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**Marlborough Sounds  
Maritime Planning Authority**

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**PROPOSED  
MARLBOROUGH SOUNDS  
MARITIME PLANNING SCHEME**

**July 1988**

# PROPOSED MARITIME PLANNING SCHEME

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**PART A:  
INTRODUCTION**

**PROPOSED MARITIME PLANNING SCHEME****PART A : INTRODUCTION****1. THE PHILOSOPHICAL FRAMEWORK OF THIS SCHEME**

1.1 Physical and environmental qualities make the Marlborough Sounds<sup>1</sup> attractive and suitable for a wide range of interests. The Marlborough Sounds Maritime Planning Authority<sup>2</sup> wishes this potential to be both utilised and retained. The Authority promotes this as its overall goal in this Maritime Planning Scheme.<sup>3</sup>

1.2 The Authority recognises potential for conflict between environmental qualities and some activities, and between various activities themselves. For these reasons, the overall goal is supported by two secondary goals:

**1.3 Overall Goal**

To provide for multiple use of the Marlborough Sounds in a way which is compatible with the physical and environmental qualities of the area.

**1.4 Secondary Goals**

(i) To maintain, and improve where appropriate, the physical and environmental qualities of the Marlborough Sounds.

(ii) To provide a process for resolving conflicts between competing interests.

1.5 In the context of these goals, the Authority has sought to create opportunity for a wide range of activities or developments to be pursued in the Maritime Planning Area.<sup>4</sup> This Scheme therefore facilitates a process where proposals generated in the market-place or in an entrepreneurial context beyond the Authority's direct experience can be evaluated against widely held values about the attributes, resources and opportunities of the Marlborough Sounds.

1.6 With the exceptions of marine farming and port development, the Scheme has deliberately avoided allocating locations for particular categories of uses. In the 1500km coastline of the maritime planning area, there are numerous sites where developments - such as marinas or tourist facilities - could be undertaken according to an entrepreneur's assessment of the assets of the location and the interests of the market. To identify all such sites in this Scheme would distort the conservation/development balance of the Scheme. It might also create misplaced confidence in the number of such facilities likely to be viable in the Area. To nominate

1. Also referred to as: the Sounds
2. Also referred to as: the Authority
3. Also referred to as: the Scheme
4. Also referred to as: the Area

some sites rather than others would artificially affect property values in particular locations. The Authority has not seen a need to direct market preferences except in the two matters referred to above.

- 1.7 Instead the scheme creates the opportunity for proposals to be advanced as applications, and states the principal values which should be maintained or enhanced in considering any development proposal. This approach has been adopted to ensure the planning process represented by the Scheme remains responsive not only to changing development interests but also to the continually evolving attitudes towards the attributes, resources and opportunities of the maritime planning area.
- 1.8 In working towards the goals of the Scheme, the Authority will endeavour to apply values which reflect community aspirations. However, the Authority recognises there are several communities with varying interests in the Sounds. These communities include, for example: people gaining their livelihood from the area, people using the Sounds primarily for residential and recreational purposes, and people having a professional or other special interest in the Sounds - either generally, or in a particular aspect such as the natural environment or historical associations of the area.
- 1.9 It is recognised that community interests will not remain static. Continued response by the public throughout the administration of the Scheme will be necessary to ensure the values of the Scheme continue to reflect community interests. The Authority recognises that the Town and Country Planning Act 1977,<sup>1</sup> by specifying public notification procedures, requires the Authority to be responsive to community and individual interests. The Authority is aware that the Act contains an equal responsibility for the Authority to give a lead in the management of the Sounds marine resources. These dual responsibilities emphasise the political as well as the technical component of the planning process.
- 1.10 The Authority considers this Scheme must be a positive document in the sense of both creating opportunities for development to take advantage of the natural attributes and resources of the Area, and in maintaining or enhancing the values adopted in the Scheme. This obviously requires controls which will be restrictive on some forms of development, but a major purpose of the Scheme is to provide a process for considering possible changes and developments within a frame-work of generally accepted values. The scheme is not based on revision of what the Sounds should be like in 10 or 15 years time. Instead it is designed to help the community ensure that the pursuits of individual members are channelled towards values recognised by the whole community.
1. Subsequently referred to as: the Act

- 1.11 A dominant influence on the approach taken in the preparation and administration of this Scheme is the fact that the waters and marine resources of the Sounds are in public ownership. The concepts of guardianship and sustainable use of resources are central to the role of the Authority and this Scheme. Private use of these resources must be tempered by consideration of retaining the resources for the use and enjoyment of future generations. This leads to the view that permission for development involving public resources cannot be assumed as of right for individuals.
- 1.12 The Authority does not wish to allocate areas exclusively for any one activity unless there is demonstrable incompatibility with other uses. Instead the Authority wishes to ensure that a use does not have effects beyond the immediate vicinity of its site which would preclude other activities in that general area. This principle governs many proposals in this Scheme, but it remains a principle which is not easily achieved in all cases.
- 1.13 The Authority recognises that one of the implicit reasons for undertaking a planning scheme is to increase the degree of certainty about what can and cannot be done in the planning area. That is, a planning scheme may create rights to carry out certain works or activities, or it may create rights to object to particular classes of activity.
- 1.14 Whereas land use planning restricts an owner's right to use private land as he wishes, maritime planning controls the extent to which a public resource is used for private purposes. Consequently the greater need for certainty in maritime planning is the extent to which the public asset will remain available for use and enjoyment by the widest range of groups among the public.
- 1.15 The concept that a developer should be entitled to permission unless his proposal has demonstrable negative effects may have some relevance with regard to the rights of private property owners in land use planning. But this concept has little place in the management of public resources where the risk of harm is as important as the certainty of harm.
- 1.16 The varied characteristics of different locations throughout the Sounds have made the development of specific conditions or requirements for various categories of use difficult to achieve. Some criteria remain subjective, dependent on the judgement of individuals in each case.
- 1.17 In this Scheme, policies have been developed to the level of procedures and criteria for assessing proposals throughout the Sounds. It may be necessary in future to prepare development plans for specific locations, allocating space for particular activities and setting limits on the number and location of structures in the area. This has not been done at this stage, as the need for such detail has not been apparent. Also it is considered preferable to obtain public endorsement of the general principles, objectives and policies of the Authority before applying them in greater detail.

- 1.18 A further point to be stressed is the close inter-relationship between activities and interests in the maritime planning area and those on the adjoining land. One aspect of this is the Authority's role in assessing the likely consequences for the maritime planning area of land use decisions and land management practices. This may lead to opposition to particular land use proposals where the Authority considers there is risk of detriment to some aspect of the maritime environment or to values held in relation to the Area.
- 1.19 This Scheme has been prepared under Part V of the Town and Country Planning Act 1977. It should be used in conjunction with the Act, as the Scheme does not include extensive references to the Act.



**PART B:  
BACKGROUND TO THIS MARITIME  
PLANNING SCHEME**

**PART B : BACKGROUND TO THIS MARITIME PLANNING SCHEME****1. ORIGINS OF MARITIME PLANNING IN THE MARLBOROUGH SOUNDS**

- 1.1 The drowned river valleys which form the Marlborough Sounds create an extensive and intricate system of land forms and waterways. Bays and inlets alternate with headlands and steep ridges. Stretches of water vary in scale from secluded bays which give a strong sense of privacy, to more extensive regions in the Outer Sounds. The landform is predominantly steep and generally this continues in the underwater profile. Depths of 40-60m are common in both major Sounds, with depths of 20-35m common in many of the major bays except in the inner parts of Pelorus Sound. Exceptions are in the upper regions of the Sounds and at the heads of bays where wider valley floors and a tidal seabed have been built up by natural processes of erosion and sedimentation. These processes have been hastened more or less by different uses which have been carried out in catchments draining into the Sounds.
- 1.2 The juxtaposition of land and sea is a strong component of the physical nature of the area, the uses to which it has been put and the image of the area held by both residents and visitors to it.
- 1.3 The Marlborough Sounds have had a history of logging, farming, whaling, mining, fishing, sea transport and tourism-including both guest houses and private holiday baches. All of these activities carried out since European occupation of the area have substantially modified the surface features of the Sounds and some of the natural processes in the area. The extent to which Maori people had previously modified the area is not clear.
- 1.4 Until the 1970's and the beginning of the marine farming industry, the main uses of the water areas of the Sounds were : recreational and commercial fishing, commercial water transport (including the inter-island ferry route) and recreational boating. Marine farming drew attention to three factors:
- (i) A perceived change to the traditional right of access by boat throughout the whole of the Sounds, raising the issue of competition for water space;
  - (ii) Marine farms constituted a new component in the appearance of the Sounds;
  - (iii) The potential for conflict between land use practices and uses of the water area was realised.
- 1.5 During the early 1970's four Government departments<sup>1</sup> combined to carry out studies of interactions between activities in the Sounds - including uses of the water area as well as those on the land. This work led to the publication in 1976 of "A Strategy for the Conservation and Development of the Marlborough Sounds."

1. **Ministry of Agriculture & Fisheries**  
**NZ Forest Service**  
**Department of Lands & Survey**  
**Ministry of Works & Development**

- 1.6 Also during this period there were a number of joint studies by the Ministry of Agriculture and Fisheries in conjunction with local and central government organisations to determine appropriate locations for marine farming in the Sounds. This was represented by the plan gazetted by the Minister of Agriculture and Fisheries in 1979, for a period of 5 years, which declared areas not available for marine farming.
- 1.7 In 1977, the revised Town and Country Planning Act included a new Part V "Maritime Planning" which provided the basis for a more formalised and co-ordinated response to potential opportunities and conflicts in marine areas where these were becoming more apparent.

## 2. THE STATUTORY BASIS FOR MARITIME PLANNING

- 2.1 Part V of the Town and Country Planning Act 1977 gives the statutory basis for maritime planning.

- 2.2 Two primary steps are:

- (i) The constitution of a Maritime Planning Area;
- (ii) The appointment of a Maritime Planning Authority.

These steps are the prerogative of the Governor General and are promoted by Order in Council, on the advice of the Ministers of Works and Development, Conservation and Transport.

- 2.3 The maritime planning area for the Marlborough Sounds was established by Gazette Notice on the 28th of August 1980. The notice also appointed the Marlborough Harbour Board to be the Marlborough Sounds Maritime Planning Authority. (Appendix I to this Scheme is a copy of the Gazette notice).
- 2.4 A third requirement for effective maritime planning is publication of the statements of policy and procedure by which the Maritime Planning Authority will meet the opportunities and obligations created by Sections 3, 4 and Part V of the Act, and the Third Schedule to it. (Copies of those parts of the Act form Appendix II to this Scheme).

Those statements comprise this Scheme.

- 2.5 The Act also imposes an obligation for this Scheme to promote the objectives and policies of the Regional Planning Scheme of the Marlborough United Council. The Act requires that in any conflict between the two schemes, the Regional Planning Scheme will prevail over provisions of this Maritime Planning Scheme.

The Authority considers this Scheme meets those obligations imposed by the Act and that there is no conflict between the provisions of the two schemes.

### 3. PREPARATION OF THE MARITIME PLANNING SCHEME

3.1 The Authority embarked on the preparation of a Maritime Planning Scheme in 1981, by following the requirement of Section 103 of the Act for publication of a preliminary statement of its intention to prepare a scheme. This drew 407 responses from individuals and organisations expressing a wide range of views, many of which are, not surprisingly, mutually incompatible.

3.2 This and other information resulted in the Authority giving priority to planning for marine farming. A sub-committee of technical officers from central and local government involved in the management of the Marlborough Sounds participated in a comprehensive assessment of numerous factors by inspections of the entire Sounds coastline. This work was carried out between 1981 and 1984.

3.3 The Authority then recognised that the conflicts identified by the marine farming study could not be resolved without further work on other activities in the Sounds. A decision was made not to publish the marine farming work as a separate first section of a maritime planning scheme, but to continue working towards a scheme dealing with all major maritime planning issues in the Sounds in an integrated manner.

3.4 The preparation of the Scheme has benefitted from the experience gained by the Authority in dealing with applications for a variety of proposals, which it has considered under Section 102A of the Act. The preparation of the scheme has also benefitted from the Authority's participation in:

- The planning processes carried out by other agencies in the Marlborough Sounds area;
- Seminars and discussions of resource management issues and techniques, held by various organisations;
- The processes of legislative review which are reorganising the management of public resources.

It also benefitted from the responses to the preliminary statement referred to in paragraph 3.1 above.

3.5 From this background the philosophical framework for this Scheme, presented in Part A, was evolved.

4. RELATIONSHIP WITH OTHER LEGISLATION AND STATUTORY BODIES

4.1 The Authority is one of several public bodies with legislative responsibilities affecting land and water use in the Marlborough Sounds. Most development proposals in the maritime planning area will require consent or approval in different forms from more than one body and under more than one Act.

4.2 Section 114 of the Act describes the relationship between maritime planning and other legislation:

"114 Saving of other Enactments

1. The provisions of this Part of this Act are in addition to and not in substitution for or derogation of the provisions of any other enactment.
2. Compliance with the provisions of any other enactment shall not confer any permission, relief, or exemption from liability under this Part of this Act:

Provided that nothing in this Part of this Act shall be construed to limit or affect any right or authorisation permitted or authorised under the provisions of the Water and Soil Conservation Act 1967."

4.3 Section 114 establishes a specific relationship between maritime planning and water and soil conservation matters. In other cases such as fisheries management, the Ministry of Agriculture and Fisheries and the Authority have some discretion as to the way fisheries matters are dealt with in fisheries management plans and maritime planning scheme respectively. This creates a need for the two organisations to resolve which aspects of fisheries management each can do more effectively than the other. At a third level it may be necessary for various consents to be obtained in a specific order, or for all consent applications to be considered simultaneously through a joint hearing process. This latter aspect is currently being pursued by the Ministry for the Environment in its review of environmental assessment procedures.

4.4 The purpose of this section of the Scheme is to acknowledge that the role of the Authority and the function of maritime planning is one aspect of a complex system of resource management agencies and statutes operating in the Sounds. Those most commonly involved are listed below.

(i) Agencies

Government Department  
Ministry for the Environment  
Department of Conservation  
Ministry of Transport  
Ministry of Agriculture and Fisheries  
Ministry of Forestry

Local Authority

Marlborough Harbour Board  
Marlborough United Council  
Marlborough County Council  
Picton Borough Council  
Marlborough Catchment and Regional Water Board

(ii) Legislation

Conservation Act 1987  
Environment Act 1986  
Fisheries Act 1983  
Harbours Act 1950  
Marine Farming Act 1971  
Marine Pollution Act 1974  
Marine Reserves Act 1971  
Water and Soil Conservation Act 1967

- 4.5 The preparation of this Scheme has drawn attention to inter-relationships between the responsibilities and processes of the Authority, and those of other central and local government agencies under different legislation. Instances of overlapping responsibilities and duplicated procedures occur. In some cases there is a lack of adequate control despite the abundance of legislation and administrative bodies affecting the maritime planning area.
- 4.6 These matters have been referred to Mr A Hearn for his review of the Act, with requests that legislation be clarified where appropriate.

**PART C:  
IMPLEMENTATION**

**PART C : IMPLEMENTATION****Objectives, Policies and Procedures, Relating to Issues, Uses, Works and Activities.****1. INTRODUCTION**

- 1.1 This part of the Scheme sets out the objectives, policies and requirements which the Authority will apply in administering its responsibilities in the maritime planning area.
- 1.2 Objectives and policies, without requirements, are given for the first seven topics. These relate to general issues in the maritime planning area, the objectives and policies reflecting values which the Authority considers should apply over the range of activities occurring in the Area. They also apply in the Authority's responsibility to monitor the relationship between maritime activities and activities on the adjacent land (Third Schedule to the Act, clause 9).
- 1.3 Requirements are included for the subsequent thirteen topics which cover uses, works or activities which must conform to this Scheme or for which consent must be sought under this Scheme. The requirements include procedures for seeking consent.
- 1.4 The objectives, policies and requirements for the various topics all interact. Decisions on any particular matter must take this into account. This is a major reason for grouping all objectives, policies and requirements in a single part of the scheme, instead of presenting them as a conclusion to the discussion of each topic.

**2. TOPICS COVERED IN THIS PART OF THE SCHEME**

- 2.1 Objectives and policies are given for seven dominate issues:

Public Ownership  
 Maori Concerns  
 Historic Concerns  
 Economic Development  
 Adjoining Land Use  
 Water Quality  
 Ecological and Environmental Concerns

Discussions of these issues is given in Part D of the Scheme.

- 2.2 Objectives, policies and requirements are given for thirteen categories of use, work or activity occurring or anticipated in the maritime planning area. These are:



Foreshore Structures  
Port Development and Harbour Works  
Reclamation  
Dredging  
Log Loading Areas and Log Transport  
Moorings  
Effluent Discharges  
Shoreline Erosion, Siltation, Beach Protection and  
Enhancement  
Shipping, Navigation (including Recreational Aspects)  
Marine Farming  
Fisheries  
Marine-Related Industry  
Mining

Discussion of these uses, works and activities is given in Part E of this Scheme.

2.3 General Criteria for Assessing All Development Proposals.

2.3.1 In assessing all proposals for uses, works and activities in the Maritime Planning Area, consideration will be given to the following general criteria.

- a) Whether the proposal requires a foreshore or water-based site for its operation, or whether it can be accommodated on land?
- b) Whether the purpose of a proposal can be met by alternative means which are more compatible with the physical and environmental qualities of the area.
- c) Significant natural, recreational, cultural or spiritual values which might be adversely affected.
- d) Whether the site is a unique or important habitat, or contains rare or endangered species, or is important as part of a wider ecosystem.
- e) The likely impact on visual values associated with the area.
- f) Whether the use is likely to cause or contribute to instability of the seabed, shoreline or structures in the vicinity.
- g) The likelihood of significant nuisance being generated from the proposed use to other users of the resource or area.
- h) The benefits, public or private, expected to accrue from the proposal if implemented.

These criteria are in addition to any matters specified in the remainder of Part C of this Scheme.

**3. PUBLIC OWNERSHIP****3.1 OBJECTIVE**

3.1.1 To retain public ownership of the resources and amenities of the maritime planning area and to retain the public rights to access to them, so they remain available for use and enjoyment by future generations.

**3.2 POLICY**

3.2.1 The retention of public ownership and public access will be major principles considered in assessing all proposals for development in and adjacent to the maritime planning area.

**4. MAORI CONCERNS****4.1 OBJECTIVES**

4.1.1 The incorporation of Maori values, attitudes and perspectives in the continuing development of this Scheme, through scheme changes and subsequent reviews and in the administration of the Scheme.

**4.2 POLICIES**

4.2.1 To establish and maintain consultation with the Maori people, through Maori representation on the Maritime Planning Committee and/or by other means which Maori people consider appropriate and effective.

4.2.2 To use the scheme change process to promote identification and/or protection of areas, features or aspects of the maritime planning area important to Maori people, as information is provided or representation made to the Authority.

4.2.3 To invite Maori people to express their concerns to the Authority at any time.

**5. HISTORIC CONCERNS****5.1 POLICIES**

5.1.1 In assessing development applications, reference will be made to the "Historic Places Inventory : Marlborough Sounds", updated in 1986 by the Historic Places Trust.

5.1.2 The Authority will seek to develop policy towards matters of historic importance in consultation with the New Zealand Historic Places Trust, the Department of Conservation and the Maori people of the area.

**6. ECONOMIC DEVELOPMENT****6.1 OBJECTIVE**

6.1.1 To facilitate the realization of economic benefits from the resources and amenities of the Sounds.

**6.2 POLICIES**

6.2.1 To take into account the likely economic benefits of proposed economic activities in assessing their suitability to be located in the maritime planning area.

6.2.2 To assess the likely effect of each economic activity on the resources, amenities and other activities of the Sounds in assessing their suitability to be located in the maritime planning area.

6.2.3 To improve understanding of the economic importance of non profit-motivated activities in the Sounds.

6.2.4 To introduce changes to this Scheme for any new economic developments which can be encouraged in the Sounds without compromising the principles of this Scheme.

6.2.5 To use the procedure of exceptions to the Scheme, in assessing the merits of allocating parts of the public resource to the proposers of new "one-off" forms of economic activity.

6.2.6 To apply the above objective and policies in relation to issues of land use and management, participating in procedures under district planning schemes and matters under the Water and Soil Conservation Act 1967 as appropriate, as well as in the administration of this Scheme.

**7. ADJOINING LAND USE****7.1 OBJECTIVE**

7.1.1 To contribute to integrated management of land and water areas in the Sounds despite mean high water mark being an arbitrary boundary segregating administrative responsibilities between various agencies.

**7.2 POLICIES**

7.2.1 The water use demands of adjoining land uses will be taken into account when providing for activities within the maritime planning area.

7.2.2 The Authority will comment on adjoining land use planning procedures and policy developments with respect to the effects that particular land uses are likely to have on the use and enjoyment of the maritime planning area.

- 7.2.3 To promote recognition of the relationship between land and water uses in the Sounds.
- 7.2.4 To encourage the adoption of management practices in both land and water environments which will have minimal adverse effect in adjoining areas of the environment.
- 7.2.5 To ensure that all interests in the Sounds are considered in the development of port facilities at Picton and Havelock.

8. WATER QUALITY

8.1 OBJECTIVE

- 8.1.1 The Authority seeks to achieve water quality throughout the maritime planning area at a level which:
  - a. is suitable for the taking and consumption of seafoods in their raw state, without health risk to consumers;
  - b. is suitable for water contact recreation;
  - c. is compatible with Maori values;
  - d. imposes no physiological risk to species in the natural ecology of the area, nor in aquaculture operations;
  - e. promotes the image of the Sounds as an area of clean, unpolluted water.

8.2 POLICIES

- 8.2.1 To support Marlborough Harbour Board bylaws aimed at preventing pollution in harbour waters, and marinas in particular.
- 8.2.2 To impose requirements of this Scheme, or conditions of consent, to minimise the potential for pollution arising from developments or operations authorized by or under the provisions of this Scheme.
- 8.2.3 To support research into water quality in the maritime planning area which will establish natural water quality levels and parameters, and which will identify or postulate probable changes to natural water quality from developments or operations in or affecting the maritime planning area.
- 8.2.4 To advocate maintenance of the Authority's water quality objective in land-use planning and water right processes.
- 8.2.5 To assist the Marlborough Catchment Board and Regional Water Board in establishing conditions related to water quality in considering for water right applications for discharge into the maritime planning area.

- 8.2.6 To support policies of the Ministry of Agriculture & Fisheries and Department of Conservation aimed at identifying and minimising the water quality impacts of marine farming.
- 8.2.7 To promote the concept of a national 'code of practice' for influencing public attitudes towards the disposal of sewage, rubbish and other wastes at sea.
- 8.2.8 To identify and protect areas and values of concern to Maori people, in relation to water quality.

## 9. ECOLOGICAL AND ENVIRONMENTAL CONCERNS

### 9.1 OBJECTIVE

- 9.1.1 To maintain the range of natural habitats, and the diversity of species and ecological systems in the maritime planning area.

### 9.2 POLICIES

- 9.2.1 To recognize recreational, economic and heritage factors as contributing to the importance of the Sounds ecology.
- 9.2.2 To support research into ecological and biological processes in the Sounds, especially the inter-dependence between species and the consequences of disturbance to natural processes.
- 9.2.3 To require an ecological and environmental assessment of the likely consequences of new uses, developments or operations, including marine farming, commercial fishing and port facilities, before their approval and/or introduction.
- 9.2.4 To respond to planning applications and scheme changes under the Marlborough County Council district scheme, and water right applications to the Marlborough Catchment Board and Regional Water Board, where they constitute a likely threat to the marine environment and ecological systems.
- 9.2.5 To support the establishment of marine reserves for the purposes of protecting habitats which are:
- \* unique;
  - \* rare;
  - \* examples of a distinct ecological niche;
  - \* supporting rare or endangered species;
  - \* representative examples of the Sounds environment.
- and which will also serve as a baseline for which to measure, in future, the extent to which the natural environment of the Sounds has been modified.

- 9.2.6 To oppose the exploitation of any indigenous species beyond sustainable limits, taking into account the effect that the harvesting of one species will have on the ecosystem of which it is a component.
- 9.2.7 To declare the following shallow estuarine or wetland areas to be protected areas, requiring any development proposals involving structures or new activities in, or impinging on, those areas to be notified as exceptions to this Scheme, under section 110 of the Act:
- a. Whangarae Bay (Croisilles Harbour)
  - b. Head of Nydia Bay
  - c. Havelock and environs ie: the Pelorus and Kaituna estuaries, and Kaiuma Bay, contained by a line from Okahoka Point to the south eastern corner of the reserve on the northeast side of Kaiuma Bay.
  - d. Ohinetaha Bay (Mahau Sound)
  - e. Okiwa Bay (West of a line between the Outward Bound School jetty at Anakiwa and the Marlborough Harbour Board jetty at The Grove.
  - f. Head of Whatamango Bay
  - g. Head of Kenepuru Sound ie: east of Sandy Bay and Ohauparuparu Bay.

10. **FORESHORE STRUCTURES**

10.1 **OBJECTIVE**

- 10.1.1 To maintain the relatively natural character and quality of the coastline while meeting reasonable needs of Sounds property owners for safe and practical access between vessels and land, and safeguarding the land itself.

10.2 **POLICIES**

- 10.2.1 To provide a procedure for applications for foreshore structures which:-
- a) distinguishes between applications which warrant public notification and those which do not, to avoid the need for all applications to be notified;
  - b) provides for the opinions of other affected parties to be considered;
  - c) provides opportunity for an application to be notified if any matters of opinion are disputed.
  - d) provides for the controls needed to avoid a proliferation of structures which would otherwise compromise the remaining natural character of the Sounds.
- 10.2.2 To achieve joint use of foreshore structures - existing and new - as far as is practical.

(The Authority will recommend to the Marlborough Harbour Board that the licensee of an existing foreshore structure should be required to make that facility available to another party, under the terms of the Board's Foreshore Licence, where an applicant has a justifiable need for jetty access but where the Authority considers a further structure would be contrary to the public interest.)

- 10.2.3 To regard jetties primarily as a means of access between vessel and land, not as providing berthage alongside for extended periods, if this reduces the availability of the jetty for other users.
- 10.2.4 Where practical, foreshore structures should be located so that their impact on the natural environment is minimised : for example, at one end or other of a beach, to maximise the availability of beaches for use by the general public.
- 10.2.5 To assess boatshed proposals against the interests of adjoining property owners and the general public in the accessibility and use and the natural and scenic qualities of the particular stretch of coastline affected.
- 10.2.6 To promote the concept that boatsheds should be visually in harmony with their location, by controlling their design and scale, and by encouraging the use of colours which are not discordant with their surroundings.
- That is:
- a) encouragement will be given to colours which are in harmony with these of the surrounding landscape;
  - b) consideration will be given to colours which produce an acceptable contrast with those of the surrounding landscape, eg: colours in the yellow/orange range contrasting with background colours in the green/brown range.
  - c) The use of discordant colours eg: those in the blue/purple/pink/grey ranges where the dominant background colours are green/brown, will be opposed.
- (The subjective nature of these policies is acknowledged.)
- 10.2.7 To recognize that while a proposal may be in accord with existing developments, it may still detract from the amenities of the area.
- 10.2.8 To recognize there is no obligation on the Authority to make public space available for private needs which cannot be met on the applicant's own property.
- 10.2.9 To monitor the need to prepare "foreshore structure development plans" for the more intensively developed parts of the foreshore.

10.3 REQUIREMENTS

10.3.1 Any person or organisation proposing a foreshore structure in the maritime planning area is required to make application to the Authority for approval.

10.3.2 Any application for a foreshore structure, must include the following information;

- a). Locality map : A map identifying the applicant's property and the site of the proposed foreshore structure, is required. A 1:10,000 cadastral map will be sufficient in most cases.
- b). Site plan : Plans showing the position of the structure in relation to the applicant's property boundaries, the Sounds Foreshore Reserve and the configuration of the shoreline in the vicinity, are required.
- c). Structural plans : The Marlborough Harbour Board standard plans (with the dimensions completed) or alternative structure plans will be required. Sufficient detail must be provided for assessment of the likely effects of the structure.
- d). Seabed Profile : A plan or description showing the seabed profile at the site of the structure and showing the water depth at high and low tide, is required.
- e). Vessel Description : The length and draught of vessels which the structure is intended to serve should be stated, also the number of vessels likely to be using the facility at any one time.
- f). Site Description : Description of the seabed, foreshore and land immediately behind the terms of: material - sand, gravel, rock ; vegetative cover ; ease of access ; and scenic qualities.
- g). Further Information : Further information or more detailed plans may be required by the Planning Officer if necessary for the proper assessment of a proposal.

10.3.3 Boatsheds must :

- a) Conform to the standard plan included as Appendix III to this Scheme;
- b) Be no greater than 5m in width;
- c) Be painted in accord with policy 10.2.6 as determined by the Authority under Requirement 10.3.5.



## 10.3.4 The Planning Officer will assess the following:

- a) Whether an existing structure could reasonably serve the applicant's needs.
- b) Whether the proposed structure could reasonably serve other properties.
- c) People or organizations whose interests could be adversely affected by the proposal, and whose consent should be required.
- d) The likely effects of the proposal on the amenities of the area. This assessment will cover:
  - (i) The appearance of the area
    - \* Would the structure be the first in a discretely recognizable section of the coastline?
    - \* Are existing foreshore structures part of the character of the area?
    - \* Would further foreshore structures aggravate the detrimental effects of existing foreshore structures on natural values in the vicinity, or precipitate a detrimental effect if further foreshore structures were built in the vicinity?
    - \* The scale, form and colour of the proposed structure.
    - \* Whether the structure is to be sited in a prominent or inconspicuous location.
  - (ii) Access along the foreshore, including the extent to which the area is used or is likely to be used by the public rather than only the applicants.
  - (iii) The use of the adjoining waters ie: whether the proposal will create a navigational hazard, or interfere with established or potential uses of the area whether recreational or otherwise.
  - (iv) The need for an access track across the Sounds Foreshore Reserve.
  - (v) The need for vehicle access or parking areas.
  - (vi) Consideration of any likely nuisance to adjoining property owners.

10.3.5 An application will then be referred to the Authority which will determine:

- a) Whether or not the application should be approved.
- b) If approval is proposed, the Authority will nominate :
  - (i) what consents will be required (if any); (ii) which other properties are to be served by the structure (if any); and (iii) any conditions considered necessary to minimize the impact of the structure.
- c) If consents are not obtained, or an applicant disputes any matter of judgement or the conditions imposed in the Authority's decision, then the application may be pursued as an exception to this Scheme, through the notified application procedure of Section 110 of the Act. Note: the commencement of notified application procedures will nullify any prior approval. The application will then be determined solely through the notified application procedure.

10.3.6 Locations Where Existing Foreshore Structures Are Deemed Sufficient to Meet An Applicant's Needs.

Where provision has already been made, whether under this Scheme, by the Marlborough Harbour Board or in any other way, for a property to be served by an existing or approved foreshore structure, any proposal for a further similar structure to serve that property will be regarded as an exception to this Scheme and will be subject to the procedures of Section 110 of the Act.

10.3.7 Additions and Alterations to Existing Structures.

- a) Application for additions or alterations must be accompanied by a statement of the need for the proposal.
- b) Applications will be considered under the normal procedures for foreshore structure applications, as far as they are applicable in each case.

## 11. PORT DEVELOPMENT AND HARBOUR WORKS

### 11.1 GENERAL OBJECTIVES

- 11.1.1 To provide for the port facilities and harbour works needed to : (a) support and encourage economic developments in the Sounds; (b) maintain Picton's role in the North Island / South Island transport link; (c) develop Picton's potential as a deep water port for export commodities; (d) facilitate access to properties and activities in the Sounds.

- 11.1.2 To confine port development to the existing locations of Picton and Havelock, and Shakespeare Bay.
- 11.1.3 To ensure the public have opportunity to debate proposed port developments and harbour works.
- 11.1.4 As far as is practical and compatible with other objectives of this Scheme, to give the Marlborough Harbour Board and other proponents of port developments and harbour works, the security of knowing their proposals can proceed as and when necessary, with some flexibility to meet changing needs.
- 11.1.5 To ensure that port developments, harbour works and port operations do not affect the use and enjoyment of the maritime planning area for other purposes beyond the immediate site of those works and activities.

11.2 GENERAL POLICIES

- 11.2.1 The Harbour Board or other developer should prepare a concept plan and discuss that plan with all parties or interest groups likely to be affected by the proposals.
- 11.2.2 The Board or developer should then prepare a development plan, together with a statement of any issues raised in response to the concept plan but which are not resolved in the development plan.
- 11.2.3 The Board or developer should then :

EITHER

Request that the development plan be incorporated in the Scheme by way of scheme change.

OR

Lodge an application for consent to an exception to the Scheme for all or any part of the works shown in the development plan.

- NOTE i) Incorporation of the development plan in the Scheme would be sufficient authorisation for the proposed works to proceed, at least insofar as the Town and Country Planning Act procedures are concerned.
- ii) The Authority will not necessarily initiate a scheme change simply as a result of a request to do so.

- 11.2.4 All port developments and harbour works not incorporated in this Scheme as part of a development plan, or any variation to works or developments incorporated as part of a development plan, will require application as exceptions to this Scheme under Section 110 of the Act.

11.2.5 A development plan must include sufficient detail to eliminate any uncertainty about the purpose, location, scale and likely effects of any of the proposed works or port operations before it can be incorporated in this scheme via the Scheme change process. Where insufficient detail is included in a development plan or where detailed information is not yet available, the Authority may incorporate a proposal in the Scheme as a concept plan only, requiring application for consent as an exception for any part of the proposed work.

11.3 REQUIREMENTS FOR REQUESTS FOR THE INCORPORATION OF DEVELOPMENT PLANS IN THIS SCHEME AND FOR APPLICATIONS FOR CONSENT TO EXCEPTIONS FROM THIS SCHEME

11.3.1 Proposals must be accompanied by sufficient plans and documents to accurately describe all proposed uses and to accurately identify the location and scale of all proposed structures, works and uses, in order that their likely operational effects can be identified.

11.3.2 Proposals must be accompanied by an environmental impact assessment, including a statement of the views of parties considered likely to be affected by the proposal in terms of environmental impact.

11.3.3 Where a proposal includes reclamation, it must include a statement addressing:

- a) Why reclamation is necessary, including whether alternative onshore sites exist and reasons why they have been discarded.
- b) Reasons why the particular site has been chosen.
- c) The public benefit to be gained from permitting the reclamation over an area of public seabed.
- d) The degree of certainty that the intended use will proceed.
- e) Justification for the proposed use of the reclamation.
- f) Any physical limitations on the uses to which the reclamation could be put when completed.
- g) The extent to which the reclamation will be serviced with water supply, sewage and stormwater disposal, three phase electricity supply.
- h) Measures to contain the work and materials within the specified area of work.
- i) Proposed treatment of finished surfaces.

11.3.4 Any reclamation proposal must be accompanied by a survey plan prepared by a registered surveyor, identifying the extent of the proposed work.

11.3.5 Where a proposal includes dredging, it must be accompanied by a statement addressing:

- a) Why dredging is necessary
- b) The likely effects of dredging on the marine ecology in the vicinity.
- c) The likely effects of dredging on the stability of the seabed, shoreline and structures in the vicinity of the work.
- d) The likely effects on wave action, erosion and sedimentation processes.
- e) The location of the proposed dump site.
- f) Likely effects of the disposal of dredgings at the dumping site.

#### 11.4 ASSESSMENT CRITERIA

- 11.4.1 The following list indicates the range of factors the Authority may consider when assessing a request for a development plan to be incorporated in this Scheme or an application for an exception to the Scheme. Not all of these factors will apply in every case, but the Authority may request information on any of these matters prior to notifying a proposal or prior to the hearing of a proposal, whether as a scheme change or as a notified application.
1. The need for the proposed use, work or activity:
    - at all;
    - at the scale proposed;
    - in the form proposed;
    - at the location proposed.
  2. Why is the proposal preferred over any alternative way of meeting the need?
  3. The degree of commitment by the developer and/or intended users to the purposes of the development.
  4. Economics of the proposal eg: costs, level of charges required to cover costs, level of charges required to return X% on investment, acceptability of likely charges to potential users.
  5. What immediately apparent or most likely alternative use of the site will be foregone if the site is used for the proposed purpose?
  6. Are there alternative sites for the proposed development and, if so, why were they discarded?
  7. The expected benefits of the proposal.
  8. The availability of any existing alternative facility to meet the purpose of the proposal.
  9. What probability of further expansion is inherent in the proposal?

10. To what extent is the proposal likely to be a catalyst for other development in the area?
11. Additional uses which could be made of the structures or works if approved and constructed.
12. The policies of local authorities for the adjoining land.
13. What are the likely effects of the proposal on existing uses of the area?
  - a) The visual impact of the proposed works and uses.
  - b) The effects of the development on public use and enjoyment of the adjoining foreshore, waters and seabed.
  - c) The effects of the proposal on the stability of the seabed, shoreline and structures in the vicinity.
  - d) The likelihood of nuisance from the proposed uses e.g. dust, effluent, debris, noise, flotsam and jetsam.
  - e) Effects on shipping and smallcraft movements in the area.
14. What is the susceptibility of the proposed work to earthquake damage, including any likely risk associated with the intended uses.
15. Whether or not the proposal amounts to the wise use and management of New Zealand's resources, for example;
  - \* What resource use does the proposal promote?
  - \* What resources does the proposal consume?
  - \* What resources does the proposal affect?
  - \* How does it affect them?
16. What is the natural character of the particular location?
17. What changes to the natural character of the area would the development generate?
18. To what extent can these be minimized or the natural character of the area reinstated?
19. To what extent could the environment be expected to re-establish itself in a similar or modified form after the proposal is implemented?
20. What is the importance of the site in its present form as a particular type of marine habitat, or as part of a wider ecological system;

- \* To the general public?
  - \* To any particular interest group?
  - \* To any individual or organization having relevant special expertise?
  - \* To Maori interests?
  - \* Intrinsically?
21. What is the present state of the site and can it be improved as a wild life / marine life habitat?
  22. What are the likely consequences of the development for plant, animal, bird or fish life?
  23. Is the proposal limited to a single event structural change to the environment, or will there be continuing effects such as effluent discharge, rubbish disposal or runoff creating further changes in environmental conditions?
  24. What are the likely effects of the development and its intended uses on water quality?
  25. What are the effects of the proposal on the physical character and structure of the location and the environs e.g. reclamation in Picton or Havelock Harbours?
  26. In summary, who benefits from the proposal, who is disadvantaged by the proposal and on balance, does the proposal promote or detract from the public interest?

11.5 **OBJECTIVE FOR PICTON HARBOUR**

- 11.5.1 That the waterfront of Picton Harbour remains an attractive asset integrated with the recreational and commercial areas of the town, while economic benefits of the area are realized.

11.6 **POLICIES FOR PICTON HARBOUR**

- 11.6.1 The following features are important aspects of the character of Picton Harbour and should be protected:
  - a) The 'down harbour' view from the Picton foreshore and London Quay should retain an aesthetically pleasing balance between natural and man-made features.
  - b) The Town Beach and Shelly Beach, with their associated grassed areas, should be retained or reinstated within sight and walking distance from the town.
  - c) Public pedestrian access should be maintained throughout the foreshore area except, and only if safety reasons dictate, in the vicinity of the ferry berths, Waitohi Wharf and the industries established on the Westshore reclamation.

11.6.2 The Authority considers the following developments could be undertaken in Picton Harbour without detracting from the present character of the area.

- a) West of a line of sight projected from Elaine Cairn across the end of Waitohi Wharf to the reserve beyond.
  - (i) Between that line and the Ferry Terminal, further smallcraft facilities will be in keeping with the present development of the area.
  - (ii) The Ferry Terminal itself is a well established facility. Redevelopment in accord with ferry operating requirements and passenger needs should not be unduly restricted.
  - (iii) West of the Ferry Terminal a number of harbour works could proceed without detriment to the amenities of Picton. For example, log haul-out, slipway, boatbuilding/marine services, fish processing. This area is screened from the Picton foreshore by the Ferry Terminal and even from the Queen Charlotte Yacht Club it is sufficiently distant and partly screened by Waitohi Wharf, so that such development need not appear detrimental.
  
- b) East of a line of sight from the groyne at the eastern end of Picton Foreshore to the Queen Charlotte Yacht Club buildings.
  - (i) Smallcraft facilities and associated activity are already a dominant feature on this part of the harbour and further development would be in character with this. It is acknowledged that development in this area may require provision for reconstructing or replacing Shelly Beach, which itself is formed by reclamation.
  - (ii) Sufficient area to allow for expansion of dinghy sailing activities on Picton Harbour, with the car/trailer parking and yacht rigging areas which these require, as well as space for spectators.

(It is noted that except for the Shelly Beach area, development within these sight lines would be in accord with the designation and underlying zonings which were included in the Picton Borough Council District Scheme prior to the formation of the Authority.)

#### 11.7 OBJECTIVE FOR HAVELOCK HARBOUR

11.7.1 That Havelock Harbour be developed in accord with the scale of plan D recommended in the "Havelock Planning Study" (Marlborough United Council - Ministry of Works and Development, 1986).



11.8 OBJECTIVE FOR WAIKAWA BAY

11.8.1 The retention of the eastern shore of Waikawa Bay primarily as a public recreation area.

11.9 POLICIES FOR WAIKAWA BAY

- 11.9.1 a) No further boatsheds will be permitted on the eastern shoreline of Waikawa Bay, within 250m of the present public jetty.
- b) No additions or alterations to, or replacement of, existing boatsheds at Waikawa Bay will be permitted, within 250m of the present public jetty.
- c) The existing public jetty and launching ramp on the eastern side of Waikawa Bay should be retained to meet demands which need not be provided for in the marina.

12. SHAKESPEARE BAY : PORT DEVELOPMENT PLAN

12.1 OBJECTIVES:

- 12.1.1 To allocate Shakespeare Bay as the site for future extensions to the Port of Picton, if and when necessary, as a matter of regional and national importance.
- 12.1.2 To allow the development and operation of Shakespeare Bay as a deep water port if and only if the potential adverse impacts on the environment, and on the use and enjoyment of Queen Charlotte Sound and the Picton area for recreational, residential and commercial activities, are reduced to acceptable levels.

12.2 POLICIES

- 12.2.1 To prevent Shakespeare Bay being used for any purpose which would compromise its potential for use as a deep water port.
- 12.2.2 To impose requirements on port development and port operations which will minimise adverse environmental impacts and other nuisances likely to be generated by port works and activities.
- 12.2.3 To consider requiring the provision of a public lookout point over the port area, on the adjoining hillside or possibly on a prominent port building, in lieu of public access along the shoreline of the port area if safety and security factors make public access impractical.

12.3 PERMITTED USES

- 12.3.1 Works for the berthing of vessels, including wharves, quays, reclamation, dredging, moorings, dolphins, and other aids to the navigation and mooring of vessels.
- 12.3.2 The mooring of vessels for the storage and transshipment of bulk materials.
- 12.3.3 Facilities for the loading, unloading and servicing of vessels.
- 12.3.4 Works, buildings and equipment for the handling and storage of cargo.
- 12.3.5 Works and facilities for the building, servicing, maintenance and repair of vessels - including dry dock, slipways, shiplifts etc.
- 12.3.6 Transport facilities ancillary to port operations.
- 12.3.7 Public utilities as defined in section 64 of the Act.
- 12.3.8 Workshops, offices and facilities ancillary to the above uses.

12.4 REQUIREMENTS

- 12.4.1 All land surfaces created by reclamation shall be treated to ensure that there is no likelihood of dust nuisance in Picton Borough originating from the work, nor to any of the commodities being handled or stored at Shakespeare Bay.
- 12.4.2 All bulk materials shall be controlled at all times during the stockpiled stage and during load-in / load-out operations, including control of the transport of bulk materials to and from Shakespeare Bay (by road, rail or sea), to prevent the likelihood of dust nuisance in Picton Borough or to the trade commodities being handled or stored at Shakespeare Bay.
- 12.4.3 Storage and loading operations for any one commodity shall be compatible with the requirements of other commodities being stored or handled in the vicinity.
- 12.4.4 Traffic management and vehicle parking adequate for the needs of port users and port staff shall be provided for within the boundaries of the site.
- 12.4.5 No development or uses will be permitted until a commitment, binding on all affected parties, is lodged with the Authority to resolve traffic management issues in

the Picton area which will be generated or aggravated primarily by the anticipated increase in traffic serving or utilizing port facilities at Shakespeare Bay.

12.4.6 Water quality in Shakespeare Bay shall be maintained. Proposals for port development or port operations shall include a statement of measures to be taken to :

a) ensure stormwater drainage from the adjoining land or reclamation does not contribute bark, coal dust or other waste or pollutants to the sea from port construction or operation;

b) prevent any discharge of pollutants from vessels utilizing Shakespeare Bay, into the waters of the maritime planning area, and this prohibition applies to :

disposal of sewage and/or garbage;  
discharges from ship's plant;  
loading and unloading operations;  
washing down of vessels;  
etc.

c) minimise pollution arising from port construction methods.

The statement shall include measures to be taken to rehabilitate the environment or otherwise compensate for the effects of any such pollution.

It shall be the responsibility of the port developer or port operator (whichever is applicable) to implement the required measures.

12.4.7 The need for and provision of utility services at successive stages of development and operation shall be negotiated with the relevant local authority prior to works being permitted or uses being authorised, whichever is applicable.

12.4.8 The construction methods to be employed in developing the physical components of the port shall include measures to prevent nuisances arising from construction: for example, reclamation material causing a loss of water quality.

12.4.9 Land formed by reclamation shall be used only for port operations requiring a waterfront location. It shall not be used for industrial activities with no operational need for a waterfront location.

12.4.10 No works, uses or activities which are offensive to Maori people having interests in the area shall be permitted.

- 12.4.11 Proposals for port development or port operations shall include a statement of measures to be adopted to ensure noise levels from port development and operations do not exceed  $L_{10}45\text{dBA}$  during the hours of 1900 to 0700, at any point of the ridgeline between Shakespeare Bay and Picton, and at the road/rail cutting proposed at the ex-freezing work site and it shall be the responsibility of the port developer or port operator (whichever is applicable) to implement those measures and conform to that standard.

13. **RECLAMATION**

13.1 **OBJECTIVE**

To minimise the loss, to the general public, of any part of the maritime planning area by reclamation.

13.2 **POLICY**

- 13.2.1 To ensure that all reclamation proposals - except for minor works - are subject to a public process for approval.

13.3 **REQUIREMENTS**

- 13.3.1 All proposals for reclamation require application under Section 110 of the Act as exceptions to this Scheme, unless

- a) The reclamation is included in a Development Plan incorporated in this Scheme.
- b) The reclamation is part of a proposal for which consent has been granted, or which is currently under application, and the reclamation was clearly part of the project as advertised for public comment.
- c) The reclamation is for a minor work less than  $20\text{m}^2$  in area, being an abutment to a foreshore structure or for stabilization of a foreshore structure.

(Under 12.3.1(c), application to the Authority will be required as for a foreshore structure. Should approval not be granted, or any conditions of approval be disputed by the applicant, the proposal must then proceed as an exception to this Scheme.)

- 13.3.2 All reclamation proposals must be accompanied by a survey plan prepared by a registered surveyor which identifies the extent of the proposed work.

13.4 **ASSESSMENT**

- 13.4.1 Reclamation applications will be assessed under the requirements and criteria of Sections 11.3 and 11.4 of Part C of this Scheme as far as these are applicable to any particular proposal, and the following criteria:

- a) The area of reclamation must be as small as practical for the stated purpose.
- b) Where practical, the shape, edges and facing material of the reclamation must be in harmony with the natural coastline in the vicinity.
- c) The reclamation must be designed and constructed in accord with sound engineering principles, including the containment of fine materials during and after construction (unless the reclamation is of such small scale that this is impractical during construction).
- d) Except for matters of operational safety or security associated with the purpose of the reclamation, the public should have access along the seaward edge of any reclamation.
- e) Reclamation primarily for the disposal of spoil or rubbish will not be permitted.
- f) If reclamation destroys an existing beach, a new beach should be created on the seaward edge of the reclamation, if practicable and without causing adverse effects to patterns of shoreline erosion and deposition elsewhere.

(Note: Reclamation proposals are also subject to procedures under the Harbours Act 1950.)

#### 14. DREDGING AND DISPOSAL OF DREDGINGS

##### 14.1 OBJECTIVE

###### 14.1.1 To allow for

- a) maintenance dredging for existing port facilities;
- b) dredging for port developments authorized under this Scheme or by subsequent application;
- c) dredging which would enable foreshore structures to be better utilised, where preferred instead of extending the foreshore structure further.

##### 14.2 POLICY

- ###### 14.2.1 To ensure that all major proposals for dredging or the disposal of dredgings are subject to a public process for approval.

##### 14.3 REQUIREMENTS

- ###### 14.3.1 All proposals for dredging and the dumping of dredgings require application under Section 110 of the Act as exceptions to this Scheme unless.

- a) The dredging and/or dumping is included in a Development Plan incorporated in this Scheme.
- b) The dredging and/or dumping is part of a proposal for which consent has been granted, or which is currently under application, and the dredging and/or dumping were clearly part of the project as advertised for public comment.
- c) The work is maintenance dredging for existing harbour works and dredgings are to be dumped at sites previously approved by the Ministry of Transport under the Marine Pollution Act 1974.
- d) The work is to improve access to a jetty and avoid the need to extend the structure.

(Under 13.3.1(d) application to the Authority will be required as for a foreshore structure. In addition to any other factors, the Authority will consider:

- (i) the extent of dredging required;
- (ii) the effects the dredging may have on the existing structure and adjoining seabed, including beach nourishment or maintenance.
- (iii) alternative sites for the dumping of dredgings, including land disposal options.

Should approval not be granted, or any condition of approval be disputed by the applicant, the proposal must then proceed as an exception to this Scheme.)

## 15. LOG LOADING AREAS AND LOG TRANSPORT

### 15.1 OBJECTIVE

- 15.1.1 To achieve log extraction and log transport practices which have minimal adverse effects on the natural character of the foreshore and seabed, on marine ecology, water quality and on general navigational interests.

### 15.2 POLICIES

- 15.2.1 To promote the concept of approval being required for the extraction phase of forestry operations, such approval to incorporate conditions meeting the interests of central and local government agencies charged with managing the public resources of the Sounds.
- 15.2.2 To promote co-ordination between local and central government agencies involved in, or affected by, forestry developments in the Marlborough Sounds.

- 15.2.3 To participate in forestry management procedures such as district scheme changes or planning applications notified by the Marlborough County Council.
- 15.2.4 To advise the Marlborough Catchment Board and Regional Water Board of support for the protection of the maritime planning area through its administration of applications under Section 34 of the Water and Soil Conservation Act 1967.
- 15.2.5 To prohibit log storage in the water.
- 15.2.6 To minimise possible adverse environmental impacts of log loading and transport operations in the maritime planning area.
- 15.2.7 To minimise any adverse impact from log loading and transport operations on the use and enjoyment of the area by the public.
- 15.2.8 To maintain transfer sites for temporary use by marine farms affected by forestry operations.
- 15.3 REQUIREMENTS
- 15.3.1 Any person or organisation proposing a log loading or log transport operation in the maritime planning area is required to make application to the Authority for approval.
- 15.3.2 An applicant will be required to satisfy the Authority that the proposed facility or operation will not damage the environment, nor cause a navigational hazard, nor adversely affect public use and enjoyment of the area.
- 15.3.3 Proposals for reclamation, dredging or foreshore structures for use in conjunction with log storage loading or transport operations will be subject to the controls and procedures contained in Sections 10, 12 & 13 of Part C of this Scheme.
- 15.3.4 A bond may be required to cover the removal of any navigation hazard or reinstatement / rehabilitation of the site log loading / transport operation.
- 15.3.5 Bark debris is to be contained and disposed of on land, including recovery of bark from the seabed in the vicinity of log loading sites, (whether used for rafting or barging).
- 15.3.6 Bundle rafts are to be assembled on the shore and barges are to load from the shore or from foreshore structures if approved for that purpose.

16. MOORINGS

16.1 OBJECTIVE

16.1.1 To allow for moorings to be allocated with minimal procedural requirements.

16.2 POLICY

16.2.1 The allocation of moorings should remain a function of the Marlborough Harbour Board under its bylaws except where the interests of other parties are likely to be affected.

16.3 REQUIREMENTS

16.3.1 Approval of the Authority is not required for a mooring to be located in front of an applicant's own property, except if it might impede navigation by other vessels.

16.3.2 Where a mooring would front a property not owned by the applicant, application to the Authority is required.

A plan identifying the proposed mooring site by reference to prominent landmarks in the vicinity, property boundaries or existing mooring is required.

The plan should be endorsed with the consent of the owner of the property which the mooring fronts.

16.3.3 Where a mooring is sought for a club or commercial yacht or launch charter business, and there are residential properties likely to be affected by the use of the mooring, then:

either the consent of all properties in the vicinity

(as determined by the Planning Officer) must be obtained;

or the proposal must be publicly notified.

16.3.4. Where a mooring proposal is publicly notified, the major considerations in assessing the proposal will be:

a) the likely frequency and intensity of use of the mooring;

b) the likely effect of use of the mooring on the use and enjoyment of adjoining properties, for example; visual outlook, possible noise and disturbance to the locality;

c) the effect of the proposed mooring on existing moorings or rights of navigation in the area.



17. WASTE DISCHARGE FACILITIES

17.1 OBJECTIVES

- 17.1.1 Integration of procedures where approvals or consents are required under this scheme and under the Water and Soil Conservation Act 1967.
- 17.1.2 To determine the location of waste discharges as for foreshore structures, unless otherwise constrained by Section 14 (2) of the Act.

17.2 POLICIES

- 17.2.1 To participate in procedures under the Water and Soil Conservation Act 1967 where the Authority is concerned about the potential threats to water quality or the likely effects of a discharge on the use and enjoyment of part of the maritime planning area.
- 17.2.2 Where appropriate, to seek a joint hearing between the Authority and the Regional Water Board (or the respective committees / tribunals of each) on matters involving a discharge and a structure in the maritime planning area.
- 17.2.3 To require application as for a foreshore structure (under Section 3 of this Scheme) for any discharge facility to extend seaward of mean high water mark, noting that the Authority cannot reach a decision which would prevent implementation of any permission given under the Water and Soil Conservation Act 1967.

18. SHORELINE EROSION, SILTATION, BEACH PROTECTION AND ENHANCEMENT

18.1 OBJECTIVES RELATING TO SHORELINE EROSION

- 18.1 To distinguish between the relative significance of natural processes of erosion, and instances where these are aggravated by activities in the water.
- 18.1.2 To minimise shoreline erosion aggravated by human activities in the maritime planning area.

18.2 POLICIES RELATING TO SHORELINE EROSION

- 18.2.1 To encourage all vessel users to observe the water recreation regulations in relation to the 5 knot speed limit within 200 metres of the shoreline.
- 18.2.2 To support the Marlborough Harbour Board in its efforts to ensure that the Rail Ferry service operates without significantly aggravating natural erosion processes.

18.2.3 To allow for the construction of retaining walls where they are likely to be effective in reducing shoreline erosion.

18.3 REQUIREMENTS RELATING TO SHORELINE EROSION

18.2.1 The procedure for lodging and assessing applications for retaining walls is as detailed for foreshore structures in Section 10 of this Scheme, with the following additional requirements:

- a) The consent of the adjoining land owner is obtained (normally the Department of Conservation).
- b) A registered engineer is to certify that the footing of the retaining wall is sufficient to prevent scouring action through or under the retaining wall, avoiding the probability of subsidence inshore of the retaining wall.
- c) The retaining wall must not be located seaward of mean high water mark unless this is necessary for the structural integrity of the wall.
- d) Any reclamation associated with the retaining wall is to be confined to filling over a tie-back structure securing the wall and then only if the Department of Conservation accepts the reclamation as an addition to the Sounds Foreshore Reserve.

18.4 OBJECTIVE RELATING TO SILTATION

18.4.1 To minimise the effects of siltation on the use and enjoyment of the Sounds.

18.5 POLICIES RELATING TO SILTATION

18.5.1 Where practical, to prevent siltation affecting the use and enjoyment of the Sounds, especially regarding foreshore structures and port facilities.

18.5.2 Elsewhere, to seek the adoption of land use and land management practices which minimise the probability of erosion and consequent siltation in the Sounds.

18.5.3 To ensure the likely effects on siltation and sedimentation processes during both construction and operational phases, are part of the consideration of harbour works or port facilities proposals.

18.6 OBJECTIVE RELATING TO BEACH PROTECTION AND ENHANCEMENT

18.6.1 To provide for the improvement of beach areas provided that other amenities in the area are not reduced.

18.7 POLICIES

- 18.7.1 To permit public bodies to enhance beach areas by the addition of sand or fine gravels, or by structures designed to promote deposition and retention of sand and/or fine gravels on beach areas.
- 18.7.2 To allow private persons to make application for approval to carry out beach replenishment or enhancement works.

18.8 REQUIREMENTS RELATING TO BEACH PROTECTION AND ENHANCEMENT

- 18.8.1 Beach protection, replenishment and enhancement by public bodies is permitted, provided that:
- a) A registered engineer certifies that the adjoining shoreline will not be adversely affected by scouring or by aggravated deposition of materials.
  - b) The consent of the adjoining landowner is obtained.
  - c) Advice is obtained from the Marlborough Harbour Board that the work will not affect navigation.
- 18.8.2 Private individuals proposing beach replenishment or enhancement works must make application to the Authority as for a foreshore structure (see Section 10). The proposal will be assessed as for a foreshore structure, and the requirements of 18.8.1 (a)-(c) above will also apply.

19. SHIPPING AND NAVIGATION (INCLUDING RECREATIONAL ACTIVITIES)19.1 OBJECTIVES:

- 19.1.1 To maintain the availability of the maritime planning area for a wide range of shipping, boating and aquatic recreational activities.
- 19.1.2 To enable the Marlborough Harbour Board and Ministry of Transport to install navigation aids in the maritime planning area as necessary.

19.2 POLICIES:

- 19.2.1 To permit all shipping, boating and recreational activities which comply with existing maritime legislation and/or Marlborough Harbour Board by laws, except that the consent of the Authority to exceptions to this Scheme, or the promotion of a Scheme Change, will be required for the setting aside of any area for exclusive use for any one or more particular activities.

- 19.2.2 The Marlborough Harbour Board and Ministry of Transport may as of right establish, maintain or remove such navigation aids as they consider necessary or desirable in the maritime planning area, subject only to procedures under the Harbours Act.

20. MARINE FARMING

20.1 OBJECTIVE

- 20.1.1 Achievement of the economic benefits potentially available from various forms of marine farming, in addition to the benefits, economic or otherwise, which accrue from the use and enjoyment of the Sounds for a wide variety of activities.

20.2 POLICIES

- 20.2.1 Marine farming operations which in visual and ecological effect are comparable to mussel farming by the long line method, and which are located in areas identified for marine farming on the planning maps, will be permitted as of right.
- 20.2.2 Marine farming by other methods, or in other locations, or the farming of new species, will require application as exceptions to this Scheme.
- 20.2.3 Where farming of new species or by new techniques is proposed, the Authority may impose conditions of consent requiring an assessment of the existing environment of the site and its vicinity prior to the commencement of marine farming, and subsequent monitoring of environmental effects, especially water quality and the local marine ecology.
- 20.2.4 Spat catching is permitted in those areas identified on the planning maps as spat catching areas.
- 20.2.5 The transfer sites shown on the planning maps may be utilized for marine farming structures and operations temporarily transferred from a licenced site while land clearance, logging, or other activities detrimental to marine farming are carried out in the vicinity.

[Note this permission applies only to planning matters. Any requirement of the Ministry of Agriculture and Fisheries under the Marine Farming Act 1971 must also be met].

- 20.2.6 The Authority opposes the issuing of leases rather than licences for marine farming and considers any lease proposal should be required to demonstrate benefits to the public before any lease of the public asset for private purposes is issued.

20.3 REQUIREMENTS

20.3.1 Marine farming operations which, in the opinion of the Authority/Planning Officer, are comparable in visual and ecological effect to mussel farming by the longline method, are permitted as of right in those areas identified on the planning maps as marine farming sites, subject to the following requirements:

- a) A clear accessway of at least 50m is required between mean low water mark and the inshore boundary of a marine farm, to permit smallcraft traffic along the shoreline.
- b) A clear accessway of at least 50m is required between marine farm licence areas.
- c) Marine farms shall not extend more than 200m seaward from mean low water mark, in the interests of safe navigation.
- d) A 50m wide accessway free of surface structures is required for each 200m section of any marine farm ie: 1 such accessway for a 400m farm;  
2 accessways for a 500m farm.

This requirement may be waived where water depth dictates that surface structures occupy a small proportion of the licenced site area, achieving the same result for smallcraft access to the shore.

- e) The marine farm being marked and/or lit to the satisfaction of the Harbourmaster.

20.3.2 Marine farming proposals which do not comply with requirement 19.3.1 are regarded as exceptions to this Scheme and are required to seek the consent of the Authority under section 110 of the Act. The following:

- a) A clear accessway of at least 50m between mean low water mark and the inshore boundary of a marine farm is required to permit smallcraft traffic along the shoreline.
- b) A clear accessway of at least 50 metres between marine farms be required for smallcraft navigation.
- c) In the interests of safe navigation marine farms should generally not extend more than 200m from mean low water mark.
- d) A 50m wide accessway free of surface structures is required for each 200m section of any marine farm ie: 1 such accessway for a 400m farm;  
2 accessways for a 500m farm.

This requirement may be waived where water depth dictates that surface structures occupy a small proportion of the licenced site area, achieving the same result for smallcraft access to the shore.

- e) A clear accessway of at least 200m be required to jetties and other points of regular use.
- f) Marine farms should not be located within 150m of any prominent headland.
- g) Marine farms should not be located close to main navigational channels.
- h) Marine farms should not encroach on anchorages or mooring areas.
- i) Marine farms should not be permitted within 300m of water-ski lanes and recognized water-ski areas.
- j) Generally, the total extent of marine farms should be such that they do not take up more than one third of the distance between shorelines.
- k) Marine farms should not be permitted adjacent to residences, residential subdivisions and land zoned residential. This requirement may be waived in relation to a single residential property occupied by a marine farmer wishing to live close to his marine farm site. (The waiver will not apply where the property is one of several in an area subdivided or zoned for residential use.)
- l) In general marine farms should not be permitted within a 200m accessway to existing and potential stock landing areas, and should not be permitted adjacent to areas where stock are concentrated.
- m) In general marine farms should not be sited adjacent to areas of high scenic value.
- n) Marine farms should not be sited in areas exposed to open and turbulent seas until marine farming zones in sheltered locations are substantially developed, and suitable technologies for the safe undertaking of marine farming in open and turbulent seas have been developed.
- o) Marine farms should not be sited adjacent to areas of high ecological value where marine farming would be incompatible with that ecological resource.
- p) In general, marine farms should not be sited adjacent to beaches and coastline of significant or potentially significant recreational value.
- q) Marine farming should not be permitted within a 200m accessway to existing and potential log loading areas.
- r) Marine farms should not be located where they could affect sites of traditional or historic importance.
- s) Marine farms should generally not be permitted in areas that would unduly interfere with commercial and recreational fishing.

- t) Marine farms should not be permitted within 100m of subaqueous telephone cables and pipelines and within 300m of subaqueous electric power cables, or a greater distance where specified by the grant of control authority.
- u) The Authority will take into account any other matters it considers relevant to the proposal and its likely effects, including :
  - \* the visual impact of the proposal;
  - \* the likely effect of the proposal on the ecology of the site and the area around it;
  - \* effect on water quality;
  - \* the possibility that the farming of species not indigenous to the area may cause changes to the character or quality of the natural ecology of the area;
  - \* the degree of navigational hazard or inconvenience created by the proposal;
  - \* the extent to which part of the maritime planning area is alienated from public use.

20.3.3 Foreshore developments to service marine farming will require consent as exceptions to this Scheme, whether promoted by the Marlborough Harbour Board or privately (unless incorporated into this Scheme in a Development Plan or in any other consent granted under this Scheme).

20.4.4 The storage of marine farming equipment on the foreshore is not permitted.

## 21. FISHERIES

### 21.1 OBJECTIVES

21.1.1 To maintain fisheries habitats for the conservationist purposes of:

- maintaining the intrinsic values of natural resources;
- providing for their appreciation and recreational enjoyment by the public;
- safeguarding the options of future generations;

by requiring, in the long term, the exclusion of commercial fishing from the Sounds.

21.1.2 To ensure comprehensive management of fisheries and fisheries habitats in the Sounds, by encouraging the development of complementary management policies between the Authority, and the appropriate agencies of the Crown.

### 21.2 POLICIES

21.2.1 To require application as an exception to this Scheme for any new commercial fishing proposal in the Sounds - eg new species, or new method, or new area.

- 21.2.2 To maintain close liaison with the appropriate agencies of the Crown on fisheries matters.
- 21.2.3 To oppose developments, whether on land or water, likely to be detrimental to fisheries or their habitats.
- 21.2.4 To maintain an awareness of Maori perspectives on fisheries.

## 22. MARINE-RELATED INDUSTRY

### 22.1 OBJECTIVE

- 22.1.1 To provide for marine-related industries in a manner compatible with other community interests and the limited extent of coastline suitable for development, subject to adequate protection for the natural resources of the Sounds.

### 22.2 POLICIES

- 22.2.1 To evaluate the need of particular industries for waterfront locations.
- 22.2.2 To evaluate the likely impact of industries on natural resources in the ara.
- 22.2.3 To evaluate the likely effects of industries on the use and enjoyment of waterfront - at the particular site and beyond.
- 22.2.4 Where practicable to include provision for water front industries in development plans incorporated within this Scheme.
- 22.2.5 To liaise with the owners and controlling bodies of land adjoining the foreshore where the use of the adjoining land may reduce the availability of the foreshore for marine-related industries.

## 23. MINING

### 23.1 OBJECTIVE

- 23.1.1 To minimise the extent to which the use and enjoyment of the maritime planning area could be adversely affected by the mining or extraction of mineral materials, whether in the maritime planning area or catchments draining in to it.

### 23.2 POLICIES



- 23.2.1 To require application under Section 110 of the Act, as an exception to this Scheme, for any proposal to extract mineral material within the maritime planning area (unless authorised by other legislation which excludes application of the Town and Country Planning Act 1977).
- 23.2.2 To participate by submission or objection if appropriate in any process of public notification or consultation for mining proposals advertised under other legislation and which may affect the use and enjoyment of the maritime planning area.