
MARLBOROUGH ENVIRONMENT PLAN

Section 32 Report

Chapter 13: Use of the Coastal Environment - Boat Moorings, Coastal Structures, Reclamation, Seabed Disturbance and Anchoring

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Contents

Overview.....	1
Background.....	1
Key changes	3
Summary of reasons for the proposed provisions	3
Description of issues	5
Statutory obligations.....	6
Information and analysis	7
Consultation.....	9
Evaluation for Issue 13E	12
Appropriateness of Objectives 13.6 – 13.9.....	12
Assessment of provisions to achieve Objective 13.6.....	13
Assessment of provisions to achieve Objective 13.7.....	14
Assessment of provisions to achieve Objective 13.8.....	14
Assessment of provisions to achieve Objective 13.9.....	16
Methods of implementation.....	18
Other options to achieve Objectives 13.6 to 13.9	18
Evaluation for Issue 13F.....	19
Appropriateness of Objective 13.10.....	19
Assessment of provisions to achieve Objective 13.10.....	20
Evaluation for Issue 13G	28
Appropriateness of Objectives 13.11 to 13.13.....	28
Assessment of provisions to achieve Objective 13.11.....	29
Assessment of provisions to achieve Objectives 13.12a and 13.2b.....	31
Assessment of provisions to achieve Objective 13.13.....	32
Methods of implementation for Objectives 13.10 to 13.13.....	35
Other options considered to achieve Objectives 13.10 to 13.13.....	35
Risk of acting or not acting	35
Appendix A – Section 32 of the RMA.....	37
Appendix B – Bibliography	39

Overview

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 32¹ 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 Plan² (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
Use of the coastal environment – coastal structures, reclamation and seabed disturbance	13

¹ See Appendix A.

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

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

Topic	Volume 1 Chapter of the MEP
Use of the rural environment	14
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.

The provisions that are the subject of this Section 32 evaluation report relate to coastal structures, reclamation, seabed disturbance and anchoring. The policy provisions are contained within Chapter 13 - Use of the Coastal Environment and the rules are included within the Coastal Marine, Port, Port Landing Area and Marina Zones. The evaluation report is set out as follows:

- Description of issues – provides an overview of the resource management issues concerning coastal structures, reclamation, seabed disturbance and anchoring.
- 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 because these provisions assist 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 as follows:

- A more detailed policy approach to guide decision making on moorings, including limiting moorings to one per property and avoiding moorings where these are not associated with providing access to immediately adjoining property, unless they are for use as a collective mooring.
- Specific guidance on anchoring of boats, including the introduction of rules limiting the duration of anchoring of vessels at any one location.
- The inclusion of policy to guide the establishment of moorings management areas outside of Waikawa Bay.
- More specific guidance for determining resource consent applications for coastal structures such as jetties, boatsheds and coastal protection works. The assessment of the appropriateness of these structures has historically been determined against the same policies. While there are general policies applying to all structures, there are specific provisions for these three types of structures.
- There is a focus on limiting the extent of structures within the coastal marine area, including placing limits on decking structures around boatsheds and requiring efficient use of the coastal marine area through using the minimum area necessary for the use proposed.
- More specific guidance on activities involving the disturbance of the foreshore and seabed, including from reclamation, dredging, drainage and deposition activities. This includes minimising the extent of reclamations and disposal/deposition activities.

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 boat moorings, coastal structures, reclamation, seabed disturbance and anchoring is set out below. However, the more detailed evaluation is set out in the remainder of this report.

- The enclosed waterways of the Marlborough Sounds offer many recreational boating opportunities to both residents of Marlborough and visitors. While some small recreational craft are stored on dry land and have no need for water-based storage, many boats do need some form of mooring, berthage or other method of storage. Specific policy has highlighted four different means for the berthage or storage of boats.
- Boat anchoring, long considered an appropriate use within the coastal marine area (for recreational use in particular, but also commercial boats) has been enabled through policy. However, limits have been placed on the long-term or permanent anchorage of boats in one place as this has the potential to give rise to adverse effects on the environment and other users of the coastal environment.
- Where there is ongoing demand for space for moorings in and competing demand for other uses or activities in the same area, a comprehensive management regime must be in place to ensure that efficient use of the coastal marine area is achieved. This will help to minimise overlap between swing circles and therefore reduce the risk of damage to boats. The use of Moorings Management Areas has been developed to respond to this competing demand.
- A range of policies have been adopted for moorings outside of Moorings Management Areas. This is to ensure that moorings are appropriately located to ensure that any individual or cumulative adverse effects are avoided. In addition to considering a wide range of natural and human use values in determining the appropriateness of moorings, policies have also been included to address the issues of multiple moorings owned by landowners. This will see a limit of one mooring per property to help avoid adverse effects and leave enough coastal space for other landowners to locate moorings.

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

Additionally, linking a mooring to a property and requiring transfer of consents to a new property or business owner upon sale will help to reduce the number of moorings.

- A mooring is regarded as inappropriate where the applicant does not own land in the vicinity of the proposed mooring location, except in the case of collective moorings. Alternative berthing options, such as marinas or Moorings Management Areas, are available for those who do not own land.
- Coastal structures, reclamations or disturbance activities provide private benefit to the person undertaking them but in some cases a wider community benefit exists. It is important therefore that the uses and forms of development appropriate for Marlborough's coastal marine area are identified and that adverse effects are addressed, while at the same time maintaining the social, economic and cultural wellbeing of the community.
- The provisions for structures in the coastal environment, including for jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables and/or other buildings or structures, provide guidance to ensure these structures are appropriately located and constructed in appropriate forms and limits to protect the values of the coastal environment. Collectively, these provisions help give effect to many of the policies of the NZCPS and to the matters in Sections 6, 7 and 8 of the RMA. In addition, and specifically for the Marlborough Sounds, the provisions also help to address Issue 4C of Chapter 4 - Use of Natural and Physical Resources, 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.
- A range of policies have been included that can be applied to all type of coastal structures. Some of these policies are enabling, i.e. where structures have only minor adverse effects, they can be provided for as a permitted activity. This also acknowledges that in some cases, widespread community benefit arises from certain structures, such as structures associated with the safe navigation of ships. In all other cases a resource consent is required, as this reflects the public nature of the coastal marine area and that it is appropriate for regard to be had to the values of the coastal environment and the impact on other uses or activities.
- Specific policies are included for jetties, boatsheds and coastal protection works as these are the main types of structure present within Marlborough's coastal marine area (aside from moorings). These structures have particular characteristics that warrant further policy guidance in determining their appropriateness. These characteristics have become evident through administering the provisions of the MSRMP and have been highlighted through the community consultation undertaken through the review. A number of the matters specific to these structures relate to their visual impact.
- Various activities involving disturbances to the foreshore and seabed are undertaken within Marlborough's coastal environment. A number of these activities provide considerable benefits to the community, for example the clearance, cutting and realignment of river mouths to lessen potential effects of flooding events. The ability of people or authorities to undertake these activities provides considerable benefits and it is likely that the need for this activity will continue in the future. Similarly, reclamations constructed as part of port and marina development bring both economic and social wellbeing to the community.
- The objectives and policies establish an approach that enables the continuation of some disturbance activities, especially where these are essential for the ongoing and safe operation of existing infrastructure, while ensuring the effects of these activities are appropriately addressed or otherwise avoided. In certain cases there is direction to minimise some disturbance activities, such as for reclamations and the disposal of dredged material or other deposition activities. This direction acknowledges the permanent loss of seabed that can occur through such activities and the values associated with these areas.

Description of issues

Marlborough's coastal marine area is characterised by a number of activities that involve the erection of structures and/or disturbance of the foreshore or seabed. Due to their extensive and sheltered nature, the Marlborough Sounds are a major focus for recreational and commercial activities and it is here that the issues surrounding how to provide for activities and allocate coastal space are most apparent. The Sounds contain a large number of permanent physical structures and occupations; for example, nearly 1,600 jetties, slipways, boatsheds and other structures (retaining walls, pipelines, sub-aqueous cables, boat ramps) are located throughout the Sounds.

Many moorings are located within the Marlborough Sounds, including in high-density mooring areas in Waikawa Bay, Ngakuta Bay and Okiwa Bay. In some cases, a mooring is established for the use of boating club members or boat charter companies. Anchoring on a temporary basis is also common in many places around the Sounds. This occurs for recreational purposes, where boats may overnight or, in some instances and particularly in recognised locations, provide for temporary shelter in bad weather.

Some reclamations have occurred to enable port or marina operations to take place, while in certain remote locations reclamations assist in forestry harvesting activities through by providing barge landing sites. Other activities occurring in the coastal marine area that involve disturbance of the foreshore and seabed include (but are not limited to) dredging navigational channels, the cleaning of blocked pipes (e.g. stormwater outfalls), beach tidying and grooming, the deposition of material on the seabed and foreshore burial of dead marine mammals.

The provisions for issues concerning coastal structures, reclamation, seabed disturbance and anchoring are based on three issues.

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

- Given the wide range of economic, cultural and social values of Marlborough's coastal environment as well as the region's significant natural character, landscape and biodiversity values, deciding how and where to provide facilities or areas where boats can be safely moored or anchored is an issue. Many people rely on swing moorings for their boats, although many property owners seek other structures such as boatsheds and jetties to provide enhanced forms of access. In some areas, especially close to nodes of settlement, issues arise surrounding competing demand for coastal space for moorings, especially swing moorings. The location of such moorings must take into account navigational routes for boats, as well as sufficient separation from one another to ensure the safety of boats on other moorings.
- For some people, especially those who do not own property in the Marlborough Sounds, the short-term anchoring of boats is common. Certain bays in the Sounds are recognised on navigational charts and in nautical publications as places for boats to anchor in particular wind conditions. However, the long-term or permanent anchorage of boats can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects may include a reduction in water quality, loss or deterioration of benthic habitat, disturbance to marine species at important feeding sites, reduced amenity values, impacts on natural character or a reduction in public access or recreational opportunities. While it is important that recognised anchorages are available for use, it is also important that limitations are placed on longer term anchoring. Areas for large ship anchoring are identified on navigational charts and nautical publications.

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

- As a result of difficult topography and the subsequent financial and physical difficulties in establishing roads in steep terrain, the roading network of the Marlborough Sounds is limited and many property owners rely upon boats to gain access to their properties. This has resulted in the use of jetties to enable the safe and efficient set down and loading of

passengers and associated cargo, and boat sheds (including slipways/ramps) for the storage of boats and boating-related equipment.

- Even where road access is available, property owners still expect to be able to enhance their access to the Sounds through the use of jetties and boatsheds. It is important to recognise the significance of these coastal structures in providing property owners and visitors access to existing residential properties. However, this must be weighed against the potential for coastal structures to visually intrude into the landscape/seascape and create impacts on other values such as ecology, natural character, recreation, navigation and amenity.
- Retaining walls and associated abutments (effectively a small reclamation) are often built in and around jetties and boatsheds. Retaining walls can be built from a range of materials and if not sympathetically designed, can appear visually intrusive within the natural environment and physically or perceptually hinder public access to and along the foreshore. Landscaping and development of reclaimed areas can also give the impression that the area is part of the boatshed or jetty and not available for public use. In some cases however, coastal protection works are sought as a means of protecting land from erosion caused by coastal processes or boat wash. Other structures, such as pipelines, cables, decking around boatsheds, slipways or boat launching ramps are also evident in many locations around the Marlborough Sounds.

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

- Various activities involving disturbances to the foreshore and seabed are undertaken within Marlborough's coastal environment. A number of these provide considerable benefits to the community, for example the clearance, cutting and realignment of river mouths to lessen potential effects of flooding events. Similarly, reclamations constructed as part of port and marina development bring both economic and social wellbeing to the community.
- However, depending on the scale and location of the disturbance activity, considerable adverse effects can arise for a range of values. For example, the most significant adverse effect from reclamation is the burial of the seabed. This threatens habitats associated with the seabed, the life-supporting capacity of a much larger surrounding area and potentially affects iwi values. Other potential effects associated with reclamation include interruption to the water movement patterns, shoaling effects, exclusion of water-based uses, visual impacts and construction effects.
- Dredging activities, which are most often required around ports and marinas and particularly within and approaching the Havelock port area, can also have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic aquatic life within the dredged area. Dredging can also affect water movement patterns and alter the physical nature of sediments, potentially affecting habitats.

Statutory obligations

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.

Section 30(1)(a), (b) and (d) of the RMA sets 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 purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. The NZCPS identifies a range of characteristics, qualities and uses that particularly challenge the promotion of sustainable management within the coastal environment. Many of the matters identified and listed in the NZCPS are evident in Marlborough, including that the coastal environment:

- is varied in nature and extent;
- contains established infrastructure (such as ports and submarine cables) that connects New Zealand internally and internationally;
- includes natural and physical resources important to the economic and social wellbeing of the nation and local community, including 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 this places growing pressure on coastal space and other resources;
- is susceptible to the effects of natural hazards such as coastal erosion, tsunami and effects associated with climate change; and
- has particular importance to Marlborough's tangata whenua iwi, including as kaitiaki.

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

Information and analysis

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 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 Marlborough Sounds Outcomes for Places Project aimed to help in the review of the Nelson/Marlborough Conservation Management Strategy (CMS)³ 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 area. The expectation was that if both the CMS and the regional policy statement shared a common community vision, then that vision would be much more likely realised.

The workshops/hui were designed to build upon 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

³ 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.

- 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 including 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, "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 and high amenity value. 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 (in some cases) individual bay level. 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. Including these mapped areas and key values within the MEP provides a higher degree of certainty about the location of significant natural character values in Marlborough's coastal environment.

Significant marine area identification

Identification of ecologically significant marine sites in Marlborough was undertaken as part of the Council's responsibilities under Section 6(a) and (c) of the RMA. It is important to identify the location and composition of significant sites (i.e. 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 anywhere 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, it was not comprehensive as many marine areas are unsurveyed or poorly documented, particularly those areas below the low tide mark. A total of 129 sites of biological significance were identified, extending from Cape Soucis (Croisilles Harbour) through the Sounds and down Marlborough's the east coast. A subsequent survey of selected sites in 2014/2015 resulted in 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 Zealanders' perceptions of the values of the Marlborough Sounds. The initial survey in 2001 came 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 they are important to people throughout New Zealand as a recreational resource and that they contribute to the image of New Zealand as a whole.

The values that led to these responses 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

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 advising of the review to all ratepayers. The aim 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, including comments on coastal structures, reclamations, seabed disturbance and anchoring.

- Of the responses received, the future management of the Marlborough Sounds, i.e. subdivision, residential development and associated jetties, boatsheds and moorings, drew the most feedback. There was significant concern at the current level, location and type of development taking place. These concerns included:
 - larger numbers of moorings said to be resulting in extra sewerage being discharged into the Sounds. This was of concern due to the lack of vessel sewage-receiving facilities in the outer Sounds;
 - the presence of too many jetties around the Sounds; and
 - that many boatsheds in the Sounds appear to be used for more than just boats, e.g. are possibly used for accommodation.
- Suggestions to minimise the impact of this type of development on the Sounds included a need for greater control over the construction of boatsheds, the mandatory sharing of jetties and, in places such as Tennyson Inlet, introducing greater protection against future commercial activity such as tracks, lodges and jetties.
- Other respondents requested fewer restrictions on jetties and moorings for Sounds residents. It was considered that making the Sounds more accessible and a desirable place to live in will bring wealth and knowledge to the area, improve the overall economic environment and be a positive step in the future of the Marlborough Sounds.
- The costs and lack of facilities for launching boats in Picton were identified as issues surrounding access to the Sounds. A lack of balance between commercialisation and existing user rights was perceived in terms of the costs of access and it was stated that the existing areas were not adequate.

Following this initial consultation, a series of discussion papers were prepared by the Council and released for public feedback in late 2007. *Discussion Paper 4: The Future of the Marlborough Sounds* is particularly relevant to this Section 32 evaluation report. In total, 72 responses to *Discussion Paper 4* were received from individuals, iwi, industry and environmental groups. The two main issues discussed in relation to coastal structures, reclamations, seabed disturbance and anchoring were: a) the need for boat access to some residential properties creating a demand for coastal structures and b) use and occupation of the coastal marine area. Responses highlighted the following.

- There was concern regarding the proliferation of coastal structures and their potential visual impacts. However, other respondents requested that the regional policy statement recognise the value of jetties and moorings for access purposes. Several respondents reasoned that there will always be a demand for boat access to properties in the

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

Marlborough Sounds and that it is the role of the regional policy statement to set out what is and what is not reasonable in terms of coastal structures.

- There was also a divergence of views on whether road access was relevant to the debate on the necessity of coastal structures. Some respondents suggested that the regional policy statement should include policy discouraging coastal structures for properties with road access, while others argued that the means of transportation to a property is a choice that should not be taken away.
- Regarding concern over the proliferation of coastal structures, a common request was for policy to identify a strong preference for shared facilities and/or which encourages co-operation in sharing coastal structures. Some respondents even suggested that the Council should decline coastal permit applications where the structure does not serve a benefit greater than that of the individual property owner when other structures could be used. However, it was requested there be a practical limit to the number of dwellings serviced by a single jetty, especially in the busy holiday period.
- In response to the visual impact of coastal structures, many respondents suggested this should be mitigated by placing limits on scale, style and, in the case of boatsheds, accepted colour palettes. In contrast, others argued that a boatshed is not a visual intrusion but a “cultural icon,” part of the “personality of the sea”.
- In considering how to deal with the proliferation of moorings, many respondents suggested a policy of allowing only one mooring per property, with that mooring being located adjacent to the property. Another suggestion was that the mooring must be sold with the sale of the property. This potential solution reflected respondents’ concerns that some people were selling residential properties or moorings independent of the other, creating the demand for further moorings following the sale. Most accepted that there was a need for exceptions to such a policy, especially for boating club moorings.
- Concern was expressed about the number of moorings in some bays and, in order to avoid this from occurring elsewhere, it was suggested that there be a cap on the total number of moorings allowed in bays. However, there were also contrary views, for example the Kenepuru and Central Sounds Residents’ Association likened the use of moorings to car parking on public roads and considered it unreasonable to include moorings in any debate on the proliferation of coastal structures. There was a suggestion that without linking the coastal structure to the adjoining title, problems are created in terms of ensuring that the structure is maintained.
- Most respondents recognised both the importance of public access to and along coastal areas and the role of jetties and moorings in facilitating this public access in the Marlborough Sounds. Several respondents requested that the regional policy statement confirm the public’s ability of the public to use jetties in the Marlborough Sounds to access the adjoining land. Others stressed the need to ensure that jetties are properly maintained for safe public use and requested that the Council monitor this situation. There was some opposition expressed about the public use of private jetties.
- The suggestion made was that in return for a small fee, coastal structures could be leased or licensed to the holder of the adjacent land title, on the condition that the structure be properly maintained. The licensee could treat the structure as a private resource, but if not properly maintained their license or lease could be cancelled/withdrawn.
- Suggestions were made for enhancing public access, including through the provision of information on peoples’ right to access jetties, moorings and the Sounds Foreshore Reserve, extension of the network of public moorings provided by boating clubs and the provision and maintenance of community jetties by the Council.
- Several respondents saw no need for coastal structures to have exclusive occupation of coastal space, although there was recognition that exceptional circumstances may require this.
- The Department of Conservation suggested prohibiting or constraining coastal structures in areas or bays in which none already exist and raised concerns about the impact of moorings adjoining conservation estate on the public’s ability to use and enjoy views of the land. The Department also recommended managing coastal structures as part of an

integrated approach of managing residential development in the Marlborough Sounds, so that the effects of providing access to lots are considered at the same time as the subdivision of land. The Department suggested the starting point for any consideration of coastal structures should be that the coastal marine area is publicly owned and that any private benefits to accrue from this occupation should be assessed on the basis that they should not compromise the public's rights to use and enjoy publicly owned resources.

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 of Chapter 13 – Use of the Coastal Environment were the Sounds Advisory Group and the Marine Focus Group. These groups considered several iterations of the policy provisions and opportunity was provided for feedback on draft rules. The Iwi Working Group also considered the provisions as part of the consideration of all policy provisions. Two other organisations also provided detailed feedback; they were:

- the Department of Conservation, who have a dual role with the Council in sustainably managing the coastal environment; and
- Port Marlborough New Zealand Limited, the proponent of the first Moorings Management Area in the Marlborough Sounds. This group provides berthing facilities and undertakes reclamation and disturbance of the seabed activities from time to time.

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

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 in the rules when compared with 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 Chapter 13 made reference to a number of other draft chapters, the Council combined the chapters (where they had been completed) to provide context for the reader. The 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 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 regarding marine farming activities and provisions for air quality and noise. 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), although 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.

At the time this feedback package was made available for public comment, there was an outstanding appeal before the Environment Court regarding the Moorings Management Area and Marina Zone plan change. This appeal was settled by consent between the parties in 2014. This private plan change lodged by Port Marlborough New Zealand Limited sought to introduce Moorings Management Areas in Waikawa Bay and extend the Marina Zone to the northwest of the existing marina. The consent order that was confirmed by the Court meant that the Council needed to review some of the policies and rules for moorings as they related to Waikawa Bay specifically.

Evaluation for Issue 13E

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

Appropriateness of Objectives 13.6 – 13.9

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

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

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

Objective 13.9 – Outside of the Moorings Management Areas, other moorings are sited in appropriate locations.

Relevance

Objective 13.6 acknowledges that it is important for the MEP to provide a range of options to accommodate the different needs and demands of boat owners for mooring or berthage of boats. Not every option will be appropriate in every location within Marlborough’s coastal environment; subsequently, three objectives (13.7 to 13.9) describe the circumstances under which each of the options may be considered appropriate. Collectively, the objectives address Issue 13E in defining the appropriate options for mooring and/or berthage facilities in Marlborough’s coastal environment.

The objectives focus on achieving the purpose of the RMA, particularly in relation to enabling people to provide for their social, economic and cultural wellbeing. Boating is a common activity in Marlborough’s coastal marine area, especially in the sheltered waters of the Marlborough Sounds. With this high level of use is a reasonable demand to moor or berth boats.

The provisions of Sections 6 and 7 of the RMA are also relevant. In terms of Section 6, the locations for moorings need to be assessed against matters of national importance such as natural character, landscape, indigenous biodiversity and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Providing options for mooring and/or berthage facilities is particularly important in recognising and providing for the maintenance and enhancement of public access to and along the coastal marine area as required by Section 6(d).

The objectives assist in giving effect to Section 7 matters, including 7(b) (*the efficient use and development of natural and physical resources*), 7(c) (*the maintenance and enhancement of amenity values*) and 7(f) (*maintenance and enhancement of the quality of the environment*). The efficient use of coastal space is particularly relevant because of the potential for mooring/berthage to adversely affect other values as well as there being competition for coastal space in some locations.

The objectives assist the Council in carrying out its statutory functions under Section 30 of the RMA and are within the scope of higher level documents, notably the provisions of the NZCPS.

Feasibility

No comparable provisions for anchoring, moorings or berthage of boats are provided in the MSRMP or WARMP in the same way as those proposed in Objectives 13.6 to 13.9 of the MEP. The only mooring-specific provisions are those related to Moorings Management Areas, which were included in the MSRMP through Private Plan Change 21. Other than this there is virtually no mention made of these activities. Despite this, the Council has considerable experience in managing these activities under the MSRMP within a more general objective and policy approach than that proposed through the MEP. This experience means the Council does consider the objectives to be feasible.

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 accordance with the objectives. The objectives are feasible therefore in terms of the Council's powers under the RMA.

Acceptability

The approach set out in the four objectives was supported through the consultation undertaken for the review. While there was concern regarding the proliferation of moorings throughout the Marlborough Sounds, many respondents supported recognising the role that moorings play in providing access to the Sounds. Others supported limitations on the number of moorings per property, requiring moorings to be linked to an adjoining land title. There was also support to provide for boating club moorings, recreational activities (including the continuance of casual anchoring) and more secure berthing options at appropriate facilities such as marinas.

The objectives are essentially a continuation of an existing approach for anchoring, moorings and marinas, but with the inclusion of more detailed policy to guide the appropriateness of such activities, there is now greater clarity around the options available. The Council therefore does not expect any unjustifiably high costs will be placed on the community from the implementation of these objectives.

Assessment of provisions to achieve Objective 13.6

Policy 13.6.1

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

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

Benefits

Given the wide range of economic, cultural and social values of Marlborough's coastal environment and its significant natural character, landscape and biodiversity values, deciding how and where to provide facilities or areas where boats can be safely moored or anchored is a significant issue. It is important that the MEP provides a range of options to accommodate the varying needs of a range of boat owners. Policy 13.6.1 acknowledges the range of options for boat owners to be able to moor or berth their boat and the four options provided for reflect both historic and recent approaches to mooring or berthage of boats in Marlborough's coastal environment. Options a) to c) are applicable to the Coastal Marine Zone, while option d) is specific to Port, Port Landing Area and Marina Zones. (The remaining policies under Issue 13E are not relevant considerations in the Port, Port Landing Area and Marina Zones.)

Costs

No negative effects are expected to arise from this policy, as it effectively sets out the management framework for moorings and berthage of boats in terms of the subsequent objectives and policies. In many respects this framework is not significantly different to that of the MSRMP, although it is now expressed in policy, whereas it had not previously been expressed.

Efficiency

As the policy simply sets out the management framework for moorings and berthage of boats, there are no associated costs and the policy can be regarded as efficient.

Effectiveness

The policy will be effective in helping to achieve the four objectives 13.6 to 13.9 and in addressing Issue 13E. Given the wide range of values that exist within Marlborough’s coastal environment, deciding how and where to provide facilities or areas where boats can be safely moored or anchored is an issue. Through establishing four different options as set out in Policy 13.6.1, boat owners and resource users are provided with a variety of options to meet their needs.

Assessment of provisions to achieve Objective 13.7

Policies 13.7.1 and 13.7.2

Policy 13.7.1 – Enable use of the coastal marine area for temporary anchoring by boats.
Policy 13.7.2 – Restrict the long-term or permanent anchorage of boats.

Benefits

Boats of all sizes rely on being able to anchor for recreational purposes, during storms or in the event of damage or gear failure. An enabling approach to providing for this on a temporary basis has been provided, subject to meeting standards. However, the long-term or permanent anchorage of boats in one location can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects could include reduction in water quality, amenity values, public access, recreational opportunities or potential benthic habitat destruction. It is therefore appropriate that controls are imposed upon the ability of boats to anchor for long periods of time. This will help to achieve the policies of the NZCPS, especially Policy 6(2)(c), as well as a range of other policies in both the NZCPS and MEP relating to natural character, water quality, public open space and indigenous biodiversity. These MEP policies therefore have important social and environmental benefits.

Costs

There are no anticipated costs associated with these policies. The enabling aspect of the policy (Policy 13.7.1) is followed by restrictions through rules to prevent long-term anchoring. While boat owners wishing to stay in one place for long periods will be faced with costs through the requirement for resource consent, there is the option to move to another area of the coastal marine area. There could well be environmental costs if a boat was moored in one location for an extended period of time.

Efficiency and Effectiveness

These policies are both efficient and effective. The enabling approach to the temporary anchoring of boats incurs little or no cost to boat owners and both policies assist in achieving Objective 13.7 and addressing Issue 13E.

Assessment of provisions to achieve Objective 13.8

Policies 13.8.1, 13.8.2 and 13.8.3

Policy 13.8.1 – Where there is competing demand in the coastal marine area to accommodate swing moorings, Moorings Management Areas may be established to manage the placement and use of swing moorings.
<p>Policy 13.8.2 – To determine the appropriateness of an area of coastal space to become a Moorings Management Area in the Marlborough Environment Plan, the following matters will be considered:</p> <ul style="list-style-type: none"> (a) current and anticipated demand for swing moorings in the area; (b) the cumulative effect (including on coastal amenity values and benthic habitats) of swing moorings and the capacity of the area to accommodate existing and additional moorings; (c) whether there are issues with the layout of existing swing moorings, including overlapping of swing circles; (d) the intensity, character and scale of other activities in the area, including:

<ul style="list-style-type: none"> (i) the extent to which the use of or access to other coastal structures located in the area are or will be affected by additional swing moorings; (ii) residential development existing in the area and the potential for future development, having regard to the zoning of land; (iii) recreational activities occurring in the coastal marine area; and
(e) impacts on navigation due to continuing with an uncontrolled approach to siting of swing moorings.
<p>Policy 13.8.3 – Moorings located in a Moorings Management Area (as identified on the Marlborough Environment Plan maps) will be encouraged by:</p> <ul style="list-style-type: none"> (a) enabling them as a permitted activity, where a Moorings Management Bylaw is in place; or (b) where no Moorings Management Bylaw is in place, providing for moorings within a Moorings Management Area as a restricted discretionary activity. The matters the Marlborough District Council will restrict its discretion to in determining such an application will be: <ul style="list-style-type: none"> (i) location within a Moorings Management Area; (ii) the type and specification of mooring sought, including the swing arc; and (iii) the availability of space within the Moorings Management Area.

Benefits

Moorings Management Areas are a relatively new concept, having been developed initially to manage conflicting demands between large numbers of swing moorings and other activities within Waikawa Bay. (This was established through a private plan change by Port Marlborough New Zealand Limited.) The policies set out that a Moorings Management Area can only be established through the plan change process of the First Schedule of the RMA after having regard to the matters in Policy 13.8.2. This policy describes the matters to be considered in assessing new locations for Moorings Management Areas, which aims primarily to deal with high demand for coastal space for swing moorings.

Once a Moorings Management Area has been established to manage coastal space more efficiently, moorings located within these areas can be controlled through a bylaw promulgated under the Local Government Act 2002 or through the resource consent process. Policy 13.8.3(a) provides for moorings within the Moorings Management Area to be a permitted activity where a bylaw is in place, which will set up a licensing system for moorings in the identified areas. Where no bylaw is in place, a restricted discretionary activity consent will be required and the Council will limit its discretion to the matters identified in Policy 3.8.3(b). Because the effects of a large group of moorings in one location are relatively well known, these policies provide an enabling approach to the management of swing moorings within Moorings Management Areas

Costs

Although Moorings Management Areas have currently been identified in the MSRMP in Waikawa Bay, no bylaw for the ongoing management of these moorings has been established. It is therefore difficult to determine whether there will be negative effects from this particular approach. However, the alternative - that where no bylaw is in place, a resource consent is required - is what currently occurs under the provisions of the MSRMP. Therefore, no additional costs are anticipated from Policy 13.8.3(b); indeed, the change in status for swing moorings in these areas from full to restricted discretionary activity may result in a slight decrease in costs. If new Moorings Management Areas are proposed by the Council, ratepayers may bear some cost of establishing these mooring areas as procedures under the First Schedule of the RMA will need to be complied with.

Efficiency

These policies are efficient as they provide a framework by which a specific location for multiple swing moorings can be established, recognising the potential for competing demand for coastal space in these areas. Those with swing moorings in locations identified as Moorings Management Areas will be most affected by these policies.

Effectiveness

Although a Moorings Management Area has been established in Waikawa Bay, it has not been fully realised as the bylaw has not been implemented. It is therefore difficult to determine whether these policies will be effective in achieving the objective, especially in relation to the possible establishment

of Moorings Management Areas at other locations. The Council is aware that other communities within the Sounds are considering using a Moorings Management Area to deal with competing demand for moorings. An assessment of whether the policies are effective is unlikely to be made until the Waikawa Moorings Management Areas are fully implemented.

Assessment of provisions to achieve Objective 13.9

Policies 13.9.1 to 13.9.7

<p>Policy 13.9.1 – The following matters are to be assessed in determining the appropriateness of the location for a mooring:</p> <ul style="list-style-type: none"> (a) whether a Moorings Management Area with available space exists in the vicinity of the proposed mooring site; (b) what the proposed mooring is to be used for; (c) the potential for the mooring and any moored boat to adversely affect: <ul style="list-style-type: none"> (i) the navigation and safety of other boats, including any other moored boat; (ii) existing submarine cables, other utilities or infrastructure; (iii) recreational use of the coastal marine area, including the short-term anchorage of other recreational boats; (iv) amenity values of adjoining residents or land with high recreational value; (v) the open space character of the coastal marine area; (vi) the natural character, landscape or ecological values of the site, including on adjoining land and offshore islands; (vii) the cultural and customary values of the site, including access for customary purposes; and (viii) the operation of any existing activity or any activity that has been granted resource consent; (d) what practicable land-based storage options and/or alternative access points are available for the boat; and (e) whether there will be a cumulative impact on the values of the coastal environment from a mooring in the proposed location.
<p>Policy 13.9.2 – Subject to the matters in Policy 13.9.1, moorings will be limited by:</p> <ul style="list-style-type: none"> (a) regarding as appropriate the installation of one mooring per Computer Register or Computer Unit Title Register to enhance access to private property; (b) regarding as inappropriate a mooring where the applicant does not own land in the vicinity of the proposed mooring location, except in the case of collective moorings; and (c) linking resource consent to a particular property/commercial activity, where consent is granted for a mooring to provide access to an applicant's property or for a boat associated with a commercial activity undertaken in the vicinity of the mooring site. Consent must then be transferred to the new owner(s) on the sale of the property/commercial activity.
<p>Policy 13.9.3 – Swing moorings should be sited to avoid the risk of collision with a boat on an adjacent swing mooring.</p>
<p>Policy 13.9.4 – The use of a mooring shall be limited to the size of boat for which consent was granted.</p>
<p>Policy 13.9.5 – Moorings shall be maintained and marked in a way that protects navigational safety, including by providing and maintaining adequate buoyage and anchoring systems.</p>
<p>Policy 13.9.6 – A mooring shall be required to be removed from the coastal marine area in the following circumstances:</p> <ul style="list-style-type: none"> (a) where there is no longer a need for a mooring to moor a boat; (b) where the existence of a commercial activity has been the justification for approving a coastal permit for a mooring and that commercial activity no longer exists or operates; (c) where a collective mooring is no longer to be used as a collective mooring; (d) when a coastal permit for the mooring expires and no new coastal permit has been sought; or (e) where consent is refused for an existing mooring for which a new consent has been sought.
<p>Policy 13.9.7 – In determining an application for a new consent for a lawfully established existing mooring</p>

outside of a Moorings Management Area, the matters in Policies 13.9.1(b) and (c), 13.9.2 and 13.9.4 will be considered. The extent to which the existing mooring is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.

Benefits

These policies identify the matters to be considered through the resource consent process in determining the appropriateness of a particular site for a mooring. These policies reflect the need for greater guidance on determining the appropriateness of moorings, given the wide range of natural and human use values within Marlborough's coastal environment. Greater clarity is provided for both decision makers and applicants as to the matters that must be considered and importantly, the extent to which moorings are appropriate in the context of the purpose for which they are sought. Providing such guidance has environmental, social and economic benefits.

Limitations are placed on the number of moorings landowners are allowed to help avoid adverse effects and leave enough coastal space for other landowners to locate moorings. For those who do not own property but wish to access the Marlborough Sounds, a private mooring will be regarded as inappropriate as alternative options, including moorings within Mooring Management Areas, boating club (collective) moorings, temporary anchorage or marina berths, are available. Additionally, the numbers of boat moorings can be reduced by requiring consents to be linked to a property or commercial business and that consent be transferred to the new property or business owner upon sale. Requirements to ensure the navigational safety of moorings and other moored boats are also included.

In some circumstances, an existing mooring may no longer be required. It is then appropriate for the mooring to be removed from the coastal marine area (Policy 13.9.6). This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area.

This policy will be achieved through conditions imposed upon resource consents. The policy will also help to ensure that the purpose for which consent was granted is continued.

Costs

There are already resource consent requirements for moorings under the provisions of the resource management plans and therefore many of the costs associated with these policies are already experienced by resource users. There could also be costs associated with the aspirations of an applicant not being realised by virtue of Policy 13.9.2. This particular policy could constrain the granting of a new swing mooring or the granting of new consent for an existing mooring if the applicant has other coastal permits for swing moorings at the same location. Given the potential for competing demand for coastal space for moorings, these costs are considered to be justified.

Efficiency and Effectiveness

These policies are both efficient and effective. The costs of implementing these policies are borne by the resource user and are already in place through the provisions of the MSRMP and WARMP. Although these current resource management plans include a range of assessment criteria to be considered (for example, see Rule 35.4.2.8.1 of the MSRMP and Rule 39.3.3.5.2 of the WARMP), they do not provide the same level of policy guidance as is proposed through the MEP. Policies 13.9.1 to 13.9.7 provide greater guidance for resources users and decision makers regarding the matters to be considered in determining the appropriateness or otherwise of moorings. The policies also help to give effect to a number of the policies of the NZCPS, meaning that Objective 13.9 is likely to be achieved and therefore that Issue 13E will be addressed to a significant extent.

Policy 13.9.8

Policy 13.9.8 – Avoid moorings outside of the Moorings Management Areas in Waikawa Bay and the Waka Mooring Management Area, except where the moorings are to provide access to immediately adjoining properties, in which case the matters in Policy 13.9.1 are to be assessed in determining the suitability of the mooring in Waikawa Bay.

Benefits

Waikawa Bay is a focal point for recreational boating activity and an important resource for commercial and cultural activities. Given the competing demands to occupy and use coastal space in Waikawa

Bay, Moorings Management Areas have been established to identify appropriate locations for moorings within the bay. Policy 13.9.8 directs that new moorings outside the defined Moorings Management Area in Waikawa Bay are to be avoided, unless for the specific purpose of mooring boats adjacent to immediately adjoining properties. This will result in environmental and social benefits, as leaving some areas of the bay to be used for recreation and navigational routes will maintain the bay's open space character.

Costs

Costs will potentially be incurred by applicants unable to fulfil the criteria set out in the policy and therefore being refused resource consent. However, as a range of options is available for berthage or storage of boats and as the potential environmental costs of unlimited moorings in Waikawa Bay could be significant, the Council considers this cost to be justified. In addition this policy approach is already included within the MSRMP and so the costs are already apparent.

Efficiency and Effectiveness

The Moorings Management Areas were established in Waikawa Bay to manage competing demands for coastal space. Essentially, other than the circumstances described in 13.9.8, moorings outside of Moorings Management Areas in Waikawa Bay are not considered appropriate. The policy is therefore efficient and effective in helping to achieve Objective 13.9 and accomplishes the highest net benefit for the community, through retaining areas of open space and adequate room for navigation within the bay.

Methods of implementation

The MEP methods of implementation proposed for moorings are virtually the same as those that currently exist in the MRPS and two resource management plans. This reflects the options currently used for mooring boats in Marlborough's coastal marine area. There is no intention of changing the current rules requiring a resource consent for moorings. Additionally, the Moorings Management Areas in Waikawa Bay are currently included in the MSRMP, although they have not yet been implemented in terms of a bylaw.

The MEP sees new rules included for anchoring, which place limitations on the duration a vessel is able to stay in one location. The evaluation of the efficiency and effectiveness of this approach is set out under the provisions to achieve Objective 13.7.

One new method of implementation has been included, relating to monitoring and investigation (Method 13.M.15). Using this method the Council intends to monitor the number and location of moorings that have been granted resource consent. Within five years of the MEP being publically notified (9 June 2021) and having regard to monitoring information, the Council will determine whether investigations into establishing a carrying capacity for moorings in the Marlborough Sounds is necessary. Concern was expressed through the review process regarding the number of moorings that have been allowed within the Sounds, respondents suggesting that proliferation of these structures may need to be restricted in the future. For this reason, the Council decided to include this specific monitoring method as a means to more effectively addressing Issue 13E.

Other options to achieve Objectives 13.6 to 13.9

The only other option considered by the Council to achieve Objectives 13.6 to 13.9 was the status quo in terms of the existing provisions of the MRPS, MSRMP and WARMP. Under the MSRMP and WARMP a resource consent application is already required for moorings and therefore the only difference in the MEP relates to policy guidance for determining applications. Improved guidance reflects a community desire for clearer direction in establishing the appropriate location and form of moorings. This guidance also assists in giving effect to the NZCPS, especially in terms of determining whether the mooring is an appropriate activity at a particular location.

The MEP's policy guidance for the existing Moorings Management Area at Waikawa Bay is not new, but new policy has been introduced to guide situations where a community group or the Council may wish to establish a moorings management area at a different location. Given the potentially significant costs involved in the establishment of these areas, it was considered necessary to more clearly define their purpose.

While the MRPS in particular highlights the importance of recreational activity in the coastal environment, no provisions to enable such activity as it pertains to anchoring in the coastal marine area were included within the subsequent resource management plans. Subsequently, the MEP has included specific provision for this activity.

Evaluation for Issue 13F

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

Appropriateness of Objective 13.10

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

Relevance

In addressing Issue 13F, Objective 13.10 does not seek to preclude the use or establishment of structures in the coastal environment; rather, the objective seeks simply to identify areas within which these structures can be appropriately located and to determine appropriate forms and limits. This helps give effect to Objective 6 of the NZCPS. The subsequent policies for this objective and those of Objectives 13.1 and 13.2 help to inform appropriate locations, forms and limits for coastal structures. (Note, other chapters relating to landscape, natural character, public access and indigenous biodiversity will help to inform values for the coastal environment. Chapter 4 - Use of Natural and Physical Resources may be relevant in terms of regionally significant infrastructure and in considering the values of the Marlborough Sounds.) The following policies include guidance for the consideration of all coastal structures and additional policies for jetties, boatsheds, slipways and coastal protection structures.

Objective 13.10 focusses on achieving the purpose of the RMA, particularly in relation to enabling people to provide for their social, economic and cultural wellbeing. The provisions of Sections 6 and 7 of the RMA are also relevant. In terms of Section 6 the locations for structures in the coastal environment need to be assessed against matters of national importance such as natural character, landscape, public access, indigenous biodiversity and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Section 7 matters that the objective assists in giving effect to include 7(b) (*the efficient use and development of natural and physical resources*), 7(c) (*the maintenance and enhancement of amenity values*) and 7(f) (*maintenance and enhancement of the quality of the environment*).

It is important to note that Objective 13.10 and its subsequent policies do not apply to the Port, Port Landing Area and Marina Zones or to moorings.

Feasibility

The MSRMP and WARMP contain no objective comparable to Objective 13.10 for coastal structures. However, the Council has had considerable experience in managing these 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(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 accordance with the objective. The objective is therefore feasible in terms of the Council's powers under the RMA.

Acceptability

Concern was expressed through consultation regarding the extent of subdivision and residential development within the Marlborough Sounds and the associated proliferation of jetties and boatsheds. People's concerns related to the amount, location and type of development occurring. There was support for minimising the impact of this type of development in the Sounds, including suggestions for greater control over the design, location and number of structures being built. However, many

respondents recognised both the importance of public access to and along coastal areas and the role that jetties play in facilitating this public access in the Marlborough Sounds.

The objective is essentially a continuation of an existing approach for coastal structures, albeit with the inclusion of more detailed policy to guide the appropriateness of such activities. The Council therefore expects no unjustifiably high community costs to arise from the implementation of this objective. Greater certainty with respect to appropriate locations, forms and limits than the direction provided in the MSRMP may act to reduce compliance costs.

Assessment of provisions to achieve Objective 13.10

Policies 13.10.1 and 13.10.2

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

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

The policy offers an enabling approach for certain types and number of structures to be located within the coastal marine area. This is generally for safety (in terms of navigational aids) or monitoring purposes (in the case of scientific and research equipment), which are often temporary in nature and do not usually involve significant alteration or occupation of the coastal marine area. However, in most cases any structure that occupies the coastal marine area in terms of Section 12 of the RMA will require to be assessed through a discretionary activity resource consent. This is to ensure that, when deciding whether the proposed structure is appropriate, regard is had to the values of the coastal environment and the impact of the structure on other uses or activities. There will be significant environmental, social, cultural and economic benefits from this approach.

Costs

No significant costs are expected to arise from these policies. The approach is effectively the same as that currently set out in the MSRMP and WARMP. Any costs associated with the meeting of permitted activity standards (for navigational aids and monitoring equipment) or through a resource consent for other structures is considered justified, given the natural and human use values of Marlborough's coastal marine area as well as the fact that these structures are proposed to be located in the public domain.

Efficiency and Effectiveness

The policies are efficient and effective as they clearly define that with the exception of two instances, all structures to be located within the coastal marine area will require a resource consent. This method has proven to be efficient and effective in the MSRMP and WARMP and the Council is therefore continuing the approach. This is particularly important given that the coastal marine area is public space that is available for all to use.

Policy 13.10.3

Policy 13.10.3 – Efficient use of the coastal marine area can be achieved by using the minimum area necessary for structures.

Benefits

Policy 6 of the NZCPS requires the efficient use of occupied space within the coastal marine area and prescribes some circumstances through which this can occur. In addition, the Marine and Coastal Area (Takutai Moana) Act 2011 sets out rights for use of the common marine and coastal area. In having regard to these rights, the Council considers efficient use of the coastal marine area should in part be based on using the least amount of space necessary for structures. This policy also helps to give effect to Section 7(b) of the RMA, where “*the efficient use and development of natural and physical resources*” must be had regard to.

Costs

This policy may incur costs for the resource consent applicant, who must ensure the design of their structure does not make excessive use of the coastal marine area. This may mean that the aspirations of the resource user are not met.

Efficiency and Effectiveness

The policy is efficient relative to cost, as ensuring a minimal area of the coastal marine area is used by an applicant will result in a high net benefit to the community. The coastal marine area is in the public domain; the wider community benefits from being able to use this space. It is therefore considered appropriate to require as little area as possible be used for private or commercial use to ensure there is ongoing community benefit. Objective 13.10 will subsequently be achieved, particularly as it relates to structures being within appropriate limits. For this reason the policy will also be effective in achieving the objective.

Policy 13.10.4

Policy 13.10.4 – The erection and use of decking structures:

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

Benefits

Policy 13.10.4 is specific to the placement of decking structures that are often constructed as part of boatsheds and jetties to provide enhanced facilities for landowners. Extensive areas of decking around or in conjunction with jetties and boatsheds create a significant privatisation of the coastal marine area. This is inappropriate, given the direction in the NZCPS that the coastal marine area is public space for community use and enjoyment (Objective 4). The current resource management plans have not previously provided direction on this matter, but concern regarding the extent of privatisation that has occurred in some locations within the coastal marine area has been expressed through the review process. Therefore, there are social benefits arising from placing limitations on the extent of decking structures allowed.

Costs

This policy may incur costs for applicants who must ensure the design of their structure does not make excessive use of the coastal marine area, effectively privatising a portion of the coastline. This may mean that the aspirations of the resource user are not met.

Efficiency and Effectiveness

The policy is efficient relative to cost, as ensuring a minimal area of the coastal marine area is used by an applicant will result in a high net benefit to the community. As the coastal marine area is in the public domain and the wider community benefits from its use, it is important that limitations are placed on the extent of area able to be used. Objective 13.10 will subsequently be achieved, particularly as it relates to structures being within appropriate limits. For this reason the policy will also be effective in achieving the objective.

Policies 13.10.5 to 13.10.10

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

- (a) the proposed reason for the structure and the benefits likely to arise from its use;
- (b) whether the structure would be the first located in the stretch of coastline either side of the proposed site;
- (c) whether the structure is to be sited in a prominent or conspicuous location;
- (d) where land-based alternatives to the proposed structure are available, why the coastal marine area location is preferred;

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

(e) whether the structure is for public, multiple or individual use;
(f) the functional need requiring the structure to be located within the coastal marine area;
(g) what effects the structure will have on: <ul style="list-style-type: none">(i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;(ii) customary access; and(iii) the terrestrial environment;
(h) whether coastal processes will be adversely affected by the structure; and
(i) the operation of any existing activity or any activity that has been granted resource consent.
Policy 13.10.6 – Structures should be in an appropriate location and of an appropriate, scale, design, cladding and colour to avoid or mitigate adverse effects on the landscape and amenity values of the coastal environment.
Policy 13.10.7 – Structures shall be designed and located allowing for relevant dynamic coastal processes, including sea level rise.
Policy 13.10.8 – Where consent is granted for a structure, the coastal permit will generally tie the structure to the property for which the use was intended. On sale of the property, or in the case of structure(s) granted resource consent for commercial purposes where the structure is related to the business being sold, the transfer of coastal permits for structures to the new owners of the property/business will be required.
Policy 13.10.9 – Coastal structures shall be maintained in a way that protects public safety, including for safe navigation.
Policy 13.10.10 – Coastal structures shall be required to be removed from the coastal marine area in the following circumstances: <ul style="list-style-type: none">(a) where there is no longer a need for the structure;(b) when a coastal permit for a structure expires and no new permit has been sought; or(c) where consent to authorise an existing structure is refused.

Benefits

These policies apply to any resource consent application for coastal structures in the coastal environment and give effect to a number of policies within the NZCPS, matters of national importance in Section 6 and matters in Section 7 and 8 of the RMA. When designing or building coastal structures, resource users must consider how adverse effects on landscape and amenity values can be avoided or mitigated. Given the imperatives in Sections 6 and 7 of the RMA for landscape, quality of the environment and amenity values, such consideration is imperative. The policies also assist in addressing Issue 4C of the MEP concerning activities and structures that detract from the character and intrinsic values of the Marlborough Sounds (see Issue 4C in Chapter 4 - Use of Natural and Physical Resources, Volume 1 of the MEP).

Some of the policies are relevant for the setting of resource consent conditions, for example linking consent to the property for which the structure's use is intended. It follows that when the property is sold or, in the case of a permit for which consent was granted to a business, when the business is sold, the coastal permit should be transferred to the new property/business owner. This helps to ensure efficient use of the coastal marine area. Additionally, policies are included to ensure structures to be appropriately maintained on an ongoing basis and removed when they are no longer required or are not granted a new resource consent to continue occupying the coastal marine area.

Costs

Under the provisions of the current resource management plans, resource consent requirements already exist for coastal structures; many of the costs associated with these policies are already experienced by resource users. These policies therefore introduce no new costs, but provide a more structured policy approach to the consideration of whether structures are appropriate in the coastal environment.

Efficiency and Effectiveness

These policies are both efficient and effective. The costs of implementing these policies are borne by the resource user and in a general sense are in place through the existing provisions of the MSRMP

and WARMP. Although these two resource management plans do not provide the same level of policy guidance as the MEP, the rules of those plans do include a range of general assessment criteria to be considered (for example, Rule 39.3.2.1 of the WARMP). Collectively, Policies 13.10.5 to 13.10.10 provide greater guidance for resources users and decision makers on the matters to be considered in determining the appropriateness or otherwise of all coastal structures. The policies also help give effect to a number of the policies of the NZCPS. Objective 13.10 is therefore likely to be achieved and Issue 13F is to a significant extent also addressed.

Policies 13.10.11 to 13.10.18

<p>Policy 13.10.11 – Where an application is made to construct a new jetty or to alter or extend an existing jetty, the following matters will be considered:</p> <ul style="list-style-type: none"> (a) the necessity for the jetty (or alteration or extension), including whether it will be used for individual or community use or a commercial activity on land; (b) the nature of the existing environment, including: <ul style="list-style-type: none"> (i) the seabed profile at the proposed jetty site (to help determine the appropriate length of the jetty); (ii) the topography between the proposed site and adjacent properties; (iii) whether there are formed tracks from the proposed site to adjacent properties or whether there will be a need to construct access tracking; (iv) whether there is an existing jetty in the vicinity of the proposed site that could provide access; and (c) the extent to which the application site needs to be dredged to provide adequate depth for berthing boats and if dredging may be required in the future.
<p>Policy 13.10.12 – Avoid the cumulative effects of jetties on the values of the coastal environment by:</p> <ul style="list-style-type: none"> (a) giving priority to the sharing of jetties or the development of community jetties; and (b) considering whether there is practical road access to an application site, practical access to another jetty and/or access to existing public launching facilities in the vicinity.
<p>Policy 13.10.13 – The primary use of jetties by boats shall be for embarkation and disembarkation purposes, not for providing berthage for vessels for extended periods of time.</p>
<p>Policy 13.10.14 – A jetty shall be used to facilitate access between a vessel and the land. A jetty shall not be used for storing boats, boating equipment, marine farming equipment or other gear.</p>
<p>Policy 13.10.15 – Reduce the visual impact of jetties on the coastal environment by:</p> <ul style="list-style-type: none"> (a) limiting the width of jetties to two metres; (b) where practicable, using floating jetties, which tend to have a lower profile than fixed jetties and provide easier access to the shore; (c) limiting the size, colour and height of mooring piles associated with the jetty; (d) discouraging the use of jetties (or parts of jetties) that run parallel to the shore, as they can cause greater visual impact than jetties perpendicular to the shore; (e) avoiding the use of boatlifts alongside jetties for boat storage; (f) avoiding locating lights on jetties (other than those required to facilitate access); (g) encouraging new jetties, link spans and piles to be built from materials that are non-reflective or painted in non-reflective colours; (h) avoiding the use of highly-coloured fenders; and (i) avoiding signs on jetties other than those assisting emergency services.
<p>Policy 13.10.16 – Reduce impacts on public use and access to, within and along the coastal marine area, along the foreshore and on navigational safety, by:</p> <ul style="list-style-type: none"> (a) considering whether the jetty can be sited at one end of a beach rather than in the middle, having regard to land ownership; (b) requiring the provision of public access around the landward end of the jetty; and (c) requiring the jetty to be made available for public use.
<p>Policy 13.10.17 – Avoid the construction of jetties that effectively create a marina type berth, i.e. a structure</p>

that runs along both sides of a boat.

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

Benefits

As well as the general matters applying to all coastal structures in Policies 13.10.1 to 13.10.10, additional policies have been included for assessing jetties. Through considering the existing environment and the purpose of the jetty, decision makers will be better able to determine if the structure is appropriate and whether alternatives are available. Collectively, the policies have environmental, social, cultural and potentially economic benefits, through requiring consideration of cumulative effects, defining the purpose of jetties, providing guidance for reducing visual impacts, managing the impacts of public use and avoiding certain types of jetty structures that effectively privatise the foreshore area. In addition, specific policy is included for situations where a new coastal permit application for an existing jetty is sought; in these circumstances the policy matters to be considered are more limited than if the jetty were a new structure.

Costs

Under the provisions of the current resource management plans, resource consent requirements already exist for jetties and many of the costs associated with these policies are already experienced by resource users. These policies therefore introduce no new costs, but provide a more focussed policy approach to the consideration of whether jetties are appropriate in the coastal environment. Any costs associated with these policies are considered justified, given the public nature of the coastal marine area.

Efficiency and Effectiveness

These policies are both efficient and effective. The costs of implementing these policies is borne by the resource user, however these costs are already in place through the provisions of the MSRMP and WARMP. Although these two resource management plans do not provide the same level of policy guidance as is proposed through the MEP, the rules of those plans do include a range of general assessment criteria to be considered (for example, Rule 39.3.2.1 of the WARMP). Collectively, Policies 13.10.11 to 13.10.18 provide greater guidance for resources users and decision makers on the matters to be considered in determining the appropriateness or otherwise of jetties.

Community feedback supported greater consideration of the appropriate location and form of jetties. These policies help give effect to a number of the policies of the NZCPS and to the purpose and principles of the RMA. Objective 13.10 is therefore likely to be achieved and Issue 13F is to a significant extent also addressed.

Policies 13.10.19 and 13.10.21

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

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

Benefits

Given the public nature of the coastal marine area and reserve land adjacent to the foreshore, it is important a boatshed is used solely for the purpose for which consent was sought: that is, for the storage of a boat and/or boating equipment. However, some landowners see boatsheds as a property right and use the boatshed and other buildings as an extension of their property for ad-hoc or formal private accommodation and recreation purposes, including the use of large areas of decking around boatsheds. In recent years the demand, size and complexity of boatsheds has increased, often cumulatively affecting visual amenity and public access within the Sounds. The Council has therefore included Policy 13.10.19 to clearly define the purpose of a boatshed and establish that any use outside of this purpose redefines the structure, making it no longer a boatshed. Policy 13.10.21 reinforces this approach and requires sanitary plumbing to be avoided within or as part of a boatshed.

These policies will have social and environmental benefits, ensuring the appropriate use of public coastal marine area.

Costs

No negative effects arise from these policies as they simply direct the intended use of boatsheds in Marlborough's coastal environment. Previously, resource consent application (and associated costs) have been necessary for a boatshed, but the nature of how boatsheds have been used in recent years, including for accommodation, has forced policy to clarify exactly what these structures may be used for. As there is no functional need for sanitary fittings to be included within a boatshed, there are no costs arising from Policy 13.10.21.

Efficiency and Effectiveness

Ensuring that boatsheds can only be used for boating and boating equipment means that Objective 13.10 will be achieved at the highest net benefit to all of society. Community use of the coastal environment, particularly the coastal marine area, will continue to be used appropriately, not for activities that do not have a functional need to be located there. These policies therefore assist in giving effect to Section 7(b) of the RMA where "*the efficient use and development of natural and physical resources*" is to be had regard to and to Policy 6(2)(d) of the NZCPS in which the Council is directed to "*recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there.*"

Overall, the policies are considered to contribute significantly to achieving Objective 13.10 in relation to appropriateness. Policy 13.10.19 also responds to Issue 13F as it recognises that boatsheds are important in helping to facilitate boat access to properties, with the proviso that they need to be used for boating purposes.

Policies 13.10.20, 13.10.22 and 13.20.23

<p>Policy 13.10.20 – Where an application is made to construct a boatshed and/or slipway or to extend an existing structure, the following matters will be considered:</p> <ul style="list-style-type: none"> (a) the nature of the boat and boating equipment to be stored in the boatshed, e.g. the size of the boat; (b) the materials to be used in construction (including cladding, doors and roofing) and the dimensions of the boatshed, including roof height and pitch, as well as the materials to be used in the construction of the slipway; and (c) opportunities for storing boats and boating equipment on private property and whether there are any launching facilities nearby.
<p>Policy 13.10.22 – The visual impact of boatsheds on the values of the coastal environment will be reduced by:</p> <ul style="list-style-type: none"> (a) ensuring boatsheds are limited to one storey in height, with no internal upper flooring; (b) requiring boatsheds to be built of materials that are non-reflective or are painted in non-reflective colours that blend with the surrounding shoreline or bush; (c) avoiding the use of concrete in the external appearance of the boatshed, except where its use is necessary in the footing or foundations of the structure; (d) avoiding large windows and glass doors (including glass sliding doors); (e) avoiding the use of boatlifts alongside jetties for boat storage; (f) avoiding locating lights on boatsheds (other than those required to facilitate access); and (g) avoiding signs on boatsheds other than those assisting emergency services.
<p>Policy 13.10.23 – In determining a new consent application for a lawfully-established existing boatshed and slipway, the matters in Policies 13.2.1, 13.10.8, 13.10.19, 13.10.20(a) and (b), 13.9.21 and 13.9.22 will be considered. The extent to which the existing boatshed and slipway are consistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.</p>

Benefits

As well as the general matters applying to all coastal structures in Policies 13.10.1 to 13.10.10, the additional matters of Policies 13.10.20, 13.10.22 and 13.10.23 for assessing boatsheds and slipways will help to determine the effects of the structures on the values of the coastal environment. Through

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

considering the existing environment and the purpose of the boatshed, decision makers will be better able to determine if the structure is appropriate and whether alternatives are available. Decision making will include consideration of visual amenity and landscape values. In particular, Policy 13.10.22 sets out matters that can help to reduce these impacts. Unlike jetties (which are not a solid structure), boatsheds have the potential to have adverse effects on landscape, amenity and natural character values because of their potential size, colour and construction material. The policies enable consent conditions to be imposed to mitigate the adverse effects on the values of the coastal environment.

Policy 13.10.23 is relevant in considering a new coastal permit application for an existing boatshed. The matters for assessment are more limited than if the boatshed was a new structure. Any ability to reduce visual impacts has been highlighted as important for consideration, as is confirming that the original purpose of the boatshed (to store boats and boating equipment) remains valid.

Costs

Under the provisions of the current resource management plans, resource consent requirements already exist for boatsheds and many of the costs associated with these policies are already experienced by resource users. These policies therefore introduce no new costs, but provide a more focussed policy approach to the consideration of whether boatsheds are appropriate in the coastal environment, with a particular focus on visual amenity and landscape matters. The intent of the policies reflects current practice in considering and determining resource consent applications for boatsheds. Any costs associated with these policies are considered justified, given the public nature of the coastal marine area and the significant human and natural use values of this environment.

Efficiency and Effectiveness

These policies are both efficient and effective. The costs of implementing these policies are borne by the resource user and are already in place through the provisions of the MSRMP and WARMP. Although these two resource management plans do not provide the same level of policy guidance as is proposed through the MEP, the rules of those plans do include a range of general assessment criteria to be considered (for example, Rule 39.3.3.5 of the WARMP). Collectively, Policies 13.10.22, 13.10.22 and 13.10.23 provide greater guidance for resources users and decision makers on the matters to be considered in determining the appropriateness or otherwise of boatsheds.

Community feedback supported greater consideration of the appropriate location and form of boatsheds, especially in relation to visual impacts. These policies help to give effect to a number of the policies of the NZCPS and to the purpose and principles of the RMA. Objective 13.10 is therefore likely to be achieved and Issue 13F is to a significant extent also addressed.

Policies 13.10.24 to 13.10.27

Policy 13.10.24 – The establishment of coastal protection structures or works may be considered appropriate where: <ul style="list-style-type: none">(a) alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost or have greater adverse effects on the environment; and(b) the works are justified by a community need; or(c) regionally significant infrastructure is at risk.
Policy 13.10.25 – Where practicable, the use of non-structural methods for coastal protection work (including planting and beach nourishment) shall be preferred to structural methods.
Policy 13.10.26 – Any proposal for coastal protection structures or works shall demonstrate that: <ul style="list-style-type: none">(a) the design, construction and placement of the coastal protection structure will not lead to any of the following effects (either in a temporary, permanent or cumulative manner):<ul style="list-style-type: none">(i) undermining of the foundations at the base of the structure;(ii) erosion behind or around the ends of the structure;(iii) settlement or loss of foundation material;(iv) movement or dislodgement of individual structural components;(v) the failure of the coastal protection structure should overtopping by water occur;

<ul style="list-style-type: none"> (vi) offshore or longshore loss of sediment from the immediate vicinity; (vii) any increase in the coastal erosion posed to the coastline in question; and <p>(b) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect waahi tapu sites, natural processes, ecological or amenity values of the coastal marine area beyond the site of the work.</p>
<p>Policy 13.10.27 – Discourage the use of concrete slab retaining walls, sheet piling, car tyres or similar for coastal protection measures and encourage instead the use of materials similar to those found naturally occurring in the area or that can be locally sourced.</p>

Benefits

Coastal protection structures or works are common in many areas of the Marlborough Sounds. However, these structures or works can have significant impacts on visual amenity values and natural coastal processes. Policy 13.10.24 describes circumstances when coastal protection works may be considered appropriate. These include an assessment of whether a) alternative responses to the hazard are impractical, impose a high community cost or have greater adverse effects on the environment or b) the works are justified by a community need or regionally significant infrastructure is at risk. In general, coastal protection works must result in clear positive effects on the environment that outweigh any negative effects. The subsequent policies for coastal protection works are only applicable once the matters in Policy 13.10.24 have been satisfied.

Policies 13.10.25 to 13.10.27 consider impacts on visual amenity values and coastal processes and whether the use of non-structural methods is available. The appearance of hard protection works may appear unattractive and inconsistent with the natural character of the coast (and in turn, could be inconsistent with the provisions of the NZCPS). Retaining walls or similar can also cover or reclaim part of the beach and affect beach access. These types of protection structures can have direct and indirect adverse effects on natural character, landscape values, amenity values and public access. It is therefore preferable that materials similar to those naturally occurring in the area to be protected are used. Where this is not practicable, materials that can be sourced locally can also be used.

Where practicable, the use non-structural coastal protection methods are preferred over structural methods. This policy helps to give effect to Policies 25-27 of the NZCPS.

Structural methods artificially stabilise the coastline and may be appropriate where it can be demonstrated that such a solution is the best practicable method for remedying or mitigating the hazard. It is important that coastal protection works, which are structural in nature, are appropriately designed given natural coastal processes. This ensures that the proposed works will not exacerbate the hazard but achieve their design purpose without transferring adverse effects elsewhere.

Costs

Like many of the other policies for coastal structures, under the MSRMP and WARMP policies regarding coastal protection works already require resource consent. The costs of Policies 13.10.24 to 13.10.27 therefore introduce no significantly new costs over and above those already experienced under the current resource management plans. Some applicants may incur costs associated with having to consider alternatives to hard protection structures; however, that approach is consistent with the direction of the NZCPS. The costs of these policies are therefore considered justified in terms of the Section 32 processes undertaken for preparing the NZCPS.

Efficiency and Effectiveness

These policies are both efficient and effective. The costs of implementing these policies are borne by the resource user and are already in place through the provisions of the MSRMP and WARMP. Through the provisions of Chapter 17 - Natural Hazards and the policies of Objective 17.4.2.1, the WARMP provides greater guidance than does the MSRMP for determining the appropriateness of coastal protection works. Despite the extent of guidance, given the open nature coast of south Marlborough and the lack of development that would necessitate coastal protection structures, these provisions have rarely been used. In contrast, the provisions of the MSRMP, where there have been many consents granted for coastal protection works contain more general guidance for structures, though not specifically for coastal protection reasons.

The MEP provisions offer greater direction in relation to the structural integrity of coastal protection structures, the reasons when such structures are considered to be appropriate and their impacts on a

range of other factors, including the visual impact of such structures. The policies therefore assist significantly in achieving Objective 13.10 and in addressing Issue 13F.

Very little community feedback was received on coastal protection structures specifically, although there was support for greater controls in relation to the appearance of coastal structures. These policies help give effect to a number of the policies of the NZCPS and to the purpose and principles of the RMA.

Evaluation for Issue 13G

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

Appropriateness of Objectives 13.11 to 13.13

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

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

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

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

Relevance

In addressing Issue 13G, the objectives attempt to minimise reclamation and the disposal or deposition of material in the coastal marine area, rather than just guide where these activities can take place and what effects need to be avoided, remedied or mitigated. This is a different approach than that taken for other objectives for the coastal marine area, as these activities can have irreversible adverse effects. Once reclamations are in place, the seabed is effectively permanently lost, along with the values of that area. Similarly for deposition or disposal activities, the values at the disposal site are permanently altered. Given the public nature of the coastal marine area, it is appropriate for these activities to be minimised wherever practicable.

Objectives 13.11 to 13.13 help give effect to provisions of the NZCPS, especially those set out in Policy 10 relating to reclamation. The subsequent policies for these and Objectives 13.1 and 13.2 help to inform appropriate locations, forms and limits for activities involving the disturbance of the foreshore and seabed. Having regard to other chapters such as landscape, natural character, public access and indigenous biodiversity will help inform values for the coastal environment. Chapter 4 - Use of Natural and Physical Resources may also be relevant in terms of the specific policy direction for the Marlborough Sounds.

These objectives are focussed on achieving the purpose of the RMA and the provisions of Sections 6 and 7 of the RMA are also relevant. In terms of Section 6, disturbance of the foreshore and seabed must be assessed against matters of national importance such as natural character, landscape, public access, indigenous biodiversity and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The objective also assists in giving effect to Section 7 matters including 7(b) (*the efficient use and development of natural and physical resources*), 7(c) (*the maintenance and enhancement of amenity values*) and 7(f) (*maintenance and enhancement of the quality of the environment*).

Feasibility

Under the MSRMP, the Council has had considerable experience in managing activities involving disturbance to the foreshore and seabed, albeit within a more general objective and policy approach than that proposed through the MEP. This experience leads the Council to consider that achieving the objectives is feasible.

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 accordance with the objective. The objective is therefore feasible in terms of the Council's powers under the RMA.

Acceptability

Very little community feedback was received on the subject of these four objectives. However, the Council considers them to be acceptable, given the extent of adverse effects that could result from these types of activities. All of these activities create potentially irreversible adverse effects and it is appropriate that the MEP provide guidance for their management. The 'minimise' nature of Objectives 13.11 and 13.12a both acknowledge that the coastal marine area is available to the public in terms of the community's rights to use the common marine and coastal area (as set out in the Common Marine and Coastal Area (Takutai Moana) Act 2011). It is therefore important that the loss of coastal marine area through these activities is minimised.

The objectives are essentially a continuation of an existing approach, albeit with the inclusion of more detailed policy to guide the appropriateness of such activities. The Council therefore anticipates no unjustifiably high costs to the community from the implementation of these four objectives.

Assessment of provisions to achieve Objective 13.11

Policies 13.11.1 to 13.11.6 and Policy 13.11.8

Policy 13.11.1 – Proposals to reclaim or drain the coastal marine area will require assessment through the resource consent process.
Policy 13.11.2 – Reclamation or drainage in the coastal marine area shall be avoided, unless: <ul style="list-style-type: none"> (a) the activity to be carried out on the reclamation has to be adjacent to the coastal marine area; and (b) it can be shown there are no alternative land-based sites available (above Mean High Water Springs); or (c) the works are for the operational needs of ports within Port Zones or for the operational needs of marinas within Marina Zones, where they are consistent with other relevant policies of the Marlborough Environment Plan.
Policy 13.11.3 – The need to dispose of dredged or other material should not dictate the need for or size of a reclamation.
Policy 13.11.4 – Where an application is made for resource consent to reclaim or drain the coastal marine area, effects (including cumulative effects) on the following matters will be considered: <ul style="list-style-type: none"> (a) the proposed reason for the reclamation/drainage and the benefits likely to arise from its use; (b) if land-based alternatives are available to the proposed reclamation/drainage, why the coastal marine area location is preferred; (c) the functional need for the activity to be carried out on the reclamation; (d) the effects on: <ul style="list-style-type: none"> (i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring; (ii) cultural values; (iii) the terrestrial environment, including an assessment of any earthworks necessary; (e) whether coastal processes will be adversely affected by the structure; and (f) the operation of any existing activity or any activity that has been granted resource consent.
Policy 13.11.5 – Reclamations shall be designed taking into account relevant dynamic coastal processes, including sea level rise.
Policy 13.11.6 – Material used to create and form any reclamation or impoundment should not include contaminants, which could significantly and adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.
Policy 13.11.8 – The finished appearance of the reclaimed or drained area and its future use shall as far as practicable be compatible with the environment in which it is to be located.

Benefits

Reclamations can have both positive and negative effects. Potential benefits of reclamation include greater public access to the coastal marine area (e.g. with jetties and marinas), enhanced economic wellbeing of people and communities and an increase in land suitable for activities that need to be located on the coast or in a particular area. However, reclamation buries the seabed or foreshore and alters natural shorelines; it can have adverse effects on natural coastal processes, habitat and ecosystems, natural character, amenity values and sites of significance to Marlborough's tangata whenua iwi.

Any proposal therefore to reclaim or drain the coastal marine area in terms of Section 12 of the RMA will require assessment through a resource consent application. This will ensure that a determination can be made regarding the purpose for which the reclamation or drainage is proposed. Policy 13.11.2 sets out thresholds that must be satisfied before an application can be assessed against other provisions. Subsequent provisions then include ensuring that a reclamation is not being sought to dispose of dredged or other material, appropriate consideration is given to coastal hazards and sea level rise, attention is given to how the finished appearance of a reclaimed area will look and its future use is identified.

Costs

Under the provisions of the current resource management plans, resource consent is already required for reclamation and the costs associated with these policies are therefore already experienced by resource users. These policies introduce no new costs but provide improved policy structure and greater guidance to decision makers about the appropriateness of reclamation in Marlborough's coastal environment.

Efficiency and Effectiveness

These policies are both efficient and effective. The costs of implementing the policies are borne by the resource user and are already in place through the resource consent requirements of the MSRMP and WARMP. Although these two resource management plans do not provide the same level of policy guidance as is proposed through the MEP, they do include policies that assist in determining the appropriateness of reclamations. In addition, assessment criteria are contained within the rules volume of each resource management plan that set out matters to be considered (for example, Rule 35.4.2.1.2 of the MSRMP).

Collectively, Policies 13.11.1 to 13.11.6 and 13.11.8 provide greater guidance for resources users and decision makers on the matters to be considered in determining the appropriateness or otherwise of reclamation. The policies help give effect to Policy 10 of the NZCPS (and other related policies) and to the purpose and principles of the RMA. In addition, Policy 13.11.2 specifically acknowledges that reclamation or drainage activities are appropriate when carried out for the operational requirements of ports and marinas. This aspect of the policy has been included in regard to NZCPS Policy 10(1)(d) and because port and marina facilities have been identified as regionally significant infrastructure in Chapter 4, Volume 1 of the MEP.

The policies will assist significantly in achieving Objective 13.11 through minimising to the greatest extent possible the loss of coastal marine area through reclamation or drainage. The policies also help to ensure that where these activities are proposed, appropriate consideration is given to the impacts on the natural and human use values of the coastal environment.

Policy 13.11.7

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

Benefits

This policy is specific to the enhancement of public access to and along the coastal marine area where a reclamation is established. This is a matter of national importance as identified in Section 6(d) of the RMA. Policy 10 of the NZCPS also requires that, where practicable, regard is had to providing for public access along a reclaimed area. However, it is important to acknowledge that there may be circumstances where it will not be practicable to provide for public access along reclaimed land (notwithstanding the direction in the policy, the NZCPS or Section 6(d) of the RMA). This is particularly so in areas where port facilities operate. Where it is not practicable to provide for such

access, regard should be had to Objective 9.2 of Chapter 9 - Public Access and Open Space (Volume 1 of the MEP).

Costs

The same policy approach is currently included within the WARMP (Policy 8.3.1.8). While there may be costs associated with providing for an esplanade reserve or strip, there is national direction to do so. Given that reclamations are applied for in infrequently Marlborough, the costs of this policy are not considered to be significant. Applications will be assessed to determine whether an esplanade reserve or strip is appropriate; this will largely depend on the purpose for which the reclamation is being sought.

Efficiency and Effectiveness

The policy is both efficient and effective. It does not predetermine whether an esplanade reserve or strip will be required, but rather leaves this determination to be made relative to the application being sought and whether it is practicable for public access to be provided. The policy helps give effect to Section 6(d) of the RMA and to the provisions of the NZCPS, especially Policy 10.

Assessment of provisions to achieve Objectives 13.12a and 13.2b

Policies 13.12.1 and 13.12.2

<p>Policy 13.12.1 – Proposals to dispose of dredged or other material in the coastal marine area must demonstrate that:</p> <ul style="list-style-type: none"> (a) no reasonable and practicable alternatives are available on land; (b) the disposal will be undertaken in a location and at times of the day or year that will avoid (in the first instance), then remedy or mitigate adverse effects on: <ul style="list-style-type: none"> (i) the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna; (ii) navigational safety; (iii) other established activities located in the coastal marine area that are likely to be affected by the disposal; (iv) water quality, including an increase in water turbidity or elevated levels of contaminants; (v) shoreline instability or coastal erosion on adjacent coastal land; and (c) in the case of dredged material, the site is located so as to avoid, as far as practicable, the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters through the action of coastal processes such as waves, tides and other currents.
<p>Policy 13.12.2 – The disposal of contaminants or material containing contaminants should be avoided.</p>

Benefits

Disposal of material within the coastal marine area can have significant adverse effects. When assessing resource consent applications, it is appropriate to identify the particular values to be protected, environmental effects to be addressed and characteristics of the disposal site and to consider why the alternative of land disposal is not reasonable or practicable. In addition, potentially adverse effects may arise from the marine disposal of contaminants or material containing contaminants. These effects may be significant, depending on the material being disposed of, the level of contamination and the location and method of disposal. Policy 13.2.2 directs that disposal of contaminants or material containing contaminants is to be avoided.

These objectives provide environmental, social and cultural benefits for the community. In particular, avoiding sea-based disposal of material will help to ensure that the values of the coastal environment are protected and/or maintained.

Costs

While both the MSRMP and WARMP require resource consent for the disposal of dredged or other material in the coastal marine area, there is little guidance on how to determine such applications. This is largely because in the MSRMP such disposal is a non-complying activity, while the assessment criteria of the WARMP are very generic in nature. Increased costs may therefore be associated with these MEP policies, especially in terms of an applicant having to consider alternatives to sea-based

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

disposal. The extent of costs will depend on the resource user wishing to apply for such an activity. Very few applications have been made to date for sea-based disposal of dredged or other material within Marlborough's coastal marine area.

Efficiency

Requiring detailed consideration of the appropriateness of disposing dredged or other material into the coastal marine area is the responsibility of the applicant. Addressing this matter as well as considering adverse effects on a range of values within the coastal marine area, including ecology, natural character, iwi, navigation and amenity values, will ensure the objectives will be achieved at the lowest costs to the community.

Effectiveness

These policies will be effective in achieving both objectives. In particular, requiring a consideration of alternatives to sea-based disposal will ensure that Objective 13.12a, which requires deposition or disposal in the coastal marine area to be minimised, is more likely to be achieved. The policies will be effective in addressing Issue 13G by ensuring that consideration is given to the adverse and potentially irreversible effects on the values of the coastal environment from such activities. The policies also assist in giving effect to a number of policies of the NZCPS.

Assessment of provisions to achieve Objective 13.13

Policies 13.13.1, 13.13.2 and 13.13.4

Policy 13.13.1 – Activities that result in little disturbance of the foreshore or seabed will be provided for as a permitted activity.
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Policy 13.13.2 – Enable disturbance of the foreshore and seabed in the following circumstances:

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| (a) at London Quay Beach, Shelly Beach and Waikawa Beach for the excavation or removal of foreshore or seabed material for the purpose of removing marine debris or litter or for the renourishment or grooming of beaches; |
| (b) for the excavation or removal of foreshore or seabed material for marine mammal rescue or burial; or |
| (c) for oil spill response operations. |

Policy 13.13.4 – Where disturbance of the foreshore and seabed will occur as a result of structures being fixed to the seabed (for example, during the construction of jetties, boatsheds or retaining walls, or when placing moorings on the seabed), this shall be regarded as appropriate where the effects are short-term, reversible and/or minor.

Benefits

Some activities, particularly recreational activities, have little impact on the foreshore or seabed in terms of associated disturbance. These activities are considered to be appropriate and are provided for as a permitted activity, subject to standards in some cases.

Policy 13.13.2 describes three specific instances where disturbance of the foreshore and seabed are appropriate. In the case of beach areas in Picton and Waikawa, the disturbance activities enabled have positive social benefits in terms of enhancing recreational use within the identified areas. Policy 13.13.2(b) enables disturbance when associated with infrequent occurrences of marine mammal deaths or strandings. Both instances are considered to have minor adverse effects and are enabled through permitted activity rules, subject to standards.

In some circumstances, minor disturbance of the foreshore and/or seabed will occur as a result of structures being erected. In many cases the effects will be short-term, reversible and/or minor, under which circumstances the disturbance is regarded as appropriate.

Costs

The cost of implementing these policies is considered to be negligible. This approach is a continuation of providing for permitted activities from the current resource management plans and for considering disturbance activities as part of resource consent applications for structures requiring resource consent.

Efficiency and Effectiveness

Providing for disturbance activities at the lower end of the scale through a permitted activity status where the activity does not have significant adverse effects on the environment has proven to be an efficient and effective method in the current MSRMP and WARMP. This will assist in achieving Objective 13.13 and addressing Issue 13G.

Policy 13.13.3

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

Benefits

At some locations around Marlborough's coastline, the foreshore environment is such that motorised vehicles can be used. However, the use of motorised vehicles can have adverse impacts on other beach users from both a safety and amenity perspective and on ecological, cultural and heritage values. Where there is the potential for these values to be affected this policy discourages the use of motorised 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 is a ratepayer cost in undertaking this assessment. If areas where motorised vehicles are to be prevented are identified, then there would be lost opportunity for those wanting to undertake such an activity. However, these costs would be justified where the values described in Policy 13.13.3 must be protected.

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 or physical works.

Policies 13.13.5 and 13.13.6

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

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

Benefits

The Wairau River mouth bar has a dominating effect on water levels in the Wairau estuary and lagoons, the lower Wairau and the lower Opawa. If the bar is partially closed, the water therein stays either almost completely devoid of saline water or conversely, remains with an extensive saline wedge. Either situation could adversely affect ecological values in the area. Opening of the Wairau River mouth will therefore improve water movement, mitigate flood risk and ensure that navigation across the river mouth can occur.

At other locations, the blockage of streams and river mouths, drainage channels and stormwater outfalls and pipes through the deposition of sediment or debris, can result in flooding of adjacent land or impoundment of water. This could pose potential health and safety risks. Appropriate provisions are necessary for work to be undertaken to address these situations. This approach will result in significant social benefits.

Costs

The cost of implementing these policies is considered negligible. This approach is a continuation of the current resource management plans in providing for permitted activities. There may be costs

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

associated with having to meet the permitted activity standards, but such costs already exist under the current management framework of the MSRMP and WARMP.

Efficiency and Effectiveness

Providing for these specific activities through a permitted activity status has proven to be an efficient and effective method in the current MSRMP and WARMP. A hydraulically efficient river mouth can have environmental, drainage, navigation and flood control benefits, provided that the manner in which the river mouth is kept open and that the timing of such works to achieve this are carried out in accordance with the permitted activity standards. This will assist in achieving Objective 13.13 and addressing Issue 13G.

Policies 13.13.7 to 13.13.9

Policy 13.13.7 – Proposals for an activity involving disturbance of the foreshore or seabed not otherwise provided for shall demonstrate that: <ul style="list-style-type: none">(a) there will only be short-term adverse effects on plants, animals or their habitat and the area will be naturally recolonised by a similar community type;(b) the disturbance will be undertaken in a way that:<ul style="list-style-type: none">(i) does not result in any significant increase in water turbidity or elevated levels of contaminants;(ii) does not result in significant adverse changes to bathymetry, foreshore contours, sediment particle size or physical coastal processes;(iii) does not have any off-site adverse effects; and(iv) is unlikely to cause or exacerbate shoreline instability or coastal erosion on adjacent coastal land.
Policy 13.13.8 – Where the removal of sand, shingle, shell or other natural material from any foreshore or seabed is proposed, the matters in Policy 13.13.7 shall apply.
Policy 13.13.9 – In addition to the matters in Policy 13.13.7, any proposal for dredging within the coastal marine area that is not for ship berthage or navigational channels in the Port Zone and/or Marina Zone or for river mouth/stormwater pipe clearance shall demonstrate: <ul style="list-style-type: none">(a) the necessity of the dredging; and(b) an appropriate disposal method, having regard to the matters in Policy 13.12.1 concerning disposal, if disposal is to occur in the coastal marine area.

Benefits

There will be instances where an activity involving some form of disturbance to the foreshore or seabed has not been otherwise described or provided for in the previous policies. Policies 13.13.7 to 13.13.9 provide guidance for determining the outcome of any resource consent application in such circumstances, having regard to the values of the coastal environment; this includes for the extraction of sand, shingle, shell or other natural material from the coastal marine area (although historically this has not occurred to any significant degree within Marlborough). In addition, the Council has occasionally received applications for dredging or other disturbance related activities in the coastal marine area that are not related to the operation of existing ports and marinas. Although these applications are not significant in number, it is appropriate to provide a management framework by which applications can be assessed.

For a number of the values to be considered through these policies (especially Policy 13.13.7), it will be appropriate to have regard to other policies of this chapter and others of the MEP. Additionally, where a disturbance activity has been provided for in policies under Objective 13.13 but does not meet permitted activity standards, the matters in Policy 13.13.7 must be considered by decision makers.

The main benefit of these policies is that appropriate consideration is given to the potential impacts of disturbance activities that have not otherwise been specifically provided for. This will potentially have environmental, social, cultural and economic benefits.

Costs

Under the provisions of the MSRMP and WARMP, there are already costs associated with having to apply for a resource consent for these activities. The costs are therefore not new and are considered

justified, given the various natural and human use values of the coastal environment. Costs are limited to those wishing to undertake disturbance activities.

Efficiency and Effectiveness

These policies are both efficient and effective. The costs of implementing these policies are borne by the resource user and are already in place through the resource consent requirements of the MSRMP and WARMP provisions. These two resource management plans do not provide the same level of policy guidance as is proposed through the MEP, but requiring consent for such activities has proven to be effective in protecting the natural and human use values of Marlborough's coastal environment. The policies will therefore help to achieve Objective 13.13 and address Issue 13G.

Methods of implementation for Objectives 13.10 to 13.13

The methods of implementation for Objectives 13.10 to 13.13 are regional rules, ranging from permitted activity status with standards through to prohibited activities. This approach is currently included in the MSRMP and WARMP. The main differences between the rules in the MEP and those of the current resource management plans are that the non-complying activity status has not been used and there are no assessment criteria within the rules volume of the MEP. This approach is consistent throughout all of the MEP.

Other options considered to achieve Objectives 13.10 to 13.13

The only other option considered by the Council to achieve Objectives 13.10 to 13.13 was the status quo in terms of the existing provisions of the MRPS, MSRMP and WARMP. The status quo for rules has been retained, with most activities requiring resource consent while those that are permitted activities, are subject to meeting standards. The standards for all existing permitted activities have been reviewed and in some cases have been amended to reflect community views expressed through consultation or in response to more effectively achieving the purpose and principles of the RMA.

The status quo has not been retained to the same extent in the policy provisions. The main reasons for this are that within the MSRMP and WARMP rules, any discretionary activity has a range of assessment criteria included with the rule. For example, Rule 35.4.2.1 of the MSRMP for reclamation includes seven assessment criteria (or matters) on which the effects of the reclamation are to be determined. There are also policies in Chapter 9 - Coastal Marine that have to be considered. In contrast, the MEP does not include assessment criteria within the rules; rather, these are expressed in policy.

Overall, policy in the MEP is much more detailed than it has been previously and there is a focus on the actual type of structures or disturbances that are to be addressed. For example, the MSRMP contains no specific policy for jetties or boatsheds. The policy is much more generic, in many cases referring simply to 'structures'. This is not particularly helpful for decision makers in trying to determine the effects of a particular type of structure as some effects are more relevant to one type of structure than another. The Council considers that providing greater guidance for the more common structures makes it easier for decision makers to focus their consideration.

Providing greater guidance also assists in determining the appropriateness of structures within the coastal environment, which is significant in the context of giving effect to the objectives and policies of the NZCPS. The provisions under Objective 13.1 and 13.2 of Chapter 13 of the MEP are aimed at providing guidance as to appropriate locations, forms and limits for a range of activities so the provisions under Issues 13E to 13G also assist in achieving those objectives.

Risk of acting or not acting

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

Section 32: Chapter 13 – Coastal Structures and Seabed Disturbance

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 moorings, anchoring, coastal structures and disturbance of the foreshore and seabed.

Appendix A – Section 32 of the RMA

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 – Coastal Structures and Seabed Disturbance

(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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