is within the scope of the provisions of the NZCPS. In its preamble the NZCPS highlights that one of the challenges in promoting the sustainable management of the coastal environment is that the recreational attributes of the coast, its attraction as a place to live and visit and the increasingly affluent and mobile society place growing pressure on coastal space and other resources. Objective 5 of the NZCPS seeks to ensure that, among other things, the public open space qualities and recreational opportunities of the coastal environment are maintained and enhanced. This objective is further supported by Policy 18, which seeks recognition of “*the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation...*” Objective 13.3 of the MEP is therefore considered very relevant in giving effect to the provisions of the NZCPS.

#### *Feasibility*

The MSRMP and WARMP contain no objective comparable to Objective 13.3, although there are provisions within the MRPS that highlight the significance of recreation in Marlborough’s coastal environment. The Council has considerable experience in managing recreation activities under the MSRMP, albeit within a more general objective and policy framework than that proposed through the MEP. Due to this experience, the Council considers this objective to be feasible.

Sections 30 and 31 of the RMA set out a range of statutory functions that enable the Council to establish management frameworks in accordance with this objective. The objective is therefore feasible in terms of the Council’s powers under the RMA.

#### *Acceptability*

Through consultation undertaken for the review, feedback identified the importance of tourism and recreation in the Marlborough Sounds to community wellbeing. The opportunity to use the Sounds for recreation was highly valued, although there was concern regarding the ability of some in the community to be able to afford to do so in the future. Generally, there was a desire for greater recognition of the importance of the Marlborough Sounds as a recreational environment, including for social and economic wellbeing.

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Feedback suggested that recreation is a regionally significant issue in its own right and highlighted that the diverse nature of recreational pursuits creates the potential for conflict and cumulative effects. It was suggested that explicit policy be included in the regional policy statement to emphasise and promote sustainable activities that do not adversely affect amenity values or the physical character of the area.

Given the existing approach of Policy 9.2.1.1.6 in the MSRMP, this objective will not result in any new or unjustifiably high costs to the community.

## **Assessment of provisions to achieve Objective 13.3**

### ***Policies 13.3.1 and 13.3.2***

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|---|
| Policy 13.3.1 – A permissive approach to recreational activities will be adopted, except where these:   |
| (a) require associated structures and occupy the coastal marine area;   |
| (b) cause adverse environmental effects, including those resulting from discharges of contaminants, excessive noise and damage to significant indigenous vegetation and significant habitats of indigenous fauna; |
| (c) do not maintain or enhance public access to and along the coastal marine area;  |
| (d) endanger public health and safety;  |
| (e) compromise authorised uses and developments of the coastal marine area; or  |
| (f) adversely affect the amenity values of the area.  |
| Policy 13.3.2 – Maintain and enhance opportunities for recreational use of the coastal marine area.   |

### ***Benefits***

Marlborough's coastal environment is valued not only for its natural qualities but its capacity to provide for a wide range of recreational activities including swimming, fishing, diving, boating, kayaking, picnicking and walking. The District's coastal environment, especially the Marlborough Sounds, is a centre of recreational activity for both local residents and visitors. This includes the use of many holiday homes located within the Marlborough Sounds from which recreational activity occurs. Consequently, the coastal environment (which includes the coastal marine area) plays an essential role in the social wellbeing of New Zealand in general and the Marlborough community in particular. This in turn has economic benefits for Marlborough, as many of these recreational activities rely on local businesses for the provision of services and goods. An enabling approach has therefore been taken to provide for recreational activities in the coastal environment, unless they require associated structures, occupy the coastal marine area in terms of Section 12 of the RMA or cause adverse effects such as those identified in Policy 13.3.1(b) to (f).

Recreational use of the coast is likely to increase and become more diverse in the future. Linked with national direction to recognise and provide for public access to and along the coastal marine area as a matter of national importance, the Council considers there is also a need to maintain and enhance opportunities for recreational use of the coastal environment. For this reason, Policy 13.3.2 has been included in the MEP.

### ***Costs***

As they describe an enabling approach, there are negligible costs associated with these policies. There may be some costs associated with meeting permitted activity standards, but these would be minor.

### ***Efficiency***

Relative to the cost of implementation, the policies will be efficient in achieving Objective 13.3. Given the significant use that is made of Marlborough's coastal environment for recreational activities this approach will achieve the greatest net benefit to the community.

### ***Effectiveness***

These policies will significantly assist in achieving Objective 13.3 and addressing Issue 13B. Taking a permissive approach to provide for recreational activities in the coastal environment is likely to contribute to people's health and wellbeing. This approach also acknowledges that much of the value

placed on the coastal marine area is derived from the fact that it is the largest area of public open space in Marlborough and that the public have a long-held expectation of a right to use and enjoy this area for a variety of purposes.

The policies also acknowledge that in certain circumstances recreational activities can cause adverse effects on the environment and that by identifying these effects, Objective 13.3 is more likely to be achieved.

### **Policy 13.3.3**

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

#### *Benefits*

While recreational activity is generally to be encouraged, the use of recreational vessels and vehicles can, by virtue of their speed, noise or associated discharges, become a public nuisance and inappropriate use may pose a risk to both public health and safety and the environment. For recreational vehicles onshore, it may be necessary to prevent their use in some locations, particularly to minimise risks to public health and safety, physical damage to the foreshore area, damage to intertidal areas, direct damage to indigenous flora and/or harm or disturbance of wildlife.

Policy 13.3.3 is similar to Policy 13.13.3, in which the use of motorised vehicles is to be discouraged where they will impact on a range of values in the coastal environment. Policy 13.13.3 has been included in the context of disturbance of foreshore and seabed policies and the use of vehicles on the foreshore. However, the outcomes sought are the same as for 13.3.3, which focusses on vessels in the coastal marine area as well as the use of recreational vehicles.

#### *Costs*

The costs of this policy are considered negligible. The Council will liaise with the Department of Conservation to identify areas along Marlborough's coastline where the use of vehicles on the foreshore and seabed is not appropriate. There will be a ratepayer cost in undertaking this assessment. If areas where motorised vehicles are to be prevented are identified, then there will be lost opportunity for individuals wishing to undertake such an activity. However, where the values described in Policy 13.3.3 must be protected, these costs are justified. Bylaws are already in place for vessels using the coastal marine area to limit their speed to ensure the health and safety of recreational users.

#### *Efficiency and Effectiveness*

Until an assessment is undertaken to identify areas along Marlborough's coastline where the use of vehicles on the foreshore may not be appropriate, it is difficult to determine the efficiency and effectiveness of the policy. If the Council identifies areas where vehicle access should be prevented, it will have to determine the most appropriate method to exclude access; this may be through rules in the MEP or other mechanisms, such as local bylaws.

The use of harbour bylaws to manage the speed and behaviour of recreational craft has proven to be effective and efficient under the MSRMP and the Council anticipates that the same outcome would be achieved under this policy.

### **Policy 13.3.4**

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

#### *Benefits*

Policy 13.3.4 recognises that the recreational use of Queen Charlotte Sound and Tory Channel is significant and must have a priority over commercial interests that require occupation of the coastal marine area. A large number of holiday homes in these areas are used as a base for recreation, with good access points in Picton and Waikawa (including through launching ramps and marinas). Historically, activities such as marine farming have been prevented from occurring in these areas because of the extent of recreational activities. By establishing a priority, the policy will mean that

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commercial activities will not adversely affect recreational uses in Queen Charlotte Sound and Tory Channel.

The exclusion of Port and Marina Zones in Queen Charlotte Sound acknowledges the establishment of these zones for port and marina activities within which recreational activities may not be appropriate.

### *Costs*

As this policy is a continuation of an existing approach in the MSRMP, no new costs are expected to arise. This approach has been used for some time (especially in relation to marine farming being largely prohibited from Queen Charlotte Sound and Tory Channel).

### *Efficiency and Effectiveness*

Policy 13.3.4 is both efficient and effective in achieving Objective 13.3. The policy recognises a particular area of Marlborough's coastal environment that has long been significant for recreational activity and seeks to ensure that this continues. This will assist in addressing Issue 13B in relation to the significant amenity values placed on the coastal environment for recreational use and ensure that these values will be safeguarded for future generations.

## **Methods of implementation**

The methods of implementation included in the MEP for recreational activity are regional and district rules and the use of other legislation. A range of regional and district rules will enable recreational activities as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards. In some cases, a prohibited activity rule may apply to protect recreational use.

As a harbour authority, the Council also has responsibilities for navigation and public safety within the harbour limits. The Council's Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules (or any successor to these). Bylaws also impose additional constraints on speed, for example the five knot harbour speed limit.

Both of these methods are currently used in the MSRMP and WARMP.

## **Other options considered to achieve Objective 13.3**

The proposed provisions for recreational activities are essentially the same as those of the current MRPS, MSRMP and WARMP. Through the review no significant change in approach has been considered necessary and therefore no other reasonably practicable options were identified to achieve Objective 13.9.

## **Evaluation for Issue 13C**

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

### **Appropriateness of Objective 13.4**

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

#### *Relevance*

The waters of the Marlborough Sounds are important for fisheries for a number of reasons, including:

- as an ongoing source of traditional food for Marlborough's tangata whenua iwi;
- providing a livelihood for commercial fishers;
- being a significant factor in many recreational and tourism activities; and

- contributing to a range of species present in the Sounds and therefore the health of marine ecosystems.

Ensuring there is a sustainable fishery within the Marlborough Sounds is therefore an important outcome for the MEP. However, as under the provisions of the Fisheries Act 1996 the Ministry for Primary Industries has the primary role in managing, conserving and enhancing fisheries, there are significant restrictions on the Council's ability to control outcomes for fisheries management. In addition there are proposals currently underway by central government to consider making the Marlborough Sounds a recreational fishing park, which may ultimately inform the outcomes of the provisions of this part of the MEP.

Although managing fisheries is not a direct function of the Council, under the RMA the Council is responsible for protecting habitats of indigenous fauna and maintaining indigenous biological diversity. The Council can therefore indirectly help to maintain and enhance wild fisheries in the Marlborough Sounds by managing any adverse effects on marine habitats caused by activities over which it does have direct control. Policies within Chapter 15 - Resource Quality (Water, Air, Soil) and Chapter 8 - Indigenous Biodiversity are particularly relevant in this regard. Objective 13.4 is therefore relevant in achieving the purpose of the RMA, is within the scope of higher level documents such as the NZCPS in relation to indigenous biodiversity and assists the Council in carrying out its functions under Section 31 of the RMA.

#### *Feasibility*

It is difficult to determine the feasibility of the objective as the outcome relies heavily on central government, who through the Minister of Fisheries is responsible for managing fisheries. The Council has no powers under the RMA or any other legislation to achieve this outcome and to a significant degree central government initiatives must be relied upon to help achieve the objective.

#### *Acceptability*

The objective is consistent with the outcomes sought by respondents who provided feedback through the review process, particularly in relation to recreational fishing. Reflecting the importance of recreational fishing to those who live in and visit the Marlborough Sounds, many respondents suggested that the regional policy statement should recognise the economic and social value of maintaining the recreational fishery for long-term communal benefit. Almost all respondents were comfortable for this to be at the expense of, if necessary, commercial fishing.

In acknowledging the need for greater restrictions on recreational fishing in the Marlborough Sounds, several respondents highlighted practical issues in implementing these restrictions. Very few respondents were aware the Council has a limited ability to implement many of the suggested initiatives, but those who did understand this still felt that the Council should take a proactive lead on these issues, especially through supporting community initiatives.

If commercial fishing was to be excluded from the Marlborough Sounds in order to achieve a sustainable fishery in this area, there are likely to be subsequent costs for parts of the community. If central government's proposals for a recreational fishing park eventuate for the Marlborough Sounds, consideration may be given to compensation for quota holders, similar to when the establishment of a marine farm impacts the rights of quota holders.

## **Assessment of provisions to achieve Objective 13.4**

### ***Policies 13.4.1 and 13.4.2***

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| Policy 13.4.1 – Support and advocate for intensive management of recreational and commercial fishing within the enclosed waters of the Marlborough Sounds. |
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|--|
| Policy 13.4.2 – Support community groups working towards a sustainable fishery for the Marlborough Sounds. |
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#### *Benefits*

The Marlborough Sounds are currently part of the Challenger Fisheries Management Area, which extends north from the Clarence River, through Cook Strait and the Marlborough Sounds, west to Farewell Spit and down the west coast of the South Island. This area contains both open coastal water, near shore areas and the enclosed waters of the Sounds. Although restrictions apply to



different parts of this extensive area (including to areas within the Marlborough Sounds), the Council believes that an intensive management regime must be applied specifically to the Marlborough Sounds, rather than allowing the area to be part of a larger, more general management area. This recognises the continued and increasing pressure on fisheries, especially from recreational fishing. The two policies reflect a support and advocacy approach in recognition of the limited role the Council can take in fisheries management.

#### *Costs*

The costs of these policies are negligible as in terms of the Council's management, they are not regulatory in approach. Some staff costs will be associated with the Council undertaking an advocacy and support role.

#### *Efficiency and Effectiveness*

The advocacy and support approach has previously been included in the MRPS (Method 5.3.12). However, the policies themselves will not directly achieve the objective or address the issue as the Council has limited ability to control outcomes for fisheries management. Through legislative change or changes in fishery regulations, only central government can achieve Objective 13.4. The policies cannot therefore be said to be efficient or effective in achieving the objective.

### **Methods of implementation**

There is no change from the MRPS to the support and advocacy approach in relation to the consideration of commercial and recreational fishing in the Marlborough Sounds. The additional method that has been included relates to supporting community groups in their efforts to achieve a sustainable fishery in the Marlborough Sounds. This method has been included as often community groups provide the initial impetus for issue resolution and the Council considers it important to support these groups where possible.

### **Other options considered to achieve Objective 13.4**

Given the Council's limited ability to manage fisheries, no other options were considered by the Council to achieve Objective 13.4. Therefore the status quo of support and advocacy as set out in the MRPS has been continued.

## **Evaluation for Issue 13D**

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

### **Appropriateness of Objective 13.5**

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

#### *Relevance*

As demand increases for people to live or holiday in Marlborough's coastal environment, it is important that these activities occur within appropriate locations and limits to ensure that the qualities and values of the coastal environment are maintained and/or enhanced. Objective 13.5 reflects this aim and supports Objective 6 of the NZCPS, an enabling objective for people and communities to provide for their wellbeing and health and safety through subdivision, use and development. Objective 6 requires (among other things) that protecting the values of the coastal environment should not preclude its use and development in appropriate places and forms within appropriate limits.

The Council believes that providing people with choices enhances the social and cultural wellbeing of the community. However, if the demand for residential activity occurs in inappropriate locations, there is the potential for significant adverse effects. This can include effects on other residents, reverse sensitivity effects on primary production activities occurring on adjoining or nearby properties and adverse effects on the natural resources of the coastal environment. It is therefore important that residential activity is planned and appropriately managed to avoid or sufficiently mitigate these adverse effects.

Although reasons of lifestyle have driven a significant portion of the demand for residential living in the coastal environment, residential activity remains associated with primary production activities. Living on rural properties is still the custom in pastoral and other agricultural settings and providing for residential activity remains an important means of supporting primary production in the coastal environment. The objective is therefore relevant in addressing Issue 13D in response to pressures for residential activity in coastal environments.

The objective focusses on achieving the purpose of the RMA and assists in giving effect to a number of the objectives and policies of the NZCPS.

*Feasibility*

The Council can use its powers and functions over the effects of land use to provide for appropriate locations for residential activity in coastal environments and can set limits on subsequent residential development and use. The Council has previously provided for residential activity in Marlborough’s coastal environments through the provisions of the WARMP and MSRMP, including through rules on residential activity in the coastal environment and the use of specific zoning. The administration of those provisions has directly informed the review process and both methods are considered appropriate to continue on an ongoing basis.

*Acceptability*

As noted above, there has been ongoing demand for residential activity within the coastal environment (as reflected in feedback received during consultation and the number of building consents issued since the notification of the WARMP and MSRMP). It is therefore considered acceptable to continue to provide for this. However, it is essential that residential activity is provided in appropriate locations to minimise the potential for adverse effects, particularly on the natural and human use values of the coastal environment. The emphasis within Objective 13.5 on appropriate locations should ensure that residential activity does not result in unreasonable costs to the wider community.

**Assessment of provisions to achieve Objective 13.5**

**Policies 13.5.1 to 13.5.3**

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| Policy 13.5.1 – Identify areas where residential activity can take place.  |
| Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:<br><br>(a) protect recreational and coastal amenity values;<br>(b) avoid sprawling or sporadic patterns of residential development; and<br>(c) protect landscape, natural character and indigenous biodiversity values. |
| Policy 13.5.3 – Recognise there is an existing stock of land within the coastal environment that could be developed for residential activity to meet the needs of the community.   |

*Benefits*

It is important to limit the locations within which residential activity can take place in Marlborough’s coastal environment. If unrestricted development were allowed, the very values that make the coastal environment special would be threatened, particularly within the Marlborough Sounds. These policies identify appropriate locations for residential activity, as provided through the resource of the Coastal Living Zone in conjunction with the enabling provision of Policy 13.5.5. This approach helps give effect to the policies of the NZCPS and helps to achieve the overriding objective for the Marlborough Sounds in Chapter 4 - Use of Natural and Physical Resources, in which the “visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds” is maintained and enhanced. The Coastal Living Zone recognises the need and demand that exists for residential activity to take place in Marlborough’s coastal environment and applies to areas where development already occurs while maintaining a high level of amenity associated with the coast.

Policy 13.5.2 directs that residential activity and subdivision for residential purposes ‘should’ occur within the Coastal Living Zone, though this is not absolute. This is because there may be occasions where through restoration works, enhancement of values or to offset adverse effects positive environmental outcomes can be achieved. Regard must be had to the other policies of the MEP

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(especially those regarding natural character, landscape, public access and biodiversity) to determine whether this is a relevant matter for consideration.

There are many areas within the Coastal Living Zone and the Coastal Environment Zone that could be developed for residential activity. Acknowledging that there is a stock of land available for residential use should reduce the demand for further subdivision purely for residential purposes.

### *Costs*

The costs of these policies are considered to be negligible. Policies 13.5.1 and 13.5.3 incur no costs as they simply acknowledge that areas for residential activity will be identified and that there is an existing stock of land available for residential use.

Depending on individual aspirations and as Policy 13.5.2 directs that residential development should occur at particular locations, there may be a cost to some in the community. Given the way in which zoned land has been developed under the MSRMP and WARMP, the variety of locations provided through the specific zonings and the effect of Policy 13.5.4 (see below), the Council is satisfied that such costs will not be significant.

### *Efficiency*

The policy will achieve Objective 13.5 efficiently as it provides for residential living within the coastal environment. The consolidation of the subsequent residential development in specific areas reduces the potential for other costs.

### *Effectiveness*

The policies will be effective in achieving Objective 13.5 as many of the areas identified as appropriate through the review are already zoned for residential purposes and/or residential activity is already prevalent. The Sounds Residential Zone of the MSRMP has been particularly effective in providing for the demand of those who wish to live in the coastal environment of the Marlborough Sounds. The use of zoning for residential purposes has resulted in the outcomes identified in (a) to (c) of Policy 13.5.2. In the WARMP area the Rural Residential Zone and Township Residential Zone has been similarly effective in providing for people's demand to live in the coastal environment at Rarangi. For these reasons, the Council considers that it is appropriate to continue to provide specifically identified areas for residential activity in the coastal environment.

The direction provided through Policy 13.5.2 ensures that the suitability of the environment for residential development has been predetermined by way of zoning; in other words, any residential subdivision and development in the coastal environment is planned and anticipated. This policy will also discourage proposals for residential activity in locations that would result in adverse effects in terms of the matters identified in (a) to (c) of the policy.

### **Policy 13.5.4**

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| Policy 13.5.4 – Avoid expansion of residential activity in Rarangi beyond those areas already zoned for this purpose, due to uncertainty over tsunami risk, the fragile local ecology and insufficient infrastructure to support expansion. |
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### *Benefits*

In considering areas for urban expansion, the Council assessed the potential for Rarangi to accommodate further growth. The outcome of the assessment revealed uncertainty regarding the level of hazard posed by tsunamis and the area's ability to secure a water supply that meets drinking water standards and identified that the fragile ecological system of Rarangi's wetland would be vulnerable to further development. The Council therefore chose not to provide for any expansion of the current zoning for residential activity in this area. The policy reflects the assessment outcome and provides strong direction that expansion of residential activity in this area is to be avoided.

### *Costs*

The costs of avoiding expansion of residential activity in areas aside from those already zoned is likely to be limited to the aspirations of a developer not being met, so the extent of costs are unknown. However, given the social and environmental benefits that arise through protecting wetland systems, reducing the population potentially vulnerable to tsunami and difficulties in securing potable drinking water, the costs of the policy are considered justified.

### *Efficiency and Effectiveness*

Policy 13.5.4 will be efficient and effective in achieving Objective 13.5 as it clearly identifies a part of the District within which further residential activity should not occur outside areas already zoned for this purpose. This indicates to prospective developers that such significant hurdles are in place at Rarangi that further residential activity is to be avoided. This policy also assists in addressing Issue 13D, as while there is pressure for residential development in the coastal environment it must take place within appropriate areas.

### **Policy 13.5.5**

Policy 13.5.5 – Except in the case of land developed for papakāinga, residential activity on land zoned Coastal Environment will be provided for by enabling:

- (a) one dwelling per Computer Register;
- (b) seasonal worker accommodation; and
- (c) homestays.

### *Benefits*

For property within the coastal environment but outside of the Coastal Living Zone, it is appropriate that the MEP provides for residential activity. In cases where ongoing primary production activities occur it is appropriate that provision is made for any associated residential activity. There may also be smaller allotments where primary production activities do not occur but where historically there has been a right, subject to standards, for a landowner to erect a dwelling. The MEP continues with this approach, as it provides in part a resource for residential activity development without the need for further subdivision or rezoning of land.

Enabling homestays within the primary dwelling provides flexibility to accommodate people in coastal areas without increasing the potential for adverse effects on the surrounding environment. The policy also recognises that in remote locations there is a need to accommodate farm workers. Such workers cannot practically be accommodated in urban environments due to the distance of travel.

The policy exempts papakāinga (which involves a more communal style of living), ensuring that such development is not constrained. This will enable papakāinga to be established on Māori land in the coastal environment to enhance the quality of life for whānau and iwi in a manner that is consistent with their cultural values and customs. There are some significant holdings of Māori land in the Marlborough Sounds. Policy provisions for papakāinga are included in Chapter 3 - Marlborough's tangata whenua iwi (Volume 1 of the MEP) and have been evaluated separately.

### *Costs*

This policy limits the opportunity for multiple residential dwellings to be established on the same property as a permitted activity. Resource consent can still be sought to authorise a second residential dwelling, but the appropriateness of the dwelling will depend on the circumstances. There are costs associated with resource consent applications, but these costs already exist within the current resource management plans.

The costs of enabling seasonal worker accommodation in remote areas and homestays in any part of the coastal environment are minimal. In the case of worker accommodation in remote locations, the potential for adverse effects is low due to the dispersed pattern of residential and other activities. Standards are established to manage the potential for the identified activities to adversely affect the surrounding environment.

### *Efficiency*

The policy is efficient in achieving Objective 13.5 as residential activity remains necessary on properties where primary production activities occur; in this context, rural properties are therefore an appropriate location for residential activity. The policy allows for the construction of a dwelling on a rural property where one does not already exist without the creation of significant costs.

### *Effectiveness*

This policy reflects the current provisions of the MSRMP and WARMP, which have proven to be effective in allowing people to reside on rural properties, including where primary production activities

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are undertaken. Living on rural properties in this context is therefore considered appropriate in the context of Objective 13.5 (despite the direction through Policy 13.5.2).

**Policies 13.5.6 to 13.5.8**

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

- (a) strong connection to the foreshore and coastal water;
- (b) peaceful environments with relatively quiet background noise levels;
- (c) predominance of residential activity by enabling one dwelling per Computer Register;
- (d) privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;
- (e) ample sunlight to buildings;
- (f) minimal advertising signs;
- (g) views to the surrounding environment, including to the sea;
- (h) low building height; and
- (i) limited infrastructure and services and low volumes of road traffic.

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

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

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

**Benefits**

Having identified appropriate locations for residential activity to occur in the rural environment (i.e. within Coastal Living Zones), it is important that the amenity of these zones is maintained at a standard suitable for the residential activity occurring within it. The characteristics identified in (a) to (i) of Policy 13.5.6 are important in achieving this outcome. The benefit of Policy 13.5.6 is that it allows standards to be set relative to each of those characteristics, increasing the likelihood that those amenity outcomes will be achieved.

Policy 13.5.7 is used to determine whether residential activity requiring resource consent is appropriate in the Coastal Living Zone. Identifying the matters listed in (a) to (f) will assist in that determination. The policy also recognises that residential activity will generate human effluent and consequently ensures the potential adverse effects of the discharge of waste to land can be treated and contained within the site.

**Costs**

As a result of having to modify residential development to comply with the standards that result from Policy 13.5.6, minor costs may be incurred by those undertaking residential activity in the Coastal Living Zone. However, this is already experienced under the provisions of the MSRMP and WARMP.

**Efficiency**

The policies are considered to be efficient in achieving Objective 13.5 as they enable appropriate limits to be established for residential activity in the Coastal Living Zone. Any costs incurred as a result of the standards are considered reasonable as the policy seeks to maintain the character and amenity of areas specifically established for residential activity in the coastal environment.

### *Effectiveness*

The policies directly establish limits for residential activity in the coastal environment. These limits include all potential adverse effects of residential activity and in this way provide for integrated management of those effects. The effectiveness of the resulting standards will in part be measured by the number of complaints received and resource consent applications submitted to authorise non-compliance with the standards. The standards that currently apply to residential activity within the Sounds Residential Zone of the MSRMP and that part of the Rural Residential Zone in the coastal environment of the WARMP have proven to be effective in maintaining a character and amenity that is consistent with residential activity within the zone, while also acknowledging the environment within which the residential activity occurs.

### **Policy 13.5.9**

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

### *Benefits*

Policy 13.5.9 is particularly relevant to the Marlborough Sounds, where the road network is limited as a result of topography and the difficulties in establishing roads in the steep terrain. For this reason, many property owners (both commercial and private) rely upon boats to gain access to their properties. This has resulted in a demand for coastal structures such as jetties, moorings and boatsheds, the appropriateness of which must be assessed. This should occur at the same time as the subdivision or development is assessed by the Council to enable the effects of the entire proposal to be considered at once, including any related need for tracking between the coastal structure and the dwelling. The relevant provisions for assessing structures such as jetties or moorings are found in Chapter 13 and these provisions have been evaluated in a separate Section 32 evaluation report.

### *Costs*

There are existing costs associated with applying for a subdivision, or in the case of development where rules dictate that resource consent is required. Although the MSRMP contains no specific policy regarding the need to consider access in the circumstances described in Policy 13.5.9, in recent years the Council has encouraged applicants to consider access options at the time of application. This practice is now reflected in policy. Although there is a cost associated with an assessment needing to be undertaken prior to lodging an application, the Council considers these costs are justified. There may be opportunities to share costs, for example by the provision for joint use of structures, rather than every new allotment having their own jetty.

### *Efficiency and Effectiveness*

The policy will be efficient and effective in achieving Objective 13.5. The demand for subdivision and subsequent residential activity in the coastal environment will often create a requirement for enhanced access, especially where there is no road access. For this reason every impact of subdivision or development, including the need for access, should be considered at the same time. This approach reflects the MEP's integrated management approach to managing resources of the coastal environment and is consistent with Policy 4 of the NZCPS.

## **Methods of implementation**

The MEP's methods of implementation for residential activity consist of zoning and rules. These two methods are also included within the MSRMP and while no specific coastal living zone was included in the WARMP, development of residential activity in areas near the coast has occurred through the use of the Township Residential Zone and a Rural Residential Zone. Rules are included in the WARMP to guide activities within these zones.

## **Other options considered to achieve Objective 13.5**

The only other option considered by the Council to achieve Objective 13.5 was the status quo in terms of the existing provisions of the MRSP, MSRMP and WARMP.

Objective 7.1.2 of the MRPS seeks *“To maintain and enhance the quality of life of the people of Marlborough while ensuring that activities do not adversely affect the environment.”* Subsequent Policy 7.1.7 is specific to the consideration of amenity values in achieving this objective and directs the Council to *“Promote the enhancement of the amenity values provided by the unique character of Marlborough settlements and locations.”* The aim of this policy was that in order to enhance amenity values, the attributes that contribute towards them must be defined. It was intended that this would occur through the provisions of the MSRMP and WARMP, as evidenced in Methods 7.1.8(a) and (b); however, these attributes were never defined.

Objective 7.1.9 of the MRPS is also relevant as it seeks to enable present and future generations to provide for their wellbeing by *“allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.”* Policy 7.1.10, which states in part that appropriate type, scale and location of activities will be enabled by clustering activities with similar effects and ensuring activities reflect the character and facilities available in the communities in which they are located, is very similar to what has been proposed through the MEP. This was to be achieved through rules and guidelines in the MSRMP and WARMP. However, similar to the intent for Policy 7.1.7 the MSRMP and WARMP did not include guidance.

The provisions of the WARMP for living in coastal environments are minimal. While in part this reflects the scarcity of residential activity in this area (aside from that occurring at Rarangi), one policy (Policy 12.5.2.18) is provided to guide residential activity in rurally zoned land in the coastal environment. However, this policy does not describe the characteristics or qualities of the coastal environment and requires general consideration of amenity values, natural hazards, natural character and whether activities are sprawling or sporadic. A similarly worded policy for residential activity in the coastal environment is included in the Urban Environments chapter of the MEP.

The MSRMP contains more policy relevant to the Sounds Residential Zone (now to be called Coastal Living), although the provisions are still very general in nature. There is one objective and three policies specific to the Sounds Residential Zone. The policies include reference to avoiding or mitigating effects on natural character, amenity values, natural environment and areas of significance to tangata whenua. For rurally zoned land within the coastal environment, no guiding policy is provided for residential activity. Within the provisions for subdivision and development in Chapter 23, only one policy refers to the coastal environment and that is in reference to natural character.

Overall the status quo does not provide the guidance considered necessary to assist in managing residential activity in Marlborough’s coastal environment and therefore the provisions in the MEP have been preferred.

## **Evaluation for Issues 13H and 13I**

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

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

## **Appropriateness of Objectives 13.14 to 13.16**

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

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

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

#### *Relevance*

Over time the use of Marlborough's coastal marine area has developed for a wide range of transport-related activities. The link between the North and South Islands is especially important, with large numbers of passengers and significant volumes of freight transported daily between Picton and Wellington. Other significant users of the Sounds' waterways include international trading ships, cruise ships, vessels transporting primary produce from around the Sounds, smaller commercial vessels and vessels for commercial or customary fishing and charter purposes. Hundreds of private vessels, yachts, kayaks and other recreational craft also use the Sounds regularly. All of these types of surface water activities have contributed significantly to the social and economic wellbeing of Marlborough.

Activities within the coastal marine area, including surface water activities and the placement of structures, have the potential to affect the efficiency and safe use of the coastal marine area for water transportation. Safety is mainly covered by other legislation (the Local Government Act 2002, the Building Act 1991 and the Maritime Transport Act 1994). However, Section 5 of the RMA is also concerned with safety and navigation issues through "*enabling people to provide for... their health and safety.*" Objective 13.15, seeking efficiency and safety outcomes for water transportation is therefore appropriate, particularly as the use of water transport has been identified as contributing significantly to social, economic and cultural wellbeing in Marlborough.

Ships that can travel at high speed and/or generate significant waves have been shown to have adverse effects within the enclosed waters of Queen Charlotte Sound and Tory Channel. Objective 13.16 seeks to avoid adverse impacts on cultural values, natural character, marine ecology, recreational use, navigational safety and amenity values while allowing the continued use of the Queen Charlotte Sound and Tory Channel for water transportation purposes. This objective is therefore directed at addressing the resource management issue identified in Issue 13I. Objective 13.16 also assists the Council in carrying out its functions under Sections 30 and 31 of the RMA.

Other than Policy 9 (Ports) where it is recognised that "*a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping,*" the NZCPS contains no specific water transportation policies. Objective 6 of the NZCPS is relevant in a more general manner, as it seeks in part recognition that "*some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities.*"

#### *Feasibility*

Given that the aim of these objectives remains the same in approach as the current resource management documents (and subsequently has been administered by the Council for over ten years), the Council considers that the objectives are feasible and achievable with an acceptable level of uncertainty and risk. Objectives 13.14 to 13.16 can be achieved within the Council's powers, skills and resources.

#### *Acceptability*

Very little feedback was provided to the Council on the significance of water transportation. Those who responded during the review highlighted that water transport was integral to the operation of the marine farming industry. Industry interests stated that without good water transport and access to the coastal water resource, the industry could not function. There was support for the provision of facilities such as ports and marinas as important means of access (as evaluated in the Section 32 report on ports and marinas).

The objectives do not differ significantly from those of the current resource management documents, especially the MSRMP. The Council has administered these provisions for some time and there is a level of community acceptance of these provisions. The approach is not expected to generate unjustifiably high costs.



## Assessment of provisions to achieve Objective 13.14

### Policy 13.14.1

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

#### *Benefits*

Due to the nature of Marlborough's coastal marine area (for example, the extensive sheltered waterways of the Marlborough Sounds) and its central location within New Zealand, a number of water transportation activities have been in operation here for some time. It is important that provision is made to enable the activities identified in Objective 13.14 to continue where there is little adverse impact on the coastal environment.

#### *Costs*

There are costs associated with this policy, as although it is enabling in its approach there will be permitted activity standards that need to be met. This management approach is used currently in the MSRMP and its continuance is considered justified to ensure that water transportation activities do not have adverse effects on the values and uses of the coastal environment.

#### *Efficiency and Effectiveness*

Given the extensive range of uses and the significance of these activities to economic, social and cultural wellbeing, it is important that an enabling approach is taken to providing for these activities. Policy 13.14.1 will therefore be efficient and effective in helping to achieve Objective 13.14 and in addressing Issue 13H. From an efficiency perspective, the objective will be achieved at the lowest possible cost to the community.

### Policy 13.14.2

Policy 13.14.2 – The strategic importance of areas of the Marlborough Sounds as a transportation route for inter-island shipping will be recognised as a 'National Transportation Route'.

#### *Benefits*

The use of areas within the Marlborough Sounds for shipping provides a crucial transport link between the North and South Islands. Tory Channel and inner Queen Charlotte Sound comprise a transportation route of national significance for shipping activity. It is therefore important to recognise the strategic value of this route and the necessity for its sustainable management. In the MEP the Council identifies this 'National Transportation Route' on overlay maps and applies rules to ships operating along it. This management approach has been used previously in the MSRMP and proven to be beneficial for environmental, social and cultural reasons.

#### *Costs*

The related rules of Policy 13.14.2 will incur costs. In particular, if ships over a certain size wish to travel over particular speeds, resource consent is required to determine the potential effects of this activity. Subsequently, limitations may be placed on maximum speeds for ships.

The costs of this policy were assessed during the initial development of the management framework of the National Transportation Route and rules were imposed to manage the wake effects of large and fast ships. This framework was introduced through Variation 3 to the MSRMP and has been operative since 2008. The provisions were ultimately considered and decided upon by the Environment Court. Given this approach has been in use for some time, the costs associated with it are considered to be accepted and known by shipping operators.

#### *Efficiency and Effectiveness*

Policy 13.14.2 is known to be efficient and effective as the Council has administered this approach since 2008. The policy is also efficient as the approach has only been applied to the area of the Marlborough Sounds where the most significant effects from large and fast ships have been experienced; the same management approach does not apply to other parts of Marlborough's coastal marine area. The policy will achieve Objective 13.16 and assist in addressing Issue 13I.

### Policy 13.14.3

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

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

#### *Benefits*

The linkages between the different modes of transport provided by the existing ports, marinas and community/commercial jetties and port landing areas contribute significantly to the social, economic and cultural wellbeing of Marlborough. In Picton, Waikawa and Havelock, infrastructure is well-established and provides important links between road, rail and the various forms of water transportation. In Chapter 4 - Use of Natural and Physical Resources, this infrastructure is identified as regionally significant. The jetties and port landing areas identified in Policy 13.14.3(b) and (d) are recognised by the Council as necessary and strategic links within Marlborough's transport network and are very important to local communities.

This policy assists in giving effect to Section 6(d) of the RMA in terms of the “*maintenance and enhancement of public access to and along the coastal marine area*” as well as a number of NZCPS policies, including Policy 9 (in relation to ports) and to Policies 6, 18 and 19 (in relation to public access).

#### *Costs*

Few costs are associated with this policy, as it simply recognises a range of existing facilities around the Marlborough Sounds that are important linking points between land and water transport. The cost of maintaining these links currently falls to Marlborough's only port and marina operator, Port Marlborough New Zealand Limited. The marinas, ports and port landing areas are all operated as commercial enterprises. The jetties and landing areas identified in Policy 13.14.3(d) are maintained by the Council and the costs of doing so fall to ratepayers.

#### *Efficiency and Effectiveness*

Policy 13.14.3 is considered efficient as although there are costs associated with maintaining the current facilities, doing so will ensure significant benefits for the social, economic and cultural wellbeing of the community. This will clearly assist in achieving Objective 13.14, as the various types of surface water activities, from small recreational boats operating at a non-commercial level through to large export vessels, all contribute significantly to the social and economic wellbeing of Marlborough. The policy will therefore also be effective in achieving the objective.

## Assessment of provisions to achieve Objective 13.15

### Polices 13.15.1 to 13.15.3

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

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

- (a) maintaining safe, clear navigation routes around headlands, unimpeded by structures;
- (b) avoiding activities and/or locating structures within significant commercial shipping routes (including shipping routes from the Port of Picton, Havelock Harbour and from Waikawa Marina);
- (c) avoiding emissions of light that could affect the safe navigation of ships;
- (d) ensuring the safety of navigation and use of or access to mooring sites, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not affected by activities or structures in the coastal marine area; and

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| (e) requiring structures to be maintained or marked in a way that protects the safety of water transportation activities.  |
| Policy 13.15.3 – Ensure that all lighting associated with any land based activity will be shielded or directed away from navigation channels to avoid the spill of light or glare that is a hazard to navigation within the coastal marine area (unless the purpose of the light is to mark a navigation channel). |

**Benefits**

Policy 13.14.2 recognises the significance of the National Transportation Route for the economic and social wellbeing of Marlborough and New Zealand. It is important therefore that the safety and efficiency of ships using this part of the coastal marine area are not adversely affected. This will be a major consideration in the assessment of activities and structures proposed to occur at any point along the route.

The criteria in Policy 13.15.2 provide a framework to assist decision makers in assessing resource consent applications for the effects on water transportation arising from activities or structures in the coastal marine area. Policy 13.15.3 provides guidance regarding the impact of lighting associated with land-based activities on water transportation activities.

**Costs**

There will be costs associated with these policies. In some cases, costs will be incurred through conditions on resource consent to ensure that navigational safety is maintained. This cost is currently experienced through the provisions of the MSRMP in particular. In extreme cases these policies may result in resource consent being refused if significant impacts on shipping activity along the National Transportation Route or water transportation generally are likely. Given the significance of the National Transportation Route to Marlborough and the nation, as well as the extensive use that is made of Marlborough’s coastal waters generally, these costs are considered justified.

**Efficiency and Effectiveness**

Water transportation is a broad activity, often with interconnections to other activities. Water transportation must therefore be provided for in a way that is compatible with other activities taking place in the coastal marine environment. This will involve the prioritising of some forms of water transportation in certain areas of the Sounds, such as along the National Transportation Route. The policies will be efficient and effective in achieving Objective 13.15 and will ensure that activities and structures are appropriately located and/or maintained in such a way that navigational safety is ensured.

**Assessment of provisions to achieve Objective 13.16**

**Policies 13.16.1 to 13.6.3**

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| Policy 13.16.1 – The effects of shipping activity in Queen Charlotte Sound and on the National Transportation Route will be:<br><br>(a) based on ship-generated wave energy; and<br><br>(b) managed in terms of the wave energy levels of those ships, based on the effects associated with the conventional ships operating prior to the introduction of the MV Aratere in 1999.   |
| Policy 13.16.2 – Recognise and provide continued access to and use of traditional coastal resources in Tory Channel and Queen Charlotte Sound for Marlborough’s tangata whenua iwi and in particular, recognise the value of Tory Channel for Te Atiawa, in terms of the mauri, mana and manaakitanga that this area brings to iwi.   |
| Policy 13.16.3 – When considering applications for resource consent for ships expected to propagate waves with energy levels in excess of limits specified in the Marlborough Environment Plan, have particular regard to the potential for adverse effects on:<br><br>(a) places and cultural values of importance to Marlborough’s tangata whenua iwi;<br><br>(b) the ability of people to effectively use any lawfully established structure for that structure's intended purpose and any adverse effects on the structure itself;<br><br>(c) people's use and enjoyment of the foreshore and coastal marine area for recreational activities;<br><br>(d) the life-supporting capacity of coastal ecosystems;<br><br>(e) beaches and the shoreline; |

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| (f) | amenity values enjoyed by residents; and                                    |
| (g) | the natural character of the coastal environment of the Marlborough Sounds. |

### *Benefits*

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

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

The amount of energy appropriate for the National Transportation Route has been determined based on the environmental effects associated with conventional ships operating prior to the introduction of the M.V. Aratere in 1999. The energy limits included in the MEP are based on the need to ensure that damage or change at the shore is minimised, the cultural values of Marlborough's tangata whenua iwi and amenity values enjoyed by residents and visitors are provided for and the natural character of the Sounds environment is protected. Policy 13.16.2 includes specific provision to recognise that the tikanga Māori (customary values and practices) of Te Atiawa have been adversely affected by the operation of ships, particularly fast ferries, with a decline in kaimoana and associated mana. The need for Marlborough's tangata whenua iwi to practice kaitiakitanga and ensure that Queen Charlotte Sound and Tory Channel are available for future generations is very important.

### *Costs*

This approach was included in the MSRMP through Variation 3, which became operative in 2008. The costs of the policy are therefore already in place, as an assessment of ship-generated wave energy (determined in accordance with formula included in Appendix 12 of Volume 3 of the MEP) is required. The costs of applying the approach, particularly in terms of Policy 13.16.1(b), may result in some ships having to travel slower than their operators had anticipated. However, the Council has experience with the effects of ship wake from large and fast ships operating in the Marlborough Sounds and these costs to ship operators are considered justified.

### *Efficiency and Effectiveness*

As the Council has administered this approach since at least 2008, the policies are known to be efficient and effective. The policies will achieve Objective 13.16 and assist in addressing Issue 13I.

The policies are also efficient in that the management approach has only been applied to the area of the Marlborough Sounds where the most significant effects from large and fast ships have been experienced; the same management approach does not apply to other areas of Marlborough's coastal marine area.

### **Policies 13.16.4 and 13.16.5**

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| Policy 13.16.4 – Undertake monitoring to assist in developing appropriate approaches to managing the effects of shipping activity in Queen Charlotte Sound and Tory Channel.   |
| Policy 13.16.5 – An adaptive management approach will be used to deal with ship-generated wave issues. Regulation will be an important component of the management framework for dealing with the effects of ship generated waves. |

## **Section 32: Chapter 13 – Appropriate activities, recreation, fishing, residential, shipping, Lake Grassmere**

### *Benefits*

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

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

Collectively, the policies recognise that different types of shipping operating in the Marlborough Sounds in the future may generate change in the same way that change occurred through the introduction of fast ferries in 1994. Using a monitoring programme that is responsive to change will help to ensure that any future responses are well-founded in terms of addressing effects.

### *Costs*

This approach was included in the MSRMP through Variation 3 and became operative in 2008. The monitoring programme has been in place for some time and is periodically reviewed. These costs are borne by ratepayers and are budgeted as part of the Environmental Science and Monitoring Group's activities.

### *Efficiency and Effectiveness*

As the Council has administered this approach since at least 2008, the policies are known to be efficient and effective. The policies will achieve Objective 13.16 and assist in addressing Issue 13I.

The policies are also efficient in that the management approach has only been applied to the area of the Marlborough Sounds where the most significant effects from large and fast ships have been experienced; the same management approach does not apply to other areas of Marlborough's coastal marine area.

### **Policy 13.16.6**

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

The adaptive management method proposed in Policy 13.16.5, which is responsive to new information and improved understanding of ship-generated wave issues, must be based on a collaborative approach. This policy is intended to be implemented in part through the establishment of an advisory group representative of the key stakeholders in the management of issues concerning ship-generated waves.

This policy is currently included within the MSRMP, although to date the advisory group has not been established. This is mainly because no significant issues have been identified since the establishment of the overall framework for shipping activity introduced through Variation 3 to the MSRMP. Since the variation became operative in 2008, few new ships have required assessment through the resource consent process.

### *Costs*

There will be ratepayer costs associated with the establishment and operation of such the advisory group. However, the Council considers these costs will be justified if shipping activities are found to be creating issues that must be addressed through a collaborative process.

### *Efficiency*

The policy is efficient as the advisory group will only be needed when issues arise relating to shipping activities. As very few new ships operating within the National Transportation Route have required resource consent since Variation 3 became operative and as no substantial new issues have arisen from shipping activities, costs are yet to be incurred by the policy.

### *Effectiveness*

As the advisory group intended to be formed under Variation 3 to the MSRMP has not yet been formed, it cannot be determined how effective the policy will be in achieving Objective 13.6. However, the Council has chosen to continue with this policy approach in recognition that a group may be formed to consider shipping activity issues if a need arises.

## **Methods of implementation for Objectives 13.14 to 13.16**

The methods of implementation included in the MEP to assist in achieving the three objectives are area identification, regional rules, monitoring, advisory group and bylaws. These methods are all included within the current MSRMP and WARMP. The inclusion of these methods has been evaluated in the preceding consideration of policies.

## **Other options considered to achieve Objectives 13.14 to 13.16**

One other option was considered by the Council to achieve Objectives 13.14 to 13.16. This was the status quo in terms of the existing provisions of the MRPS, MSRMP and WARMP.

Objective 7.1.14 of the MRPS identifies the significance of providing for “*the safe and efficient operation of community infrastructure in a sustainable way*”. This is supported by Policy 7.1.19, which seeks to “*enable the safe and efficient operation of water transport systems within Marlborough consistent with the duty to avoid, remedy or mitigate adverse environmental effects.*” However, there is no recognition of the significance of the National Transportation Route.

The WARMP contains no specific policy for navigational safety; rather, this matter is included within a list of other values to be considered in determining resource consents. The significance of water transportation for Marlborough is only identified through WARMP policies for the establishment of an interisland ferry terminal at Clifford Bay. However, central government announced in November 2014 that it would not proceed with the development.

Chapter 9 - Coastal Marine and Chapter 19 - Water Transportation of the MSRMP contain provisions for navigation safety and water transportation. Both chapters include objectives and policies that are similar in approach to those included in the MEP.

One important change in the MEP to the status quo relates to Rule 35.1.2.10.2 of the MSRMP, a grandfathering rule. This rule enabled three named ships (the Kent, Aratere and Arahura) to continue operating at speeds up to 20 knots without resource consent, subject to meeting standards while other ships were limited to 15 knots without resource consent. However, since the rules were first included in the MSRMP, two of the ships, the Kent and the Arahura, have been withdrawn from operation. Additionally, modifications made to the Aratere resulted in a certificate of compliance being requested by Kiwi Rail Limited under Section 139 of the RMA for operation of the ship for speeds not exceeding 19 knots. There is therefore no need to carry this grandfathering rule through into the MEP.

The existing provisions of the MRPS, MSRMP and WARMP are very similar to those included in the MEP. Any changes (aside from the removal of the grandfathering provision) have come as a consequence of the overall review to update provisions and from the amalgamation of the three documents. This is considered more efficient and effective than retaining the existing provisions of the MRPS, MSRMP and WARMP.

## Evaluation for Issue 13L

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

### Appropriateness of Objective 13.19

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

#### *Relevance*

The objective clearly addresses Issue 13L as it recognises both the importance of the salt works operation to Marlborough's economy as well as the need to address any adverse effects from the production and harvesting processes.

The current salt works operation is lawfully established, having existing use rights under the RMA for a good part of its operations. Notwithstanding these rights, it is important that activity continues in a sustainable manner. Objective 13.19 focusses on achieving the purpose of the RMA, especially in terms of the overall purpose set out in Section 5 and the provisions of Sections 6, 7 and 8. Given the salt works' coastal location, the provisions of the NZCPS are also relevant. Notably, Policy 6(1)(a) recognises that the extraction of minerals within the coastal environment is important to the social, economic and cultural wellbeing of people and communities. The framework of Objective 13.19 and its subsequent policies acknowledges this. Other policies of the NZCPS are also relevant in terms of the areas of Lake Grassmere that have indigenous biodiversity value and cultural significance as well as the areas offshore that have very high natural character values.

The objective assists the Council to carry out its functions under Sections 30 and 31 of the RMA.

#### *Feasibility*

This objective is unchanged from the current WARMP and as it has been administered for more than ten years, the Council considers it is feasible to achieve the objective with an acceptable level of uncertainty and risk. For the same reason, Objective 13.19 is able to be achieved within the Council's powers, skills and resources.

#### *Acceptability*

Through consultation undertaken for the review, no feedback was received on the salt works' activities, including from the salt works company who did not respond to opportunities to provide feedback. This may be because the MEP management approach proposed no changes to the objective and to date no issues have been identified with this approach from either a user or implementation perspective. No unnecessarily high costs are expected to be placed upon the community, including for the local Lake Grassmere community.

## Assessment of provisions to achieve Objective 13.19

### ***Policies 13.9.1 to 13.9.4***

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| Policy 13.19.1 – Recognise the national and District significance of the salt works operation.  |
| Policy 13.19.2 – Enable the continuation of the salt works operation, provided that appropriate measures are in place to avoid the potential for cross-boundary effects and that any other adverse effects on the environment are avoided, remedied or mitigated. |
| Policy 13.19.3 – Encourage the establishment of a landcare group comprising residents, iwi, Department of Conservation and the salt works company to manage the boundary area of the Lake Grassmere Salt Works Zone.  |
| Policy 13.19.4 – Activities in the coastal marine area will be required to meet standards that will maintain the quality of coastal water at Class NS within a one kilometre radius of the coastal water intake existing at 30 May 2002.                          |

### *Benefits*

The production of solar salt at Lake Grassmere contributes to the Marlborough economy through the provision of employment at the salt works as well as contractor support during harvest when a large amount of equipment is needed (for example, trucks to transport salt). The salt works operation also contributes to the national economy through the export of high grade specialist salt, refined at Mt Maunganui from salt harvested at Lake Grassmere.

While the existing operation of the salt works has existed for over 60 years, there is the potential for adverse effects to occur on the surrounding environment from the salt production process. Despite its modification through the development of salt works activities, the lake and its environs have retained a number of important values including bird life and areas of remnant estuarine habitat (including saltmarsh). The southern and south-eastern side of the lake also have considerable historical significance for some of Marlborough's tangata whenua iwi.

Effects that have arisen from the salt works operations include noise, salt-laden dust falling on properties surrounding the lake and potentially contaminating farmland, salt-laden foam generated by waves on the lake falling on adjoining properties and salt-laden water pushed by strong winds up Cattle Creek, affecting farmers' ability to use the creek as a supply of stock drinking water.

It is possible that activities occurring outside of the Lake Grassmere Salt Works Zone may have adverse effects of the salt works operation. In particular, the production of salt relies on the ability to pump high quality sea water into the lake to begin the salt production process. Policy 13.19.4 sets a water quality standard that activities occurring outside the Zone must ensure is maintained. The policy will have both environmental and economic benefits.

There are economic benefits to the local and national economy from providing a reasonably enabling approach to the salt work operations, which acknowledges the historical duration of these the salt works. However, these activities need to be carried out sustainably and Policies 13.19.2 and 13.9.3 establish a framework to ensure that there are also ongoing environmental, cultural and social benefits, including for adjoining landowners.

### *Costs*

No new costs are introduced through these policies as they are a continuation of the existing approach in the WARMP. Any existing costs associated with resource consent or meeting permitted activity standards are considered justified to ensure that adverse effects on the environment are minimised.

### *Efficiency and Effectiveness*

Through the administration of the WARMP these policies have proven to be efficient and effective and the Council is therefore continuing the approach. This will ensure that Objective 13.19 is achieved and that Issue 13L is addressed through the subsequent rule framework.

## **Methods of implementation**

The WARMP methods of implementation for the Lake Grassmere salt works operation have been continued within the MEP. No change was considered necessary as these have proven to be efficient and effective for the management of this activity.

## **Other options considered to achieve Objective 13.19**

The proposed provisions for the Lake Grassmere salt works operation are essentially the same as those of the current WARMP. No significant change in approach has been considered necessary through the review and therefore no other reasonably practicable options were identified to achieve Objective 13.9.



## Risk of acting or not acting

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In terms of Section 32(2)(c) of the RMA, which requires an assessment of the “*risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions,*” the Council (and its predecessors) have a considerable history of managing the coastal environment for a range of activities. This includes giving effects to the provisions of the NZCPS to help achieve the sustainable management of the coastal environment. Given the history of management, experience with the administration of the current plans and the results of community consultation, it is not considered that there are significant risks of acting in the manner set out in the provisions of Chapter 13 as they relate to determining what is appropriate subdivision, use and development in Marlborough’s coastal environment, recreational activities, fishing, residential activity, shipping activity and the Lake Grassmere salt works.

## Appendix A – Section 32 of the RMA

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### 32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
  - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
    - (i) identifying other reasonably practicable options for achieving the objectives; and
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - (iii) summarising the reasons for deciding on the provisions; and
  - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
  - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
    - (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
  - (a) the provisions and objectives of the amending proposal; and
  - (b) the objectives of the existing proposal to the extent that those objectives—
    - (i) are relevant to the objectives of the amending proposal; and
    - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
  - (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
  - (b) at the same time as the proposal is publicly notified.

**Section 32: Chapter 13 – Appropriate activities, recreation, fishing, residential, shipping, Lake Grassmere**

(6) In this section,—

**objectives** means,—

- (a) for a proposal that contains or states objectives, those objectives:
- (b) for all other proposals, the purpose of the proposal

**proposal** means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

**provisions** means,—

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

## Appendix B – Bibliography

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