

## 13. Use of the Coastal Environment and the Allocation of Coastal Space

~~This chapter does not contain provisions managing marine farming.~~

### Introduction

Marlborough's coastal environment consists of two quite distinct geographic areas: the Marlborough Sounds and the south Marlborough coast. The Sounds are essentially large drowned river valleys lying between mountain ranges, extending from Cape Soucis in the west to Port Underwood in the east. In complete contrast, the south Marlborough coast is an open sea coast, extending from Robin Hood Bay (Port Underwood) in the north to Willawa Point in the south. Together these areas contain approximately 1,800 kilometres of coastline, around 11 percent of New Zealand's total coastline.

The New Zealand Coastal Policy Statement 2010 (NZCPS) recognises that the extent and characteristics of the coastal environment varies from region to region and locality to locality. The NZCPS also lists a range of factors that help inform what the coastal environment includes. In a Marlborough context, the extent of the coastal environment has been identified in Chapter 6 - Natural Character of the Marlborough Environment Plan (MEP) and includes the coastal marine area (an active coastal interface area where the sea is the dominant element and influence on landform, vegetation and perception) and a coastal significance area, which generally includes land up to the first coastal ridge. Given that a coastal influence is evident throughout the Marlborough Sounds, all of this area is considered to be coastal environment. The southern coast of Marlborough is more complex due to variation in landform; therefore the extent of coastal environment differs from location to location. The landward extent of the coastal environment is mapped in the MEP and the provisions of this chapter apply seaward of the mapped line.

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

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

The Council's role also involves managing resources that are in the public domain, which includes the extensive areas of coastal marine area within Marlborough. The Council frequently allocates or authorises the use of these natural resources for private benefit.

Allocating rights to use public resources has become a fundamental part of the overall fabric of Marlborough's social and economic wellbeing. For example, within the coastal marine area there are many moorings, boatsheds and jetties throughout the Sounds, all of which contribute to the social wellbeing of residents and holidaymakers.

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The importance of the community and visitors being able to continue to use and develop the coastal marine area within the constraints of the Resource Management Act 1991 (RMA) cannot be underestimated. Any significant reduction or change in approach to resource use could have significant implications for Marlborough's economic, cultural and social wellbeing.

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Management frameworks for specific uses and activities in the coastal marine area are included within the first part of this chapter. The remainder of the chapter under the heading 'Allocation of Space within the Coastal Marine Area' contains provisions to deal with higher level concerns about how space in the coastal marine area is to be allocated, the degree to which various occupations generate private versus public benefits and the circumstances in which a user should pay to use the coastal marine area.

## Subdivision, use and development activities in the coastal environment

There is an expectation held by many that the natural and physical resources of Marlborough's coastal environment are available for use and/or development to provide for the social, economic and cultural wellbeing of the community. (This issue has been addressed in Chapter 4 - Use of Natural and Physical Resources.) However, it is important that subdivision, use and development activities are appropriately located and carried out within prescribed limits to protect the values of Marlborough's coastal environment, as directed by the Resource Management Act 1991 (RMA) and the NZCPS. The role of this chapter is to establish a management framework for all activities in the coastal environment, having regard to the purpose and principles of the RMA and to the provisions of the NZCPS. The NZCPS has been important in forming the basis for the management framework as the Council must give effect to the provisions of the NZCPS in the MEP.

The issues in this chapter include use of both land and the coastal marine area. Interconnections between the two reflect the need for integrated management, which is effectively the role of a regional policy statement. In many cases, use or development extends across the high tide mark; for example in the operation of ports and marinas. In other situations, a use may be solely within the coastal marine area but will still have a connection with land; for example, via a mooring or jetty to allow access to an adjacent dwelling. Conversely, in addition to requiring a jetty or mooring for access, a dwelling on land may also have implications for water quality in terms of the discharge of domestic wastewater to land. Therefore, the importance of recognising and providing for the interconnections between activities on land and water cannot be understated.

Due to the interconnections described above, the management framework in this chapter is also supported by policy in other chapters, including landscape, biodiversity, natural character, public access and resource quality. Collectively, these policies help to define:

- where subdivision, use or development may be appropriate;
- the form that any subdivision, use or development should take;
- whether limits should be applied; and
- where activities should be avoided.

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

The preamble to the NZCPS recognises a range of challenges in promoting the sustainable management of the coastal environment, including:

- *“the natural and recreational attributes of the coast and its attraction as a place to live and visit combine with an increasingly affluent and mobile society to place growing pressure on coastal space and other resources;*

and

- *there is continuing and growing demand for coastal space and resources for commercial activities...*

At times it can be difficult to determine 'appropriate activities' in the face of these challenges (and others identified in the NZCPS) as users have competing demands and place different values on the resources of the coastal environment. This can also be compounded by the dynamic (or changing) nature of that environment.

While the NZCPS gives clear direction through its policies about the adverse effects that are to be avoided, this must be determined in the context of the particular qualities and characteristics of Marlborough's coastal environment and the uses and activities that already occur there. Therefore, the management framework established through Objectives 13.1 and 13.2 (and their subsequent policies and methods) describes the qualities and characteristics that are important in determining whether a particular subdivision, use or development activity is appropriate. These matters must be considered in all applications for resource consent and are important in terms of giving effect to the NZCPS and to the principles of the RMA.

[RPS]

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

The Council is directly responsible in determining what is inappropriate subdivision, use and development in the coastal environment in terms of the preservation of natural character (Section 6(a)), as well as in the protection of outstanding natural features and landscapes (Section 6(b)) and historic heritage (Section 6(f)). This is further reinforced through the provisions of the NZCPS, particularly Policy 7: Strategic Planning. If clear direction is provided through the MEP of the significant values and locations in Marlborough's coastal environment, resource users will have a better appreciation of what may be appropriate subdivision, use or development in particular locations.

[RPS]

**Policy 13.1.1 – ~~Protect against inappropriate~~ Avoid adverse effects from subdivision, use and development activities by avoiding adverse effects on the characteristics and values of areas identified as having ~~as having~~ by avoiding:**

- (a) ~~adverse effects on areas of~~ outstanding natural character;
- (b) ~~adverse effects on areas of~~ outstanding natural features and/or outstanding natural landscapes;
- (b)(i) ~~areas, habitats or ecosystems identified in Policy 8.3.1(a) or (b);~~  
and avoiding significant adverse effects on:
  - (c) ~~marine biodiversity or cultural values and/or a significant wetland; or adverse effects on indigenous biodiversity values set out in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;~~
  - (d) ~~significant adverse effects on indigenous biodiversity values set out in Policy 11(b) of the New Zealand Coastal Policy Statement 2010; and marine biodiversity value and/or are a significant wetland; or~~
  - (d) ~~significant historic heritage value.~~
  - (e) ~~sites and places of significance to Marlborough's tangata whenua iwi.~~

Policy 13.1.1 identifies ~~four~~ ~~outstanding~~ ~~or~~ significant matters upon which the adverse effects of activities are to be avoided ~~and requires significant adverse effects to be avoided on other values and sites~~. These matters are given particular direction through the principles of the RMA (Sections 6(a), (b), (c), ~~(e)~~ and (f)); ~~and~~ ~~and~~ through direction provided by ~~NZCPS~~ Policies 11, 13, ~~and~~ 15

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and 17 and 17 of the NZCPS; and in Chapters 3, 6, 7, 8 and 10 of Volume 1. However, it is important to acknowledge that implementing the policy does not mean that all activities are prohibited from occurring in the areas with the identified values; it simply makes clear that any adverse effects of activities must be avoided in those areas, rather than being mitigated or remedied.

Other Chapters with provisions relevant to this Policy include Chapters 3, 6, 7, 8 and 10

[RPS, R, C, D]

**Policy 13.1.2 – Areas identified in Policy 13.1.1 as having outstanding or significant values will be mapped to provide certainty for resource users, Marlborough’s tangata whenua iwi, the wider community and decision makers.**

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

While the Council has undertaken various assessments and studies to inform which areas have been mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. This is because for certain values, such as significant marine biodiversity, the only information available is on known sites recorded through processes such as resource consent applications. Given the resources required for more extensive assessment, it is not possible for all areas of the coastal marine area to be surveyed. As more information becomes available new areas can be added through a notified plan change under the First Schedule process of the RMA.

[RPS]

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

As important as it is to identify areas where adverse effects of activities are to be avoided, it is also important that regard is given to identifying appropriate areas, limits and forms in which subdivision, use and development activities can take place. This must be done within a context of recognising and providing for particular values in terms of the principles of the RMA, as well as within the enabling direction provided through Policy 6 of the NZCPS.

[RPS, R, C, D]

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

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

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

These values are to be considered in any application for resource consent or plan change, in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

[RPS, R, C, D]

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

- (a) the contribution the proposed subdivision, use or development activity makes to the social and economic wellbeing of people and communities;
- (b) the efficient use of the natural and physical resources of the coastal environment;
- (c) whether the efficient operation of established activities that depend on the use of the coastal marine area is adversely affected by the proposed subdivision, use or development activity;
- (d) whether there will be an increase in the risk of social, environmental or economic harm from coastal hazards as a consequence of the subdivision, use or development activity;
- (e) whether there will be a contribution to the restoration of the values of the coastal environment at the site, where these may have been adversely affected in the past;
- (f) whether the activity results, either individually or cumulatively, in sprawling or sporadic patterns of subdivision, use or development that would compromise the values and matters of Policies 13.2.1 and 13.2.2;
- (g) whether the proposed subdivision, use or development activity contributes to the network of regionally significant infrastructure identified in Policy 4.2.1;
- (h) whether the subdivision, use or development activity creates a demand for services or infrastructure that may result in a financial cost to the wider community and/or whether the safety and efficiency of the road network is affected;
- (i) functionally, whether some uses and developments can only be located on land adjacent to the coast or in the coastal marine area; and
- (j) whether the effects of an activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse, and therefore a precautionary approach needs to be adopted.

This policy describes the matters important in determining the appropriateness of subdivision, use and development activities in the coastal environment. Though the matters listed are not considered 'values' (as set out in Policies 13.1.1 and 13.2.1), some have direction through NZCPS policies, particularly Policies 3, 4, 6, 7, 8, 9 and 25. These matters are to be considered in any application for resource consent or plan change, in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

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

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

The RMA allows consents within the coastal marine area to be granted for a maximum of 35 years. A 20 year period has historically been used for most coastal occupations in Marlborough, as the Council has considered this duration appropriate.

Shorter durations are considered appropriate when:

- the coastal marine area is public open space that is used or valued for a range of different reasons;
- there are growing pressures and increasing demand for coastal space;
- there are changing and challenging issues facing use of coastal resources;
- the coastal environment is of a dynamic nature, constantly changing; and
- matters of national importance in the RMA need to be recognised and provided for on an ongoing basis.

Limiting coastal permits to a 20 year duration enables the impacts of resource use on the values of the coastal environment to be reassessed. At times a shorter duration may be appropriate, where the adverse effects of a proposed activity are not well understood or are uncertain. It may not be appropriate to manage the adverse effects through consent conditions, so where this is the case a shorter duration consent may be necessary. For similar reasons, it is appropriate that the lapse period for resource consents to be implemented in the coastal environment will be no more than five years.

Longer durations than those specified in this policy may be appropriate for regionally significant infrastructure. However, sea level rise will be a challenge to constructing and maintaining infrastructure in some parts of the coastal environment in the future. In this context, longer durations are only appropriate where the developers of the infrastructure have taken into account the H+ scenario in the design of the infrastructure. See Climate Change provisions for further details.

[RPS, R, C, D]

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

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

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[RPS, R, C, D]

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

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

The quality and characteristics of the environment within which people live, work and play is a fundamental part of our quality of life. In this context, the amenity of the coastal environment contributes to how people and communities provide for their social, economic and cultural wellbeing. In order for community wellbeing to be sustained, it is important to maintain the attributes that contribute to amenity values in any particular area. Policy 13.2.5 will help to protect people and communities' sense of place, appreciation and enjoyment of the coastal environment. Consideration of these values will be important in assessments of resource consents, as well as in the establishment of permitted activity rules and standards.

[RPS, R, C, D]

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

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

To determine whether coastal amenity values will be adversely affected by any proposed subdivision, use or development, it is important that regard is had to the views of individuals and communities about the area concerned. These can then be considered alongside an evaluation of the amenity related attributes of the area. An assessment then needs to be made about the extent

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to which those values and attributes will be affected by the proposed subdivision, use or development. In this assessment it is important that the dynamic nature of the coastal environment is considered, as community views change over time.

### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C, D]

#### 13.M.1 Zoning

*The use of specific coastal based zones to provide a management framework for Marlborough's coastal environment include a Coastal Living Zone, Coastal Marine Zone (coastal marine area), Port Zone, Port Landing Area Zone, Marina Zone, Lake Grassmere Zone and a Coastal Environment Zone (rural land areas). Additionally, there will be Open Space zones for recreational and conservation areas and a Floodway Zone alongside rivers in some locations. For land not otherwise zoned as Coastal Living within the coastal environment of the south Marlborough coast, a Rural Environment Zone will apply.*

[RPS, R, C, D]

#### 13.M.2 Mapping of significant values

*A range of values have been mapped in the MEP to assist in identifying areas with significance for landscape, natural character, marine biodiversity value (including coastal wetlands) and historic heritage within Marlborough's coastal environment. Policies provide management direction on how effects on the mapped values are to be assessed.*

[RPS, R, C, D]

#### 13.M.3 Information

*Appendix 2 describes the values of areas that have been mapped with high, very high or outstanding natural character. Appendix 1 describes the values of areas that have been mapped with landscape significance. Identifying the values that make the mapped areas significant will help resource users determine whether these values will be adversely affected by the proposed activity.*

*While the Council has undertaken various assessments and studies to inform the areas that have been mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. This is because for certain values, such as significant marine biodiversity, the information is incomplete. Where information becomes available this can be reflected through plan changes under the First Schedule process of the RMA.*

[R, C, D]

#### 13.M.4 Regional and district rules

*A range of regional and district rules enable the use of the various coastal management zones as permitted activities, especially where activities would likely have minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards to ensure adverse effects are managed. Rules will also require coastal permits for activities in the Coastal Marine, Port and Port Landing Area and Marina Zones, where these activities need a greater level of control. These rules are described further under the subsequent sections of this chapter. Additionally, other chapters of the MEP also have regional rules for some activities that may affect the coastal environment; for example, discharges to air, land and water. Descriptions of these regional rules are set out in other chapters.*

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#### 13.M.5 Referral of applications

*Any resource consent application for a coastal permit may be referred to the Harbourmaster and Maritime New Zealand (in accordance with s 89A of the RMA), to enable these parties an opportunity to assess any potential impacts of the application on the safe navigation of boats that are considered relevant to the application, and recommend any conditions that they consider should be included within a coastal permit for navigation related purposes.*

[C]

#### 13.M.6 Other legislation

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

## Recreational activities

Marlborough's coastal environment is valued not only for its natural qualities but also for a wide range of recreational activities including swimming, fishing, diving, boating, kayaking, picnicking and walking. Marlborough's coastal environment, especially the Marlborough Sounds, is a centre of recreational activity for both local residents and visitors. This includes the use of many holiday homes located within the Marlborough Sounds from which recreational activity occurs. Consequently, the coastal environment (which includes the coastal marine area) plays an essential role in the social wellbeing of New Zealand in general and the Marlborough community in particular. This in turn has economic benefits for Marlborough, as many of these recreational activities rely on local businesses for the provision of services and goods.

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

Recreation is one of the most extensive uses undertaken within Marlborough's coastal environment, especially within the Marlborough Sounds, given the recreational value of sheltered and inshore coastal waters. Recreational activities range from active to passive pursuits. Much of the value placed on the coastal marine area is derived from the fact that it is the largest area of public open space in Marlborough and the public have a long held expectation that they have a right to use and enjoy this area for a variety of purposes. They place significant amenity value on the coastal environment and its use for recreation. This environment therefore needs to be safeguarded for future generations.

Due to the range of recreational activities undertaken and the large number of users, the natural and physical resources of the coastal environment are at times placed under pressure. The cumulative effects of recreational use can include littering, sewage disposal from boats, damage to coastal vegetation and benthic (organisms that live in or on the bottom sediments) habitat and conflicts between users, all of which detract from public enjoyment of this area. There is also potential for conflict to arise between recreational and other users of the coastal environment; there may therefore be a need to manage activities in particular areas to avoid these conflicts.

[RPS, R, C, D]

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

Given the extent of Marlborough's coastline and the fact that the coast is readily accessible for many people, outdoor recreation both on land and in the sea is one of the most important activities

that take place within this environment. The diversity of recreational opportunities available is a major reason for its popularity with local residents and domestic and international tourists. Over time these recreational activities have become a significant contributor to Marlborough's tourism industry. Additionally and significantly, recreation contributes to the health and wellbeing of local communities.

[R, C, D]

**Policy 13.3.1 – A permissive approach to recreational activities in public areas will be adopted, except where these:**

- (a) require associated structures and occupy the coastal marine area;
- (b) cause adverse environmental effects, including those resulting from discharges of contaminants, unreasonable or excessive noise and damage to significant indigenous vegetation and significant habitats of indigenous fauna;
- (c) do not maintain or enhance public access to and along the coastal marine area;
- (d) endanger public health and safety;
- (e) adversely affects authorised uses and developments of the coastal marine area; or
- (f) adversely affect the amenity values of the area.

Recreation is arguably the most significant way in which the general public gain direct benefit from the coastal environment. Therefore, such activity should be permitted unless it requires associated structures, occupies the coastal marine area in terms of Section 12 of the RMA, or causes adverse effects such as those identified in (b) to (f). In this regard, Policy 13.13.3 identifies that control is to be exercised with respect to the use of motorised vehicles on the foreshore in specific circumstances.

[C]

**Policy 13.3.2 – Maintain and enhance opportunities for recreational use of the coastal environment.**

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

[C, D]

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

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

[RPS, C]

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

The policy recognises that for Queen Charlotte Sound and Tory Channel, recreational use is significant and is to have a priority over commercial interests that require occupation of the coastal marine area. Recreational use is particularly important in these areas, with a large number of holiday homes being a base for recreation and with good access points in Picton and Waikawa

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By consent order dated 31 January 2023

(including through launching ramps and marinas). Historically, activities such as marine farming have been prevented from occurring in these areas because of the extent of recreational activities. The exclusion of Port and Marina Zones in Queen Charlotte Sound acknowledges the establishment of these zones for port and marina activities within which recreational activities may not be appropriate.

Additionally, Policy 13.15.1 directs that activities and/or structures in the National Transportation Corridor are undertaken in such a way that adverse effects on the safety and efficiency of the corridor are avoided.

### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[R, C, D]

#### 13.M.7 Regional and district rules

*A range of regional and district rules enable recreational activities as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards. In some cases, a prohibited activity rule may apply to protect recreational use. The rules are described further under the subsequent sections of this chapter.*

[C, D]

#### 13.M.8 Other legislation

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

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

Historically, the demand for residential properties in Marlborough's coastal areas has been satisfied through:

- the development of new residential dwellings on vacant lots (within permitted activity provisions for residential or rural zones);
- the extension, alteration or reconstruction of existing residential dwellings; and
- the creation of new residential allotments from rurally zoned land.

In any one of these situations there is potential for residential activity to detract from the qualities and values of the coastal environment. This is particularly so in a Marlborough Sounds context, where the MEP has identified the Sounds as being 'the jewel in Marlborough's crown' (Issue 4C, Chapter 4 - Use of Natural and Physical Resources). At any particular location these qualities and values, along with physical factors, place constraints on whether residential activity is appropriate within the coastal environment.

The construction of houses and holiday homes in areas where structures are absent from the landscape is likely to stand out and potentially detract from the "natural" appearance of that landscape. Even in areas where there are existing houses and holiday homes, buildings in prominent locations, large buildings and buildings with bright and bold colours, can detract from the landscape.

New residential buildings obviously allow more people to be accommodated, either permanently or temporarily, in a particular location. Potentially, the more people who live within and use an area,

**Commented [ 24]:** Apex Marine Farm Limited  
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**Commented [ 25]:** Clearwater Mussels Limited and Talley's Group Limited  
ENV-2020-CHC-55

**Commented [ 26]:** Marine Farming Assn Inc & Aquaculture NZ  
ENV-2020-CHC-74

**Commented [ 27]:** The New Zealand King Salmon Co. Limited  
ENV-2020-CHC-51

**Commented [ 28]:** RESOLVED:  
Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By consent order dated 31 January 2023

**Commented [ 29]:** Clause 16  
MEP Update 7 – 04/11/20

the less likely it is that the special qualities currently valued by existing residents will continue to be enjoyed. The degree of impact will be perceived differently from person to person, depending on our own values and experiences.

Other factors affecting the appropriateness of residential activity in the coastal environment include the ability for onsite disposal of domestic wastewater, impacts arising from natural hazards, difficulties in accessing remote areas and the impacts of residential activity on water quality, water quantity and indigenous biodiversity. Some of these factors may also have flow-on effects for other users of the coastal environment and the manner in which these constraints are dealt with will determine how the demand for residential activity will be managed in Marlborough's coastal environment.

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

[RPS, D]

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

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

[D]

#### **Policy 13.5.1 – Identify areas where residential activity can take place.**

Areas determined as appropriate for residential activity are zoned as Coastal Living Zones. The Coastal Living Zone recognises the need and demand that exists for residential activity in Marlborough's coastal environment and applies to areas where development already occurs but which maintain a high level of amenity associated with the coast. These areas, zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan, have been identified as having an ability to absorb further low density, mainly rural residential development, without detriment to overall coastal character. Additionally, areas at Rarangi formerly zoned as Township Residential and Rural Residential have also been zoned as Coastal Living.

[D]

#### **Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:**

- (a) protect recreational and coastal amenity values;
- (b) avoid sprawling or sporadic patterns of residential development; and
- (c) protect landscape, natural character and indigenous biodiversity values.

It is important that limitations are placed on where residential activity can take place within Marlborough's coastal environment. If unrestricted development were allowed, the very values that make the coastal environment special would be threatened, particularly within the Marlborough Sounds. The policy therefore is important in identifying the appropriate locations for residential activity, are those provided through the resource of the Coastal Living Zone in conjunction with the enabling provision of Policy 13.5.5. This approach helps to give effect to the policies of the NZCPS, as well as achieving the overriding objective for the Marlborough Sounds in Chapter 4 - Use of Natural and Physical Resources of the MEP, in which the '*visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds*' is maintained and enhanced.

**Commented [ 30]:** WITHDRAWN:  
Marine Farming Assn Inc & Aquaculture NZ  
ENV-2020-CHC-74  
New policy: protecting aquaculture from reverse sensitivity  
By memorandum dated 28 July 2023

The policy directs that residential activity and subdivision for residential purposes 'should' occur within the Coastal Living Zone, though this is not absolute. This is because there may be occasions where through restoration works, enhancement of values or offsetting adverse effects, positive environmental outcomes can be achieved. Regard must be had to the other policies of the MEP (especially those regarding natural character, landscape, public access and biodiversity) to determine whether this is a relevant matter for consideration.

[D]

**Policy 13.5.3 – Recognise there is an existing stock of land within the coastal environment that could be developed for residential activity to meet the needs of the community.**

There are many areas within the Coastal Living Zone and the Coastal Environment Zone that could be developed for residential activity. Areas zoned as Coastal Living include areas zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan and areas of Township Residential and Rural Residential in the Rarangi area of the former Wairau/Awatere Resource Management Plan. There is capacity within these zoned areas for further residential activity to occur. Additionally, there are allotments within the Coastal Environment Zone that do not currently have a dwelling on them but where residential activity could take place, subject to meeting standards.

[D]

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

In considering areas for urban expansion, the Council has assessed the potential for Rarangi to accommodate further growth. The outcome of the assessment was that there is uncertainty around the level of hazard posed by tsunamis, uncertainty over the ability to secure a water supply that meets drinking water standards, and that the Rarangi wetland system is a fragile ecological system vulnerable to further development. For these reasons the Council has decided not to provide for any expansion of the current zoning for residential activity in this area.

[D]

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

- (a) one dwelling per Record of Title, and an additional dwelling on larger lots;
- (b) worker accommodation; and
- (c) homestays.

For property within the coastal environment but outside of the Coastal Living Zone, it is appropriate that the MEP provides for residential activity. In some cases, ongoing primary production activities will occur and therefore it is appropriate that provision is made for any residential activity associated with this. This includes seasonal worker accommodation. There may also be smaller allotments where primary production activities do not occur but where historically there has been a right, subject to standards, for a landowner to erect a dwelling. The MEP continues with this approach, as it provides in part a resource able to be developed for residential activity, without the need for further subdivision or rezoning of land. Provision is also made for homestays. The exception recognises the need for Marlborough's tangata whenua iwi to be able to develop Māori land for papakāinga to enhance the quality of life for whānau and iwi in a manner that is consistent with their cultural values and customs.

[RPS, D]

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

- (a) strong connection to the foreshore and coastal water;
- (b) peaceful environments with relatively quiet background noise levels;

**Commented [ 31]:** RESOLVED:  
Royal Forest and Bird Protection Society of New Zealand  
Incorporated  
ENV-2020-CHC-64  
Environmental Defence Society  
ENV-2020-CHC-67  
By consent order dated 31 January 2023

**Commented [ 32]:** Clause 16

**Commented [ 33]:** By consent order dated 31 January 2023

- (c) predominance of residential activity by enabling one dwelling per Record of Title;
- (d) privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;
- (e) ample sunlight to buildings;
- (f) minimal advertising signs;
- (g) views to the surrounding environment, including to the sea;
- (h) low building height;
- (i) recessive building colours
- (j) appropriate infrastructure and services and low volumes of road traffic.
- (k) the need for appropriate landscaping of new roads, reserves and esplanade areas to be created by subdivision.
- (l) the need to manage reverse sensitivity effects that may occur when sensitive activities locate near existing rural activities.

This policy sets out the characteristics that reflect land zoned as Coastal Living and for which standards have been considered necessary to be established through the permitted activity rules.

[D]

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

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

Where resource consent is required for subdivision or development within the Coastal Living Zone, the matters in this policy will help to determine whether the subdivision or development is appropriate. In particular, matters concerning the character of the locality and coastal amenity values are important in terms of having regard to Sections 7(c) and 7(f) of the RMA. Other matters concerning the on-site discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy.

[D]

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

As the Coastal Living Zone has been established to accommodate residential activity, recognising the desire of many New Zealanders to live or holiday beside the sea, it is important that these areas are predominantly used for this purpose. Some non-residential activities, especially those carried out within an existing dwelling, will have limited impact on the characteristics of the Zone and are therefore provided for as a permitted activity. However, other non-residential uses will be assessed through the resource consent process to determine their impact on the characteristics of the residential environment in which they are to be located.

**Commented [ 34]:** RESOLVED:  
 Federated Farmers of New Zealand  
 ENV-2020-CHC-58  
 Environmental Defence Society  
 ENV-2020-CHC-67  
 By consent order dated 31 January 2023

[D]

**Policy 13.5.9 – When considering residential subdivision or development applications, (where the predominant means of access will be by water) the need for, and location of coastal structures and associated tracking to enable/enhance access shall be assessed at the time of subdivision or development.**

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

### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[D]

#### 13.M.10 Zoning

*The Coastal Living Zone is a specific zone established for residential activity within the coastal environment for both the Marlborough Sounds and along the south Marlborough coast.*

[D]

#### 13.M.11 District rules

*A range of district rules will guide development within both the Coastal Living and Coastal Environment Zones. These rules will provide for residential activity and non-residential uses as a permitted activity subject to meeting standards for bulk and location of structures, disposal of domestic wastewater, stability of the land, reflectivity of buildings, etc. Rules will specify minimum allotment standards and enable the development of papakāinga, subject to standards.*

[D]

#### 13.M.12 Information

*SNZ PAS 4509:2008 is a non-mandatory standard that sets out the requirements for firefighting water supply and access, including in rural areas. In rural areas, the effectiveness of a water supply for firefighting is affected by, amongst other matters, the time and distance from a fire station, ready access to a sufficient quantity of water, and the seasonal sustainability of the water supply. Because structures remote from a fire station are significantly more at risk from fire outbreak, Fire and Emergency New Zealand recommend that sprinklers are installed in all structures (and specifically houses) sited more than a 10-minute response time from a fire station. More information on SNZ PAS 4509:2008 is available from the Fire and Emergency New Zealand website. Fire and Emergency New Zealand can also be contacted directly for advice regarding managing fire risk and the storage of water for firefighting.*

## Boat moorings and anchorings

The enclosed waterways of the Marlborough Sounds offer many recreational boating opportunities to both residents of Marlborough and visitors. Commercial use of boats and other craft is a significant feature of the District's tourism, marine farming and fishing industries. While many of the smaller recreational craft are stored on dry land and have no need for water-based storage, many boats do need some form of mooring, berthage or other method of storage.

Moorings generally provide a convenient and readily available form of boat storage. Consequently, there are high-density moorings in areas such as Waikawa Bay, Ngakuta Bay and Okiwa Bay. Individual moorings have also been established around the Sounds, providing a place for occasional recreational users and adjoining landowners to moor their boats. In some cases, a mooring is established for the use of boating club members or boat charter companies. These moorings are referred to as collective moorings.

Anchoring on a temporary basis is common in many places around the Sounds. This occurs for recreational purposes, where boats may overnight or, in some instances and particularly in recognised locations, provide for temporary shelter in bad weather. It is important that developments or activities in the coastal marine area do not affect the ability of the boating community to anchor in locations that are recognised anchorages.

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

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Deciding how and where to provide facilities or areas where boats can be safely moored or anchored is an issue, given the wide range of economic, cultural and social values of Marlborough’s coastal environment as well as significant natural character, landscape and biodiversity values.

Historically, many property owners within the Sounds relied on swing moorings to moor boats. This continues to be the case today, although many property owners now also seek other structures such as boatsheds and jetties to provide enhanced forms of access. In some areas, especially close to nodes of settlement, issues arise surrounding competing demand for coastal space for moorings, especially swing moorings. The location of such moorings must take into account navigational routes for boats, as well as sufficient separation from one another to ensure the safety of boats on other moorings.

For some people, especially those who do not own property in the Marlborough Sounds, the short term anchoring of boats is common. Some bays in the Sounds are recognised on navigational charts and in nautical publications as places for boats to anchor in certain wind conditions. However, the long term or permanent anchorage of boats can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects may include a reduction in water quality, loss or deterioration of benthic habitat, disturbance to marine species at important feeding sites, reduced amenity values, impacts on natural character or a reduction in public access or recreational opportunities. While it is important that recognised anchorages are available for use, it is also important that limitations are placed on longer term anchoring. Areas for large ship anchoring are identified on navigational charts and nautical publications.

[C]

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

It is important that the MEP provides a range of options to accommodate the different needs and demands of a range of boat owners. Not every option will be appropriate in every location within Marlborough’s coastal environment and the following objectives and policies describe the circumstances where each of the options may be considered appropriate.

[C]

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

- (a) enabling anchoring of boats;
- (b) establishing Moorings Management Areas where there is high demand for space in the coastal marine area;



- (c) ensuring moorings outside of Moorings Management Areas are sited in appropriate locations; and
- (d) zoning specific areas for activities related to the operation of marinas, ports and port landing areas in Picton, Havelock, Waikawa, Elaine Bay and Oyster Bay.

The four options provided for in this policy reflect both historic and recent approaches to mooring or berthage of boats in Marlborough's coastal environment. Options a) to c) are applicable to the Coastal Marine Zone, while option d) is specific to Port, Port Landing Area and Marina Zones. (The remaining policies under Issue 13E are therefore not relevant considerations in the Port, Port Landing Area and Marina Zones.)

### Boat anchorages

[C]

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

Boat anchoring has long been considered an appropriate use within the coastal marine area, particularly for recreational use but also for commercial boats. The objective seeks to enable use of the coastal marine area for this purpose.

Commented [ 35]: Clause 16

There are locations where anchoring has the potential to adversely affect the marine environment and anchoring over these sites would not be appropriate.

[C]

#### Policy 13.7.1 – Enable use of the coastal marine area for temporary anchoring by boats, excluding Category A Ecologically Significant Marine Sites listed in Appendix 27.

Boats of all sizes are reliant on being able to anchor for recreational purposes, during storms or in the event of damage or gear failure. An enabling approach to providing for this on a temporary basis has been provided, subject to meeting standards.

Category A Ecologically Significant Marine Sites have been identified as significant sites that support marine communities dominated by fragile species that are intolerable to most forms of benthic physical seabed disturbance, including anchoring. For this reason any anchoring within these areas should be restricted.

[C]

#### Policy 13.7.2 – Restrict the long-term or permanent anchorage of boats.

The long-term or permanent anchorage of boats in one location can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects could include reduction in water quality, amenity values, public access, recreational opportunities or potential benthic habitat destruction. Therefore, it is appropriate that controls are imposed upon the ability of boats to anchor for long periods of time. This will help to achieve the policies of the NZCPS, especially Policy 6(2)(c), as well as a range of other policies in both the NZCPS and MEP relating to natural character, water quality, public open space and indigenous biodiversity. This policy does not apply to the anchoring of marine farm barges and structures.

### Moorings Management Areas

[C]

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

Where there is ongoing demand for coastal space for moorings as well as competing demand for other uses or activities in the same space, a comprehensive management regime must be in place

to ensure that efficient use of the coastal marine area is achieved. This will help to minimise overlap between swing circles and therefore reduce the risk of damage to boats.

[C]

**Policy 13.8.1 – Where there is competing demand in the coastal marine area to accommodate swing moorings, Moorings Management Areas may be established to manage the placement and use of swing moorings.**

Moorings Management Areas are a relatively new concept, having been developed initially to manage conflicting demands with large numbers of swing moorings and other activities within Waikawa Bay. If a Moorings Management Area is established, it shall only be so through the plan change process of the First Schedule after having regard to the matters in Policy 13.8.2. These areas will be identified on the MEP maps.

[C]

**Policy 13.8.2 – To determine the appropriateness of an area of coastal space to become a Moorings Management Area in the Marlborough Environment Plan, the following matters will be considered:**

- (a) current and anticipated demand for swing moorings in the area;
- (b) the cumulative effect (including on coastal amenity values and benthic habitats) of swing moorings and the capacity of the area to accommodate existing and additional moorings;
- (c) whether there are issues with the layout of existing swing moorings, including overlapping of swing circles;
- (d) the intensity, character and scale of other activities in the area, including:
  - (i) the extent to which the use of or access to other coastal structures located in the area are or will be affected by additional swing moorings;
  - (ii) residential development existing in the area and the potential for future development, having regard to the zoning of land;
  - (iii) recreational activities occurring in the coastal marine area; and
- (e) impacts on navigation due to continuing with an uncontrolled approach to siting of swing moorings.

This policy describes the matters to be considered in assessing new locations to be managed as Moorings Management Areas. At the time the MEP was notified on 9 June 2016, the only Moorings Management Areas that had been identified were located in Waikawa Bay. These were established in response to the ongoing demand for moorings in the bay and the different uses competing for water space. It is likely that other areas of the Marlborough Sounds may in future see a high demand for coastal space for swing moorings. If demand reaches a point which results in inefficient use of coastal space, it may be appropriate to introduce Moorings Management Areas in other locations.

[C]

**Policy 13.8.3 – Moorings located in a Moorings Management Area (as identified on the Marlborough Environment Plan maps) will be encouraged by:**

- (a) enabling them as a permitted activity, where a Moorings Management Bylaw is in place; or
- (b) where no Moorings Management Bylaw is in place, providing for moorings within a Moorings Management Area as a restricted discretionary activity. The matters the Marlborough District Council will restrict its discretion to in determining such an application will be:
  - (i) location within a Moorings Management Area;

- (ii) the type and specification of mooring sought, including the swing arc; and
- (iii) the availability of space within the Moorings Management Area.

Once a Moorings Management Area has been established to more efficiently manage coastal space, moorings located within these areas can be controlled through a bylaw promulgated under the Local Government Act 2002 or through the resource consent process. This policy states that where a bylaw is in place, then moorings within the Moorings Management Area are a permitted activity. The bylaw will set up a licensing system for moorings in the identified areas. Where no bylaw is in place, a restricted discretionary activity consent will be required and the matters that the Council will limit its discretion to are identified in Policy 3.8.3(b).

### **Moorings outside Moorings Management Areas**

[C]

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

Moorings Management Areas are only to be established where there is competing demand for coastal space. However, in many areas of Marlborough's coastal marine area there is space for competing demands to easily coexist. It is therefore recognised that it is not appropriate or possible for all moorings to be located within a Moorings Management Area and provision must be made within the MEP for moorings to be considered outside of these areas. It is important however that moorings are appropriately located, as they can individually or cumulatively have adverse effects.

[C]

#### **Policy 13.9.1 –The following matters are to be assessed in determining the appropriateness of the location for a mooring:**

- (a) whether a Moorings Management Area with available space exists in the vicinity of the proposed mooring site;
- (b) what the proposed mooring is to be used for;
- (c) the potential for the mooring and any moored boat to adversely affect:
  - (i) the navigation and safety of other boats, including any other moored boat;
  - (ii) existing submarine cables, other utilities or infrastructure;
  - (iii) recreational use of the coastal marine area, including the short-term anchorage of other recreational boats;
  - (iv) amenity values of adjoining residents or land with high recreational value;
  - (v) the open space character of the coastal marine area;
  - (vi) the natural character, landscape or ecological values of the site, including on adjoining land and offshore islands;
  - (vii) the cultural and customary values of the site, including access for customary purposes, and Māori land;
  - (viii) the operation of any existing activity or any activity that has been granted resource consent; and
  - (ix) recognised anchorages of refuge.
- (d) what practicable land-based storage options and/or alternative access points are available for the boat; and
- (e) whether there will be a cumulative impact on the values of the coastal environment from a mooring in the proposed location.

This policy identifies the matters to be considered through the resource consent process in determining the appropriateness of a particular site for a mooring and its intended purpose, for example to provide access to an applicant's land, for moorings for commercial activities, for customary or collective use. The purpose of the mooring is an important consideration in determining the appropriateness of the proposal, as particular conditions may be relevant for one purpose but not another. The broad nature of the other matters identified reflects the wide range of activities and values of Marlborough's coastal environment.

[C]

**Policy 13.9.2 – Subject to the matters in Policy 13.9.1, moorings will be limited by:**

- (a) regarding as appropriate the installation of one mooring per Computer Register or Computer Unit Title Register to enhance access to private property;
- (b) regarding as inappropriate a mooring where the applicant does not own land in the vicinity of the proposed mooring location, except in the case of collective moorings; and
- (c) linking resource consent to a particular property/commercial activity, where consent is granted for a mooring to provide access to an applicant's property or for a boat associated with a commercial activity undertaken in the vicinity of the mooring site. Consent must then be transferred to the new owner(s) on the sale of the property/commercial activity.

Moorings enhance use of private property in the Marlborough Sounds and can be important for commercial activities. However, because they are relatively simple structures and easy to install, landowners have often sought to have multiple moorings. This can create conflict with other users of coastal space and adversely affect a range of values of the coastal environment. Limiting numbers to one mooring per property will generally help to avoid adverse effects and leave enough coastal space for other landowners to locate moorings. Limited flexibility exists to consider special circumstances, particularly for those permanently residing in the Marlborough Sounds without road access. For those who do not own property but wish to access the Marlborough Sounds, a boat mooring will be regarded as inappropriate as other alternatives are available, including moorings within Moorings Management Areas, boating club (collective) moorings, temporary anchorage or marina berths. Additionally, the numbers of boat moorings can be reduced by requiring consents to be linked to a property or commercial business and requiring these consents to be transferred to a new property or business owner upon sale. The policy has been made subject to the matters in Policy 13.9.1 as there may be circumstances under which the need for a mooring falls outside the limitations specified in 13.9.1.

Commented [ 36]: Clause 16

[C]

**Policy 13.9.3 – Swing moorings should be sited to avoid the risk of collision with a boat on an adjacent swing mooring.**

Multiple swing moorings at a number of locations around the Marlborough Sounds have created issues due to moored boats colliding with one another. To avoid this situation occurring in future, the policy directs that swing moorings are to be sited so that there is no likelihood of collision with another moored boat.

[C]

**Policy 13.9.4 – The use of a mooring shall be limited to the size and displacement of a boat for which consent was granted.**

Commented [ 37]: Clause 16

The size and displacement (weight) of a boat will dictate the size of anchor, swing circle and other specifications required for a swing mooring. The swing circle is an important factor in ensuring the safety of other moored boats. It is therefore important to ensure that a mooring is not used for any boat larger than that considered through the resource consent process. If a swing mooring is intended to be used for a boat larger than originally provided for, this needs to be reassessed through the resource consent process.

[C]

**Policy 13.9.5 – Moorings shall be maintained and marked in a way that protects navigational safety, including by providing and maintaining adequate buoyage and anchoring systems.**

As moorings are located within the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that mooring structures are marked and maintained in good condition to remain visible and intact, ensuring public safety is protected. This will require compliance with relevant consent conditions.

[C]

**Policy 13.9.6 – A mooring shall be required to be removed from the coastal marine area in the following circumstances:**

- (a) where there is no longer a need for a mooring to moor a boat;
- (b) where the existence of a commercial activity has been the justification for approving a coastal permit for a mooring and that commercial activity no longer exists or operates;
- (c) where a collective mooring is no longer to be used as a collective mooring;
- (d) when a coastal permit for the mooring expires and no new coastal permit has been sought; or
- (e) where consent is refused for an existing mooring for which a new consent has been sought.

There may be circumstances where a mooring is no longer required. It is then appropriate for the mooring to be removed from the coastal marine area. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed upon resource consents granted. This policy will also help to ensure that the purpose for which consent was granted is continued.

[C]

**Policy 13.9.7 – In determining an application for a new consent for a lawfully established existing mooring outside of a Moorings Management Area, the matters in Policies 13.9.1(b) and (c), 13.9.2 and 13.9.4 will be considered. The extent to which the existing mooring is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.**

The policies to be considered in an application for a new coastal permit for an existing mooring include matters that may be expected to change over time. This includes in particular, natural character, recreation, amenity values and public access.

[C]

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

Waikawa Bay is a focal point for recreational boating activity but is also important for commercial and cultural activities. Given the competing demands to occupy and use coastal space in Waikawa Bay, Moorings Management Areas have been established to identify appropriate locations for moorings within the bay. New moorings outside the defined Moorings Management Area in Waikawa Bay are to be avoided, unless for the specific purpose of mooring boats associated with adjacent land. The MEP identifies specific locations for Moorings Management and Waka Management Areas within Waikawa Bay, which is the coastal marine area south of a line between The Snout and Karaka Point.

[C]

**Policy 13.9.9 – In determining an application for a new mooring, (other than applications for re-consenting of existing moorings), consideration should be given to the appropriateness of the mooring type and design proposed in order to;**

- (a) **manage the ecological effects of seabed disturbance caused by the mooring in accordance with Policy 8.3.1; while**
- (b) **ensuring that the mooring type and design protects the health and safety of people and vessels.**

There is evidence to demonstrate that conventional block and chain moorings can cause damage to the sea bed as a result of heavy ground chain scoring that can occur within the 360 degree arc around the mooring block. The placement of moorings can therefore have adverse effects on seabed habitats surrounding the mooring, in particular within areas of ecological, conservation, or traditional value that are sensitive to disturbance. Policy 8.3.1 requires adverse effects to be either avoided where the site is a significant site in terms of Policy 8.1.1 or avoided, remedied or mitigated where indigenous biodiversity values have not been assessed as significant in terms of Policy 8.1.1. Policy 8.1.1 provides the criteria for assessment of significant indigenous biodiversity values.

This policy requires that consideration is given to other mooring types and design that would not disturb the seabed surrounding the mooring, whilst also ensuring the mooring type and design is suitable for the location, particularly in exposed settings, and will protect the health and safety of people and vessels.

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### **Methods of implementation**

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

#### **13.M.13 Moorings Management Areas**

*A specific regime is proposed for the management of moorings in the Marlborough Sounds where there is significant competition for coastal space. Moorings Management Areas may be established to avoid conflict with competing uses and users and to ensure efficient use is achieved.*

[C]

#### **13.M.14 Bylaw**

*Management of Moorings Management Areas will occur either through a bylaw promulgated under the Local Government Act or, if no bylaw is in place, through the resource consent process. The bylaw will establish a licensing system for the allocation and management of swing moorings within a Moorings Management Area, or swing moorings for waka within a Waka Mooring Management Area.*

[C]

#### **13.M.15 Regional rules**

*Short term anchorage of ships/boats will be enabled by a permitted activity rule.*

*Moorings within a Moorings Management Area will be provided for as a restricted discretionary activity, subject to standards and terms, unless a bylaw is in place that provides the management framework. If a bylaw is in place, moorings within the Moorings Management Area will be a permitted activity.*

*Where a mooring located outside of a Moorings Management Area is sought, a discretionary activity resource consent will be required.*

[C]

#### 13.M.16 Information

*Publications such as 'The Pilot' and 'The Cruising Guide' provide information on anchorages, as do navigational charts and directions from the Harbourmaster.*

[C]

#### 13.M.17 Monitoring and investigation

*The Council will annually monitor the number and location of moorings for which resource consent has been granted. By 9 June 2021, and having regard to the monitoring information, the Council will determine whether investigations into establishing a carrying capacity for moorings in the Marlborough Sounds is necessary.*

## Coastal structures, reclamations and disturbance to the foreshore and seabed

Marlborough's coastal marine area is characterised by a number of activities that involve the erection of structures and/or disturbance of the foreshore or seabed. Due to their extensive and sheltered nature, the Marlborough Sounds are obviously a major focus for recreational and commercial activities and it is here that the issues surrounding how to provide for activities and allocate coastal space are most apparent. The Sounds contain a large number of permanent physical structures and occupations; for example, nearly 1,600 jetties, slipways, boatsheds and other structures (retaining walls, pipelines, sub-aqueous cables, boat ramps) are located throughout the Sounds. Some reclamations have occurred to enable port or marina operations to take place, while in certain remote locations reclamations assist in forestry harvesting activities by providing barge sites.

Other activities occurring in the coastal marine area that involve some disturbance of the foreshore and seabed include (but are not limited to) dredging navigational channels, the cleaning of blocked pipes (e.g. stormwater outfalls), beach tidying and grooming, the deposition of material on the seabed and foreshore burial of dead marine mammals.

Coastal structures, reclamations or disturbance activities provide private benefit to the person undertaking them but in some cases there is also wider community benefit. It is important therefore that the uses and forms of development appropriate for Marlborough's coastal marine area are identified and that adverse effects are addressed, while at the same time maintaining the social, economic and cultural wellbeing of the community.

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

As a result of difficult topography and the subsequent financial and physical difficulties in establishing roads in steep terrain, the Marlborough Sounds roading network is limited. Many property owners therefore rely upon boats to gain access to their properties. This has necessitated:

- the construction of jetties to enable the safe and efficient set down and loading of passengers and associated cargo; and
- the construction of boat sheds (and slipways/ramps) for the storage of boats and boating related equipment that cannot be easily stored elsewhere on the property.

Even in cases where road access is available, property owners still expect to be able to enhance their access to the Sounds through having jetties and boatsheds. It is important to recognise the significance of these coastal structures in providing property owners and visitors access to existing

residential properties. However, this must be weighed against the potential for coastal structures to visually intrude into the landscape/seascape, as well as create impacts on other values such as ecology, natural character, recreation, navigation and amenity. Significantly, the size of jetties and boatsheds has lately increased, partly in response to the increasing size of boats.

Retaining walls and associated abutments (effectively a small reclamation) are often built in and around jetties and boatsheds. This may be to provide an anchoring point for a structure, to protect the structure from coastal processes or to enhance access to the foreshore. Retaining walls can be built from a range of materials and if not sympathetically designed, can appear visually intrusive within the natural environment and physically or perceptually hinder public access to and along the foreshore. Landscaping and development of reclaimed areas can also give the impression that the area is part of the boatshed or jetty and that the area is not available for public use. In some cases however, coastal protection works are sought as a means of protecting land from erosion caused by coastal processes or boat wash. Other structures, such as pipelines, cables, decking around boatsheds, slipways or boat launching ramps are also evident in many locations around the Marlborough Sounds.

While there are currently few structures located along the south Marlborough coastline, the following provisions are also relevant to this area of the coastal environment.

[RPS, C]

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

Commented [ 40]: Clause 16

In addressing Issue 13F, this objective does not seek to preclude structures in the coastal environment; rather, the objective seeks simply to direct where these structures can be appropriately located, within appropriate forms and limits. This helps to give effect to Objective 6 of the NZCPS. The subsequent policies of this objective and those of Objectives 13.1 and 13.2 help to inform appropriate locations, forms and limits for coastal structures. (Regard to other chapters such as landscape, natural character, public access and indigenous biodiversity will help inform values for the coastal environment. Chapter 4 - Use of Natural and Physical Resources may be relevant in terms of regionally significant infrastructure.) The following policies include guidance for the consideration of all coastal structures and additional policies for jetties, boatsheds, slipways and coastal protection structures. Objective 13.10 and subsequent policies do not apply to the Port Zone, Port Landing Area Zone, Marina Zone or to moorings.

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### All coastal structures

[C]

**Policy 13.10.1 – Enable structures to be located within the coastal marine area where these are necessary for the purposes of assisting with navigation of ships/vessels, or for the operation of the National Grid Cook Strait submarine cables or are temporary in nature for scientific monitoring or research purposes.**

For safety reasons it is important that navigational aids can be strategically located in Marlborough's coastal marine area. Monitoring equipment for scientific purposes or research is often temporary in nature and does not usually involve significant alteration or occupation of the coastal marine area. The installation of cables in the coastal marine area is necessary as part of the operation of the National Grid. The cables provide for the transmission of electricity between the South Island and North Island and are vital for security of electricity supply. An enabling approach to these types of structures is provided for through the rules, subject to standards.



[C]

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

In most cases any structure that occupies the coastal marine area in terms of Section 12 of the RMA will require to be assessed through a discretionary activity resource consent. This is to ensure in deciding whether the proposed structure is appropriate, regard is had to the values of the coastal environment and the impact on other uses or activities.

**Policy 13.10.3 – [deleted]**

[C]

**Policy 13.10.4 – The erection and use of decking structures:**

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

Policy 13.10.4 is specific to the placement of decking structures, which are often constructed as part of boatsheds and jetties to provide enhanced facilities for landowners. Extensive areas of decking around, or in conjunction with jetties and boatsheds, creates a significant privatisation of the coastal marine area. This is inappropriate, given the direction in the NZCPS that the coastal marine area is public space for community use and enjoyment (Objective 4). Some decking may be regarded as appropriate in association with a boatshed where it provides access across the front and down only one side of the structure.

[C]

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

- (a) **the proposed reason for the structure and the benefits likely to arise from its use;**
- (b) **whether the structure would be the first located in the stretch of coastline either side of the proposed site;**
- (b)(i) **whether there is an efficient use of occupied space;**
- (c) **whether the structure is to be sited in a prominent or conspicuous location;**
- (d) **where land-based alternatives to the proposed structure are available, why the coastal marine area location is preferred;**
- (e) **whether the structure is for public, multiple or individual use;**
- (f) **the functional and operational need requiring the structure to be located within or adjacent to the coastal marine area;**
- (g) **what effects the structure will have on:**
  - (i) **navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;**
  - (ii) **customary access; and**
  - (iii) **the terrestrial environment;**
- (h) **whether coastal processes will be adversely affected by the structure;**
- (i) **the operation of any existing activity or any activity that has been granted resource consent; and**

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(j) **the proposed reasons for the design of the structure to enable the structure to be used safely by users and boats.**

This policy applies to any resource consent application for coastal structures in the coastal environment. It gives effect to a number of policies within the NZCPS and matters of national importance in Section 6 of the RMA. In determining whether or not a structure is appropriate at any particular location, consideration must be had to policy elsewhere in this and other chapters of the MEP. Not all of the matters listed will be relevant in every case.

Policy 6 of the NZCPS requires the efficient use of occupied space within the coastal marine area and prescribes some circumstances through which this can occur. In addition, the Marine and Coastal Area (Takutai Moana) Act 2011 sets out rights for use of the common marine and coastal area.

[C]

**Policy 13.10.6 – Structures should be in an appropriate location and of an appropriate scale, design, cladding and colour to avoid or mitigate adverse effects on the landscape and amenity values of the coastal environment.**

When designing or building structures, it is important for resources users to consider how adverse effects on landscape and amenity values can be avoided or mitigated. This is important, given the imperatives in Sections 6 and 7 of the RMA for landscape, quality of the environment and amenity values. The policy also assists in addressing Issue 4C, concerning a detraction from the character and intrinsic values of the Marlborough Sounds.

[C]

**Policy 13.10.7 – Structures shall be designed and located allowing for relevant dynamic coastal processes, including sea level rise.**

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that structures are designed by appropriately qualified experts to ensure these matters are taken into account.

[C]

**Policy 13.10.8 – Where consent is granted for a structure, the coastal permit will generally tie the structure to the property for which the use was intended. On sale of the property, or in the case of structure(s) granted resource consent for commercial purposes where the structure is related to the business being sold, the transfer of coastal permits for structures to the new owners of the property/business will be required.**

In the initial granting of a coastal permit application, the detail included with the application would have stated whether an applicant owned land adjacent to the site. Policy 13.10.5 also considered the need for the structure. It is important that the consent is tied to a property for which the use was intended. It therefore follows that when the property is sold, or in the case of a permit for which consent was granted to a business, when the business is sold, the coastal permit should be transferred to the new property/business owner. Where the structure has no association with a specific property, e.g. a public launching ramp, there is no need for the consent to be tied to a property.

[C]

**Policy 13.10.9 – Coastal structures shall be maintained in a way that protects public safety, including for safe navigation.**

As coastal structures are located within the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that these structures are maintained in good condition to remain intact, ensuring public safety is protected. This will require compliance with relevant consent conditions.

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[C]

**Policy 13.10.10 – Coastal structures may be required to be removed from the coastal marine area in the following circumstances:**

- (a) where there is no longer a need for the structure;
- (b) when a coastal permit for a structure expires and no new permit has been sought; or
- (c) where consent to authorise an existing structure is refused.

There may be circumstances where coastal structures are no longer required or are not granted new resource consents in terms of (b) or (c). Where this is the case it is appropriate for the structure to be removed from the coastal marine area. In some circumstances the removal of structures is not preferred because the removal may not be practicable if the potential adverse effects of removal may be significant. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed on resource consents granted.

**Commented [ 45]:** Amended to reflect the Panel's decision. Clause 16.

### Additional policies for jetties

[C]

**Policy 13.10.11 – Where an application is made to construct a new jetty or to alter or extend an existing jetty, the following matters will be considered:**

- (a) the necessity for the jetty (or alteration or extension), including whether it will be used for individual or community use or a commercial activity on land;
- (b) the nature of the existing environment, including:
  - (i) the seabed profile at the proposed jetty site (to help determine the appropriate length of the jetty);
  - (ii) the topography between the proposed site and adjacent properties;
  - (iii) whether there are formed tracks from the proposed site to adjacent properties or whether there will be a need to construct access tracking;
  - (iv) whether there is an existing jetty in the vicinity of the proposed site that could provide access; and
- (c) the extent to which the application site needs to be dredged to provide adequate depth for berthing boats and if dredging may be required in the future.

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing jetties will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment and the purpose of the jetty, decision makers will be better able to determine if the structure is appropriate and whether there may be alternatives available.

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[C]

**Policy 13.10.12 – Avoid the cumulative effects of jetties on the values of the coastal environment by:**

- (a) giving priority to the sharing of jetties or the development of community jetties; and
- (b) considering whether there is practical road access to an application site, practical access to another jetty and/or access to existing public launching facilities in the vicinity.

This policy addresses the cumulative effects of jetties along the coastal marine area. Opportunities exist for landowners to share jetties, either in terms of a new jetty being proposed or an existing

jetty that may be nearby. The practicality of using an existing jetty should be considered through the application process. In determining whether practical road access is available, it is acknowledged that there is no road access to many parts of the Marlborough Sounds. Additionally, even when road access is available it may be impractical to use if there are significant distances to travel.

[C]

**Policy 13.10.13 – The primary use of jetties by boats shall be for embarkation and disembarkation purposes, not for providing berthage for vessels for extended periods of time.**

The coastal marine area is available for all to use and the Marine and Coastal Area (Takutai Moana) Act 2011 provides guaranteed rights for this use. When considering this and other NZCPS and MEP policies in regard to the efficient use of occupied space in the coastal marine area, it is important that berthing of boats for long periods of time does not prevent others from using a jetty.

[C]

**Policy 13.10.14 – A jetty shall be used to facilitate access between a vessel and the land. A jetty shall not be used for storing boats, boating equipment, marine farming equipment or other gear.**

The primary purpose of a jetty is to provide access between a boat and the land. A jetty should not be used for any other purpose. Where storage for boats, boating equipment or other gear is required, this should occur on private land or, if the circumstances are appropriate and have regard to the policies, in a boatshed.

[C]

**Policy 13.10.15 – Reduce the visual impact of jetties on the coastal environment where practicable having regard to public and boat safety by:**

- (a) limiting the width of jetties to two metres;
- (b) using floating jetties, which tend to have a lower profile than fixed jetties and provide easier access to the shore;
- (c) limiting the size, colour and height of mooring piles associated with the jetty;
- (d) discouraging the use of jetties (or parts of jetties) that run parallel to the shore, as they can cause greater visual impact than jetties perpendicular to the shore;
- (e) avoiding the use of boatlifts alongside jetties for boat storage;
- (f) avoiding locating lights on jetties (other than those required to facilitate access). Where lighting is required for safe access, ensure that the lights are designed to minimise light spill and be fully shielded to prevent any light spillage above the horizontal plane of the light source;
- (g) encouraging new jetties, link spans and piles to be built from materials that are non-reflective or painted in non-reflective colours;
- (h) avoiding the use of highly-coloured fenders; and
- (i) avoiding signs on jetties other than those assisting emergency services.

As jetties can have an impact on amenity and landscape values, this policy sets out matters that can help to reduce these impacts. Decision makers should therefore have regard to these matters, including consideration of the scale of a jetty in relation to the proposed location.

The safety of people boarding and disembarking boats, and the safety of those boats accessing the jetties, are important considerations when implementing this policy. This is because sea conditions can be extreme in the main channels of the Marlborough Sounds and in the outer Marlborough Sounds. The exposure to extreme weather at these locations may make it inappropriate to implement some of the matters listed in this policy.

[C]

**Policy 13.10.16 – Reduce impacts on public use and access to, within and along the coastal marine area, along the foreshore and on navigational safety, by;**

- (a) considering whether the jetty can be sited at one end of a beach rather than in the middle, having regard to land ownership;
- (b) requiring the provision of public access around the landward end of the jetty; and
- (c) requiring the jetty to be made available for public use.

The rocky nature of the Marlborough Sounds foreshore makes public access along the coast difficult at many locations. Structures such as jetties, which are built to connect to the land, can inhibit public access and the policy directs that this be considered. Conversely, jetties do have the ability to enhance public access to the foreshore, which is consistent with Section 6(d) of the RMA. This, along with other public access policy in the MEP, states that coastal permits will be conditioned to require jetties to be available for public use.

[C]

**Policy 13.10.17 – Avoid the construction of jetties that effectively create a marina type berth, i.e. a structure that runs along both sides of a boat.**

With the use of a jetty having been described in Policy 13.10.13 as for embarkation and disembarkation purposes between a boat and the land and not for providing berthage for boats, this policy seeks to avoid this occurring. A jetty of the type described here is also difficult to share with adjoining landowners and increases the area of coastal marine area being occupied.

[C]

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

The policies to be considered in a new coastal permit application for an existing jetty are limited and include consideration of matters that may be expected to change over time, therefore warranting reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations.

### **Additional policies for boatsheds and slipways**

[C]

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

A boatshed cannot be used for anything other than storing a boat or boating equipment. Given the public nature of the coastal marine area and reserve land adjacent to the foreshore, it is important a boatshed is used solely for the purpose for which consent was sought. Where this ceases to occur, the building may be required to be removed.

[C]

**Policy 13.10.20 – Where an application is made to construct a boatshed and/or slipway or to extend an existing structure, the following matters will be considered:**

- (a) the nature of the boat and boating equipment to be stored in the boatshed, e.g. the size of the boat;

- (b) the materials to be used in construction (including cladding, doors and roofing) and the dimensions of the boatshed, including roof height and pitch, as well as the materials to be used in the construction of the slipway; and
- (c) opportunities for storing boats and boating equipment on private property and whether there are any launching facilities nearby.

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing boatsheds and slipways will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment and what the boatshed is to be used for, decision makers will be better able to determine if the structure is appropriate and whether there may be alternatives available.

[C]

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

As the purpose of a boatshed is to house boats and boating equipment, there is no need for sanitary plumbing of any kind. There is no functional need for these facilities to be located within or as part of a boatshed. Such facilities are more appropriately located within a dwelling.

[C]

**Policy 13.10.22 – The visual impact of boatsheds on the values of the coastal environment will be reduced by:**

- (a) ensuring boatsheds are limited to one storey in height, with no internal upper flooring;
- (b) requiring boatsheds to be built of materials that are non-reflective or are painted in non-reflective colours that blend with the surrounding shoreline or bush;
- (c) avoiding the use of concrete in the external appearance of the boatshed, except where its use is necessary in the footing or foundations of the structure;
- (d) avoiding large windows and glass doors (including glass sliding doors);
- (e) avoiding the use of boatlifts alongside jetties for boat storage;
- (f) avoiding locating lights on boatsheds (other than those required to facilitate access). Where lighting is required for safe access, ensure that the lights are designed to minimise light spill and be fully shielded to prevent any light spillage above the horizontal plane of the light source; and
- (g) avoiding signs on boatsheds other than those assisting emergency services.

As boatsheds can have an impact on amenity and landscape values, this policy sets out matters that can help to reduce these impacts. Unlike jetties, which are not a solid structure, because of its size, colour and construction material a boatshed has the potential to have an adverse effect on landscape, amenity and natural character values.

[C]

**Policy 13.10.23 – In determining a new consent application for a lawfully-established existing boatshed and slipway, the matters in Policies 13.2.1, 13.10.8, 13.10.19, 13.10.20(a) and (b), 13.10.21 and 13.10.22 will be considered. The extent to which the existing boatshed and slipway are consistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.**

The policies to be considered in a new coastal permit application for an existing boatshed are limited and the policies include consideration of matters that may be expected to change over time, therefore warranting reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations. Any ability to further reduce visual impacts is also

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important to consider, as is confirming that the original purpose of the boatshed (to store boats and boating equipment) remains valid.

### **Additional policies for coastal protection structures or works**

[C]

**Policy 13.10.24 – The establishment of coastal protection structures or works may be considered appropriate where:**

- (a) **alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost or have greater adverse effects on the environment; and**
- (b) **the works are justified by a community need; or**
- (c) **regionally significant infrastructure is at risk.**

This policy sets out those circumstances where coastal protection works may be appropriate. In general, the circumstances prescribed demonstrate that there need to be clear, positive effects on the environment from coastal protection works and that these outweigh any negative effects. The subsequent policies for coastal protection works are only applicable when the tests in Policy 13.10.24 have been satisfied.

[C]

**Policy 13.10.25 – Where practicable, the use of non-structural methods for coastal protection work (including planting and beach nourishment) shall be preferred to structural methods.**

Using non-structural coastal protection methods is preferred over structural methods where this is a practicable option. This policy helps to give effect to Policies 25-27 of the NZCPS. Structural methods artificially stabilise the coastline and may be appropriate where it can be demonstrated that such a solution is the best practicable method for remedying or mitigating the hazard.

[C]

**Policy 13.10.26 – Any proposal for coastal protection structures or works shall demonstrate that:**

- (a) **the design, construction and placement of the coastal protection structure will not lead to any of the following effects (either in a temporary, permanent or cumulative manner):**
  - (i) **undermining of the foundations at the base of the structure;**
  - (ii) **erosion behind or around the ends of the structure;**
  - (iii) **settlement or loss of foundation material;**
  - (iv) **movement or dislodgement of individual structural components;**
  - (v) **the failure of the coastal protection structure should overtopping by water occur;**
  - (vi) **offshore or longshore loss of sediment from the immediate vicinity;**
  - (vii) **any increase in the coastal erosion posed to the coastline in question; and**
- (b) **any effects of the coastal protection structure or work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect wāhi tapu sites, natural processes, ecological or amenity values of the coastal marine area beyond the site of the work.**

It is important that coastal protection works, which are structural in nature, are designed by experts in natural coastal processes. This ensures that the proposed works will not exacerbate the hazard but will achieve what they are designed for and not transfer adverse effects elsewhere.

[C]

**Policy 13.10.27 – Discourage the use of concrete slab retaining walls, sheet piling, car tyres or similar for coastal protection measures and encourage instead the use of materials similar to those found naturally occurring in the area or that can be locally sourced.**

Many people find the appearance of hard protection works unattractive and inconsistent with the natural character of the coast (and in turn, inconsistent with the provisions of the NZCPS). Retaining walls or similar can also cover or reclaim part of the beach and affect access to the beach. These types of protection structures can have direct and indirect adverse effects on natural character, landscape values, amenity values and public access. It is therefore preferable that materials similar to those naturally occurring in the area to be protected are used. Where this is not practicable, materials that can be sourced locally can also be used.

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

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Section 12 of the RMA places restrictions on use of the foreshore and seabed within the coastal marine area. Essentially, no person may reclaim, drain, disturb (excavate, drill or tunnel), deposit substances or remove any natural material (sand, shingle, shell) in respect of the foreshore and seabed, unless it is provided for by either a rule in a plan or by a resource consent.

Various activities involving disturbances to the foreshore and seabed are undertaken within Marlborough's coastal environment. A number of these provide considerable benefits to the community. An example is the clearance, cutting and realignment of river mouths to lessen potential effects of flooding events. The ability for people or authorities to undertake this activity provides considerable benefits and it is likely that the need for this activity will continue in the future. Similarly, reclamations constructed as part of port and marina development bring both economic and social wellbeing to the community.

However, depending on the scale and location of the disturbance activity, considerable adverse effects can arise for a range of values. For example, the most significant adverse effect of a reclamation is the burial of the seabed. This threatens habitats associated with the seabed, the life-supporting capacity of a much larger surrounding area and potentially affects iwi values. Other potential effects associated with reclamation include interruption to the water movement patterns, shoaling effects, exclusion of water-based uses, visual impacts and construction effects.

Dredging activities, which are most often required around ports and marinas and particularly within and approaching the Havelock port area, can also have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic aquatic life within the dredged area. Dredging can also affect water movement patterns and alter the physical nature of sediments, thus potentially affecting habitats.

Other disturbance activities may appear more benign in their level of effect, such as beach enhancement or the use of motor vehicles along the foreshore. However, these activities may have adverse effects that are not apparent and therefore should also be subject to a management framework through the MEP.

The objectives and policies that follow establish an approach that enables the continuation of some disturbance activities, especially where these are essential for the ongoing and safe operation of existing infrastructure, while ensuring the effects of disturbance activities are appropriately addressed or otherwise avoided.



## Reclamation and drainage

[RPS, C]

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

Reclamations and/or drainage permanently alter the foreshore and seabed and alter the area available to the public in terms of the rights for use of the common marine and coastal area (as set out in the Common Marine and Coastal Area (Takutai Moana) Act 2011). It is therefore important that the loss of coastal marine area through reclamation is minimised.

[C]

#### Policy 13.11.1 – Proposals to reclaim or drain the coastal marine area will require assessment through the resource consent process.

Any proposal to reclaim or drain the coastal marine area in terms of Section 12 of the RMA will require assessment through a resource consent application. This is to ensure that regard is had to the values of the coastal environment and the impact on other uses or activities before a decision is made on whether the proposed work is appropriate.

[RPS, C]

#### Policy 13.11.2 – Reclamation or drainage in the coastal marine area shall be avoided, unless:

- (a) the activity to be carried out on the reclamation has to be adjacent to the coastal marine area; and
- (b) it can be shown there are no alternative land-based sites available (above Mean High Water Springs); or
- (c) the works are for the operational needs of ports within Port Zones or for the operational needs of marinas within Marina Zones.

The matters in this policy give effect to Policy 10(1) of the NZCPS. Given the public nature of the coastal marine area, in any application for resource consent it will be important that the purpose for which the reclamation or drainage is proposed is clearly established. This policy will help to avoid reclamation that would privatise the foreshore and seabed. Port and marina facilities have been identified as regionally significant infrastructure, so (c) has been included in having regard to NZCPS Policy 10(1)(d). The operational needs of Port and Marinas within the Port and Marina Zones include maintenance and development of Port and Marina infrastructure.

[C]

#### Policy 13.11.3 – The need to dispose of dredged or other material should not dictate the need for or size of a reclamation.

The need to dispose of dredged or other material will not be sufficient grounds for reclamation. Similarly, the size of any reclamation proposed should be related to the intended activity to be carried out, not as justification for disposing of dredged material or other waste.

[C]

#### Policy 13.11.4 – Where an application is made for resource consent to reclaim or drain the coastal marine area, effects (including cumulative effects) on the following matters will be considered:

- (a) the proposed reason for the reclamation/drainage and the benefits likely to arise from its use;
- (b) [deleted]
- (c) the functional need for the activity to be carried out on the reclamation;
- (d) the effects on:

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- (i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;
  - (ii) cultural values;
  - (iii) the terrestrial environment, including an assessment of any earthworks necessary;
- (e) whether coastal processes will be adversely affected by the structure; and
- (f) the operation of any existing activity or any activity that has been granted resource consent.

This policy provides direction to decision makers as to the matters to be considered on resource consent applications for reclamation or drainage in the coastal marine area. It gives effect to a number of the policies within the NZCPS as well as the matters of national importance in Section 6 of the RMA. In determining whether a reclamation or drainage is appropriate at any particular location, regard must be had to other policy in this chapter and others in the MEP.

[C]

**Policy 13.11.5 – Reclamations shall be designed taking into account relevant dynamic coastal processes, including sea level rise.**

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that reclamations are designed by appropriately qualified experts to ensure these matters are taken into account.

[C]

**Policy 13.11.6 – Material used to create and form any reclamation or impoundment should not include contaminants, which could significantly and adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.**

This policy effectively directs that materials to be used in a reclamation or impoundment should be inert, to avoid contaminants being leached into the coastal marine area. This helps to protect water quality, aquatic ecosystems and biodiversity values identified in the policy. This policy also gives effect to Policy 10(2)(c) of the NZCPS.

[C]

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

Enhancement of public access along the coastal marine area is a matter of national importance in the RMA. Policy 10 of the NZCPS also requires that, where practicable, regard is had to providing for public access along a reclaimed area. There may be some circumstances where it will not be practicable to provide for public access along reclaimed areas and regard should be had to Objective 9.2 and Policy 9.2.1 of Chapter 9 - Public Access and Open Space, which sets out these circumstances.

[C]

**Policy 13.11.8 – The finished appearance of the reclaimed or drained area and its future use shall as far as practicable be compatible with the environment in which it is to be located.**

For landscape reasons, including amenity values, it is important that consideration is given to the finished appearance of a reclaimed area and its future use. For areas located away from established ports or marinas, a reclamation could be a significant visual intrusion within the coastal environment and mitigation of this impact is important. Indeed, if not compatible with the existing form of development, the appearance of a reclaimed area and subsequent development could still have an adverse visual impact even within modified areas of the coastal environment, such as Picton or Havelock. The policy also helps to give effect to Policy 10 of the NZCPS.

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[C]

**Policy 13.11.9 – Where the use of reclaimed land is found to be redundant, the reclaimed land will be assessed for its suitability for de-reclamation, considering the following matters;**

- (a) the lands suitability for de-reclamation;
- (b) whether the de-reclamation would restore the natural character and resources of the coastal marine area; and
- (c) whether the de-reclamation would provide for more public open space.

De-reclamation of redundant reclaimed land is encouraged through Policy 10(4) of the NZCPS. The NZCPS recognises that de-reclamation may only be appropriate and feasible in certain circumstances and requires assessment on a case-by case basis. The benefits of de-reclamation include the ability to create more public and useful open space or to rehabilitate degraded environments, and therefore it is appropriate that redundant reclaimed land is assessed for these purposes,

### **Disposal and deposition**

[RPS, C]

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

It is preferable that disposal or deposition of organic or inorganic material is minimised. This will help to avoid adverse effects on a range of values within the coastal marine area, including ecology, natural character, iwi, navigation and amenity values.

[RPS, C]

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

Where dredged material is to be disposed of in the coastal marine area, it is important that the location and circumstances in which the deposition is to occur are appropriate. The MEP does not identify specific dumping sites for dredged material and therefore any proposals for disposal need to be considered through the resource consent process to determine whether the activity is appropriate.

[C]

**Policy 13.12.1 – Proposals to dispose of dredged or other material in the coastal marine area must demonstrate that:**

- (a) no reasonable and practicable alternatives are available on land, or there is an appropriate use for material within the coastal marine area (such as part of reclamation);
- (b) the disposal will be undertaken in a location and at times of the day or year that will avoid (in the first instance), then remedy or mitigate adverse effects on:
  - (i) the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna;
  - (ii) navigational safety;
  - (iii) other established activities located in the coastal marine area that are likely to be affected by the disposal;
  - (iv) water quality, including an increase in water turbidity or elevated levels of contaminants;
  - (v) shoreline instability or coastal erosion on adjacent coastal land; and

- (c) in the case of dredged material, the site is located so as to avoid, as far as practicable, the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters through the action of coastal processes such as waves, tides and other currents.
- (d) the material is not sourced from contaminated land.

Given that significant effects can arise through disposal of material within the coastal marine area, it is appropriate to consider why the alternative of land disposal is not reasonable or practicable. The policy also identifies particular values to be protected, environmental effects to be addressed and characteristics of the disposal site to be considered when assessing resource consent applications.

Policies 13.1.1 and 13.2.1 will assist to determine appropriate or inappropriate locations for disposal of dredged other material. Restoration efforts in the coastal marine area may require disposal of material. Restoration efforts are encouraged by Policy 6.2.8 and 8.2.10 to achieve the Plan's natural character and indigenous biodiversity objectives.

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#### **Disturbance of the foreshore or seabed not elsewhere provided for**

[C]

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

Previous objectives and policies under Issue 13E have provided direction on specific disturbance activities. There are other circumstances where disturbance activities may occur and a framework within which these activities are managed is necessary.

[C]

#### **Policy 13.13.1 – Activities that result in little disturbance of the foreshore or seabed will be provided for as a permitted activity.**

Some activities, particularly recreational activities, have minimal or no impact on the foreshore or seabed in terms of associated disturbance. These activities are considered to be appropriate and are provided for as a permitted activity, subject in some cases to standards.

[C]

#### **Policy 13.13.2 – Enable disturbance of the foreshore and seabed in the following circumstances:**

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

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

[C]

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

There are some locations around Marlborough's coastline where the foreshore environment is such that motorised vehicles can be used. However, the use of motorised vehicles can have adverse impacts on other beach users, from both a safety and amenity perspective, as well as on ecological, cultural and heritage values. Where there is the potential for these values to be affected this policy controls the use of motorised vehicles. The policy gives effect to Policy 20 of the NZCPS.

[C]

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

There are some circumstances where minor disturbance of the foreshore and/or seabed will occur as a result of structures being erected. In many cases the effects will be short term, reversible and/or minor, so in these circumstances the disturbance is regarded as appropriate.

[C]

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

The Wairau River mouth bar is a natural feature that has a dominating effect on water levels in the Wairau estuary and lagoons, the lower Wairau (to upstream of Ferry bridge) and the lower Ōpaoa. If the bar is partially closed, the water therein may stay almost completely devoid of saline water, or conversely, stay with an extensive saline wedge. Either situation could adversely affect ecological values in the area. Opening of the Wairau River mouth will therefore improve water movement, mitigate flood risk and ensure that navigation across the river mouth can occur. It is appropriate to provide for the opening of the Wairau River and Wairau Diversion mouths to address these issues, subject to meeting standards.

[C]

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

The blockage of stream and river mouths, drainage channels and stormwater outfalls and pipes through deposition of sediment or debris can result in flooding of adjacent land or impoundment of water, which could pose potential health risks. It is necessary that appropriate provision is made for work to be undertaken to address these situations.

[C]

**Policy 13.13.7 – Proposals for an activity involving disturbance of the foreshore or seabed not otherwise provided for shall demonstrate that:**

- (a) there will only be short-term adverse effects on plants, animals or their habitat and the area will be naturally recolonised by a similar community type;
- (b) the disturbance will be undertaken in a way that:
  - (i) does not result in any significant increase in water turbidity or elevated levels of contaminants;
  - (ii) does not result in significant adverse changes to bathymetry, foreshore contours, sediment particle size or physical coastal processes;
  - (iii) does not have any off-site adverse effects; and

- (iv) **is unlikely to cause or exacerbate shoreline instability or coastal erosion on adjacent coastal land.**

There will be instances where an activity involving some form of disturbance to the foreshore or seabed has not been otherwise described or provided for in the previous policies. Where this is the case, this policy will assist in determining the outcome of any resource consent application, having regard to the values of the coastal environment. For a number of those values, it will be appropriate to have regard to other policies of this chapter and others of the MEP. Additionally, where a disturbance activity has been provided for in policies under Objective 13.13 but does not meet permitted activity standards, the matters in this policy must be considered by decision makers.

[C]

**Policy 13.13.8 – Where the removal of sand, shingle, shell or other natural material from any foreshore or seabed is proposed, the matters in Policy 13.13.7 shall apply.**

Historically, the extraction of sand, shingle, shell or other natural material has not occurred to any significant degree within Marlborough's coastal marine area. However, proposals may be made to undertake such activities and it is therefore appropriate to provide policy guidance here, as the effects of such activities would be similar to those for other disturbance activities.

[C]

**Policy 13.13.9 – In addition to the matters in Policy 13.13.7, any proposal for dredging within the coastal marine area that is not for ship berthage or navigational channels in the Port Zone and/or Marina Zone or for river mouth/stormwater pipe clearance shall demonstrate:**

- (a) **the necessity of the dredging; and**
- (b) **an appropriate disposal method, having regard to the matters in Policy 13.12.1 concerning disposal, if disposal is to occur in the coastal marine area.**

From time to time the Council has received resource consent applications for dredging or other disturbance related activities in the coastal marine area that are not related to the operation of existing ports and marinas. Although these applications are not significant in number, it is appropriate to provide a management framework by which applications can be assessed.

### **Methods of implementation**

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

#### **13.M.18 Regional rules**

*Regional rules provide for structures and disturbance activities as permitted activities (subject to meeting standards), where these will have no more than minor adverse effects on the environment. This includes for navigation, recreational activities, temporary scientific monitoring equipment and beach enhancement.*

*Discretionary activity consents will be required for most occupations, reclamations and many disturbance activities. Detailed assessment criteria are included within the policies to assist decision makers in determining whether consent should be granted.*

[C]

#### **13.M.19 Bylaws**

*A bylaw promulgated under the Local Government Act may be used to control the use of vehicles on the foreshore.*

## Shipping activity

With Marlborough having 18 percent of New Zealand's coastline, it is not surprising that water transportation is an important part of Marlborough's overall transport network. The Council is the harbour authority for Marlborough and exercises the functions, duties and powers required under the Local Government Act 2002 and delegations under the Maritime Transport Act 1994. Some overlap may occur in terms of the functions of the Council as a harbour authority and in its responsibilities to follow the RMA.

The first boating users of the Marlborough Sounds were Māori, who used important waka navigation routes within the Sounds. Since those early times, the waters of the Sounds have become strategically important to New Zealand's overall national transportation network. The link between the North and South Islands is especially important, with large numbers of passengers and significant volumes of freight transported daily between Picton and Wellington. Other significant users of the Sounds' waterways include internationally trading ships, cruise ships, vessels transporting primary produce from around the Sounds, smaller commercial vessels and vessels for commercial or customary fishing and charter purposes. Hundreds of private vessels, yachts, kayaks and other recreational craft also use the Sounds regularly.

In contrast, Marlborough's open coast is used by coastal and export ships transiting from one port to another around New Zealand and to other countries. Commercial fishing and recreational craft activity also occurs along this coastline, though compared to the Marlborough Sounds, recreational use of this area is much more limited.

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

Given the extensive use of Marlborough's coastal marine area for water transportation, potential exists for a range of activities, including the placement of structures, to have an impact on the safe and efficient navigation of ships. Navigation issues arise from the combination of craft types operating, especially given the concentration of boats of different size, speed capability, visibility and manoeuvrability. These problems can be worsened by the inconsistent skill levels of boat operators and from the placement of structures.

It is important to ensure that activities in the coastal marine area, allowed either directly by the MEP or by resource consent, do not adversely affect navigational safety. The inappropriate siting of structures such as jetties or swing moorings may have an effect on the ability of ships travelling in that area to navigate safely. Controls need to be exercised over the exact location of structures and their maintenance, as well as various activities in relation to important water transportation routes. Lighting on land or on structures within the coastal marine area can also have an impact on the safe navigation of vessels and needs to be carefully controlled.

Water transportation in and through Marlborough must be provided for in a manner compatible with other activities taking place in the coastal environment. This may involve the prioritising of some forms of water transportation in certain areas and limiting them from other areas.

[RPS, C]

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

The use of the coastal marine area in Marlborough has developed over time for a wide range of transport related activities. The varying types of surface water activities, from small recreational boats operating at a non-commercial level through to large export vessels, have all contributed

significantly to the social and economic wellbeing of Marlborough. This objective seeks to ensure that this continues.

[C]

**Policy 13.14.1 – Enable water transportation activities where adverse effects on the coastal environment are avoided remedied or mitigated.**

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

[C]

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

The use of areas within the Marlborough Sounds for shipping provides a particularly important transport link between the North and South Islands. Tory Channel/Kura Te Au and Queen Charlotte Sound/Tōtaranui comprise a transportation area of national significance for shipping activity. It is therefore important to recognise the strategic importance of this area and the need for it to be sustainably managed. This area has been identified by the Council in the MEP as a 'National Transportation Area' and rules apply to ships operating within this area.

[RPS, C]

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

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

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

[RPS, C]

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

Activities within the coastal marine area, including surface water activities and the placement of structures, have the potential to affect the efficiency and safe use of the coastal marine area for water transportation. Safety is mainly covered by other legislation (the Local Government Act 2002, the Building Act 1991 and the Maritime Transport Act 1994). However, the RMA is also concerned with safety and navigation issues, through part of its purpose in Section 5 in "enabling people to provide for... their health and safety." Therefore an objective seeking efficiency and safety

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outcomes for water transportation is appropriate, particularly as the use of water transport has been identified as contributing significantly to social, economic and cultural wellbeing in Marlborough.

[RPS, C]

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

The significance of the National Transportation Area for the economic and social wellbeing of Marlborough and for New Zealand has been recognised in Policy 13.14.2. It is important therefore that the safety and efficiency of ships using this part of the coastal marine area is not adversely affected. This will be a major consideration in the assessment of activities and structures proposed to be located or carried out at any point along the National Transportation Corridor.

[C]

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

- (a) maintaining safe, clear navigation routes around headlands, unimpeded by structures;
- (b) avoiding activities (excluding water transportation) and/or locating structures within significant commercial shipping recognised navigational routes (including shipping routes from the Port of Picton, Havelock Harbour and from Waikawa Marina) where the activity or structure would have an adverse effect on water transportation;
- (c) avoiding emissions of light that could affect the safe navigation of ships;
- (d) ensuring the safety of navigation and use of or access to mooring sites including Mooring Management Areas, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not affected by activities or structures in the coastal marine area; and
- (e) ensuring that areas that provide for anchorages of refuge are not adversely affected by activities or structures within the coastal marine area; and
- (f) requiring structures to be maintained or marked in a way that protects the safety of water transportation activities.

These criteria provide a framework to assist decision makers in assessing the effects on water transportation arising through resource consent applications for activities or structures in the coastal marine area.

[C]

**Policy 13.15.3 – Ensure that all lighting associated with any land based activity will be shielded or directed away from navigation channels to avoid the spill of light or glare that is a hazard to navigation within the coastal marine area (unless the purpose of the light is to mark a navigation channel).**

To avoid hazards for water transportation activities, the impact of lighting associated with land based activities beyond its target area needs to be considered. The timing and frequency of the adverse effects of lighting will vary depending on the number of hours of poor light or darkness and the time of year. Light spill can be avoided by several means including shielding, directing and using lighting of appropriate wattage and focal characteristics.

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**Commented [ 56]:** Clearwater Mussels Limited and Talley's Group Limited ENV-2020-CHC-55

**Commented [ 57]:** Aroma (NZ) Limited and Aroma Aquaculture Limited ENV-2020-CHC-45

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

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

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

The Council monitors the effects of ship-generated waves and indications are that, since the introduction of fast ferry speed restrictions, there has been some improvement and recovery in the condition of the environment, particularly around the coastal margin of the Sounds. It is important that the potentially adverse effects of ship-generated waves from large and/or fast ships continue to be managed to avoid more significant effects in the future.

Shipping activity in areas such as Pelorus/Te Hoiere and Kenepuru Sounds is different to that of Queen Charlotte Sound/Tōtaranui and Tory Channel/Kura Te Au. The majority of shipping within these areas is coastal or local in nature and includes transport of tourists, logs and livestock as well as fishing and marine farming fleets. These vessels are generally smaller than the interisland ferries. However, an increasing number of recreational and commercial vessels use Sounds waters and some of these vessels travel at speeds similar to fast ferries. At this stage there is little justification for the regulation of shipping activity in areas outside of Queen Charlotte Sound/Tōtaranui and Tory Channel/Kura Te Au, but the potential for adverse effects from waves generated by these ships may need to be investigated and reassessed in the future.

[C]

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

Ships that can travel at high speed and/or generate significant waves have been shown to have adverse impacts within the enclosed waters of Queen Charlotte Sound/Tōtaranui and Tory Channel/Kura Te Au. This objective seeks to avoid adverse impacts on cultural values, natural character, marine ecology, recreational use, navigational safety and amenity values whilst allowing the continued use of the Queen Charlotte Sound/Tōtaranui and Tory Channel/Kura Te Au for water transportation purposes.

[C]

#### **Policy 13.16.1 – The effects of shipping activity in Queen Charlotte Sound/Tōtaranui and on the National Transportation Area will be:**

- (a) based on ship-generated wave energy; and

- (b) managed in terms of the wave energy levels of those ships, based on the effects associated with the conventional ships operating prior to the introduction of the MV Aratere in 1999.

The Environment Court has determined that the amount of energy appropriate for the National Transportation Area is to be founded on the environmental effects associated with conventional ships operating prior to the introduction of the M.V. Aratere in 1999. The energy limits included in the MEP are therefore based on the need to ensure that damage or change at the shore is minimised, cultural values of Marlborough's tangata whenua iwi and the amenity values enjoyed by residents and visitors are provided for, and the natural character of the Sounds environment is protected.

Commented [ 60]: By consent order dated 6 October 2022

[C]

**Policy 13.16.2 – Recognise and provide continued access to and use of traditional coastal resources in Tory Channel/Kura Te Au and Queen Charlotte Sound/Tōtaranui for Marlborough's tangata whenua iwi and in particular, recognise the value of Tory Channel/Kura Te Au for Te Atiawa, in terms of the mauri, mana and manaakitanga that this area brings to iwi.**

The tikanga Māori (customary values and practices) of Te Atiawa have been adversely affected by the operation of ships, particularly fast ferries, with a decline in kaimoana and associated mana. The need for Marlborough's tangata whenua iwi to practice kaitiakitanga and ensure that Queen Charlotte Sound/Tōtaranui and Tory Channel/Kura Te Au are available for future generations is very important.

[C]

**Policy 13.16.3 – When considering applications for resource consent for ships expected to propagate waves with energy levels in excess of limits specified in the Marlborough Environment Plan, have particular regard to the potential for adverse effects on:**

- (a) places and cultural values of importance to Marlborough's tangata whenua iwi;
- (b) the ability of people to effectively use any lawfully established structure for that structure's intended purpose and any adverse effects on the structure itself;
- (c) people's use and enjoyment of the foreshore and coastal marine area for recreational activities;
- (d) the life-supporting capacity of coastal ecosystems;
- (e) beaches and the shoreline;
- (f) amenity values enjoyed by residents; and
- (g) the natural character of the coastal environment of the Marlborough Sounds.

These criteria are to be used to assist decision makers in assessing the adverse effects arising from ships that may propagate waves exceeding the energy levels prescribed in the MEP.

[C]

**Policy 13.16.4 – Undertake monitoring to assist in developing appropriate approaches to managing the effects of shipping activity in Queen Charlotte Sound/Tōtaranui and Tory Channel/Kura Te Au.**

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

[C]

**Policy 13.16.5 – An adaptive management approach will be used to deal with ship-generated wave issues. Regulation will be an important component of the management framework for dealing with the effects of ship generated waves.**

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

[C]

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

An adaptive management method responsive to new information and better understanding must be based on a collaborative approach. This is made possible through the monitoring and shared analyses of existing and future shipping activities, state of the environment monitoring and future technological advances in ship design. This policy is intended to be implemented in part through the establishment of an advisory group representative of the key stakeholders in the management of issues concerning ship-generated waves.

### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

#### 13.M.20 Area identification

*MEP maps identify Tory Channel and part of Queen Charlotte Sound as a National Transportation Area. The area extends from Tory Channel (between East and West Head) into inner Queen Charlotte Sound (between West Head, Ruakaka Bay and a point southwest of Kaitapeha Bay) to the Port of Picton (excluding Grove Arm). Queen Charlotte Sound (excluding the National Transportation Area) has also been defined as part of an established shipping route.*

Within the National Transportation Area, a National Transportation Corridor is identified. This is the main navigational passage that ships transiting the National Transportation Area navigate in and specific policy direction applies.

**Commented [ 61]:** By consent order dated 6 October 2022

[C]

#### 13.M.21 Regional rules

*Regional rules apply to the use of ships operating in the National Transportation Area and in Queen Charlotte Sound, subject to controls on speed and ship-generated wave energy. Where any structure or activity is proposed to be located along the National Transportation Corridor, the effects of that use/activity on the safe and efficient operation of ships using the route will be considered. The rules do not restrict the use of surface water by ships or smaller boats elsewhere in the Marlborough Sounds or in Marlborough’s open coastal waters.*

**Commented [ 62]:** By consent order dated 6 October 2022

*Prohibited activity rules will prevent the rafting of logs through the Coastal Marine Zone as a means of moving them from one location to another.*

[C]

**13.M.22 Other legislation**

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

[C]

**13.M.23 Monitoring**

*The Council intends to continue and enhance as necessary current monitoring of the effects of shipping activity. The type and extent of monitoring will be reviewed as the types of ships and level of shipping activity change over time. The monitoring framework may include:*

- *near shore benthic and shoreline biological monitoring;*
- *shoreline monitoring of beach profiles;*
- *ongoing monitoring of land slip activity along the National Transportation Area; and*
- *periodic assessment of the community's views of the effects of ship-generated wave activity in the Sounds.*

*Ship-generated waves may also be measured and monitored from time to time.*

*Monitoring the effects of the impacts of waves generated by individual ships may also be a requirement imposed as conditions of resource consent.*

*In addition, the Council will support the initiatives of Marlborough's tangata whenua iwi to monitor cultural and ecological effects from the wake of ship-generated waves, for example the effects on access to wāhi tapu and other sites of significance, the passing of tikanga Māori to future generations and the effects on the gathering of kaimoana.*

*The results of monitoring may be used to assist in the review of the overall framework for managing the effects of shipping activity or where there is a need to review the conditions of resource consents.*

**Commented [ 63]:** By consent order dated 6 October 2022

[C]

**13.M.24 Advisory group for considering effects of shipping activities**

*An advisory group may be established by the Council to assist in determining an ongoing approach to managing the effects of shipping activities. Members will be appointed by the Council and will include representatives from community groups, the shipping industry, Marlborough's tangata whenua iwi and the Council.*

## Ports and marinas

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 important landing, storage and loading facilities for residents of the Sounds and important access points to the Sounds for many non-resident boat owners. The marinas provide for a variety of boat-related and commercial activities and support facilities. Marinas also contribute to the amenity and attraction of the Marlborough Sounds and the towns within which they are located.

The deep water port of Picton, which includes Shakespeare Bay, plays a critical national role in the transportation of people and goods between the North and South Islands. The passage of vehicles and people through the port is closely related to the economic activity of the town's commercial and accommodation activities. Picton is an export/import port that acts as a base for commercial fishing vessels, marine farming and fishing activities and provides facilities that enable people to access the Marlborough Sounds. Recently it has also become a popular port of call for cruise ships.

Being located in an estuarine environment, the port and marina at Havelock limits the draft of vessels able to access the port/marina basin. Havelock has become the primary service port for Marlborough's marine farming industry and is the primary access point for tourism, forestry and other commercial activities in the area. It is also an access point for residents and other landowners in Pelorus Sound.

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. From these locations produce is transported elsewhere (in Marlborough and beyond) for processing.

In addition, a Port Zone has been included at Clifford Bay. This Zone is undeveloped but was applied in the former Wairau/Awatere Resource Management Plan for the construction and operation of a interisland ferry terminal in the vicinity of Marfell's Beach. Central government announced in November 2014 that it was not proceeding with the development of the interisland ferry terminal at this location. The current landowner has indicated a desire to develop port facilities at the location but in the absence of details any proposals for development of port facilities will be assessed against all the provisions of the MEP.

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

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The port infrastructure at Picton and Havelock (and latterly at Oyster Bay and Elaine Bay) has been built up over many years. Today these facilities are owned and operated by Port Marlborough New Zealand Limited, a company established in the late 1980s as a consequence of local body reform to succeed the Marlborough Harbour Board. Port Marlborough also owns and operates the marinas at Picton, Havelock and Waikawa.

The ports and marinas at Havelock, Waikawa and Picton (have been identified as regionally significant infrastructure in Chapter 4 - Use of Natural and Physical Resources. This reflects the function of the strategic integration of infrastructure with land use given to the Council in Section 30 of the RMA.

Port infrastructure has been especially identified as being regionally significant due its contribution to Marlborough's social and economic wellbeing, health and safety. In particular, Picton has national significance. It is important therefore that this strategic infrastructure is able to operate efficiently, effectively and safely on an on-going basis for community wellbeing. In some cases, this may generate a need to manage activities occurring in the vicinity, but not connected with the operation of the port.

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. In this context it is also important that these facilities have clearly defined purposes to ensure efficient use is made of them.

[RPS, C]

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

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. This objective helps give effect to Policy 9 of the NZCPS, which recognises that a sustainable national transport system requires an efficient national 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. 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 of the MEP, which recognises that the ports and marinas of Picton, Havelock and Waikawa are regionally significant infrastructure.

[C]

**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.**

The use of zones enables activities to occur in specific and established areas of both the coastal marine area and land regarded as appropriate for the operation of ports/port landing areas/marinas. 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 a need for expanded facilities; for example, the port in Shakespeare Bay (which is part of the Port of Picton).

The varying nature of ports in Marlborough is reflected in the differences in zoning approach and subsequent rules. For example, marina facilities in Havelock are co-located with port facilities, while smaller port landing areas have different rules than those for Picton or Havelock. This policy also helps to achieve the NZCPS, especially Policy 4, regarding the integrated management of natural and physical resources in the coastal environment.

[RPS, D]

**Policy 13.17.2 – Promote the efficient use of land available within ports and marinas.**

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. This helps give effect to Policy 10 of the NZCPS. While other activities may have similar effects to those connected with port or marina purposes, they could interfere with the efficient management of port or marina facilities and could potentially be inconsistent with the NZCPS. For ports, the policy gives effect to Policy 9 of the NZCPS.

[R, C, D]

**Policy 13.17.3 – Recognise and provide for the following operational requirements of Port Zones in Picton and Havelock:**

- (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) port engineering, ship building, repair and maintenance;
- (e) port activities;
- (f) marine fuel facilities;
- (g) building and structures (including on wharves), wharves, reclamation, mooring structures 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, removal and replacement of buildings and structures;
- (j) quarantine and border control activities;
- (k) placement and maintenance of navigation aids;
- (l) port administration including security, servicing and maintenance activities; and
- (m) signage.

This policy identifies the operational requirements for the ports in Picton and Havelock and emphasises the purpose of a port. A wide range of activities in the Port Zones will be permitted by district and regional rules, subject to meeting standards. However, for some activities within the coastal marine area, including those that require reclamation, the erection of structures and in some instances the disturbance of the seabed, consent will be required. 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 there are servicing requirements.

[R, C, D]

**Policy 13.17.4 – Recognise and provide for the following operational requirements of Marina Zones in Picton, Havelock and Waikawa:**

- (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 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;
- (l) signage; and
- (m) clubrooms for use by marine recreation groups.

This policy identifies the purpose of a marina and describes the operational requirements for these facilities in Picton, Havelock and Waikawa. As a result of their placement in the urban environment, marinas serve additional purposes to simple boat mooring and there is often demand for a variety of activities to be located in close proximity to a marina. These activities may include boat brokering, charter boat hire, chandlery, sail making, parking, boat building, boat maintenance, club facilities and restaurants. For this reason, district and regional rules will permit a wide range of activities in the Marina Zone. The types of activities permitted are consistent with high levels of public access, which is common in marinas. However, for some activities within the coastal marine area, including those that require reclamation, the erection of structures and (in some instances) disturbance of the seabed, consent will be required.



[R, C, D]

**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;
- (g) signage;
- (h) ship repair and maintenance; and
- (i) transportation activities.

The policy identifies the operational requirements for port landing areas at Elaine Bay and Oyster Bay. It emphasises the purpose of these port landing areas and, because they are located in areas where there is little other development, the activities provided for are much more constrained than activities in the Port Zone. Some activities in the Port Landing Area Zone will be permitted by district and regional rules. However, for some activities within the coastal marine area, especially those that require reclamation, the erection of structures or disturbance of the seabed, consent will be required.

[R, C, D]

**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.**

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 do 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. To effectively ensure the integrity of zones, the policy directs that those activities not directly related to the operational requirements specified in the previous policies (13.17.3 to 13.17.5) are to be assessed through the consent process.

[C]

**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.**

At the time of notification of the MEP (9 June 2016), an area alongside the existing marina in Waikawa Bay remains undeveloped but has been zoned to provide opportunities for additional berthage capacity. (This area is identified in Appendix 10 of Volume 3 of the MEP.) However, expansion of the existing Waikawa Marina into this zoned area is potentially constrained by the existence of a number of swing moorings at the same location. The swing moorings are 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 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 may need to be limited in duration to enable a marina to be constructed.

[C]

**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.**

In the coastal marine area part of the Port, Port Landing Area and Marina Zones, there is the potential for individuals or organisations other than the port/marina operator to want to carry out certain use or development. Currently, Port Marlborough New Zealand Limited has occupation rights through Section 384A of the RMA for certain areas of the coastal marine area associated with its operations. It is important that for uses or developments not related to the operational requirements set out in Policies 13.17.3 to 13.17.5 consent is required, allowing the Council to consider the effects of the proposed use on the operation of the port, port landing area or marina.

[R, C, D]

**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:**

- (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.**

This policy recognises the potential difficulties in finding land available in Havelock for industrial or commercial purposes. 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. Equally important however, is the extent to which the proposed activity would impact on the matters identified in Policy 13.17.6 (the efficient and safe operation of the port) and Policy 10 of the NZCPS.

[C, D]

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

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. As reclamation and port developments have the effect of limiting public access to public resources (i.e. the coastal marine area), limitations on public access should only be exercised where necessary.

[C, D]

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

Marinas are 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 consent to

establish or extend marinas. For this reason it is important that restrictions on public access to these areas are avoided, unless real and apparent concerns for public health and safety or for the security of boats exist.

**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 one 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. Unless appropriate management mechanisms are in place, these potential adverse effects can be significant. Noise and traffic movement may be of concern to nearby residents when boats/trucks 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. Other activities may involve discharges to air or water and depending on the exact nature of these activities, they may also be an issue for nearby residents or the wider environment. While Marlborough currently experiences very little conflict between residential areas and ports (compared to most of New Zealand's larger port cities), any adverse amenity effects need to be minimised as much as possible.

Permitted activity standards are the 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.

[R, C, D]

**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.**

By its very nature the operation of a port, port landing area or marina creates the potential for adverse effects to occur 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 sensitive coastal environment within which these facilities function.

[R, C, D]

**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.**

Functionally, ports and marinas must be located in the coastal marine area and therefore constitute an appropriate activity in the context of Policy 6(2)(c) of the NZCPS. In Marlborough, the places identified as being appropriate for these activities are zoned in the MEP. However, the coastal environment in which these zones are located is sensitive to change, even where there has been modification of that environment. This policy therefore seeks to ensure that the intensity, character and scale of development and operation of each of the Port, Port Landing and Marina Zones recognises the particular values of the coastal environment at each of the identified areas. For example, the relatively unmodified coastal environment at Elaine Bay and Oyster Bay means that the range of activities provided for is more limited than those permitted at the ports of Picton and Havelock. However, it is still important to ensure that the development and ongoing operation in Havelock and Picton ports is sensitive to the values of the coastal environment and most importantly to the connection and relationship these areas have with their respective towns.

[R, C, D]

**Policy 13.18.2 – Ensure that activities occurring within Port, Port Landing Area and Marina Zones reduce or mitigate any adverse effects on 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 anti-fouling paints.

This policy seeks to ensure that port and marina operations do not have an adverse effect on water, air or soil resources within and beyond zone boundaries. In some cases, adverse effects will be mitigated through the setting of standards for permitted activities for discharges. In other cases, consent will be required to allow a discharge to occur and this will need to be considered with regard to the resource quality policies contained in Chapter 15 - Resource Quality (Water, Air, Soil).

[C, D]

**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 with the exception of living accommodation for Port and Marina staff within the port and marina zones.

One of the most significant amenity effects arising from the operation of ports, port landing areas and marinas is the generation of noise. Ports, especially in Picton and Havelock and marinas in Picton, Waikawa and Havelock operate in close proximity to residential areas and subsequently there is potential for noise to be an issue for nearby residents. To enable the ports, port landing areas and marinas to operate efficiently while also protecting amenity values for nearby residents, it will be necessary to avoid residential activities encroaching on these zones. Standards will therefore be imposed for residential activities through the use of noise contours, which reflect the present level of effect experienced by adjacent properties.

[R, C, D]

**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 to the extent that is more than minor;
- (b) signage enables public identification of port and marina operations but does not dominate the landscape;
- (c) structures and buildings in the 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 minimises adverse effects from shadowing to sites in adjacent zones;

- (e) noise levels allow the zones to function effectively, but also minimise noise nuisance for surrounding residents; and
- (f) adverse effects from light spill are minimised in adjoining Urban Residential, Open Space and Business Zones.
- (g) new roads, reserves and esplanade areas created by subdivision are appropriately landscaped.

This policy seeks to manage the effects of port operations through the setting of standards for permitted activities. This will enable a wide range of activities to occur within Port Zones and Marina Zones in a manner that avoids, remedies or mitigates adverse effects of port and/or marina operations on the immediate and wider environment, including on adjoining zones.

[C]

**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.**

Although an enabling approach has been taken to dredging in and around port and marinas, limitations will be placed on the amount of material able to be dredged to ensure that navigational safety is maintained and impacts on water quality are no more than minor.

Although not provided for as a permitted activity, dredging may also be considered necessary in the Port Landing Area Zone. Dredging in the Port Landing Area Zone is provided for as a controlled activity, allowing applications for resource consent to be made for any such proposals.

[C]

**Policy 13.18.6 – Where dredging is proposed in Port, Port Landing Area 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.)

Where the volume of material to be dredged exceeds that enabled through rules or where it is necessary in conjunction with the construction of a new berth, a resource consent will be required and the matters identified in this policy are to be considered through the decision making process. Additionally, the location of where the dredged spoil is to be disposed of must be identified in the application as resource consent requirements will exist. If disposal is to occur within the coastal marine area, policies under Objectives 13.12a and 13.12b also need to be considered.

[C]

**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);

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By consent order dated 31 January 2023

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Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By consent order dated 23 December 2022

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Port Marlborough New Zealand Limited  
ENV-2020-CHC-49  
By consent order dated 23 December 2022

- (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.

Operations at ports are constantly changing along with the nature of shipping activity and the needs of cargo and passengers. Flexibility is therefore required in the way a port or marina operates in response to changing customer needs. In the coastal marine area part of the Port Zone and Marina Zone, it will be important to consider the impacts of any expansion or alteration through the resource consent process, including the impacts on other users during construction. Other users may include people living adjacent to the proposed site, recreational users and those with cultural interests in the area. The matters for consideration in this policy and for which it may be appropriate to impose conditions on consent to remedy or mitigate effects, are limited in extent in recognition of the generally highly modified character of the existing port and marina facilities in Havelock, Waikawa and Picton. The policy also includes reference to a number of identified policies from Issue 13G.

[C, D]

**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.**

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 towns and the ports as well as making the ports 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. This combination of uses brings many visitors to the Havelock 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 those marinas that have close associations with their respective urban and coastal surroundings, connections are also visually and physically important. The linkages between ports and marinas and their respective surroundings also help to enhance public access to the coastal marine area, as required by Section 6(d) of the RMA.

### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C, D]

#### 13.M.25 Zoning

*Zones are established to provide for the operation of ports adjacent to the towns of Picton and Havelock as well as those smaller facilities located in more remote areas of Marlborough. The use of two zones reflects the different scale and type of activity/use that occurs at each facility. A Port Zone is applied to land and water areas in Picton (including Shakespeare Bay) and at Havelock, while a Port Landing Area Zone is applied to land and water areas in Elaine Bay (Tennyson Inlet) and Oyster Bay (Port Underwood).*

*A Marina Zone is applied to land and water areas in Picton and Waikawa, while a Marina Zone has been applied to part of the land area at Havelock consistent with the activities in that particular area.*

[R, C, D]

#### 13.M.26 Regional and district rules

*Rules provide for a range of activities within the identified zones. In many cases activities are provided for as permitted subject to standards. This reflects the operational requirements of the particular zone. The standards include bulk and location standards, standards to avoid amenity conflicts with adjoining zones and in some cases, most notably in Shakespeare Bay, a setback from boundaries to protect visual and biodiversity values. Most activities within the coastal marine area will require a resource consent, as will activities that are not related to the operational requirements of the zone.*

[D]

#### 13.M.27 Liaison

*The Council will liaise with port and marina operators and Marlborough's tangata whenua iwi in enhancing the landscape quality and integration of foreshore areas and town centres.*

[C, D]

#### 13.M.28 Guidelines for urban design

*The Council is developing guidelines for urban design (including for the colour of buildings) which will be applicable in the port and marina areas.*

## Lake Grassmere Salt Works

Lake Grassmere is located in southern Marlborough, approximately six kilometres south of the Awatere River and immediately north of Cape Campbell. The lake has been extensively modified for the production of solar salt. Construction of the salt works at Lake Grassmere began in 1943 in response to shortages of rubber available during World War 2. (Salt was needed to make caustic soda, which was required in the process of recycling old rubber.) The first harvest of salt occurred in 1949.

Lake Grassmere was considered an ideal site for making salt for a number of reasons. Low rainfall, high sunshine hours and strong drying winds during the summer months (generally from the north-westerly direction) provided ideal environmental conditions. The lake's location was also important, situated in a large area of flat terrain with impervious soils, close to the coast and providing unimpeded access to sea water and ready access to transport facilities. Today, approximately 50 percent of New Zealand's annual salt consumption and specialist high grade salt is produced and exported from Lake Grassmere.

Sea water is pumped into the lake through an intake structure and a series of concentrating ponds where its concentration increases. Salt is finally deposited on the bottom of the crystallising ponds in summer and harvesting usually begins by early March. Between 60 and 70 thousand tonnes of salt are harvested each year. A variety of storage and processing facilities on the edge of the lake have been established in connection with the harvest of solar produced salt from the crystallising ponds. From the stockpiled mounds, salt is processed into a cleaned, bagged product or refined and processed to specific end products.

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

It is important to recognise that although there are economic benefits to Marlborough and New Zealand from the salt works, its operations need to be carefully managed to ensure adverse effects do not arise.

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

While the salt works operations have continued for over 60 years, there is the potential that the salt production process will have adverse effects on the surrounding environment. Despite the modifications made to the lake in the development of salt works activities, the lake and its environs still hold a number of important values:

- Lake Grassmere is highly valued for its bird life. It has national importance as a stopover for domestic and overseas migrating birds, including species such as the rarely-seen New Zealand dotterel;
- areas of remnant estuarine habitat, including saltmarsh; and
- the area around the southern and south-eastern side of the lake has considerable historical significance for some of Marlborough's tangata whenua iwi.

It is important that these values continue to be unaffected by salt works activities.

Lake Grassmere was chosen for the solar production of salt partly because of the hot, drying winds in summer that aid in the crystallisation process. However, these same winds can also carry dust, which may be salt laden. If salt-laden dust falls on properties surrounding the lake, farmland could potentially be contaminated. Salt-laden foam generated by waves on the lake can also potentially be a problem for adjoining properties if winds are strong enough to carry foam. Salt-laden water can also be pushed by strong winds up Cattle Creek, which runs through a diversion channel around the south end of the crystallising ponds before exiting into Lake Grassmere under the rail bridge. This could affect the ability of Cattle Creek to be used for stock drinking water.

The Lake Grassmere area has low annual rainfall ideal for salt production, but management of freshwater becomes important during storm events or periods of prolonged rain. Rainwater lying on top of the crystallising ponds is decanted off as it can dissolve the salt crust as it forms. The decanted seawater is salt-laden and is used to help control dust in the areas surrounding the crystallising ponds or can be recycled through the concentration ponds.

[RPS, R, C, D]

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

The production of solar salt at Lake Grassmere is unique in New Zealand and some of the methods used are unique in the world. It is therefore important that provision is made in the MEP to enable the activity to continue. As the salt works operation stands, it is lawfully established, having existing use rights under the RMA for a good part of its operations. Notwithstanding these rights, it is important that activity continues in a sustainable manner.

[RPS, R, C, D]

#### **Policy 13.19.1 – Recognise the national and District significance of the salt works operation.**

The Council recognises the importance of the salt works operation at Lake Grassmere in terms of its national and District significance. The Council has therefore identified the area used by the salt works operation with a specific zone that reflects the activities that occur there. The zone extends to provision within the coastal marine area to accommodate the intake of seawater.



[R, C, D]

**Policy 13.19.2 – Enable the continuation of the salt works operation, provided that appropriate measures are in place to avoid the potential for cross-boundary effects and that any other adverse effects on the environment are avoided, remedied or mitigated.**

The solar production of salt has the potential to cause environmental effects, particularly for the surrounding rural land. These effects include dust, noise, soil contamination and wind-borne salt foam. However, because the salt works operation is already established, a degree of permissiveness has been provided by the rules for established activities with minor adverse effects. Resource consents are required for other activities where there may need to be a higher level of scrutiny to ensure adverse effects can be avoided, remedied or mitigated.

[R, C, D]

**Policy 13.19.3 – Encourage the establishment of a landcare group comprising residents, iwi, Department of Conservation and the salt works company to manage the boundary area of the Lake Grassmere Salt Works Zone.**

The Council considers that the establishment of a landcare group or similar would be of benefit to those with interests in the area, particularly in terms of the continued management of the effects of the salt works operation at the boundary of the zone.

[C, D]

**Policy 13.19.4 – Activities in the coastal marine area will be required to meet standards that will maintain the quality of coastal water at Class NS within a one kilometre radius of the coastal water intake existing at 30 May 2002.**

It is important to recognise that the salt works operation relies on the ability to pump high quality sea water into the lake to begin the salt production process. This policy, although not applicable within the Lake Grassmere Salt Works Zone itself, sets a standard for water quality that activities occurring outside the Zone need to ensure is maintained.

### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C, D]

#### 13.M.29 Zoning

*The Lake Grassmere Salt Works Zone is identified on MEP planning maps and includes the lake itself, an administration and processing area and a Pipeline Extension Corridor in the coastal marine area.*

[D]

#### 13.M.30 District rules

*District rules permit the solar production of salt and associated by-products and the full range of processes required, subject to standards and conditions. Conditions are included to protect surrounding rural land uses from excessive noise, soil contamination, dust and wind borne salt foam.*

[R, C]

#### 13.M.31 Regional rules

*Regional rules permit a range of discharges required as part of the production process, subject to standards and conditions. Conditions are included for discharges to air, to the coastal marine area for diluted brine, and for excavation of a temporary stormwater outlet.*

*Rules require resource consents for certain discharges to air, excavation of land and activities in the coastal marine area. Resource consents are also required for activities associated with management of salt water intrusion into Cattle Creek and to manage stormwater entering Lake Grassmere.*

[D]

#### 13.M.32 Landcare group

*The Council will encourage the establishment of a landcare group with membership from residents, iwi, the Department of Conservation and the salt works company.*

### Allocation of Space within the Coastal Marine Area

#### Issue 13M – People want to be able to use and develop the coastal marine area for private benefit.

The Council's role in managing the resources of the coastal marine area follows from the way in which people's use of the coastal marine area is restricted under the RMA. The RMA prohibits the use or occupation of the coastal marine area unless allowed to by resource consent or rules within a regional coastal plan. (The same situation does not apply to land uses above the mean high water springs mark, where people are allowed to use land unless a district plan rule states they cannot.)

The community has different expectations about the extent of rights able to be enjoyed in using public resources. For some, there is a belief that there is a right to be able to have a jetty and a boatshed fronting a family property in the Marlborough Sounds and multiple moorings for boats. Others believe that there are no such rights. Many such structures have limited benefit for the wider public, yet occupy public space. Conversely, some structures, such as public jetties and launching ramps, do provide enhanced public use of and access to the coast and consequently are of general public benefit.

The occupation of coastal marine area may effectively prevent other activities from occurring. The extent to which the public are excluded from parts of the coastal marine area varies according to the nature of an authorised activity, whether by resource consent or by a rule in a regional coastal plan. At times there can also be conflict and competition for water space, where uses and activities are not necessarily compatible in the same area.

Regardless of the type of activity or use proposed in the coastal marine area, in addition to consideration of other effects it is important that the impact on the public interest is considered, as the coastal marine area is a public resource.

[RPS, C]

#### Objective 13.20 – Equitable and sustainable allocation of public space within Marlborough's coastal marine area.

The control of the occupation of space in the coastal marine area is a specific function of the Council. The Council allocates or allows the right to use public resources for private benefit. This is within the Council's role of promoting the sustainable management of the natural and physical resources of the coastal marine area. The objective is therefore to ensure that the process of allocation of space within the coastal marine area is undertaken in a fair and impartial manner. The policies that follow outline how equitable allocation will be achieved. The objective is also intended to ensure that these resources and their associated qualities remain available for the use, enjoyment and benefit of future generations in a way that minimises adverse effects on the environment, manages conflicts between users and ensures efficient and beneficial use.

In managing the allocation of space within the coastal marine area the Council must recognise and provide for the cultural and spiritual values of the coastal marine area to Marlborough's tangata

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whenua iwi. In particular, the importance of Te Moana for tikanga and the exercise of kaitiakitanga, and as a source of kaimoana. The provisions of Chapter 3 – Marlborough's tangata whenua iwi must be applied when considering allocation within the coastal marine area.

[RPS, C]

**Policy 13.20.1 – Recognition that there are no inherent rights to be able to use, develop or occupy the coastal marine area.**

Both the RMA and the New Zealand Coastal Policy Statement 2010 (NZCPS) anticipate that appropriate 'use' can be made of the coastal marine area and that this may involve occupation of coastal space for private benefit. Additionally, the Marine and Coastal Area (Takutai Moana) Act 2011 enables public access and recreation in, on, over and across the public foreshore and seabed, as well as general rights of navigation. However, it is important to recognise that the rights to be able to use coastal marine area are not guaranteed in terms of Section 12 of the RMA; rather, use must be enabled by way of a rule in a plan or by resource consent.

[RPS, C]

**Policy 13.20.2 – The 'first in, first served' method is the default mechanism to be used in the allocation of resources in the coastal marine area. Where competing demand for coastal space becomes apparent, the Marlborough District Council may consider the option of introducing an alternative regime.**

The default process for processing resource consent applications under the RMA is 'first in, first served.' The Council processes resource consent applications in the order they are received, provided they are accompanied by an adequate assessment of environmental effects. Using this approach the Council has to date effectively managed the demand for space in the coastal marine area. However, if competing demand for space becomes an issue, the Council may consider the introduction of other allocation methods. There may also be certain circumstances under which a specific allocation mechanism is introduced to address a specific issue. [For example, authorisations are used as an alternative means of allocating space in the coastal marine area as part of the process of relocating marine farms from inappropriate locations. The use of authorisations means the existing marine farmer does not have to compete with other marine farmers for the replacement space.](#) If an alternative allocation method is introduced this would result in changes to the plan that would be subject to the plan change process under the RMA.

[RPS, C]

**Policy 13.20.3 – Where a right to occupy the coastal marine area is sought, the area of exclusive occupation should be minimised to that reasonably necessary to undertake the activity, having regard to the public interest.**

Exclusive occupation restricts access to the resource consent holder, who has the right to occupy and therefore alienate public space from public use. However, not all activities require exclusive occupation, meaning that other users may carry out activities in the same space where there is no occupation needed, e.g. recreational boating. Given the public's expectation of being able to use the coastal marine area, the Council considers that exclusive occupation should only be allowed where it is considered reasonably necessary to undertake the activity.

[C]

**Policy 13.20.4 – Coastal occupancy charges will be imposed on the consent holders of coastal permits and the occupiers of permitted activity moorings in a Moorings Management Area where there is greater private than public benefit arising from occupation of the coastal marine area.**

The RMA enables the Council to apply a coastal occupancy charge to persons who occupy space within the coastal marine area, after having regard to the extent to which public benefits from the coastal marine area are lost or gained and the extent to which private benefit is obtained from the occupation of the coastal marine area. The Council has considered the private and public benefits associated with coastal occupations and the occupiers of permitted activity moorings in a Mooring Management Area and has determined that where the private benefit is greater than the public benefit, charging for occupation of coastal space is justified. The assessment of benefits

**Commented [ 68]:** Marine Farming Association and Aquaculture New Zealand  
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**Commented [ 69]:** Sanford Limited  
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(private/public) is directed to those arising or lost as a consequence of the structure occupying coastal space, not the associated activity that may be facilitated by the structure being present.

[C]

**Policy 13.20.5 – The Marlborough District Council will exempt the following from any requirement to pay coastal occupancy charges:**

- (a) public wharves, jetties, boat ramps and facilities owned by the Marlborough District Council and the Department of Conservation;
- (b) monitoring equipment;
- (c) activities listed as permitted, except for moorings in a Mooring Management Area;
- (d) retaining walls;
- (e) coastal protection structures and stormwater outfalls for the purpose of enabling the provision and operation of regionally significant infrastructure;
- (f) port related commercial undertakings authorised via resource consents under Section 384A of the Resource Management Act 1991 until such time as those resource consents expire; and
- (g) protected customary rights groups or customary marine title groups exercising a right under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.

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These exemptions exist because the facilities owned by the Council, the Department of Conservation and other providers of regionally significant infrastructure provide a significant level of public benefit as they are used by and available to many people. Retaining walls generally do not occupy significant areas of the coastal marine area to the exclusion of other users, while monitoring equipment is generally very small and often temporary. There are few permitted activities that involve occupation and those that are permitted tend to have a more significant element of public benefit, e.g. navigation aids or public and safety information signs. Although moorings in a Mooring Management Area identified through rules are provided for as a permitted activity in the Coastal Marine Zone (where a relevant bylaw is in place), these moorings are for private benefit and therefore will attract a coastal occupation charge.

Certain occupation rights are granted to port companies under Section 384A of the RMA. These occupation rights originate from the purchase of the assets comprised in the port-related commercial undertakings by the Port Companies from the former Harbour Boards. In Marlborough the resource consents granted under this section of the RMA relate to port-related commercial undertakings being carried out in the areas of Picton (excluding the area of port in Shakespeare Bay), Waikawa, Havelock, Elaine and Oyster Bays. Due to the purchase of these assets by the Port Companies, the port-related commercial undertakings that have been granted coastal permits under section 384A of the RMA are exempted from attracting coastal occupancy charges until after 30 September 2026 (being the expiry date of these coastal permits).

[C]

**Policy 13.20.6 – Where there is an application by a resource consent holder to request a waiver (in whole or in part) of a coastal occupation charge, the following circumstances will be considered:**

- (a) the extent to which the occupation is non-exclusive;
- (b) whether the opportunity to derive public benefit from the occupation is at least the same or greater than if the occupation did not exist;
- (c) whether the occupation is temporary and of a non-recurring nature;
- (d) whether the applicant is a charitable organisation, trust or community or residents association, and if so:
  - (i) the nature of the activities of that organisation; and
  - (ii) the responsibilities of that organisation.

Section 64A(3)(b) of the RMA requires the circumstances when the Council will consider waiving, either in whole or part, coastal occupation charges to be set out in the MEP. These circumstances, set out in a) to d) above, effectively require consideration of the difference between private benefit from an occupation and the public benefit that can accrue from an occupation. For a), where there is exclusive occupation this carries a high degree of private benefit, whereas where the occupation is only temporary there may only be a short-term private benefit. Where trusts, clubs, associations, etc are involved, it is important to understand the nature of the activities and responsibilities of that organisation, including how its purpose relates to the occupation for which a waiver is being sought and the wider public benefits that will accrue from this.

(C)

Policy 13.19.1020.7 – The manner in which the level of coastal occupancy charges will be determined is as follows:

- (a) the expenditure related to the Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be determined on an annual basis through the Annual Plan process;
- (b) the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be allocated between the beneficiaries from the sustainable management of the coastal marine area on the following basis:
  - (i) ratepayers: 25 per cent
  - (ii) coastal occupiers: 75 per cent
- (c) the charges that will be issued to eligible coastal occupiers to meet the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be based on:
  - (i) the types of occupations;
  - (ii) the characteristics of the types of occupations;
  - (iii) the number of occupations in each group;
  - (iv) the relative benefit allocations, including expenditure on environmental science and monitoring, policy development, compliance and education.
- (d) coastal occupancy charges will only be imposed upon coastal occupations that are not exempt from the charging regime on the basis of the circumstances set out in Policy 13.9.8.
- (e) the Council will maintain records of all coastal occupiers who have sought and obtained a waiver from the base charge for their type of coastal occupation. This waiver will be reflected in the final charge that is issued to those coastal occupiers.

In deciding how to set charges, the Council will use as its starting point the actual expenditure considered necessary to promote the sustainable management of the coastal marine area. The budgeted expenditure for this is described year to year in the Council's Annual Plan for the Environmental Science and Monitoring Group, Environmental Policy Group and Environmental Compliance and Education Group.

In determining who should meet the cost of sustainably managing the coastal marine area, an allocation of costs needs to occur between beneficiaries. The Council has considered that a contribution towards the costs should be made by ratepayers (25%) as well as those benefitting from the occupation of public space (75%). The Council will give consideration to exemptions and waivers that have been granted and the number and size of the various occupations. From this assessment, a schedule of charges will be derived and set out in the Council's Annual Plan.

**Commented [ 71]:** Marine Farming Assn Inc & Aquaculture NZ  
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[C]

**Policy 13.19-1120.8 - Any coastal occupancy charges collected will be used on the following to promote the sustainable management of the coastal marine area:**

- (a) **implementation of a Coastal Monitoring Strategy;**
- (b) **State of the Environment monitoring;**
- (c) **research in relation to the state and workings of the natural, physical, cultural and social aspects of the coastal marine area;**
- (d) **education and awareness;**
- (e) **habitat and natural character restoration and enhancement;**
- (f) **managing marine biosecurity threats;**
- (g) **maintaining and enhancing public access; and**
- (h) **formal planning in the Resource Management Act 1991 planning context and strategic planning and overview in relation to the coastal environment.**

The RMA requires that in implementing a coastal occupancy charging regime, any money collected must be used to promote the sustainable management of the coastal marine area. Revenue from the coastal occupancy charging regime is not the only source of funding that is available to promote the sustainable management of the coastal marine area, which may also come from general rates. Other agencies may also spend money on the sustainable management of the coastal marine area. Amongst the broader considerations, the Council will be informed by community input, including from Marlborough's tangata whenua iwi, through its Annual Plan submission processes when making its decisions on how money collected from the charging regime will be spent. The policy describes those matters on which the revenue collected from imposing charges is to be used, as required by the RMA. Greater detail on these matters can be found in a number of the subsequent chapters of the MEP, including Chapter 6 - Natural Character, Chapter 7 - Landscape, Chapter 8 - Indigenous Biodiversity, Chapter 9 - Public Access and Open Space, Chapter 10 - Heritage Resources, Chapter 13 - Use of the Coastal Environment and Chapter 15 - Resource Quality (Water, Air, Soil).

### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

#### 13.M.33 Imposing Coastal Occupancy Charges

*Coastal occupancy charges will be imposed on the consent holders of all eligible coastal occupations and the occupiers of permitted activity moorings in a Moorings Management Area, taking into account any exemptions or waivers from the charges that have been obtained by the consent holder.*

[C]

#### 13.M.34 Annual Plan

*The level of charge to be applied to any activity for which a coastal permit is granted to occupy the coastal marine area is set out in the Council's Annual Plan.*

## Marine Farming

There are approximately 580 marine farms sites in Marlborough. The majority of these are located in the Marlborough Sounds, but there are two large approved sites in open coastal waters: to the

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**Commented [ 75]:** Marine Farming Assn Inc & Aquaculture NZ  
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**Commented [ 76]:** The New Zealand King Salmon Co. Limited  
ENV-2020-CHC-51

southwest of d'Urville Island; and in Clifford Bay near Lake Grassmere/Kapara Te Hau on the east Marlborough coast.

Marine farming in Marlborough is well established having grown into a major industry since its beginnings in the Marlborough Sounds in the 1960s. From the earliest days of marine farming in New Zealand, the sheltered waters of the Marlborough Sounds became the focus for the development of the industry. Initially, marine farms were developed on a hobby/part-time basis by fishermen and farmers as an extension of their day to day activities. Today, Marlborough's marine farming industry is made up of a mixture of iwi, large companies, and small family businesses, including joint ventures and collaborations, that produce seafood products for export and domestic markets.

The benefits of the industry not only include employment for locals and the generation of business development for subsidiary industries, but importantly contribute to the economy of the wider community and to social and cultural wellbeing. It is therefore important for both the marine farming industry and the Marlborough community that the MEP recognises the benefits of the industry. There is reinforcement of the significance of the industry through Policy 8 of the NZCPS, which directs councils to "recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities ...".

There is continuing and growing demand for coastal space and resources for commercial activities such as marine farming. While recognising the benefits of marine farming in Marlborough, it is important to make sure that this activity occurs in appropriate locations and is well managed to ensure the sustainable management purpose of the RMA is achieved.

As marine farm licences and coastal permits have been approved over time, a very distinct pattern of marine farming activity has developed in the Marlborough Sounds. Most of the District's marine farms are located in a coastal ribbon of between 50 metres and 300 metres offshore. The development of this coastal ribbon was initially influenced as much by adjoining land tenure and limitations of mooring technology as by planning provisions.

The Council has taken the opportunity to reconsider the current spatial allocation of marine farms in the enclosed waters of the Marlborough Sounds. The proposed new spatial layout aims to maintain the current level of consented marine farming so that the benefits of that existing investment can continue to be received by the community, but to layout those marine farms in a more optimal manner. In most cases this means moving marine farms further seaward away from the inshore photic zone, and relocating some marine farms away from sensitive environmental features or to improve amenity or recreational values of the sounds.

The Resource Management National Environmental Standards for Marine Aquaculture Regulations 2020 (NESMA) came into force on 1 December 2020. The NESMA provides for existing marine farms to seek replacement consents through the regulations, rather than through the rules in the regional plan. Regulation 13 of the NESMA states that a regional plan may have more stringent rules for replacement consents for existing marine farms in inappropriate areas for aquaculture activities. The Council have identified the enclosed waters CMUs and the Near-shore CMUs except in a mapped AMA, as inappropriate for marine farming. The Council have decided to be more stringent than the NESMA in areas identified as inappropriate for aquaculture activities and have made marine farms in these areas a prohibited activity. This means that existing marine farms which are located outside AMAs in the enclosed waters CMUs and Nearshore CMU will not be able to apply for a replacement resource consent using the NESMA.

The NESMA provides for most replacement resource consents for existing marine farms to be a restricted discretionary activity. Regulation 23 of the NESMA states that a regional plan may have a more lenient rule for replacement resource consents. The Council has decided to be more lenient for replacement resource consents for existing marine farms inside AMAs and have generally provided for them as a controlled activity.

Where marine farms have been established through marine farm licences, there is the potential for marine farms to be located over benthic habitat such as reef. In such circumstances, a precautionary

approach has been applied by relying on NESMA for the reconstituting of the existing marine farms as a restricted discretionary activity.

The NESMA provides for a change in species on an existing marine farm as a restricted discretionary activity. Regulation 43 of the NESMA states that a regional plan may have a more lenient rule for a change in species. The Council has chosen to provide for a change of species (to a species on the list in Appendix 11) on an existing marine farm using conventional longline structures, in an AMA as a controlled activity, provided the layout of the farm does not increase the backbone length or area occupied.

If a resource consent is for an existing marine farm that is relocating, or a new marine farm, before it can occupy space in the coastal marine area it must first obtain an 'aquaculture decision' under Part 9A of the Fisheries Act, on whether a proposed aquaculture activity will have an undue adverse effect on recreational, customary or commercial fishing. The process for assessing those effects is known as the 'UAE test'.

A resource consent for an aquaculture activity cannot commence under the RMA until the outcome of the aquaculture decision is known and any amendments to the resource consent are made (s116A of the RMA).

An aquaculture decision is not required for an existing coastal permit if it is remaining in the same location.

**Note that the following provisions for marine farming do not contain provisions managing the rearing or on-growing of finfish. Finfish rearing and on-growing remains regulated by rules in the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan and/or the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020.**

**Issue 13N – There is uncertainty about the future of marine farming in Marlborough. The industry would like certainty about the process and outcome of any future resource consent application when existing resource consents for marine farms expire. The community would like certainty about the future location and potential growth of marine farming, and whether or not existing marine farms in current locations are resulting in adverse effects on uses and values of the coastal environment.**

Marlborough District Council recognises the industry was established by the community and is an important economic activity in Marlborough. Approximately one third of the coastal permits are deemed permits that are due to expire in 2024. Security of occupancy encourages development and investment in the industry, so uncertainty about the future tenure for marine farms is bad for the development of the industry.

There also continues to be concern in the community about the individual and cumulative adverse effects of marine farming. Uncertainty about the management or growth of the industry creates tension in resource consenting processes.

[RPS, C]

**Objective 13.21 – Provide for marine farming in appropriate locations while protecting and maintaining the values of Marlborough's coastal environment.**

As important as it is to manage potential adverse effects of marine farming (as outlined in [Issue 13O](#)), it is also important to identify appropriate areas for marine farming to be located. This must be done in a way that provides for the values of the coastal environment, [while having regard to the](#)



operational needs of marine farms. The Council has done this through a comprehensive spatial allocation process for the enclosed waters of the Marlborough Sounds, and through policy which identifies and manages adverse effects on the values of the coastal environment.

The NZCPS recognises that one of the challenges in promoting sustainable management of the coastal environment, is that there is continuing and growing demand for coastal space and resources for commercial activities such as marine farming. While recognising the benefits of marine farming in Marlborough, it is important to make sure that this activity occurs in appropriate locations and is well managed to ensure the sustainable management purpose of the RMA is achieved.

[RPS]

**Policy 13.21.1 – For the purpose of managing marine farming:**

- (a) the coastal marine area is divided into coastal management units (CMU);
- (b) areas where marine farms are appropriate are identified as AMAs in accordance with Policies 13.21.3 and 13.21.4;
- (c) marine farms may be appropriate in the offshore CMU, and will be assessed under Policy 13.21.6;
- (d) Except as provided for in (b) or (c), new and existing aquaculture activities are inappropriate in the following zones:
  - (i) Coastal ~~m~~Marine ~~z~~Zone
  - (ii) Port ~~z~~Zone
  - (iii) Marina ~~z~~Zone
  - (iv) Port ~~L~~anding ~~a~~Area ~~z~~Zone

Except in an AMA overlay or the open water CMU;

- (e) where possible, existing Marine Farms are provided for at their existing size and within the same locations or as near as possible to the same locations within AMAs;
- (f) where it is necessary to relocate an existing marine farm, or part of an existing ~~M~~marine ~~F~~farm from its existing location to manage adverse effects on the natural and human use values of the coastal marine area, the equivalent amount of space is provided in an AMA in another location where possible.
- (g) the allocation of space within an AMA created for relocation of existing marine farms from inappropriate locations (that is not an ASA) is managed using the authorisations process set out in Part 7A of the RMA, guided by Policy 13.21.7 and implemented by rules.

The Marlborough Sounds have been divided into 45 Coastal Management Units (CMUs), which are geographical units based on catchments, key features, and values. Where appropriate within the CMUs (other than the offshore CMU) are Aquaculture Management Areas (AMA), which are areas identified as appropriate for marine farming. Not every CMU contains an AMA. These CMUs and AMAs are shown on the planning maps.

This policy sets out how the plan manages marine farms by providing for them within AMAs and prohibiting them outside AMAs in the enclosed water and Near-shore CMUs. It also acknowledges that marine farms may be appropriate in the offshore CMU, however, that requires assessment and consideration of adverse effects on any of the natural and human use values of the coastal marine area.

Policy 13.21.1(d) and the planning maps define areas inappropriate for new and existing aquaculture activities and together are intended to meet the requirements for identification of inappropriate area for existing aquaculture activities set out in Rregulation 6 of the NESMA.

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**Policy 13.21.2A – Acknowledge that the provisions of the MEP create a settlement obligation for the Crown under the Māori Commercial Aquaculture Claims Settlement Act 2004 (Settlement Act) through the creation of new space.**

Where marine farms are moving to space not currently authorised by resource consent, the occupation of coastal marine area beyond the existing consented space represents “new space” under the Settlement Act. In this way, the provisions of the MEP create a settlement obligation for the Crown.

The Crown must ensure that the Trustee is provided with settlement assets that are representative of 20% of the new space by way of one or more of the following methods:

- (a) the provision of authorisations to apply to occupy space in the coastal marine area for the purpose of aquaculture activities;
- (b) the payment of a financial equivalent of that space;
- (c) a combination of (a) and (b); or
- (d) the purchase of existing marine farms.

The nature of the settlement is for Crown and the Trustee to determine through a regional agreement. In respect of option (a), there may be opportunities to provide space for settlement purposes in the Offshore CMU-8 or 8A. In accordance with Rule 16.6.13, an application can be made for resource consent to undertake marine farming anywhere within the offshore CMU-8 or 8A.

**Policy 13.21.2B – In assessing a plan change or variation to establish a new ASA for the purpose of implementing an aquaculture settlement area gazetted under the Māori Commercial Aquaculture Claims Settlement Act 2004 (Settlement Act), the Council must:**

- (a) Recognise that ASAs may be an option to achieve the directions set out in Sections 6(e), 7(a) and 8 of the RMA; and
- (b) Take into account the best available information and policy assessments that informed the gazettal process under the Settlement Act.

Under the RMA, Council is required to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s6(e)), have particular regard to kaitiakitanga (s7(a)), and take into account the principles of Te Tiriti o Waitangi/Treaty of Waitangi (s8). This is reflected in the duty of Council to ensure that the MEP does not hinder the Crown in the efficient and effective delivery of its aquaculture settlement obligations under the Settlement Act.

Before a resource consent can be applied for in gazetted iwi aquaculture space, an ASA must first be created in the MEP. This requires a plan change or variation, which is guided by Policies 13.21.4 and 13.21.5.

Policy 13.21.2B recognises Council's obligations under Tiriti o Waitangi/Treaty of Waitangi and the RMA.

[RPS]

**Policy 13.21.2C – Aquaculture settlement areas under Section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004 are identified as Aquaculture Settlement Areas (ASAs). Resource consent to use that space for marine farming will only be granted to those holding an authorisation provided under Section 13 of the Māori Commercial Aquaculture Claims Settlement Act 2004.**

Under Section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004, two aquaculture settlement areas have been established for iwi and other areas may be gazetted in the future. In these areas only those holding authorisations issued under Section 13 of that Act may apply for a resource consent for a marine farm. The plan provides for these areas as ASAs.

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Policy 13.21.3 – AMAs (other than ASAs) are established to provide for ~~the area of~~ existing marine farms within the Enclosed Water CMUs. AMAs within the Enclosed Waters CMUs are generally located:

- (a) In the coastal ribbon between 100 and 300 metres from mean low water (other than those AMAs that provide for intertidal marine farms) in order to protect natural, recreational and amenity values of the coastal marine area of the Marlborough Sounds;
- (b) ~~To reflect a similar consented area and the consented total backbone length;~~
- (c) ~~Away 20 metres~~ from reefs and other areas of significant marine biodiversity value in order to protect the biodiversity values of those habitats;
- (d) Away from residences, publicly accessible boat launching facilities, jetties, publicly accessible beaches, moorings, anchorages of refuge and recognised navigational routes where this is necessary to maintain and enhance the recreational and amenity values of the Marlborough Sounds, ~~by taking into account existing and future public need;~~
- (e) ~~To recognise and provide for the traditional and continuing relationship of Marlborough's tangata whenua iwi with the moana and sites of significance.~~
- (f) Outside areas identified as having high, very high or outstanding levels of natural character in Appendix 2, and outside areas identified as outstanding natural features and outstanding natural landscapes in Appendix 1, (both shown on the maps in Volume 4), where this is necessary to ~~avoid adverse effects on~~ protect the characteristics and values of those areas;
- (g) ~~To avoid significant adverse effects on natural character, or on natural features and natural landscapes, where marine farms are located adjacent to areas of high, very high or outstanding natural character in Appendix 2 or areas of outstanding natural features and landscapes in Appendix 1, particularly where this will restore coastal natural character;~~
- (h) ~~Away from Outside~~ areas known to provide significant feeding or breeding habitat for New Zealand King Shag, elephant fish, dolphins and other important species ~~in order to protect those species; and~~
- (i) Outside ecologically significant marine sites identified in Appendix 27 and shown on the Volume 4 planning maps.

This policy reflects the principles that the Council used when deciding where to locate or relocate existing marine farms and AMAs, ~~while giving effect to the provisions of the NZCPS~~. The Council intends that the new spatial layout achieved through AMAs will result in the ~~maintenance and enhancement of the~~ values of the Marlborough Sounds, ~~being better off~~.

[RPS]

Policy 13.21.4 – Additional AMAs in the Enclosed Waters CMUs (AMAs that are not to provide for existing marine farms or the relocation of existing marine farms), and AMAs in Near-shore CMUs, and marine farms in the offshore CMU are not appropriate in:

- (a) Queen Charlotte Sound CMU to protect the particularly high recreational, scenic, and amenity values present in that area;
- (b) The National Transportation ~~Corridor Route, other than the side bays of Tory Channel/Kura Te Au;~~
- (c) Areas identified as high, very high or outstanding natural character in Appendix 2, if the AMA and any resulting marine farm would have adverse effects on the values and characteristics of an area identified as having outstanding natural character or if it would have significant adverse effects on the values and characteristics of an area identified as having high or very high natural character;

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(d) Areas identified as outstanding natural features or outstanding natural landscapes in Appendix 1, if the AMA and any resulting marine farming would have adverse effects on the values and characteristics of that area; ~~and;~~

(e) Ecologically significant marine sites identified in Appendix 27 and shown on the Volume 4 planning maps.

If any new AMAs are provided in the future (through the processes set out in the explanation to Policy 13.21.5) there are certain areas identified in this policy that should be avoided, in order to protect a range of values with significance in the coastal environment and to avoid reverse sensitivity conflicts with activities. For example:

- The use of areas within the Marlborough Sounds for shipping provides a particularly important transport link between the North and South Islands. Tory Channel/Kura Te Au and inner Queen Charlotte Sound/Tōtaranui comprise a transportation ~~route~~ corridor of national significance for shipping activity. It is therefore inappropriate for marine farming to take place in the National Transportation ~~Route~~ Corridor.
- In the Queen Charlotte Sound/Tōtaranui, recreational and residential use and associated amenity values are significant.

[RPS]

Policy 13.21.5 – Unless already considered inappropriate under Policy 13.21.4, the appropriateness of additional AMAs (new AMAs that are not to provide for existing marine farms or the relocation of existing marine farms) in the Enclosed Waters CMUs and AMAs in the Near-shore CMUs will be assessed considering adverse effects on any of the natural and human use values of the coastal marine area and may be provided only where the criteria in Policy 13.21.3 are met and:

- ~~(a) the monitoring and, if required, assessment required by Policy 13.22.1 demonstrates that the current area, type and intensity of marine farming in the CMU is appropriate and that additional marine farms can be provided for within the particular CMU, without more than minor adverse effects on the natural and human use values of the CMU or wider coastal environment;~~
- (ab) an assessment of the seafloor beneath a proposed AMA and its immediate environs has been completed which shows that there are:
- no areas that meet the ecological significance criteria in Appendix 3 as having significant marine biodiversity value underneath or within ~~50-20~~ 20 metres of the AMA that may be adversely affected by the installation or operation of a marine farm;
  - no reefs, biogenic habitats, cobble habitats or algae beds within ~~50~~ 20 metres of the AMA that may be significantly adversely affected by the operation of a marine farm;
- (bc) the location of an AMA and subsequent marine farm will not ~~adversely affect navigation that would be caused by introducing significantly narrow the navigable channel resulting in~~ speed restrictions across the majority of a bay;
- (cd) public access for recreational opportunities near the proposed AMA will not be ~~significantly~~ adversely affected by the AMA or subsequent marine farm activities; and
- (de) amenity values including visual amenity will not be ~~significantly~~ adversely affected by lighting and noise arising from the operation of the subsequent marine farm;
- (ef) the AMA is located away from areas with significant Māori cultural values where that is necessary to protect the relationship of Māori ~~Marlborough's tangata whenua iwi~~ with those places.

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To create a new additional AMA, a plan change or variation is required. This policy provides additional guidance on when a new AMA may be considered appropriate. This includes key considerations of the natural and human use values of the Marlborough Sounds [and the potential for the new AMA \(and the subsequent marine farming the AMA would enable\) to adversely affect those values](#), ~~and consideration of monitoring of cumulative adverse effects. Many of these values are identified in the Values Report prepared in 2018 as part of the development of these provisions.~~

When creating a new AMA through a plan change or variation, there are three different processes that could be undertaken:

- a Council-initiated plan change, where Council decides to undertake a plan change to establish an AMA in the coastal marine area
- a standard private plan change, where any person or organisation can request a change to the Plan to establish an AMA in the coastal marine area, or
- a change to a regional coastal plan made by the Governor-General, by Order in Council, under the regulations of s360 of the Act.

[C]

**Policy 13.21.6 – The appropriateness of marine farms within the offshore CMU will be assessed considering adverse effects on any of the natural and human use values of the coastal marine area ~~including those identified in the Values Report 2018~~ and may be provided for when they are located:**

- (a) **Away from recognised navigational routes (including small craft navigation) where this is necessary to facilitate safe navigation;**
- (b) **Outside areas identified as outstanding natural features and Outstanding Natural Landscapes in Appendix 1, (both shown on the maps in Volume 4), if the marine farm would have adverse effects on the values and characteristics of that area;**
- (c) **Outside areas known to provide significant feeding or breeding habitat for New Zealand King Shag, elephant fish, dolphins and other important species;**
- (d) **Outside the marine mammal distribution overlay if the marine farm would have a more than minor effect on the migration of whales or habitat of dolphins in those areas;**
- (e) **Outside ~~areas~~ of ecologically significant marine ~~biodiversity sites identified in Appendix 27~~ and shown on the Volume 4 planning maps;**
- (f) **Outside areas identified as high, very high or outstanding natural character in Appendix 2, if the AMA and any resulting marine farm would have adverse effects on the values and characteristics of an area identified as having outstanding natural character or significant adverse effects on the values and characteristics of an area identified as having high or very high natural character that area;**
- (g) **More than 50 metres from:**
  - (i) **areas that meet the ecological significance criteria in Appendix 3 as having significant marine biodiversity value that may be adversely affected by the installation or operation of a marine farm;**
  - (ii) **reefs, biogenic habitats, cobble habitats or algae beds that may be significantly adversely affected by the operation of a marine farm; and**
- (h) **In an area where amenity values including visual amenity will not be significantly adversely affected by lighting and noise arising from the operation of the subsequent marine farm.**
- (i) **Outside areas of cultural significance to Marlborough’s tangata whenua iwi where the marine farm would have adverse effects on cultural values.**

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As outlined in Policy 13.21.6, marine farms may be appropriate in the offshore CMU. In order to determine the appropriateness of marine farming in the offshore CMU, assessment of actual and potential adverse effects on any of the natural and human use values of the coastal marine area is necessary. Resource consent applications for a marine farm in the offshore CMU are a discretionary activity which provides Council with full discretion to consider all the potential benefits and adverse effects when assessing a resource consent application for a marine farm in the offshore CMU.

[RPS]

**Policy 13.21.7 – Authorisation allocation methodology – for relocation of existing marine farms (or parts of marine farms) from inappropriate locations the Council will: AMAs**

- (a) ~~the Council will allocate space for marine farming within the enclosed Waters CMUs and the Near-shore CMUs (excluding the area within an ASA) by issuing authorisations for occupation of space only in AMAs.~~
- (ab) for space in AMAs identified in Schedule 2 or Schedule 3 of Appendix 29, created for relocation of existing marine farms from inappropriate locations as part of the notified variation 1 to the plan, other than FAMAs, authorisations for marine farming will be allocated using the methodology set out below. The Council will:
- (i) Allocate authorisations to consent holders of Existing Marine Farms for the equivalent space within an AMA to accommodate the for a similar consented area to accommodate the same, or less, same area and consented total backbone length or, in the case of intertidal oyster racks, the same area and length of racks, as that authorised in existing consents; and,
  - (ii) ~~Allocate authorisations to Existing Marine Farms that are currently in locations within or partially within or adjacent to an AMA for the same or adjacent space in that AMA;~~
  - (iii) Allocate authorisations for space within an AMA to Existing Marine Farms that are not within or partially within or adjacent to an AMA, within the same CMU, where that is available after providing for (i) and (ii) above; or
  - (iiiv) Allocate authorisations for space within an AMA to Existing Marine Farms that are not within or partially within or adjacent to an AMA, in a different CMU, where there is no space available in the same CMU as the existing marine farm;
- (be) In the circumstances set out in (ab) (i) to (iv) above, authorisations will be issued with conditions requiring the expiry or surrender of the Existing Marine Farm consents before any new marine farm consents can be exercised within 24 months of the new resource consents under the authorisations being exercised.
- (d) ~~the Council may allocate authorisations for marine farming in AMAs other than FAMAs, for new marine farms or the extension of Existing Marine Farms in AMAs only when:~~
- (i) ~~space previously used or allocated for an Existing Marine Farm becomes available because an authorisation for the space is not applied for, or granted or the authorisation expires before resource consent is applied for or the resource consent for an Existing Marine Farm lapses or expires and no new application for the existing space is made by the holders of Existing Marine Farm permits; or~~
  - (ii) ~~monitoring in accordance with Policy 13.22.1 shows that the current scale of marine farming in the CMU is not having a significant effect on the natural and human use values of the CMU and that additional marine farming activities can be undertaken within without creating a significant adverse effects on the natural and human use values of the CMU.~~

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- (e) ~~In the circumstances set out in (d), the Council may allocate authorisations by:~~
- ~~(i) offering authorisations to holders of Existing Marine Farm permits for space adjacent to their Existing Marine Farm, or~~
  - ~~(ii) public tender.~~
- (f) ~~For space in AMAs created as part of a private plan change, the Council will allocate space for marine farming by authorisations to the applicant for the private plan change, if the plan change is approved. If that authorisation is not taken up or lapses, the Council will allocate space using a public tender method.~~

~~Authorisations are used to allocate space in the circumstance of providing replacement space for existing marine farms located in inappropriate locations. Only those holding an authorisation can apply for a coastal permit in the AMA. The authorisations therefore restrict the ability of other marine farmers to make applications for resource consent, so that the existing marine farmer does not have to compete with other marine farmers for that replacement space.~~

~~There are two circumstances under which authorisations will be allocated:~~

- ~~- Relocation of lines from existing marine farms to AMA in same CMU~~
- ~~- Relocation of lines from existing marine farms to AMA in different CMU~~

~~This is a simplified model of authorisations than that notified in Variation 1.~~

~~Replacement space has been predetermined through Schedules 2 and 3 of Appendix 29 and the associated rules. In these circumstances, there is certainty where the existing lines will move to.~~

~~The marine farming industry was proactive in providing options for replacement and, where appropriate, the outcomes are recorded in Schedule 2 and Schedule 3 of Appendix 29.~~

~~Replacement space should only be available to those marine farmers having to relocate from inappropriate locations. If no authorisation is sought or no resource consent is applied for or granted, then that space should not be available for any other marine farmer given the uncertainty regarding the cumulative effects of marine farming.~~

~~The relocation process is expected to take a number of years as marine farmers transition from the current inappropriate location to the replacement AMA space.~~

~~If, after the implementation of the above direction, there remain AMAs that have not been allocated, Council will work with the Crown to assess whether the AMA can assist the Crown to meet its obligation under the Māori Commercial Aquaculture Claims Settlement Act 2004. The allocation methodology set out in this policy does not apply to the Settlement Act.~~

~~Policy 13.21.7 outlines how space will be allocated in the common marine and coastal area using a method referred to as 'modified grand parented' allocation. This policy sets out that authorisations will be offered first to existing marine farmers operating within AMAs, and the space allocated will reflect the existing use of space in the common marine and coastal area. Giving priority to existing marine farmers means they can apply for resource consent to continue to operate in the Sounds, without having to compete with new marine farmers for limited space.~~

~~By allocating space with a 'modified grand parented' method:~~

- ~~• Applications for new marine farms in AMAs can be avoided (because it is not possible for a marine farmer to apply for a resource consent without an authorisation), and~~
- ~~• Space in AMAs can be allocated in an orderly way, particularly where partial or full relocation of an existing farm is required.~~

~~(C)~~

~~Policy 13.21.8 - Avoid M marine farms and the associated occupation of space in inappropriate areas.~~

~~Guided by values identified for Marlborough's coastal environment, the Council identified AMAs within each CMU (except the Offshore CMUs) that are appropriate for marine farming. In order to protect a range of values with significance in the coastal environment Rule 16.7.9 prohibits marine~~

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farming inside an Enclosed Waters CMU or a Near-shore CMU, and not within an AMA. The NESMA allows the Council to be more stringent than the regulations in areas identified as inappropriate areas for existing aquaculture.

Policy 13.21.1 and the planning maps define areas inappropriate for aquaculture activities. These provisions are intended to meet the requirements for identification of inappropriate area for existing aquaculture activities set out in Regulation 6 of the NESMA.

[C]

**Policy 13.21.9 – Provide for marine farming in AMA as a controlled activity.**

In accordance with Policy 13.21.1, AMA have been established where marine farming is an appropriate activity. The status of marine farming in AMA is generally a controlled activity. This provides certainty as the outcome of the re consenting process is known at the time of application.

**Policy 13.21.10 – Utilise structure exclusion areas where necessary to protect benthic habitat.**

Historically, some marine farms have been established over benthic habitat such as reef and other biogenic habitat. On re consenting these marine farms under the RMA, resource consent conditions have required that no growing lines and/or other marine farm structures be placed over the benthic habitat. In some cases, structures such as backbone, warps and mooring blocks/screw anchors, have continued where appropriate.

This policy recognises that where these resource consent conditions have been imposed, the protection provided should continue on re consenting the existing farm under the provisions of this Plan. There may also be circumstances where new structure exclusion areas are necessary. This approach assists to mitigate the adverse effect of shell drop and pseudofaeces on the benthic habitat, providing an opportunity for protection and restoration. This policy will be implemented through the imposition of resource consent conditions to prevent the use of some or all marine farm structures over the benthic habitat.

**Issue 130 – If not managed well marine farming has the potential to have adverse effects, including cumulative adverse effects, on other processes, values and uses of the coastal environment.**

Marine farming activity raises a number of issues for managing the coastal environment, especially in the enclosed waters of the Marlborough Sounds where most of the marine farms are located. These may include impacts from, or adverse effects on, the following:

- occupation and use of public coastal space by private interests;
- natural character and landscape values and on other industries that rely on these values;
- ecological effects including on the water column, on the benthic environment (including habitat modification), from behaviour modification of marine species and on wider ecological issues such as effects on fish, marine mammals, seabirds and the spread of invasive species or disease;
- the relationship of Marlborough's tangata whenua iwi with the moana and sites of significance, and their cultural values;
- public open space and recreational use of the coastal marine area, including restrictions that may occur on public access within the coastal marine area;
- the safe and convenient navigation of Marlborough's coastal marine area;
- coastal amenity values;
- reverse sensitivity including:

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- the establishment of marine farming where none has previously existed; or
- where established or existing marine farming may be subject to activities such as new tourism or residential activity that may affect water quality;
- existing roading and infrastructure; and
- ongoing operation and management of a marine farm once established.

In the enclosed waters of the Marlborough Sounds there are multiple marine farms, which creates the potential for cumulative effects on the processes, values, and uses of Marlborough’s coastal environment. Individual farms may not have an adverse effect on those matters, but in combination with other farms, may have an adverse effect.

[RPS, C]

**Objective 13.22 – To understand and address the cumulative effects of marine farming in the enclosed waters of the Marlborough Sounds.**

Most marine farming activity is located and undertaken within the enclosed waters of the Marlborough Sounds. There is a level of community concern regarding the cumulative effects of marine farming on Marlborough’s marine ecosystem, especially within the enclosed waters of the Marlborough Sounds. There are two gaps in knowledge. Firstly, there is limited science and monitoring information on the water column effects of marine farming. Secondly, there is limited information on the effects of marine farming on the relationship of Marlborough’s tangata whenua iwi with the moana, sites of significance and their cultural values. This objective seeks to address both of these information gaps in order that informed decisions can be made in the future.

**Policy 13.22.1 – Develop a state of the environment programme to monitor and assess the cumulative water column effects of marine farming in the enclosed waters of the Marlborough Sounds.**

Filter feeding shellfish consume phytoplankton and zooplankton present in the water column and release dissolved nitrogen back into the water column. The extent to which this occurs and the ecological consequences on the marine ecosystem are not well understood. In part, this is because the dynamic nature of the marine environment makes it inherently difficult to quantify cumulative effects. The policy seeks to improve the community’s understanding of the cumulative water column effects of marine farming through the development and implementation of a specific environmental monitoring programme. The provision of data and information through the programme will, allow for an assessment of the cumulative ecological effects to be made in the future.

**Policy 13.22.2 – To develop a cultural monitoring programme in partnership with Marlborough’s tangata whenua iwi, to identify and assess the cumulative effects of marine farming on the relationship of Marlborough’s tangata whenua iwi with the moana, sites of significance and their cultural values.**

The Council recognises the cultural significance of the moana to Marlborough’s tangata whenua iwi. A cultural monitoring program enables Marlborough’s tangata whenua iwi and the Council to understand the potential cumulative effects of marine farming on the mauri of the moana and the impact of this on the cultural values and special relationship Marlborough’s tangata whenua iwi have with the marine environment. The outcomes of this process may also contribute to or supplement other methods that explore the cumulative effects of marine farming on the marine ecosystem.

[RPS, C]

**Objective 13.23 – Marine farms are operated sustainably, kept in good order, and individual and cumulative adverse effects of the farm operations are addressed avoided, remedied or mitigated.**

Once marine farms have been established, it is important that they are operated sustainably and kept in good order so that adverse effects on other uses, users or values of the coastal environment

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are avoided, remedied or mitigated. The achievement of this objective will be reliant on how well marine farmers operate on a daily basis.

[C]

**Policy 13.23.12**

- (a) Consent holders for marine farms in the coastal marine area will be required to remove marine farm structures from the site:
- (i) on expiry or surrender of the coastal permit, unless continued operation is allowed by s124 or 165ZH of the RMA or a new coastal permit is granted to allow marine farming to continue using the same structures; or
  - (ii) if marine farming activity ceases for a period of 5 years or greater (other than for operational reasons such as periodic fallowing of a site) on the site and structures are derelict, unused or obsolete, whether or not the coastal permit has expired or been surrendered.
- (b) An exception may be made to the requirement to remove all structures in (a) if the following circumstances apply:
- (i) the anchoring structure is a screw anchor, and the screw anchor is cut off at sea floor level and the part of the screw anchor previously protruding from the seafloor is removed; or
  - (ii) the anchoring structure is a block anchor, and the block anchor cannot practicably be removed or reused and the remaining block anchor anchoring structure will not be an impediment to navigation or safe anchoring.

Marine farming occurs in the public domain, it is therefore important that, if the marine farming activity is to cease, the marine farm structures are removed from the site, then the site is able to be restored to its previous state to enable it to be used for other activities or enjoyed for other values. This policy sets out this requirement, which will be imposed through conditions on any coastal permit granted. An exemption is provided for anchoring structures in limited circumstances, as set out in (b), in recognition that disturbance of the seabed may result in greater adverse effects than leaving the anchoring structures in situ.

[C]

**Policy 13.22.3 – Adaptive Management for new marine farms.**

- (a) New marine farms (those marine farms that are not existing marine farms or replacing an existing marine farm) will, where appropriate, be required to be developed, monitored and managed in a precautionary manner, using staged or adaptive management, where:
- (i) the potential adverse effects cannot be adequately predicted; or
  - (ii) The potential adverse effects are significant; or
  - (iii) the species farmed or technology or inputs used is new for the region, or for that location in particular; or
  - (iv) the location, scale or type of marine farm warrants a precautionary approach; or
  - (v) the marine farm is in a CMU that has not been extensively commercially marine farmed in the past.
- (b) Staged or adaptive management will include:
- (i) A first stage of development may be authorised of up to 50% of the space or feed or medicinal or therapeutic compounds granted. Subsequent stages may be authorised for up to 75% and 100% of the total area or inputs subject to compliance with the monitoring, reporting, analysis and adverse effects criteria set out below.

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New Policy

**Commented [ 115]:** Te Rūnanga o Kāiōra and Te Rūnanga o Ngāi Tahu  
ENV-2023-CHC-67  
New Policy

**Commented [ 116]:** Marine Farming Association and Aquaculture New Zealand  
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- ~~(ii) The first stage of each resource consent may not be exercised until a survey establishing the pre-development environmental baseline is complete;~~
- ~~(iii) Each stage will require monitoring and reporting on environmental effects resulting from marine farming at that location for a minimum of two production cycles at the full intensity of development allowed for that stage. The monitoring data from each stage will be analysed by a suitably qualified expert and their reported made available to the Council.~~
- ~~(c) If the reported and analysed data shows:
 
  - ~~(i) there are no significant adverse effects, or effects outside the thresholds set in consent conditions, including cumulative effects, and~~
  - ~~(ii) the thresholds in Policy 13.22.1 are not exceeded, and~~
  - ~~(iii) the resource consent conditions have all been complied with, then subsequent stages of the marine farm development may proceed.~~~~

~~In some cases, there may be significant uncertainty in assessing marine farm proposals. The greatest risks probably lie with new species of marine farming, the use of new technology, or large farms. In these cases marine farms may be required to be developed in a staged manner so the effects can be monitored, understood and appropriately managed before full development is able to occur.~~

~~This policy is intended to be considered as an adaptive management approach when considering applications made under the NESMA.~~

~~[C]~~

~~Policy 13.22.4 – New and existing aquaculture activities are inappropriate in the following zones:~~

- ~~(a) Coastal marine zone;~~
- ~~(b) Port zone;~~
- ~~(c) Marina zone;~~
- ~~(d) Port landing area zone;~~

~~except in an AMA overlay or the open water CMU. Marine farms in inappropriate areas are prohibited.~~

~~Guided by values identified for the sounds, the Council identified AMAs within each CMU that are appropriate for marine farming. In order to protect a range of values with significance in the coastal environment Rule 16.7.10 prohibits marine farming inside an Enclosed Waters CMU or a Near-shore CMU, and not within an AMA. The NESMA allows the Council to be more stringent than the regulations in areas identified as inappropriate areas for existing aquaculture.~~

~~Policy 13.21.1(e) and the planning maps define areas inappropriate for new and existing aquaculture activities and together are intended to meet the requirements for identification of inappropriate area for existing aquaculture activities set out in regulation 6 of the NESMA.~~

~~[C]~~

~~Policy 13.22.5 – Resource consents for marine farms using conventional longline structures will be subject to review conditions that allow the coastal permits to be reviewed in the following circumstances:~~

- ~~(a) If monitoring and assessment undertaken in accordance with Policy 13.22.1 concludes that the ES for a marine farm or for any site in a CMU, is 4 or greater and, is or has been caused or contributed to by marine farms; or~~

- ~~(b) Monitoring (including monitoring undertaken in accordance with Policy 13.22.1) shows significant adverse ecosystem effects are occurring; or~~
- ~~(c) New information becomes available about the effects of marine farming, which requires changes to the management of marine farms to manage those effects; or~~
- ~~(d) Every 5 years, unless a review under (a) – (c) has been undertaken in the past 4 years.~~

~~There is currently limited data available to help us understand how marine farming may affect marine ecosystem health, which makes long-term data collection on the state of marine ecosystems important. Marine farms must be able to adapt to any new information, in order to manage any identified effects. It is appropriate that consents for marine farms are reviewed regularly to ensure they are being managed in accordance with current best practice.~~

[C]

**Policy 13.23.2.26** – ~~For the duration of any coastal permit issued for a marine farm, the consent holder and/or operators of the marine farm shall. Marine farm owners/occupiers shall monitor for and collect marine farming related debris and litter from their marine farming operation. Marine farm owners/occupiers will also be encouraged to monitor and collect marine farming related debris and litter from the adjoining shoreline and surrounding coastal marine area and dispose of it at an appropriate facility for the duration of any coastal permit issued for a marine farm.~~

- (a) avoid the loss of marine farming related non-biodegradable debris and litter, and any associated adverse effects, from their marine farming operation;
- (b) regularly monitor and collect marine farming related non-biodegradable debris and litter from the adjacent shoreline and surrounding coastal marine area; and
- (c) dispose of marine farming related non-biodegradable debris and litter at an appropriate facility.

Buoys, culture ropes, warp lines, mussel sacks, cable ties and maintenance equipment can become dislodged from marine farm structures through continued or strong wave action, or lost during harvesting activities. Depending on the particular location of bays and the intensity of marine farming in the area, the level of litter will vary. The amount of this litter and other rubbish washing up on shores and accumulating on beaches has been a concern to communities within the Marlborough Sounds. Non-biodegradable Litter and marine farm debris also poses a threat to seabirds, marine mammals and other marine life.

This policy recognises that marine farming involves the release of organic matter such as shell, seaweed and pseudofaeces. As a result, the policy applies to non-biodegradable marine farm debris and litter.

Maintenance and management of marine farm structures is required through consent conditions to ensure that no non-biodegradable matter is deposited from the farm into the coastal marine area. ~~However, i~~n conjunction with consent conditions, the policy ~~encourages~~ requires marine farmers to monitor and collect non-biodegradable marine farming debris and litter from the shoreline in the vicinity of their farm ~~for marine farm debris and other litter, and dispose of the collected debris and litter at an appropriate facility.~~

The marine farming industry has developed industry standards to address marine farming debris and litter. The Council supports the industry in the ongoing implementation of these standards.

[C]

**Policy 13.23.2.37** – ~~The layout, positioning, design and operation of marine farms and associated structures must ensure:~~

- ~~(a) for marine farms using conventional long-line structures, the lines are generally positioned parallel to the shoreline, unless there is a reason~~

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related to the geography or bathymetry or hydrology of the location ~~that~~ this is not practicable;

- (b) in Enclosed Water CMUs, for marine farms using conventional long-line structures, the lines are generally positioned with a 15-20 metre space between each line;
- (c) existing gaps between adjacent blocks of backbone within the same AMA are maintained ~~that a gap of 50 metres between adjacent marine farms is provided~~ to allow for public access between marine farms to the foreshore (including for recreational access and access for other boating traffic);
- (d) ~~that~~ the colour, reflectivity and finish of structures avoids, remedies or mitigates effects on visual amenity values, and ~~that~~ this is maintained throughout the term of the consent;
- (e) adequate buoyage, anchoring and lighting systems are provided to protect the safety of commercial, recreational or residential navigation;
- (f) the loss of structures, lines, ropes and buoys and other material from the marine farming activity is avoided, remedied or mitigated;
- (g) ~~that~~ noise and odour from the operation of the marine farm has no more than minor effects on coastal amenity values; and
- (h) any stock, structures or other materials relocated from another region do not create a biosecurity risk or allow the release or spread of harmful aquatic organisms.

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The policy sets out the matters relating to navigational safety and public access in and around the proposed site of the marine farm. This includes consideration of impacts on other structures as well as on other marine farms. This is because of the extensive use made of Marlborough's coastal waters for recreational and commercial activity, particularly within the Marlborough Sounds where there is also boating only access available to many properties.

The plans approach using discrete AMAs provides for public access between marine farms. Some marine farms have multiple blocks of backbone within the same farm. Historically, a gap of about 50 metres has been applied between those blocks of backbone. The policy sets out that this approach should continue in order to maintain the existing level of public access between the marine farms to the foreshore.

It also sets out matters relating to visual and coastal amenity values. The development of marine farms in Marlborough has given rise to a variety of general amenity effects, particularly from noise and lighting and on occasion from odour. Noise created by marine farm harvesters and maintenance vessels, and the perceived loss of peacefulness to bays because of the commercial use, can affect the enjoyment of the coastal environment. This is particularly the case where marine farms are located close to residential areas or areas of high public use. Lighting of marine farms for navigational purposes is important but there have been some concerns in locations where a number of marine farms are in close proximity to dwellings.

Maintaining and enhancing amenity values is a matter that the Council has to have particular regard to in terms of Section 7(c) of the RMA. In order to ensure that amenity values for the coastal environment are able to be at least maintained, marine farms need to be operated in such a way that any effects from lights or from odour are able to meet MEP standards or conditions of consent.

The policy gives effect to Policy 12 of the NZCPS while also setting out matters relating to biosecurity to compliment efforts to manage regional and strategic biosecurity risks set by Council with its regional leadership role under the Biosecurity Act 1993.

**Policy 13.2~~3~~2.4~~8~~** – Enable a change to the layout of structures for a marine farm using conventional longline structures or intertidal structures within an AMA, where there is no

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**increase to the total consented area occupied by structures and no increase in the total consented length of backbone or intertidal structures. Change in layout**

- (a) ~~Enable a change to the layout of structures for an existing marine farm using conventional long-line structures within an AMA, where there is no increase to the total area occupied by structures and no increase in the total length of lines.~~
- (b) ~~A change in layout which results in the same total length of lines, but an increase in the total area occupied by structures may be appropriate if:~~
- (i) ~~Where the marine farm is adjacent to an area identified as an outstanding Natural Landscape in Appendix 1, the increase in the area of the marine farm will not have an adverse effect on the characteristics and values of the identified outstanding natural landscape.~~
  - (ii) ~~The CMU or the bay within the CMU in which the marine farm is located is of a size that will accommodate an increase in the area occupied by the marine farm without having significant adverse effects on the natural and human use values of the coastal environment; or~~
  - (iii) ~~The spreading of the same number of lines over a larger area will have a positive effect on the natural and human use values of the coastal environment~~
- (c) ~~A change in layout which results in an increase in the total length of lines (with or without an increase in the total area occupied by structures), may be appropriate if the monitoring and assessment carried out in accordance with Policy 13.22.1 shows that additional marine farming activities can be undertaken within an AMA without having significant adverse effects on the natural and human use values of the Coastal Environment.~~

Where a marine farmer wishes to change the layout of structures for an established marine farm that uses conventional longline structures ~~that will not occupy more area than the current structures occupy~~, it is considered ~~the effects of~~ this would have only minor adverse effects. Provided there is no increase in the ~~total consented backbone length or length of intertidal structures~~ ~~number of long lines to be used~~ and the change in layout does not result in a sub-surface marine farm becoming a surface marine farm, the rules provide an enabling approach to such applications.

[C]

**Policy 13.23.59 – Enable the change or addition of species able to be farmed in a marine farm, where the species to be added:**

- (a) ~~is not a finfish species; and~~
- (b) ~~is one of the species is listed in Appendix 11); and~~

**Change or addition of species able to be farmed in a marine farm, other than those identified above, may be considered appropriate if the species to be added is:**

- (c) ~~A bi-valve, mollusc, sponge or algae; and~~
- (d) ~~There is no discharge of feed or medicinal or therapeutic compounds associated with the species, unless discharge of feed or medicinal or therapeutic compounds are already authorised at the site;~~

**Change or addition of species able to be farmed in a marine farm is not appropriate if:**

- (e) ~~The species to be added is identified as a pest or an unwanted organism under the Biosecurity Act 1993, except where necessary Biosecurity Act approvals have been obtained; or~~
- (f) ~~The marine farm is currently authorised solely for mussel spat catching purposes or for monitoring purposes. In these cases the species farmed must remain mussel spat or the purpose must remain as for monitoring purposes.~~

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Where a marine farmer wishes to change the species able to be farmed, it is considered that the effects of this would have minor adverse effects when the species is one that is already authorised to be farmed within Marlborough's coastal waters and is a ~~bivalve mollusc or plant~~ species. Provided there is no discharge ~~of feed, medicinal or therapeutic compounds or contaminants~~ to the coastal marine area ~~or discharge of feed involved~~, the rules provide an enabling approach to such applications.

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### Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

#### 13.M.35 Regional rules - regulation

~~Regional rules apply to the occupation of space in the coastal marine area for marine farming, and the erection and use of structures associated with marine farming. Under the RMA, No marine farming activities are able to be permitted activities.~~

The Plan cannot contain rules that duplicate or conflict with NESMA for existing aquaculture activities, except that it can contain rules:

- More lenient for replacement resource consents not in inappropriate areas, and for realignment of existing marine farms: or
- More stringent for replacement resource consents where the marine farms are in inappropriate locations.

Regional rules apply to the occupation of space in the coastal marine area for marine farming, and the erection and use of structures or discharges associated with marine farming.

~~Marine farming that is not in the enclosed waters of the Marlborough Sounds outside of an AMA or ASA, or in the offshore CMU is a prohibited activity.~~

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[C]

#### 13.M.36 Regional rules – flexibility and adaptation

Regional rules will provide for the ability to change the species grown on marine farms so that marine farmers are able to diversify or change crop or stock types in response to changing circumstances including ocean acidification.

[C]

#### 13.M.37 Monitoring programme

In collaboration with Marlborough's tangata whenua iwi, science providers and the community, the Council will develop and implement a state of the environment programme to monitor and assess the cumulative water column effects of marine farming in the enclosed waters of the Marlborough Sounds.

~~The Council intends to continue and enhance current monitoring of the effects of marine farming and respond to developments in science and technology. The monitoring framework will include the measurement of total free sulfides as factors set out in Policy 13.22.1 to monitor benthic effects. Chlorophyll-a, particulate carbon, and particulate nitrogen will be measured in order to understand water column effects and the cumulative adverse effects of marine farming.~~

In collaboration with Marlborough's tangata whenua iwi, the Council will develop and implement a monitoring programme to identify and assess the cumulative effects of marine farming on the relationship of Marlborough's tangata whenua iwi with the moana, sites of significance and their cultural values.

~~The Council intends to develop a monitoring and adaptive management regime for water column effects, similar to that for benthic effects, once sufficient long term data is available to do so.~~

~~The Council intends to engage an independent review panel to assist the Council to identify appropriate monitoring sites and to review the results of monitoring.~~

The Council will regularly report, at least every 5 years, to the public on the results of the monitoring programmes and any management changes that are required in response to that monitoring information.

[C]

**13.M.38 Plan Review**

The Council will review the results of monitoring regularly. If monitoring undertaken in accordance with Method 13.M.37 shows that the cumulative effects of marine farming in any area are inappropriate or unsustainable, and these effects cannot be appropriately managed by reviewing the relevant resource consents or other methods provided for in this plan, the Council will review this plan to change the way in which marine farming is managed. ~~This may mean changing the management of marine farms or reducing or changing the layout of space allocated for marine farming and identified as aquaculture management areas.~~

[C]

**13.M.39 Implementation Plan to guide allocation and issuing of Authorisations for relocation**

~~The Council will prepare an implementation guide that sets out the processes that will be used when offering authorisations, making decisions about the allocation of authorisations, and any conditions that authorisations will be subject to. The Council will prepare the implementation guide in consultation with iwi and industry and community stakeholders. Authorisations are required in order to make an application for resource consent to relocate a marine farm, or marine farm structures, from inappropriate locations. AMA have been created for the purposes of enabling relocation from inappropriate locations and the authorisation is specific to those identified AMA. The processing of applications for authorisations is guided by Policy 13.21.7 and is only applicable to those marine farms identified in Schedules 2 and 3 of Appendix 29. This method does not apply to ASA.~~

[C]

**13.M.40 Best practice guidelines for monitoring and controlling effects**

The Council will use the most up to date best practice guidelines that are available when considering appropriate levels of and monitoring of benthic and water column effects from marine farming. The Council will contribute to development of those guidelines where this is appropriate.

[C]

**13.M.41 Liaison**

The Council will work with the Crown to identify and assess options to meet the Crown's obligation under the Settlement Act where that might involve coastal space for marine farming.

[C]

**13.M.42 Industry standards**

Support the ongoing development, implementation and review of industry standards that address non-biodegradable debris and litter from marine farming operations.

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**Anticipated environmental results and monitoring effectiveness**

The following table identifies the anticipated environmental results for provisions for the coastal environment. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the provisions. Anticipated environmental results from several other chapters will also assist in achieving the anticipated environmental results set out here; for example, chapters on public access, biodiversity, landscape and natural character.

| Anticipated environmental result   | Monitoring effectiveness  |
|--|---|
| <p>13.AER.1</p> <p>The values associated with areas of significance identified on the MEP maps are protected.</p>  | <p>Periodic reassessment of mapped areas of significance for natural character, landscape, biodiversity, heritage and Marlborough’s tangata whenua iwi.</p> <p>Survey of stakeholder and interested parties perspectives of values of significance in Marlborough’s coastal environment.</p> <p>All resource consent decisions show that consideration has been given to the mapped values.</p> <p>Monitoring of resource consent conditions imposed to protect areas of significance.</p>  |
| <p>13.AER.2</p> <p>Subdivision, use and development of the coastal environment, including on land and water, is located in appropriate places and within appropriate limits.</p> | <p>No resource consents are granted for areas identified as inappropriate for development within the coastal environment.</p> <p>New building and development in the coastal environment is consistent with the character of the area, including retaining a lower density of development in the coastal environment.</p> <p>Consistent treatment of resource consent applications for activities in the coastal environment.</p> <p>No coastal permits are granted for activities without a functional or operational need for a coastal location.</p> <p>Monitoring of resource consent conditions imposed to address the effects of activities on a particular location.</p> <p>Reassess the zonings applied to land and water to ensure that appropriate areas are identified for use and development in the coastal environment.</p> |

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 Royal Forest and Bird Protection Society of New Zealand  
 Incorporated  
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 By consent order dated 15 February 2023

| Anticipated environmental result   | Monitoring effectiveness  |
|--|---|
| <p>13.AER.3</p> <p>Aside from residential activity associated with rural activities, residential activity in Marlborough's coastal environment takes place within Coastal Living Zones.</p>                                      | <p>A decrease in subdivision for residential activity outside of Coastal Living Zones.</p> <p>Survey land use within Coastal Living Zones to determine availability of land for residential activity.</p>   |
| <p>13.AER.4</p> <p>Continued availability of rural land for primary productive purposes existing at 9 June 2016.</p>   | <p>Survey patterns of land use against a baseline, including actual use and changes in use.</p>   |
| <p>13.AER.5</p> <p>The amenity values of the coastal environment are maintained and enhanced.</p>  | <p>Enforce the application of standards established to protect amenity values.</p> <p>Survey the public about their perspectives of the attributes contributing to amenity values in Marlborough's coastal environment and how activities and uses may be affecting these values.</p> <p>Monitor complaints and/or incidents received from landowners and the public about activities and uses in the coastal environment.</p>                                |
| <p>13.AER.6</p> <p>Equitable, efficient and sustainable allocation of water space in the coastal marine area.</p>  | <p>Monitor the number and nature of complaints made by the public about conflicts with the allocation of water space.</p> <p>Assess the need to introduce Mooring Management Areas in locations other than Waikawa Bay to address a demand for swing moorings, including competing demand for other uses or activities in the same space.</p> <p>Review coastal permits for swing moorings to assess the need for multiple moorings servicing a property.</p> |
| <p>13.AER.7</p> <p>The public is aware of information relating to the location of safe anchorages, provisions for safe navigation around Marlborough's coastal waters and the location of access points and water ski lanes.</p> | <p>Information is available on the Council's website and reviewed annually regarding:</p> <ul style="list-style-type: none"> <li>(a) navigational notices and directions from the harbourmaster;</li> <li>(b) navigational safety in general through the 'Marlborough Sounds Safe Boating' brochure published annually;</li> <li>(c) appropriate locations for activities such as water skiing and swimming.</li> </ul>                                       |

| Anticipated environmental result  | Monitoring effectiveness  |
|---|---|
| <p>13.AER.8</p> <p>Ships/boats are able to safely and efficiently navigate Marlborough's coastal marine area.</p>                         | <p>Monitor the number and nature of collisions, accidents or incidents within the coastal marine area.</p> <p>Monitor the number and nature of complaints made by the public about operation of ships/boats.</p> <p>Monitoring of resource consent conditions imposed to address navigational safety.</p>   |
| <p>13.AER.9</p> <p>Waves generated from ships do not create adverse effects on the environment.</p>                                       | <p>Ship operators comply with speed limits specified in MEP rules or by resource consent conditions through monitoring of ships' Data Recording Device.</p> <p>Monitor the number and nature of complaints made by the public about ship-generated waves.</p> <p>A five yearly assessment is carried out to determine the need to undertake monitoring specified in Policy 13.16.4 and the monitoring method (13.M.23) set out for water transportation.</p> <p>Monitor erosion of coastal areas caused by ships.</p> <p>No adverse change to the shoreline or benthic communities as a result of waves from the shipping activity.</p> |
| <p>13.AER.10</p> <p>A proliferation of coastal structures is avoided.</p>   | <p>Monitor the number and extent of coastal structures authorised and conditions imposed to require sharing of structures where practicable.</p>  |
| <p>13.AER.11</p> <p>No boatshed is used for any purpose other than the storage of boats or boating equipment.</p>                         | <p>All new resource consents for boatsheds are conditioned to prohibit the use of the boatshed for living accommodation or the installation of sanitary fittings in boatsheds.</p> <p>A reduction in instances of boatsheds being used for living accommodation through compliance monitoring.</p>  |
| <p>13.AER.12</p> <p>Clearly defined areas and operational requirements for port and marina activities, including areas for expansion.</p> | <p>Activities occurring in port and marina areas are enabled where related to the operation of those facilities and few resource consents are required.</p>   |

| Anticipated environmental result   | Monitoring effectiveness  |
|--|---|
| <p>13.AER.13</p> <p>Ports and marinas are able to operate effectively and efficiently.</p>   | <p>Few resource consents are required for port and marina related activities.</p> <p>Monitor complaints received from port and marina operators about the impact of non-port and marina related activities occurring within the coastal marina area part of the Port, Port Landing Area and Marina Zones.</p>               |
| <p>13.AER.14</p> <p>Adverse effects of use and development in the Port, Port Landing Area and Marina Zones are controlled to acceptable levels of environmental quality.</p> | <p>Monitor complaints from the public about effects arising from operation of port and marina activities.</p> <p>Compliance with conditions for those activities requiring consent.</p>   |
| <p>13.AER.15</p> <p>There is a high level of integration and connection between ports and marinas and their respective towns.</p>  | <p>Surveys on the:</p> <ul style="list-style-type: none"> <li>(a) ease with which the public can move between the Port of Picton and the town;</li> <li>(b) ability for the public to access marinas; and</li> <li>(c) appearance of marinas as an attractive place to visit.</li> </ul>                                    |
| <p>13.AER.16</p> <p>Integrated management of fisheries and natural and physical resources.</p>   | <p>Increased awareness and understanding of the respective roles of Council and other parties in coastal and fisheries management.</p> <p>Ongoing communication with the Minister of Primary Industries in respect of the sustainable management of natural and physical resources as it relates to fishing activities.</p> |
| <p>13.AER.17</p> <p>The continued sustainable and efficient functioning of the Lake Grassmere Salt Works.</p>  | <p>Monitor complaints from the public about effects arising from the operation of the salt works.</p>   |

| Anticipated environmental result  | Monitoring effectiveness   |
|---|--|
| <p><a href="#">13.AER.18</a></p> <p><a href="#">Improved understanding of the cumulative effects of marine farming on the enclosed waters of the Marlborough Sounds.</a></p> <p>13.AER.19</p> <p>Marine farms are operated sustainably.</p> | <p><a href="#">The development of a programme to monitor the cumulative effects of marine farming on water column and on the relationship of Marlborough's tangata whenua iwi with the moana, sites of significance, and their cultural values within 5 years and implementation of the programme thereafter.</a></p> <p>Monitoring of resource consent conditions imposed to address the effects of activities on a particular location.</p> <p>Monitor complaints from the public about effects arising from the operation of marine farms.</p> <p>Compliance with conditions of resource consent.</p> |
| <p><a href="#">13.AER.20</a></p> <p>The natural and human use values of Marlborough's coastal environment are maintained and enhanced.</p>  | <p>Survey of stakeholder and interested parties perspectives of values of significance in Marlborough's coastal environment.</p> <p><i>Monitoring of water quality and benthic health in sentinel locations within the enclosed waters of the Marlborough Sounds to assist understanding of cumulative adverse effects and the state of the coastal environment.</i></p>   |
| <p>13.AER.20</p> <p><del>The measures of benthic and water column effect of marine farms in Marlborough stay within accepted guidelines.</del></p>  | <p><del>Monitoring of water quality and benthic health in sentinel locations within the enclosed waters of the Marlborough Sounds to assist understanding of cumulative adverse effects and the state of the coastal environment.</del></p>  |

**Commented [ 139]:** Marine Farming Association and Aquaculture New Zealand  
ENV-2023-CHC-61

**Commented [ 140]:** Sanford Limited  
ENV-2023-CHC-73

**Commented [ 141]:** Kenepuru and Central Sounds Residents Association Inc.  
ENV-2023-CHC-48  
New AER

Appendix