
MARLBOROUGH ENVIRONMENT PLAN

Section 32 Report

Chapter 13: Use of the Coastal Environment - Ports and Marinas

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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 – Ports and Marinas

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 any 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 used by the Council 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 provide the philosophy and values underlying the content of the MEP and consequently help to inform the Section 32 evaluation.

This Section 32 evaluation report relates to provisions for ports and marinas. The policy approach for these provisions is set out within Chapter 13 - Use of the Coastal Environment while the rules are set out in the Port, Port Landing Area and Marina Zones. This evaluation report is set out as follows:

- Description of issues – this provides an overview of the resource management issues for ports and marinas.
- 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 or other information have influenced the inclusion of provisions or other responses to dealing with resource management issues.
- Consultation – an overview of the extent and nature of specific consultation undertaken on the proposed provisions.
- Evaluation – an assessment of the provisions under each of the identified issues. Where appropriate, reference is made to supporting material that has helped to inform why a particular option has been chosen. In some cases the evaluation is undertaken on an individual provision, while in others groups of policies or methods have been assessed together.

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

Key changes

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

- A more comprehensive approach for managing existing ports and marinas, including the addition of a new zone for the two smaller port areas at Elaine Bay and Oyster Bay.

- Setting out operational requirements for ports, marinas and port landing areas to provide direction on what is appropriate activity in these areas.
- Port and marina facilities at Havelock, Picton and Waikawa have been identified as regionally significant infrastructure.
- A different zoning approach for Havelock, which recognises there are limitations on the infrastructure to handle processing of marine produce. As both port and marina activities occur within the Havelock Harbour, the use of two zones will be applied.
- An expansion of the port zoning on land in Shakespeare Bay, specifically around the head of the bay and part of the western side of the bay, with a non-development buffer of 25 metres width extending around the rezoned area to assist in maintaining amenity values. An area in Waikawa Bay has been zoned as Marina Zone to enable further berthage associated with the existing Waikawa Marina.

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 ports and marinas is set out below; the more detailed evaluation is set out in the remainder of this report.

- The ports and marinas at Havelock, Waikawa and Picton (as they exist or are approved at the time the MEP becomes operative) have been identified in Chapter 4 - Use of Natural and Physical Resources (Volume 1 of the MEP) as regionally significant infrastructure. This reflects the strategic integration of infrastructure with land use given to the Council in Section 30 of the RMA. Objective 13.17 has been included to recognise the significance of these existing facilities.
- An important aspect of implementing a resource management framework for Marlborough's ports, marinas and port landing areas is to ensure that management occurs in an integrated way across the land/water interface. Within this context, provisions have been included to clearly define the purpose for operations within these facilities to ensure their efficient use.
- Conversely, more direction has been included to ensure that activities without an operational requirement to be located within the Port, Port Landing Area and/or Marina Zones are assessed through the resource consent process.
- The reviewed provisions reflect the New Zealand Coastal Policy Statement 2010 (NZCPS), including specifically Policy 9 that directs the Council to recognise that a sustainable national transport system requires an efficient national network of safe ports to service national and international shipping and provide efficient connections with other transport modes.
- Specific provisions have been included for swing moorings located within the new marina extension area at Waikawa Bay. Policy has been included to allow these swing moorings to remain within the Marina Zone, but where new consent is sought for these moorings regard is to be had to a) whether the development of a marina in this area would be hindered and b) whether consents should be limited in duration to enable a marina to be constructed.
- The potential difficulty in finding land available in Havelock for industrial or commercial purposes is recognised. In determining whether it is appropriate for an activity not related to the operational requirements provided for within the Havelock Port Zone to be allowed, the consideration of whether there is available land elsewhere in Havelock is relevant.
- Given the nature of port, port landing area or marina operations, there is the potential for adverse effects to occur on the surrounding land and coastal marine area. Provisions have been included to ensure that the operation and maintenance of ports, port landing areas and marinas in their respective zones occur in a way that protects the values and uses of the coastal environment within which these facilities function. In many cases this includes the use of permitted activity standards, as this is an effective approach in managing the adverse effects of a range of activities. As on occasion infrastructure within ports or marinas needs to be replaced, expanded or altered to meet changing

commercial demands or needs, provisions have also been included to guide any expansion or significant alteration to facilities. These have been included as these types of changes have the potential to cause significant environmental effects.

Description of issues

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

Three substantial marinas have been established at Picton, Waikawa and Havelock. These provide landing, storage and loading facilities for residents of the Sounds and access points to the area for many non-resident boat owners. The marinas also provide for a variety of boat-related and commercial activities and support facilities.

The port in Picton, which includes Shakespeare Bay, plays a critical national role in the transportation of people and goods between the North and South Islands. As an export/import port, Picton acts as a base for commercial fishing vessels, marine farming and fishing activities and cruise ships, providing facilities that enable people to access the Marlborough Sounds. The port and marina at Havelock has become the primary service port for Marlborough's marine farming industry and is the main access point for tourism, forestry and other commercial activities in the area. Two other locations within the Marlborough Sounds - Elaine Bay in Tennyson Inlet and Oyster Bay in Port Underwood - provide facilities for the commercial loading/unloading of marine farming and fishing produce, but on a limited scale.

The provisions for ports and marinas are based on two issues:

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

- The existing port infrastructure at Picton and Havelock (and recently Oyster Bay and Elaine Bay) has been established over many years. Today these facilities are owned and operated by Port Marlborough New Zealand Limited (PMNZ), a company established in the late 1980s as a consequence of local body reform to succeed the Marlborough Harbour Board. PMNZ also owns and operates the marinas at Picton, Havelock and Waikawa.
- The ports and marinas at Havelock, Waikawa and Picton (as they exist or are approved at the time the MEP becomes operative) have been identified in Chapter 4 - Use of Natural and Physical Resources as regionally significant infrastructure.
- Port infrastructure has been specifically identified as regionally significant due its contribution to Marlborough's social and economic wellbeing, health and safety. In particular, facilities in Picton are of national significance. It is important that this strategic infrastructure operate efficiently, effectively and safely on an on-going basis to ensure community wellbeing.
- In implementing a resource management framework for Marlborough's ports, marinas and port landing areas it is vital to ensure that management is integrated across the land/water interface. It is also important that the purposes of these facilities are clearly defined to ensure their efficient use.

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

- Ports and marinas spanning the land/water interface are some of the most concentrated forms of development within the coastal environment. The nature of activities occurring within ports, port landing areas and marinas means there is the potential for adverse effects to occur. Without appropriate management mechanisms, these potential adverse effects can be significant.

- Using standards for permitted activities is an appropriate mechanism by which the effects of activities within ports and marinas can be managed. Occasionally infrastructure within the ports or marinas may need to be replaced, expanded or altered to meet changing commercial demands or needs; any expansion or significant alteration to facilities has the potential to cause significant environmental effects and these must be carefully assessed, particularly within the coastal marine area.

Statutory obligations

Apart from a transitional provision addressing the right of port companies to occupy the coastal marine area under Section 384A of the RMA, there are no other specific RMA provisions directly addressing the role or management of ports or marinas. The provisions of Part 2 of the RMA are relevant in the sustainable management of ports and marinas.

Sections 30 and 31 of the RMA also set out a range of statutory functions for the Council that enable it to establish management frameworks in response to the identified issues. Section 30(1)(gb) specifies that one of the functions of regional councils is the strategic integration of infrastructure with land use through objectives, policies and methods.

New Zealand Coastal Policy Statement

The NZCPS contains a number of policies relevant to port and marina areas. In particular, Policy 9 includes a specific policy on Ports. This policy focusses on the importance of a network of efficient ports as part of a sustainable national transportation system, rather than ports being significant in themselves. This policy requires Council to:

Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:

- (a) *ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and*
- (b) *considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.*

Policy 4 on Integration is also particularly important for ports and marinas situation because the facilities span the high tide mark and activities occur on land and in the coastal marine area. The policy directs that the integrated management of natural and physical resources and activities that affect the coastal environment are provided for.

Policy 6 provides for a range of activities within the coastal environment and specifically in the coastal marine area. Aspects of the MEP policies prepared for ports and marinas fulfil a number of different aspects of this extensive NZCPS policy. There is also a connection with Policies 6(2)(c) and (d) and other proposed MEP policies regarding the functional need of uses and developments to be located in the coastal marine area.

The Department of Conservation's implementation guidance for the NZCPS notes in respect of implementing Policy 9 that careful consideration of all NZCPS objectives and policies is required. Objective 6 and Policies 4, 6, 7, 10, 12, 19 and 23 are identified as particularly relevant to planning and decision-making for ports.

Maritime Transport Act 1994 and Maritime Security Act 2004

The Maritime Transport Act 1994, the Maritime Security Act 2004 and associated regulations are also important for the management of ports and marinas.

Information and analysis

A number of investigations and monitoring activities, such as a joint project with the Department of Conservation on natural character, landscape and wetlands have helped to directly inform the review of the port and marina provisions. The review of provisions to establish inner and outer noise control boundaries to guide activities at ports and a review of the discharge to air rules were two projects of direct relevance undertaken for the port areas in Picton and Havelock.

Joint project with Department of Conservation

The Department of Conservation and the Council undertook a joint project 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 regional policy statement.

This project was conducted with guidance from the Marlborough Sounds Advisory Group and involved a series of four interactive, participatory workshops/hui. The aim of the project was to define a collective community vision for the Marlborough Sounds as an important first step in setting objectives for the management of the Sounds. The hope was that if both the CMS and regional policy statement shared a common community vision, then that vision would be much more likely to be realised.

The workshops/hui were designed to build upon responses the Council had received regarding the regional policy statement discussion papers. Participants were asked to consider:

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

Participants were asked to specifically consider activities such as residential development, pastoral farming, marine farming, commercial forestry, tourist facilities and public facilities for access and recreation. The outcomes from the project were used in the process of developing new policy for the Council's resource management framework. Of particular relevance for ports and marinas were the risks highlighted on air quality from port activities and the provision of holding tanks at all marinas. Marinas were also identified by participants as one of the factors that made the Sounds special.

Port noise review

Marshall Day Acoustics Limited were engaged jointly by PMNZ and the Council to establish inner and outer noise control boundaries for operations at Picton (including Shakespeare Bay) and Havelock. An assessment of the existing and future port noise environments in these locations was undertaken in accordance with NZS 6809:1999 "Acoustics – Port Noise Management and Land Use Planning". This standard aims to ensure the long-term compatibility of ports and their neighbours by the application of appropriate land-use planning techniques. The standard recognises the need for ports to operate in an effective manner and provides guidelines to ensure that adjacent residential communities can co-exist with ports.

From these assessments, inner and outer control noise boundaries for port operations were defined and included in the MEP. Specific rules apply to activities within the control boundaries, which are mapped within the MEP overlay series of maps.

Review of discharge to air rules

Environet Limited were engaged to review the existing air discharge rules contained within the MSRMP and WARMP and to provide advice on appropriate rules to achieve compliance with the NES for PM₁₀. The review identified a number of inconsistencies, 'loopholes' and rules that could be

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.

improved across all zones, including ports and marinas. Several types of activities that could have been permitted within these plans were found to require resource consents. In addition, technical material supporting conditions of permitted and controlled activities required updating.

Growing Marlborough strategy

This project aimed to provide planning for Marlborough's urban growth for the 25 year period, from the 2006 census through to 2031. Growing Marlborough covered three sub-strategies, each tailored to the specific issues and opportunities facing different parts of the District: the Blenheim Town Centre Revitalisation Strategy; settlements in south Marlborough; and settlements in Picton, Havelock and the inner Sounds. In considering options for growth, one of the key factors relevant for ports and marinas was supporting strongly defined communities with unique identities. This resulted in recommendations to improve the connections and access between the towns and their ports and marinas.

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 to all ratepayers advising of the review. 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 port and marina areas.

- The appearance of buildings, specifically the height buildings are allowed to reach in foreshore areas, was commented on. The granting of consent for the five storey apartment complex erected on the foreshore in Waikawa Marina by PMNZ was given as an example. It was suggested that an appropriate maximum height restriction for structures, should be two storeys.
- A number of people raised concerns regarding the future of Picton and Havelock in terms of overall development in particular response to development proposals for both towns. For Havelock, there was concern that apartment developments would not lend themselves to the character and nature of the town as a port.
- Little comment was received on traffic issues connected with the ports, a proposal to provide a heavy traffic bypass via a toll road to Shakespeare Bay from the Elevation through the hills behind Picton was suggested.
- Regarding water quality, a concern was raised that log loading operations from the port were said to be discharging leachate directly into the Havelock Estuary. This respondent's view was that the seaward side of the marina has become more like a tip than a public amenity and that more effort should be directed to correct this.
- Underground power lines were suggested for the Waikawa area to improve the appearance of Waikawa Marina as the entrance to the Sounds for the many hundreds of visitors.
- Respondents commented that marinas should be expanded or extended to accommodate the demand for moorings and berths as well as car parking for trailer boat owners.
- The cost and lack of facilities for launching boats in Picton was identified as a restriction to gaining access to the Sounds. A lack of balance between commercialisation and existing user rights was perceived due to the cost of access and the inadequacy of existing facilities.

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

Section 32: Chapter 13 – Ports and Marinas

In total, 72 responses were received on *Discussion Paper 4* from individuals, iwi, industry and environmental groups. There was little feedback on ports and marinas; in general comments made were in response to issues concerning the need for boat access creating a demand for coastal structures and the impacts of forestry harvesting on the road network. Comments received through the feedback noted the following:

- The Department of Conservation wanted to ensure that a) port and marina facilities and structures continue to be concentrated at Waikawa, Picton and Havelock and b) the development of similar infrastructure in areas not already identified for this purpose be discouraged.
- Several residents and residents' groups raised concerns about the ability to access Picton and Havelock by boat. Concerns focussed on a lack of casual berthage for boats but extended to the shortage of vehicle parking at points of embarkation.
- For barging of harvested forestry products into the future, the ongoing ability to barge logs to the port facilities in Picton and Havelock was considered crucial.

Forty-nine responses were received on *Discussion Paper 10: Transport and Access*. In this discussion two relevant issues concerning ports and marinas were raised: future-proofing the ports at Picton and Havelock as areas vital for the social and economic wellbeing of Marlborough; and providing for public access to and from the Marlborough Sounds. Comments received through the feedback included:

- Shipping, both local barging and international transport, was crucial to Marlborough's ability to export produce. Because of this, port facilities should be protected for that purpose and port operations should not be constrained.
- One respondent considered the future of the port at Picton lay with tourism rather than freight, as in the respondent's view Picton was not truly a deep-water port. Another respondent suggested investigating the provision of a container-loading facility at Shakespeare Bay, as this would allow rail access, reduce the number of heavy road vehicles in Picton and facilitate a return to shipping around the New Zealand coast.
- It was suggested that as well as providing guidance on port expansion limits, the regional policy statement could also emphasise the desirability of concentrating activities at existing locations to avoid port-associated adverse effects elsewhere in the Sounds.
- In improving or providing for public access, some considered there could be an impact on the recreational and amenity values of the Sounds. It was suggested that more boats and marina berths would result in cumulative effects on fishery resources, littering, pressures on public resources (such as picnic and jetty facilities) and perceptions of crowding.
- It was noted that with trends indicating increases in boat size, there will be greater demand for more secure berths and marina facilities. It was considered that such facilities would have significant impacts, especially on natural character and public access. One respondent believed these impacts could be so significant that development should be discouraged. Another view was that though marina placement must be carefully considered, a marina can offer the opportunity of better management of vessels within an area with high sensitivity.

Later consultation

Considerable discussions were held between the Council and PMNZ, the only port operator in Marlborough. PMNZ is also the main operator of marinas in the District apart from the small floating marina at Portage. (However, this floating marina does not use extensive land-based facilities and therefore no specific consultation occurred with its operator.)

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 resolve any substantive issues prior to notification.

The focus groups that considered the provisions included the Sounds Advisory Group and the Marine Focus Group. As a consequence of the iterative process undertaken with PMNZ, the Sounds Advisory Group conducted several reviews of the provisions. Other groups or organisations involved included the Department of Conservation, Kiwi Rail and the Picton Regional Forum.

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

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

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

In addition there was an outstanding appeal before the Environment Court in relation to the Moorings Management Area and Marina Zone plan change, which was settled by consent between the parties in 2014. This private plan change lodged by PMNZ sought to introduce Moorings Management Areas in Waikawa Bay and extend the Marina Zone to the northwest of the existing marina. The decision of the Court saw a need to review some of the policies and rules for moorings as they related to Waikawa Bay specifically, to the extension of the marina zoning to the northwest and the removal of the marina zoning to the northeast of the existing marina.

Evaluation for Issue 13J

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

Appropriateness of Objective 13.17

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

Relevance

Given the contribution that the operation of ports and marinas make to Marlborough’s economic and social wellbeing, it is important that these facilities operate efficiently. The objective is therefore directed to addressing the resource management issue in 13J.

The objective helps to achieve Section 7(b) of the RMA, where the Council is required to have regard to the efficient use and development of natural and physical resources. The objective also supports other policy within Chapter 4 - Use of Natural and Physical Resources (Volume 1 the MEP), which recognises that the ports and marinas at Picton, Havelock and Waikawa are regionally significant infrastructure. This reflects the Council’s function through Section 30(gb) of the RMA – ‘*the strategic integration of infrastructure with land use through objectives, policies, and methods.*’

This objective also helps give effect to Policy 9 of the NZCPS, which recognises that a sustainable national transport system requires an efficient network of safe ports to service national and international shipping with efficient connections with other transport modes. It also gives effect to Policy 6 of the NZCPS relating to activities in the coastal environment and the coastal marine area.

Feasibility

Marlborough’s existing ports and marinas are well-established, especially those facilities in Picton and Havelock. There are known effects’ arising from the operation of ports and marinas and management has long been applied to address these effects. Additionally, Objective 7.1.14 in the current MRPS is similar to Objective 13.17 in the MEP, which seeks the efficient operation of community infrastructure including ports and marinas. Objective 13.17 is therefore a continuation of an existing approach that is considered feasible, particularly given the Council’s function in terms of Section 30(gb), the direction of Section 79(b) of the RMA and through the policies of the NZCPS.

Acceptability

Through feedback received during the consultation process, there was recognition of the importance of ports and marinas for providing access points for recreational vessels as well as the fact that shipping, both local and international, was crucial to the export of produce from Marlborough. It was stated that port facilities should therefore be protected and port operations should not be constrained.

As the objective aims to enable the efficient operation of Marlborough’s existing ports and marinas, it is not expected to result in any unjustifiably high costs on the community or parts of the community. Subsequent policy provides the framework as to how efficiency can be achieved, which may in some instances curtail activities that are not related to the operation of ports and marinas.

Assessment of provisions to achieve Objective 13.17

Policies 13.17.1 and 13.17.2

Policy 13.17.1 – Specific areas are identified for activities related to the operation of ports, port landing areas and marinas through a Port Zone, Port Landing Area Zone and Marina Zone, respectively.
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Policy 13.17.2 – Promote the efficient use of land available within ports and marinas.
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Benefits

The use of zones enables activities regarded as appropriate for the operation of ports/port landing areas/marinas to occur in specific and established areas of both the coastal marine area and on land. The zoned areas are based in part on facilities that have existed for some time with largely known effects. Some additional areas have been zoned in recognition of the need for expansion; for example, an area in the port in Shakespeare Bay (part of the Port of Picton). In addition, an area

alongside the existing marina in Waikawa Bay remains undeveloped at the time of notification of the MEP, but has been zoned to provide future opportunities for additional berthage capacity (see Appendix 10 of Volume 3 of the MEP).

It is important that land associated with Marlborough's ports and marinas is used to support these purposes, as physical constraints and environmental considerations in these areas may impact on further expansion. While some non-port activities may cause similar effects to those connected with ports or marinas, others could interfere with the efficient management of port or marina facilities. The policies therefore deal with the environmental and economic benefits that arise from providing for port and marina activities.

There are particular environmental benefits from having a specific zone for managing the operations of activities in Elaine Bay and Oyster Bay. Historically these areas have not been identified as requiring any specific operational management framework. However, these smaller port areas play an important role in providing for the commercial loading/unloading of marine farming and fishing produce, albeit on a limited scale compared with the ports at Picton and Havelock. Because of this and the more isolated environment within which these facilities operate, it is appropriate that the MEP include a specific management framework under which they can operate.

Costs

No negative effects are expected to result from these policies; therefore no costs are anticipated.

Efficiency

The policies are considered effective as they will achieve Objective 13.17 at the lowest total cost to all members of society (see Costs evaluation above). Grouping similar activities within a location governed by consistent standards will ensure positive environmental outcomes.

Effectiveness

These policies will enable the efficient operation of Marlborough's ports and marinas. This in turn will help to achieve or give effect to a number of the policies of the NZCPS, most notably Policy 9. These policies provide support for other policy within the MEP in which ports and marinas are identified as regionally significant infrastructure (Policy 4.2.1). The policies will be successful in addressing the resource management issue identified in Issue 13J.

Policies 13.17.3 to 13.17.5

<p>Policy 13.17.3 – Recognise and provide for the following operational requirements of Port Zones in Picton and Havelock:</p> <ul style="list-style-type: none"> (a) shipping activities; (b) loading and unloading of ships, cargo handling, storage of cargo and some processing of cargo; (c) transportation activities and passenger terminals; (d) ship building, repair and maintenance; (e) marine fuel facilities; (f) building and structures (including on wharves), wharves, reclamation, mooring structures and slipways; (g) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage and manoeuvring of commercial vessels; (h) maintenance, repair, removal and replacement of buildings and structures; (i) quarantine and border control activities; (j) placement and maintenance of navigation aids; (k) port administration including security, servicing and maintenance activities; and (l) signage.
<p>Policy 13.17.4 – Recognise and provide for the following operational requirements of Marina Zones in Picton, Havelock and Waikawa:</p> <ul style="list-style-type: none"> (a) shipping activities;

- (b) loading and unloading of people and goods;
- (c) transportation activities;
- (d) marine fuel facilities;
- (e) commercial activities related to the operation of a marina;
- (f) ship repair and maintenance;
- (g) building and structures (including on jetties), jetties, reclamation, mooring structures (excluding swing moorings) and slipways;
- (h) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage and manoeuvring of commercial vessels;
- (i) maintenance, repair and replacement of marina infrastructure;
- (j) placement and maintenance of navigation aids;
- (k) marina administration including security, servicing and maintenance activities; and
- (l) signage.

Policy 13.17.5 – Recognise and provide for the following operational requirements of Port Landing Area Zones at Elaine Bay and Oyster Bay:

- (a) shipping activities;
- (b) cargo handling, storage of cargo and loading and unloading of ships;
- (c) building and structures, wharves, mooring structures (excluding swing moorings) and launching ramps;
- (d) marine fuel facilities;
- (e) maintenance, repair, removal and replacement of buildings and structures;
- (f) placement and maintenance of navigation aids; and
- (g) signage.

Benefits

These three policies clearly identify the operational requirements of the Port, Port Landing Area and Marina Zones. A range of activities in each of the zones will be enabled by district and regional rules, subject to standards being met. However, for some activities, including those within the coastal marine area requiring reclamation, the erection of structures and in some cases, disturbance of the seabed, resource consent will be required. There are differences between the operational requirements provided for Port and Port Landing Area Zones. This is because the smaller ports are located in more sensitive environments, in areas with considerably less development than what has occurred in Picton and Havelock. Some land-based activities will also require consent, including certain forms of cargo processing, particularly where this has the ability to create adverse environmental effects and/or where servicing requirements exist.

The economic, environmental, social and cultural benefits of these policies are considerable. Functionally, ports and marinas must be located in and adjacent to the coastal marine area. In a Marlborough context, these facilities cannot easily be expanded or newly created; therefore it is important they are operated as efficiently as possible for port or marina purposes.

Costs

No significant costs are expected to arise from these policies. Collectively, they provide the framework for permitted activity rules and so provide certainty about the nature of activities able to occur within the relevant zones as well as the purpose of the zones. Costs for port and marina operators may be incurred in meeting standards of permitted activities or in seeking resource consent where an activity does not fall within the operational requirements identified in the policies. However, this largely reflects the existing approach of the MSRMP in relation to port and marina facilities. Commercial activities in marina zones have been restricted to those specifically related to the operation of a marina. This ensures the most efficient use of land zoned for a marina, as the availability of such land is limited.

Efficiency and Effectiveness

The three policies are efficient and effective in achieving Objective 13.17. The provisions are likely to achieve the desired outcome at the lowest total cost to the community, enabling the efficient operation of Marlborough's ports and marinas. In doing so, the provisions help give effect to Policies 6 and 9 of the NZCPS and help achieve Section 7(b) of the RMA, in which the Council is required to have regard to the efficient use and development of natural and physical resources. These policies also support other policy within Chapter 4 of Volume 1 of the MEP, which recognises that the ports and marinas of Picton, Havelock and Waikawa are regionally significant infrastructure.

In terms of how well the policies will assist in resolving Issue 13J, there is clear acknowledgement in the description of the issue that an important aspect of implementing a resource management framework for Marlborough's ports and marinas is to ensure that management occurs in an integrated way across the land/water interface. It is therefore important that these facilities have clearly defined purposes to ensure efficient use is made of them. Policies 13.17.3 to 13.17.5 provide integrated management do so and as a result there is likely to be a high level of success in addressing Issue 13J.

Policies 13.17.6 and 13.17.9

Policy 13.17.6 – Activities not recognised as having an operational requirement (as identified in Policies 13.17.3 to 13.17.5) that are to be located in the Port, Port Landing Area or Marina Zones must be assessed through a resource consent to ensure that the efficiency and safety of the port/port landing area/marina is not compromised.
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Policy 13.17.9 – Where an activity not related to operational requirements is proposed in the Havelock Port Zone, then decision makers must take into account the following matters:
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| (a) the extent to which the activity impacts on the matters in Policy 13.17.6; and |
| (b) the availability of suitable land elsewhere in Havelock. |

Benefits

In relation to the coastal environment, NZCPS Policy 6(e) states the need to '*consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area.*' In the case of ports, this is further reinforced by Policy 9 of the NZCPS where it is stated that a national transport system requires an efficient network of ports. It is important therefore that activities located within the zoned boundaries have an operational requirement to be located there. This is particularly important in the case of the ports and marinas in Picton, Havelock and Waikawa, which have been identified as regionally significant infrastructure. Policy 13.17.9 recognises a specific situation where there are potential difficulties in finding land available in Havelock for industrial or commercial purposes. In determining whether an activity not related to the operational requirements provided for within the Havelock Port Zone should be allowed, it is relevant to consider whether land is available elsewhere in Havelock.

To effectively ensure the integrity of zones, the policy directs that activities not directly related to specified operational requirements are to be assessed through the consent process. This will ensure that the port or marina remains of economic benefit. Environmental benefits will also arise as land that is zoned for port and marina activity is limited in extent. Ensuring appropriate consideration of this factor through the consent process will be important in terms of efficiency.

Costs

Any costs of these policies are likely to be associated with resource consent applications for activities not related to the operational requirements of the zone. However, these costs are considered justified in that the zones are a finite resource. Allowing activities without an operational requirement to be located within these zones would decrease the area available for activities that do have a requirement to be located there.

Efficiency

The policies are considered efficient as they will achieve Objective 13.17 at the lowest total cost to all members of society (see Cost evaluation above). Ensuring that activities occurring within the three zones have an operational requirement to be there will lead to efficient use of those zones.

Effectiveness

The policies will be effective in that the efficiency and safety of the Port, Port Landing Area and Marina Zones will not be compromised by activities without an operational requirement for being located in these areas. This in turn will help to achieve or give effect to a number of the policies of the NZCPS, including Policies 6(e), 9 and 10. Guidance on implementation of the NZCPS also signals that Policy 9 does not apply to activities and development within commercial port areas that do not relate directly (or at all) to the primary business of the port. However, the guidance does also state that Policy 9(a) may be relevant to some non-port-related development proposals on port land when a council wants to be satisfied that the proposed developments will not adversely affect the port's operations or development into the future.

These policies support other policy within the MEP in which ports and marinas are identified as regionally significant infrastructure (Policy 4.2.1). The policies also address the resource management issue identified in Issue 13J. The limited land available in Havelock for commercial and industrial activities has also been identified in Policy 13.17.9 as an additional matter for consideration.

Policy 13.17.7

Policy 13.17.7 – Where a new consent is sought for a swing mooring specifically identified in Standard 15.5.4.1, decision makers must have regard to:

- (a) the proposed location of the swing mooring within that part of the Marina Zone in Waikawa Bay identified in Appendix 10 and the availability of space within that area;
- (b) the type and specification of the swing mooring, including the swing arc;
- (c) whether space is available within existing Moorings Management Areas in Waikawa Bay that could accommodate the swing moorings in Standard 15.5.4.1;
- (d) whether a new consent would unduly hinder the development of a marina in that part of the Marina Zone in Waikawa Bay identified in Appendix 10; and
- (e) the need for conditions to limit the duration of a consent to enable marina development to proceed.

Benefits

At the time of notification of the MEP, an area alongside the existing marina in Waikawa Bay remains undeveloped but has been zoned to provide opportunities for additional berthage capacity. However, expansion of this marina into the zoned area is potentially constrained by a number of swing moorings at the same location (identified in Standard 15.5.4.1). Policy has been included to allow these swing moorings to remain within the Marina Zone, but where a new consent is sought regard is to be had to whether the development of a marina in this area would be hindered and whether consents need to be limited in duration to enable a marina to be constructed. This will ensure that the economic benefits that arise through marina activity are not unduly affected by the existence of swing moorings.

Costs

Negative effects will potentially arise from this policy. There are 26 moorings located within the Marina Zone identified in Standard 15.5.4.1 and of these, 12 are in the ownership of PMNZ who operate Waikawa Marina. For the remaining 14 mooring consent holders it is possible that an application for a new consent for the mooring will not be granted as a consequence of this policy. Additional costs could also arise if the mooring owner has to apply for a consent in a new location or transfer the mooring to a Mooring Management Area. However, this approach is currently already in place in the MSRMP, having been included through Plan Change 21.

Efficiency and Effectiveness

The policy will achieve the objective to enable the efficient operation of Marlborough's marinas, particularly as the location of the moorings identified in Standard 15.5.4.1 has been zoned for marina purposes. Construction and operation of a marina would be considerably hampered by the continuation of moorings at this location.

Policy 13.17.8

Policy 13.17.8 – Use, development and occupation within the coastal marine area adjacent to but not directly connected with operation of the ports, port landing areas and marinas should not adversely affect day-to-day operations of those ports, port landing areas or marinas.

Benefits

In the coastal marine area parts of the Port, Port Landing Area and Marina Zones, individuals or organisations other than the port/marina operator may wish to carry out certain uses or activities. It is important that resource consent is required for uses or developments not related to the operational requirements set out in Policies 13.17.3 to 13.17.5, allowing the Council to consider the effects of the proposed use on the operation of the port, port landing area or marina. This is particularly relevant given that currently, PMNZ has occupation rights through Section 384A of the RMA for certain areas of the coastal marine area associated with its operations.

Costs

No negative effects are anticipated as a consequence of applying this policy. Most activities already require a resource consent to develop and occupy the coastal marine area under the provisions of the MSRMP and WARMP, so no new requirements have been introduced. The policy provides support for policy in Chapter 4 in which ports and marinas have been identified as regionally significant infrastructure. It is therefore important that these facilities are able to operate without undue interference from other uses and developments.

Efficiency and Effectiveness

For the reasons set out in the costs assessment (above), this policy is considered to be efficient. It will be effective in ensuring that ports and marinas can be efficiently operated without interference from other activities not directly associated with the day-to-day operation of these facilities. The policy will help to address the resource management issue identified in 13J, especially in terms of ports and marinas having been identified as regionally significant infrastructure. The issue description specifically identifies that this may generate a need to manage activities occurring in the vicinity.

Policies 13.17.10 and 13.17.11

Policy 13.17.10 – Restrictions on public access to and within port areas may be appropriate to maintain public health, safety and security.

Policy 13.17.11 – Restricting public access to, within and through marinas should be avoided unless public health, safety or security is an issue.
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Benefits

These two policies relate to public access issues and although they are seeking different outcomes, they have been evaluated together.

The operational area of a port is often popular for a range of recreational activities such as fishing, walking and viewing port activities. However, these activities are not always compatible with a working port. Health and safety hazards, international security legislation and local security needs may require restricted access, particularly for an export port such as Picton. The policy signals that it may be appropriate at times to restrict public access. Additional policy setting out the ability to restrict public access for these reasons, despite the direction in Section 6(d) of the RMA to maintain and enhance public access to the coastal marine area as a matter of national importance, can be found in Chapter 9 - Public Access and Open Space (Volume 1 of the MEP).

Marinas are also often popular with people for walking and viewing day-to-day activities. In some circumstances, such as at Picton and Waikawa marinas, they also provide access to the foreshore beyond the marina. Provision for public access has in the past been a requirement of a resource consent to establish or extend marinas. For this reason, and in contrast to Policy 13.17.10, Policy 13.17.11 directs that restrictions on public access to, within and through marinas should be avoided, unless there are significant concerns for public health and safety or for the security of boats. This policy has particular social benefits.

Costs

There are no anticipated costs arising from these policies as they are a continuation of the approaches already in the MSRMP and WARMP. While limitations may be placed on public access within port environments, this is very important for health and safety reasons and is a normal expectation of any current work environment. In contrast, marinas do not have the same level of activity as ports and therefore restrictions on public access should be avoided unless public health, safety or security is an issue.

Efficiency and Effectiveness

These policies are efficient as there is a low cost relative to the benefits that will result. Placing restrictions on public access within port environments will more likely result in Objective 13.17 being achieved, as port operators will be able to restrict access to ensure operational efficiency. Maritime legislation and associated regulations also mean that restrictions on public access around ports can be imposed.

The same legislation does not apply to marina operations; therefore, the policy requires that restrictions on public access to marinas should be avoided in the first instance, unless there are public health, safety or security issues. Having to provide for public access may potentially result in some inefficiencies in marina operations; however, this is an existing situation. There are requirements in terms of Section 6(d) to maintain and enhance public access to the coastal marine area as a matter of national importance. The provisions of the NZCPS in relation to walking access (Policy 19) are also important in considering these policies.

Evaluation for Issue 13K

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

Appropriateness of Objective 13.18

Objective 13.18 – Operation and maintenance of the Port, Port Landing Area and Marina Zones occurs in a way that minimises adverse effects on adjoining zones, water quality, air quality and values of the coastal environment.

Relevance

By their very nature, the operation of ports, port landing areas or marinas create the potential for adverse effects on the surrounding land and coastal marine area. This objective seeks to ensure that the operation and maintenance of ports, port landing areas and marinas in their respective zones occurs in a way that protects the values and uses of the coastal environment within which these facilities function. This objective is therefore directed to addressing the resource management issue in Issue 13K.

The objective is relevant as it helps to maintain and enhance amenity values and the quality of the environment as required by Section 7(c) and (f) of the RMA. The objective also supports other policy within the MEP, including policies for water and air quality as set in Chapter 15 - Resource Quality (Water, Air, Soil) - Volume 1 of the MEP.

This objective helps give effect to a number of the policies of the NZCPS, including Policy 9, which recognises that a sustainable national transport system requires an efficient network of safe ports. Taking an enabling approach to activities within the Port Zones with clear and certain standards to manage adverse effects will contribute to the efficient operation of ports. Objective 13.18 also gives effect to Policy 6 of the NZCPS, which relates to activities in the coastal environment and the coastal marine area, as well as to Policies 4, 7, 19 and 23. In relation to Policy 4, the objective focusses particularly on addressing integration issues given the sharp nature of zoning boundaries with adjoining zones. The objective therefore focusses on minimising any effects on adjoining zones, rather avoiding effects altogether.

Feasibility

Marlborough's existing ports and marinas have been established for some time, especially those facilities in Picton and Havelock. There are known effects arising from the operation of ports and marinas and management has long been applied to address these effects. Objective 13.18 is therefore a continuation of an existing approach that is considered feasible with an acceptable level of uncertainty and risk.

Acceptability

As the objective is aimed at ensuring any adverse effects of the operation and maintenance of ports, port landing areas and marinas are appropriately avoided, remedied or mitigated, no unjustifiably high

costs on the community or parts of the community are likely to result. Subsequent policy provides the framework as to how these effects can be addressed.

During the consultation process feedback was received on the effects of ports and marinas, including the design and height of buildings, residential activity within port areas, impacts on water quality, provision for parking and public access. Overall a desire was expressed to ensure these types of facilities were appropriately managed given their location in the coastal environment. It is therefore considered that there is support for this provision as it manages the range of effects identified in subsequent policy.

Assessment of provisions to achieve Objective 13.18

Policy 13.18.1

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

Benefits

Functionally, ports and marinas must be located in the coastal marine area, constituting an appropriate activity in the context of Policy 6(2)(c) of the NZCPS. However, the coastal environment can be sensitive to change, even where there has been prior modification of that environment. This policy seeks to ensure that the intensity, character and scale of development and operation within Port, Port Landing Area and Marina Zones recognises the particular values of the coastal environment at each of the identified locations. By way of example, the range of activities provided for in the relatively unmodified coastal environments of Elaine Bay and Oyster Bay are more limited than those permitted at the ports of Picton and Havelock.

Significant environmental, cultural and social benefits will arise from this policy, which is effectively implemented through the establishment of the zones and associated rules. Where resource consent is required for an activity within the zone, this policy can also be used to assist in determining the appropriateness of the activity.

Costs

No costs are expected to be associated with this policy as it effectively records that the management frameworks will be appropriate in relation to the values of the coastal environment at each of the zones. This includes provision for a wide range of permitted activities for those areas that are well developed.

Efficiency and Effectiveness

The policy will be efficient and effective in achieving Objective 13.8. Providing a zoned approach to activities connected with port and marina operations and providing a management framework within which these can occur delivers certainty to operators and the community. Objective 13.18 is therefore more likely to be achieved and the resource management issue in 13K is more likely to be addressed.

Policies 13.18.2 to 13.18.5

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

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

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

- (a) avoiding encroachment of residential activities towards and around ports/port landing areas; and

(b) avoiding residential activities within marinas.
Policy 13.18.4 – The environmental effects from activities within Port, Port Landing Area and Marina Zones are avoided, remedied or mitigated through the setting of standards, so that:
(a) vehicle parking, access and loading do not adversely affect the operation of the port/marina, road system or safe pedestrian movement;
(b) signage enables public identification of port and marina operations but does not dominate the landscape;
(c) structures and buildings in the various Port and Marina Zones do not dominate the landscape, particularly when having regard to visual effects as viewed from the adjoining zones in Picton and Havelock;
(d) the location or height of buildings does not shade sites in adjacent zones;
(e) noise levels allow the zones to function effectively, but also minimise noise nuisance for surrounding residents; and
(f) light spill does not occur in adjoining Urban Residential, Open Space and Business Zones.
Policy 13.18.5 – Dredging for the maintenance of berths and identified navigation channels shall be recognised as an appropriate activity in Port and Marina Zones subject to standards to mitigate adverse effects, including those on navigational safety, water quality and aspects of the dredging operation, such as limits on the volume able to be dredged.

Benefits

Ports and marinas spanning the land/water interface are one of the most concentrated forms of development within the coastal environment. The nature of activities occurring within ports, port landing areas and marinas creates the potential for adverse effects to occur. Unless appropriate management mechanisms are in place, these potential adverse effects can be significant. For example, noise and traffic movement may be of concern to nearby residents when boats enter and leave facilities at all hours of the day and night. Lighting may also be of concern as ports and marinas are commonly lit at night for security reasons.

Specific provision for dredging has been included in recognition of the need for ports and marinas to operative both effectively and efficiently. For Havelock, this has resulted in an extension of the port zoning beyond the harbour area to include the main navigational channel.

Permitted activity standards are the appropriate mechanism by which the effects of most activities within ports and marinas can be managed. The benefit of these policies is that they set out the framework for the standards that must be met. This will ensure that activities are undertaken in a manner that avoids, remedies or mitigates adverse effects on the immediate and wider environment, including on adjoining zones.

Costs

There are costs associated with these policies in terms of requirements for meeting permitted activity standards. However, this is not new as the current provisions of the MSRMP and WARMP use the same approach (though the standards in the MEP have been reviewed). The costs associated with this process are considered justified to ensure any adverse effects are appropriately remedied or mitigated. On land, any additional costs will only apply to new activities or to those that may be governed by regional rules.

Efficiency and Effectiveness

The policies will contribute significantly to the achievement of the objective, which seeks to ensure that in the operation and maintenance of ports, port landing areas and marinas any adverse effects on the values and uses of the coastal environment within which these facilities function, are minimised. The policies have an enabling approach to activities within the Port, Port Landing Area and Marina Zones subject to the meeting of standards for permitted activities, although in some cases there may be requirements for resource consent. The policies will also be successful in addressing the resource management issue identified in 13K. These policies will also assist in giving effect to the NZCPS, including Policies 4, 6, 7, 9, 19 and 23.

Policies 13.18.6 and 13.18.7

Policy 13.18.6 – Where dredging is proposed in Port and Marina Zones but exceeds specified volume limits or is associated with the construction of a new berth, the following matters will be considered:

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

Policy 13.18.7 – Where a resource consent is required to extend or alter port or marina infrastructure and this is to occur within that part of the Port or Marina Zone located in the coastal marine area, the following matters shall be considered:

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

Benefits

These policies provide guidance for decision makers in determining either an application for dredging where standards specified in the rules are exceeded or where any expansion or alteration of existing facilities within the coastal marine area parts of the zones is proposed. The matters for consideration in the policies and for which it may be appropriate to impose conditions on consent to remedy or mitigate effects are limited in recognition of the generally highly modified character of the existing port and marina facilities in Havelock, Waikawa and Picton. The implementation of these policies will result in economic, environmental, social and cultural benefits through the assessment of the identified matters.

Costs

There are costs associated with these policies in terms of requirements for resource consent. However, this is not a new cost as the current provisions of the MSRMP and WARMP also require resource consent for activities within the coastal marine area. The costs associated with this process are considered justified to ensure any adverse effects are appropriately remedied or mitigated.

Efficiency and Effectiveness

The policies are both efficient and effective as they acknowledge that these activities will be taking place within a highly modified environment. The matters for assessment are appropriately limited in recognition of this. This is also reflected through the rules where for some activities in the coastal marine area, a restricted discretionary activity status applies rather than a full discretionary activity status. The policies will contribute significantly to the achievement of the objective and will be successful in addressing the resource management issue identified in 13K.

Policy 13.18.8

Policy 13.18.8 – Promote visual and physical connections between Port and Marina Zones and their respective town centres, neighbouring urban areas and foreshore areas through landscape design and enhancement measures compatible with the visual character of the surrounding urban and coastal environment.

Benefits

The ports at Picton and Havelock have a close association with their respective town centres and this relationship needs to be carefully managed. The connections considered important are physical and visual, in terms of providing good linkages between the town and its port as well as making the port an attractive place to visit or view. In Havelock, this is important because the port functions as a recreational boating marina as well as an operational port and this combination of uses brings many visitors to the port. In Picton, the linkages between the ferry terminal, foreshore and town centre are also particularly important, given the significant number of tourists who travel through the ferry terminal every year. For marinas that have close associations with their respective urban and coastal surroundings, connections are also visually and physically important. This approach brings economic, social and environmental benefits.

Costs

No anticipated costs will arise directly from this policy. There is no need for resource consent and the outcomes sought are more likely to be achieved through the implementation of urban design guidelines as set out in Methods of Implementation 13.M.24.

Efficiency

As no negative effects are anticipated, the policy can be regarded as being efficient. However, it will not be until a subsequent assessment of the efficiency and effectiveness of the provision under Section 35(2)(b) of the RMA, will a more definitive assessment can be made.

Effectiveness

The policy will be effective in achieving Objective 13.18, especially in relation to minimising adverse effects on the values of the coastal environment. In particular the linkages between ports and marinas and their respective surroundings helps to enhance public access to the coastal marine area (as required by Section 6(d) of the RMA) and maintain and enhance amenity values and the quality of the environment (as required by Section 7(c) and (f)). Improved connections between the ports and marinas in Picton and Havelock were also supported through the Growing Marlborough strategy.

Methods of implementation for Objectives 13.17 and 13.18

The most significant change in the methods of implementation from the current MRPS and the two resource management plans is the inclusion of a specific zone for the smaller port areas located at Elaine Bay in Pelorus Sound and at Oyster Bay in Port Underwood. This will allow for a more integrated management approach to port operations within these areas, something that has been lacking in the MSRMP.

Other zoning changes include:

- an extension to the Port Zone at Havelock to enable dredging activities to take place within the main navigational channel as a permitted activity;
- the removal of the Marina Zone on the northeast side of the existing Waikawa Marina;
- the inclusion of a new Marina Zone to the northwest of the existing Waikawa Marina; and
- additions to the Port Zone on land within Shakespeare Bay.

These have all been evaluated earlier in this report.

All of the rules have been reviewed and as indicated in the Information and Analysis section early in this report, the provisions for air discharges and noise have been a particular focus. Overall, there are more enabling rules for activities in the port and marina zones. Several significant changes in the rules, which have been described earlier in this evaluation, relate to the following:

- limiting the extent of commercial activity in Marina Zones to that related to the operation of the marina; and
- enabling dredging to occur as a permitted activity in Port and Marina Zones.

The only new method for ports and marinas in the MEP relates to the development of guidelines for urban design. These guidelines will be useful in enhancing landscape quality and integration of foreshore areas (including the ports and marinas) and town centres.

Other options considered to achieve Objectives 13.17 and 13.18

The only other reasonably practicable option considered by the Council to achieve Objectives 13.17 and 13.18 were the existing provisions of the MRPS, MSRMP and WARMP and in many respects the provisions of the MEP are very similar to the existing provisions. However, the MEP provisions reflect a different approach resulting largely from the combining of the MRPS, MSRMP and WARMP into one document.

Combining the two resource management plans has required consideration of how ports are to be provided for given the two different sets of policies and rules. The Port Zone provisions of the MSRMP guide the operation and maintenance of existing facilities within an urban environment setting. Consequently, while the rules are set out in a specific Port Zone, the policies are contained within Chapter 10 (provisions for urban environments). The provisions for marinas are treated in the same way. The Council has included the provisions for ports and marinas within Chapter 13 - Use of the Coastal Environment of the MEP, as this chapter includes management framework for specific activities (recreation, fishing, residential activity and others).

The new Port Landing Area Zone would not have fitted into the current Urban Environments context of the MSRMP, another reason why the status quo option was not preferred.

A review of the policies and rules of the MSRMP, including some specific analysis of the air quality and noise rules, was conducted. Subsequently, there have been amendments to the zoning of the Port Zone in Shakespeare Bay to enable some expansion of port facilities on land and an extension to the marina zoning in Waikawa Bay to provide for additional berthage.

Provision has also been included within Chapter 4 to recognise existing ports and marinas as regionally significant infrastructure. This is new to the MEP and is important these connections are made within the provisions of Chapter 13.

Overall, while the changes in the MEP may not seem significant (especially in relation to the MSRMP), the Council considers that they are sufficiently different to determine that the MEP provisions are preferred to the status quo.

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 considers that it does have certain and sufficient information about matters related to ports, port landing areas and marinas.

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.

(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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