

- Discharges to air;
- Discharges to water;
- Occupation of the coastal marine area;
- Structures in the coastal marine area used in the petroleum and chemical industry;
- Disturbance of foreshore and/or seabed, including removal of sand, shingle, shell or other material;
- Marine farms in Coastal Marine Zone Two complying with the standards specified in Rule 35.4.2.9 other than marine farms specified as Controlled Activities in Rule 35.2.5, or Limited Discretionary Activities in Rule 35.3.1;
- Marine Farms in Coastal Marine Zone 1 which are listed in Appendix D2;
- Placement of swing moorings outside Waikawa Bay;
- The renewal of resource consents (which were consented prior to this rule becoming operative) for existing consented swing moorings, located within Waikawa Bay and outside of the Mooring Management Areas;
- Reclamation;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures which impound or effectively contain the coastal marine area; and
- Use of surface water within the National Transportation Route

35.4.2 Definition of Specifications and Information Requirements and Assessment Criteria

35.4.2.8 Placement of Swing Moorings except those contained within Waikawa Bay.

35.4.2.8.1 Assessment Criteria

- a) The effect of permanent moorings on the ability of visiting ships to casually anchor in sheltered positions;
- b) The effect of permanent moorings on other Permitted and Discretionary Activities;
- c) The capacity of an area to absorb more moorings; and
- d) The effect on utilities including subaqueous cable.

35.4.2.8.2 Standards and Terms

- a) The mooring buoy must be of sufficient size so that it remains afloat and is clearly visible at all times;
- b) The name of the owners and the registration number issued by the Council must be clearly marked on the buoy at all times;
- c) The permit holder shall be responsible at all times for the maintenance of the swing mooring;

- d) All mooring blocks shall be lowered to the seabed by a crane or winch;
- e) The mooring shall not be used by another ship of greater weight or length than the ship for which the mooring was approved;
- f) Confirmation of the location of the mooring to be supplied to the Council within 48 hours of its placement; and
- g) The permit holder will be required to remove the swing mooring at the expiry of the resource consent or sooner if the swing mooring is no longer required or if the consent is cancelled in accordance with section 126 of the Act.

35.5 Non-Complying Activities and Where Applicable Restricted Coastal Activities

- Any activity other than a Prohibited Activity which is neither a Permitted, Controlled, or Discretionary and Restricted Coastal Activity shall be deemed to be a Non-Complying Activity;
- Deliberate introduction of exotic or introduced plants into the coastal marine area;
- Depositing material on the foreshore or seabed;
- Discharges to the coastal marine area;
- Marine farms within Coastal Marine Zone Two other than marine farms specified as Controlled Activities in Rule 35.2.5 or Limited Discretionary Activities in Rule 35.3.1 or Discretionary Activities pursuant to Rule 35.4:
 - a) inside a line drawn 50 metres from mean low water mark at right angles to a line normal to the nearest part of mean high water mark; or
 - b) beyond a line drawn 200 metres from mean low water, at right angles to a line normal to the nearest part of mean high water mark (refer Figure 35.1: Measurement of Marine Farm from Shore).
- Residential Activity;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures in the coastal marine area used in the petroleum and chemical industry;
- Structures which impound or effectively contain the coastal marine area; and
- The placement and use (including the occupation of the coastal marine area) of moorings within Waikawa Bay, which
 - Are located outside a Mooring Management Area or Waka Mooring Area; or
 - Do not comply with the conditions specified in Rule 35.1.2.13;
- and
- Subdivision.

Appendix 2 Status of different activities under the Marlborough Sounds Resource Management Plan

Activity	Marina Zone (current)	Marina Zone (proposed)	Coastal Marine Zone 1 (current)	Coastal Marine Zone 1 (proposed)
Reclamation of less than 1 ha or which extends less than 100 metres in all directions	Limited discretionary (Rule 34.3.5)	Limited discretionary	Discretionary (Rule 35.4.2.1)	Discretionary
Reclamation of 1 ha or more but less than 2 ha, or extending 100 metres or more but less than 300 metres in any direction	Discretionary (Rule 34.4.2.1)	Discretionary, not publicly notified	Discretionary and Restricted Coastal Activity† (Rule 35.4.2.1)	Discretionary and Restricted Coastal Activity†
Reclamation (including incremental reclamation) that exceeds limits for discretionary activity	Discretionary and Restricted Coastal Activity† (Rule 34.4.2.1)	Discretionary and Restricted Coastal Activity†	Discretionary and Restricted Coastal Activity† (Rule 35.4.2.1)	Discretionary and Restricted Coastal Activity†
Structures which impound less than 4 ha of the coastal marine area or which are floating or open pile structures	Limited discretionary (Rule 34.3.5)	Limited discretionary	Discretionary (Rule 35.4.2.2)	Discretionary
Structures which impound more than 4 ha but less than 8 ha if the coastal marine area	Discretionary (Rule 34.4.2.2)	Discretionary, not publicly notified	Discretionary and Restricted Coastal Activity† (Rule 35.4.2.2)	Discretionary and Restricted Coastal Activity†
Structures which impound more than 8 ha of the coastal marine area	Discretionary and Restricted Coastal Activity† (Rule 34.4.2.2)	Discretionary and Restricted Coastal Activity†	Non-complying and Restricted Coastal Activity† (Rule 35.5.1.1)	Non-complying and Restricted Coastal Activity†
Structures which are solid and extend less than 300 m in length more or less	Limited discretionary (Rule 34.3.5)	Limited discretionary	Discretionary (Rule 35.4.2.3)	Discretionary

parallel to the line of MHWS, or a floating or open pile structure				
Structures which are solid and extend more than 300m, but not more than 1000m, in length more or less parallel to the line of MHWS	Discretionary (Rule 34.4.2.3)	Discretionary, not publicly notified	Discretionary and Restricted Coastal Activity† (Rule 35.4.2.3)	Discretionary and Restricted Coastal Activity†
Structures which are solid and extend more than 1000m in length more or less parallel to the line of MHWS	Discretionary and Restricted Coastal Activity† (Rule 34.4.2.3)	Discretionary and Restricted Coastal Activity†	Non-complying and Restricted Coastal Activity† (Rule 35.5.1.2)	Non-complying and Restricted Coastal Activity†
Structures which are solid and sited obliquely or perpendicular to the line of MHWS, and which are less than 100m in length	Limited discretionary (Rule 34.3.5)	Limited discretionary	Discretionary (Rule 35.4.2.4)	Discretionary
Structures which are solid and sited obliquely or perpendicular to the line of MHWS, and which are more than 100m but less than 1000m in length	Discretionary (Rule 34.4.2.4)	Discretionary, not publicly notified	Discretionary and Restricted Coastal Activity† (Rule 35.4.2.4)	Discretionary and Restricted Coastal Activity†
Structures which are solid and sited obliquely or perpendicular to the line of MHWS, and which are more than 1000m in length	Discretionary and Restricted Coastal Activity† (Rule 34.4.2.4)	Discretionary and Restricted Coastal Activity†	Non-complying and Restricted Coastal Activity† (Rule 35.5.1.3)	Non-complying and Restricted Coastal Activity†
Maintenance dredging where disturbance in any 12 month period does not exceed	Controlled (Rule 34.2.3)	Controlled	Controlled (Rule 35.2.1)	Controlled

50,000 cubic metres in volume, 4 ha in area or 1000m in length				
Disturbance of foreshore and seabed in any 12 month period in volumes less than 50,000 cubic metres, area of less than 4 ha, and extending less than 1000m in length	Limited discretionary (Rule 34.3.5)	Limited discretionary	Discretionary (Rule 35.4.2.5)	Discretionary
Disturbance of foreshore and seabed in any 12 month period in volumes greater than 50,000 cubic metres but less than 300,000 cubic metres, extracted from area greater than 4 ha but less than 10 ha, or extending greater than 1000m but less than 10,000m in length	Discretionary (Rule 34.4.2.7)	Discretionary, not publicly notified	Discretionary and Restricted Coastal Activity† (Rule 35.4.2.5)	Discretionary and Restricted Coastal Activity†
Disturbance of foreshore and seabed that exceeds limits for discretionary activity	Discretionary and Restricted Coastal Activity† (Rule 34.4.2.7)	Discretionary and Restricted Coastal Activity†	Discretionary and Restricted Coastal Activity† (Rule 35.4.2.5)	Discretionary and Restricted Coastal Activity†
Marina Current definition: <i>a natural or artificially enclosed or semi-enclosed area of protected water containing moorings in the form of finger jetties, berths or similar structures</i>	Not identified as a separate activity, so could be classified as non-complying (Rule 34.5); however, structures and activities associated with marinas are listed separately (see above)	Discretionary, not publicly notified	Not identified as a separate activity, so could be classified as non-complying (Rule 35.5); however, structures and activities associated with marinas are listed separately (see above)	Not identified as a separate activity, so could be classified as non-complying; however, structures and activities associated with marinas are listed separately (see above)

Appendix 5

APPENDIX A

Version 9, dated 17.12.10

PC21 MSRMP Provisions

Schedule of Changes - incorporating amendments recommended in section 42A report and caucusing

Tracked Version reflecting changes arising from the hearing:

version 9, dated 17.12.10

Where text is proposed to be added to the Marlborough Sounds Resource Management Plan (the Plan) through this plan change, it has been shown as underlined. Where text is shown as ~~struck through~~ in this Plan Change the text is existing text and is to be deleted.

Recommended amendments from the section 42A report shows as yellow highlighted underlining for recommended new additions and as yellow ~~highlighted strike outs~~ for recommended deletions.

All other text is either existing text from the Plan and has been included for context to assist the reader in determining where the changes occur or provides the reader with information and does not form part of the plan change.

Changes arising from expert caucusing are identified as follows:

1. Subsequent amendments recommended by the Council's reporting officer (consultant) are indicated in highlighted red underlining for recommended new additions and as red ~~highlighted strike outs~~ for recommended deletions.
2. Port Marlborough's amendments to those recommended in the section 42A report show as blue highlighted bold underlining for recommended new additions and as blue ~~highlighted strike outs~~ for recommended deletions. These are identified as "PMNZ" changes
3. Other party's / experts agreements are recorded in comments.
4. Where specific agreement has been reached, or there is disagreement, this is recorded in comments.
5. Where yellow highlighted changes have no comments, all experts are in agreement.
6. Green highlights denote changes arising through the course of the hearing and recommended by the s42A report author.
7. Pink highlights denote amendments made to s42 report author amendments arising out of the hearing, where PMNZ disagree (J Kyle and L Robertson).

The Marlborough Sounds Resource Management Plan is amended in accordance with the following schedule:

25. DEFINITIONS

Amend the definition of Marina as follows and add the following two new definitions

Provision	
<u>Marina</u>	<p>Means a natural or artificially enclosed or semi enclosed area of protected water containing moorings in the form of finger jetties, berths or similar structures.</p> <p>Means an comprehensively designed facility for the accommodation of boats and/or ships, comprising berths, pontoons, piers and boat launching ramp(s), and any associated reclamations, breakwaters, and/or wave protection barriers. structure(s) such as finger jetties, pontoons, piers, and any associated reclamations and/or breakwaters, to enclose or semi-enclose an area of water for the primary purpose of providing boat/ship accommodation.</p>
<u>Waka</u>	<p>Means a traditional Maori canoe, including replica vessels of similar design.</p>
<u>Waikawa Bay</u>	<p>Means that part of the coastal marine area to the south of the line extending from the Snout and Karaka Point, including that area within a Moorings Management Area.</p>

Comment [t1]: Changes agreed:
 -Tony Quickfall
 -Louise Robertson
 -Paul Williams
 -Lionel Solly, except for the preference to insert "integrated" to replace "comprehensively designed".

Volume One - Chapter 9 - Coastal Marine

9.2 Issue

Restriction of public access to the coastal marine area due to the private occupation of water.

Occupation of coastal space involves the Council allocating or authorising the use of public resources for private benefit.

In some cases the use of resources sought is temporary or non-exclusive, generally associated with surfacewater activities such as shipping, recreational boating, swimming or with seabed disturbance activities such as dredging or dumping. In other cases the use of resources requires a degree of use which results in the exclusion of other persons or activities, for example: ports, marinas, marine farms and structures (jetties, swing moorings, boatsheds, and subaqueous cables). Such uses generally rely on a coastal location and to varying degrees, contribute to the wellbeing of individuals and the community in general. Further, the Act and the New Zealand Coastal Policy Statement both recognise that 'use' can be made of the coastal marine area resources and that this does involve occupation of coastal space for private benefit.

There are particular locations in the Marlborough Sounds where there is significant competition for coastal space for use as moorings. As demand for such private use of water space increases, the allocation of coastal marine space needs to be managed effectively and comprehensively to ensure that moorings are efficiently laid out, to avoid conflict with competing uses and users.

For these reasons, it is necessary and appropriate that activities or 'uses' which require a coastal location and which consequently involve the occupation of coastal space, are provided for in the Plan. In providing for ~~these~~ uses which require access to areas of, or the resources of, the coastal marine area, adverse cumulative and other environmental effects must be addressed. Namely the wider context of enabling the community to provide for its social, economic and cultural wellbeing, and preserving the natural character of the coastal environment.

The marine farm industry that has developed in the Marlborough Sounds is of significant value to the nation in terms of export earnings, and also to the region in terms of the employment and income flows that are derived from the industry. A substantial infrastructure involving processing facilities, ports, harvesting vessels and a multitude of other services has developed based on the marine farm industry and Sounds communities have been revitalised as a result of the development of

the industry. All of that infrastructure is reliant upon marine farming which utilises the coastal marine area and the provisions of the Plan recognise that to maintain the strength of the industry, generally it is essential for resource consents to be able to be renewed to continue those marine farming activities.

The Plan recognises that in appropriate areas of the Sounds provision needs to be made respectively for conservation, residential/recreation interest and the interest of important industries utilising Sounds resources such as marine farming, tourism, forestry and land-based farming.

In addition, ongoing research is constantly occurring as to other means of aquaculture production involving species other than the present predominant species of mussels and it is possible that some other species may involve lesser effects on the environment through having less visible surface structures. The current Plan provisions are based on the predominant bi-valve marine farm structures. It may become necessary for those provisions to be re-addressed by plan change.

The Marlborough Regional Policy Statement (Policies 7.2.10) highlights a number of key considerations for assessing proposals to occupy areas of coastal space.

Essentially, public access and recreational use are identified as matters of prime importance for Marlborough. Any allocation for private benefit must not compromise these important values.

Further important values are highlighted by the Regional Policy Statement in order to guide the allocation of space for aquaculture, these include "...marine habitat sustainability, habitat protection, landscape protection, navigation and safety, and, compatibility with other adjoining activities" (Policy 7.2.10(d)). Tangata whenua values, including access to traditional coastal resources, is also an important consideration in the allocation of coastal space.

Being able to use and develop the public resources of the coastal marine area is a privilege. Often people expect this as of right, particularly if they own land adjacent to the coastal marine area.

9.2.1 Objectives and Policies

Objective 1	The accommodation of appropriate activities in the coastal marine area whilst avoiding, remedying or mitigating the adverse effects of those activities.
Policy 1.1	Avoid, remedy and mitigate the adverse effects of use and

	<p>development of resources in the coastal marine area on any of the following:</p> <ul style="list-style-type: none"> a) Conservation and ecological values; b) Cultural and iwi values; c) Heritage and amenity values; d) Landscape, seascape and aesthetic values; e) Marine habitats and sustainability; f) Natural character of the coastal environment; g) Navigational safety; h) Other activities, including those on land; i) Public access to and along the coast; j) Public health and safety; k) Recreation values; and l) Water quality.
Policy 1.2	<p>Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.</p>
Policy 1.3	<p>Exclusive occupation of the coastal marine area or occupation which effectively excludes the public will only be allowed to the extent reasonably necessary to carry out the activity.</p>
Policy 1.4	<p>Manage the effects of port and harbour activity by establishing a boundary around specific areas suitable and necessary for port activities in:</p> <ul style="list-style-type: none"> • Picton (including Shakespeare Bay); and • Havelock.
Policy 1.5	<p>Manage the effects of marina activity and future development by establishing a boundary around the</p>

	<p>marina areas at:</p> <ul style="list-style-type: none"> • Picton; • Waikawa; and • Havelock.
Policy 1.6	Ensure recreational interests retain a dominant status over commercial activities that require occupation of coastal space and which preclude recreational use in Queen Charlotte Sound, including Tory Channel, but excluding Port and Marina Zones.
Policy 1.7	Avoid adverse effects from the occupation of coastal space in or around recognised casual mooring areas.
Policy 1.8	Ensure that moorings within Waikawa Bay are allocated in an efficient and co-ordinated manner.
Policy 1.9	<p>Avoid moorings in Waikawa Bay outside of the Mooring Management Areas and Waka Moorings Management Areas, except where:</p> <ul style="list-style-type: none"> a) moorings within Area A or Area B of the Marina Zone are lawfully established – are scheduled within the Marina Zone (Appendix J, Schedule 4.1) and the a Marina remains undeveloped in the relevant Area (refer Appendix J); b) moorings are for providing access to immediately adjoining properties; or c) moorings are a renewal of currently consented moorings, and <p>provided adverse effects on the environment are avoided, remedied or mitigated.</p>
Policy 1.10	<p>Provide for the consideration of affected party written approvals when assessing a resource consent mooring application within the Mooring Management Area and the Waka Moorings Area, or a scheduled mooring within the Marina Zone (Appendix J, Schedule 4.1), with potentially affected parties generally limited to adjoining mooring holders.</p>
Policy 1.10	Avoid any adverse cumulative effects of foreshore structures by taking into account the existence of other suitable structures prior to erecting new ones.

Comment [t2]: Changes agreed:
 Tony Quickfall
 Louise Robertson
 Paul Williams
 Lionel Solly

Comment [t3]: Lionel Solly proposes deletion of this provision:

Comment [t4]: Deletion agreed:
 Tony Quickfall
 Louise Robertson
 Paul Williams
 Lionel Solly

Policy 1.11	Avoid foreshore structures in areas of recreational use where there is an adverse effect on recreation values.
Policy 1.12	Provide for defence purposes under the Defence Act 1990, provided adverse effects are avoided, remedied and mitigated.
Policy 1.13	Enable roading activities where adverse effects on the coastal environment can be avoided, remedied or mitigated, and provide for the protection of existing roads from coastal processes.
Policy 1.14	To enable a range of activities in appropriate places in the waters of the Sounds including marine farming, tourism, and recreation and cultural uses.
Policy 1.15	Enable the renewal as controlled activities of marine farms authorised by applications made prior to 1 August 1996 as controlled activities, apart from exceptions in Appendix D2 in the Plan.
Policy 1.16	Consideration of other methods of marine farming having lesser effects than long line bi-valve farming in the future.

By controlling the erection of structures and other activities (including marine farms) that use or occupy coastal space, the effects of these are able to be addressed. The extent of occupation and development needs to be controlled to ensure water space is efficiently allocated and to enable all users to obtain benefit from the coast and its waters.

Waikawa Bay is a finite coastal resource that is utilised by a range of cultural, recreational and commercial activities. Policy 9.2.1.1.6 seeks to ensure that recreational uses take precedent over commercial uses, which are provided for via the Marina Zone.

Policy 9.2.1.1.7 recognises that unconstrained casual mooring areas are important, and often crucial in terms of safety, for anchoring boats on a casual basis.

However, due to ongoing the high demand for moorings at Waikawa Bay, and the different uses competing for water space, the location of swing moorings there needs to be managed in a comprehensive way to enable the efficient use of this Bay for various users. The Mooring Management Areas provided in the Bay

Comment [t5]: Amended in response to evidence about demand

Comment [LR6]: JK, LR accept this change

establish the locations where swing moorings are appropriately located. New moorings outside a defined Mooring Management Area are discouraged unless they are for the specific purpose of mooring vessels associated with land owners/residents adjacent to those mooring locations (Policies 9.2.1.1.8 and 9.2.1.1.9). ~~An exception is also made for scheduled moorings within the Marina Zone, so long as the Marina Zone remains undeveloped. This is to provide for the interim use and occupation of existing moorings within the Marina Zone, prior to relocation to the Mooring Management Areas.~~

Comment [t7]: Deletion agreed:
Tony Quickfall
Louise Robertson
Paul Williams
Lionel Solly

The Mooring Management Areas have been designed to enable safe manoeuvring of vessels between the shore, their berthage and the inner parts of the Bay. The moorings can be managed either via a Bylaw which would provide for the moorings to be allocated and managed by the Council, or, if no such Bylaw is enacted, moorings are allocated and managed in Waikawa Bay by the Council via the resource consent process. Moorings comprise a limited discretionary activity inside of the Mooring Management Area within the Bay, if no Bylaw is in place. An exception is provided for moorings existing as at [notification date] located within the Marina Zone, so long as that zone remains undeveloped. ~~This is to provide for the interim use and occupation of existing moorings within the Marina Zone, prior to relocation to the Mooring Management Areas (Policies 9.2.1.1.9 and 10.7.1.3.3).~~

Comment [t8]: Insertion agreed:
Tony Quickfall
Louise Robertson
Paul Williams
Lionel Solly

On granting of any resource consent for marina development, mooring holders located in the Marina Zone have a 6 month period to relocate to a reserved space within the Mooring Management Areas.

The policies seek to provide guidance and control on the individual and cumulative adverse environmental effects of marine farms and structures and their use, particularly visual effects. The term 'structure' is defined by the Act as any building, equipment, device or other facility made by people and which is fixed to land (ie; the foreshore or seabed) and includes any raft (section 2).

Separate provision for marine farm transfer sites is no longer appropriate as there is no consistent demand for any particular location or description of the effects of transferring marine farms. Accordingly, transferring a marine farm is treated as a new site where adverse effects can be considered.

Council acknowledges that management and allocation of fisheries resources is to be determined under the provisions of the Fisheries Act 1996 as opposed to the Act. However, Council can control the effects created by fishing as long as those controls are not imposed for a fisheries purposes eg; controls imposed for the protection of vulnerable, unique coastal substrate.

The importance of public access and recreational use is recognised in a number of the occupation policies above, (particularly 1.5) as required by the Marlborough Regional Policy Statement. Council sees the future wellbeing of Marlborough and particularly the Sounds area linked to an increase in the recreational use of coastal resources. It is therefore important to ensure that allocation for coastal space for private use does not occur at the expense of public access and recreation values. It is also important to remember that there are no inherent development rights within the coastal marine area.

Policy 9.2.1.1.2 reflects Policy 3.2.2 of the New Zealand Coastal Policy Statement, which provides a hierarchy whereby adverse effects should be avoided as far as practicable in the first instance, and where these effects cannot be avoided they must be mitigated and remedied to the fullest practicable extent. This is a general policy that applies throughout Chapter 9.

Policies which further address the environmental effects of activities occupying coastal space need to be considered in conjunction with those above. Refer to section 10.6: Port and Harbour Activities; Chapter 10.7: Marina Activity; Chapter 19: Water Transportation; and, the second issue in this chapter, section 9.3

9.2.2 Methods of Implementation

Zoning	<p>The coastal marine area is incorporated into two coastal marine zones (except for port and marina areas).</p> <p>The limits of the Coastal Marine Zones align with the boundary of the coastal marine area, being the: outer limits of the territorial sea; and line of mean high water springs and where the line crosses a river, as agreed between the Minister of Conservation and the Council in the Memorandum of Agreement dated 4 December 1995 or any subsequent amendment to that agreement.</p> <p>Rules have been incorporated to control activities and structures in these zones.</p> <p>In Coastal Marine Zone 1 the Plan identifies those areas where marine farms are prohibited in accordance with Policies 9.2.1.1.1 and 9.2.1.1.6. These areas are</p>
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	<p>identified as being where marine farming will have a significant adverse effect on navigational safety, recreational opportunities, natural character, ecological systems, or cultural, residential or amenity values.</p> <p>In addition to the two coastal marine zones the Plan identifies particular zones for the following activities:</p> <ul style="list-style-type: none"> • Port and harbour activity; and • Marina activity. <p>Such areas are managed for these activities.</p>
Rules	<p>Rules and resource consents generally provide for activities which require coastal space where the adverse effects of occupation are avoided, remedied or mitigated in terms of the assessment criteria and standards identified.</p> <p>Within Coastal Marine Zone 2 out to 50 metres from mean low water mark, and beyond 200 metres from mean low water mark, marine farms are non-complying activities. In those areas marine farming involving fin fish farming may be appropriate and it is recognised that consent may be granted by a resource consent application.</p> <p>Rules enable the use of the coastal marine area for defence purposes.</p> <p><u>Moorings within the Mooring Management Area are managed via the resource consent process as a restricted discretionary activity as the default management process, unless a Bylaw is in place which provides an alternative management framework.</u></p>
Other Legislation	<p>The Council will use its powers and functions under harbour legislation to control navigational conflicts between surface water activities.</p>

	<u>Moorings in the Mooring Management Areas at Waikawa Bay may be managed through a management plan under a bylaw promulgated under the Local Government Act 2002 as an alternative to the default resource consent process.</u>
Liaison	The Council will send notice of permissions for structures to the Hydrographic Office of the Royal NZ Navy, and the Maritime Safety Authority.
Monitoring	The Council will monitor the effects of permitted and consented activities in the coastal marine area to: determine the effectiveness of plan policies and rules; assess compliance with consent conditions; and promote sustainable management.

Rules and zoning will provide certainty with respect to what can and cannot be done in the coastal marine area. In addition, they provide the environmental certainty and control which is needed in this sensitive area.

Policy 3.2.1 of the New Zealand Coastal Policy Statement requires plans to define the type of use and development that would be appropriate in the coastal environment. The policies and methods (ie, rules) provide guidance to resource users on this.

10. URBAN ENVIRONMENTS

10.7 Marina Activity

The enclosed waterways of the Marlborough Sounds offer many recreational boating opportunities to both residents of Marlborough and visitors to the area. Commercial use of boats and other craft is also a significant feature of the district's tourism, marine farming and fishing industries. Many of the smaller recreational craft are stored on dry land and have no need for mooring or berthage. However, there are many vessels that need some form of mooring or berthage and the preference is often for a marina berth. Marinas provide increased safety, security and a range of support facilities such as sewage and rubbish

disposal, freshwater, and fuel supplies and repair and maintenance services. They also make efficient use of water space in providing for longer term vessel storage.

Currently, there are marinas at Picton, Waikawa, Portage and Havelock accommodating a variety of vessels supported by a range of boating industry activities. The ~~use~~ marinas at Picton, Havelock and Waikawa are substantial complexes, marinas with extensive land based back-up facilities. These marinas are important bases providing landing, storage, and loading facilities for residents of the Sounds as well as providing an important access point to the Sounds for many vessel owners who are not Sounds residents. The Portage marina is comparatively small with limited land based facilities. All of the marinas are important features contributing to the amenity and attraction of the Marlborough Sounds, as well as generating significant economic activity.

There is an ongoing demand for marina berths within the Sounds, which generally exceeds the existing supply, consequently resulting in large waiting lists for berths. However, on occasion external influences, such as the state of the economy, may cause a reversal in this trend. Extension of the Waikawa marina has absorbed most of the current demand for berths in the Queen Charlotte Sound. Where such demand is long term, additional marina capacity is likely to be needed, and new facilities may be required. Generally, the provision of additional marina capacity focuses on enhancing existing facilities, which are already well serviced and strategically located to urban areas, the transport network and to the principal areas of recreation and boating within the Sounds. Demand for marina berths should be provided within or by extension of existing marinas in preference to it is preferred that existing Marina facilities are extended to cater to demand, rather than establishing new Marina facilities in areas that have not yet been subjected to such development.

Comment [t9]: Amended in response to evidence relating to demand

Comment [MSOffice10]: LR/JK - Important to reflect that extensions of existing marinas are likely to be more appropriate than new marinas in new areas.

10.7.1 Issues

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

The need to manage the effects of marinas, and

Managing on-going demand for new marina berths Demand for new marinas and for the extension of existing marinas.

Comment [t11]: Amended in response to evidence relating to demand, and to better reflect the RM issue as expressed by witnesses.

Comment [MSOffice12]: LR/JK - accept this change

The Sounds offer extensive opportunities for both commercial and recreational boating. With their strategic positioning in the Marlborough Sounds, both Picton and Havelock represent significant marine centres.

Marina activity is an integral part of the urban environment. In addition, marinas offer a rationalisation of coastal marine space by concentrating moorings. Marinas provide the most efficient method of water based berthage currently available. Marinas also concentrate adverse effects (such as antifouling and sewage discharges) to a single part of the coastal marine area, avoiding the need for such activity and effects throughout the coastal marine area. Good design and equipment, combined with appropriate controls can minimise the adverse effects within the marina itself.

10.7.1.1 Objectives and Policies

Objective 3	Enable the sustainable development, and operation of marinas and associated infrastructure within the Marina Zone.
Policy 3.1	Avoid the proliferation of marina development within the coastal marine area by focusing such development within the Marina Zone as a first priority.
Policy 3.2	Enable the construction, maintenance and operation of marina activities within Marina Zones, whilst ensuring that marina development and activities such activities make efficient use of natural and physical resources including existing marina facilities and while ensuring any adverse effects on the environment are avoided, remedied or mitigated.
Policy 3.3	Marina development within Marina Zones is enabled provided that any significant adverse effects on the environment are avoided, and providing that any other adverse effects are avoided, remedied or mitigated. In considering effects, particular regard will be given to any cumulative effects, and any adverse effects on tangata whenua cultural values areas regularly used for the gathering of kaimoana and sites of cultural significance.
Policy 3.4	Where adverse effects cannot be avoided or mitigated, in addition to any on-site mitigation, provide for remediation or the off-setting of adverse effects. This may comprise measures employed off-site as appropriate, including remediation to address adverse effects on cultural values.
Policy 3.5	Ensure marinas incorporate and retain public access to the foreshore, coastal environment and coastal marine areas which are not occupied by berths, where such access does not interfere with the safe and efficient operation of the marina.
Policy 3.6	In undertaking marina development, have particular regard to kaitiaki and all things including planning and design, consultation, resource consent, construction and post-construction.

Comment [LR13]: Note that these marinas are now a non-complying activity in the Coastal Marine 1 zone which supports this rule.

Comment [t14]: Amended to reflect questioning from commissioners relating to efficient use, and to better align the policy with the rule structure.

Comment [LR15]: JK and LR - comfortable with this change (policy 3.2).

Comment [t16]: Policy 3.3; 3.4; 3.5; 3.6 Amended / added to reflect questioning from commissioners and in response to Te Atiawa evidence. Scope for these changes is to give partial relief to Te Atiawa submissions.

Comment [t17]: Off-set mitigation suggested by Ms Robertson & Mr Kyle in response to Commissioner Ellison question on relationship of Tangata Whenua to Waikawa. Also refer Te Atiawa evidence - Mr Ohia evidence pg 19

Comment [LR18]: JK/LR - we support the intent of these two policies (3.3 and 3.4), although the Quickfall wording of policy 3.3 goes beyond what the act requires. It would essentially result in a veto if there were any significant effects, regardless of the scale of that effect or any mitigation or off-set. The wording we have proposed provides a middle ground, where by effects of cultural values will be assessed, and provided for in any assessment. Adverse effects on cultural values will be avoided, remedied or mitigated. It is appropriate to reflect that remediation may in fact be off-site and in some form of off-set. (policies 3.3 and 3.4)

Comment [LR19]: JK/LR - we support the importance of providing for public access via marinas. However this must be balanced with the health and safety requirements the marina operator must meet. In many instances it is not safe for public to directly access the water from a marina (to swim for example). The most common forms of public access and use and provision of vehicle and foot access along the coastline, and walking along/fishing off jettys and breakwaters during the day.

Policy 3.6 Avoid swing moorings in the marina zone except where:

(i) moorings are included within Appendix J, Schedule 4.1; and

(ii) moorings are lawfully established by way of resource consent; and

(iii) no marina is being or has been constructed in the Area where the swing mooring is located.

Comment [t20]: Changes agreed
 Tony Quickfall
 Louise Robertson
 Paul Williams

Lionel Solly's preferred replacement wording is identified in Appendix 3 of his evidence.

The development of marina facilities should be managed in a way that avoids significant adverse effects, on the urban environment, ~~on affected parties especially kaitiaki tangata whenua,~~ and on the quality of the coastal environment, such as restricted use of public space and loss of habitat. The Marina Zone provides suitable locations for marina activities and establishing such facilities in the zone is preferred over proliferation of marina development elsewhere in the coastal marine area.

Comment [LR21]: JK/LR - disagree with this change. Not necessary and over elevating tangata whenua in the process.

The staged expansion of existing marinas within the Waikawa Marina Zone provides opportunities for the provision of additional berthage capacity in a manner that enables full consideration of effects, avoids significant adverse effects on the natural character of the Sounds and responds to demand. Further consolidation of marinas at Waikawa, within the Marina Zone, assists in the avoidance of development sprawl into other, as yet undeveloped, bays within the Sounds.

Comment [t22]: Amended in response to Te Atiawa evidence (that avoidance of significant effects cannot be presumed)

Comment [LR23]: LR/JK - accept this change

Marina development also gives rise to efficiencies in the use of the coastal marine area and can assist in avoiding the sprawl of coastal occupation demand.

10.7.1.2 Methods of Implementation

Zoning	The Marina Zone is identified on the planning maps within the following areas: <ul style="list-style-type: none"> • Picton; • Waikawa; and • Havelock.
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Rules	Plan rules provide for marina activity and activities which rely on close location to a marina, as well as marina management , subject to performance standards which avoid, mitigate or remedy adverse effects . Activities which are not necessary to support the marina operation will be considered on their merits. Plan rules may require, as conditions of consent to develop or alter structures, the payment of financial contributions towards landscape enhancement works in foreshore areas
Standards	Performance standards relating to discharges, noise, vehicle parking, public access, and advertising signs will be applied.
Other	The Council will liaise with marina operators in the provision of facilities for the disposal of sewage from boats.
Other	The Council will liaise with marina operators to ensure that antifouling activity is undertaken on land in a confined manner, and that any effects from marina discharges are pro-actively monitored and any breaches of conditions of consent are consistently enforced .
Information	The Council will provide information on facilities available for the collection and disposal of waste from boats.
Education	The Council will provide information and education on the best environmental practices with respect to boat maintenance, along with education programmes to advise all users of their responsibilities for navigating both within Waikawa Bay and the shipping lanes of the Inner Queen Charlotte Sound.
National/Other	The Council will implement the Marine Pollution Regulations 1998 in relation to discharges from ships and offshore installations.

Comment [LR24]: JK/LR - accept this change

Comment [t25]: Added in response to evidence of submitters relating to marina discharges

Comment [LR26]: JK/LR accept this change - see minor amendment to ensure meaning is clear and is grammatically correct

Recognised under Policy 7.1.20(c) of the Marlborough Regional Policy Statement, is the need to "...enable the safe and efficient use of marinas...". The Plan achieves this by zoning areas for marina activity in existing marina, and appropriate locations for further marina development.

Both the land and water areas of the existing marinas at Picton, Waikawa and Havelock are included in a Marina Zone. 'Coastal Marine Area' is included in this zone. Provision is made for the activities usually associated with marinas, boat storage and servicing, and boat launching.

The floating marina at Portage is of a much smaller scale than the other three marinas and has no comparable facilities. It is considered unnecessary to include the Portage marina in the Marina Zone. It will be managed using the resource consent provisions of the Act.

The Marina Zone incorporates land or structures, including those developed within the coastal marine area. It is of limited size. Given the limited size it is important that the land and water surface be dedicated to activities which rely on a marina location. These activities are therefore permitted activities. It would be an unsustainable use of the land and water space within the marinas to allow

activities to locate there which do not rely on such a location to operate. Such activities will therefore be considered as discretionary or non-complying activities.

The Plan does not identify any specific sites for further marina zones. The scale and complexity of the Marlborough Sounds together with the changing demands and design of marinas makes it impracticable to determine, in advance, appropriate locations for future marinas. Any such proposals will be considered either as applications for resource consent or as plan changes and will be assessed in terms of the relevant objectives, policies and standards of the Plan and the requirements of the Act.

The Plan is able to integrate the land and sea interface within marinas. The Marina Zone will encompass activities within the coastal marine area and on adjoining land. Marinas are important 'front doors' to the Sounds and it is important that their development is compatible with the overall townscape of the surrounding urban area and with the character of the coastal margin. Performance standards are included to address this relationship.

The Council as provider of reticulated sewage disposal facilities in the Plan area will seek to achieve a co-ordinated approach to the disposal of sewage waste from marina operations. The Council will liaise with marina operators, particularly in relation to developing and providing disposal facilities. Information and education will complement this to improve environmental practice in relation to waste disposal and boat maintenance.

Volume Two

34.0 Marina Zone

NOTE: Resource Management (Marine Pollution) Regulations 1988 introduced pursuant to sections 15A, 15B and 15C of the Act control discharges and dumping from ships. The regulations limit the nature and extent of discharges and dumping, in that part of the Marina Zone that is coastal marine area. The Council is responsible for administering and enforcing those regulations. A copy of the Resource Management (Marine Pollution) Regulations 1998 can be found in Appendix K.

34.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Ship brokering, charter boat hire services, chandlery and sail making services;
- Boat related tourist activities and tourist operator services;
- Boat storage and ship launching;
- Clearance of stormwater outfalls;
- Clubrooms for marine recreation groups;
- Commercial activities ancillary and complementary to maritime activity;
- Drilling;
- Educational facilities;
- Effluent disposal, greywater, stormwater discharges from onshore activities;
- Hazardous facilities with an effects ratio no greater than 0.075;
- Land disturbance;
- Maintenance, repair, additions and alterations to lawful structures;
- Removal or demolition of structures;
- Occupation of space by commercial and other ships, including berthage;
- Parks, reserves;
- Residential activities ancillary to marina administration;
- Service stations;
- Taking coastal water;
- Use of surfacewater by exclusive and non-exclusive activities; and
- Ship building, repairing, fuelling and maintenance of ships; and
- Car parking areas and the use of car parking areas for vehicle and trailer parking associated with permitted Marina Zone activities.
- ~~Any mooring which does not have resource consent, and which is identified in the Marina Zone Moorings Schedule, Appendix J, Schedule 4.1~~

Comment [t27]: Deletion agreed:
Tony Quickfall
Louise Robertson
Paul Williams
Lionel Solly

Conditions For Permitted Activities

34.1.1 Infrastructure and Services

34.1.1.2 Parking Space Requirements

34.1.1.2.3 If any activity is not represented in the list below, the activity closest in nature to the new activity should be used, or whether there are two or more similar activities the activity with the higher parking rate shall apply. Alternatively, application may be made to find a new rate.

Activity	Parking Spaces Required
Ship brokering and other retail activities.	One for every 50m ² of gross floor area of premises.
Boat hire, chartering.	One for every two staff members the operation is designed to cater for.
<u>Marina</u>	<p>One for every two berths 10% of which should be assigned to trailer parking plus</p> <p>For Marina extension "Area A" identified in Appendix J (schedule 4.2):</p> <p>One for every two swing mooring spaces (whether there are physical moorings or not) located within the Marina Management Area north of the Marina Area A.</p> <p>For Marina extension "Area B" identified in Appendix J (schedule 4.2):</p> <p>One for every two swing mooring spaces (whether there are physical moorings or not) which is:</p> <ol style="list-style-type: none"> 1. located within the adjoining Marina Management Area; and 2. within 100 metres South East and within 300 metres North East of Marina area B.

Comment [128]: Deletion agreed:
 Tony Quickfall
 Louise Robertson
 Paul Williams
 Lionel Solly

34.1.2 Disturbance of Foreshore and Seabed, Including by the Normal Operation of Ships

34.1.2.X Removal or Demolition of Structures

Any removal or demolition of structures is a Permitted Activity provided that:

- a) The activity shall not involve any excavation of foreshore and/or seabed greater than 100m³ in volume; and
- b) The activity does not result in any discharge or deposition of contaminants into the coastal marine area.

34.1.3.5 Lighting

34.1.3.5.1 All exterior lighting shall be shielded from above and directed away from adjacent properties and legal roads so as to avoid any adverse effects on the neighbourhood, including any overlooking properties, and/or traffic safety.

Comment [t29]: Deletion agreed - refer new rule 34.4.2.12.2
Tony Quickfall
Louise Robertson
Paul Williams
Lionel Solly

~~34.1.3.11 Swing Moorings located within the Marina Zone~~

~~34.1.3.11.1 Placement, use (including occupation of the coastal marine area) and maintenance of swing moorings within the Marina Zone Areas A or B (identified in the moorings schedule, Appendix J schedule 4.1) shall be a permitted activity subject to the following conditions:~~

Comment [t30]: Deletion Tony Quickfall
Louise Robertson
Paul Williams
Lionel Solly

~~a) A lawfully established Bylaw is in place, and the Mooring has a current Mooring Licence to place and use the specified swing mooring issued by the person appointed under the relevant Bylaw to authorise Mooring Licences; and~~

~~b) No resource consent has been granted for marina development within Marina Zone Areas A or B (Appendix J, Schedule 4.2).~~

~~NOTE: If no relevant Bylaw is in place, rule 34.3 applies.~~

~~34.1.3.11.2 Where resource consent has been granted for marina development within Marina Zone Areas A or B, any moorings identified in the Marina Zone moorings schedule (Appendix J, Schedule 4.1) are permitted for a period of not longer than 6 calendar months following the grant of consent.~~

~~NOTE: refer to rule 34.5 (non-complying activities). Despite any Mooring License under a lawfully established bylaw, on the expiry of the 6 month period in rule 34.1.3.11.2, any scheduled mooring in Marina Zone Areas A or B which does not have resource consent becomes a non-complying activity.~~

34.1.3.6 Maximum Building Height Buildings

The maximum permitted height of any building shall be 10 metres, with the exception of buildings within Marina Zone Area A or B (Map 62) which shall be limited to:

Comment [t31]: Changes agreed landscape architects
Agreed planners
Tony Quickfall
Paul Williams
Lionel Solly
Louise Robertson

a) 6 metres in height;

b) 50m² in ground floor area; and

c) only one building in each of Marina Zones A and B shall be a permitted activity.

Comment [Lk32]: Changes proposed and agreed MDC landscape architect PMNZ landscape architects

Changes agreed by planners Tony Quickfall Paul Williams Lionel Solly Louise Robertson

34.1.3.7 Building Setbacks

a) Minimum building setback from road boundaries shall be 6 metres;

b) Minimum building setback from an Urban Residential Zone boundary shall be 6 metres; and

c) Minimum building setback from a Town Commercial Zone boundary shall be 3 metres.

d) Clause a) does not apply to buildings within Marina Zone Areas A or B (Schedule J).

Comment [t33]: Changes agreed: Tony Quickfall Paul Williams Lionel Solly Louise Robertson

34.3 Limited Discretionary Activities

Drafting note - renumber existing rules accordingly

34.3.5 Marina Zone Swing Moorings

the placement and use (including occupation) of swing moorings scheduled in Appendix J, Schedule 4.1, located within Marina Zone Areas A or B, subject to the following conditions.

Comment [t34]: Change 34.3 all agreed Tony Quickfall Louise Robertson Paul Williams Lionel Solly

34.3.5.2 Matters to which Council has restricted the exercise of its discretion

a) Location within Marina Zone area A or B (Appendix J, Schedule 4); and

b) The type and specification of mooring including the swing arc; and

c) The availability of space within Marina Zone area A or B; and

d) Reservation of space for the relocation of all moorings from Marina Zone Areas A and B; and

e) The duration, expiry and any renewal conditions of consent. Note: a condition of consent will be imposed requiring the consent shall expire 6 months following the granting of any resource consent for marina development within Marina Zone Areas A (for a mooring located within Area A) or B (for a mooring located within Area B) identified in Appendix J.

34.3.5.3 Applications in accordance with Rule 34.3.5 will be considered without public notification and without the service of notice

~~the need to obtain written approval of affected persons in accordance with the Resource Management Act.~~

Comment [LR35]: JK/LR - accept this change, although may mean affected parties are identified which could create an arduous consent process.

Application must be made for a Discretionary Activity

34.4 Discretionary Activities and Where Appropriate Restricted Coastal Activities

Application must be made for a Discretionary Activity and where indicated a Restricted Coastal Activity for the following listed activities. ~~Except for restricted coastal activities, applications made for discretionary activities will not require public notification.~~

- Activities listed as Permitted or Controlled Activities which do not comply with standards and/or conditions or with the provisions for minor non compliance dealt with as Limited Discretionary Activities;
- Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area and/or listed in the Hazards Register;
- ~~Marinas;~~
- Discharges to the Coastal Marine Area;
- Discharges;
- Occupation of the coastal marine area;
- Hazardous facilities with an effects ratio greater than 0.075;
- Disturbance of foreshore and seabed, including removal of sand, shingle or shell or other material;
- New or extended seabed reclamation;
- Reclamations;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures in the coastal marine area used in the petroleum and chemical industry; and
- Structures which impound or effectively contain the coastal marine area.

Comment [t36]: insertion not agreed
Lionel Solly (not convinced of the practical effect of including "marinas" as a discretionary activity in rule 34.4

Agreed
Tony Quickfall
Paul Williams
Louise Robertson

34.4.1 General Assessment Criteria

In addition to any specific standards set out in Rule 34.4.2 the General Assessment Criteria set out below shall be applied to Discretionary and Restricted Coastal Activities.

34.4.1.1.5 The likely effects of the proposal on:

34.4.1.1.5.4 Natural and physical resources so that any proposal:

- a) Complements any building or other feature constructed by people in the locality which contributes to the character of the locality;
- b) Maintains the future use potential of any renewable resource;
- c) Should not have an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga or any historic place or archaeological site;
- d) Does not reduce water quality beyond a zone of reasonable mixing; and
- e) Does not increase any risk from natural hazards;
- f) ~~Will result in the efficient use of natural and physical resources including existing infrastructure with regard to the expansion of marinas;~~
- ~~and~~
- g) ~~Is considered in terms of any positive effects that may be generated by the proposal, including the efficiency of storing vessels within purpose-built and serviced marina facilities when compared with other forms of mooring.~~

34.4.2 Particular Criteria and Standards Applicable to Listed Discretionary Activities

The criteria specified for any particular discretionary activities as listed below shall be considered in addition to the general assessment criteria set out in Rule 34.4.1

34.4.2.12 Marinas

34.4.2.12.1 Buildings located within the Marina Zones, areas A and B identified in Appendix J, Schedule 4.2, shall meet the following standards:

- a) ~~Buildings, other than toilet blocks, are discretionary activities. For avoidance of doubt, toilet blocks are permitted.~~
- b) ~~Toilet blocks shall not exceed 50m² in area.~~
- c) ~~No building shall exceed a maximum height of 6m.~~

34.4.2.12.2 Marina development within Marina Zone areas A and B identified in Appendix J, Schedule 4.2, shall generally accord with the Outline Development Plan in Appendix J Schedule 4.2, and shall comply with include the following:

- a) ~~A landscape plan showing a minimum of 5% landscaping on any reclamation or breakwater~~
- b) ~~car park layout and design (with provision for landscaping)~~
- c) ~~public beach and amenity reinstatement identified in Appendix J, Schedule 4.2.~~
- a) All exterior lighting shall be shielded when viewed from above and directed away from adjacent properties and legal roads

Comment [t37]: Insertion agreed
 Louise Robertson
 Paul Williams
 Tony Quickfall

 Lionel Solly generally agrees, but is not convinced of the practical effect of including "marinas" as a discretionary activity in rule 34.4

Comment [t38]: Deletion Agreed:
 Tony Quickfall
 Paul Williams
 Lionel Solly
 Louise Robertson

Comment [t39]: Changes all agreed, landscape architects and planners:
 Tony Quickfall
 Paul Williams
 Lionel Solly
 Louise Robertson

Comment [t40]: Changes b), c) & d) agreed
 MDC; PMNZ

34.4.2.12.31 There shall be no marina construction development within Area B (shown in Appendix J, Schedule 4.2 on planning map 62) until Area A has been fully developed, and a minimum of 90% of water berths within Area A are a minimum of 90% occupied are allocated to berth holders other than the marina owner. This rule does not apply in the following circumstances:

- a) Physical development of the full area of Marina Area A cannot be achieved due to technical or physical constraints rendering such development impracticable; or
- b) Resource consent has been declined for part or all of the full development of Marina Area A, and a minimum of 90% of water berths within the any consented area of Area A are a minimum of 90% occupied allocated to berth holders other than the marina owner.

34.4.2.12.4 Assessment Criteria - Marinas

The following matters shall be assessed as part of any resource consent application for a marina, in addition to other criteria where applicable under 34.4.1 and 34.3.2.

- a) Any effects on swing moorings which were lawfully established on or before 17th June 2010.
- b) The bulk, location and external appearance of buildings.
- c) The extent of clearance of coastal indigenous vegetation and any proposed reinstatement.
- d) Degree of adherence to the Outline Development Plan in Appendix J, Schedule 1.2.
- d) Any navigation aids and signage.
- e) Provision for public access and signage and vehicle access for adjoining mooring holders.
- f) Landscaping proposed to ensure the integration of assist the marina to blend with the surrounding environment.
- g) Carparking provided and layout of vehicle access
 - i) sufficient carparks for marina users. Rule 34.1.1.2.3 will be used to determine to appropriate carpark ratios;
 - ii) public vehicle access (including public car parking) and foot access to the northern end of the north-western wet berth area;
 - iii) carparks for use by swing moorings within the Northwest Mooring Management Area at a minimum rate of 1 carpark space per 3 swing moorings.
- h) Provision for public beach that provides the equivalent or enhanced level of size, accessibility and amenity as the existing beach, as far as is technically possible; to be located at and amenity reinstatement in
 - i) landscaping proposed to ensure the integration of the marina with the surrounding environment. A landscape plan prepared by a qualified landscape architect shall be submitted to the Council for approval

Comment [t41]: Changes agreed
Tony Quickfall
Paul Williams
Louise Robertson
Lionel Solly (agrees if marinas remains a discretionary activity)

Comment [t42]: Added in response to commissioner questioning and Mr Batchelor evidence, to avoid PMNZ allocating all berths to itself in order to facilitate development of Area B

Comment [LR43]: Disagree with this change. 90% is a very high level of allocation in any case. PMNZ commonly hold berths for various reasons, and often have short term leases for some berths. The bottom line is that they would not wish to proceed with a new marina unless they felt there was sufficient demand for berths, and that it was economically viable to do so. We consider that who the party is that each berth has been allocated to is not relevant.

Comment [t44]: Commissioner Maassen question re "practicable" geotech constraints. TQ recommends no changes, "practicable" introduces some uncertainty and open to interpretation.

Comment [LR45]: JK/LR - adding practicable ensures a reasonable approach is taken, as noted by Commissioner Maassen.

Comment [LR46]: JK/LR - disagree with this change. See comment two above.

Comment [t47]: TQ note not for final version - Deleted, duplication

Comment [t48]: Change added in response to submitter evidence relating to public parking

Comment [LR49]: JK/LR - We do not accept the Quickfall change. It is appropriate to provide vehicle and foot access along the coast to the north of the north west marina extension. However, it is not appropriate to give an expectation that public carparking in this location will be provided. Neither traffic experts recommended this, or considered public carpark...

Comment [BF50]: Change (h) proposed & agreed by MDC landscape architect and PMNZ landscape architects
Agreed by planners

demonstrating how the development shall be integrated into the surrounding environment. The landscape plan shall include:

- Planting areas that include robust locally sourced coastal tree and shrub species.
- All hard landscape areas and landscape fixtures (including colours and materials).
- Landscape management plan incorporating landscape specifications and maintenance measures.

j) Any adverse effects on tangata whenua and kaitiaki iwi in respect of ancestral lands, water, sites, waahi tapu and other taonga or any historic place or archaeological site, including any provision for off-set mitigation of effects.

Any adverse effects on tangata whenua in respect of access to and habitat for mahinga kai (cultural harvesting), waahi tapu and other taonga or any historic place or archaeological site, including any provision for off-set mitigation of effects.

k) Any positive effects that may be generated by the proposal, including the efficiency of storing vessels within purpose built and serviced marina facilities when compared with other forms of mooring.

Comment [t51]: Change (i) agreed to be landscape architects and planners:
Tony Quickfall
Paul Williams
Lionel Solly (not necessary)
Louise Robertson

Comment [t52]: J added in response to questions from commissioner Maasen and Te Atiawa evidence.

Comment [t53]: Off-set mitigation suggested by Ms Robertson & Mr Kyle in response to Commissioner Ellison question on relationship of Tangata Whenua to Waikawa. Also refer Te Atiawa evidence - Mr Ohia evidence pg 19

Comment [LR54]: JK/LR - While we support the general intention of Mr Quickfalls assessment criteria j), we see benefit in being as specific as possible about the potential cultural effects that may occur from a marina development. This should serve to focus any resource consent application for a marina, rather than just expecting a general assessment of "cultural effects", at a more Part II level.

Comment [t55]: Changes agreed
Tony Quickfall
Louise Robertson

Not agreed (unnecessary)
Paul Williams
Lionel Solly

Comment [t56]: Agreed
Tony Quickfall
Paul Williams
Lionel Solly
Louise Robertson

34.5 Non-Complying Activities

- Any activity that does not comply with discretionary activity standards listed in Rule 34.4.2.
- Any activity other than a Prohibited Activity which is neither a Permitted Activity, Controlled Activity, Limited Discretionary Activity nor a Discretionary Activity shall be deemed to be a Non-Complying Activity.
- Any activity involving the introduction of any exotic plant species to the coastal marine area is a Non-Complying Activity that is a Restricted Coastal Activity.
- Any Scheduled mooring identified in Appendix J (Schedule 4.1), at any time after 6 calendar months following the grant of consent for any development in Marina Zone Areas A or B (Appendix J, Schedule 4.2).

35.0 COASTAL MARINE ZONES ONE AND TWO

NOTE: Resource Management (Marine Pollution) Regulations 1998 introduced pursuant to sections 15A, 15B and 15C of the Resource Management Act 1991 control discharges and dumping from ships. The regulations limit the nature and extent of discharges and dumping, in that part of Coastal Marine Zones 1 and 2 that is coastal marine area. The Council is responsible for administering and enforcing these regulations. A copy of the Resource Management (Marine Pollution) Regulations 1998 can be found in Appendix K.

35.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Beach grooming and beach re-contouring;
- Burial of dead marine mammals;
- Clearance of stormwater outfalls;
- Discharges from ships;
- Erection and placement of public information signs;
- Erection or placement of temporary structures;
- Harvesting of marine farming produce from marine farms previously authorised by a current Coastal Permit (pursuant to the Resource Management Act 1991) or current Marine Farm Lease or Licence (pursuant to the Marine Farming Act 1971) applied for prior to 1 August 1996, including the taking and discharging of coastal water and discharge of biodegradable and organic waste matter;
- Any statutorily established scallop enhancement programme involving distribution of scallop spat to the seabed.
- Maintenance, repair, minor extensions, additions and alteration to structures;

- Disturbance of foreshore and seabed;
- Oil spill clean up in accordance with a national or regional oil spill contingency plan;
- Parks, reserves, marine reserves, taiapure, mahinga maataitai and maataitai reserves;
- Pest management carried out in accordance with a national or regional pest strategy;
- Placement, operation and maintenance of equipment used for monitoring purposes;
- Recreational activity;
- Removal or demolition of structures;
- River and stream mouth cutting;
- Stormwater discharge;
- Taking and discharge of coastal water;
- Taking and use of coastal water by ships;
- Use of surface water by ships
- Vegetation clearance;
- The placement and use (including occupation and maintenance) of swing moorings within Mooring Management Areas; and
- The placement and use (including occupation and maintenance) of swing moorings for Waka in a defined Waka Mooring Management Area.

Conditions for Permitted Activities

35.1.2 Specific Conditions

35.1.2.13 Swing Moorings within Mooring Management Areas

Placement, use (including occupation of the coastal marine area) and maintenance of swing moorings within a Mooring Management Area or Waka swing moorings within the Waka Mooring Management Area shall be a permitted activity subject to the following condition:

- a) A lawfully established Bylaw is in place, and the Mooring has a current Mooring Licence to place and use the specified swing mooring issued by the person appointed under the relevant Bylaw to authorise Mooring Licences; and
- b) Where the mooring is not the relocation of a scheduled mooring from Marina Area A or B identified in Appendix J, Schedule 4.1, there is sufficient mooring space available to provide for the relocation of all scheduled moorings in schedule 4.1.

Comment [t57]: Agreed:
Tony Quickfall
Paul Williams
Louise Robertson

Not agreed
Lionel Solly (should be broadened to all moorings to be relocated)

35.1.2.14: Swing Moorings within Waka Mooring Management Areas

Placement, use (including occupation of the coastal marina area) and maintenance of swing moorings for Waka in Waka Mooring Management Areas shall be a permitted activity subject to the following conditions:

Comment [t58]: Deletion agreed:
Tony Quickfall
Paul Williams
Louise Robertson
Lionel Solly

- a) A lawfully established Bylaw is in place, and the Mooring has a current Mooring Licence to place and use the specified swing mooring issued by the person appointed under the relevant Bylaw to authorise Mooring Licences.

NOTE: If no relevant Bylaw is in place, rules 35.3.2 and 35.2.3 applies.

35.3 Limited Discretionary Activities

35.3.2 Where not provided as a permitted activity under Rule 35.1 and condition 35.1.2.13, the placement and use (including occupation) of swing moorings within a Mooring Management Areas or Waka swing moorings within the Waka Mooring Management Area;

35.2.3 Applications under rule 35.3.2 for moorings within each mooring management including renewal of consents, shall be processed and heard together, in accordance with section 165D of the Resource Management Act

Comment [t59]: Possible new rule in response to a concerns raised by Commissioner Rennie re efficient use of space. Also refer RMA section 165I. My reading of these sections is they apply to coastal allocation outside Aquaculture Management Areas.

Note - this change is not recommended as a new rule for reasons of complicating application processes, but is presented as a s165D possible mechanism for coordinated allocation of moorings. MBMA advise this would be difficult to implement in practical terms.

35.3.2.1 Limits to the Council's Discretion

35.3.2.1.1 In the case described in 35.3.2, Council's discretion shall be limited to the following matters:

- a) Location within a Mooring Management Area or Waka Mooring Management Area ; and

Comment [LR60]: JK/LR - disagree with this provision. Unrealistic to achieve and punishes those who are willing to participate unnecessarily.

- ~~b) The type and specification of mooring including the swing arc; and~~
- ~~c) The availability of space within the Mooring Management Area or Waka Mooring Management Area; and~~
- ~~d) Reservation of space for the relocation of all scheduled moorings from Marina Areas A and B (Schedule J, Appendix 4); and~~
- ~~e) The ability of the activity to comply with the Coastal Marine zone permitted activity noise standard, being Rule 35.1.1.4.1.~~

~~35.3.2.1.2 Applications in accordance with Rule 35.3.2 will be considered without public notification and may be considered ~~or~~ without either the service of notice, ~~or and~~ without the need to obtain written approval of affected persons in accordance with section 95A of the Resource Management Act.~~

~~35.3.3 Where not provided as a permitted activity under Rule 35.1 and condition 35.1.2.14, the placement and use (including occupation) of swing moorings for Waka in a defined Waka Mooring Management Area.~~

~~35.3.3.1 Limits to the Council's Discretion~~

~~35.3.3.1.1 In the case described in 35.3.3, Councils discretion shall be limited to the following matters:~~

- ~~a) Location within a Waka Mooring Management Area; and~~
- ~~b) The type and specification of mooring including swing arc; and~~
- ~~c) The availability of space within the Waka Mooring Management Area; and~~
- ~~d) The ability of the activity to comply with the Coastal Marine zone permitted activity noise standard, being Rule 35.1.1.4.1.~~

~~35.3.3.1.2 Applications in accordance with Rule 35.3.3 will be considered without public notification or without the service of notice and without the need to obtain written approval of affected persons in accordance with section 95A of the Act.~~

Comment [t61]: Deletions agreed
Tony Quickfall
Paul Williams
Louise Robertson
Lionel Solly

35.4 Discretionary Activities and Where Applicable

Restricted Coastal Activities

Application must be made for a Discretionary Activity and where indicated a Restricted Coastal Activity for the following:

- Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area or listed in the Hazards Register;

- Activities listed as Permitted or Controlled Activities, which do not comply with the Standards specified for those activities, other than marine farms specified as Limited Discretionary Activities in Rule 35.3.1, or Swing Moorings specified as Limited Discretionary Activities in Rules 35.3.2 or 35.3.3.
- Commercial activities:
- Discharge of human sewage;
- Discharges to air;
- Discharges to water;
- Occupation of the coastal marine area, excluding swing moorings in Mooring Management Areas or Waka Mooring Management Areas;
- Structures in the coastal marine area used in the petroleum and chemical industry;
- Disturbance of foreshore and/or seabed, including removal of sand, shingle, shell or other material;
- Marine farms in Coastal Marine Zone Two complying with the standards specified in Rule 35.4.2.9 other than marine farms specified as Controlled Activities in Rule 35.2.5, or Limited Discretionary Activities in Rule 35.3.1;
- Marine Farms in Coastal Marine Zone 1 which are listed in Appendix D2;
- Placement of swing moorings outside Waikawa Bay;
- The renewal of resource consents for existing consented swing moorings which were consented prior to this rule becoming operative, and which are located within Waikawa Bay and outside of the Mooring Management Areas;
- Reclamation;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures which impound or effectively contain the coastal marine area; and
- Use of surface water within the National Transportation Route

Comment [t62]: Agreed:
Tony Quickfall
Paul Williams
Louise Robertson

Not agreed
Lionel Solly (change to "applied for" or preferred alternative is to list those moorings which are to be treated as discretionary activities on renewal in an appendix or schedule. ON this change, this bullet point would read "swing moorings listed in Appendix xxx / schedule xxx")

35.4.2 Definition of Specifications and Information Requirements and Assessment Criteria

35.4.2.8 Placement of Swing Moorings

35.4.2.8.1 Assessment Criteria

- a) The effect of permanent moorings on the ability of visiting ships to casually anchor in sheltered positions;
- b) The effect of permanent moorings on other Permitted and Discretionary Activities;
- c) The capacity of an area to absorb more moorings; ~~including the reservation of space for the relocation of Scheduled moorings from Marina Areas A and B (Appendix J, Schedule 4.1);~~ and
- d) The effect on utilities including subaqueous cable.

Comment [t63]: Deletion agreed:
Tony Quickfall
Paul Williams
Louise Robertson
Lynne Jolly

35.4.2.8.2 Standards and Terms

- a) The mooring buoy must be of sufficient size so that it remains afloat and is clearly visible at all times;
- b) The name of the owners and the registration number issued by the Council must be clearly marked on the buoy at all times;
- c) The permit holder shall be responsible at all times for the maintenance of the swing mooring;
- d) All mooring blocks shall be lowered to the seabed by a crane or winch;
- e) The mooring shall not be used by another ship of greater weight or length than the ship for which the mooring was approved;
- f) Confirmation of the location of the mooring to be supplied to the Council within 48 hours of its placement; and
- g) The permit holder will be required to remove the swing mooring at the expiry of the resource consent or sooner if the swing mooring is no longer

required or if the consent is cancelled in accordance with section 126 of the Act.

35.5 Non-Complying Activities and Where Applicable Restricted Coastal Activities

- Any activity other than a Prohibited Activity which is neither a Permitted, Controlled, or Discretionary and Restricted Coastal Activity shall be deemed to be a Non-Complying Activity;
- Deliberate introduction of exotic or introduced plants into the coastal marine area;
- Depositing material on the foreshore or seabed;
- Discharges to the coastal marine area;
- Marine farms within Coastal Marine Zone Two other than marine farms specified as Controlled Activities in Rule 35.2.5 or Limited Discretionary Activities in Rule 35.3.1 or Discretionary Activities pursuant to Rule 35.4:
 - a) inside a line drawn 50 metres from mean low water mark at right angles to a line normal to the nearest part of mean high water mark; or
 - b) beyond a line drawn 200 metres from mean low water, at right angles to a line normal to the nearest part of mean high water mark (refer Figure 35.1: Measurement of Marine Farm from Shore).
- Residential Activity;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures in the coastal marine area used in the petroleum and chemical industry;
- Structures which impound or effectively contain the coastal marine area; and
- The placement and use (including the occupation of the coastal marine area) of moorings within Waikawa Bay, which were not consented prior to this rule becoming operative and which are located outside a Mooring Management Area or Waka Mooring Management Area; and

Comment [t64]: Agreed:
Tony Quickfall
Paul Williams
Louise Robertson

Not agreed
Lionel Solly (change to "applied for" or preferred alternative is to list those moorings which are to be treated as discretionary activities on renewal in an appendix or schedule. ON this change, this bullet point would read "the placement and use of swing moorings within Waikawa Bay that are located outside a Mooring Management Area or Waka Mooring Management area, other than those listed in [inset reference to new appendix for moorings to be treated as discretionary activities on renewal]"

- Subdivision.
- Marinas within Waikawa Bay which are located outside the Waikawa Marina Zone.

Comment [t65]: New control making marinas outside marina zone non-complying - response to commissioner Rennie question, commissioner Ellison question, Mr. McNabb evidence, Mr. Culbert evidence, and Te Atiawa submissions.

Comment [LR66]: JK/LR - yes accept this change

Comment [t67]: Agreed:
Tony Quickfall
Paul Williams
Louise Robertson

Not agreed
Lionel Solly (schedule should include all moorings to be relocated, not just those in the Marina Zone)

Appendix J

4.1 Marina Zone -Moorings Schedule

Consists of the following Mooring Numbers as issued by the Marlborough District Council:

154	157	158	389	2219	2294	2325	2327	2328	2333	2334	2383	2392
2495	2496	2499	2500	2502	2525	2530	2531	2535	2541	2542	2544	2557
2558	2559	2560	2561	2562	2563	2564	2566	2574	2582	2584	2588	2605
2609	2612	2613	2614	2625	2627	2633	2635	2636	2667	2684	2721	2730
2759	2775	2782	2826	2911	2984							

4.2 ~~Outline Development Plan~~ Marina Areas A and B Staging Plan

Insert amended map (overleaf) to identify areas A and B but with no underlying marina structure for these areas

Comment [t68]: Agreed
Tony Quickfall
Paul Williams
Louise Robertson
Lionel Solly

