9.0 Coastal Marine

9.1 Introduction

East Marlborough's coastal marine area is highly varied with contrasts of rocky and mudstone reefs, gravel beaches and the shallow Wairau Lagoons.

Cloudy Bay is dominated by the marine gravel ridges of Rarangi and the 7 km long Boulder Bank. Behind this boulder bank are the Wairau (or Vernon) Lagoons. The Wairau Estuary, Chandlers, Big and Upper Lagoons are a large expanse of semi-enclosed shallow water. Water passes between the wetlands and the sea via a gravel and sand channel which has been extensively modified by a rock guide bank. This guide bank has been built, improved and maintained by Harbour and River Authorities for approximately 100 years.

Between the Boulder Bank and Cape Campbell to the south are the White Bluffs and steep shingle/gravel beaches. Mudstone platforms occur south of Cape Campbell. Between Cape Campbell and Wharanui the coastline is dominated by pea-gravel and gravel beaches interrupted by rocky headlands and reefs. The unique limestone outcrops of the Chancet Rocks and the Needles are located along this section of coastline. Sandy beaches and a small wetland at the Waima (Ure) River mouth are situated south of Ward Beach.

The East Marlborough Coast presents several issues of major concern to local iwi.

Discussion with other key users of the coast revealed the following commonly-voiced concerns or issues:

- Wairau Estuary and Lagoons - concerns relating to effluent discharges, management of the river mouth and protection of matters of iwi significance and special conservation elements.
- Coastal water quality.
- Access to and along the coast.
- Natural hazards.
- Coastal Development eg; the possible development at Clifford Bay of a ferry terminus which represents a significant new activity in the Coastal Marine Area (the effects of which have been examined through the Resource Consent process).

9.1.1 Coastal Occupancy Charges

The Resource Management Amendment Act 1997 gave regional councils the opportunity of introducing a charging regime for the occupation of coastal space within the coastal marine area. The amendment placed a responsibility on councils to place a statement in their regional coastal plans, either to set out a charging regime

or to say they will not do so. The Act also specified that any money so collected must be spent on the sustainable management of the coastal marine area.

Section 64A of the Act requires the Council to have regard to both public and private benefits in determining whether or not a coastal occupation charging regime should apply. The Council must consider the extent to which:

- Public benefits from the coastal marine area lost or gained; and
- Private benefit is obtained from the occupation of the coastal marine area.

The premise underlying coastal occupation charges is that exclusive occupation of the coastal marine area is a privilege not a right - it is public space over which everyone has a right of access, and if used so as to exclude others a similar option of use, the public should be compensated for that exclusion and loss of opportunity.

Most occupations will result in elements of both public and private benefit, and the extent to which they are exclusive will vary. The identification of benefits (public/private) is limited to those directly arising from a structure which is occupying the space, not the associated activity that is facilitated by that structure being present. The benefits or otherwise of the associated activity are assessed through the coastal permit process.

The Council has carried out an exercise to assess the relative benefits associated with different types of occupation. This has allowed a comparative assessment in terms of where the principal benefit lies. If charges are to offset the loss of public opportunity as a consequence of exclusive occupation, they should apply in principle wherever there is a net private benefit to the occupier.

In carrying out this exercise the Council considers that it is justified in principle in charging for occupation of coastal space in circumstances where net private benefit is greater than net public benefit. In these circumstances the Council is committed to introducing a coastal occupancy charging regime.

However there are a number of issues that need to be dealt with before a charging regime is introduced. There are some gaps in the information database the Council holds on the various occupations, particularly for moorings. The Council is also concerned at some of the inequities of the charging regime prescribed by the Act, particularly in relation to marine farm leases/licences issued prior to the introduction of the Act. The coastal occupancy charges are not applicable to these marine farms but are applicable to marine farms granted permission by way of resource consent.

Once these issues are addressed the Council will introduce a charging regime by way of future variation/plan change. Prior to charges being introduced the Council will carry out further investigatory work and undertake consultation (as required by the Act) with the community and other affected parties on the following:

- When a charge will be imposed;
- When charges may be waived;
- How the charges would be collected;
- What the level of charges would be;
- What the money would be spent on; and
- How the regime would be administered.

The Act requires that any money received by the Council from a coastal occupation charge must be used only for the purpose of promoting the sustainable management of the coastal marine area. Through the Marlborough Regional Policy Statement, this Plan and State of the Environment Monitoring, the Council has already set out some of the issues for sustainably managing the coastal marine area.

In the context of this Plan, issues concerned with promoting the sustainable management of the coastal marine area can be found in many of the chapters of the Plan, given the integrated nature of the document. However those chapters of specific relevance include the following: Tangata Whenua (2), Heritage (3); Flora and Fauna and their Habitats (4); Landscape (5); Public Access (8); Coastal Marine (9); and Natural Character (10).

9.1.2 Aquaculture Management

A reform of the legislation covering the management of marine farming – the Aquaculture Reform 2004 - came into effect on 1 January 2005. The aim of the reform was to create a more integrated aquaculture management regime, with a balance between enabling economic development, looking after the environment, settling the Crown's Treaty obligations to Maori, and responding to community concerns. As a result of this reform, marine farming is now mostly covered by the Resource Management Act, with one process for planning where marine farms should go and for granting consents for them to occupy coastal space. Areas for new marine farming (Aquaculture Management Areas – AMAs) need to be identified in the Plan, and coastal permits for marine farms within AMAs are issued by the Council. The Ministry of Fisheries contributes to the Plan process by testing for any undue adverse effects on commercial, customary or recreational fisheries prior to an AMA being approved in the Plan. Space within AMAs is also to be allocated to iwi to settle Maori claims to commercial marine farming.

The Act states that aquaculture activities (marine farming) can only take place within areas identified in the Plan as AMAs. Marine farming is prohibited outside AMAs. Council has the main role in managing marine farming in the Wairau/ Awatere plan area. Providing for marine farming within AMAs enables effects on the community, environment and economy to be managed in an integrated way through the Plan preparation processes, before individual applications for marine farms are considered. The cumulative effects of several marine farms in one area can also be considered.

The Ministry of Fisheries (MFish) continues to play a significant role in the creation of AMAs. Before starting on the public notification processes for including a new AMA in the Plan, Council must request MFish to undertake an assessment as to whether the proposed AMA would have an "undue adverse effect" on commercial, customary or recreational fishing. Areas within the proposed AMA that would unduly affect customary or recreational fishing will be removed from the proposal prior to notification. Any areas that would unduly affect commercial fishing will be identified in the Plan and anyone wanting to establish a marine farm in those parts of the AMA must first reach an agreement with the affected quota holders before they can apply for a resource consent.

Part of the Aquaculture Reform 2004 included the settlement of Treaty of Waitangi commercial aquaculture claims through the Maori Commercial Aquaculture Claims Settlement Act 2004. These provisions are intended to settle all Maori claims to commercial marine farming interests since September 1992. Iwi are provided with an allocation of area for marine farming equivalent to 20% of marine farming spaces

allocated since 1992 and 20% of new marine farming space. This is partly met through the allocation to iwi of some of the new space that comes available through the creation of AMAs. This is intended to ensure iwi have access to coastal marine space to develop their marine farming interests, and to allow the marine farming industry to develop without risks from ongoing Treaty claims.

Existing lawfully established marine farms are deemed to be AMAs, which means they do not need to be included in the Plan through a Plan Change. Marine farming permits and licences granted under previous Marine Farming and Fisheries legislation are generally deemed to be coastal permits.

When resource consents for a marine farm are about to expire, if the site is in an AMA, the existing marine farmer can make an application for a new marine farming consent for the same water space. The application from the existing marine farmer will be decided first, before any other application can be considered for that space.

Creating new AMAs requires a Plan Change. There are three different processes available to undertaken this:

- a Council-initiated Plan Change, where Council decides to undertake a plan change to establish an AMA in the coastal marine area;
- a standard Private Plan Change, where any person or organisation can request a change to the Plan to establish an AMA in the coastal marine area; and
- a Council Invited Private Plan Change (IPPC), which involves the Council inviting applications from the public to establish new AMAs. The Council may identify areas of the coastal marine area which will be excluded from applications. These Plan Changes are processed in a similar manner to Private Plan Changes.

All these processes follow the consultation and public notification processes set out in the Act.

Removal or modification of existing AMAs in the Plan, including deemed AMAs, also involves a Plan Change process.

Once an AMA is created, 20-40% of authorisations (or the right to apply for a resource consent for marine farming) are allocated by the Council to a trustee to resolve historic Treaty claims, and the remaining authorisations become publicly available.

Where AMAs have been created through a Council-initiated Plan Change, the remaining authorisations are allocated by public tender. Where an AMA has been created through the IPPC process the remaining authorisations are allocated to the person or organisation that requested the Plan Change. Where an AMA has been created through the Standard Plan Change process the Act specifies that the authorisations are allocated by public tender unless an alternative method of allocation is used. Once the authorisations have been allocated, the holders of the authorisations then need to apply for resource consents for marine farming.

9.2 Issue

Maintenance and improvement of water quality of the open coast and the Wairau Lagoons.

The East Coast's water quality is currently very high and there are no direct effluent discharge points other than those in the Wairau Lagoons area.

The Wairau Lagoons, are quite distinctive, both physically and ecologically, from the rest of the coastal marine area. They are also the focus of existing issues and conflicts. Reference to the Wairau Lagoon includes the Wairau and Opawa River areas, the Estuary, and Chandlers, Upper and Big Lagoons. The land administered by the Department of Conservation is a Government Purpose Reserve (Wetland Management), with the former wildlife refuge over the Big Lagoon having been revoked. The reserve area also includes many areas below MLWS, as title includes the sea bed throughout much of the lagoons area. This area is the only remaining low-lying wetland. Extensive drainage and channel modification has reduced the extent of the former wetland area.

The Council has two roles in the area of discharges into the Wairau Lagoons. It has a service delivery responsibility (collecting and disposing of Blenheim's sewage effluent which currently involves the exercise of a permit to discharge into the Opawa River which contributes to the Lagoons) and responsibilities for environmental management (including regulation and control of all discharges).

The Wairau Estuary is presently the receiving point for partially treated sewage from Riverlands Industrial Estate and in particular the Primary Producers Co-operative Society (PPCS) Freezing Works and the Montana Winery.

Many land based activities (particularly farming and horticulture) can also have an effect on the water quality of the Lagoons. The main issue appears to be sediment influx from the catchments during storm events and the subsequent siltation of the Lagoons. The objectives, policies and methods contained in this Plan are based on the view that good water quality is a fundamental community expectation. Poor water quality is a threat to public health and enjoyment of the coast.

The New Zealand Coastal Policy Statement notes that clean water is a fundamental community expectation. Poor water quality is a threat to public health and enjoyment of the coast; to industries based on the harvest of coastal resources; and to the survival of coastal ecosystems. This adequately sums up the reasons why many people in Marlborough, especially local iwi and Lagoon users, do not agree with the discharges described above.

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The Marlborough Regional Policy Statement has as its coastal water quality Objective: "That water quality in the coastal marine area be maintained at a level which provides for the sustainable management of the marine ecosystem". More particularly with regard to the above, Policy 5.3.7a states: "Improve coastal water quality where present "point source" discharges from land limits the safe consumption of plants and fish from the water." This policy is particularly relevant to the Wairau Lagoons.

9.3 Objectives and Policies

Objective 1	**Management of the effects of activities so that water quality in the coastal marine area, is maintained or enhanced to a quality, which enables the gathering or cultivating of shellfish for human consumption.**
Policy 1.1	Avoid the introduction of new point source discharges that adversely affect the environment of the coastal marine area.
Policy 1.2	No existing or proposed discharge, after reasonable mixing, (either by itself or in combination with other discharges) should prevent the safe consumption of seafood from the coastal marine area.
Policy 1.3	Avoid contamination of shorelines and marine farms by preventing the discharge of untreated sewage from vessels within 500 metres of the shoreline (MLWS) or 500 metres of a marine farm.
Policy 1.4	Prevent the discharge of non-biodegradable waste anywhere in the coastal marine area (including waste from port activities, vessels, and marine farms).
Policy 1.5	Ensure there is adequate and convenient provision of facilities for the collection and appropriate disposal of litter, sewage and residues from vessel maintenance.
Policy 1.6	The adverse effects on coastal water from sediment or other contaminant discharges will be managed through controls on upstream and land-based activities.
Policy 1.7	Encourage a buffer zone between the coastal marine area and land use activities.
Policy 1.8	Avoid, as far as practicable, then remedy or mitigate the adverse effects of discharges in the coastal marine area.
Policy 1.9	Avoid the discharge of untreated wastewater to the coastal marine area unless it better meets the purpose of the Act than disposal to land and there has been consultation with tangata whenua and the community.

The Marlborough Regional Policy Statement identifies Shellfish Gathering as set out in the Third Schedule to the Act as the water quality standard which is generally sought for Marlborough coastal marine waters. Objective 1 carries this over as the general aim for coastal water quality under this Plan. In doing this it is important to acknowledge that present water quality in a number of areas is degraded to a state where this is not achievable in the immediate future.

The water quality standard is the minimum needed to achieve Objective 5.3.2 of the Marlborough Regional Policy Statement, "that water quality in the coastal marine area be maintained at a level which provides for the sustainable management of the marine ecosystems". Shellfish are a good water quality indicator species because of their filter feeding characteristics and their accumulation and harbouring of contaminants. The policies identified work to achieve the standard set by Objective 1. Discharges of contaminants from a point source to the coastal marine area have the potential to significantly affect coastal water. In particular, human sewage, even when treated, carries with it a greater potential for the transmission of disease than any other contaminant. Its discharge to water is also intolerable to Maori, therefore there is a necessity for stringent control over this.

Some consideration over marine-based effects on water quality is needed under this Plan, but the majority of control comes from regulations under Sections 15A, 15B and 15C of the Act and the Maritime Transport Act 1994.

Run-off from land is possibly the most pervasive form of pollution in the Wairau/Awatere Plan area. The Plan acknowledges this both above and throughout the Plan. Control is needed at the source of the problem, namely on land.

9.4 Methods of Implementation

Rules	Rules will be used to manage new point source discharges into the coastal marine area, or that affect the coastal marine area. Existing or proposed discharges will be assessed as a Discretionary Activity where consent will only be granted subject to an upgrading of the discharges to shellfish gathering standards.
Standards	The Council will adopt accepted national water quality standards such as the ANZECC Guidelines. The Council has adopted an SG Water Quality Classification for the coastal marine area (see Appendix J - Volume Two).
Education	The Council will prepare guidelines on riparian management and land management generally to encourage voluntary improvements in sediment discharge.
Enforcement	The Council will initiate a programme to ensure that unlawful discharges in the coastal marine area are discontinued.
Support	The Council will in conjunction with interested persons/organisations, organise or support beach clean up operations as required.
National/Other Controls	The Council will implement national controls pursuant to Sections 15A - C of the Act in relation to discharges from ships. In accordance with the Maritime Transport Act, the Council will implement a Tier II Oil Spill Contingency Plan to mitigate the adverse effects of oil pollution in the coastal marine area.
Monitoring	The Council will undertake a comprehensive coastal water quality monitoring programme in conjunction with other relevant agencies that involves: (a) State of the environment monitoring including:

- Near shore coastal water quality;
- Estuarine water quality;
- Bathing beach water quality with a particular emphasis on pathogens that pose a threat to public health.

(b) Impact monitoring to assess the effects of authorised and unauthorised discharges of contaminants on coastal water quality and the benthic environment.

(c) Compliance monitoring to ensure that all coastal permit holders involved in the discharge of contaminants to water meet the conditions of their permits.

(d) Record keeping including:

- State of the environment, impact and compliance monitoring information;
- Requests for information from iwi, other agencies and the public;
- The number of notified and non-notified coastal permits applied for and the number granted and declined in each category; and
- Impact of adjacent land uses on water quality.

(e) Reporting to the Council on a regular basis the results of the above state of the environment, impact and compliance monitoring activities.

A number of methods are included to implement the objective and policies outlined above. It is the implementation of the rules, which is likely to be the most effective means of achieving the level of water quality sought and the sustainable management of coastal water.

9.5 Issue

The protection of indigenous habitats, ecosystems and areas of significant conservation value.

The sandy and gravel beaches generally have a very limited wildlife diversity normally comprised of various crustaceans, algae, skinks, geckoes, and insects. The rock outcrops and platforms around and south of Cape Campbell are home to kelps, algaes, limpets, barnacles, crabs, catseyes, paua, crayfish, periwinkles and mussels.

Offshore crayfish, surfclams, scallops, horse mussels, butterfish, moki, cod, snapper, Hectors Dolphins, kahawai and terakihi are all present. Both the Chancet Rocks and the Needles are home to fur seals and penguins.

The Wairau Lagoons are an important nursery for many fish species and also support a numerous and varied bird population including Royal Spoonbills, Banded Dotterals, Black Stilts, Wrybills and various waterfowls.

The following areas have recognised ecological, historical, scientific and conservation values:

Wairau Lagoons

The Wairau Lagoons are of national and possibly international wildlife significance with many birds using the lagoons as a stopover site in their migration. The Lagoons are also an important breeding and nursery ground for many fish species found in Cloudy Bay. Any changes in the physical processes, water quality, water temperature, clarity, colour, or salinity of the lagoons may have a major adverse impact on the ecology of the Lagoons which leads to a reduction in its recreational and visual qualities. The Lagoons also have a very high spiritual value for the local tangata whenua. This area also has both Maori and European historical significance. The Lagoons have a high recreational value for various activities.

The Boulder Bank

The Boulder Bank is a nationally important landform and has extremely high historical and Maori spiritual value. The Bank acts as a buffer during storm events and protects the Wairau Lagoons area from waves and marine inundation. The Bank could also act as a buffer in the event of sea-level rise.

Station Road

There is an historic cable station (established after Whites Bay cable station) located at the end of Station Road.

Muritai Scientific Reserve

Muritai Scientific Reserve is of national importance. Located approximately 5 km south of the Awatere River mouth the reserve covers 4.6 hectares and comprises the coastal cliffs behind the foredunes. This is the only site where the rare native broom Chordospartium muritai is found naturally. The actual beach is of a pea gravel composition.

Lake Grassmere

Lake Grassmere has national importance as a stop over site for migratory birds although it is not located within the coastal marine area**.**

Shingle beaches near Lake Grassmere and Marfells Beach

The shingle beaches near Lake Grassmere and Marfells Beach are of national importance. The beaches act as a natural buffer for Lake Grassmere during storm events. Marfells Beach also has a moderately high recreational and landscape/seascape value.

Cape Campbell Kelp Beds

These kelp beds (Macrocystis pyrifera) are the largest in the region and are believed to have regional significance although a detailed study of the beds and associated fish life has not been undertaken.

Cape Campbell to Mirza Creek

This area is the least modified coastal environment section along the East Marlborough Coast. It has significant conservation value due to its spectacular scenery and unique geological formations. Though the pea gravel beaches are common to this area they are relatively rare internationally. The Chancet Rocks and the Needles have international significance because of their unique sponge fossil composition. These limestone outcrops are also colonised by the New Zealand Fur Seal.

Mirza Creek is of regional significance. The native pingao and banded dotterals near Mirza Creek above mean high water springs line are also significant features.

Hectors Dolphins

Cloudy and Clifford Bays are of national importance as habitat for vulnerable Hectors Dolphins. The dolphins are a rare and endangered species and can be regarded as having national significance.

Other coastal plant communities

There are a number of ecologically significant coastal herbfields, shrublands, dunelands and bluff communities known to occur along the east Marlborough coastline. These communities rely on their coastal location for their survival, are a characteristic of the Marlborough coastline, and are prone to modification through direct disturbance such as fire, quarrying, and minor land disturbance activities, as well as invasion by weeds and pests.

Refer to Appendix D, Volume Two, for areas of Significant Conservation Value.

9.6 Objectives and Policies

Objective 1	**To protect habitats, ecosystems and areas of significant conservation value within the coastal environment from the adverse effects of subdivision, use, development and discharges.**
Policy 1.1	Identify areas of significant ecological value and areas of iwi cultural significance.
Policy 1.2	Avoid, as far as practicable, the adverse effects of coastal land and water use on coastal areas of significant conservation value.
Policy 1.3	Promote public understanding of the importance of protecting areas of significant conservation value from the adverse effects of activities because of their intrinsic, conservation, social, economic, scientific and education worth, and for their contribution to the natural character of the East Marlborough Coast.
Policy 1.4	Maintain and where practicable enhance habitats, ecosystems and areas of significant conservation value.

Many of the natural values of the area have, over time, been seriously affected by change. These values are still under threat from introduced plants and animals, inappropriate human activities and nearby land uses which affect water quality.

9.7 Methods of Implementation

Schedule	Areas of significant conservation value have been scheduled in Appendix D of Volume Two and shown on the planning maps.
Rules	Rules require consideration of the values associated with indigenous habitat ecosystems and areas of significant conservation value, particularly those scheduled in Appendix D.
Education	Increasing the public's knowledge and understanding of the occurrence of areas of significant conservation value to lead to a greater appreciation of those values.
Advocate	The setting up of marine reserves in appropriate locations.

The rules relating to areas identified as having significant areas of conservation value will work towards protecting the ecological and conservation values identified in the Plan.

Education will improve the community's understanding and respect for ecological values.

9.8 Issue

The maintenance and enhancement of public access to the coastal environment.

The East Marlborough Coast has a relatively low usage compared to the neighbouring Marlborough Sounds. This is primarily due to its wild rugged nature and in some cases a lack of access (eg; south of Marfells Beach).

The primary use of the coast is for recreation where the most popular areas are the Wairau Lagoons and Bar, Marfells Beach and Ward Beach.

The open coastline between Rarangi and Cape Campbell is used for surfcasting and kontiki fishing, with the river mouth being popular for whitebaiting. Marfells Beach attracts both daytrippers and overnight campers. The beach is used for pleasure-boat launching and as a starting point for walks to Cape Campbell.

The Wairau Lagoons are visited by birdwatchers, walkers and school trips as well as duckshooters in the non-reserve areas. A walking track with boardwalks has been constructed and goes out to the wreck of the Waverly. This walkway is estimated to be used by 1000 people per year.

South of Cape Campbell the scenery and wilderness values of the area attract many hikers some of whom may collect interesting stones or washed up paua shells. During the occasional calm periods recreational divers go in search of paua and crayfish. Ward Beach is used for boat launching, access to the coastline and whitebaiting. The Waima River mouth is popular for informal camping but has limited appeal for fishing and swimming.

The offshore area is not used to a great extent for recreational fishing or for diving.

Regarding access generally, the East Marlborough Coast is unique in that much of the area immediately landward of mean high water spring is reserve land owned and administered by the Department of Conservation. Further information is set out in Chapter 8.0 Public Access.

The New Zealand Coastal Policy Statement notes that provision shall be made for the maintenance of public access to and along the coastal marine area. However, access can be restricted to protect any significant conservation values, protect peoples health and safety, protect security and to protect Maori conservation values.

9.9 Objectives and Policies

Objective 1	**That public access to and along the coastal marine area be maintained and enhanced.**
Policy 1.1	Adverse effects on public access caused by the erection of structures, marine farms, works or activities, in or along the coastal marine area should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.
Policy 1.2	Public access to the coastal marine area will be enhanced wherever possible.
Policy 1.3	Assess the need for, at the time of subdivision and reclamation, esplanade reserves in accordance with the criteria set out in Volume Two (subdivision requirements) and statutory requirements under the Act.
Policy 1.4	Purchase foreshore reserves as and when funding permits.
Policy 1.5	Acknowledge that public access to and along the coastal marine area may be restricted to: • Provide for the operational requirements of any lawful structure or activity; • Protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; • Protect Maori cultural values; • Protect public health and safety; • Ensure a level of security consistent with the purpose of a resource consent; or • In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Public access to and along the foreshore is an important resource in the East Marlborough Coast. New structures should be able to demonstrate that public access and recreation opportunities have been maintained and enhanced wherever practicable.

The maintenance and creation of public access to the coast and within the Wairau Lagoons Area is a high priority subject to the preservation of ecological and conservation values.

9.10 Methods of Implementation

Rules	Planning maps and rules identify or indicate where access to and along the coastline is generally allowed by incorporating esplanade reserves into the Conservation Zone.
Subdivision	The reserves policy, contained within Chapter 23, and criteria set out in Volume Two (subdivision requirements) establish the circumstances under which esplanade reserves will be acquired.
Guidelines	Provide information on appropriate land use practices and encourage use of voluntary guidelines and best practices.
Research	The Council will carry out research to assess the need for enhancement of physical access to and along the coastal marine area.
Conservation Guidelines/Plans	Rely on guidelines prepared by the Conservation Board and the Department of Conservation in respect of access requirements.

9.11 Issue

The potential effects of marine farms on the natural character of the East Marlborough Coast.

The East Coast has potential for marine farming of paua, scallop, crayfish, mussel, oyster, surfclams, seaweed and kelp. That potential can be expected to be made use of as demand for space in the Marlborough Sounds increases.

The prevailing weather and exposed sea conditions make the area difficult for conventional marine farming at the moment but the marine farming industry is currently investigating new technologies and structures which will withstand those conditions. It is hard to predict with any certainty which type of farming will be promoted in the area in the future and the type of structures they will require. However many marine farming operations will introduce issues associated with exclusive occupation rights and the building of structures on the seabed.

Though regarded as a 'clean' activity marine farming can have adverse environmental impacts if not managed or developed properly. Where marine farming has occurred around the country the following concerns have typically been raised:

- Exclusive occupation rights which restrict public access;
- The visual impact of structures above the water level;
- The abandonment of farms (and the visual effects of structures that are left);
- Siltation of the sea floor and accumulation of toxins around marine farms;
- The impact of farms on traditional recreational and fishing areas;
- The impact of marine farms on local ecology; and
- Cumulative effects.

9.12 Objectives and Policies

Objective 1	**To protect the natural character of the East Marlborough Coast from the adverse effects of marine farming.**
Policy 1.1	Exclude marine farming activities from areas of high ecological or conservation values.
Policy 1.2	Scrutinise applications for marine farming activities with respect to their effects (including adverse cumulative effects), on ecosystems, habitats, recreational values and landscape values.
Policy 1.3	Avoid the allocation of coastal space for marine farming where there is a significant adverse effect on: • Iwi values; • Outstanding landscapes; • Areas of ecological value; • Navigation and safety; • Recreation users; • Marine habitat sustainability; and/or • Other adjoining activities including those on land.

The objective and policies seek to provide guidance and control on the individual and cumulative adverse effects of marine farms. The values associated with the coastal marine area may be easily threatened without some consideration of the effects of occupying and using coastal space for marine farms.

9.13 Methods of Implementation

Rules	Marine farms will be subjected to assessment criteria designed to protect a wide range of values in the coastal marine area.

9.14 Issue

Adverse effects from inappropriate occupation and structures in the coastal marine area.

The only structures in the coastal marine area along the open coast in this plan area occur adjacent to Lake Grassmere. These structures comprise the old coastal water intake pipeline and protection structure (now used for stormwater discharge), the main coastal water intake pipeline and support structure (pipeline jetty) and, coastal water intake pipeline.

The main restriction on building foreshore structures is the wild nature of the coastline. Any foreshore or seabed construction would need to be extremely large and strong to be able to withstand the continual high energy forces of the waves, currents and sediment movement.

Such structures can alter both the physical processes and ecology of the coastal marine area. Therefore any proposals will need to consider the impact of their

structure on long and offshore sediment movement and wave refraction in terms of possible erosion and accretion, as well as on the local ecology.

9.15 Objectives and Policies

Objective 1	**To avoid as far as practicable, then remedy or mitigate adverse effects from activities and/or occupation of space and the erection of structures in the coastal marine area.**
Policy 1.1	To manage the adverse effects of occupation of space, structures and activities in the CMA in respect of their impact on the following: • Cultural and iwi values; • The natural character of the coastal environment; • Coastal processes; • Heritage and amenity values; • Recreation values; • Public health, safety (including navigational safety) and enjoyment; • Water quality; • Conservation and ecological values; • Marine habitats and sustainability; and • Landscape, seascape and aesthetic values.
Policy 1.2	Exclusive occupation of the coastal marine area or occupation which effectively excludes the public will only be allowed to the extent necessary to carry out the activity.
Policy 1.3	Consider the visual effects of structures and incorporate measures to avoid, remedy or mitigate any adverse effects.
Policy 1.4	Avoid the proliferation of foreshore structures.
Policy 1.5	The erection of structures on areas of specified conservation and ecological values specified in Appendix D Volume Two should be designed to withstand coastal processes and have regard to management plans or Guidelines where these are in place.

The Plan seeks to protect the East Marlborough Coast from any adverse effects of activities, occupation and structures, particularly those which would detract from significant ecological and conservation values. It also seeks to provide protection from the effects of poorly designed and/or constructed foreshore and seabed structures.

9.16 Methods of Implementation

Rules	The Plan will allow the erection of structures as a Permitted Activity where they have little environmental effect (eg mai mais).
Information	The Council will provide information on the difficulties of building structures in this area. Structures and activities within, and occupation of the foreshore may also be subject to a Department of Conservation Management Plan where such a plan exists.

9.17 Issue

Not opening the Wairau and Diversion River Mouth Bars has adverse effects.

The Wairau River mouth bar is a natural feature that has a dominating effect on water levels in the Wairau estuary, the Wairau Lagoons, the lower Wairau to upstream of Ferry bridge, and the lower Opawa. This is particularly at normal and low flows, but flood flows are also affected.

The bar is formed by a combination of marine forces, tidal flows into the Wairau Lagoons and river flows from the lower Wairau and to a lesser extent the lower Opawa.

The marine storm wave forces are very important. In times past they formed a bar typically extending a kilometre to the north. When such a bar formed there would be significant water friction loss down this extra distance of coarse gravel bed channel. In these situations the water level in the whole lower Wairau to upstream of Ferry Bridge is kept at virtual high tide levels with little or no tidal variation.

This has a significant effect on the lower Wairau, lower Opawa and Wairau Lagoons. With this partially closed bar the water there may stay almost completely devoid of saline water, or conversely stay with an extensive saline wedge. This deleteriously affects the ecological environment of the area.

Gravity drainage of the extensive areas of flat lower plains into the lower Wairau is also prevented and expensive drainage pumping is then required.

During flood flows, flood levels are higher upstream and can lead to stopbank overtopping until the 2-3 m high bar is overtopped and scoured out by the flood flow.

On the other hand a directly open bar mouth is of obvious benefit. With a direct open mouth there is twice daily flushing of saline water, consistent tidal water level variation in the lower Opawa and lower Wairau and good gravity drainage.

Boat access across the bar is also much better with a direct mouth outlet and was a concern of Harbour authorities when the Wairau and lower Opawa were important for shipping.

The Wairau diversion bar has on a minor scale the problems that the lower Wairau mouth has.

9.18 Objectives and Policies

Objective 1	**To manage the Wairau River and Wairau Diversion mouth entries as hydraulically efficient openings to the sea for tidal flushing flows and river flows.**
Policy 1.1	To maintain direct openings of the mouths of the Wairau River and Wairau Diversion.

9.19 Methods of Implementation

Council Activities	To maintain existing river mouth rock level guide banks for the Wairau River and Diversion mouths, and extend them seawards as necessary. To excavate pilot cuts through the beach bar as and where necessary for a direct mouth of the Wairau River and/or Diversion.
Monitoring	To maintain water level recorders which measure the tidal variation in the Lower Wairau River and Diversion and hence hydraulic efficiency of the mouths. To carry out surveys of salinity, tidal flushing flows, flow circulation, water quality and how these may be affected by the state of the Bar and to determine the effects on ecological values.
Rules	Rules will be used to specify the manner in which pilot cut opening of the bar is carried out and the manner in which the rock guide banks may be extended.

A hydraulically efficient river mouth has environmental, drainage, navigation and flood control benefits.

These combined tidal flushing flows and river flows can be concentrated by a guide bank to inhibit the development of the bar. At least 3 such guide banks or jetties of increasing effectiveness have been built by river or harbour authorities over the last 85 years. These guide banks have been very effective, and their presence controlling the bar is now generally considered the "status quo" situation.

The manner in which the river mouth is kept open and timing of such works to achieve this needs consideration of a range of factors and their monitoring.

9.20 Issue

Disturbance and alteration of the foreshore and seabed.

Reclamations

No reclamations other than a portion of the Wairau Bar have been undertaken along the East Marlborough Coast open coastline to date.

Reclamations, like foreshore structures, can adversely alter physical processes along the coastline and destroy valuable habitats. It is important to locate and design reclamations so that environmental effects are avoided, remedied or mitigated.

Sand and Shingle Extraction

In the past sand and shingle extraction has not been undertaken within the coastal marine area of East Marlborough Coast. Some sand mining occurred above mean high water springs near the Waima (Ure) River up until 1990. Sand deposits near the Waima (Ure) River are estimated at 6,750,000 tonnes and are a potentially valuable resource. The three main reasons for the lack of interest in extraction are the sea conditions, lack of anchorage and the plentiful supply of shingle, gravel and sand elsewhere at inland sites or in nearby rivers.

Sand and shingle extraction can have adverse effects on the coastal environment if not managed properly. Extraction can result in sediment starvation further along the coast resulting in localised erosion especially during storm events. Along Cloudy Bay the freshwater Wairau aquifer is close to the surface and could be easily pierced. Any extractions will need to be carefully monitored to assess long term impacts and to identify any unforeseen effects on the environment.

Dredging and Deposition

Dredging generally has an adverse effect on the immediate ecosystem and depending on the distance any suspended sediment travels, may have an adverse effect on a much larger area.

The resulting dredgings can be disposed of on land, used for reclamation or dumped at sea. Recent environmental thinking tends to support disposal of dredgings at sea, or use in approved reclamations, however areas with non-sensitive habitats need to be selected to avoid long-term ecological damage.

Oil Pollution

Oil spills from major accidents are potentially the most visual form of coastal pollution, and the effects on wildlife around the world have been well documented. Along the East Marlborough Coast the risk from oil spills is presently very low. However the gravel beaches of the East Marlborough Coast would be sensitive to oil spills because of their rapid infiltration rate.

9.21 Objectives and Policies

Objective 1	**Protection of the coastal environment from the adverse effects of activities that disturb or alter the foreshore or seabed.**
Policy 1.1	In assessing applications for any reclamation, drainage, or impoundment within the coastal marine area the Council shall consider: (a) Alternative methods or land-based sites (above MHWS) for the activity for which the reclamation, drainage or impoundment is required, and whether this alternative is practicable; and

(b) Efficient use of coastal space is made by using the minimum area of the coastal marine area necessary for the reclamation, drainage or impoundment; and

(c) The finished appearance of the reclaimed or drained area, or the impoundment, including its size, shape and the materials used is as far as practicable compatible with the environment in which it is located.

Policy 1.2 Ensure that material used to create and form any reclamation or impoundment does not include contaminants which have the potential to adversely affect the coastal marine area.

Policy 1.3 Any proposal for dredging and disposal within the coastal marine area shall demonstrate:

(a) The justification for dredging;

(b) An appropriate disposal method and disposal site; and

(c) The measures undertaken to avoid, remedy or mitigate adverse effects on marine habitats, recreation values, adjacent activities or users, water quality and other adverse environmental effects.

Policy 1.4 Avoid, as far as practicable, then remedy or mitigate the adverse effects of activities that disturb or alter the foreshore and/or seabed on any of the following:

(a) Conservation and ecological values;

(b) Cultural and iwi values;

(c) Heritage and amenity values;

(d) Landscape, seascape and aesthetic values;

(e) Marine habitats and sustainability;

(f) Natural character of the coastal environment;

(g) Navigational safety;

(h) Other activities, including those on land;

(i) Public access to and along the coastal marine area;

(j) Public health and safety;

(k) Recreation values; and

(l) Water quality.

Some alteration to the foreshore and seabed may be necessary to enable the continuation of some coastal marine activities. The policies seek to provide a guide for their continuation while controlling the potentially significant adverse effects which can arise from any alteration to the foreshore or seabed.

9.22 Methods of Implementation

Rules	In general, rules provide for certain minor alterations to the foreshore and seabed as Permitted Activities subject to specific performance standards. Most alterations however, will be assessed on their merits, as a Discretionary Activity.
Assessment Criteria	The assessment criteria for Discretionary Activities involving foreshore and seabed alterations, enable the effects of the alteration on the coastal marine area to be assessed. An assessment of the effect of the proposed alteration on Maori cultural values, natural character, landscape and ecological values will also be required.

The use of rules and associated assessment criteria, and performance standards where minor alterations are permitted, allows for control over the adverse effects of alterations to the foreshore and seabed. It also enables the numerous variabilities which exist in assessing the effects of the various types of alterations to the foreshore and seabed, to be taken into account.

9.23 Issue

The potential effects from the construction and operation of a new ferry terminal in the vicinity of Marfells Beach, Clifford Bay.

Consent has been granted by the Council for the development of a site in the vicinity of Marfells Beach, Clifford Bay as an inter-island ferry terminal which will include the construction of a reclamation, breakwater structures, port facilities, buildings and associated infrastructure required for the operation of a new safe port. The proposed port development will take place both within the coastal marine area and on the land. The proposal is of considerable importance to the national transportation network as well as to local and regional interests. The nature of the project will give rise to a number of environmental effects, both during and after construction. Particular matters which need to be considered include the purpose and design of structures, navigation and safety, public access, recreation activities, visual and aesthetic issues, iwi issues, the effect on coastal and other natural processes and short-term construction effects.

9.24 Objectives and Policies

Objective 1	**To provide for the social and economic well-being of the district and for nationally significant transport linkages through the development and the safe and efficient operation of an inter island ferry terminal in the vicinity of Marfells Beach Road, Clifford Bay.**
Objective 2	**To avoid, remedy or mitigate adverse effects from the construction and operation of the ferry terminal including associated activities, erection of structures and occupation of space in the coastal marine area.**

Policy 1.1	Provide for the development and operation of the ferry terminal for the benefit of present and future generations.
Policy 1.2	Avoid, remedy or mitigate adverse effects of the ferry terminal for the benefit of future generations.
Policy 1.3	Avoid, as far as practicable, the adverse effects of any reclamation, foreshore and seabed disturbance (including deposition), berth structures, ferry terminal, terminal operations, and from land infrastructure and associated facilities on the following: • Ecosystems both generally and more particularly within areas of significant conservation value; • On public access to and along the coastal marine area; • Water quality (including effects from stormwater and other discharges to the coastal marine area); and • Existing recreational use of the area. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.
Policy 1.4	Recognise that public access may be restricted in some areas to provide for public health, safety or security requirements relating to the operation of the ferry terminal.
Policy 1.5	Minimise the total area of structures or occupation of the coastal marine area by those parts of the ferry terminal which exclude the public.
Policy 1.6	Avoid, remedy or mitigate adverse effects caused by dredging, disposal of dredgings and beach management activities.
Policy 1.7	Ensure appropriate construction methods are adopted to address the adverse effects on the matters listed in Policy 1.3.
Policy 1.8	Manage traffic and other effects of increased visitor numbers to the area.
Policy 1.9	Avoid, remedy or mitigate adverse effects of construction and infra-structure activities including roads, railways and causeways and the traffic generated by construction activities and the construction workforce.

9.25 Methods of Implementation

Zoning	The plan includes a Port Zone (located on land and in the Coastal Marine area) which provides for the activities and structures associated with the ferry terminal and occupation of the coastal marine area, subject to relevant performance standards. (The zone is only intended to provide for the primary activities and structures of the port.) Significant new structures, such as reclamations and breakwaters are provided for as Discretionary Activities.

Other	Structures and activities within, and occupation of the seabed, foreshore and land in the coastal environment may also be subject to a Department of Conservation Management Plan where such plan exists.

9.26 Issue

Allocation of the right to apply for a coastal permit for marine farming in Aquaculture Management Areas (AMAs) in a manner that is effective, efficient and fair to all parties involved.

As explained in Section 9.1.2 of the Plan, there are three different processes for Plan Changes to include new AMAs in the Plan. With a Council-initiated Plan Change, authorisations are allocated by public tender. Where an AMA has been created through the IPPC process, authorisations are allocated to the person or organisation that requested the Plan Change. These methods are considered to be effective, efficient and fair to the parties involved.

Under the standard Private Plan Change process, any person or organisation can request a change to the Plan to establish an AMA in any part of the coastal marine area. These Private Plan Changes are processed in terms of Schedules 1, Part 2 and 1A of the Act. The time, resources and costs involved with evaluating new AMAs and providing for them in the Plan through a Plan Change process are considerable. With a standard Private Plan Change, these costs will be borne by the applicant. The Council recognises that people or organisations are not likely to make requests for new areas, unless they have some certainty that they will receive the right to apply for a coastal permit for marine farming should the Plan Change succeed. While the Act states as a default that authorisations should be allocated by public tender, the Council acknowledges that public tendering does not give the Plan Change applicant sufficient certainty that they will receive the right to apply for a coastal permit for marine farming within that new AMA.

In order to enable effective, efficient and fair use of a standard Private Plan Change approach for the consideration of new AMAs, the Council considers that the Plan should specify an alternative method of allocating the right to apply for coastal permits for marine farming. The alternative allocation method adopted by the plan is considered to be fair and provide certainty to the Plan Change applicant.

In addition, the public tendering process assumes multiple applications for authorisation of allocations. Public notification, calling for authorisation applicants, is the default process in the Act. In circumstances where there can only be one applicant (the Private Plan Change applicant), this process of public notification for authorisations is considered unnecessarily time-consuming and costly. The Plan, therefore, adopts an alternative method which provides the right to apply for coastal permits for marine farming directly to the operative Private Plan Change applicant. This method is considered to be more efficient and avoids unnecessary delays in the process.

9.27 Objectives and Policies

Objective 1	**An effective, efficient and fair process for the allocation of the right to apply for coastal permits for marine farming in Aquaculture Management Areas.**
Policy 1.1	Allocation of authorisations by way of public tendering for coastal space in AMAs created through Council Plan Changes.
Policy 1.2	Processes for obtaining the right to apply for coastal permits in AMAs that are effective, efficient and fair, and provide sufficient certainty for marine farmers to enable proposals for new AMAs and marine farms to be put forward for evaluation through standard and Council Invited Private Plan Changes.
Policy 1.3	Allocation of new coastal space to iwi in accordance with the procedures established through the Aquaculture Reform 2004.

9.28 Methods of Implementation

Zoning	Aquaculture management areas (AMAs) will be included in the Plan as Aquaculture Management Area Zones (AMA Zones). Existing, lawfully established marine farms are deemed to be AMAs. All new marine farms must be established in an AMA Zone following the granting of the necessary resource consents for coastal permits. At some later date, Council may decide to propose new AMA Zones in the Plan by way of Council-initiated Plan Change or I P P C processes, as priorities and resources for Council determine. New AMA Zones may be established in the Plan by way of requests for Private Plan Changes. AMA Zones will be managed for aquaculture activities (marine farming).
Right to apply for coastal permits for marine farming	Authorisations for available space within AMA Zones, which have been included in the Plan as a result of a Council-initiated Plan Change, will be allocated by way of public tender. An alternative method is specified in the Plan for obtaining the right to apply for available space within AMA Zones which have been included in the Plan as a result of a request for a standard Private Plan Change. In these circumstances, the right to apply for available space within AMA Zones will be offered to the first person whose Private Plan Change was complete and successfully resulted in an operative AMA Zone for that area of coastal marine area. Where the right to apply for available space or the resulting coastal permit for marine farming is not taken up or lapses, allocation will be by way of public tender.

9.29 Anticipated Environmental Results

Implementation of the policies and methods relating to the coastal marine issues will result in:

- Appropriate activities able to be undertaken within the coastal marine area;
- The recreational values of the coastal marine area maintained and enhanced;
- Management of the Wairau River Mouth and Wairau Diversion Mouth in a manner that ensures the integrity of the flood protection system while avoiding adverse effects on navigation, recreation and the significant conservation and cultural values of the Wairau Lagoons;
- Maintenance and enhancement of public access to and along the East Marlborough Coast, while accepting that certain restrictions may be required;
- Protection of the coastal environment and significant conservation values from inappropriate sand and shingle extraction, and other foreshore disturbance/alteration, including dredging, deposition of material and reclamation; and
- The development and operation of a ferry terminal and associated activities in the vicinity of Marfells Beach Road, Clifford Bay in a manner which provides for the development of the local, regional and national transport network while at the same time avoiding, remedying or mitigating the effects on the environment.