PART E:
ACTIVITIES

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1. INTRODUCTION

1.1 This part of the Scheme has two functions:

i) To identify activities occurring or likely to occur in the Marlborough Sounds and which affect the maritime planning area.

ii) To discuss those activities in relation to one another and to the issues identified in Part D of this Scheme.

1.2 Objectives, policies, procedures and requirements for consent for these activities are given in Part C of this Scheme.

2. ACTIVITIES

2.1 The activities (and works and uses) discussed in this part of the Scheme are:

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

2.2 Although individual activities are discussed, there are interactions between activities and with the issues identified in Part D. Decisions on any one activity must take these interactions into account.

3. FORESHORE STRUCTURES

3.1 Introduction

3.1.1 Foreshore structures, in the context of this Scheme, encompass jetties, boatsheds, slipways, launching ramps, retaining walls, mooring piles and log loading facilities.

3.1.2 The use and enjoyment of the sea is a major reason for the development of residential properties in the Sounds, whether permanently occupied or used as holiday accommodation, and whether dependent on sea access or having the option of road access as well.

3.1.3 Access to and from Sounds properties is facilitated by foreshore structures. There is no dispute about the advantages of such facilities, or of reasonable access to such facilities, to property owners; nor that such facilities, or access to them, are a reasonable expectation of Sounds property owners.

3.1.4 Equally indisputable is the fact that such structures occupy part of the public domain and can detract from the use and enjoyment of that public domain by other people. Also the natural character of the Sounds may be adversely affected by the number, scale and siting of foreshore structures.

3.1.5 These conflicting aspects have been recognized in decisions of the Planning Tribunal on applications made to this Authority.

3.1.6 In H A Julian vs. Marlborough Sounds Maritime Planning Authority, (A84/86), the Tribunal in its interim decision said:

> "East Bay is by zoning and use, an area of holiday homes relying on water access."
>
> "In this part of the Sounds, boatsheds are often associated with jetties. There are good practical reasons why a property like the applicants, should have both."
>
> "The pattern of a jetty, and often a boatshed as well, for each holiday home is an established characteristic of the area. The lack of road access to or within the bay, its topography, and the policy governing the use of the foreshore reserve makes such a pattern inevitable."

3.1.7 Elsewhere in that decision, the Tribunal also stated:

> "The fact that a proposal is in accord with existing developments may mean no more than it is of a similar type. It does not prevent it from detracting or being likely to detract from the amenities of the area."

3.1.8 The issues of private occupation of the public domain, and of precedent, were of concern to the Tribunal in Pelorus Holiday Cottages vs. Marlborough Sounds Maritime Planning Authority, (W29/84), where the Tribunal commented:

> "The appellant is in effect stating to this Tribunal, that because it does not have sufficient available land with

access within its own ownership, then the Crown and/or respondent Authority acting on behalf of the public in general, should be required to cede land to the appellant. We do not accept that general proposition."

> "The appellant's proposal would result in the first boatshed in this area and would undoubtedly make it difficult for the Authority to refuse other similar applications."

3.1.9 The Authority accepts the policies stated in the Marlborough County Council District Scheme and the then Marlborough Sounds Maritime Park Board draft management plan that the shoreline of the Sounds should be kept free of structures as far as possible. This is accepted on the grounds of ensuring the waters and foreshore of the Sounds are available to the public, and minimizing the extent to which the built environment is present in the relatively natural environment of the Sounds.

3.1.10 However, the reasonable demands for foreshore structures resulting from uses of the adjoining land and water areas of the Sounds make absolute adherence to that policy unjustifiable. This raises the difficulty of achieving balance between an appropriate level of access to take advantage of the qualities and opportunities of the Sounds, and the level of development which causes deterioration of those same qualities and opportunities.

3.2 Jetties

3.2.1 The Authority considers in general that jetty access to each property is a reasonable expectation. But this does not mean a separate jetty for each property. Instead, where circumstances permit, the sharing of jetties should be promoted. Some judgement is required as to what constitutes reasonably practical access to properties and a reasonable level of usage of jetties. This last question is made difficult by the relatively short period when Sounds properties are intensively used, that is during the summer school holiday period.

3.2.2 Planning for jetties has not extended to the level of ordinances specifying maximum or minimum dimensions, minimum separation distances between structures or a maximum intensity of development. Owners' needs and a wide range of site characteristics throughout the Sounds make this impractical. Jetty length is determined largely by the draught of vessels for which a jetty is built and the seabed profile at the site. Jetty length may also be determined by the number of properties a structure is to serve, although the Authority considers that jetties are primarily to provide access to and from the shore. Berthing vessels alongside for extended periods is not regarded by the Authority as the prime purpose of jetties, but as a secondary advantage.

3.2.3 Generally the width of jetties need be no more than 1.8m for foot traffic. T-shaped and L-shaped jetties are not uncommon in the Sounds and recently floating jetties have been proposed, all of which present a greater bulk than the standard 1.8m wide fixed finger jetty. In general, jetties should be no larger than is adequate for the purpose, but the scale of structures needs to be assessed in relation to their location, as well as their proposed use, rather than against fixed standard requirements or limitations.

3.3 Boatsheds

3.3.1 The advantages of boatsheds to their owners are recognized by the Authority. Disadvantages to the public are the higher visual impact of boatsheds compared to jetties. This is aggravated by the fact that boatsheds cannot readily be shared, creating potential for a greater number of boatsheds than jetties although at present demand for boatsheds is lower than for jetties. In some areas, it must be acknowledged that the pattern of holiday homes with a jetty and boatshed may well add to the character and interest of the area, especially for visitors to the Sounds.

3.3.2 The Authority recognizes boatsheds as a reasonable expectation of Sounds property owners. But an equally reasonable expectation is for the retention of a shoreline with minimal evidence of built environment. The Authority considers both views are of equal merit. As a result it considers that boatsheds should not be permitted unless all parties who might be affected by a particular proposal give consent to it.

3.3.3 Boatsheds have a less extreme range of scale than do jetties. The Authority considers a width of 5m to be ample for the majority of boatsheds. It also considers the Marlborough Harbour Board boatshed plan (Appendix III) appropriate to adopt as a standard design. The adoption of this standard plan is done for the simple reason of ensuring boatsheds are relatively uniform in design and scale. Equally simply the Authority prefers boatsheds to be painted to blend rather than contrast with their surroundings. Political and aesthetic arguments against these restrictions are acknowledged, but in administering a public area the Authority prefers to maintain conventional standards of uniformity and harmony, rather than invite an unlimited range of personal styles or themes.

3.4 Slipways and Launching Ramps

3.4.1 A slipway is an integral part of most boatsheds proposals and need not be subject to a separate application or assessment procedure. Where a slipway is proposed independently of a boatshed, the pros and cons of the use

of a foreshore for that purpose are similar to the boatshed issue and a similar procedure for applications is proposed. Launching ramps for private use would also be covered by the same procedures.

3.4.2 Public launching ramps already exist at the major points of public access to the Sounds. These are at Croisilles Harbour (Okiwi Bay), French Pass, and Tennyson Inlet (Elaine Bay, Penzance Bay, Duncan Bay). A ramp at Havelock provides access to Pelorus and Kenepuru Sounds, and Queen Charlotte Sound is served by ramps at Ngakuta Bay, Picton and Waikawa Bay. There is a launching ramp at Oyster Bay serving Port Underwood.

3.4.3 Should further public launching ramps be proposed, the major issues are likely to be the question of access and parking on the land, access from the water, and the effect that use of the launching ramp might have on the enjoyment of properties in the immediate vicinity. These issues require:

a) The owner and controlling body of the adjoining land being satisfied regarding the question of access and use of land for car and trailer parking;

b) The Authority being satisfied that water access would be practical for ramp users without interfering with other activities in the area, for example, swimming, vessels on moorings;

c) Consideration of any likely nuisance to adjoining property owners.

3.5 Retaining Walls

3.5.1 Shoreline erosion occurs at numerous locations in the Sounds essentially as a natural process. In Tory Channel it is aggravated by ferry wash, and elsewhere there may be localized cases where it is aggravated by a regular passage of commercial launches or frequent use of the area by private vessels.

3.5.2 Retaining walls are a common means of minimizing erosion. However there are examples of retaining walls having been undermined and it also appears possible that retaining walls may deflect the eroding energy of the sea, causing erosion at a new location. Care needs to be taken in the design of retaining walls to ensure that they are adequate for the purpose and do not simply transfer the problem elsewhere.

3.5.3 Retaining walls may in some instances be considered justifiable to retain private and public property subject to the two safeguards above and provided also that they fit their environment as unobtrusively as possible.

3.5.4 In some instances, minor reclamation may be necessary, and will be allowed, as part of a retaining wall proposal where it assists the structural integrity of the retaining wall. The majority of retaining walls will commonly front Sounds Foreshore Reserve so that any such reclamation will add to public rather than private property. The test for such reclamation will be whether the extent of reclamation is acceptable to the Department of Conservation under Section 157 of the Harbours Act 1950. If not, publicly notified procedures under that Act will apply. This provision is not intended to allow extension to private or public land other than that needed to facilitate the construction and stability of a retaining wall.

3.6 Mooring Piles

3.6.1 Currently, three pairs of mooring piles for use in conjunction with private jetties have been licensed or approved by the Marlborough Harbour Board. The mooring piles provide four-point mooring and enable vessels to be held off the jetty, reducing the effects of ferry wash or prevailing wind and sea conditions.

3.6.2 It can be argued that there are good nautical reasons for allowing moorings piles, and that they have minimal effect on the amenities of the area or its use and enjoyment by other parties.

3.6.3 Equally it can be argued that mooring piles are additional structures which compound the detraction from the natural amenities of the area caused by existing foreshore structures.

3.6.4 The Authority considers that while mooring piles may be advantageous to a boatowner, they are not necessary for either access to the land or safe mooring. The Authority regards the prime purpose of jetties as facilitating access between vessels and the land, not as providing a permanent "parking space" for vessels. If it is not practical to lie alongside a jetty in a particular location for extended periods, the Authority's first preference is for a mooring to be provided offshore. Mooring piles may be justified if it is impractical to provide a swing mooring in the vicinity, or possibly if the owner's vessel is in daily use and his jetty is in an exposed position.

3.7 Riparian Frontage

3.7.1 It should be noted in relation to foreshore structures that the owners of riparian properties have no greater right to have foreshore structures than any other property owner. Mean high water mark is the seaward

boundary of coastal riparian properties. Any structures proposed below that mark are in the public domain and subject to the same controls as applied to structures serving non-riparian properties. Consent to foreshore structures, particularly jetties, may be conditional on the structure providing access to properties other than the applicant's. Where the applicant owns riparian property, this condition may only be fulfilled by the applicant creating rights of way across his land in favour of the properties specified in the granting of the consent.

3.8 Co-ordination with District Planning

3.8.1 In addition to its direct involvement in applications for foreshore structures, the Authority monitors applications for planning consent for Sounds properties under the Marlborough County Council District Scheme. Also, through the courtesy of the County, the Authority has an informal opportunity to comment on subdivision applications in the Sounds.

3.8.2 Ideally the question of jetty access to serve Sounds properties should be resolved at the stage of subdivision approval, especially for those properties for which there is no alternative road access.

3.8.3 However, it is apparently not possible for certificates of title to specify access rights via a foreshore structure, nor to specify obligations toward the cost and maintenance of a foreshore structure.

3.8.4 There is of course no impediment to a landowner or developer applying for approval to a jetty simultaneously with an application to the County for the subdivision or development of a Sounds property. Where necessary, the rights of access across private property to provide practical access for a single jetty to serve a subdivision could be provided at the time of subdivision.

3.8.5 Where possible the Authority will advise applicants to the County of its likely attitude to foreshore structures in the vicinity of a land use or subdivision proposal. However, the high cost of inspections in the Sounds prevents a detailed response being made to each application unless it coincides with other work being done by the Authority in the vicinity, or is the subject of a simultaneous foreshore structure application to the Authority.

3.8.6 The purchasers of properties without existing foreshore structures, or without rights to use existing foreshore structures, must recognize that the principle of "caveat emptor" applies. There is no obligation on the Authority to approve separate foreshore structures to facilitate the use and enjoyment of every property in the Sounds. This especially applies in any particular case where a structure would be contrary to the interests of the general public in the area.

3.9 Derivation of Procedures

3.9.1 In establishing a procedure for foreshore structure applications, the following matters have been considered.

a) Should further foreshore structures be prohibited?

This is considered untenable because of the extent of development already provided for in the Sounds which either is dependent on the sea for access or has been undertaken to take advantage of the recreational opportunities the waters of the Sounds offer.

b) Should foreshore structures be permitted as of right for each property in the Sounds?

This would be contrary to policies contained in the Marlborough County Council District Scheme and policies applied by the Marlborough Harbour Board, and previously by the Marlborough Sounds Maritime Park Board. While these policies may not be acceptable to some individuals, there has been no significant public opposition to them.

c) Should all foreshore structure proposals be publicly notified?

The Authority's experience with applications under Section 102A of the Act suggest this is not appropriate. There have been numerous instances where the nature and degree of development already present in an area has meant refusal of an additional foreshore structure could not be justified. But a decision as to whether there is sufficient or too much development in an area is subjective. The option to challenge such a decision should be available.

d) If not all proposals need to be publicly notified, can opportunity be created for the opinions of other parties to be made known in relation to particular proposals?

This would provide a safeguard against the Authority making assumptions on behalf of other parties.

e) To what extent can definite requirements or "performance standards" be stated for foreshore structures?

The question of whether or not a structure is likely to be a navigational hazard needs to be determined by someone qualified in that field.

Similarly, the question of whether or not reasonable and practical access is available via an existing structure is a matter of opinion, as is also the question of whether or not a proposal is likely to detract from the amenities of the area.

f) Can an applicant challenge any part of a decision which is based on an officer's opinion?

The Authority considers this option should be available.

3.10 Properties Where Existing Foreshore Structures Are Deemed Adequate

3.10.1 Where provision has already been made, whether under this Scheme or under the Harbours Act 1950, for a property to be served by an existing foreshore structure, the Authority considers any proposal for a further structure to serve that property independently to be an exception to this Scheme, subject to the procedures of Section 110 of the Act.

3.11 Existing Structures

3.11.1 The Town and Country Planning Act does not specifically allow for a decision to affect a previously lawfully established use. However, the terms under which the Marlborough Harbour Board licenses the occupation of the foreshore or seabed includes provisions for the Board to require joint use of existing facilities.

3.11.2 While the owner of an existing foreshore structure may resent being required to share the facility which he has paid for, his facility utilizes part of the public domain and may have "used up" the acceptable opportunity for foreshore structures in that particular area. The "first come - first serve" attitude is contrary to the notion of the waters and foreshore of the Sounds being a public asset available to all people.

Decisions of the Authority may include a recommendation to the Marlborough Harbour Board that the Board require an existing structure to be shared by another party, but the Authority cannot require the Board to do so.

3.12 Additions and Alterations to Existing Structures

3.12.1 Where a structure exists, the use of the foreshore is already established. However, an addition or alteration may result in:

- increased intensity of use;
- a greater detraction from the natural character of the area.

3.12.2 An application for addition or alteration to an existing structure will be required to include an explanation of the need for the proposal.

Examples (not exhaustive) are:

a) additional properties are to be served by the structure;
b) water depth is no longer adequate;
c) alternatives are either impractical or have greater detrimental impact on the area.

3.13 **Long Term Aspects**

It is probable that in time patterns of consent, refusal or conditional consent will become apparent for foreshore structures in different areas of the Sounds. Should this occur, it will be appropriate then to declare the particular uses as permitted or prohibited in the particular area. This may result in 'foreshore structures plans' being derived for particular locations in the maritime planning area.

4. PORT DEVELOPMENT AND HARBOUR WORKS

4.1 Introduction

4.1.1 The ports of Picton and Havelock are vital to the economy of the Marlborough Region. The rail ferry link to the North Island makes Picton a port of national importance. Picton is also a major point of access to properties in Queen Charlotte Sound which are not served by road. Havelock performs a similar role for properties in the Pelorus Sound area, providing access for farming, forestry, marine farming, fishing, recreational and residential developments. Shakespeare Bay, immediately west of Picton Harbour, has the potential for deep water port facilities to be developed, for exporting a range of South Island products. Shakespeare Bay is discussed separately in section 5 of Part E of this Scheme.

4.1.2 The Authority recognizes that changing commodities or changing methods of transportation will require changes in the facilities required. This may involve proposals for expansion of existing port areas, or for the development of facilities in new locations.

4.1.3 The provision of port facilities is a primary responsibility of the Marlborough Harbour Board. The Board's main consideration in the provision of such facilities is their commercial viability. This could lead to least cost options consistent with operating requirements being chosen with little regard to their non-commercial consequences. This commercial principle is reinforced by the reorganization of Harbour Board functions and operations being advanced by Government. Government is also establishing procedures for more comprehensive assessment of the environmental impacts of all developments, as well as sharing responsibility for several functions under the Harbours Act between the Minister of Transport and the Minister of Conservation.

The Town and Country Planning Act has placed Harbour Works within the ambit of Maritime Planning, directing attention to the environmental and social aspects of harbour developments as well as economic and physical factors. The Act also creates rights of objection and appeal in relation to port development proposals, so the public interest can be expressed and defended by the public in person, rather than being assumed by the Authority or the Ministers of Transport and Conservation.

4.1.4 Expansion of maritime activities in the Sounds will require the provision of further port facilities and harbour works of various scales and at various locations. The Authority's role towards these works will be to assess their likely physical, biological, economic and social consequences against the objectives adopted in this Scheme. Through the administration of this Scheme the Sounds community can become involved in choices between supporting harbour works and development proposals or retaining existing features and ecological patterns in particular locations, or in trade-offs where pursuing benefits in one field may mean accepting a loss in some other field.

4.2 Development Proposals

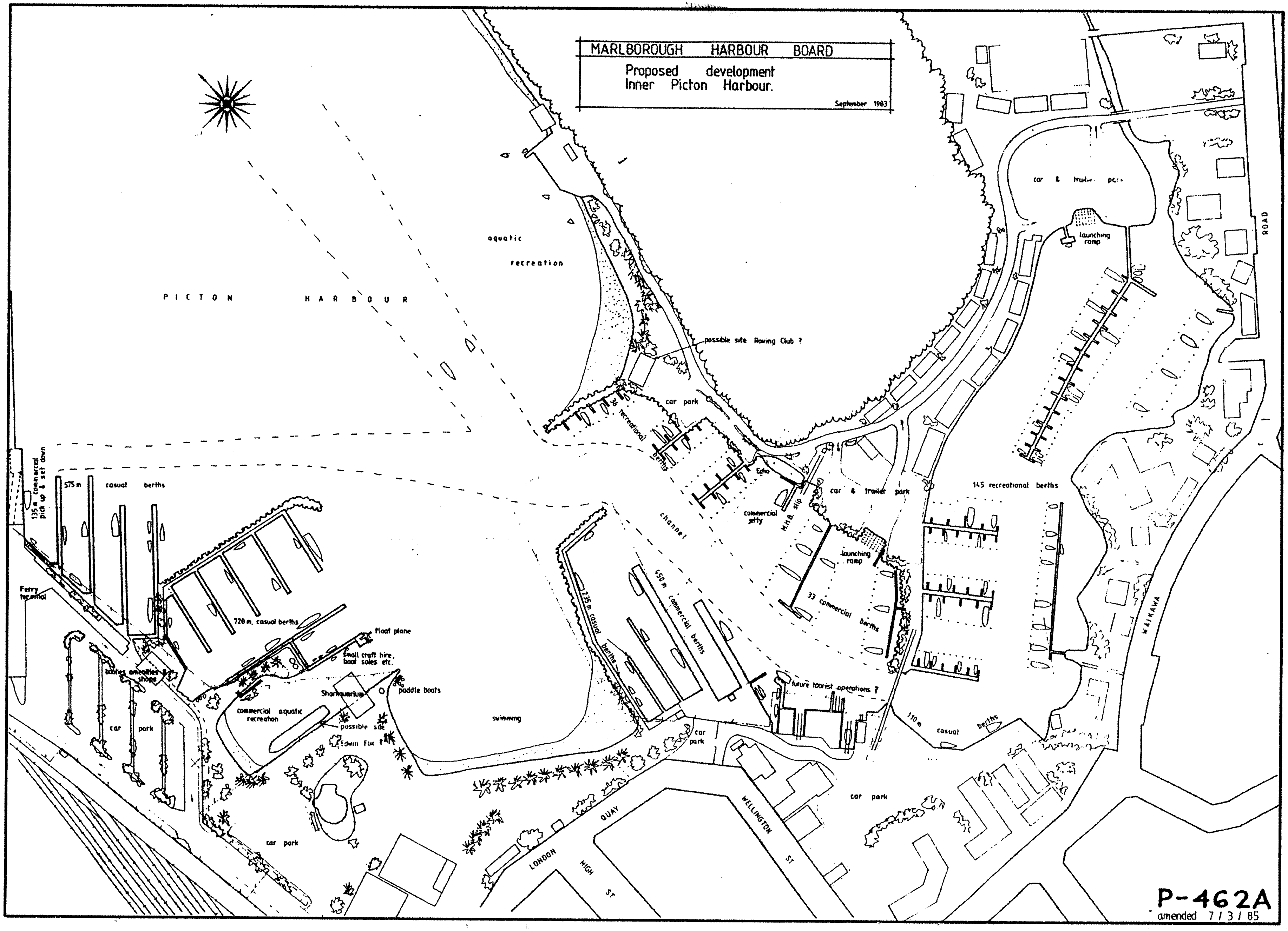
4.2.1 Marlborough Harbour Board development plans are not clearly defined at present. Proposals currently under consideration are discussed in the following paragraphs.

4.3 Picton Harbour

4.3.1 Proposals for the expansion of smallcraft facilities in Picton Harbour are under discussion with Picton Borough Council. Map 1 is included in this Scheme as a concept plan at this stage to indicate the range and scale of proposals being considered and to provide a basis for discussion. Its inclusion does not represent support by the Authority for the proposals contained nor does it represent consent from the Authority for any of the proposed works to be implemented. Implementation of any of the works shown on this plan would require application to the Authority as an exception to the Scheme unless or until the concept plan is adopted by the Authority as a development plan, by formal scheme change. However, the plans do reflect a number of policies which the Authority considers appropriate to the future development of Picton Harbour.

4.3.2 The Authority anticipates pressure for further developments in Picton Harbour relating to:

- redevelopment of the ferry terminal;
- increasing export trade (particularly logs) until the development of Shakespeare Bay is viable;
- increases in smallcraft numbers (both commercial and recreational);
- increase in boatbuilding, repair and marine services.



MARLBOROUGH HARBOUR BOARD
Proposed development
Inner Picton Harbour.
September 1983
PICTON HARBOUR
aquatic recreation
possible site Rowing Club ?
car park
36 recreational berths
Echo
commercial jetty
M.H.B. slip
car & trailer park
launching ramp
145 recreational berths
channel
450 m commercial berths
235 m casual berths
33 commercial berths
future tourist operations ?
110 m casual berths
135 m commercial pick up & set down
575 m casual berths
Ferry terminal
720 m casual berths
float plane
small craft hire, boat sales etc.
toilets amenities & shops
Sharkquarium
paddle boats
commercial aquatic recreation
possible site
Edwin Fox
swimming
car park
LONDON QUAY
HIGH ST
WELLINGTON ST
WAIKAWA
ROAD
P-462A
amended 7/3/85

MAP ONE

4.3.3 All of these will contribute to the economy of the town and it will be necessary for the Authority and Picton Borough Council to balance these possible developments with the need to ensure that the waterfront remains an attractive asset integrated with the recreational and commercial areas of the town.

4.3.4 The Authority considers the following features are important aspects of the character of Picton Harbour, which should be protected.

a) The "down harbour" view from Picton Foreshore and London Quay should retain an aesthetically pleasing balance between natural and manmade features.

b) The Town Beach and Shelly Beach with their associated grass areas, should be retained or recreated within sight and walking distance from the town.

c) Public pedestrian access be maintained throughout the foreshore area except, and only if safety reasons dictate, in the vicinity of the ferry berths and Waitohi Wharf.

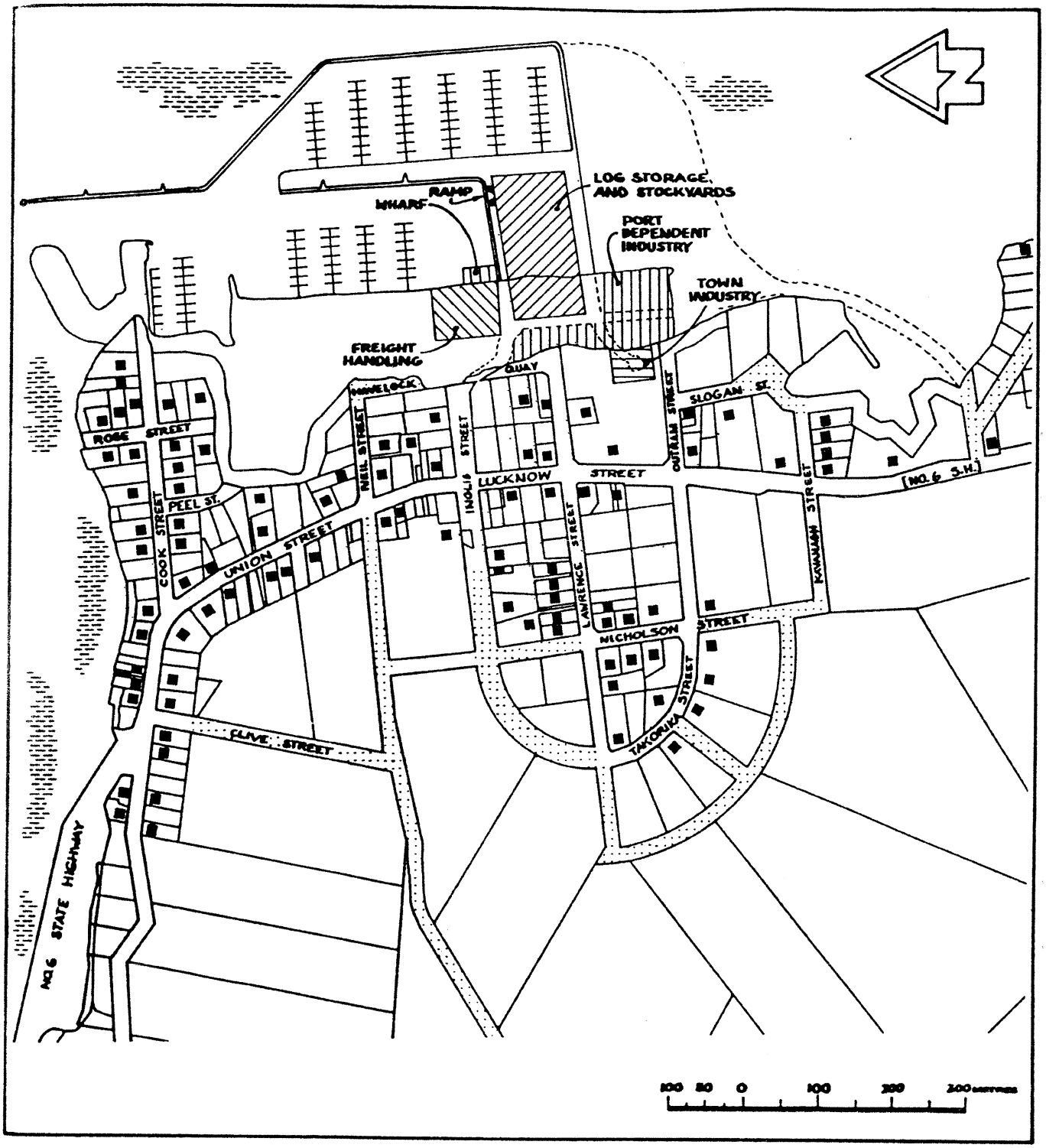
4.4 Havelock

4.4.1 The Marlborough Harbour Board in 1984 prepared a long term plan for the development of Havelock Harbour. The plan was prepared on a contingency basis. That is, each of its components could be developed as and when necessary, and each was largely independent of the others, although cost savings would accrue if different facilities could be developed simultaneously. This contingency factor has perhaps not been widely appreciated. Reaction to the total extent of development provided for led to a "Havelock Planning Study"* being proposed by the Marlborough United Council. This was undertaken in 1985/1986, led by the Ministry of Works and Development but with input from local and central Government agencies with interests in the Havelock area. The Study sought to co-ordinate development prospects for both the town and the port area. Its recommendations for the port area are much more constrained than the Marlborough Harbour Board's earlier proposals. The Study's recommendations have been developed from a reactive "what is necessary" stance rather than a promotional stance.

4.4.2 Map 2 shows the recommended port development proposals (Option D) from the Havelock Planning Study. Again the plan is incorporated in this Scheme as a concept plan. It contains insufficient detail at present to be adopted as a development plan governing port developments at Havelock. The Authority considers the plan indicates an appropriate range of functions and an appropriate scale of development for the Port of Havelock, for a period of five to ten years. The prospect of further development will need to be reassessed during that period, as will public attitudes to the port and the estuaries it is contained in.

* Ministry of Works & Development, for the Marlborough United Council, 1986.

MAP TWO



PORT DEVELOPMENT OPTION D: EASTERN MARINA

4.5 Waikawa Bay

4.5.1 At Waikawa, the Authority endorses policies previously agreed between the Marlborough Harbour Board and the Marlborough County Council:

a) That the eastern shore should be primarily available as a public recreation area;

b) That the repair and replacement of boatsheds in Waikawa Bay should not be permitted. This policy is intended to assist in restoring the Waikawa Bay foreshore as a public amenity.

4.5.2 The Authority supports the retention of a public jetty and the launching ramp on the eastern side of Waikawa Bay as these meet demands which need not be provided for within the marina - a launching area for small dinghies, access for boaties to the shop.

4.6 Portage Bay

4.6.1 The public jetty at Portage is in need of either replacement or major refurbishing. The Harbour Board is considering the possibility of a small marina development in Portage Bay as an alternative. Map 3 shows a concept plan for this proposal.

5. SHAKESPEARE BAY : PORT DEVELOPMENT AREA

5.1 Introduction

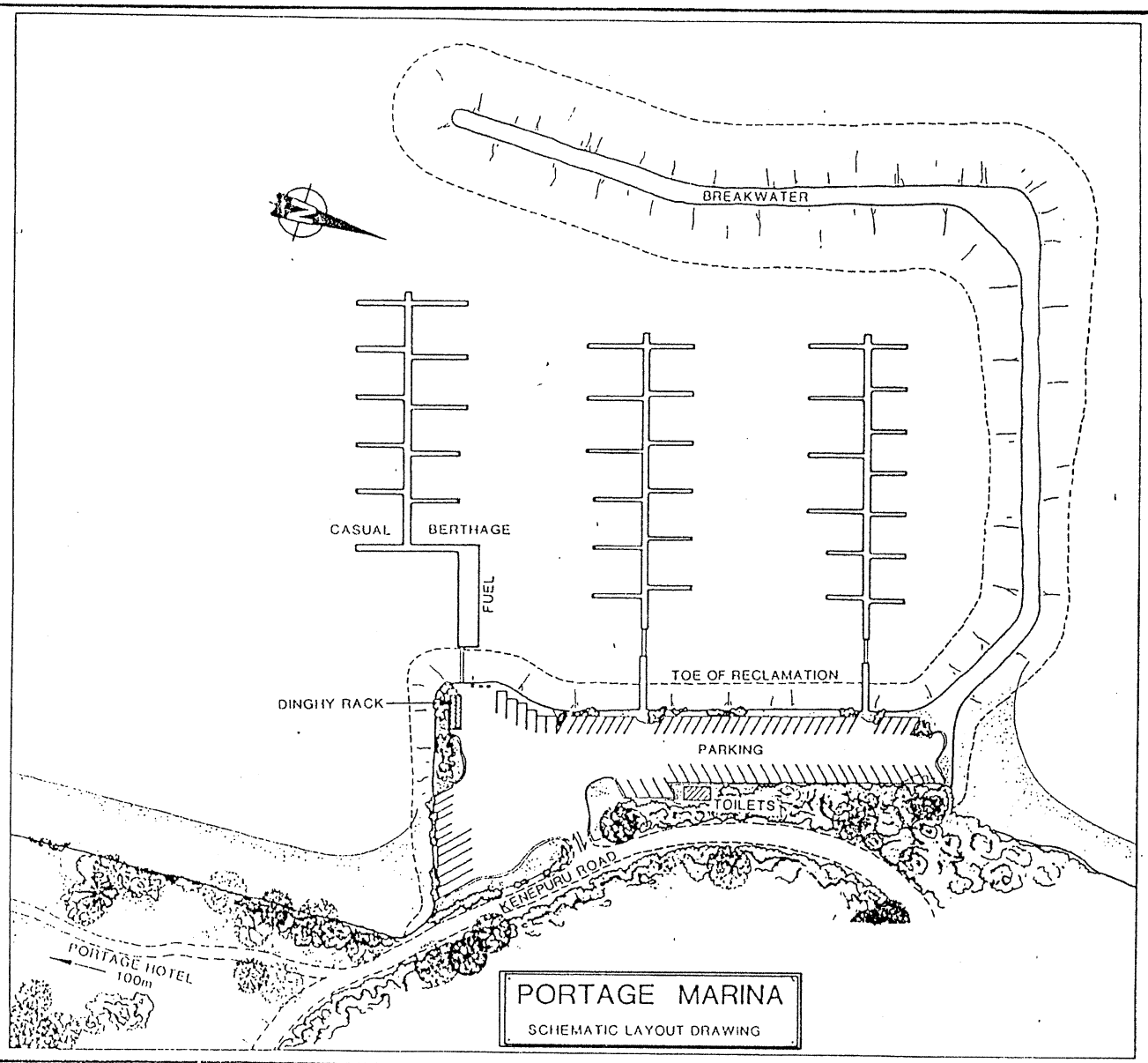
5.1.1 Shakespeare Bay has potential to be developed as a deep water export port. Dredging and reclamation could provide quay berthing facilities with a draught in the range of 10m - 20m. Minimal maintenance dredging would be required after the initial construction phase, as there is no significant deposition of sedimentary material occurring in the bay. The site adjoins the northern road and rail head for the South Island. Picton and Blenheim provide a source of labour and offer a range of options for housing, goods and services for additional people drawn to the area through any employment generated by the Port.

5.1.2 The Marlborough Harbour Board has proposed port development at Shakespeare Bay, and has since the 1970's acquired the freehold land in the bay for that purpose.

5.1.3 The extent of possible port development at Shakespeare Bay is shown on Map 4.

5.2 Legislation

5.2.1 The Marlborough County Council District Scheme includes a designation : 'M.H.B. for Harbour Works' over part of the land owned by the Marlborough Harbour Board in Shakespeare Bay. The Marlborough Harbour Board cannot require the



Date	AMENDMENT	By

	Name	Date
SURVEYED		
DESIGNED		
DRAWN	S. HOUGH	5-87
TRACED		
CHECKED		
APPROVED		

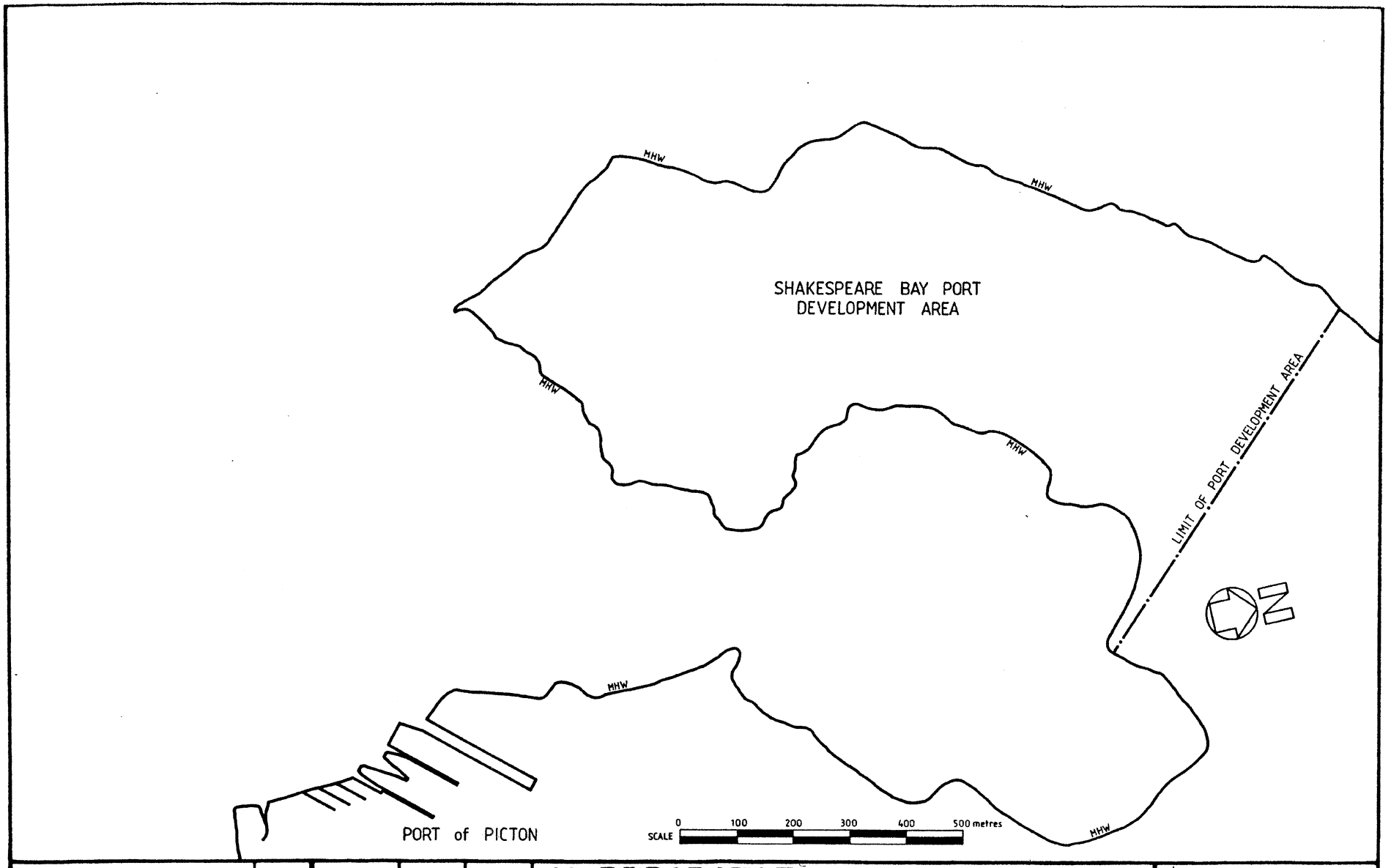
MARLBOROUGH HARBOUR BOARD

PORTAGE MARINA
SCHEMATIC LAYOUT

SCALE

Plan No
S562-4

Sheet Of Sheets



AMENDMENT	By		Name	Date
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		DESIGNED		
		DRAWN	C BAXTER	APRIL 88
		TRACED		
		CHECKED		
		APPROVED		

MARLBOROUGH HARBOUR BOARD

SHAKESPEARE BAY
PORT DEVELOPMENT AREA

SCALE

Plan N° SH 545

Sheet Of Sheets

MAP FOUR

Authority to include an equivalent provision in this Scheme to enable the Port of Picton to be extended into the water area of Shakespeare Bay. Part V of the Act makes no provision for designations to be applied in a Maritime Planning Area. Options are limited to the Authority making such provision in the Scheme or, if it does not, for the Marlborough Harbour Board to object to the absence of such provisions from the Scheme.

5.2.2 These options create a dilemma for the Authority:

If the Scheme includes provisions for port development at Shakespeare Bay, the Authority is likely to be criticised for promoting the interests of the Marlborough Harbour Board, or its successor the Port Company.

If the Scheme makes no provision for port development at Shakespeare Bay, the Authority is likely to be criticised for giving no guidance to potential port developers, to the public, or to the Planning Tribunal on the preferred use of Shakespeare Bay.

5.3 **Background**

5.3.1 Initially it was considered that this Scheme should make no provision for port development at Shakespeare Bay, in order that the initiative for change on such a scale should clearly be seen to originate with the Marlborough Harbour Board. Also relevant to that viewpoint was uncertainty about the probable range of uses of the port other than those currently perceived, and the consequent inability to foresee the range of impacts which may need to be countered by requirements, conditions of consent, or prohibitions. The range of port uses is open-ended; technological changes in cargo handling may make some environmental controls obsolete but create a need for others; public attitudes towards environmental matters or port-related nuisances may change during the operational life of a port.

5.3.2 However, the Authority need not be committed to every matter included in a Proposed Planning Scheme. (If it were, it could hardly hear objections to Scheme proposals without risk of infringing on issues of natural justice). A Proposed Scheme, or subsequently a Proposed Scheme Change, is also a means of putting up propositions for public debate.

5.4 **Proposal**

5.4.1 The Authority considers this Scheme can properly be used as a vehicle to generate public debate on the concept of port development at Shakespeare Bay, and does so from a standpoint of qualified advocacy:

The Authority considers the potential for a deep water port to be developed at Shakespeare Bay should be protected.

It also considers that the development and operation of Shakespeare Bay as a deep water port should be permitted only if the adverse environmental impacts likely to be generated can be eliminated or reduced to publicly acceptable levels, and that the principal use of Queen Charlotte Sound as a scenic and recreational area is largely unaffected.

5.5 Planning Issues

5.5.1 Certainty

(i) From a port developer's point of view, it would be preferable for the Scheme to contain blanket provisions allowing Shakespeare Bay to be used for Port purposes, subject if necessary to specific requirements to eliminate or mitigate potential nuisances or adverse impacts generated by port development or operation.

(ii) Opponents of that view would consider such an approach would allow at some future date uses not currently envisaged, with potential effects not adequately controlled. An alternative would be for the Scheme to include a definite port layout plan for a specified range of uses, requiring application for any departure from that plan.

(iii) At present the Shakespeare Bay proposals are not developed in sufficient detail, by either the Authority or the Marlborough Harbour Board, for that approach to be adopted.

(iv) In the absence of a definite plan of works, uses, operations and equipment, it is difficult to determine requirements appropriate for these to be established or carried out as of right. In order to give the certainty of 'predominant use' status to port development proposals, it may be necessary to cover the uncertainties by catch-all requirements. These are likely to be more stringent than might otherwise be negotiated through an application dealing with a specific proposal, the effects and impacts of which can be readily identified.

(v) 'Predominant use' status requires that the terms under which an activity can be carried out must be stated unequivocally. The option of discretionary or negotiable requirements can exist if and only if:

a) it is available to all parties whose interests might be affected; and
b) it leads to a result which is binding on all parties.

(vi) These conditions are most readily met by the notified application process.

(vii) Consequently, the quest for certainty in relation to permitted uses may be at the cost of flexibility regarding the terms under which a particular use may be carried out.

5.5.2 **Economic Feasibility**

(i) A major issue in the question of how this Scheme should deal with the possibility of port development at Shakespeare Bay is the relevance of economic feasibility studies.

(ii) It is noted here:

a) the economic feasibility of permitted uses is not normally a factor in the land use zoning decisions of territorial authorities;

b) economic feasibility should be a major factor in the resource allocation decisions of a resource-owning body - in this case the Department of Conservation on behalf of the Crown - if only for the purpose of determining an appropriate resource rent;

c) Economic feasibility will be the prime factor in the decision of a developer to implement any permission granted.

(iii) In the Maritime Planning context, for decisions which would reduce the availability of the public resource, or would affect the use and enjoyment of the remaining resource by the general public, it is reasonable for the public to know the probability of any permission being implemented.

(iv) But the intervals between a zoning decision by the Authority, an implementation decision by the Harbour Board, and utilization decisions by exporters or shipping companies, mean the zoning decision cannot be taken with any guarantee of implementation or utilization. There are too many economic factors outside the control of the primary participants, especially in relation to export trade where exchange rates and market prices fluctuate, tarriffs and subsidies can be lifted or imposed, and long term transport costs are unpredictable.

(v) In this context a zoning decision aimed at safeguarding the option of extending the facilities of the Port of Picton into Shakespeare Bay is in some respects a contingency provision rather than a response to a guaranteed trade pattern. The issue

is then: if needs arise as anticipated, is the use of Shakespeare Bay as a deep water port, with the probable effects as currently perceived, desirable or acceptable?

5.5.3 **Alternatives**

(i) Another important matter which needs discussion arises from the environmental assessment procedures proposed by the Ministry for the Environment in March 1987, and is found in the dual question of:

Are there alternative sites for the proposed use?

What alternative uses could be made of the site?

Implicit in these questions is a search for the best site for the purpose, and the best use of any particular site.

(ii) There are four difficulties with this concept:

a. Best use and best site may not coincide;

b. There will be divergent views on what constitutes 'best', not the least being the appropriate timescale to apply;

c. There may be difficulties in implementing 'best' solutions, eg: property ownership or land status (reserve) in relation to an operationally best site;

d. There is no limit to the range and nature of alternatives which could be pursued.

(iii) It is considered for practical purposes the search for 'best' alternatives should be reduced to questions of suitability, with acknowledgement of the most likely alternatives which would be foregone.

(iv) There is one alternative which would permit some of the operational objectives of the Marlborough Harbour Board to be met at Shakespeare Bay without any significant transformation of the bay. This is the option for a cargo such as West Coast coal to be transhipped at Shakespeare Bay via a system of tug and barge supply vessels continually topping up a moored storage hulk, from which an export vessel would be loaded. Onshore equipment and facilities would be minimal. The operational effects of this system would need be as good as, or better than, those achieved in a more usual ship-to-shore system. Water supply, sewage and garbage disposal issues would need to be addressed.

(v) But if coal transhipment by this method could take place at Shakespeare Bay without causing any environmental damage or nuisance, a further alternative is generated.

(vi) To a shipping company, especially one operating a tug and barge shuttle service from the West Coast, there may be a significant cost saving through reduced steaming time if an outer Sounds terminal could be utilised eg: at Port Gore or Croisilles Harbour.

(vii) It is the Authority's preference that major commercial shipping operations be confined to the Picton Harbour/Shakespeare Bay area, to prevent the occurrence of industrial type activities in other Sounds locations.

5.5.4 **Relationship with Picton Harbour**

(i) The concept of a deep water port at Shakespeare Bay has the apparent advantage of removing commercial shipping activities from Picton harbour and, intuitively, that notion, leaving Picton harbour as a base for tourist and recreational activities (including the rail ferries), is attractive.

(ii) In practice, it is estimated that Shakespeare Bay could add up to 250 shipping movements per year, (excluding barge traffic), to the approximately 3,400 ferry movements already occurring in the inner part of Queen Charlotte Sound.

(iii) But it should not be assumed this proportionately small increase in coastal or export shipping takes place against a static background. A significant increase in smallcraft traffic and facilities is likely, as reflected in the Marlborough Harbour Board's Picton Harbour Development Plan (map 1, Part E, section 4.4 of this Scheme). Further development on the Westshore reclamation is likely to encourage additional smallcraft traffic to the western side of Picton Harbour. These factors reinforce the concept of confining commercial port trade to Shakespeare bay, leaving Picton Harbour free for tourist and recreational activities (including the inter-island rail ferries).

(iv) In terms of environmental effects from Port operations, there is no reason why port operations in Picton Harbour could not be carried out to the same standards as are likely to be required in Shakespeare Bay, although these would have to be voluntarily adopted by the Port Operator in relation to any established uses in

Picton Harbour. (In some instances, eg: dust, a higher standard may be preferable in Picton Harbour because of its closer proximity to the built-up area).

(v) The principal operational differences between the two sites are therefore :

a. There is less scope to develop port backup land in Picton harbour than in Shakespeare Bay.

b. The likely increase in intensity of smallcraft activity in Picton Harbour if the proposals of the Marlborough Harbour Board Picton Harbour Development Plan (as indicated in this Scheme) are pursued.

5.5.5 **Planning Controls**

(i) A major component of Port development in Shakespeare Bay is likely to be reclamation to facilitate the provision of berths and to provide backup land. Reclaimed land will subsequently come under the planning jurisdiction of the adjoining territorial authority. Until that occurs, any reclamation authorization under maritime planning procedures should also make adequate provision for the uses to which the reclaimed land will be put. Consideration must therefore also be given to landuse planning matters in the planning of Shakespeare Bay.

(ii) The bulk and location of buildings is a primary concern of traditional landuse planning. The reasons for this concern warrant examination before the concept is transplanted to a maritime planning context. Bulk and location controls are aimed at ensuring adequate daylight, sunlight and ventilation to buildings, the preservation of views and outlook, or to foster some visual cohesion in the built environment. These factors are given different weightings in residential, commercial and industrial contexts.

In a port situation, numerous structures such as cranes, gantrys, conveyors, floodlighting towers, silos, and ships themselves, are likely to exceed standard height controls. In Shakespeare Bay there is no existing development whose interests would be affected by the bulk of buildings and structures in the port area. The bay is separated by hill ridge from Picton. There appears to be little purpose in imposing bulk and location controls on buildings and structures in a port area at Shakespeare Bay.

(ii) Other visual aspects commonly controlled relate to the design and appearance of buildings.

A port is primarily a functional place. Major structures are likely to be utilitarian in appearance, reflecting a diverse and independent range of functions. It is considered likely to be difficult, and artificial, to impose a requirement seeking similarity in style between structures of widely divergent scale and function, especially when built independently from one another over several years.

The use of colour is likely to be equally functional. Eye-catching colour or design may be used for safety purposes or for company or product identification. Otherwise the use of colour is expected to be utilitarian. The juxtaposition of uncontrolled colour is likely to be just as interesting and aesthetically justifiable as a colour-controlled port development.

Attempts to control these two factors are considered to be unnecessary cosmetic concepts in the context of port development.

(iv) A similar conclusion is reached on the possibility of requiring the use of plant material to 'landscape' the working port environment.

Port development of Shakespeare Bay will physically transform a major area of landscape, both above and below sea level. Land form will be substantially altered on the lower slopes of the bay head and around the shoreline. Existing vegetative cover will be replaced by a built environment.

But the Port development will still be contained within the dominant landform of the bay. To the east and west, bush and regenerating scrub will remain (on reserve land) between the skyline and the area of development. To the south, afforestation on the steeper land owned by the Marlborough Harbour Board is likely.

The port will be a prominent element in Shakespeare Bay, but the surrounding hills clad in bush and forest, and the water, will remain the dominant landscape features.

It is considered there is little purpose in requiring 'landscape' to be represented by patches of shrubbery along roadsides or around buildings in a functional port area, where ongoing development over an extended period will occur in addition to port operations.

5.6 Possible Port Uses at Shakespeare Bay

5.6.1 Possible Port Uses at Shakespeare Bay include:

a. Works for the berthing of vessels, including wharves, quays, reclamation, dredging, moorings, dolphins, and other aids to the navigation and mooring of vessels.

b. The mooring of vessels for the storage and transhipment of bulk materials.

c. Facilities for the loading, unloading and servicing of vessels.

d. Works, buildings and equipment for the handling and storage of cargo.

e. Works and facilities for the building, servicing, maintenance and repair of vessels - including dry dock, slipways, shiplifts etc.

f. Transport facilities ancillary to port operations.

g. Public utilities as defined in section 64 of the Act.

h. Workshops, offices and facilities ancillary to the above uses.

5.6.2 Proposals for cargo with potential to disrupt the present environmental and ecological status of the area will need to demonstrate both preventive environmental protection measures and contingency plans to rehabilitate or compensate for any environmental damage or loss of amenity attributable to that cargo.

5.6.3 Potential commodities for Shakespeare Bay expected to have no significant environmental impact include:

Meat, apples, mussels, fruit, salt, containers, fish.

5.6.4 Anticipated cargos with potential environmental impact include:

Forest products, wheat and barley, aggregate and limestone, fertilizer, coal, petroleum (including bunkering of vessel), chemicals.

These cargoes are likely to require special facilities or techniques for storage, handling or nuisance abatement.

5.7 Planning Options

5.7.1 In the absence of a definite range of commodities for port development at Shakespeare Bay, a choice is required between the options of :

(i) providing for a generalised range of uses, subject to requirements to prevent or limit potential damage or nuisance effects.

or (ii) requiring an application for each major work or proposed use, with the inherent ability to decline an application if necessary or to impose conditions aimed at controlling specific effects anticipated from the consent sought.

5.7.2 The first option has been adopted for this Scheme. It has the advantages of :

(i) Giving positive protection to the potential of Shakespeare Bay being used as a deep water port.

(ii) Giving certainty to port developers, port users and the public, on the future of Shakespeare Bay, the range of works and uses permitted, and the terms underwhich they are permitted.

(iii) Reducing the likelihood of port developers and the public being involved in a series of applications and hearings for successive port development/port use proposals.

(iv) Enabling a commitment to be required at the outset to solve cumulative problems anticipated from the total project, rather than responsibility for 'communal' problems being handed down as a condition of consent to a future application which fortuitiously precipitates the need for remedial action. (For example, the eventual need for a bypass route to divert port related heavy traffic from Picton streets is a product of the total project, not any one component of it.)

5.7.3 Disadvantages of this approach are:

(i) That the impacts of some uses may not be foreseen nor adequately covered by controls derived from information available in 1988.

(ii) Standards imposed cannot take advantage of future technological improvements.

(iii) Public attitudes towards acceptable levels of environmental impact may change and cannot be accommodated.

6. RECLAMATION

6.1 Reclamation involves significant change to the natural state of the shoreline and seabed. It also alters the area available to the public. For these reasons, it is considered the public should be able to express opinion on reclamation proposals. This can be achieved by either:

a) a reclamation being included in a Development Plan incorporated in this Scheme; or,

b) a reclamation application being publicly notified as an exception to this Scheme under Section 110 of the Act.

6.2 An exception for minor works such as the abutment for a private jetty is considered appropriate.

7. DREDGING AND DISPOSAL OF DREDGINGS

7.1 Dredging, like reclamation, involves change to the natural state of the seabed. The change is less visible to human interests, but may be just as significant as reclamation for the localized marine ecology. Where dumping of dredgings is at sea, two sites are affected - the dredging site and the dumping site. For these reasons it is considered the public should be able to express opinion on dredging proposals. As with reclamations, this can be achieved by either:

a) proposals for dredging or dumping being included in a Development Plan incorporated in this Scheme; or

b) proposals for dredging being publicly notifieded as an exception to this Scheme under Section 110 of the Act.

8. LOG LOADING AREAS AND LOG TRANSPORT

8.1 Introduction

8.1.1 The forestry industry in the Sounds has a number of impacts in the maritime planning area. This Scheme governs aspects of log loading and log transport which occur below mean high water mark. The Authority can have only indirect influence over forestry activities on land and only when these are subject to publicly notified processes such as changes to district scheme provisions affecting forestry, or planning applications to establish forestry.

8.1.2 One problem between the management of the industry and the management of the area in which it is undertaken, is the 25-30 year period between the approval to establish

forestry, and the extraction phase. The 25-30 year growing period is such that at the establishment phase of a forestry proposal, only a cursory assessment is made of extraction options and the likely impacts. The converse is equally disadvantageous if extraction methods approved in year zero are no longer optimal in year 30. Innovation in forestry techniques, changes in public attitudes and increased environmental and ecological knowledge can be expected to improve over the 25-30 year forestry cycle.

8.1.3 The Authority considers it reasonable to suggest that the extraction phase of forestry operations in the Sounds should be subject to a separate application procedure in order that the methods proposed for harvesting and log transport can be assessed in terms of the likely impacts in the maritime planning area, and the public interest, at that time.

(It is noted that in 1981, forestry management in British Columbia required a cutting permit to be obtained before logging could be commenced.

This permit specified the area to be logged and the equipment and techniques to be used for harvesting and log transport. The Fisheries and Oceans Department assisted the Ministry of Forests in preparing permanent requirements to ensure that logging had a minimal impact on aquatic areas - fresh water and marine.

Reference : "A handbook for fish habitat protection on forest lands in British Columbia" DAA Toess and M J Brownlee, Department of Fisheries and Oceans, Vancouver.)

8.1.4 A further problem is that forestry holdings in the Sounds are varied in size and fragmented among numerous owners. Decisions on the timing, methods of harvesting and transport operations are likely to appear random and unco-ordinated as owners respond to their individual interpretations of market conditions and their own financial planning needs.

8.2 Forestry Impacts in the Maritime Planning Area

8.2.1 Forestry impacts in the maritime planning area result from four main phases in the forestry operation: land preparation, felling, log assembly and log transport.

8.3 Land Preparation

8.3.1 The clearance of land for forestry leaves the ground surface more exposed to climatic events. In addition, soil type and the slopes common in the Sounds mean clearance of vegetation is likely to aggravate erosion and sedimentation processes. Land management practices can minimize this effect.

(The high level of erosion/sedimentation occurring on undisturbed areas of natural vegetation is acknowledged.)

8.3.2 Increased erosion will increase turbidity in the seawater. Filter feeders such as mussels may be adversely affected and the growth of plant materials may be affected by the reduced light levels, both depending on how long turbid conditions are maintained. The suitability of an area as a habitat for higher order species including fin-fish of commercial and recreational interest, will be affected by the extent and duration of these conditions.

8.4 Felling

8.4.1 The felling and yarding of logs are also likely to aggravate erosion/sedimentation processes - the extent varying with the methods used.

8.4.2 Skidder logging requires the construction of an extensive network of access tracks which on steep land can contribute significantly to runoff volumes and potential for erosion. In operation, skidder logging also creates a high level of disturbance to vegetation, ground litter and soil cover.

8.4.3 Cable hauling systems have less impact than skidder logging. Generally a diminishing level of soil disturbance is created by : downhill hauling, uphill hauling, or a skyline cable system.

8.4.4 Uphill hauling is an unlikely option if water is to be the transport mode. A skyline cable system such as the Wyssen system would best protect the maritime planning area, but this Scheme is not able to dictate that such systems be used.

8.4.5 There is further uncertainty about the methods of extraction likely to be used, particularly as the economics of the skyline cable logging system have not been tested in the Sounds. Some uncertainty may be reduced if controlling authorities established environmental standards to be met during the logging process. Modifying conventional logging practice to meet the environmental standards possible with the skyline cable system should considerably alter the economic components in a comparison of skyline and conventional logging methods.

8.5 Log Assembly

8.5.1 Log assembly areas on the land have been identified by the former New Zealand Forest Service and are shown on the planning maps. These sites were identified by physical or topographic suitability, from site inspection and from map search. They are included on the planning maps for information, but do not signify that a log loading facility or operation would necessarily be permitted in that area. They have been identified at this stage to preserve an option.

8.5.2 Overseas, log assembly and storage areas may be in the water rather than on land. Accumulation of bark debris on the seabed is typical of such sites, with the major deposits occurring when logs first enter the water. The effects are similar to those of sedimentation, but with additional water quality problems. These arise from tannin and other substances leaching from the bark, the decomposition of the bark which places high demands on the oxygen dissolved in the water, and possibly the production of hydrogen sulphide which is toxic to fish. In shallow water the seabed may be compacted by logs bottoming through tidal or wave action.

8.5.3 The effects are significant at the site and they continue for many years, recharged by successive periods of use.

8.5.4 In principle, the Authority prefers logs to be assembled and stored on land rather than in the water. In practice this cannot be absolute if rafting of logs is to be permitted as a transport option.

8.6 Log Transport By Water

8.6.1 The first impact of log transport in the maritime planning area is in moving the logs across the foreshore to the water area ready for transport. If vehicles are used, there will be initial disturbance to and subsequent compaction of the foreshore material, with the biota of the area largely being destroyed. This will result from the high axle loadings and the stop-start manoeuvering of log loading vehicles. Alternatively, structures of sufficient size and strength to accommodate log loaders will equally destroy the foreshore habitat and more obviously alter the natural character of the shoreline.

8.6.2 Three options are available for transport of logs by water. These are:

- flat or loose rafts;
- bundle rafting;
- and barging.

8.6.3 Flat or loose rafts involve a collection of individual logs contained within a boom of logs chained or roped together. Obviously rafts are assembled in the water with all the disadvantages shown in paragraph 7.5.2 above. Under tow, rafts are slow and are not very manoeuverable. They may lose logs as sinkers or by the logs being pushed under or over the boom logs. If not recovered, these become a navigational hazard. To date these risks have been insufficient to warrant a ban on log rafting.

8.6.4 Bundle rafts require logs to be strapped together in bundles. The likelihood of sinkers or escaping logs is lower than for flat rafts. Also there is less bark

deposited from bundles than from loose rafts. Bundles require deeper water in which to float - (1.5 - 2.5m). Bundles can be formed on the land.

8.6.5 Barging leaves the least amount of debris on the seabed. But it may cause greater physical effects on the seabed and foreshore through dredging, reclamation or compaction to enable loading. Compared with rafting it is a more capital intensive operation. This will require log production to reach a threshold volume in continuous supply before investment can be warranted. Should barging be required and other options prohibited, the onus for decision-making may shift to the forest owner to determine when the market can absorb the transport cost.

8.6.6 The Authority would prefer loose rafting to be terminated but would accept bundle rafting provided that bundling was done on land.

8.6.7 Transport of logs by water may be considered incompatible with recreational boating in the Sounds. Put into perspective, advice from the NZ Forest Service to the "Havelock Planning Study" (1986) estimated the Pelorus Sound area would contribute a sustainable yield of 50,000 tonnes of logs per year. With a 200 tonne barge, that would be 250 barge loads per year or five barges per week on average reaching Havelock.

8.7 Relationship with Marine Farming

8.7.1 A further problem of forestry in the Sounds is its relationship with marine farming. In planning for the location of marine farms, sites physically suitable for log assembly were identified - whether or not commercial forestry was being undertaken or planned for the adjoining land. The Marine Farming Study included the criterion: "Marine farming should not be permitted to within a 300m accessway to existing and potential log loading areas."

8.7.2 This policy has generally been followed, although questioned by prospective marine farmers and the Ministry of Agriculture and Fisheries in relation to areas where no commercial forestry yet exists.

8.7.3 Planning for marine farming also identified "transfer sites" as areas where a marine farm could temporarily relocate if its licensed site was being affected by logging operations on the adjoining land. Other than making this allocation, there is no mechanism in place either between foresters and marine farmers, nor with the Ministry of Agriculture & Fisheries (the licensing authority for marine farms), to enable this option to be utilized if and when needed.

8.8 Conclusion

8.8.1 It is acknowledged that the problems identified in this section of the Scheme have been stated in terms of

principles and natural processes. In practice, the effects are likely to be confined to relatively small areas. Even the cumulative effects of several separate and discrete log loading areas is likely to be limited beyond the immediate vicinity of each site. This has presented the Authority with a choice. Should it defend the principle of seeking to prevent damage or disruption to the natural environment? Or should it adopt a pragmatic viewpoint that even the cumulative effect of log loading sites and operations is likely to be negligible - provided a maximum number and size range can be specified? The objectives and policies adopted for log loading areas and log transport are based on the first option of seeking to minimize the extent of change caused to the natural environment.

9. MOORINGS

9.1 Moorings are a use of the maritime planning area and as such come within the ambit of this Scheme.

9.2 Moorings are recognized as a justifiable use ancillary to boating activities in the Sounds. They provide security and storage for vessels in a form which is less conspicuous than foreshore structures and which causes less permanent change to the coastline. Moorings can be readily removed, with the site immediately reverting to its natural state.

9.3 The presence of moorings in a particular location may alter the sense of isolation or "away from it all" enjoyed by some residents and/or bach owners. The possibility of areas becoming cluttered with moorings is recognized, especially in popular overnight anchorages or in bays with relatively intensive residential development.

9.4 The Marlborough Harbour Board administers moorings under its bylaws. These provide for a register of private moorings and for 'controlled mooring areas' in Shakespeare Bay, Picton Harbour and Waikawa Bay. The bylaws provide that mooring permits may be revoked at any time.

9.5 On balance it is considered the allocation of moorings under Marlborough Harbour Board bylaws should continue without additional procedures under this Scheme, except in the following cases:

i) Where one person proposes a mooring in front of another person's property, written consent from that property owner should be required. If consent is withheld, the mooring application should be declined. (The option of pursuing the proposal as an exception to this scheme, that is as a notified application, is available.)

ii) Where a mooring is proposed by a club or commercial operation (for example a yacht or launch charter business) and there are residential properties in the vicinity, then:

either the consent of all property owners in the vicinity (as determined by the Planning Officer) must be obtained;

or the proposal should be publicly notified.

iii) The consent of the Department of Conservation will be required for moorings proposed in the vicinity of wildlife sanctuaries or refuges, or in areas of Marine Reserve (if established in the Sounds).

10. EFFLUENT DISCHARGE FACILITIES

10.1 Introduction

10.1.1 The Authority considers its responsibilities toward effluent discharges are not clear in the legislation. This section explains the interpretation adopted by the Authority and its effect in practice.

10.2 Legislative Provisions

10.2.1 The Third Schedule of the Act lists:-

> "The maintenance or attainment of water quality appropriate to the circumstances."

as a matter to be dealt with in a Maritime Planning Scheme.

10.2.2 Clauses 1, 2, 9 and 10 of the Third Schedule, as well as Section 3 of the Act, reinforce the view that the Authority, through this scheme, should address the question of effluent discharges.

10.2.3 Section 114 of the Act states:-

"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 authorization permitted or authorized under the provisions of the Water and Soil Conservation Act 1967."

10.3 Interpretation

10.3.1 While the principal clauses of this section imply that maritime planning approval is required regardless of other legislation, the Authority considers the proviso in Section 114 to be a directive that maritime planning procedures cannot be used to prevent a water right or other authorization under the Water and Soil Conservation Act 1967 from being implemented.

10.3.2 That is, the quantity and quality of a discharge, and its effect on the receiving waters, are considered to be beyond the Authority's direct jurisdiction if authorized under the Water and Soil Conservation Act 1967. Where the Authority wishes to influence these factors, it will need to participate in procedures available under that Act.

10.3.3 Where a discharge authorized under the Water and Soil Conservation Act 1967 requires a structure to extend below mean high water mark, that structure will need to be considered by the Authority under the procedures for foreshore structures. However, the proviso to Section 114 appears to limit the Authority's powers in this respect also, in that:

a) The option to decline consent to a structure appears to be negated, if this would prevent the Water and Soil Conservation Act permission from being implemented.

b) The ability to influence the nature, scale and location of a structure may also be limited if these factors directly affect the quantity, quality and effects on the receiving waters, of a discharge authorised under the Water and Soil Conservation Act 1967.

10.3.4 The Authority is aware of argument that a Regional Water Board has primary jurisdiction over the quality and quantity of a discharge, but that a Maritime Planning Authority maintains primary jurisdiction over the effects of a discharge on the use and enjoyment of the maritime planning area for other purposes.

10.3.5 The Authority's view is that when the purpose of Water Right, General Authorization and Water Classification Procedures are considered in relation to the long title to the Water and Soil Conservation Act 1967, their purpose must be seen to embrace the effect of a discharge on the use and enjoyment of the area for other uses, as well as the quality and quantity of the discharge.

10.3.6 The provisions of Section 169B of the Town & Country Planning Act 1977, authorizing the joint hearing of applications by a Maritime Planning Authority and a

Regional Water Board are recognized. The Authority considers these provisions should be utilized where appropriate for the benefit of applicants, the public and the two local authorities when considering proposals requiring approval or consent under both the Town and Country Planning Act 1977 and the Water and Soil Conservation Act 1967.

11. EROSION, SILTATION, BEACH PROTECTION AND ENHANCEMENT

11.1 Erosion

11.1.1 The shoreline is a line of interaction between land and sea. Weathering processes and the action of waves and tidal currents continually alter the shoreline. Erosion in one place may be counter-balanced by accretion at another. Some changes may be spectacular events, such as a landslide, or they may be relatively imperceptible and apparent only when mean high water mark is resurveyed for some reason. Natural erosion of the Sounds shoreline is likely to be aggravated near points of regular or frequent passage by vessels. The Water Recreation Regulations 1979 make it an offence for vessels to travel at more than 5 knots when 200 metres off the shoreline. While primarily to promote navigational safety, the requirement also limits the energy and effect on the shoreline of the wash from smallcraft. The regulation is not easily enforced.

11.1.2 However, by far the most contentious issue concerning erosion along the shoreline of the Sounds is that associated with the Rail Ferry operation in Tory Channel.

11.1.3 The Marlborough Harbour Board has sought to limit the effects of ferry wash in the past by imposing speed restrictions on ferry movements in Tory Channel. The current situation leaves ferry speed at the discretion of each Ferry Master, with an onus to avoid damage to other vessels or to property.

11.1.4 The Authority has regarded the ferry services as an existing use, lawfully established prior to the existence of the Authority. The Authority considers the issue of ferry wash can be more effectively dealt with by the Marlborough Harbour Board under the Harbours Act, than by the Authority.

11.1.5 Throughout the Sounds, numerous property owners have sought to prevent erosion of the shoreline by the construction of retaining walls. The materials used include locally available rock, timber with pole or rail iron support, or concrete.

11.1.6 The majority of retaining walls protect the seaward boundary of the Sounds Foreshore Reserve, in the ownership of the Department of Conservation, rather than private property. Protection of the Sounds Foreshore Reserve is valued. The implication of not protecting it is that it substantially reduced and will ultimately disappear.

11.1.7 Under this Scheme, a retaining wall requires application as for a foreshore structure. In assessing a proposal, particular attention will be given to the materials to be used and the resulting appearance of the work as well as its effectiveness.

11.1.8 A retaining wall must be sited as near to mean high water mark as practical. Minor reclamation will be permitted in conjunction with a retaining wall, provided it is no more than fill over a tie-back structure to secure the wall and provided that the Department of Conservation accepts the reclamation as an addition to the Sounds Foreshore Reserve.

11.2 Siltation

11.2.1 The Authority can have little direct influence on the volume of silt received by the waters of the Sounds. The Authority will take an indirect approach to this issue by encouraging other local bodies to minimise the potential for erosion resulting from their decisions on land use and land management practices. This approach will be discontinued if research shows the degree of siltation attributable to controllable activities is negligible in comparison to that resulting from natural events and processes, or from activities inadequately controlled by legislation or political will.

11.2.2 A more direct concern of the Authority is the need to consider the effect of works or activities within the maritime planning area on siltation processes within the marine environment. The most likely influences will be port developments. Works which alter the rate or direction of current flows are likely to alter siltation patterns, possibly affecting the use of other structures or port facilities such as jetties or slipways.

11.2.3 Siltation processes will no doubt be a factor in the design of harbour works or port facilities, to ensure that structures are not affected by siltation processes within their designed life, or that periodic removal of silts is counted among operating costs when assessing the economic viability of proposals. Equally the process of constructing harbour works should not contribute to siltation processes. For example, unless physically impracticable, the first stage of any reclamation should be the construction of a bund wall around the perimeter of the proposed reclamation. This should include any protective work or facing to prevent the loss of fine material from the reclamation site to the adjoining sea.

11.2.4 This Scheme does not attempt to prevent all change to siltation processes. The process is considered to be dynamic and changing itself - especially as a result of events such as storms. What is sought is some knowledge of the present siltation processes and the likely effects of proposed works on them, as a contribution to making better informed decisions.

11.3 Beach Protection and Enhancement

11.3.1 The Sounds have few beaches corresponding to the popular recreational image of extensive stretches of gently sloping sand. Those that do fall into this category are located well away from the main areas of activity and population.

11.3.2 In Picton and Waikawa, beaches have periodically been replenished with loads of sand or fine gravel, but hydraulic processes ensure these are only temporary improvements.

11.3.3 Elsewhere in the Sounds, people have sought to improve beach characteristics in numerous locations by the construction of groynes. In some cases these have been moderately successful in assisting deposition and retention of finer materials than occurred previously. It is acknowledged that a groyne which assists the retention or deposition of beach materials in one place may be the cause of denudation or non-replenishment of beach materials elsewhere. This may be a factor in localised instances of shoreline erosion.

11.3.4 This Scheme permits public bodies to undertake beach improvement - by the addition of sand or fine gravels, or by the construction of groynes to manipulate current flows and their associated scour and deposition processes. This will be subject to assurance that the use of foreshores in the vicinity will not be compromised and that the amenity of an adjoining beach area should not be affected - at least not without the consent of the adjoining land owner (The Department of Conservation in most cases).

12. SHIPPING AND NAVIGATION (INCLUDING RECREATIONAL ACTIVITIES)

12.1 Activities

12.1.1 The maritime planning area is utilized for a wide range of shipping and water recreation activities. These include:

rail ferries
cargo ships
cruise ships
commercial launches
commercial fishing fleet
recreational boating - powerboats } Including regattas
yachts } for any of these,
rowing } and charters for
windsurfing } any of these.
waterskiing }

float plane
fishing
diving
swimming
shellfish gathering
moorings

Other possibilities not yet evident in the area include jet-ski and para-gliding.

12.1.2 The Authority considers such activities are adequately controlled through the Marlborough Harbour Board Bylaws under the Harbours Act 1950 and associated legislation.

12.1.3 The consent of the Authority is considered necessary for:

a) works or structures (except navigation aids) associated with these activities;

b) any area to be set aside exclusively for any particular activity;

c) any area to be set aside for conservation purposes.

In such cases a scheme change will be promoted or if appropriate, an application for consent as an exception to the scheme will be required.

12.2 Navigation Aids

12.2.1 Section 64 of the Act deems : "Lighthouses, navigation aids and beacons" to be uses permitted as of right throughout every district. The Authority considers a comparable provision should apply in the maritime planning area.

This Scheme therefore provides that in the maritime planning area navigation aids may be established, maintained or removed, subject to the consent of the Ministry of Transport under Section 203 of the Harbours Act 1950, without further approval or consent from the Authority.

13. MARINE FARMING

13.1 Marine Farming

13.1.1 Marine farming in the Marlborough Sounds commenced in the early 1970s and, until 1983, involved only mussel farming. Amendment to the Marine Farming Act in 1983 has allowed salmon farming to develop. Currently there is interest in diversifying marine farming to include paua, oysters, seaweeds and paddlecrabs.

13.1.2 Farming methods vary for the different species, and are likely to vary further as experience and/or scales of operation change. Mussel farms initially utilized growing lines suspended from wooden rafts. The rafts have almost all been superseded, with the majority of growing lines now suspended from long lines supported by polythene buoys. Salmon farming commenced with nets suspended from cages 5 -8m in diameter, generally of

galvanized iron construction. As the viability of the industry is proven, larger cages are likely to be a more economic proposition. Polythene or rubber piping may be used in alternative cage designs. The salmon farming industry has expressed interest in sites further offshore than the 200m limit generally accepted for marine farming at present.

13.1.3 Seaweed farming proposals include the placing of pieces of concrete on the seabed to provide anchorage for the plants at sites where seabed conditions do not allow the plants to occur naturally. The paddlecrab proposition may require seawater to be pumped to onshore ponds, and discharged back to the sea. This operation could be applied to other species.

13.1.4 Both mussel and salmon farming as established in the Sounds at present are labour intensive, the resulting employment producing both economic and social benefits to the region. The mussel industry has experienced difficulties in developing as a unified industry, ie: with strong co-ordination between marketing, processing and growing mussels. The recent acquisition of numerous licences by larger companies may improve the stability of the industry, especially where these companies are involved in all three levels of the industry.

13.1.5 Salmon farming is being undertaken by a small number of operators, generally at a small scale experimental level at present. Two companies have interests in several licensed marine farm sites, so substantial expansion could be relatively rapid if the experimental work is successful and the supporting production of smolt and salmon feed are able to meet demand.

13.2 Regulation of Marine Farming

13.2.1 Marine farming is primarily regulated by the Ministry of Agriculture and Fisheries under the Marine Farming Act 1971. The Third Schedule to the Town and Country Planning Act lists marine farming as one of the matters which a maritime planning scheme can deal with. Section 102A of the Act, which gives the Authority interim powers of control over activities in the maritime planning area until such time as a planning scheme is operative, contains a clause which specifically exempts marine farming from these interim control provisions.

13.3 Planning for Marine Farming

13.3.1 Potential conflict between marine farming and other Sounds activities and interests was one of the reasons for establishing maritime planning in the Sounds. Consequently one of the Authority's initial tasks was to undertake a study of the maritime planning area to ascertain which parts could be made available for marine farming. A subcommittee was convened, comprising representatives of local and central government agencies with interests in the Sounds ie:

Marlborough United Council
Marlborough County Council
Marlborough Catchment & Regional Water Board
Marlborough Harbour Board
New Zealand Forest Service
Ministry of Agriculture & Fisheries
D.S.I.R (Soil Bureau)
Marlborough Sounds Maritime Park Board
Marlborough Sounds Maritime Planning Authority

13.3.2 The subcommittee made field inspections throughout the Sounds, applying a list of 18 criteria to provide a consistent evaluation of areas for marine farming. The results of the study showed areas the subcommittee considered could be made available for marine farming - in relation to other uses and interests (established or potential) in the Sounds. [The subcommittee assumed all areas of the Sounds were biologically suitable for marine farming. The question of marine farming having biological consequences which may be unacceptable was not addressed].

13.3.3 The results of the subcommittees' work are the criteria to be applied in assessing marine farming applications, and the areas allocated for marine farming on the maps which form part of this Scheme.

13.3.4 The study was carried out primarily in relation to mussel farming by the longline method. However the criteria used are not specific to that method of marine farming. They have been retained in this Scheme as the basis for assessing marine farming applications for sites outside the areas allocated by the Scheme.

13.3.5 Additional criteria have been included to assist the evaluation of new forms of marine farming - particularly in relation to likely visual and ecological effects. Salmon farming, for example, involves pelletised feed being dropped into the cages. Not all is taken by the fish. There is likely to be a build-up of excess feed and fish excrement on the seabed below or near salmon farms. The extent of this build-up will depend on the quantities involved, water depth and currents. The debris may be rapidly broken down, providing an enriched environment for other marine species. Or the quantity and rate of addition may exceed the dispersal and/or decomposition rates to the extent that the seabed is covered, the benthic community smothered and anaerobic conditions created which may be detrimental to the salmon farm above as well as to the ecology of the surrounding area.

13.4 Marine Farming Issues for Maritime Planning

13.4.1 Alienation of Public Space

There are varying opinions about the extent to which a marine farming licence legally restricts public access in

the licenced area. Aside from the legal issue, the practical effect is that the presence of a marine farm does detract from the interest an area might otherwise hold for recreational activities. (An exception is that mussel farms commonly enhance recreational fishing prospects).

13.4.2 **Water Quality**

Mussels require water of good quality. Otherwise, as filter feeders, they are likely to expend more energy filtering impurities from the water and make little growth. Also, the export market to the USA is dependent on guarantees of the quality of the growing waters.

As previously discussed, marine farming may itself affect water quality. In addition to the potential effects of salmon farming, there is the potential of mussel farms to deplete the proportion of particular nutrients (nitrogen, phosphorus) normally present in the water. This may limit the rate of mussel growth, or limit the number of farms which a particular area can sustain.

13.4.3 **Requirements for Landing Facilities**

Mussel landing facilities provided by the Marlborough Harbour Board are currently available at Port Underwood, Picton, Havelock and Elaine Bay. The practicality of developing facilities at Okiwi Bay, Croisilles Harbour, has been investigated but not proceeded with.

13.4.4 **Confinement of Marine Farming Activities to Licenced or Otherwise Approved Areas.**

The precise location of marine farming structures on the seabed is not as simple as siting buildings at exact positions in relation to property boundaries on land. However, with very few exceptions most marine farming structures have been satisfactorily located within their licenced area.

Less satisfactory has been the use of foreshore areas for storage of mussel farming equipment. Where gear is stored above mean high water mark, this is a matter for the Department of Conservation and/or the Marlborough County Council to resolve.

13.4.5 **Spat Catching Areas**

Mussel farming is dependent on a supply of spat. The industry has largely depended on spat collected from beaches near Kaitaia. So far this source has been sufficiently reliable (although a haphazard natural phenomenon) for Sounds mussel farmers to show little interest in the three sites identified by the Ministry of Agriculture & Fisheries as spat-catching areas in the Sounds : Clova Bay, Wet Inlet, and St Omer. These are depicted as such on the planning maps.

The Ministry of Agriculture & Fisheries is currently investigating spat catching and spat holding in deeper water than at these three sites. The results of this work may require subsequent amendments to the planning maps.

13.4.6 Spat Holding Areas

The planning maps show spat holding areas at Otatara Bay (Clova Bay), Saratoga Bay (Beatrix Bay), and Garne Bay (Fitzroy Bay).

These were originally intended for temporary storage of spat bought from Kaitaia, when weather or sea conditions prevented their immediate transfer to growing lines on a licenced farm site.

In practice spat has been held in these areas for considerable periods, especially when market conditions have prevented harvesting of longlines at licenced sites. This need should decrease as the industry becomes more stabilized.

A further practice has been the use of these sites to grow spat to a size above that at which the majority of losses to predation have occurred at licenced sites. Continued use of the spat holding areas has now resulted in predation occurring at those sites. A possible solution is to require a number of spat holding sites to be used on a rotational basis, each site being rested for a significant period.

Should predation become established at the spat holding sites and continue despite increasing the rest period at each site, the concept would be negated. A decision would then be required as to whether the spat holding sites should be allocated as marine farming sites, or revert to public use.

13.4.7 Transfer Sites

Transfer sites are included in the provisions for marine farming. Their purpose is to ensure space is available for a marine farm to continue in operation if the licenced site was likely to be unduly affected by other activities in the vicinity. For example, logging could create two situations disadvantageous to mussel farming. Firstly, the felling and hauling of logs to stockpiles may cause levels of siltation which significantly reduce mussel growth rates, if not being actually harmful to mussels. Secondly, barge or raft transport of logs may disrupt the longlines of a mussel farm, if manoeuvering in confined spaces is required.

Temporary relocation of the marine farm may be in the marine farmer's interest during the period of disruption.

Several problems make implementation of this concept difficult:

(a) How much notice could a forester give a marine farmer of his intention to begin logging?

Foresters are likely to want the ability to respond to market conditions as and when it suits them.

Mussel farmers would prefer to move empty lines, rather than those holding a considerable weight of crop.

(b) Should a mussel farmer be compensated for any loss of earnings or higher operating costs involved in moving to or operating from a transfer site?

(c) What guarantee can be given for a mussel farmer to re-occupy his licenced site at a particular date, with no further disturbance from the particular logging operation?

(d) What form of tenure is required to utilize transfer sites?

Marine farmers appear to be disadvantaged parties in this concept. They are faced with disadvantages in either continuing to operate in their rightful licenced area or moving to and operating from a site which is not of their choosing.

The whole concept of transfer sites raises the question of: to what extent can a forestry operation - or any other activity - legitimately disrupt the interests of other parties in activities beyond the boundaries of the forestry (or other activity) site? The obvious converse is: to what extent can marine farming disrupt the interests or expectations of forestry and other land uses? The Authority has sought to minimise the effects of marine farming on other interests by the policies and provisions of this Scheme.

The simplest solution is to avoid allocating areas for marine farming near land used for, or suitable for, forestry. But it is difficult to justify preventing marine farming near land with potential for forestry where there is no indication of that potential being realised in the foreseeable future. If this simple solution is advocated, it could equally be applied in the opposite sense : no forestry should be permitted near water suitable for marine farming.

13.5 Summary

13.5.1 Marine farming appears to be a wise and, particularly for mussel or seaweed farming (indigenous species), relatively benign use of natural resources. It is

difficult to accept this use should be restricted or curtailed simply because an adjoining land use is frequently operated in a manner which does not contain its effects within its site boundaries.

13.5.2 The Authority considers the regional interest is best served by permitting both activities where practicable. For this reason the Scheme's policies for marine farming provide:

a) a separation between a marine farm and the shore;
b) a separation between marine farms;
c) a greater separation between marine farms and potential log assembly and/or loading areas
d) transfer sites;
e) protection for main navigation channels and access to points of regular use.

13.5.3 The adequacy of these policies will be tested as logging operations increase in the 1990s. Changes will be made if necessary, although these will be of little immediate benefit as far as established operations are concerned.

14. FISHERIES

14.1 Introduction

14.1.1 Fisheries are currently important in the Sounds for four reasons:

i) They provide a livelihood for commercial fishermen living and working in the area;

ii) They are an important factor in many recreational and tourist activities;

iii) They continue to be used as a traditional source of food by Maori people, contributing to the mana of local Maori people in their relationships with Maori people from elsewhere in the country;

iv) They are part of the balance of species naturally present in the Sounds.

Thus there are commercial, social, cultural and biological reasons warranting application of the conservationist principles that the fisheries should not be depleted nor their habitat damaged.

The Authority believes the definition of 'Conservation' in the Conservation Act 1987 warrants further consideration being given to the future management of fisheries resources in the maritime planning area. That definition has three parts:

i) maintaining the intrinsic values of natural resources;

ii) providing for their appreciation and recreational enjoyment by the public;
iii) safeguarding the options of future generations;

All of these are relevant to the management of fisheries in the Sounds.

14.2 Proposal

14.2.1 The Authority considers it appropriate to pursue those principles through a long term objective aimed at excluding commercial wet fishing from the Sounds for the following reasons:

a. in recognition of a conservationist attitude toward the resources of the Sounds;

b. to reduce the possibility of any particular fishery being depleted;

c. promoting the use and enjoyment of the Sounds resources for the greatest number of people;

d. promoting a process of public accountability in the future use of Sounds resources.

14.2.2 The adoption of this objective would have no immediate effect on the rights of commercial fishermen presently operating in the area, whose interests are protected by the 'existing use' provisions of the Act.

14.2.3 The effects of the objective will be twofold:

(i) any new commercial fishing proposal - new species, new area, new method - would be an exception to this Scheme, requiring public notification under Section 110 of the Act;

(ii) where there is any reduction in commercial fishing effort in the Sounds, that fishing effort could not be reinstated without application under Section 110.

14.2.4 This proposal does not represent simply a transfer from commercial fishermen to amateurs of the right to take fish. No 'taking' of that right is intended. The rate and scale at which the transfer occurs will be governed by the decisions of individual commercial fishermen to give up their existing use rights, (unless there is any cause for intervention by the Ministry of Agriculture & Fisheries at any stage).

(This aspect is further confused, and may be prolonged indefinitely, by the fact that ITQ's are equivalent to a proprietory right in perpetuity and are a tradeable commodity. Also ITQ's relate to the Challenger fisheries management area, not specifically to the Marlborough Sounds.)

14.2.5 The proposal involves an assumption that despite an anticipated increase in recreational and tourist developments in the Sounds, the amateur catch would remain less than the commercial catch would have, if continued. Whether that assumption proves correct or not, the Ministry of Agriculture & Fisheries has the ability to restrict the total take through the regulations it applies to amateur fishing and its obligation to buy back commercial quota if the viability of fisheries is under threat.

14.3 Fisheries Habitats

14.3.1 The Authority also has an important role towards maintaining fisheries habitats in the Sounds, by preventing other activities or works which may threaten fisheries or their habitats and for which the Authority has a specific responsibility. Policies on water quality and harbour development are important in this context. Equally important are policies for the wetlands and tidal flats which provide breeding and rearing habitats for many species and contribute substantially to biomass production at the base level of marine food chains. Recreational activities can also affect fisheries habitats, although monitoring the extent and effects of recreational fishing has some difficulties.

15. MARINE-RELATED INDUSTRY

15.1 Introduction

15.1.1 The maritime activities of the Sounds create demand for marine-related industries such as:

- boat building and repairs;
- marine engineering;
- fish processing.

Such industries benefit from a waterfront location, but this is not essential in all cases.

15.1.2 The topography of the Sounds provides limited areas of flat land adjacent to the water. Marine-related industries compete with recreation, residential and commercial interests for this land. The amount of land and the extent of foreshore made available for industry depends on the ability to segregate industries incompatible with other interests of the foreshore, or on the degree of compatibility of particular industries with those other uses.

15.2 Picton Harbour

15.2.1 In Picton Harbour, the Westshore area is sufficiently separate from the foreshore areas used for recreational

interests, to be suitable for marine-related industries. However it is of limited extent and the available shoreline should not be allocated to uses not dependent on having water frontage. A problem with this policy is that the Authority's jurisdiction does not apply to the use of the adjoining land, so the policy can only be achieved if supported by the Marlborough Harbour Board in allocating its land for lease.

15.3 Havelock

15.3.1 At Havelock, fish processing industries occupy a dominant position at the seaward entrance to the harbour. This site could otherwise be the focal point of outlook from the marina area.

The "Havelock Planning Study"* has advocated establishing an industrial area in the southern end of the marina where it would have minimal impact on other activities and interests. Again the proposed area is limited - especially in the length of shoreline available.

15.4 Reclamation

15.4.1 At both Picton and Havelock, marine-related industries can be accommodated on existing reclamations, implying the option of further reclamation is available to meet the demand of marine-related industries. This option needs to be considered against:

a) The developing national policy that the natural coastline is inherently worth maintaining;

b) The foreshore being a major component in the physical structure of the towns of Picton and Havelock;

c) The cumulative effect of successive diminution of the foreshore and harbour area available to the public either to "use" or as part of the image of each place.

* Ministry of Works & Development for the Marlborough - United Council, 1986

15.4.2 Consideration needs to be given to aspirations of the Picton and Havelock communities that the primary functions for the foreshore should be its accessibility to the public and its integration with the recreational, residential and commercial functions of the two towns. That is, the foreshore should be available to the public and should be a strong component in making an attractive image for each town. (The needs of marine-related industries are recognised by each community, but public oriented uses are considered to deserve greater priority for the more prominent part of the shoreline in each case.)

16. MINING

(Including removal of stone, gravel, sand etc from foreshore or seabed).

16.1 Mining within the maritime planning area could have major effects on the structure and appearance of the shoreline and seabed, on water quality, marine ecology and public access.

16.2 However, mining operations authorized under the Mining Act 1971 are exempt from requirements of the Town and Country Planning Act 1977. There are no mining operations authorised within the maritime planning area at present.

16.3 The taking of stone, gravel, sand etc., from the foreshore or seabed requires a licence under the Harbours Act 1950, but within the maritime planning area this use or activity is also subject to the Town and Country Planning Act requirements. There are no licences or consents issued for the taking of foreshore or seabed material at present.

16.4 This Scheme makes no provision for mining or the extraction of minerals or other material in the maritime planning area. Any such proposal will be regarded as an exception to this Scheme, requiring public notification under Section 110 of the Act, unless it is authorized under legislation which excludes the application of the Town and Country Planning Act 1977 to the proposal.

16.5 The Authority will participate, by submission or objection if appropriate, in processes of public notification or consultation for any mining proposal which would potentially affect the maritime planning area but which is exempt from any Town and Country Planning Act requirements. This approach will be applied to proposals not only in the maritime planning area and along its landward boundary, but also to proposals in catchments draining to the Sounds, if detrimental effects in the maritime planning area are anticipated.