

RESOURCE CONSENT APPLICATION

U240184

J Clark Family Trust and Thomas Pivac

Tahuahua Bay, Blackwood Bay,
Queen Charlotte Sounds, Tōtaranui

Submissions Close

5.00 pm Thursday, 4 July 2024

Application for Resource Consent

Applicant details

Application for Resource Consent

Sections 88 and 145, Resource Management Act 1991

To

Marlborough District Council

Applicant

I,

J Clark Family Trust

7 Mana Esplanade
Paremata
Porirua 5026

n/a

Jason Clark

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Porirua 5026

027 483 8808

jason@clarkandco.nz

Thomas Michael Pivac

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Apply for the following type(s) of resource consent

Coastal, Land use

Agent

GDC Consulting (2010) Limited

PO Box 32
Picton 7250

Gavin Cooper

0275735614

gavin.cooper@xtra.co.nz

Project reference

New Coastal Structures - Boatshed, slipway, fixed deck, floating jetty, linkspan and timber boardwalk

Property details

Site and location details

The site at which the proposed activity is to occur is as follows:

Site address

Tahuahua Bay
Blackwood Bay
Queen Charlotte Sounds
Totaranui

Legal description

Lot 1 DP 2796

Is there locale information in regards to the site?

No - there is no locale information in regards to the site

Site description

Description of the site at which the activity is to occur

The site (property) the foreshore structures will service is identified as Lot 1 DP 2796 in Tahuahua Bay (Blackwood Bay). The property is situated on the western side, about half way into the bay.

Blackwood Bay is located on the northern shoreline of Tōtaranui, approximately 10 kilometres northeast of Picton Harbour.

The property is fronted by a steep rock intertidal area, with limited areas available to enter the property from the sea due to the steepness of the land along this side of Blackwood Bay. Refer photos **attached** showing topography.

The surrounding environment primarily comprises native bush with intermittent low density ribbon residential development situated close to the coastline right around the bay.

A neighbour has an existing consented boatshed, jetty, mooring and ancillary coastal structures to the south of the applicant's proposed new coastal structures (ref U090673 & U190197). Access between the neighbour's jetty and the applicant's land is not possible due to a combination of issues, namely private property and the steepness of the land at the shared boundary.

Following consultation during the previous resource consent application process in 2005 (refer U050688), the applicant gained an interest in consent U050688 for various coastal foreshore structures to the north of the property [1], but in reality there is no physical way to get from the end of that jetty facility to the applicant's land without having to access and cross private land. Permission has not been forthcoming to access and cross this private land from the adjacent landowner. The applicant also understands that Council has cancelled the last Building Consent the previous property owner of the applicant's property had an interest in (which allowed for the upgrade of the the new boatshed and ramp facility to the applicant's property) in November 2011 and subsequently, the boatshed and ramp development aspect of consent application U050688 has Lapsed. The consent for the existing fixed jetty expires in 2029.

Recently, realising that communications had broken down irrevocably with some of the owners of Pt Lot 2 DP 1045 BLK I Arapawa SD (neighbours to the north), the applicant made the decision to explore alternative access options to their property. As part of stage 1 of the project, the applicant has received resource consent **approval** to construct a new access track from the foreshore to a flat platform mid-slope along with a new timber retaining wall. The timber boardwalk from the proposed coastal structures will connect into the newly consented access track, once approved. Refer U230612, copy **attached**.

Several other moorings are located further out in the bay, one of which is owned by the applicant (mooring 2692). Closer moorings to the applicant's proposed boatshed, jetty and slipway are owned by Vickers (M2368) and Willis/Hedley (M2053). Neither of the private moorings owned by these other parties are affected by the proposal. Refer Site Plan **attached**.

*[1]. The applicant is unsure how the rights to the boatshed and slipway were transferred back to the neighbour without his or the Trustees signature to the transfer given the deal worked out between the respective landowners during the 2005 consent process. The applicant can't find any paperwork confirming they (or the previous owner) signed the coastal transfer forms and no application is obvious on Council's Property files for either property confirming situation. The Marlborough District Planner's 2005 report makes it clear that the boatshed, slipways, decking, access ramp, jetty and existing walkway will be shared and jointly owned by the respective parties at the time. Refer MDC Decision U050688, **attached**.*

Owners and occupiers of the application site

Applicant is the only owner and occupier?

No - the applicant is not the only owner and occupier

The full name and address, of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

Individual's details

The Crown New Zealand Government

The Beehive
Wellington
New Zealand

Are they an owner and/or occupier?

Owner, Occupier

Proposed activity

Description of the activity

The activity to which the application relates (the proposed activity) is as follows:

The applicant proposes to construct the following foreshore structures to gain access to their property immediately behind:

- 6m wide x 7m long x 5m high (at apex) boatshed
- 2m wide decking around front of boatshed
- 2m wide jetty around one side (south side) of boatshed
- 9m long x 3m wide slipway with steps to one side fronting boatshed
- 12m long x 3m wide floating jetty and associated aluminum linkspan, connected to the new fixed jetty; and
- 11.1m long by 1.8m wide timber boardwalk to connect into access track on shore, along with a small set of timber steps to foreshore behind boatshed.

The new foreshore structures will connect into a consented access path on the applicant's property.

Refer engineers plans **attached** identifying proposed layout of new structures and nearby coastal structures.

Other activities that are part of the proposal to which the application relates

Are there permissions needed which do not relate to the Resource Management Act 1991?

No - there are no permissions needed which do not relate to the Resource Management Act 1991

Are there permitted activities that are part of this application?

No - there are no permitted activities that are part of this application

Additional resource consents

Are any additional resource consents needed for the proposal to which this application relates?

No - no additional resource consents are needed for the proposal to which this application relates

Consent summary

I apply for the following resource consents.

Consent information

Boatshed, jetty, floating jetty, link span and associated timber boardwalk and steps to foreshore

Consent type

Coastal

Subcategory type

Structure

Description of consent being applied for

The applicant wishes to construct the following foreshore structures to connect into a consented access track on their residentially zoned property behind:

- 6m wide x 7m long x 5m high (at apex) boatshed
- 2m wide decking around front of boatshed
- 2m wide jetty around one side (south side) of boatshed
- 9m long x 3m wide slipway with steps to one side fronting boatshed
- 12m long x 3m wide floating jetty and associated aluminum linkspan, connected to the new fixed jetty; and
- Part of a 11.1m long by 1.8m wide timber boardwalk to connect into track on shore, along with a small set of timber steps to foreshore behind boatshed.

Refer engineers plans **attached** for proposed layout.

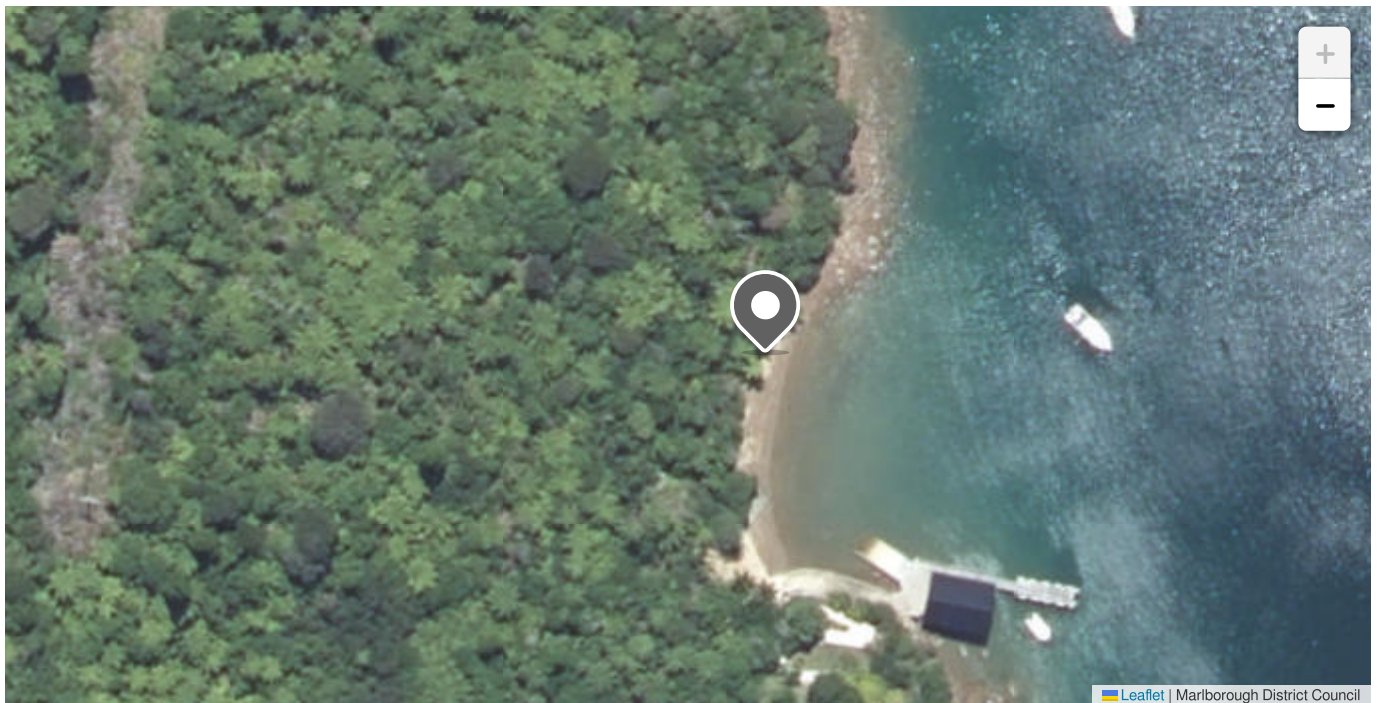
Location of the consent

Easting

1690963

Northing

5437052



Triggering rules

Rules which trigger the consent

I include an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

The assessment under this section must include an assessment of the activity against

- (a) Rules in a document; and
- (b) Any relevant requirements, conditions, or permission in any rules in a document; and
- (c) Any other relevant requirements in a document (for example, in a national environmental standard or other regulations))

Triggering rules assessment

Marlborough Environment Plan (PMEP):

The PMEP is now to all intents and purposes the most relevant plan to consider.

The installation of a new boatshed, slipway, fixed jetty, timber boardwalk and steps, floating jetty along with the associated linkspan are **Discretionary Activities** as per:

Rule 16.6.3 - Jetties;

Rule 16.6.4 - Boatshed

Rule 16.6.5 - Slipway; and

Rule 16.6.7 - Occupation on the Coastal Marine Area.

Assessment of Effects on the Environment (AEE)

Clause 6 - Information required in assessment of environmental effects

6.1 An assessment of the activity's effect on the environment must include the following information:

6.1(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity

Provision not relevant

6.1(b) an assessment of the actual and potential effect on the environment of the activity

With regards to the actual and potential effects on the environment arising from the installation and ongoing use of the new coastal structures, the following matters have been addressed:

The Effects of the Activity on Marine Ecology

The site is a typical Marlborough Sounds coastal habitat, with a rocky intertidal zone giving way to smaller eroded rock fragments, then sand and mud. The immediate foreshore is very steep.

The Effect on the Activity on Foreshore Dynamics

The new boatshed, fixed timber jetty, timber boardwalk, timber steps, slipway, floating jetty and linkspan will be similar in design to other systems in the wider area, including the neighbouring structure.

Installation may have temporary effects on seabed dynamics, but this will stabilise quickly once the anchor installation has been completed. There is no need to disturb the foreshore as the floating jetty will be floated onto site and fixed with concrete anchor blocks, sited well away from the seabed.

The Effect of the Activity on Navigational Safety

The new boatshed, fixed timber jetty, timber boardwalk, timber steps, slipway, floating jetty and linkspan do not protrude into any recognised navigable routes. In any event, vessels travelling within 200 metres of shore must be moving at 5 knots or less. This provides more than enough reaction time if decisive action is required for any reason. Whilst tight, sufficient room is still available to access the existing and proposed jetties in the area and is no different to accessing other such facilities in some bays in the sounds, where steepness of slope dictates each property has to provide their own safe access. Such Bays include, but are not limited to, Double Cove, Kumutoto Bay, Onahau Bay, Lochmara Bay and sections of Port Underwood Road.

The Effect of the Activity on Amenity & Natural Character

From a visual amenity perspective, the applicant acknowledges that any built structures are likely to have some effect on the visual landscape, but this has to be tempered against the fact that there is already a significant number of boatsheds and jetties in the bay in front of residentially zoned properties and established dwellings. The fact that the applicant's property is being left to regenerate with native plantings is a testament to their approach to try and protect the natural landscape from erosion and wilding pine infestation. The applicant's access to their property is

constrained by the steepness of the intertidal area fronting it and this application promotes a design that hugs the shoreline as far as practicable.

Importantly, the proposed new boatshed, fixed timber jetty, timber boardwalk, timber steps, slipway, floating jetty and linkspan are of a similar size and scale to neighbouring structures and have been designed to be sympathetic to the receiving environment.

Floating jetties generally have less impact on the local visual amenity as they sit closer to the water and rise and fall with the tide.

The applicant agrees to a condition of consent being set requiring the new boatshed, floating jetty and linkspan structures be kept in a safe and structurally sound condition going forward.

Proliferation of Foreshore Structures

As mentioned earlier in the application, the applicant has/(had?) an interest in another jetty facility to the north of their property fronting Lot 2 DP 2796, but access to private land behind the foreshore is practically needed to construct or develop stairs/ steps or ramp to a site upslope on their land. In any event, the bridge crossing would also be very obvious on the landscape given the steepness of the foreshore in the immediate area and could not practically be built given the location of the dilapidated boatshed on the foreshore land. The applicant understands that whilst the fixed jetty consent term is still valid, the redevelopment of the boatshed and access ramp aspect of the consent (in U050688) lapsed sometime in 2010/2011 and the proposed access ramp previously proposed was tied to the boatshed and its redevelopment, all of which the applicant appears to have somehow lost ownership rights to, according to transfer papers held on Council file.

Access to the applicant's land from the jetty located to the south is also not practical given the steepness of the rockface between the properties (and slips). This, combined with sensitivity outcomes falling out of the applicant's recent resource consent application process for the new access track (which identified that historic grave sites were likely located somewhere on the neighbouring property) and the fact that other suspected, but yet undiscovered grave sites may also be sited somewhere in the general area, meant that proposing excavation beyond that already consented under U230612 was not sensible.

The Effect of the Activity from Construction

Noise

All construction activity has a noise element. The noise from this activity will be short lived and is anticipated in the Sounds to ensure that foreshore structures remain fit for purpose.

NZS6803:1999 (Construction Noise) covers the requirements for construction machinery, and this will be managed to ensure compliance.

For the reasons above and given the short-term nature of the works, noise effects will be minor.

Access

During construction works, access to the immediate area will be restricted for safety reasons, however, this will be short-term, probably less than a day.

The Effect on other users of the coastal environment

Construction of a new boatshed, timber boardwalk, steps, slipway and installation of the new floating jetty and associated linkspan should not affect the use of the wider coastal environment. There is sufficient space between the proposed coastal structures and the existing structures owned by the Willis'.

The nearest jetty to the north is not accessible from the applicant's land due to topography and the fact that this landowner does not want other users to cross their private land. This makes access to and from this jetty to the applicant's property impossible.

Proposed Building Sizes

The new boatshed, at 6m wide x 7m long, is not large by boatshed standards in the Sounds nowadays.

The fixed deck and access provision around two sides of the boatshed meets the PMEP's 2m wide Policy directive.

The floating jetty is typical length and width in the sounds nowadays. The slipway is also standard length and width in this area of the sounds.

Overall, the applicant considers that the size and scale of the proposed coastal structures will meet their functional needs.

Iwi Values

The applicant understands the intrinsic values associated with the coastal areas of the sounds by the community and local iwi.

The applicant's agent has sent a draft version of the consent application to Te Ātiawa o Te Waka-a-Māui representatives and has previously had numerous communications with their representatives regarding historic graves in the area.

6.1(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use

Provision not relevant

6.1(d)(i) if the activity includes the discharge of any contaminant, a description of the nature of the discharge and the sensitivity of the receiving environment to adverse effects

Provision not relevant

6.1(d)(ii) if the activity includes the discharge of any contaminant, a description of any possible alternative methods of discharge, including discharge into any other receiving environment

Provision not relevant

6.1(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.

The applicant will ensure that the proposed new boatshed, jetty, timber boardwalk, steps, slipway, floating jetty and linkspan are maintained to ensure that they remain "fit for purpose" going forward. Building consent and construction will be overseen by experienced civil engineers and marine contractors.

6.1(f) identification of the persons affected by the activity,

The applicant owns 4.5628 hectares of land behind the proposed foreshore structures in the bay. This land is zoned for residential purposes, but is sea access only.

The applicant considers the proposal has mitigated the effects on adjacent consent holders and the proposal does not impact on their consent rights or property rights.

6.1(f cont.) any consultation undertaken,

A copy of the draft application was circulated to:

- Te Atiawa's office in Waikawa Bay for review and comment; and
- MDC Harbormaster's Office.

6.1(f cont.) and any response to the views of any person consulted

Provision not relevant

6.1(f cont.) and any iwi consultation undertaken

A copy of the draft application was circulated to Te Atiawa's office in Waikawa Bay for review and comment.

6.1(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

Overall, as long as the new coastal structures are installed correctly and maintenance on the structures is undertaken by the owner or their agent on a regular basis, no formal monitoring should be required beyond the condition to keep the structures in a safe and functional manner.

6.1(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

Provision not relevant

Clause 7 - Matters that must be addressed by assessment of environmental effects

7.1 An assessment of the activity's effects on the environment must address the following matters:

7.1(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects

The proposed coastal structures should not have any effect on neighbours in the local vicinity or wider community.

Being a residential property with sea access only, coastal structures should be anticipated by all landowners in this section of Blackwood Bay.

The steep topography at the intertidal area means that safe access to the property is not available from the consented coastal structures to the north or south of the property. This is not an unusual situation for steep faced Bays in the inner sounds, such as, but not limited to, Double Cove, Bay of Many Coves, Lochmara Bay, Onahau Bay and parts of Kumutoto Bay.

7.1(b) any physical effect on the locality, including any landscape and visual effects

From a local visual amenity perspective, the applicant accepts that any built structure is likely to have some effect on the visual landscape. Again, given the residential zoning tag, such proposals have been anticipated by the PMEP, albeit at a Discretionary level. Likewise, local landowners should also expect that their neighbours should have safe access to their properties.

A condition is suggested requiring all coastal structures associated with this consent be kept in a safe and structurally sound condition going forward.

7.1(c) any effect on ecosystems, including effects on plants or animals and any physical disturbances of habitats in the vicinity

The Effects of the Activity on Marine Ecology

The site is a typical Marlborough Sounds coastal habitat, with a rocky intertidal zone giving way to smaller eroded rock fragments, then sand and mud.

The Effect on the Activity on Foreshore Dynamics

The new foreshore structures will be similar in design to other systems in the wider area.

Installation of the timber boardwalk and floating jetty may have temporary effects on seabed dynamics, but this will stabilise quickly once the piling and anchoring installation has been completed. The floating jetty will be floated onto site, well away from the foreshore area.

7.1(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations

Provision not relevant

7.1(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants

Provision not relevant

7.1(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations

Provision not relevant

Applicant's proposed conditions for this activity

Coastal Structures

A 20 year consent term is requested.

1. Except insofar as required to comply with other conditions of this resource consent, the development must be undertaken and remain in accordance with the Application for Resource Consent Uxxxxx.
2. That the Lapse Period will be 2 years from date of consent.
3. All parts of the boatshed and jetty facility must be coloured or finished in such a manner so as to minimise, to the extent practicable, their contrast with the surrounding environment.
4. Not later than three months following the substantial completion of the new floating jetty facility, the consent holder must submit to the Compliance Manager, Marlborough District Council, not

less than five colour photographs of the entire facility. Such photographs must be taken from different viewpoints around the facility.

5. The consent holder must ensure that all parts of the foreshore structures are maintained in a tidy, safe and structurally sound condition at all times.
6. The consent holder must allow any person to pass across and lawfully use the jetty and linkspan without charge.
7. This resource consent must not be used at any time by any person (including the consent holder) in a manner which prevents or unduly hinders any other person from passing across the entire jetty or accessing the jetty with a vessel for the loading / unloading of goods and people.
8. This coastal permit must not be transferred to any person other than an owner of the adjacent land. In the event that the current consent holder cease to own the Land, this coastal permit must, within three months be transferred to an owner of the Land, failing which the consent must be surrendered to the consent authority. Such transfer shall have not effect until Council is notified in accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent for the purpose of ensuring that adverse effects on maritime safety and amenity values are avoided, remedied or mitigated. Notice of review for these purposes may be given during the months of January to December (Inclusive) in any year for the duration of this consent.
9. In accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent for the purpose of ensuring that adverse effects on maritime safety and amenity values are avoided, remedied or mitigated. Notice of review for these purposes may be given during the months of January to December (inclusive) in any year for the duration of this consent.
10. Unless a replacement resource consent is applied for and granted, the consent holder, at the consent holder's expense, must remove the facility and all associated materials from the coastal marine area and provide written confirmation of this to the Compliance Manager, Marlborough District Council, within three months of any of the following events occurring:
 - a) The expiry of the resource consent; or
 - b) The consent being surrendered or cancelled; or
 - c) The structures becoming derelict or abandoned.

Consent information

Part of timber boardwalk connecting to shore end

Consent type

Land use

Subcategory type

Activity

Description of consent being applied for

Depending on final pile positions, some of the proposed boardwalk structure may end up being located on the applicant's property to ensure a good tie in to the gravel access track into the property.

Taking a precautionary approach, the applicant wishes to obtain consent to construct approximately 5 metres of the timber boardwalk on their land within the front yard and adjacent to the foreshore to connect to the consented access track on their property.

Refer engineering plans **attached**.

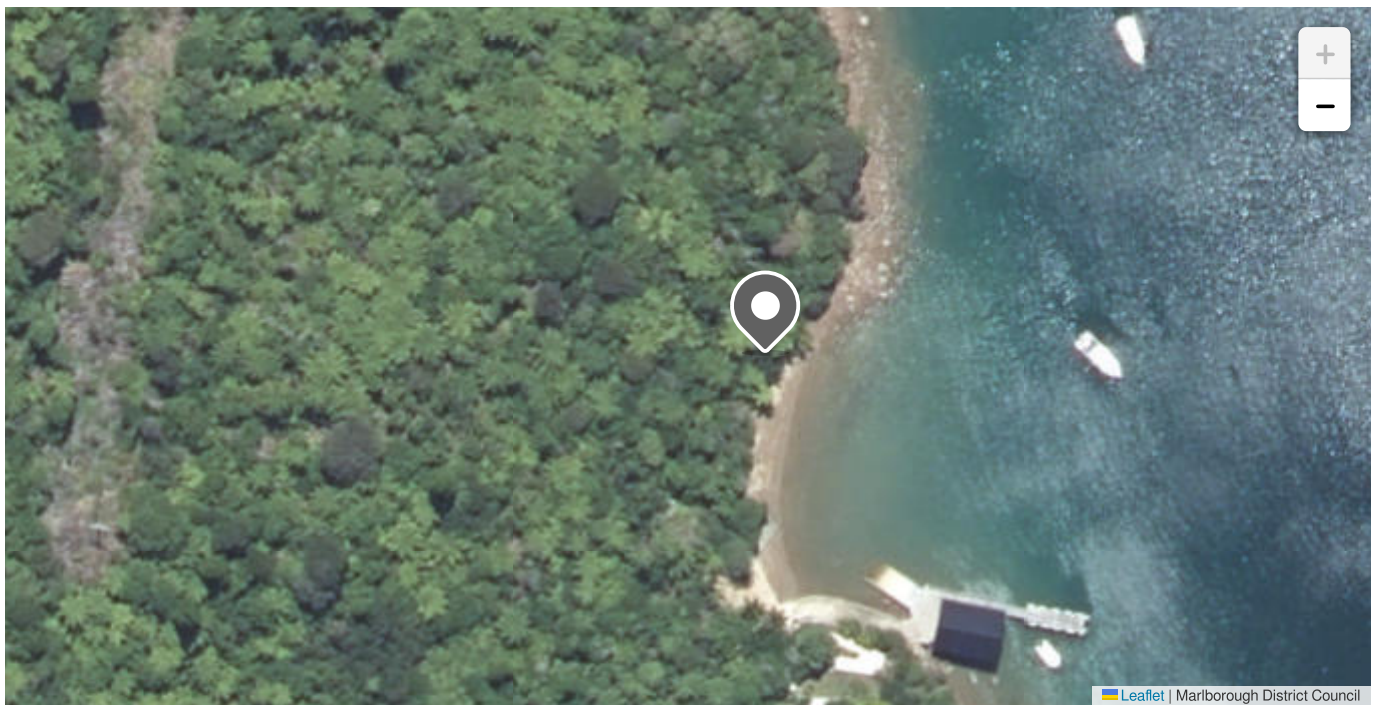
Location of the consent

Easting

1690961.684

Northing

5437055.494



Triggering rules

Rules which trigger the consent

I include an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

The assessment under this section must include an assessment of the activity against

- (a) Rules in a document; and
- (b) Any relevant requirements, conditions, or permission in any rules in a document; and
- (c) Any other relevant requirements in a document (for example, in a national environmental standard or other regulations))

Triggering rules assessment

Marlborough Sounds Resource Management Plan (MSRMP):

The PMEP is the The subject property is zoned Sounds Residential.

Residential activity is a **Permitted Activity** within the zone.

Rule 30.1.3.2.2 states that no building may be sited closer than 20 metres from a coastal marine area boundary or 8 metres of a foreshore reserve.

Assessment: Part of the front of the proposed timber boardwalk leading from the boatshed & jetty may be sited within the 20 metre front yard setback.

Proposed Marlborough Environment Plan (PMEP):

The area where part of the proposed timber boardwalk may be sited is zoned **Coastal Living** in the PMEP.

Residential activity is a **Permitted Activity** within the zone.

Rule 7.2.1.5 states that a building must not be constructed or sited within 28 metres of the Coastal Marine Zone.

Part of the proposed new timber boardwalk will be located within the 28 metre* yard setback area at the "tie in" position to the newly consented access track and therefore is a **Discretionary Activity** as per Rule 7.4.1 " *Any activity provided for as a Permitted Activity that does not meet the applicable standards*".

(*) This setback provision has been appealed, but the proposed section of boardwalk will still be well within the likely 20 metre set-back yard provision, meaning consent is required.

Assessment of Effects on the Environment (AEE)

Clause 6 - Information required in assessment of environmental effects

6.1 An assessment of the activity's effect on the environment must include the following information:

6.1(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity

Provision not relevant

6.1(b) an assessment of the actual and potential effect on the environment of the activity

Like every other residentially zoned property in the sounds, the landowner has to cross the foreshore/intertidal area to get from their foreshore structures to their properties upslope. In some situations this can occur across a beach or soil bank, however, in this instance, given the steep rock face at the intertidal area, the only practical option is to link to the gravel access track using a timber boardwalk from the foreshore structures to land owned by the applicant. This land has riparian rights.

6.1(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use

Provision not relevant

6.1(d)(i) if the activity includes the discharge of any contaminant, a description of the nature of the discharge and the sensitivity of the receiving environment to adverse effects

Provision not relevant

6.1(d)(ii) if the activity includes the discharge of any contaminant, a description of any possible alternative methods of discharge, including discharge into any other receiving environment

Provision not relevant

6.1(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.

The majority of the construction work will be undertaken from barge. Deck will be laid on pile caps and bearers by hand.

6.1(f) identification of the persons affected by the activity,

It is difficult to see any other party is affected by this proposal. The proposal fronts the applicant's land and safe and practical access to the property is a priority for the applicant.

6.1(f cont.) any consultation undertaken,

The immediate neighbours are Blackwood Bay Holdings Limited and Willis & Hedley. Both parties are aware of the applicant's desire to develop their property.

6.1(f cont.) and any response to the views of any person consulted

Provision not relevant

6.1(f cont.) and any iwi consultation undertaken

The draft application was sent to Te Atiawa's Office in Waikawa Bay.

6.1(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.

Provision not relevant

6.1(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

Provision not relevant

Clause 7 - Matters that must be addressed by assessment of environmental effects

7.1 An assessment of the activity's effects on the environment must address the following matters:

7.1(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects

The neighbours know that the applicant wishes to develop their property.

Realistically it is not possible to access the applicant's property from the jetty located to the north due to topography combined with advice that they cannot cross private land behind the jetty to get to their property.

The applicant has taken the precautionary approach to this aspect of the proposal. The design seeks to hug the intertidal area where possible and the boatshed and jetty structures have been sized to meet functional needs of the applicant. There is sufficient space to safely berth vessels at the new jetty without affecting the neighbours jetty to the south.

Depending on rock condition, the pile positions may mean the boardwalk structure encroaches into the applicant's front yard. This will not affect any other parties property rights.

7.1(b) any physical effect on the locality, including any landscape and visual effects

Safe and practical access is a priority for all landowners in the Sounds. This proposal will appear no different to the Willis' coastal structures or other coastal structures in the wider area.

7.1(c) any effect on ecosystems, including effects on plants or animals and any physical disturbances of habitats in the vicinity

Provision not relevant

7.1(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations

Provision not relevant

7.1(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants

Provision not relevant

7.1(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations

Provision not relevant

Applicant's proposed conditions for this activity

-

Part 2 RMA

Matters of national importance (Section 6 Resource Management Act 1991)

1. Assess your application against the following matters of national importance:

6.1 (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

The overall natural character of the bay has already been significantly altered by residential zoning and development along the coastline. Within the context of this environment, the influence of the proposal (for foreshore structure facilities) on the existing natural character and amenity values will be no more than minor.

Foreshore structures are expected in the bay. The proposal is seeking to provide safe access is available for everyone wanting to visit the property.

No significant adverse environmental effects come to mind that cannot be remedied or mitigated via appropriate conditions.

6.1 (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

Residential development and ancillary service infrastructure such as moorings, jetties and boatsheds are expected in this area of Totaranui.

Proposed Marlborough Environment Plan (PMEP):

The proposed structures are located in the Coastal Marine Zone. The immediate area is not identified as having a particular outstanding natural landscape value or biological, fisheries or conservation importance. The nearby land was historically farmed and the fact that the applicant and previous owners have allowed their land to revert to native bush is a testament to them. The applicant is also getting involved in the Wilding Pine Eradication and Pest Control Programmes run by local Sounds landowners, in conjunction with DOC & Council.

No known archaeological sites are known about in the Coastal Marine Area where the structures are proposed to be sited.

Marlborough Sounds Resource Management Plan (MSRMP):

The coastal structures are not in an area identified as having a particular outstanding natural landscape value or biological, fisheries or conservation importance.

No known archaeological sites are known about in the immediate area.

6.1 (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

Provision not relevant

6.1 (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

The proposed activity does not contain any features or provide for any activity beyond what is reasonable for the applicant to safely access and utilise the property for residential purposes.

6.1 (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

The applicant understands the intrinsic values associated with the coastal areas of the Marlborough Sounds by the community and local iwi.

The applicant's agent has communicated with Te Ātiawa o Te Waka-a-Māui representatives and supplied a copy of the draft application for review and comment.

6.1 (f) the protection of historic heritage from inappropriate subdivision, use, and development:

No known archaeological sites are known about in the proposed development area (i.e. CMZ).

6.1 (g) the protection of protected customary rights.

Provision not relevant

6.1 (h) the management of significant risks from natural hazards.

The most pertinent natural hazard affecting this proposal relates to the potential for sea level rise leading to inundation of coastal structures. The installation of a new floating jetty will allow greater flexibility to respond to sea level rise going forward.

The fixed structures have also been designed at a height that takes into account sea level rise.

Other matters (Section 7 Resource Management Act 1991)

1. Assess your application against the following matters:

7.1 (a) kaitiakitanga:

The applicant understands that Te Ātiawa is kaitiaki in its Te Tau Ihu rohe.

Te Tau Ihu is their unique place and it is the essence of identity and as kaitiaki Te Ātiawa is obligated to ensure that the environment is sustainably used and managed. This concept is kaitiakitanga.

For Te Ātiawa, kaitiakitanga means more than just mere guardianship and/or stewardship. It is an inherited and intergenerational responsibility to care for the environment for future generations. The purpose of kaitiakitanga is not only about protecting the life supporting capacity of resources, but of fulfilling spiritual and inherited responsibilities to the environment, of maintaining mana over those resources, and of ensuring the welfare of the people those resources support. Kaitiakitanga is the key cultural means by which sustainability is achieved.

(extract from Te Ātiawa Iwi Ki Te Tau Ihu – Iwi Environmental Management Plan). The applicant understands this Plan has been lodged under statute and has formal status.

7.1 (aa) the ethic of stewardship:

The landowner (applicant) and Te Ātiawa are the stewards of the area.

7.1 (b) the efficient use and development of natural and physical resources:

The applicant considers the proposal is an efficient use of natural and physical resources.

7.1 (ba) the efficiency of the end use of energy:

Provision not relevant

7.1 (c) the maintenance and enhancement of amenity values:

Given that the proposed structures will appear no different to many others in Totaranui / Queen Charlotte Sound, it is considered that the amenity values of the area will be maintained.

Furthermore, the proposal will allow the applicant to safely provide access to their property in all weather, whilst minimising any future effects on local amenity values.

7.1 (d) intrinsic values of ecosystems:

Refer to section 6.1(b).

7.1 (f) maintenance and enhancement of the quality of the environment:

The proposed coastal structures have been designed to maintain the quality of the receiving environment.

7.1 (g) any finite characteristics of natural and physical resources:

There is sufficient space available in Blackwood Bay to locate the proposed coastal structures.

The applicant considers that the proposal is an efficient use of the space available to allow safe and practical access to their residentially zoned property.

7.1 (h) the protection of the habitat of trout and salmon:

Provision not relevant

7.1 (i) the effects of climate change:

Sea Level Rise is now entering mainstream thought processes.

The applicant's proposal recognises this issue and the installation of a floating jetty will assist to mitigate the effects of sea level rise going forward.

Likewise, the fixed deck platform has been designed by experienced coastal engineers with significant experience in the Sounds.

7.1 (j) the benefits to be derived from the use and development of renewable energy

Provision not relevant

Assess your application against the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)

Part II of the Resource Management Act 1991 establishes the Principles of the Act, including “Matters of National Importance” (Section 6), “Other matters” (Section 7), and the “**Treaty of Waitangi**” (**Section 8**).

The applicant considers that this Application causes no tension with the principles of the Treaty of Waitangi.

Statutory instruments

I include an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1) (b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

The assessment under this section must include an assessment of the activity against –

- (a) Any relevant objectives, or policies in a document; and
- (b) Any relevant requirements, conditions, or permission in any rules in a document; and
- (c) Any other relevant requirements in a document (for example, in a national environmental standard or other regulations)

Statutes that are relevant to your proposed activity

Assessment under the Resource Management Act 1991

Section 9 of the Resource Management Act 1991 (RMA) requires that no person may use land in a manner that contravenes a district rule unless the activity is expressly allowed by a resource consent.

Section 12 of the Resource Management Act 1991 (RMA) states that no person may erect a structure in the Coastal Marine Area, or occupy or disturb any part of the foreshore or seabed unless expressly allowed by a rule in a regional coastal plan or proposed regional coastal plan, or by resource

Section 104 of the Resource Management Act 1991 (RMA) sets out the matters that a consent authority must have regard to when considering an application for a resource consent.

Section 104B of the Act states that a consent authority may grant consent for a **Discretionary** or **Non-Complying Activity** and may, if granted, impose conditions pursuant to section 108.

Assessment: Resource consent application has been made.

Assessment under the New Zealand Coastal Policy Statement

The applicant considers that at least six (6) New Zealand Coastal Policy Statement Policies are relevant :

- 1.1.1 (extent & characteristics of the coastal environment)
- 3.1.1 (adopt precautionary approach)
- 3.2.2 (protect sites vulnerable to effects of climate change)
- 6 (activities in the coastal environment)
- 15 (natural features & landscapes); and
- 19 (public open space).

Assessment: These Policies seek to protect the natural character of the coastal environment by avoiding significant adverse effects on amenity values and public enjoyment of the coastal environment.

The existing residential development and associated coastal structures already sited along the foreshore in the bay means that it cannot be considered a pristine coastal environment. The natural character of the area has already been compromised by human influence.

From a biodiversity point of view, the proposal will not adversely affect rare or threatened indigenous taxa or associated habitats.

Tangata whenua iwi have been consulted as part of an agreed process with Council and during the application process by the applicant's agent.

Combined, all of these Policies seek to protect the natural character of the coastal environment by avoiding significant adverse effects on amenity values and public enjoyment of the coastal environment.

In the applicant's opinion, the Objectives and Policies of the NZCPS are realistically not threatened by the proposal to improve access to the property.

Assessment under the Marlborough Regional Policy Statement

The MRPS seeks to enable present and future generations to provide for their wellbeing by allowing use, development and protection of coastal resources (in this case), provided any adverse effects of activities are avoided, remedied or mitigated.

The most relevant Policies include:

- 7.1.7 (enhancing amenity values)
- 7.2.8 (ensuring appropriate use of the coastal environment)
- 7.2.10 (protecting public access to coastal space); and
- 8.1.6 (protection of visual features).

Assessment: It is considered that the proposal is not contrary to these Policies and on the basis that the MSRMP, PMEP and the MRPS seek similar environmental outcomes, to avoid, remedy or mitigate any established effects from activities - matters which have already been extensively reviewed in the Application process. As such, there is no need to repeat an assessment under this Plan heading.

Assessment under the Marlborough Sounds Resource Management Plan

Whilst this Plan has essentially taken a back seat to the PMEP, the following objectives and policies are still relevant given the appeal status on natural coastal value provisions in the PMEP.

Chapter 2.2 Vol.1: Natural Character

Objective 1: The preservation of the natural character of the coastal environment and the protection of it from inappropriate use and development.

Policy 1.2: Appropriate use and development will be encouraged in areas where the natural character of the coastal environment has already been compromised and where the adverse effects of such activities can be avoided, remedied or mitigated.

Assessment: The natural character of the wider receiving environment has been altered through historic residential development and activities right around the Bay. Within the context of this

environment, the influence of the proposal on the existing natural character and amenity values will be no more than minor as safe and functional access is required to the applicant's land in all weather and at all tides. No significant adverse environmental effects come to mind that cannot be remedied or mitigated via practical conditions.

Chapter 8.3 Vol.1: Public Access

Objective 1: That public access to and along the Coastal Marine Area be maintained and enhanced.

Policy 1.2: 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.

Assessment: The proposed new boatshed, slipway and boardwalk will not significantly hinder or restrict public access in or along the Coastal Marine Area in this instance.

Chapter 9.2.1: Coastal Marine Area

Objective 1: The accommodation of appropriate activities in the Coastal Marine Area whilst avoiding, remedying or mitigating the adverse effects of those activities.

Policy 1.1: Avoid, remedy and mitigate the adverse effects of use and development of resources in the Coastal Marine Area on any of the following (those relevant to foreshore structures):

1. Conservation and ecological values
2. Cultural and iwi values
3. Heritage and amenity values
4. Seascape and aesthetic values
5. Marine habitats and sustainability
6. Natural character
7. Navigational safety
8. Public access
9. Public health and safety; and
10. Recreational values

Assessment: The relevant aspects from Policy 1.1 have been addressed in this Assessment of Effects on the Environment (AEE) forming part of the application. No significant adverse environmental effects have been identified, therefore, in the applicant's opinion, the proposed activity is appropriate for the site.

Policy 1.3: Exclusive occupation of the Coastal Marine Area or occupation which effectively excludes the public will only be allowed to the extent reasonable necessary to carry out construction activity.

Assessment: The proposal has been carefully considered to achieve the core requirements of providing safe and functional access to the applicant's property while not over impinging on the use of public space or other local users. Overall, the proposed development does not contain any features or provide for any activity beyond what is reasonable for a coastal property in the Bay requiring access from the sea.

Chapter 19.3: Water Transportation

Objective 1: Safe, efficient and sustainably managed water transport systems in a manner that avoids, remedies and mitigates adverse effects.

Policy 1.1: Avoid, remedy or mitigate the adverse effects of activities and structures on navigation and safety, within the Coastal Marine Area.

Assessment: No navigational safety issues have been identified with the proposal.

Overall, the proposed development is considered to be consistent with the relevant objectives and policies of the Marlborough Sounds Resource Management Plan.

Assessment under the Proposed Marlborough Environment Plan

The following Objectives and Policies are relevant:

Chapter 3 - Tangata Whenua

Objective 1 - The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are taken into account in the exercise of the functions and powers under the Resource Management Act 1991.

Assessment: The applicant acknowledges the Te Tau Ihu Statutory Acknowledgement provisions and recognises that the application will be circulated to the relevant iwi through an agreed process with Marlborough District Council. For completeness, the applicant's agent has also circulated a draft copy of the application to Te Atiawa.

Chapter 9 - Public Access & Open Space

Objective 9.1 – The public are able to enjoy the amenity and recreational opportunities of Marlborough's coastal environment, rivers, lakes, high country and areas of historic interest.

Policy 9.1.6 – Continue to assess the need to enhance public access to and along the coastal marine area, lakes and rivers.

Assessment: The proposed coastal structures will not inhibit public access to and along the coast and will provide enhanced access for the applicant and other users wanting to experience the Marlborough Sounds environment.

Chapter 13 - Use of the Coastal Environment and the Allocation of Coastal Space

Policy 13.10.3 - Efficient use of the coastal marine area can be achieved by using the minimum area necessary for structures.

Policy 13.10.4 - The erection and use of decking structures:

(a) by themselves or in conjunction with jetties are regarded as inappropriate and shall be avoided;

(b) where proposed in association with a boatshed, shall only be for access between the foreshore and the boatshed. Decking will be limited to two metres width along only one side of the boatshed and up to two metres wide across the front of the boatshed. Any other decking will be regarded as inappropriate.

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

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

Policy 13.10.9 - Coastal structures shall be maintained in a way that projects public safety, including for safe navigation.

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

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

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

- (a) limiting the width of jetties to two metres.

Additional Policies for boatsheds and slipways - Policy 13.10.19 – The purpose of a boatshed shall be to house boats and boating equipment. Where a boatshed is to be located in the coastal marine area or on land immediately adjacent to the coastal marine area and its use differs from the purpose described above, the activity is inappropriate in the coastal environment and is to be avoided. A boatshed cannot be used for anything other than storing a boat or boating equipment. Given the public nature of the coastal marine area and reserve land adjacent to the foreshore, it is important a boatshed is used solely for the purpose for which consent was sought. Where this ceases to occur, the building may be required to be removed.

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

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

Assessment: Overall, the proposed development has been designed to be in keeping with the receiving environment and allows for the applicant to safely access their property and store maritime equipment.

The applicant cannot safely access their property from jetties to the north or south of their property due to the need to cross private land, combined with the steep rocky topography at the coastline. The applicant has already applied and received approval for land-use activity consent to construct an access track from the foreshore up to a platform area (refer U230612) and this coastal application seeks to tie the boardwalk into the start of the access track at the shore.

The pile foundations for the coastal structures have to be located a few metres out from the shoreline because of large rocks at the base of the slope directly behind the proposed boatshed.

Importantly, the jetty and fixed deck width around the proposed coastal facility meet the PMEP plans policy requirements (2m) and the boatshed footprint (at 6m wide by 7m long) is much smaller than many other boatsheds in the immediate or wider areas. The boatshed will allow storage of the applicant's runabout and other marine-based equipment. The slipway, at 3m wide and 9m long is also a standard dimension for this type of facility and matches door width. The linkspan and floating jetty (12m long x 3m wide) are standard sizes in the Sounds nowadays as well. The steepness of the land at the shoreline means that the applicant has no other practical option but to site the boatshed and slipway entirely in the coastal marine area.

Having taken engineering and planning advice, the applicant considers that the proposal is consistent with the relevant Objectives and Policies of the PMEP in this instance.

Additional information

Applications affected by Section 124 or 165ZH(1)(c) of the Resource Management Act 1991

Does this application relate to an existing consent held by the applicant which is due to expire, and the applicant is to continue the activity?

No - this application does not relate to an existing consent

Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011

Is the proposed activity to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011?

No - the proposed activity does not occur in such an area

Additional information required for subdivision consent

Does your application include one or more consents for subdivision?

No

Additional information required for application for reclamation

Does your application include one or more consents for reclamation?

No

Plans and technical reports

Report type	Report title	Author	External referen...	Keywords	Document
Record of title	MB1A/607	LINZ	-	Lot 1 DO 2796	MB1A_607_Title_S(3).pdf (382 kB)
Site Plan	-	SENG Engineering Consultants	2281	-	2281-FS1 - RC Drawing - Foreshore Structure March 24.pdf (882 kB)
Engineering report	-	SENG Engineering Consultants	2281	Rev D & Rev B Plan Set	Combined Engineering Plans - March 2024.pdf (1 MB)
Miscellaneous	MDC RCD U230612	MDC	U230612	-	U230612 - MDC Decision Document.pdf (272 kB)
Miscellaneous	Photos of site	Gavin Cooper	-	-	J Clark Family Trust Photos.pdf (868 kB)
Miscellaneous	Resource Consent Decision U050688	Marlborough District Council	U050688	-	U050688.pdf (1 MB)

Affected person approvals

Have you obtained affected person(s) approvals?

No - I have not obtained affected person(s) approvals

Iwi

Have you obtained approvals from iwi?

No - I have not obtained approvals from iwi

Public notification (Section 95A(2)(b)) of the Resource Management Act 1991

Is public notification of the application requested by the applicant?

Yes - public notification of application is requested

Lodgement fee

Please see [Marlborough District Council's fees page](#) for more information.

Payment ID Code

0AMBQL

Do you require a GST receipt for a bank payment?

Yes - I do require a GST receipt for a bank payment

If further charges are incurred, please invoice

Applicant

If refunds are applicable, please refund

Applicant

Fee comments

Please charge applicant direct if further processing charges apply

Declaration

I confirm that the information provided in this application and the attachments are accurate.

Yes

Authorised by (your full name)

Gavin Cooper for GDC Consulting (2010) Limited

Authorising person is:

Person authorised to sign on behalf of the applicant

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. If you lodge the application with the Environment Protection Authority, you must also lodge a notice in form 16A at the same time.

You must pay the charge payable to the consent authority for a resource consent application under the Resource Management Act 1991 (if any).

If your application is to the Environment Protection Authority, you may be required to pay actual and reasonable costs incurred in dealing with this matter (see section 149ZD of the Resource

Management Act 1991).

Privacy information

The information on this form is required to be provided under the Resource Management Act 1991. A failure to provide this information means the Marlborough District Council will not be able to process your application. Council holds and stores the information, including the form and all associated reports and attachments, on the Council property files and internally by the Council. If you would like to request access to, or correct any details, please contact us.

The details of your application and any related communications will be made available to the public on the Council property files. If there is any communication or information that you would like to remain confidential, please note this in your communications with Council officers, or contact the Council's Privacy Officer at privacy@marlborough.govt.nz. Please note that your (the applicant) main details (name and address) can not be confidential.

For further information on your privacy rights, please see the Councils Privacy Statement.

Do not scale from this drawing



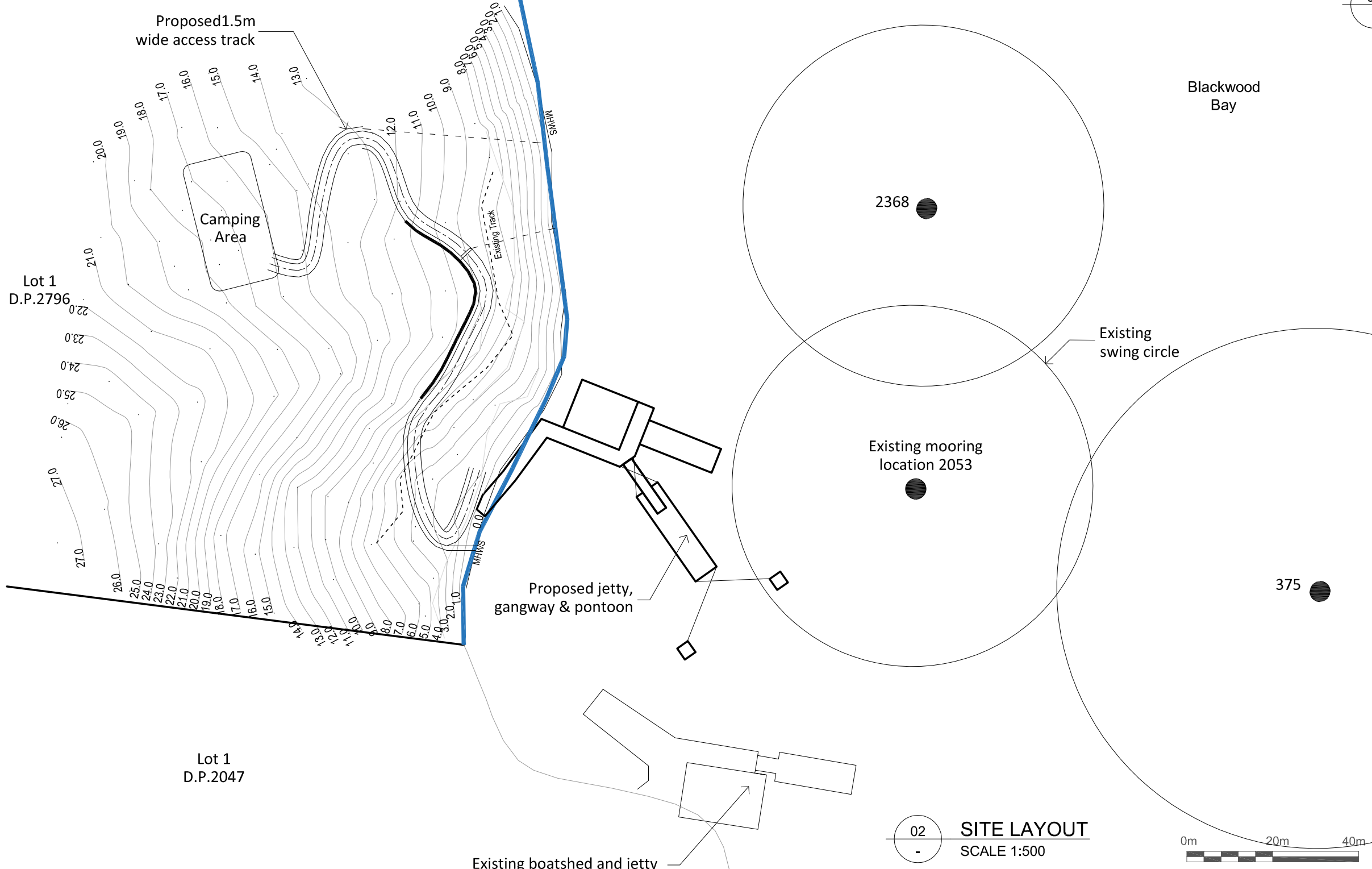
Pt Lot 2
D.P.1045

Existing jetty



01 LOCATION
- NTS

Blackwood
Bay



Lot 1
D.P.2796

Lot 1
D.P.2047

02 SITE LAYOUT
- SCALE 1:500



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REV	DATE	DETAILS
PROJECT		
JETTY, GANGWAY & PONTOON BLACKWOOD BAY FOR CLARK		
seng		ENGINEERING CONSULTANCY
P 03 577 5604		W www.seng.co.nz
E info@seng.co.nz		P.O Box 707, Blenheim 7240
DRAWING		
LOCATION & SITE PLAN		
ISSUE		
INFORMATION		
SCALE (A3)	DATE	DWG No.
AS SHOWN	28 APR 22	2281-FS1
REV		
0		

Do not scale from this drawing



Pt Lot 2
D.P.1045

Existing jetty



01 LOCATION
- NTS

Blackwood
Bay

Lot 1
D.P.2796

Proposed 1.5m
wide access track

Camping
Area

Proposed jetty,
gangway & pontoon

2368

Existing mooring
location 2053

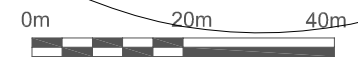
Existing
swing circle

375

Lot 1
D.P.2047

Existing boatshed and jetty

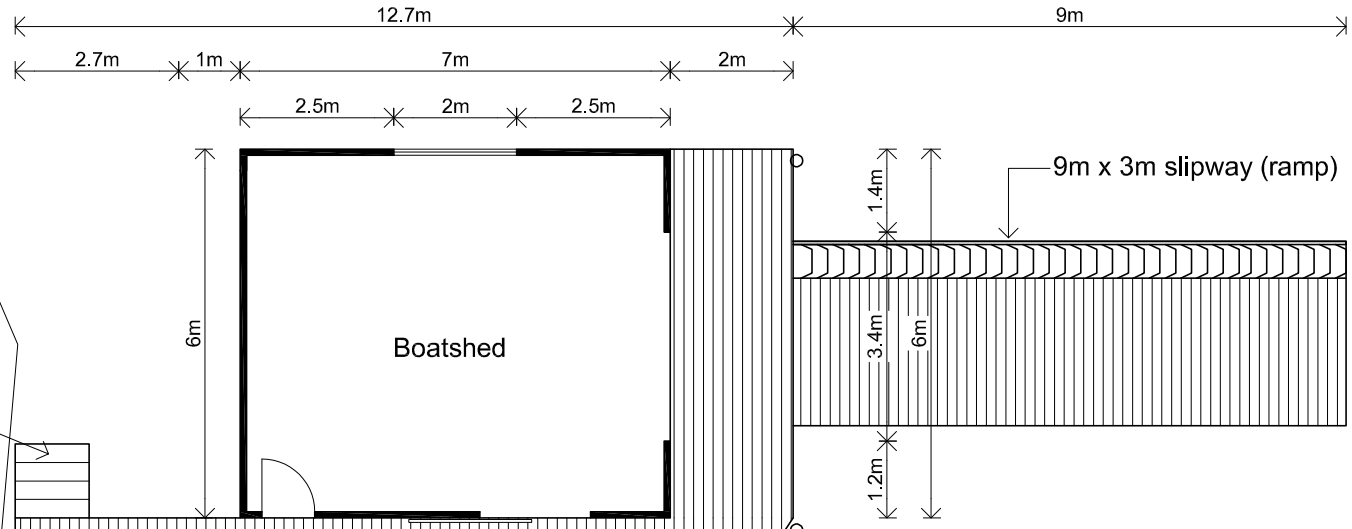
02 SITE LAYOUT
- SCALE 1:500



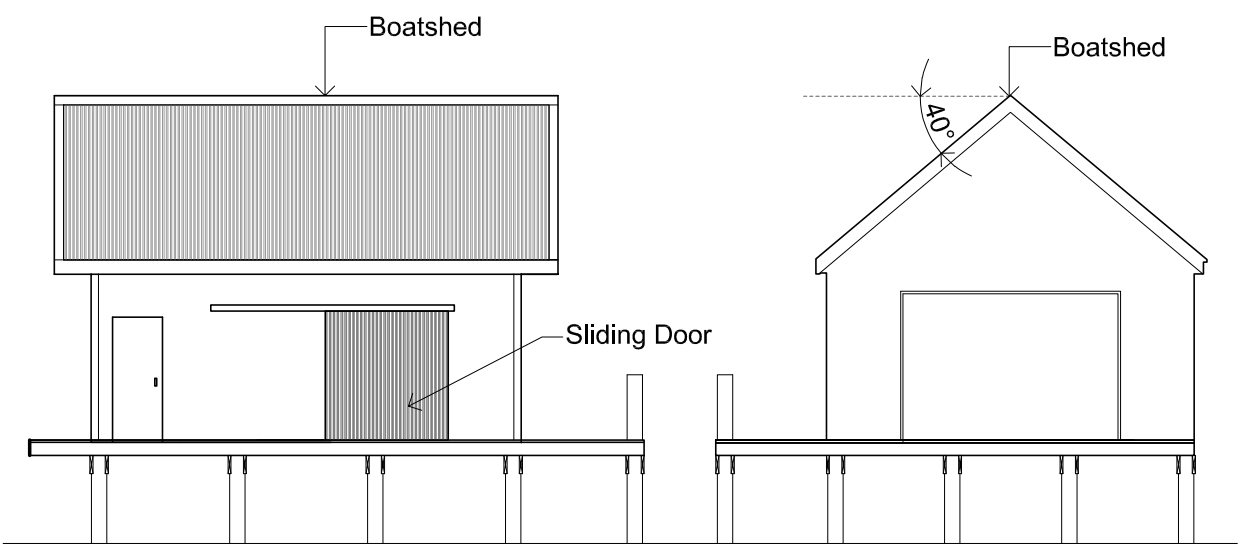
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REV	DATE	DETAILS
PROJECT		
JETTY, GANGWAY & PONTOON BLACKWOOD BAY FOR CLARK		
seng		ENGINEERING CONSULTANCY
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SCALE (A3)	DATE	DWG No.
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REV		
0		

Do not scale from this drawing

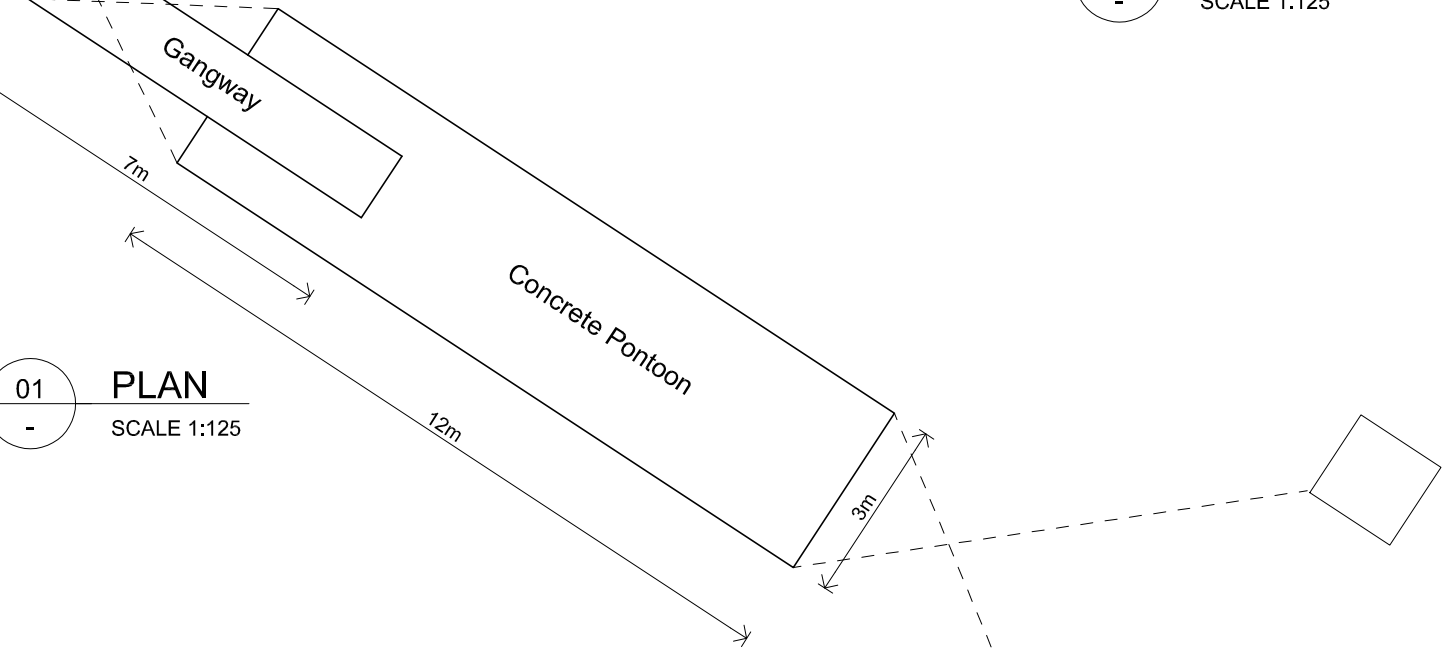
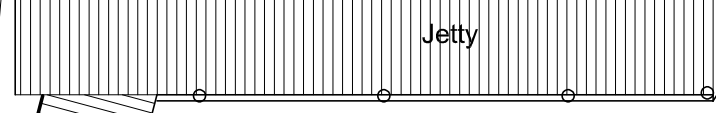
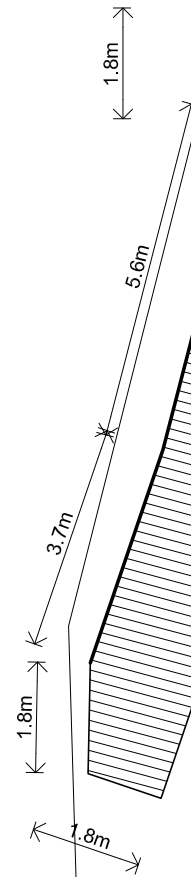


01 PLAN
- SCALE 1:125

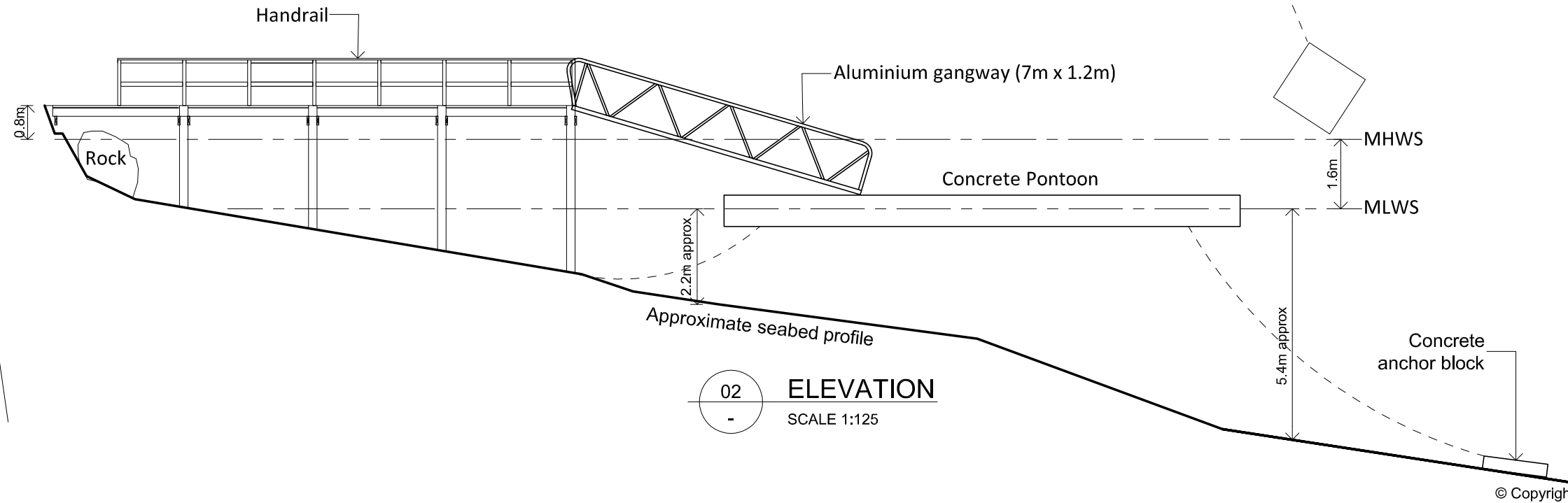


03 BOATSHED ELEVATION
- SCALE 1:125

Steps to foreshore



02 ELEVATION
- SCALE 1:125



REV	DATE	DETAILS	
PROJECT			
JETTY, GANGWAY & PONTOON BLACKWOOD BAY FOR CLARK			
seng		ENGINEERING CONSULTANCY	
P 03 577 5604		W www.seng.co.nz	
E info@seng.co.nz		P.O Box 707, Blenheim 7240	
DRAWING			
PLAN AND ELEVATIONS			
ISSUE			
INFORMATION			
SCALE (A3)	DATE	DWG No.	REV
AS SHOWN	28 APR 22	2281-02	B

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Photo 1: Rocky promontory at southern end of property

J Clark Family Trust Photos, Blackwood Bay – 2023



Photo 2: Vegetation and slope on lower portion of property



Photo 3: Rock slope along northern end of property towards dilapidated boatshed and fixed jetty



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

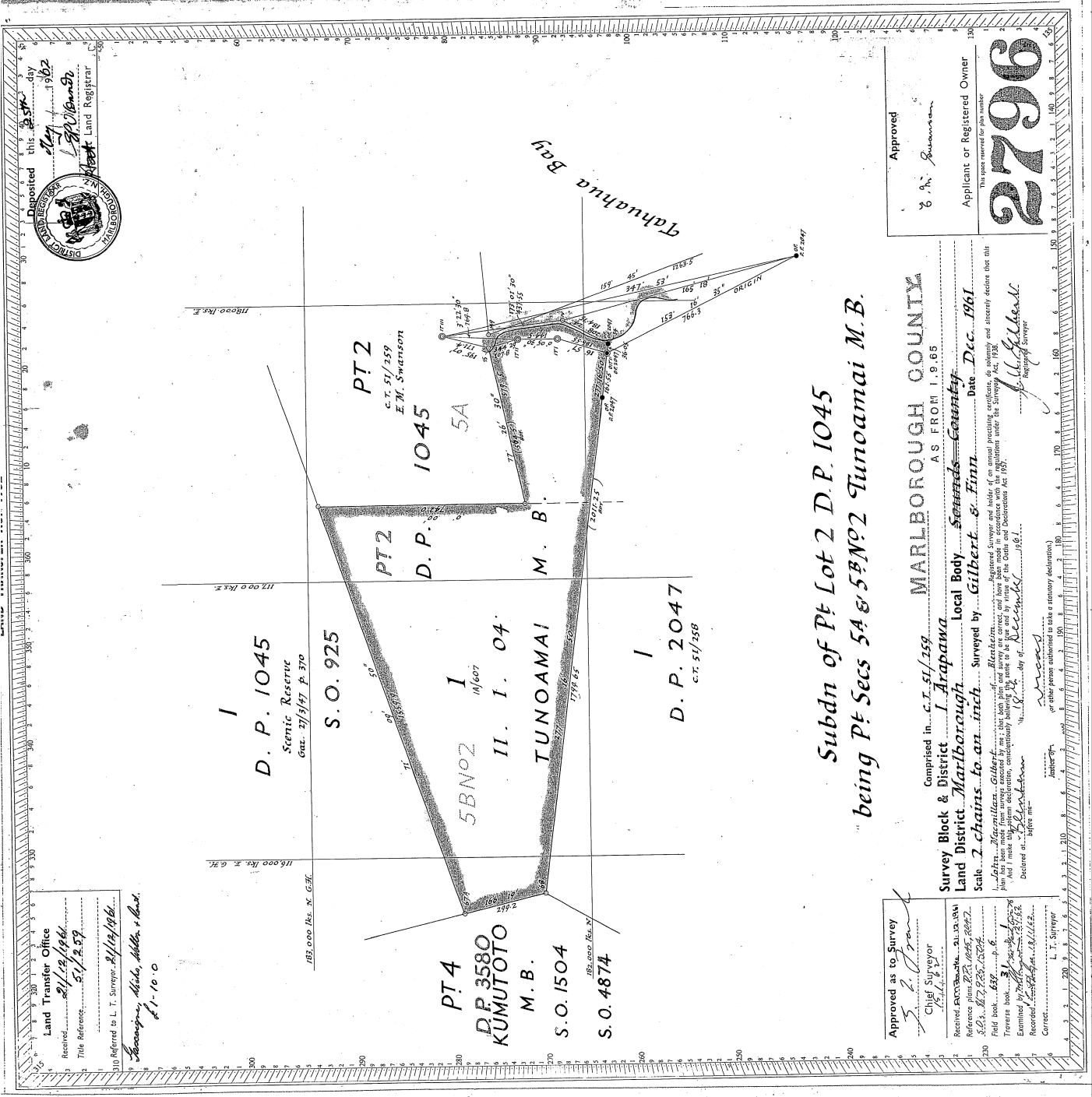
Identifier **MB1A/607**
Land Registration District **Marlborough**
Date Issued 21 June 1962

Prior References
MB51/259

Estate Fee Simple
Area 4.5628 hectares more or less
Legal Description Lot 1 Deposited Plan 2796

Registered Owners
Jason Clark and Thomas Michael Pivac

Interests



Received this 25th day of May 1962
 District Registrar
 District of Marlborough

10 Referred to L. T. Surveyor 2/12/1961
 Thompson, Dick, Adkin & Co.
 6/1-10-0

Approved as to Survey
 Chief Surveyor
 Received from the Registrar
 References to the Registrar
 Field book
 Travers book
 Examined by
 Correct

Subdn of Pt Lot 2 D.P. 1045
 being Pt Secs 5A & 5B N 2 Tunoamai M.B.

Survey Block & District I Arapawa
 Land District Marlborough
 Scale 2 chains to an inch
 Surveyed by Gilbert & Finn
 Date Dec. 1961

Approved
 Applicant or Registered Owner
 2796
 This space reserved for plan number

Comprised in... I. 51/259
 AS FROM 1.9.65
 MARLBOROUGH COUNTY
 Registered Surveyor and holder of an annual practicing certificate, do solemnly and sincerely declare that this plan has been made from surveys executed by me; that both plan and survey are correct, and have been made in accordance with the regulations under the Survey Act, 1958
 And I make this declaration, conscientiously believing the same to be true, and in full knowledge of the contents of the said Declaration Act, 1951.
 Declared at... day of... 1961
 or other person authorized to take a statutory declaration)

FILED
ELECTRONICALLY
0910 2285

**RESOURCE MANAGEMENT
ACT 1991**



**Decision on Application for
Resource Consent**

RESOURCE CONSENT No: U050688

**APPLICANT: Thomson, Thomas
Dawson, Chapman,
Dennise Caroline and
Blackwood Bay Limited**

**This document contains a record of
decision(s) on the following application
for resource consent(s):**

COASTAL PERMIT (X 2)

DECISION DATE:

19 June 2009

Important Information

A resource consent is comprised of:

- A decision document (subject to the outcome of any appeals/objections), and;
- The application for resource consent, except where modified by conditions.

An information sheet is attached which sets out the provisions of the Resource Management Act 1991.

It is important that you keep this document in a safe place; together with any future amendments that may be made to conditions of the resource consent.

RESOURCE CONSENT DECISION

Decision No: U050688

Applicant: Thomson, Thomas Dawson, Chapman, Dennise Caroline and Blackwood Bay Limited

Location of Activity: Blackwood Bay, Inner Queen Charlotte Sound

Legal Description: Adjacent to Pt Lot 2 DP 1045

Grid Reference:

Easting	2600974
Northing	5998842

Coastal Permit

Pursuant to the Resource Management Act 1991 a resource consent has been GRANTED:

- Coastal Permit for structures adjacent to Pt Lot 2 DP 1045, to provide for shared use by the owner of that lot and the owner of Lot 1 DP 2796, including:
A new coastal permit for the southernmost jetty to replace expired Foreshore Licence 2486; removal of existing boatsheds and construction of a new double boatshed, decking and 2 slipways; construction of a new timber walkway to facilitate access to Lot 1 DP 2796; and placement of rocks along approximately 25 metres of the foreshore, for erosion protection behind the new boatshed.

This resource consent is subject to compliance with the following conditions:

1. This consent shall expire on 30 June 2029.
2. This Coastal Permit shall be held jointly by the owners for the time being of Lot 1 DP 2796 and Pt Lot 2 DP 1045. When either of these properties are sold or otherwise transferred, this Coastal Permit shall be transferred to the new owner/s of Lot 1 DP 2796 and Pt Lot 2 DP 1045.
3. The development shall be undertaken in accordance with the amended application prepared by Davidson Partners Limited, Ref. 23161, dated 17 April 2009 and held on Council file U050688 and the drawings stamped "This plan forms part of Resource Consent U050688", unless specified otherwise by the following conditions of this consent.
4. Structural repairs to the jetty, as identified in the report prepared by Davidson Partners Limited, Job Number 24129, dated 20 August 2008, entitled "Foreshore Structures Conditions Survey" and described as West Jetty (copy attached) shall be completed within 3 months of the date of this consent. Within 6 months of the date of this consent, the following requirements shall be met:
 - (i) Confirmation shall be provided to the Manager, Compliance, Marlborough District Council, that the repairs identified in the said condition report have been inspected by a chartered professional engineer and have been satisfactorily completed.
 - (ii) Certification from a chartered professional engineer that the jetty and walkway are in a structurally sound condition.


Initial

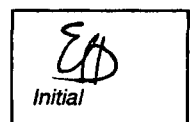
5. The consent holder/s shall maintain all parts of the structure in a safe and secure way at all times.
6. All exterior surfaces on the structures authorised by this consent shall have a non-reflective finish, unless specified otherwise in a condition of this consent.
7. Reflective strips with a minimum width of 50mm wide shall be installed on the seaward extremities of the structures to make them visible to boat traffic at night.
8. Any windows in the boatshed that are visible from the east and south shall be fitted with external shutters, which shall be kept closed when the boatshed is not in regular use.
9. The jetty authorised by this permit shall not be used by any person, including the consent holder, for lying alongside for periods longer than is necessary for the loading and unloading of goods and people.
10. Any person shall have a right of access without charge over the jetty authorised by this permit.
11. The boatshed and associated decking authorised by this consent shall only be used for access and storage of boats and ancillary nautical equipment. At no time shall the structure be used for sleeping accommodation or social congregation unless such activities are authorised by a resource consent.
12. The rock for erosion protection, as shown on Drawing No. 23161, Sheet R5, Issue B, dated 11/08, drawn by Davidson Partners Limited, shall be designed and the installation of the rocks shall be supervised by a chartered professional engineer. The rock to be used in the construction of the batter shall be of a colour which will blend in with the naturally occurring rocks at the site. Photographs of the completed rock batter and certification that this condition has been met shall be provided to the Manager, Compliance, Marlborough District Council, within one month of the completion of the installation of the rocks.
13. The material from the demolished boatsheds and disused railway irons in the coastal marine area in front of the boatsheds shall be entirely removed from the site and disposed of on land at an approved landfill or other appropriate site.
14. Unless a new coastal permit is obtained that allows the continued occupation of the site, the structures authorised by this consent shall be removed in their entirety by the consent holder/s at the expiry of the term of this consent.

REASONS FOR DECISION

Coastal structures have existed for many years at this site. The construction of a new boatshed, slipways and a walkway to Lot 1 DP 2796 is not considered to add significantly to the effects of the existing structures.

The coastal structures will be shared by two properties and several households, thus avoiding the cumulative effects of proliferation of coastal structures.

The remedial works required in conditions of consent will ensure that the jetty is structurally sound.


Initial

OTHER MATTERS

1. Unless otherwise specified, this is the full text of the decision.

Lapse Date

2. If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).
The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.

Appeal Information

3. If intending to appeal this decision, the appeal must be lodged with the Environment Court within 15 working days of the receipt of this decision.

Authorised under the Marlborough District Council's Instrument of Delegation by:

E. Davidson
.....
Marlborough District Council Commissioner/Delegated Officer

Dated this *19th* day of *June* 2009

RESOURCE CONSENT DECISION

Decision No: U050688

Applicant: Thomson, Thomas Dawson, Chapman, Dennise Caroline and Blackwood Bay Limited

Location of Activity: Blackwood Bay, Inner Queen Charlotte Sound

Legal Description: Adjacent to Pt Lot 2 DP 1045

Grid Reference:

Easting	2601012
Northing	5998881

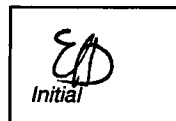
Coastal Permit

Pursuant to the Resource Management Act 1991 a resource consent has been GRANTED:

- Coastal Permit for the northernmost existing jetty adjacent to Pt Lot 2 DP 1045, to replace expired Foreshore Licence 2486.

This resource consent is subject to compliance with the following conditions:

1. This consent shall expire on 30 June 2029.
2. This Coastal Permit shall be held by the owner/s for the time being of Pt Lot 2 DP 1045. When this property is sold or otherwise transferred, this Coastal Permit shall be transferred to the new owner/s of Pt Lot 2 DP 1045.
3. The development shall be undertaken in accordance with the amended application prepared by Davidson Partners Limited, Ref. 23161, dated 17 April 2009 and held on Council file U050688, unless specified otherwise by the following conditions of this consent.
4. Structural repairs to the jetty, as identified in the report prepared by Davidson Partners Limited, Job Number 24129 dated 20 August 2008, entitled "Foreshore Structures Conditions Survey" and identified as East Jetty (copy attached) shall be completed within 3 months of the date of this consent. Within 6 months of the date of this consent, the following requirements shall be met:
 - (i) Confirmation shall be provided to the Manager, Compliance, Marlborough District Council, that the repairs identified in the said condition report have been inspected by a chartered professional engineer and have been satisfactorily completed.
 - (ii) Certification from a chartered professional engineer that the jetty is in a structurally sound condition.
5. The consent holder shall maintain all parts of the structure in a safe and secure way at all times.
6. All exterior surfaces on the structures authorised by this consent shall have a non-reflective finish, unless specified otherwise in a condition of this consent.


Initial

7. A reflective strip with a minimum width of 50mm wide shall be installed on the seaward end of the jetty.
8. The jetty authorised by this permit shall not be used by any person, including the consent holder, for lying alongside for periods longer than is necessary for the loading and unloading of goods and people
9. Any person shall have a right of access without charge over the jetty authorised by this permit.
10. Unless a new coastal permit is obtained that allows the continued occupation of the site, the structures authorised by this consent shall be removed in their entirety by the consent holder/s at the expiry of the term of this consent.

REASONS FOR DECISION

The previous Foreshore Licence for this jetty expired in 1996. It is a requirement of the Resource Management Act 1991 that all structures in the coastal marine area shall be authorised by a resource consent. A grant of consent to this application will ensure compliance with this requirement.

The completion of remedial works identified by a chartered professional engineer as necessary to bring the jetty to a sound structural condition will be a requirement of this consent.

OTHER MATTERS

1. Unless otherwise specified, this is the full text of the decision.

Lapse Date

2. If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to). The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.

Appeal Information

3. If intending to appeal this decision, the appeal must be lodged with the Environment Court within 15 working days of the receipt of this decision.

Authorised under the Marlborough District Council's Instrument of Delegation by:

.....
E. Davidson

Marlborough District Council Commissioner/Delegated Officer

Dated this *19th* day of *June* 2009

ADVICE NOTES

1. In terms of section 35 of the Resource Management Act 1991, the Council is required to monitor consents. The consent holder/s will be required to pay the administrative charge or charges incurred in respect to any inspections, monitoring and travel. The charges will be in accordance with the Schedule of Fees as approved by Council from time to time in terms of section 36 of the Resource Management Act 1991.
2. This consent does not eliminate the need to obtain a building consent.

ANNOTATION HISTORY

Date	Reason for Amendment/Alteration
25/07/2019	Transfer FROM Thomas Dawson Thomson and Dennise Caroline Chapman TO Jason Clark and Thomas Michael Pivac as trustees of the J Clark Family Trust.
21/10/2020	Transfer half share of Jetty FROM Jason Clark and Thomas Michael Pivac as trustees of the J Clark Family Trust TO Blackwood Bay Limited. (U050688.1)
21/10/2020	Transfer Jetty FROM Jason Clark and Thomas Michael Pivac as trustees of the J Clark Family Trust TO Blackwood Bay Limited. (U050688.2)

**DavidsonPartnersLtd**

Structural Engineering
Civil Engineering
Building Design
Project Management

Practising in association with Ayson and Partners, Consulting Surveyors

Our Ref: 24129

26 August 2008

COPY

Blackwood Bay Ltd
C/- J White
2A Rudd Crescent
BLenheim

re: **BLACKWOOD BAY JETTY INSPECTIONS**

We advise that we inspected the above jetties and found that some upgrading work is required before they can be certified as structurally sound for the purpose of a Coastal Permit Application.

We enclose a copy of our condition survey which indicates the remedial works that should be undertaken.

The boatshed structures are in a poor condition but note that they are proposed to be replaced anyway.

Please advise when this work has been carried out. We will then re-inspect the structures and incorporate them in a Resource Consent application which will also include the enlarged and renewed boatsheds.

DAVIDSON PARTNERS LTD

W L McGlynn

WLM:MH

Encl



Davidson Ayson House, 4 Nelson Street,
PO Box 256, Blenheim 7240, New Zealand
Telephone 03 579 2099 Fax 03 578 7028
Email: service@DavidsonPartners.co.nz
Website: www.DavidsonPartners.co.nz

Principals
Ross Davis, BE, CPEng, MIPENZ
Stephen Sheat, BE, CPEng, MIPENZ
Leigh McGlynn, BE, CPEng, MIPENZ

FORESHORE STRUCTURES CONDITION SURVEY

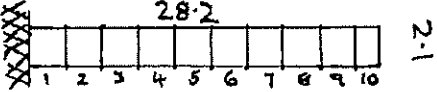
Job Number: 24129
Name: BLACKWOOD BAY LTD
Foreshore Licence No: (WEST JETTY)
Location: BLACKWOOD BAY
Date: 20 August 2008
Inspected By: LM

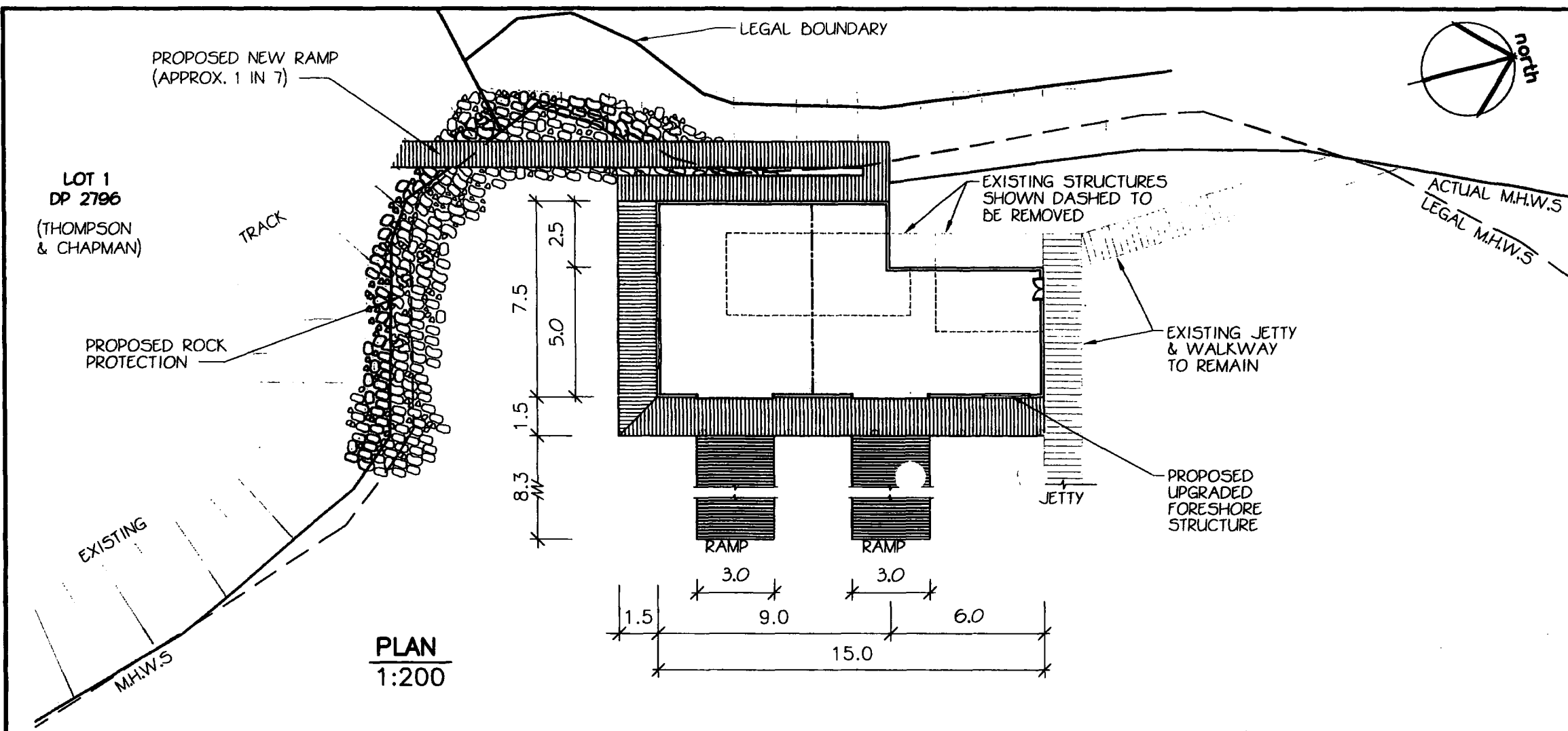
		OK	COMMENTS	ACTION
1.	<u>Jetties</u>			
1.1	Check Plan Dimensions			
1.2	Decking	✓	200x50	
1.3	Handrails	na	none	
1.4	Stringers	✓ ✗ ✓	Original jetty 4x150x50 Stringer laps on walkway should be bolted. Renewed jetty 3x200x50	< 12 mnths
1.5	Pile Caps	✓ ✓ ✓	Original jetty 200x50 Renewed jetty 250x50 at end 2x250x50 other	
1.6	Piles	✗ ✓ ✓	Original jetty <u>51 lb/yd rail irons</u> Piles on lines 5,6 & 7 in poor condition. Replace. <u>Balance 71 lb/yd rails</u> Renewed jetty 270 mm dia timber	< 12 mnths

		OK	COMMENTS	ACTION
1.7	Bracing	✓	No brace at end. <i>but OK</i>	< 12 mnths
1.8	Bolts	✓ ✗	M16 galv Replace bolts on pile cap to lower landing	< 12 mnths

FORESHORE STRUCTURES CONDITION SURVEY

Job Number: 24129
 Name: BLACKWOOD BAY LTD
 Foreshore Licence No: (EAST JETTY)
 Location: BLACKWOOD BAY
 Date: 20 August 2008
 Inspected By: LM

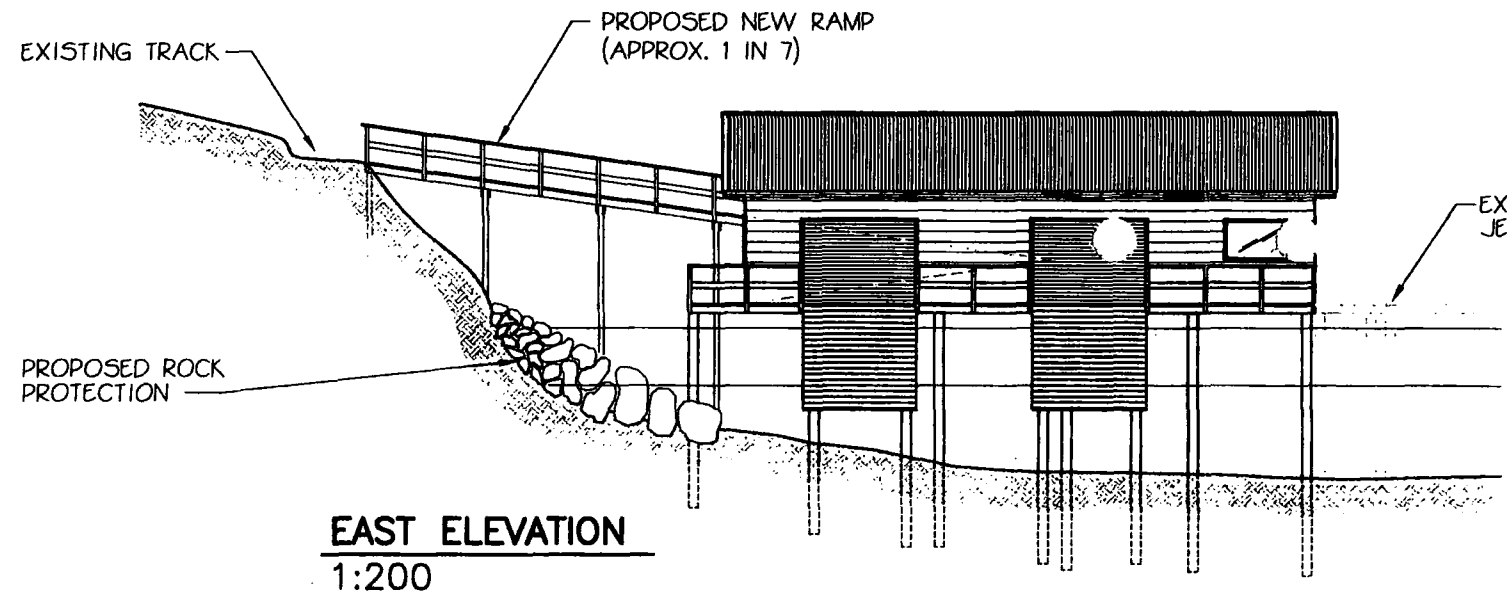
		OK	COMMENTS	ACTION
1.	<u>Jetties</u>			
1.1	Check Plan Dimensions			
1.2	Decking	✓	200x50	
1.3	Handrails	na	none	
1.4	Stringers	✓	3x200x50	
1.5	Pile Caps	✓	200x50	
1.6	Piles	✓	72 lb/yd rail irons	
1.7	Bracing			
1.8	Bolts	x x x x	<u>Lines 1 – 4</u> - Replace missing bolts <u>Lines 1 – 5</u> - Replace with galv bolts <u>Line 6</u> - (west side) Replace <u>Line 7</u> - 1 bolt too short. Replace.	All < 12 mnths
1.9	Timber kerbing	x	Kerbing is nailed. Needs to be bolted	<12 mnths



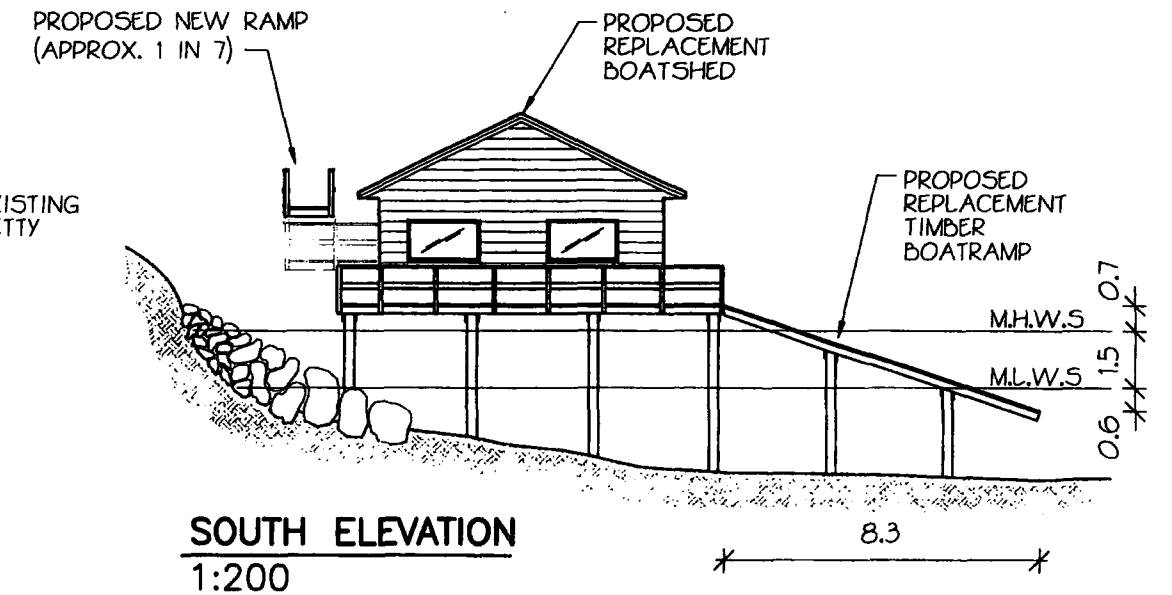
PLAN
1:200

This plan forms part
of Resource Consent
U.050688
Date 19th June 2009
Sign E. Davidson

RECEIVED
20 APR 2009
MARLBOROUGH
DISTRICT COUNCIL



EAST ELEVATION
1:200



SOUTH ELEVATION
1:200

DavidsonPartnersLtd
Structural Engineering
Civil Engineering
Building Design
Project Management

Davidson Ayson House
4 Nelson Street, P.O. Box 256
Blenheim, New Zealand
Telephone 03 579 2099 Fax 03 578 7028

T.D. THOMSON & D.C. CHAPMAN
& BLACKWOOD BAY LTD.
NEW BOATSHED - BLACKWOOD BAY
plan & elevation

DATE 11/08	ORIGINAL SIZE A3	DRAWING No. 23161	SHEET R5	ISSUE B
DES LM	DRN BT	CK W	REF	

B - ACCESS STEPS REPLACED BY RAMP & REPOSITIONED - 14/04/09 - T.A.

0mm

100mm

09102285
FILED
ELECTRONICALLY

This plan forms part
of Resource Consent
U
Date
Signature

Application for Resource Consent

Not Requiring a Hearing



FILE NO: U050688

APPLICANT: Thomas Dawson THOMSON, Dennise Caroline
CHAPMAN and Blackwood Bay Limited

SITE OF APPLICATION: Blackwood Bay, Queen Charlotte Sound

LEGAL DESCRIPTION: Lot 1 DP 2796 and Pt Lot 2 DP 1045

PROPERTY NUMBERS: 109487 & 109495

PROPOSAL: Coastal Permit for structures adjacent to Pt Lot 2 DP 1045, to provide for shared use by the owner of that lot and the owner of Lot 1 DP 2796, including:

- A new coastal permit for the southernmost existing jetty to replace expired Foreshore Licence 2486;
- Removal of existing boatsheds and construction of a new double boatshed, decking and 2 slipways;
- Construction of a new timber walkway to facilitate access to Lot 1 DP 2796; and
- Placement of rocks along approximately 25 metres of the foreshore, for erosion protection behind the new boatshed.

New Coastal Permit for the northernmost existing jetty adjacent to Pt Lot 2 DP 1045, to replace expired Foreshore Licence 2486

CONSENTS APPLIED FOR: Coastal Permits

GRID REFERENCE: E 2600974 N 5998842 (Southernmost coastal structures)
E 2601012 N 5998881 (Northernmost jetty)

PREAMBLE: This report has been prepared on the basis of information available on 3 June 2009. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Consent Authority.

Background to the application

1. On 14 July 2005, T D Thomson and D C Chapman applied to Council for consent to construct a 7 x 5 metre boatshed, a 6.5 x 3 metre boat ramp and an 81.5 x 2 metre fixed pile jetty adjacent to Lot 1 DP 2796 in Blackwood Bay. The proposed structures would have occupied 66.79 square metres of the coastal marine area.
2. The application was publicly notified and seven submissions were received, all opposing the proposal. Six submitters wished to be heard.
3. In a report prepared by Mr B Brosnan, Council's case officer for the application, Council expressed concerns about the proposal, the main concerns being:
 - proliferation of coastal structures where similar structures already existed; and

- the large size of the proposed structures.

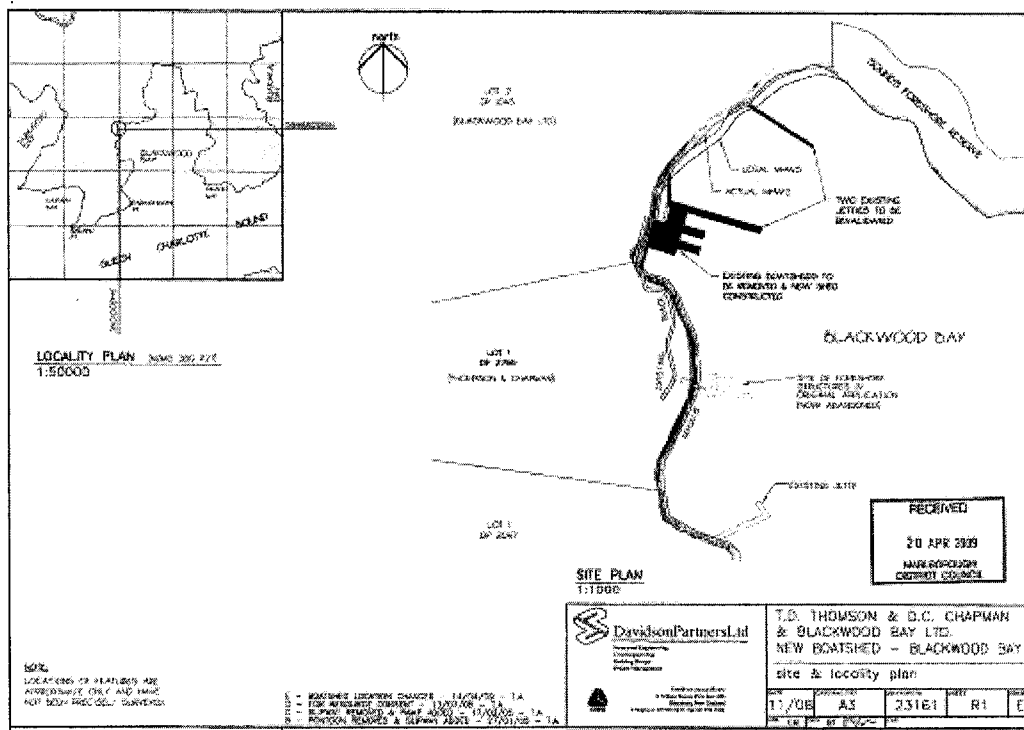
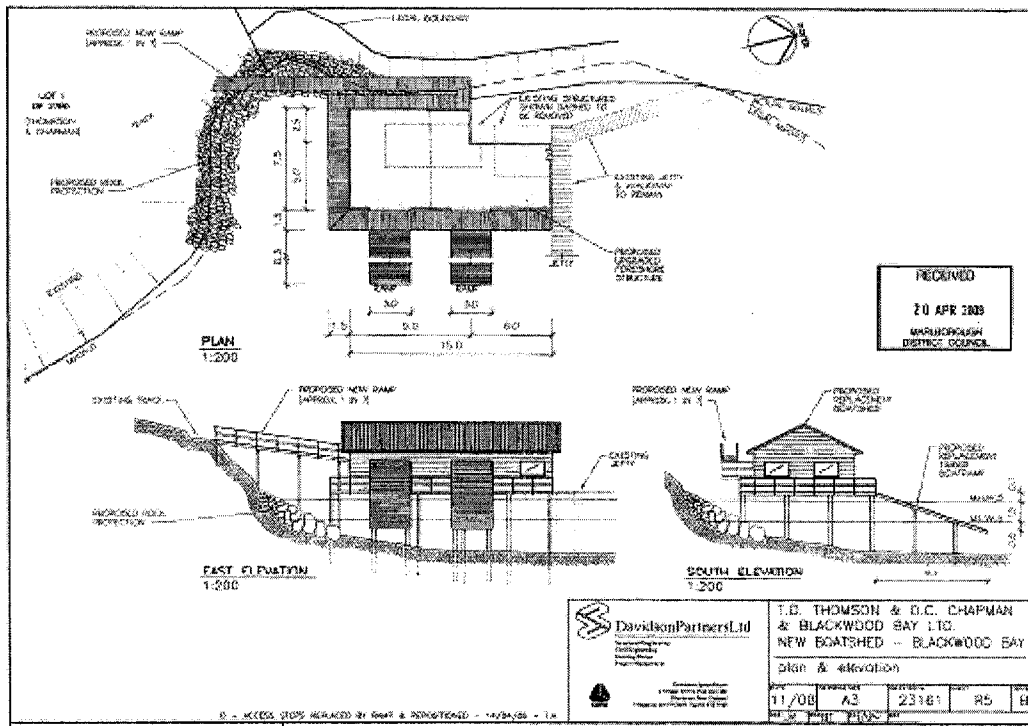
A hearing to determine the application was set down for 13 December 2005.

4. A pre-hearing meeting was held to discuss the issues raised by submitters and Council. The meeting was attended by Mr and Mrs White and Mr Chisholm representing Blackwood Bay Limited, Mr Chapman-Cohen of Davidson Partners as agent for the applicant and Council representatives. Blackwood Bay Limited expressed a preference for the applicant to share the company's existing structures in the bay. The outcome of the meeting was that the Blackwood Bay Limited representatives were to discuss the issues raised with other shareholders of the company and would thereafter liaise with the applicant's agent. The hearing was postponed pending the outcome of that liaison.
5. Negotiations between the applicant and Blackwood Bay Limited have taken place over the years since 2005, resulting in an agreement between the applicant and Blackwood Bay Limited to upgrade and share the existing coastal structures in the bay. The amended application now under consideration is the result of those negotiations.
6. In a letter dated 9 February 2009, Council agreed that an amended proposal reflecting the agreement between the parties would be considered as an amendment to the original application, provided that written approval to the revised proposal was received from all the original submitters. The required written notification has been received from all relevant persons, leaving the way open for the amended application to proceed.

Description of Activity

7. The proposal has several discrete components:
 - (a) To remove two existing boatsheds owned by Blackwood Bay Limited and to replace them with a new double boatshed with associated decking and two slipways. The proposed boatshed will adjoin an existing jetty, referred to in this report as the southern jetty. A new timber ramp from the jetty to the shore will provide access to Lot 1 DP 2796. The boatshed, slipways, decking, access ramp, jetty and existing walkway will be shared and jointly owned by T D Thomson, D C Chapman and Blackwood Bay Limited. A plan showing the dimensions of the proposed boatshed and associated structures is included below. The proposed boatshed will be 97.5 square metres in area, while the total area of occupation of the coastal marine area by the existing southern jetty, the new boatshed and associated decking, ramps and slipways will be 216 square metres.
 - (b) To place approximately 150 cubic metres of rock along a 25 metre long section of the foreshore between the new boatsheds and the northern boundary of Lot 1 DP 2796, for the purpose of stabilising a steep bank in the intertidal zone.
 - (c) To re-license two existing jetties presently owned by Blackwood Bay Limited and formerly licensed under Foreshore Licence 5201, which expired on 30 June 1996. The northern jetty will remain entirely in the ownership of Blackwood Bay Limited, whilst the southern jetty will be jointly owned by all three applicants party to this proposal.

A structural investigation by Davidson Partners Limited, Chartered Professional Engineers, identified remedial works needed to both jetties. Only minor repairs to the northern jetty are required. The southern jetty requires more extensive repairs, including the replacement of several rusted piles. The remedial works will be undertaken as part of the redevelopment of the boatsheds.



Description of Site and Location

8. The site is located in Tahuahua Bay, on the western side of Blackwood Bay in Queen Charlotte Sound. There are only five properties in the bay. There are three existing jetties in the coastal marine area, two of which are the subject of this application, and several moorings. An esplanade reserve exists adjacent to Pt Lot 2 DP 1045 but Lot 1 DP 2796 has riparian rights.
9. There is no road access to either of the properties owned by the applicants. The property owned by Blackwood Bay Limited contains six houses. Thomson and Chapman's property is undeveloped at present.

Activity Status

Marlborough Sounds Resource Management Plan (the Plan)

10. In terms of Rule 35.4.2.2.1, floating or open pile structures which can be demonstrated to not adversely impede water flows are **discretionary activities**. The boatshed, walkways and jetties are considered to align with this description.
11. Rule 35.4.2.3.1 states that any activity involving the erection of a structure which is solid or presents a significant barrier to water or sediment movement and when established on the foreshore and/or seabed extends less than 300 metres in length more or less parallel to the line of mean high water springs is a **discretionary activity**. The proposed placement of rock for erosion protection is considered to fit within this description.

Notification and Submissions

12. The original application was publicly notified in terms of section 93 of the Resource Management Act 1991 (the Act) and drew seven submissions. The revised proposal has the approval of all the submitters to the original application. For reasons that will be explained in the Effects Assessment, below, the effects of the revised proposal are considered to be either no more than minor or to be capable of mitigation through imposition of conditions of consent. For these reasons, it is considered appropriate to process the amended application on a non-notified basis, without service on any persons under section 94 of the Act.

Environmental Effects Assessment

13. Section 104 of the Act requires a consent authority, when considering an application for resource consent and any submissions received, to have regard to any actual and potential effects on the environment. Section 104 is subject to Part 2, which is addressed later in this report. Relevant matters are discussed below.
14. Assessment criteria in the Plan for the existing and proposed structures include effects on:
 - marine ecology;
 - foreshore dynamics;
 - recreational values;
 - landscape values;
 - utilities, including subaqueous cable;
 - on people and communities, including navigational safety and public access to the coastal marine area; and
 - an assessment of the structural integrity of the proposal in the event of earthquake and the effects of waves and currents.(Sections 35.4.2.2.3 and 35.4.2.3.3)
15. The assessment of effects in the application addressed matters relevant to this proposal and, overall, the assessment is accepted as valid. Where clarification is required, additional comments are set out below.

Amenity considerations

16. The replacement of the two existing boatsheds with a single structure large enough to serve both properties will result in a larger area of occupation of the coastal marine area. It will, however, provide a secure storage facility of good quality and construction, whereas the existing boatsheds are in poor physical condition. Although the proposed structure will be

larger in footprint and height, the curve of the bay in which it will be located is such that the boatshed will not be in the direct line of sight from any nearby properties that are not party to this application.

17. Notwithstanding this, it is recommended that the visual impact of the boatshed could be mitigated by cladding or painting in non-reflective materials and colours that will blend with the backdrop and by requiring shutters to be installed on any windows visible from the coastal marine area to limit reflection. The shutters should be required to be kept closed when the boatshed is not in daily use.
18. The proposed rock batter has the potential to result in adverse visual effects if the rocks used are not of a colour similar to those naturally occurring in the Sounds land- and seascape. In this case, the proposed rock wall will be largely obscured from view by the existing and proposed structures. It would nevertheless be advantageous to source rock which is of a colour or will weather to a colour which is sympathetic to the naturally occurring rock at the site.

Foreshore dynamics

19. Experience has shown that rock batters are more effective in dissipating wave energy for purposes of erosion mitigation than the method historically and commonly used in the Sounds, namely, the construction of a vertical wall along the mean high water mark, which can result in undercutting and increased erosion at the ends of the wall. The proposal to construct a rock batter is, therefore, considered to be a preferred solution for purposes of erosion control.

Recreational values and public access

20. Although the proposal will result in the occupation of a larger area of public water space, this is not considered to adversely affect public recreational use of the area. Boats wishing to approach the southern jetty for purposes of loading and offloading goods and people will not be constrained by the proposed new structures. Access to the northern jetty will be unaffected by the present proposal to repair and re-license the existing structure.
21. The Sounds Foreshore Reserve is extremely narrow along the Blackwood Bay Limited property frontage – only 3 metres wide – and the Thomson and Chapman property has riparian rights. The area is, therefore, not an attractive option for public recreation in comparison with other nearby destinations. It is considered that public access and recreational use will be unaffected by the proposal.

Navigational safety

22. To all intents and purposes, the foreshore structures in question already exist and have done so for many years. The increased occupation of coastal marine area close to the shoreline by the proposed boatshed is not considered to have any negative effects on navigational safety.

Cumulative effects

23. The present proposal will serve two properties and a number of houses. In that respect, it meets the Plan's intention for coastal access structures to be shared, wherever practical, in order to limit the cumulative effects of foreshore structures. The upgrading and sharing of existing coastal structures to serve more than one property is considered to be a positive outcome of this proposal.

Summary of environmental effects

24. The coastal structures in question have been in existence for many years. The proposal to replace two aging boatsheds with a single boatshed of a size that can serve two properties and several households is not considered to significantly increase the effects of the existing coastal

structures. The two proposed slipways, additional decking and new walkway to provide access to Lot 1 DP 2796 are considered to be necessary adjuncts to the proposed boatshed and the shared use of the facilities. The proposed rock batter is a preferred solution for erosion control and the visual effects will be mitigated to some extent by its position behind existing and proposed structures and conditions of consent.

25. It is concluded from the assessment of effects, above, that the environmental effects of the proposal will be no more than minor, subject to implementation of the recommended conditions of consent.

Objectives and Policy Assessment

Marlborough Sounds Resource Management Plan – Volume 1

26. Relevant provisions are found in the following chapters:

Natural Character – Chapter 2

27. The objective in this chapter seeks to ensure the preservation of the natural character of the coastal environment (and other environments) and its protection from inappropriate subdivision use and development. Policies 1.1 and 1.2 seek to achieve this by avoiding the effects of development where the natural character of the environment has not been compromised and to encourage appropriate use and development where character has been compromised, provided that any adverse effects can be avoided, remedied or mitigated.
28. The effects assessment concluded that the proposal will not significantly add to the existing effects of the coastal structures which have been in place for many years.

Public Access – Chapter 8

29. This chapter gives effect to section 6(d) of the Act, which identifies public access to and along the coastal marine area as a matter of national importance. The Plan recognises that access to residential properties in the Sounds is often facilitated by foreshore structures and encourages the joint use of structures by landowners.
30. Objective 1 states: *That public access to and along the coastal marine area be maintained and enhanced.* As already mentioned, the opportunity for shore-based public recreation adjacent to the site is limited by the narrowness of the esplanade reserve. In the circumstances, it is considered that the proposal will have no material effect on public access.

Coastal Marine – Chapter 9

31. This chapter identifies as an issue the restriction of public access to the coastal marine area due to the private occupation of coastal space. For reasons explained above, this is not considered to be an issue at this site.
32. Objective 1 is: *The accommodation of appropriate activities in the coastal marine area whilst avoiding, remedying or mitigating the adverse effects of those activities.* Policy 1.3 is particularly relevant to this proposal, stating that the exclusive occupation of the coastal marine area or occupation which effectively excludes the public will only be allowed to the extent reasonably necessary to carry out the activity. In this case, the activity is to provide safe access to several dwellings on two properties and to provide for secure storage of boats and other marine equipment.
33. The public can access all parts of the structures apart from the boatshed. Although the occupation of public space will be increased by the construction of the new boatshed, it is not

considered to represent an excessive extent of occupation, given that the structure will serve two properties and several houses.

34. Policy 1.9 seeks to avoid any adverse cumulative effect of foreshore structures by taking into account the existence of other suitable structures prior to erecting new ones. The proposal is considered to achieve this aim as it will be a shared facility serving two properties.

Water Transportation – Chapter 19

35. The objective in this chapter is to provide for: *Safe, efficient and sustainably managed water transport systems in a manner that avoids, remedies and mitigates adverse effects.*
36. Policy 1.5 is of particular relevance to this proposal, as it seeks to recognise and allow for those structures, facilities, coastal access and appropriate landing sites where no adequate land transportation is available to serve an area. The properties served by the coastal structures in question have no land access. The jetties and two small boatsheds were granted consent many years ago and the reconstruction and enlargement of the boatshed component of the coastal access structures is considered to achieve the intentions of this objective.

Marlborough Regional Policy Statement

37. The Policy Statement identifies issues and contains objectives and policies related to protection of coastal ecosystems (Section 5.3). The construction of a new boatshed and repair of the existing jetties, including replacement of several piles, will have adverse effects on the coastal ecosystem; however, the effects of construction will be short-lived. It is considered that once construction and remedial works have been completed, the effects of the structures on coastal ecosystems will be no greater than at present.
38. The Policy Statement addresses community wellbeing, including subdivision, use and development of the coastal environment. The objectives and policies in this respect have been carried down into the Resource Management Plan and are addressed above under discussion of Volume 1 of the Plan.

New Zealand Coastal Policy Statement (NZCPS)

39. In Chapter 1, the NZCPS sets out national priorities for the preservation of the natural character of the coastal environment, including protection from inappropriate subdivision, use and development. This is given effect to through policies addressing (of particular relevance to this application) seascapes, the integrity, functioning and resilience of the coastal environment and restoration and rehabilitation of the natural character, where appropriate.
40. Chapter 2 addresses the protection of characteristics of special importance to Tangata Whenua.
41. Chapter 3 deals with activities involving the subdivision, use and development of areas of the coastal environment, including (*inter alia*) maintenance and enhancement of amenity values and public access to and along the coastal marine area.
42. The policies aimed at achieving the objectives set out in the New Zealand Coastal Policy Statement have been given effect to through the objectives and policies in Volume 1 of the Plan. It is considered that the relevant matters in the New Zealand Coastal Policy Statement have been adequately addressed in the discussion above.

Summary – Objectives and Policies

43. The proposal has been assessed in terms of the objectives and policies and is considered to be consistent, in large measure, with the relevant provisions. As the proposal encompasses the upgrading and revalidation of coastal structures that have existed for many years, with

provision for sharing of the facility between two adjoining properties, it is considered to be appropriate use and development in the context of the site and the adjoining land area. Mitigation of the potential effects of the proposal can be mitigated through the imposition of conditions of consent.

Statutory Framework

Resource Management Act 1991

44. **Section 12(3)** states that no person may carry out any activity in, under or over any coastal marine area that contravenes a rule in a regional coastal plan unless expressly allowed by resource consent.
45. **Section 104B** gives Council the ability to grant or refuse an application for a discretionary activity and, if granted, to impose conditions under section 108.
11. **Part 2** states that the purpose of the Act is to promote the sustainable management of natural and physical resources in a way that enables people and communities to provide for their social economic and cultural wellbeing including their health and safety. All subsequent planning instruments have been developed under the Resource Management Act and are considered to be an interpretation of the purpose and principles of that statute.
12. The principle matter for consideration in this proposal is whether or not the proposed activities constitute appropriate and sustainable use and development of the coastal environment. Relevant to this consideration are that: there have been coastal structures in place on the site for many years; the properties in question are entirely reliant on water access; and that the structures will be shared by two properties and several households, thereby avoiding the cumulative effects of proliferation of coastal structures. The character of the area in the vicinity of the site is not pristine, having been developed many years ago with a number of dwellings, coastal structures and moorings. Navigational safety will not be adversely affected by the proposal, but personal safety for users will be improved with the upgrading of the existing jetties to a sound structural condition.
13. The sections within Part 2 of particular significance to this proposal, that is, sections 6(a) and 6(d), 7(b), 7(c) and 7(f), will not be compromised by the proposal – these matters are addressed above. The proposal is considered to achieve the purpose of sustainable management of natural and physical resources. A grant of consent in this instance will promote attainment of the purpose of the Act.

Conclusion

46. An assessment of the environmental effects of the proposal concluded that, subject to the recommended conditions of consent, the effects will be no more than minor. The proposal was considered to be consistent with the relevant objectives and policies and it was concluded that it would promote attainment of the purpose of the Act.
47. It is considered appropriate to grant consent to the proposal.


Recommendation

48. It is recommended that the application be granted, subject to conditions under section 108 relating to the construction detail appearance of the proposed structures, repair of existing jetties and mitigation of visual effects.

49. Council's practice is that coastal permits are generally granted for a term of 20 years. As there is no reason in this instance to depart from that practice, a consent term of 20 years is recommended.

Reasons for Recommendation

50. Coastal structures have existed for many years at this site. The construction of a new boatshed, slipways and a walkway to Lot 1 DP 2796 is not considered to add significantly to the existing environmental effects of the structures.
51. The coastal structures will be shared by two properties and several households, thus avoiding the cumulative effects of proliferation of coastal structures.
52. The remedial works required in conditions of consent will ensure that the existing jetties are brought to a structurally sound condition.



Lynn Mullens
RESOURCE MANAGEMENT OFFICER



12 June 2009

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RESOURCE MANAGEMENT ACT 1991**Decision of Marlborough District Council**

RESOURCE CONSENT: U230612

APPLICANT: Jason Clark and Thomas Michael Pivac
for the J Clark Family Trust

LOCATION: Blackwood/Tahuahua Bay, Queen
Charlotte Sound.

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

DECISION: **Granted**

RESOURCE CONSENTS ISSUED:

Type of Consent	Number	Activity	Section	Page
Land Use (Activity)	U230612.01	To undertake indigenous vegetation clearance and establish a structure within 28 metres of the Coastal Marine Area for the purpose of establishing a track on Lot 1 DP 2796.	9(3)(a)	1
Land Use (Land Disturbance)	U230612.02	To undertake excavation and filling over 50 cubic metres on slopes greater than 25 degrees for the purpose of establishing a track on Lot 1 DP 2796.	9(2)(a) 9(3)(a)	3

Certificate of Resource Consent

Consent Holder:	Jason Clark and Thomas Michael Pivac for the J Clark Family Trust
Consent Type:	Land Use (Activity)
Consent Number:	U230612.01
Lapse Date:	This consent will lapse on 15 February 2029 unless given effect to prior to that date.
Establishment Conditions:	N/A
Expiry Date:	N/A
Part 3, Section:	9(3)(a)

Pursuant to sections 34A(1) and after having regard to Part 2 matters and sections 104 and 104B of the Resource Management Act 1991, the Marlborough District Council **grants** consent to undertake indigenous vegetation clearance and establish a structure within 28 metres of the Coastal Marine Area on the site legally described as Lot 1 DP 2796, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. The activity shall be undertaken in accordance the application and documents received by Council on 18 September 2023, the amended application received on 12 December 2023 and further information received on 15 December 2023, held on Council electronic file U230612, unless specified otherwise by the following conditions of consent.
2. The activity shall be undertaken in general accordance with the plan prepared by Seng Engineering Consultancy, Project: Access Track Blackwood Bay for Clark, Drawing: Location, Site Plan and Track Section, Issue: Information, DWG No: 2281-01, Revision: E and Dated: 28 April 22.
3. The exterior cladding or paint applied to the retaining wall must have a light reflectance value of 45% or less.
4. The indigenous vegetation clearance associated with the construction of the retaining wall shall be limited to the retaining walls footprint, necessary cuts and the track surface.
5. The consent holder shall undertake planting sufficient to visually screen the retaining wall at maturity. Species planted must be selected from the Department of Conservations North Marlborough Inner Sounds Planting List.
The plantings shall be undertaken within the first planting season from the completion of the earthworks.
Written confirmation and photographic evidence shall be provided to the Compliance Manager, Marlborough District Council, monitoring@marlborough.govt.nz
6. The removal of indigenous vegetation shall be avoided, except where unavoidable to construct the track (the track surface and any necessary cuts). Where practical, the track shall be sited between and around large trees.

Advice Notes

1. Pursuant to section 36 of the Resource Management Act 1991, the consent holder shall be responsible for the actual and reasonable costs associated with monitoring this resource consent.
2. The Department of Conservation North Marlborough Inner Sounds Planting Guide may be accessed using the following link:
<https://www.doc.govt.nz/globalassets/documents/conservation/native-plants/nelson-marlborough/ecological-restoration/north-marlborough/planting-list-inner-sounds.pdf>
3. The construction of a retaining wall over 1.5 metres in height may require a building consent. The consent holder shall seek their own advice on this matter.

Certificate of Resource Consent

Consent Holder:	J Clark Family Trust
Consent Type:	Land Use (Land Disturbance)
Consent Number:	U230612.02
Lapse Date:	This consent will lapse on 15 February 2029 unless given effect to prior to that date.
Establishment Conditions:	Conditions 2 and 3.
Expiry Date:	If this consent is given effect to, the consent will expire on 15 February 2029.
Part 3, Section:	9(2)(a) and 9(3)(a)

Pursuant to sections 34A(1) and after having regard to Part 2 matters and sections 104 and 104B of the Resource Management Act 1991, the Marlborough District Council **grants** consent to undertake excavation and filling over 50 cubic metres on slopes greater than 25 degrees on the site legally described as Lot 1 DP 2796, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. The activity shall be undertaken in accordance the application and documents received by Council on 18 September 2023, the amended application received on 12 December 2023 and the further information received on 15 December 2023, held on Council electronic file U230612, unless specified otherwise by the following conditions of consent.
2. A copy of this consent shall be kept on site at all times during land disturbance operations and be readily available to Council. All workers and contractors on the site shall be made familiar with the conditions of this consent as it affects their particular area of operation.
3. The consent holder shall give the Compliance Manager, Marlborough District Council, monitoring@marlborough.govt.nz, five (5) working days' notice prior to the commencement of earthworks on the site.
4. The earthworks shall be designed, monitored, and supervised by a chartered professional geotechnical engineer.
5. Any fill placed on site shall be placed in accordance with NZS4431:2022 – Engineered fill construction for lightweight structures.
6. The consent holder shall ensure an lwi monitor is on site during all excavations as authorised by this consent. The purpose of the lwi Monitor is to oversee excavations and ensure the principles of Tikanga are being observed and identify any potential sites of archaeological or historical heritage significance.
7. The track and its drainage features shall be maintained by the applicant on an ongoing basis and in accordance with the Track – Maintenance Schedule authored by Seng Engineering Consultancy and provided with the application.

8. The consent holder shall ensure that silt laden water does not enter the coastal marine area or adjacent properties.
9. Prior to the commencement of excavation works, the consent holder shall install water run-off and sediment control on site to prevent sediment or sediment laden run-off from entering the coastal marine area or adjoining properties. This may include, but not be limited to, the use of sediment detention structures, silt fences, water tables, culverts draining water tables with filter socks and cut-offs. These measures shall be maintained thereafter for the duration of the works and until the exposed land disturbance areas have been stabilised.
10. Any excavated area left unsecured after excavation shall be planted grassed as soon as seasonally practical following the completion of excavation and filling.
11. If any artefact and/or any historical, cultural or archaeological material of Māori origin, or likely to have significance to Māori, is found or uncovered during the undertaking of this work, the following must be complied with:
 - a) Work shall cease immediately, the area secured, and any uncovered material must remain untouched;
 - b) Advice of the discovery must be given as soon as possible to:
 - i) Te Ātiawa Trust's Taiao Office: Landline: 03 573 5170 Email: taiao@teatiawatruck.co.nz. To enable appropriate cultural procedures / tikanga to be administered; and
 - ii) Heritage New Zealand / Pouhere Taonga. Landline: 04 472 4341
 - c) No work shall recommence until both:
 - i) Agreement has been reached with Te Ātiawa o Te Waka-a-Māui Trust; and
 - ii) If required, an Authority has been issued by Heritage New Zealand if the find involves an archaeological site.

Advice Notes

1. Pursuant to section 36 of the Resource Management Act 1991, the consent holder shall be responsible for the actual and reasonable costs associated with monitoring this resource consent.
2. The consent holder is advised to provide as much advanced notice as possible to arrange an Iwi monitor as required by consent conditions. The consent holder can make arrangements directly with Ārewa at 03-265-5565 or email Chan Collins at chan@resource.nz. Ārewa is mandated by Te Ātiawa o te Waka-a-Māui to provide Iwi Monitoring services on behalf of Te Ātiawa o te Waka-a-Māui.
3. All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that Act to modify damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an authority to modify damage or destroy an archaeological site. This may include the planting of trees within an archaeological site.

Reasons

Proposal

1. The applicant seeks consent to:
 - a) Undertake indigenous vegetation clearance and establish a structure within 28 metres of the Coastal Marine Area
 - b) Undertake excavation and filling over 50 cubic metres on slopes greater than 25 degrees.
2. The proposed works are the first stage of property development where the applicant is seeking to gain access to the body of the application site and construct a flat platform, initially to use for camping.
3. The establishment of the track and flat platform requires excavation, filling of excavated material, indigenous vegetation clearance and the construction of a retaining wall.
4. The proposed track is approximately 90 metres long with a surface width of 1.5 metres and a total width of 2 metres including the water table.
5. The anticipated excavation volume is stated to be 400 to 500 cubic metres, approximately 156 cubic metres is required for the platform, and the balance of 244 to 344 cubic metres is required for the track.
6. The excavated material will be retained on site and filled in accordance with the statement provided by a Chartered Professional Engineer and included with the application.
7. The track will require the construction of a retaining wall of up to 30 metres in length and 2.6 metres in height.

Description of Existing and Surrounding Environment

8. The application site is located in Blackwood/ Tahuahua Bay in the Queen Charlotte Sound. The application site is accessed by boat only with an approximate journey length of 20 minutes from Picton.
9. The application site is legally described as Lot 1 DP 2796, is contained in Record of Title MB1A/607, is 4.528 hectares in area and is irregular in shape.
10. The site is generally unimproved with the only present structures being powerlines and an associated support structure.
11. The site contains regenerating native vegetation from historic clearance inferred to have occurred before the first historic aerial images taken in 1958.
12. At high tide, the site is characterised by a rocky steep sea/land interface with overhanging flaxes in some locations.
13. Low tide reveals relatively flatter sections with slopes between 11 and 35 degrees. All the land immediately adjoining the mean high-water springs includes slopes over 35 degrees.
14. Beyond the land and sea interface, the application site contains areas with varying degrees of slope from 0 to 35 and over, including a reasonable area of slopes less than 10 degrees.
15. The site features a lush vegetative cover with a mix of native and exotic regenerating bushes, trees and shrubs.

16. The surrounding environment contains dwellings and coastal structures on other allotments and within the Coastal Marine Area.
17. The surrounding environment includes archaeological discoveries.

Planning Provisions

Proposed Marlborough Environment Plan (PMEP)

18. The application site is zoned Coastal Environment and Coastal Living as identified in Volume 4 of the PMEP.
19. Excavation, filling, the establishment of structures and vegetation clearance exclusively occur on the portion of the site zoned Coastal Living.
20. The following Rules and Standards of Volume 2, Chapter 7 – Coastal Living are relevant to the proposal.
21. The construction and siting of a building or structure is subject to the Standards of Standard 7.2.1. The following Standard is relevant to the proposal.
“7.2.1.5. A building must not be constructed or sited within 28m of the Coastal Marine Zone except lawful buildings existing at 9 June 2016 may be extended on properties that do not abut Sounds Foreshore Reserve, but no closer than 20 metres of the coastal marine area.”
22. The proposal does not comply with the above Standard as the retaining wall is within 20 metres of the Coastal Marine Area.
23. Excavation and filling are permitted under Rule 7.1.11 subject to the Standards of Standard 7.3.9. The following standards are relevant:
“7.3.9.3. The maximum volume for excavation must not exceed 50 m³ per Record of Title within any 12 month period, unless the excavation is to establish the foundation for a building permitted in this zone.
7.3.9.4. The maximum volume for filling must not exceed 50m³ per Record of Title within any 12 month period, unless the filling is to establish the foundation for a building permitted in this zone.
7.3.9.5. Excavation must not occur on any land with a slope greater than 25°.
7.3.9.7. Excavation and filling must not occur in, or within 8m of, a river, drainage channel or Drainage Channel Network and filling must not occur within 20m of the coastal marine area.”
24. The proposal does not comply with the above Standards as the proposed excavation and filling volume is in excess of 50 cubic metres, excavations are proposed on a slope greater than 25 degrees and within 20 metres of the coastal marine area.
25. Indigenous vegetation clearance is permitted under Rule 7.1.9 subject to the Standards of Standard 7.3.7. The following Standards of 7.3.7 are relevant to the proposal:
“7.3.7.1. Indigenous vegetation clearance must comply with Standards 7.3.8.1 to 7.3.8.12 (inclusive).
7.3.7.2. The clearance of indigenous vegetation can only occur in the following circumstances:
(a) where the clearance is of indigenous vegetation under woodlot forest or shelter belt;
(b) [deleted];
(c) [deleted];

- (d) where the clearance is associated with the maintenance of existing signs, roads, forestry roads, harvesting tracks farm tracks, fence lines, cycling tracks or walking tracks;
- (e) [deleted]
- (ei) where the clearance is within the curtilage of a dwelling;
- (f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity distribution activities;
- (fi) where the clearance is associated with the maintenance of existing hydroelectricity activities connected to the National Grid or the distribution network;
- (g) where the clearance is associated with the maintenance of existing fire breaks;
- (h) where the clearance is within existing crop or pasture and is for the purpose of cultivation or pasture maintenance where the indigenous vegetation has grown from a previous lawful clearance carried out under the RMA and the indigenous vegetation is less than 10 years in age;
- (i) where the clearance is associated with the maintenance of an archaeological site where authority has been obtained from Heritage New Zealand Pouhere Taonga.
- (j) where the clearance associated with the maintenance of existing:
 - (i) farm building where the clearance is no further than 2 metres from the exterior wall of the existing building; or
 - (ii) farm water supply pipelines, where the total width of clearance is no greater than 2 metres at any point.
- (k) Clearance of indigenous vegetation where it has been planted as part of a domestic or public garden; or has been planted for amenity purposes; or planted as a shelterbelt;
- (l) Clearance of indigenous vegetation that is a danger to human life;
- (m) Clearance of indigenous vegetation that is a material risk to structures or utilities;
- (n) Clearance of indigenous vegetation that cannot reasonably be avoided in the course of destroying pests required by any Regional Pest Management Plan made under the Biosecurity Act 1993, or as a result of a biosecurity response activity under the direction of an Authorised Person appointed in accordance with Section 103 of the Biosecurity Act 1993.
- (o) Where clearance is undertaken to construct a dwelling, but the clearance must be limited to the curtilage of the dwelling and must not involve indigenous vegetation on the properties identified in Appendix 30.

7.3.7.4. Clearance of indigenous vegetation permitted by 7.3.7.2(h) within the coastal environment must not include the following habitats/species:

- (a) duneland vegetation;
- (b) coastal grassland;
- (c) coastal vegetation dominated by (making up >50% of the canopy cover) *Phormium* species;
- (d) coastal broadleaved shrubland;
- (e) coastal small-leaved shrubland;
- (f) coastal salt turf;
- (g) coastal speargrass herbfield.”

- 26. The above Standards detail circumstances in which indigenous vegetation clearance is permitted. The proposal does not constitute any of the circumstances detailed and the vegetation clearance is not permitted.
- 27. Non-compliance with the above Standards regarding excavation, filling, siting of structures and indigenous vegetation clearance requires the application to be considered under discretionary activity Rule 7.4:

“7.4.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards.”
- 28. The proposal has been assessed as a **discretionary activity**.

Notification and Affected Parties

29. Potential effects of erosion, sedimentation, changes in visual amenity, and land instability, are anticipated to result from the proposal. Additionally, the proposal may have adverse effects on sites of significance to Marlborough's Tangata Whenua Iwi and sites of historic heritage.
30. The applicant has consulted with Te Ātiawa, who have requested an Iwi monitor be on site for excavations and for an accidental discovery protocol to be observed. An Iwi monitor and accidental discovery protocol have been imposed as conditions of consent.
31. The effects of erosion and sedimentation are able to be avoided, and mitigated by appropriate site controls and are generally temporary effects associated with construction.
32. Land instability will be appropriately managed by the earthworks being designed, supervised, and monitored by a Chartered Professional Engineer.
33. Changes in visual amenity can be mitigated and avoided in the long term by retaining large trees for screening and replanting where necessary to visually screen the track and retaining wall.
34. The effects of the proposal on the immediately surrounding environment (subject to conditions) are anticipated to be less than minor.
35. The effect on the wider surrounding environment will be no more than minor, subject to appropriate conditions.

Assessment of Effects

36. In considering the application, Council must have regard to the actual and potential effects of the activity on the surrounding environment and the relevant assessment criteria in the PMP.

Land Use (Activity)

37. The removal of vegetation has potential to reduce visual amenity and landscape values through the exposure of bare soil or cut faces in the predominant sea facing hillslope. This is particularly apparent when the clearance is combined with excavation which can expose a starkly contrasting cut face traversing the landscape, akin to a scar. This can greatly reduce visual amenity, the aesthetic appearance of the landscape, and cause 'fracturing' of the landscape. Additionally, in this case the establishment of the track requires the construction of a substantial retaining wall of up to 30 metres long and 2.6 metres in height, which has potential to be visually intrusive.
38. The relevant matters of consideration in assessing the effects of the proposal on landscape values. They are:
 - a) An existing level of development characterising the surrounding environment.
 - b) Opportunity for excellent screening due to existing and additional purposefully located vegetation.
 - c) The varying slope of different parts of the application site.
39. The historic siting of buildings, powerlines, tracks and coastal structures have modified the landscape on and surrounding the application site. Development alters the perceptual value of natural beauty and results in the site and surrounding environment no longer being exclusively characterised by biophysical values. For example, the allotment immediately south of the application site features a boat shed, retaining wall immediately adjacent to the Coastal Marine Area and a track to a dwelling.

40. This surrounding environment consists of landscape values that are not necessarily compromised by the discrete establishment of structures and excavations when the effects are appropriately managed.
41. The application site currently contains a dense vegetative cover which can screen excavations and structures if appropriately retained. Where necessary, replanting will provide additional screening where vegetation is required to be removed during construction.
42. The proposed retaining wall is located away from the steepest section of the site, requiring less screening and minimising the size of the retaining wall. The camping platform is located towards the rear of the flattest section of the site which will allow for existing vegetation on the seaward side to screen views of the patch of bare land when viewed from the Coastal Marine Area, preserving landscape values.
43. Subject to appropriate conditions regarding the removal and replacement of vegetation, the proposed indigenous vegetation clearance is acceptable in context.

Land Use (Land Disturbance)

44. Land disturbance on slopes has the potential to cause erosion and sedimentation during rain events if improperly managed. Land instability may also result from incautious earthworks, especially when combined with vegetation clearance which removes the stabilising effects of plant roots and the umbrella effect of a vegetation canopy. The filling of excavated material must be appropriately located and carried out to avoid and mitigate adverse effects.
45. Additionally, the immediately surrounding environment has been identified by Te Ātiawa as being the site of historic archaeological discoveries.
46. The relevant factors regarding the anticipated effects of the proposal are:
 - a) The applicant has engaged a Chartered Professional Engineer to design, oversee and monitor earthworks. The engineer has provided a statement in support of the proposal detailing methods for proposed works.
 - b) Retaining and drainage features are proposed and appropriately located to ensure stability.
 - c) The track and platform are sympathetic to the landform, avoiding steeper locations where possible.
47. The statement from the applicant's Engineer concludes the property is suitable for the proposed development provided certain recommendations are met. These include the construction of a retaining wall, filling occurring under the supervision of a Chartered Professional Engineer and the track being adequately maintained in accordance with the provided recommendations from the Engineer. It was recommended these requirements form conditions of consent to ensure they are adhered to.
48. Retaining structures and drainage will mitigate the effects of land instability and the avoidance of steeper areas of the site avoids significant risk of land instability and minimises the volume of excavation and filling required.
49. Two archaeological discoveries are listed as having occurred in the surrounding environment. In one discovery, pre European midden, charcoal and oven stones were found exposed in the bank approximately 40 metres south east of the proposed excavation site and two marked graves were located 108 metres from the proposed excavation site. There refuted to be more marked and unmarked graves nearby.

50. The existence of archaeological sites nearby justifies the presence of an Iwi monitor on site during excavation works. An Iwi monitor will ensure tikanga is being followed and will aid in preventing the accidental disturbance of any new archaeological finds, which have a reasonable chance of being located nearby. An Iwi monitor was requested by Te Ātiawa and has been imposed as a consent condition.
51. Subject to appropriate conditions, the effects of land disturbance activities on the surrounding environment are acceptable.

Relevant Statutory and Plan Provisions

Resource Management Act 1991

52. Section 9 of the RMA states that no person may use land in a manner that contravenes a national environmental standard or a rule in a district or regional plan unless the use is expressly allowed by a resource consent.
53. Section 104(1)(b) of the Resource Management Act 1991 states that, when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, a regional policy statement and a plan.
54. Section 104B of the RMA states after considering an application for a resource consent for a Discretionary Activity or non-complying activity, a consent authority may grant or refuse the application and, if it grants the application, may impose conditions under section 108.

Proposed Marlborough Environment Plan

The relevant Objectives and Policies can be found in Chapter 3 – Marlborough’s Tangata Whenua Iwi, Chapter 7 – Landscape, Chapter 8 – Indigenous Biodiversity, Chapter 10 – Heritage Resources, Chapter 13 – Use of the Coastal Environment and Allocation of Coastal Space, and Chapter 15 Resource Quality (Water, Air, Soil).

55. The following Objectives and Policy from Chapter 3 – Marlborough’s Tangata Whenua Iwi are relevant to the proposal:

“Objective 3.3 – Natural and physical resources are managed in a manner that has particular regard to the spiritual and cultural values of Marlborough’s tangata whenua Iwi as kaitiaki and respects and supports tikanga Māori.

Objective 3.4 – The cultural and traditional relationship of Marlborough’s tangata whenua Iwi with their ancestral lands, water, air, coastal environment, wāhi tapu and other sites and taonga are recognised and provided for.

Objective 3.6 – Resource management decision making processes that recognise the cultural and spiritual values of Marlborough’s tangata whenua Iwi, and their relationship to lands, water, wāhi tapu and wāhi taonga.

Policy 3.1.3 – Where an application for resource consent or plan change is likely to affect the relationship of Marlborough’s tangata whenua Iwi to their culture and traditions, decision makers shall consider how:

(a) the ability for tangata whenua to exercise kaitiakitanga is maintained;

(b) mauri is at least maintained, particularly in relation to fresh and coastal waters, land and air;

(c) mahinga kai and natural resources used for customary purposes are maintained or enhanced and that these resources are healthy and accessible to tangata whenua;

(d) the special relationship between tangata whenua and ngā wai will be recognised and provided for.

(e) traditional and cultural Māori uses and practices relating to natural and physical resources such as mahinga maataitai, wāhi tapu, papakāinga and taonga raranga are recognised and provided for.”

56. The applicant has engaged in consultation with Iwi and provided adequate consideration of the matters directed by the above Objectives and Policy. The presence of an Iwi monitor on site will uphold the interests of Marlborough's Tangata Whenua Iwi and maintain the ability to exercise kaitiakitanga. Conditions of consent will avoid, remedy and mitigate adverse effects on coastal water quality, preserving mauri and any mahinga kai gathering sites nearby.
57. The following Objective and Policies from Chapter 7 – Landscape are relevant to the proposal:
- “Policy 7.1.1 – Identify and assess the characteristics and values of Marlborough’s landscapes and features using the following factors:*
- (a) biophysical values, including geological, topographical, hydrological and ecological elements, and the expression of natural and formative processes;*
 - (b) perceptual values, including aesthetics, natural beauty and transient matters; and*
 - (c) associative values, including the values of Marlborough’s tangata whenua iwi, and other cultural and heritage values, and shared and recognised values.”*
58. The above matters have been considered in the characterising of landscape values on the application site.
- “Objective 7.2 – Protect outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development and maintain and enhance landscapes with high amenity value.”*
59. The proposal is considered to maintain landscape value as in time, screening will obscure the structures and land disturbance activities sufficiently. The site's landscape values do not preclude an appropriate level of development.
- “Policy 7.2.3 – Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds High Amenity Landscape not identified as being an outstanding natural feature and outstanding natural landscape by:*
- (a) using a non-regulatory approach as the means of maintaining and enhancing landscape values in areas of this landscape zoned as Coastal Living;*
 - (b) setting permitted activity standards/conditions that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and*
 - (c) requiring resource consent for new plantation forestry planting and harvesting.”*
60. The proposal does not comply with several permitted standards is subject to the greater consideration of a resource consent.
- “Policy 7.2.4 – Where resource consent is required to undertake an activity within an outstanding natural feature and outstanding natural landscape, or a landscape with high amenity value;*
- (a) have regard to the potential adverse effects of the proposal on the values that contribute to the landscape;*
 - (b) have regard to the location, scale, design and operation of the proposed activity;*
 - (c) recognise that areas contain ongoing use and development that were present when the area was identified as outstanding or having high amenity value, or have subsequently been lawfully established;*
 - (d) recognise that where policy direction requires adverse effects to be avoided, minor or transitory adverse effects may not need to be avoided;*
 - (e) have regard to any restoration and enhancement of the landscape proposed; and*
 - (f) recognise that some activities, including regionally significant infrastructure, may have a functional or operational requirement to be located within an outstanding natural feature or outstanding natural landscape, or a landscape with high amenity value.”*

61. The proposal is of an appropriate scale and does not cause significant adverse effects on the sites landscape values. The level of development in the surrounding environment and the sites zoning of Coastal Living in this case implies a certain level of development is anticipated.

“Policy 7.2.7 – Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects on those natural landscape values that contribute to the Marlborough Sounds High Amenity Landscape, Awatere River High Amenity Landscape at the mouth and the Wharanui Coastline High Amenity Landscape.”

62. Through appropriate design and siting, the proposal avoids significant adverse effects. The remaining effects are avoided, remedied and mitigated as necessary.

“Policy 7.2.8 – Protect the values of outstanding natural features and outstanding natural landscapes and maintain and enhance the high amenity values of the Wairau Dry Hills and the Marlborough Sounds High Amenity Landscapes by:

(a) In respect of structures:

- (i) avoiding visual intrusion on skylines, particularly when viewed from public places;*
- (ii) avoiding new dwellings adjacent to the foreshore, excluding barges used for aquaculture;*
- (iii) using reflectivity levels and building materials that complement the colours in the surrounding landscape;*
- (iv) limiting the scale, height and placement of structures to minimise intrusion of built form into the landscape;*
- (v) recognising that existing structures may contribute to the landscape character of an area and additional structures may complement this contribution;*
- (vi) making use of existing vegetation as a background and utilising new vegetation as a screen to reduce the visual impact of built form on the surrounding landscape, providing that the vegetation used is also in keeping with the surrounding landscape character; and*
- (vii) encouraging utilities to be co-located wherever possible; whilst recognising the functional and operational needs of regionally significant infrastructure.*

(b) In respect of land disturbance (including tracks and roads):

- (i) avoiding land disturbance activity that creates a long term change in the appearance of the landscape, particularly when viewed from public places;*
- (ii) encouraging tracks and roads to be located adjacent to slopes or at the edge of landforms or vegetation patterns and to follow natural contour lines in order to minimise the amount of land disturbance required;*
- (iii) minimising the extent of any cuts or side castings where land disturbance is to take place on a slope; and*
- (iv) encouraging the revegetation of cuts or side castings by seeding or planting; whilst recognising the functional and operational needs of regionally significant infrastructure.*

(c) In respect of vegetation planting:

- (i) avoiding the planting of new exotic forestry in areas of outstanding natural features and outstanding natural landscapes in the coastal environment of the Marlborough Sounds where they degrade landscape values;*
- (ii) encouraging plantations of exotic trees to be planted in a form that complements the natural landform.”*

63. The proposed retaining wall structure is appropriately sited, screened and is commensurate in scale to its purpose. The intrusion into the landscape is mitigated as far as practical.

64. It is anticipated the proposed land disturbance will completely fade into the landscape in time due to the excellent opportunities for screening. The land disturbance is appropriately sited

and sympathetic to the contour of the land to minimise visual impacts. Excavated material will be appropriately filled, compacted and planted to minimise adverse effects.

65. Planting undertaken will utilise native species.
66. The following Objective and Policy of Chapter 8 – Indigenous Biodiversity are relevant to the proposal:

“Objective 8.1 – Marlborough’s remaining significant indigenous biodiversity in terrestrial, freshwater (including wetlands) and marine environments are protected, and other indigenous biodiversity is maintained and enhanced.

Policy 8.3.7 – Control indigenous vegetation clearance, drainage and subdivision activities to retain ecosystems, habitats and areas with indigenous biodiversity value.”

67. The indigenous vegetation on the application site is not identified to be of significant value and therefore the adverse effects from vegetation clearance are not anticipated to be significant. The proposal and conditions effectively mitigate remaining adverse effects.

68. The following Objective and Policies of Chapter 13 – Use of the Coastal Environment and Allocation of Coastal Space are relevant to the proposal:

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

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

(a) the characteristics and qualities that contribute to natural character, natural features and landscape of an area;

(b) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;

(c) the extensive area of open space within the coastal marine area available for the public to use and enjoy, including for recreational activities;

(d) the importance of public access to and along the coastal marine area, including opportunities for enhancing public access;

(e) the dynamic, complex and interdependent nature of coastal ecosystems;

(f) the high level of water quality generally experienced in Marlborough’s coastal waters; and

(g) those attributes that collectively contribute to coastal amenity values.

69. The effects of the proposal landscape values are acceptable and adequate consideration has been given to taonga that may be present on the site.

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

(a) the contribution the proposed subdivision, use or development activity makes to the social and economic wellbeing of people and communities;

(b) the efficient use of the natural and physical resources of the coastal environment;

(c) whether the efficient operation of established activities that depend on the use of the coastal marine area is adversely affected by the proposed subdivision, use or development activity;

(d) whether there will be an increase in the risk of social, environmental or economic harm from coastal hazards as a consequence of the subdivision, use or development activity;

(e) whether there will be a contribution to the restoration of the values of the coastal environment at the site, where these may have been adversely affected in the past;

(f) whether the activity results, either individually or cumulatively, in sprawling or sporadic patterns of subdivision, use or development that would compromise the

values and matters of Policies 13.2.1 and 13.2.2;

(g) whether the proposed subdivision, use or development activity contributes to the network of regionally significant infrastructure identified in Policy 4.2.1;

(h) whether the subdivision, use or development activity creates a demand for services or infrastructure that may result in a financial cost to the wider community and/or whether the safety and efficiency of the road network is affected;

(i) functionally, whether some uses and developments can only be located on land adjacent to the coast or in the coastal marine area; and

(j) whether the effects of an activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse, and therefore a precautionary approach needs to be adopted.

70. The proposal will provide for the social wellbeing of the applicant by allowing them to develop their property at an appropriate scale. The proposal is not anticipated to have a wider adverse impact on people, communities or any existing infrastructure.

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

71. Consideration has been given to the above attributes.

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

(a) *[deleted]*

(b) *the amenity related attributes of the area; and*

(c) *in regard to the changing nature of the coastal environment, the extent to which amenity values would be so affected by the proposed subdivision, use or development that those values could no longer be maintained or enhanced.*

72. Consideration has been given to the sites particular amenity and how this may be impacted by the proposal.

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

(a) *protect recreational and coastal amenity values;*

(b) *avoid sprawling or sporadic patterns of residential development; and*

(c) *protect landscape, natural character and indigenous biodiversity values.*

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

(a) *strong connection to the foreshore and coastal water;*

(b) *peaceful environments with relatively quiet background noise levels;*

(c) *predominance of residential activity by enabling one dwelling per Record of Title;*

(d) *privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;*

(e) *ample sunlight to buildings;*

(f) *minimal advertising signs;*

(g) *views to the surrounding environment, including to the sea;*

(h) *low building height;*

(i) *recessive building colours*

(j) *appropriate infrastructure and services and low volumes of road traffic.*

(k) *the need for appropriate landscaping of new roads, reserves and esplanade areas to be created by subdivision.*

(l) *the need to manage reverse sensitivity effects that may occur when sensitive*

activities locate near existing rural activities.

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

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

73. The outcome of the proposal will be consistent with the desired outcome of the Coastal Living Zone and maintains coastal amenity values.

74. The following Policies of Chapter 15 – Resource Quality (Water, Air, Soil) are relevant to the proposal:

“Policy 15.1.29 – To control land disturbance activities in order to:

- (a) avoid where practicable, or otherwise mitigate the effects of increased sediment run-off to fresh waterbodies or coastal water; and*
- (b) avoid the potential for direct entry of contaminants into groundwater.*

Policy 15.1.32 – In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody or coastal water, regard will be had to:

- (a) whether the disturbance is likely to result in non-compliance with the clarity standards set for the waterbody or coastal water, after reasonable mixing;*
- (b) in the event of possible non-compliance with the clarity standards set for the waterbody or coastal water, after reasonable mixing:*
 - (i) the purpose for undertaking the disturbance and any positive effects accruing from the disturbance;*
 - (ii) the scale, duration and frequency of the disturbance;*
 - (iii) the extent to which the bed disturbance is necessary and adverse water quality effects caused by the disturbance are mitigated; and*
 - (iv) for freshwater, the potential effects of increased turbidity on the values of the waterbody set out in Schedule 1 of Appendix 5 of the Marlborough Environment Plan or on the natural character values of the coastal environment in relation to water quality as set out in Appendix 2 of the Marlborough Environment Plan.”*

75. The effects of the proposed land disturbance will be acceptable, subject to conditions. Adequate consideration has been given to Coastal Water Quality.

76. On balance, the proposal is consistent with the Objectives and Policies of the PMEP.

Marlborough Regional Policy Statement

77. The provisions of the PMEP have been developed in conjunction with the Marlborough Regional Policy Statement and, as such, the PMEP seeks similar environmental outcomes. It is not considered necessary to repeat the provisions of the Marlborough Regional Policy Statement here.

New Zealand Coastal Policy Statement 2010

78. The New Zealand Coastal Policy Statement is the overarching national document concerned with the management of the Coastal Environment.

79. The most relevant Policy of the NZCPS is Policy 15, containing direction for the protection of natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development.
80. Policy 15 directs that significant effects shall be avoided, and all other effects shall be avoided, remedied, and mitigated.
81. The proposal does not have any significant adverse effects and all other effects are appropriately avoided, remedied and mitigated by planting, erosion and sediment control, and the appropriate construction methods proposed.
82. The proposal is consistent with the New Zealand Coastal Policy Statement.

Part 2 Resource Management Act 1991

83. Section 5 states the purpose of the Act is to promote the sustainable management of natural and physical resources, including enabling people and communities to provide for their social, economic, and cultural well-being. The proposal upholds this purpose.
84. Section 6 directs all persons exercising functions, powers and duties relating to the use development, and protection of natural and physical resources shall recognise and provide for eight Matters of National Importance. The following Matters are relevant to the proposal:
 - e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
 - f) the protection of historic heritage from inappropriate subdivision, use, and development:
85. The potential of the site to be archaeologically significant and containing artefacts from pre-European times requires careful treatment of taonga and the adequate recognition of the historic heritage value of the discoveries in the surrounding environment.
86. Regard has been given to the above Matters of National Importance and an Iwi monitor will be required to supervise excavations.
87. Council has taken into account the remaining principles outlined in sections 7 and 8 of the RMA and it is considered that granting this resource consent best achieves the purpose of the RMA as presented in section 5.

Consent Duration and Lapse Date

88. This consent will lapse and expire on the date specified on the Certificates of Resource Consent.
89. A five-year lapse date is recommended in accordance with section 125 of the Resource Management Act 1991.

Recommended for approval:



.....
Oscar Savage
Environmental Planner

Approved:



1 February 2024

.....
Anna Davidson
Marlborough District Council Manager Resource Consents

Additional Important Information for Resource Consent Holders

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

Commencement of a Resource Consent

Refer to section 116 of the Resource Management Act 1991

- Where no submissions were lodged or any submissions were withdrawn, a resource consent commences, (and may be actioned) on the date of the receipt of the decision.
- Where submissions were lodged to the application, and not withdrawn, the resource consent commences once the time for lodging an appeal has passed, provided no appeals have been received, or when all appeals have been resolved or withdrawn.
- If the resource consent was for activities controlled by the district plan on reclaimed land or land in the coastal marine area, or a restricted activity; then there are specific provisions regarding the commencement of resource consent. These provisions are outlined in section 116 of the Resource Management Act 1991.

Lapsing

Refer to section 125 of the Resource Management Act 1991

- If no lapse date is specified in the consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).
- Council requires full implementation of the establishment conditions prior to the lapse date in order to demonstrate effect has been given to the consent. Please note this includes commencing the activity you have applied for (for example taking water). It is important that when you commence the activity you do so in the sequence that your conditions require (for example installing a meter, then completing a meter inspection, then taking water, all before the lapse date). If you are unable to do so you are strongly recommended to make an application to extend the lapse date or vary the condition that is posing difficulty to implement.

Conditions of Resource Consent

Refer to section 108 of the Resource Management Act 1991

- If conditions are imposed these will be set out in the decision document.
- Please read your consent and ensure that you fully understand any conditions.
- If you have concerns with any condition(s), in the first instance you should discuss your concerns with Council, although an option may be to lodge an appeal or objection.
- It is a legal requirement that there be **compliance with** all conditions.
- If any conditions are contravened it may be that the Council or members of the public will initiate enforcement action (outlined in Part XII of the Resource Management Act 1991).

Change or Cancellation of Conditions of Resource Consent

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

Monitoring Fees

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

Objections

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

Appeals

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision, however there is no right of appeal against the whole or any part of the decision to the extent that the decision relates to one or more of the following, but no other, activities:
 - a) a boundary activity, unless the boundary activity is a non-complying activity;
 - b) a subdivision, unless the subdivision is a non-complying activity;
 - c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.
- A submitter can only appeal to the Environment Court if their appeal is related to a matter raised in their submission and their submission, or the part of their submission to which the appeal relates, has not been struck out under section 41D of the Resource Management Act 1991.
- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

Before lodging an objection or an appeal it is recommended that you seek professional advice.

Subdivision Consents

Refer to sections 223 and 224 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to). The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.
- The consent holder has a further 3 years following the issue of the section 223 approval to obtain a section 224 certificate from Council and lodge the survey plan for deposit with Land Information New Zealand prior to the resource consent lapsing.
- Payment of any compensation due as a result of road vesting or esplanade acquisition will be made upon receipt of your invoice and evidence that the new certificates of title have issued with the esplanade strip agreement registered on them, or vesting completed.

Annotation History

Date	Reason for Amendment/Alteration



Pt Lot 2
D.P.1045

Existing jetty



Proposed 1.5m wide access track
Lot 1
DP 2796

Camping Area

Existing Track

Blackwood Bay

01 LOCATION
- NTS

2368

Existing swing circle

Existing mooring location 2053

375

Proposed jetty, gangway & pontoon

Existing boatshed and jetty

REV	DATE	DETAILS

PROJECT
**JETTY, GANGWAY & PONTOON
BLACKWOOD BAY
FOR CLARK**

seng ENGINEERING
CONSULTANCY

P 03 577 5604 W www.seng.co.nz
E info@seng.co.nz P.O Box 707, Blenheim 7240

DRAWING
LOCATION & SITE PLAN

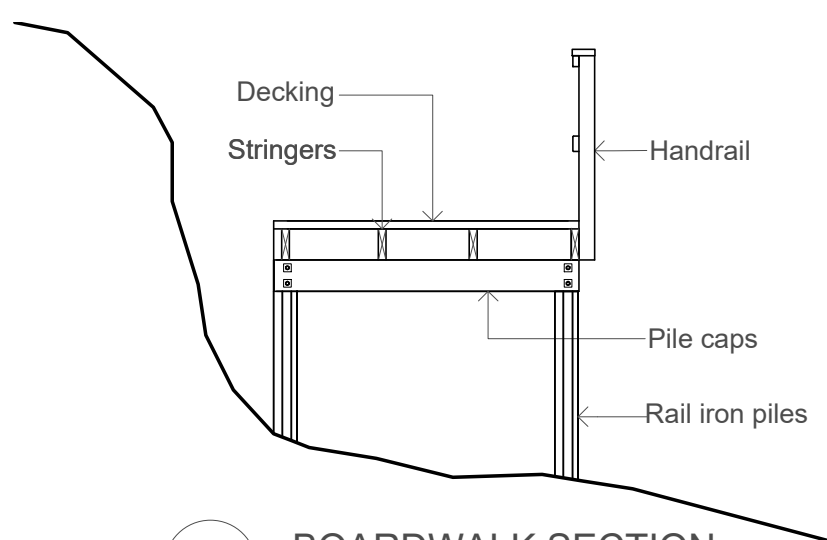
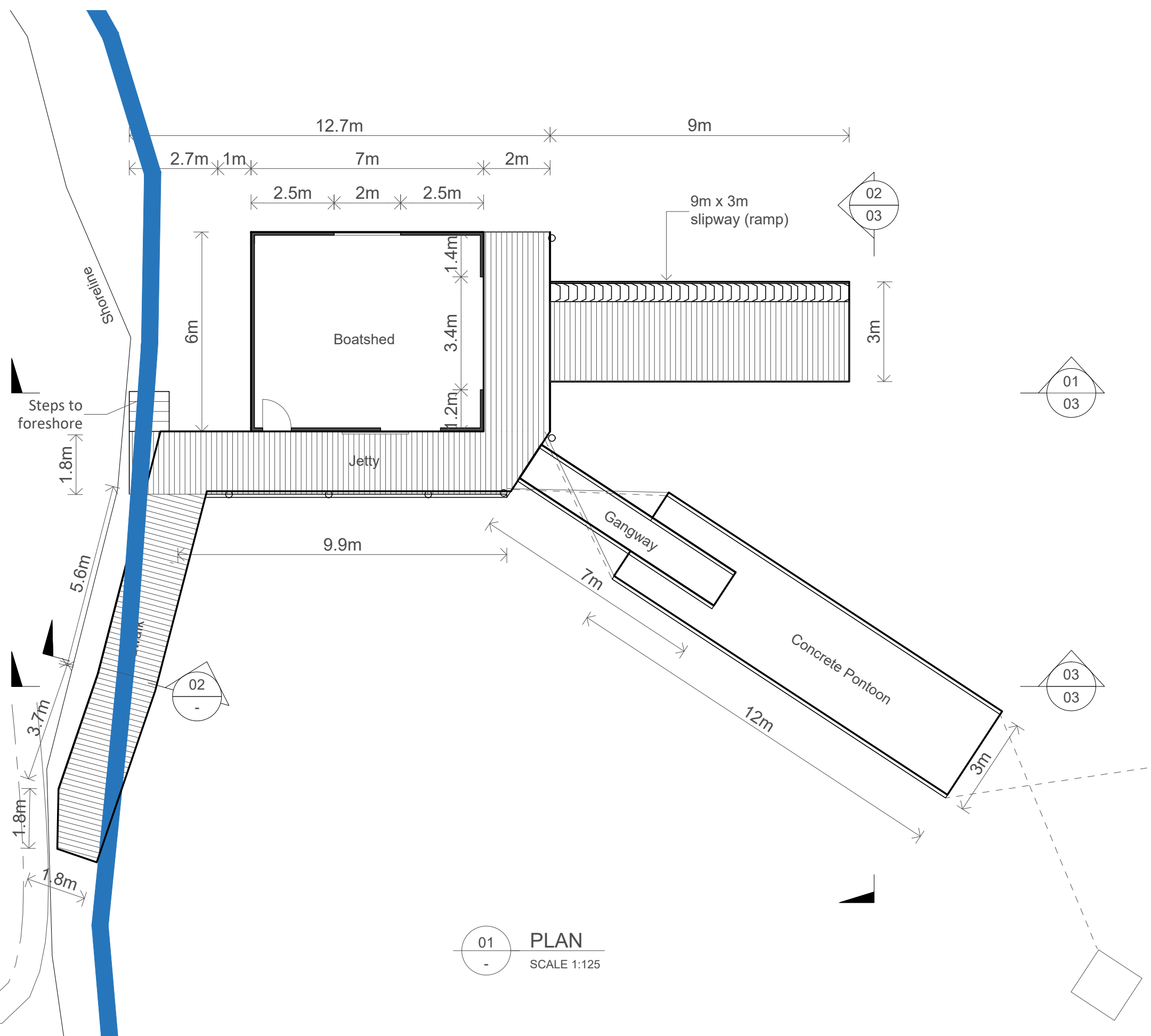
ISSUE
INFORMATION

SCALE (A3)	DATE	DWG No.	REV
AS SHOWN	28 APR 22	2281-01	B

Lot 1
D.P.2047

02 SITE LAYOUT
- SCALE 1:500

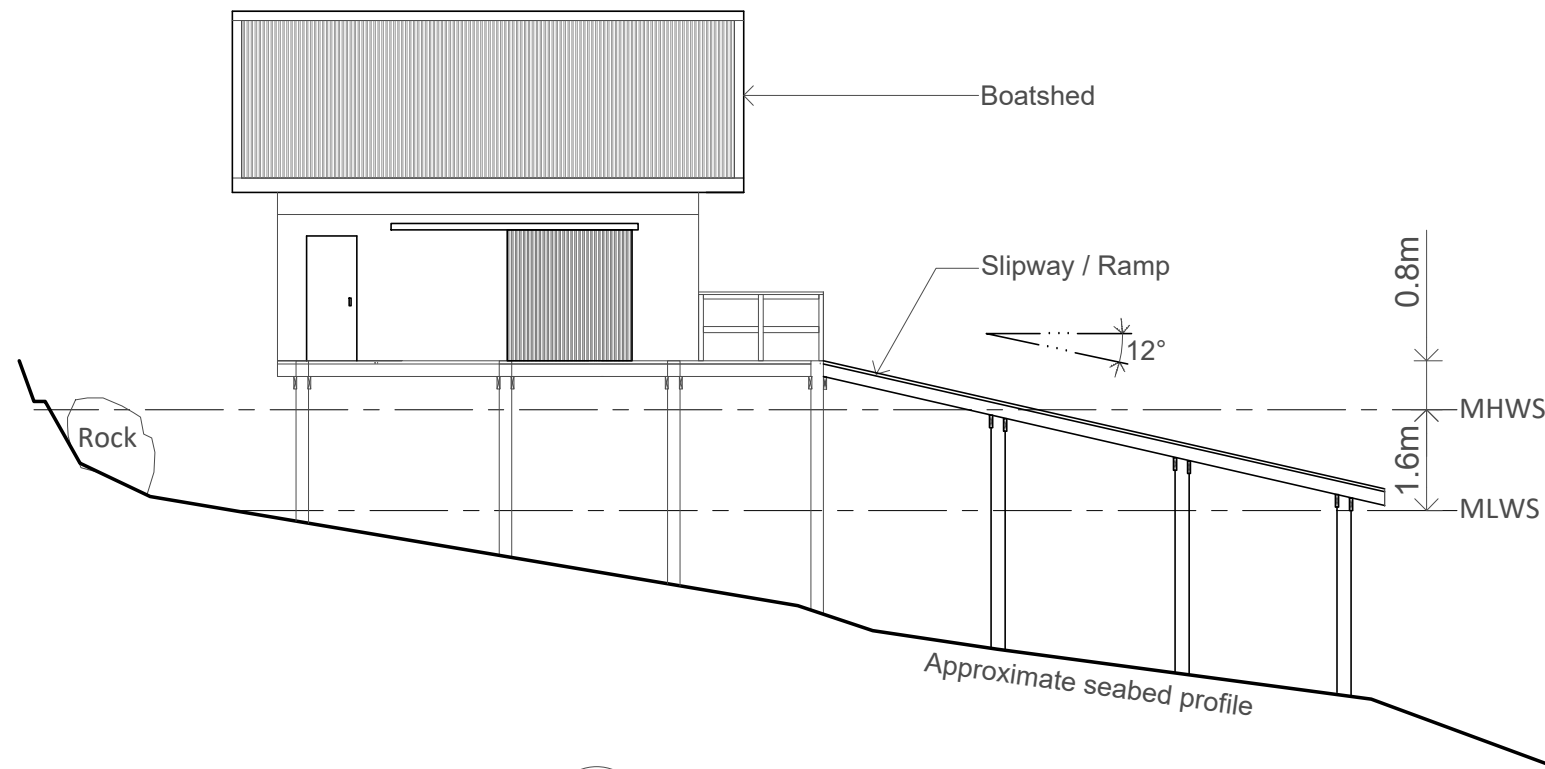




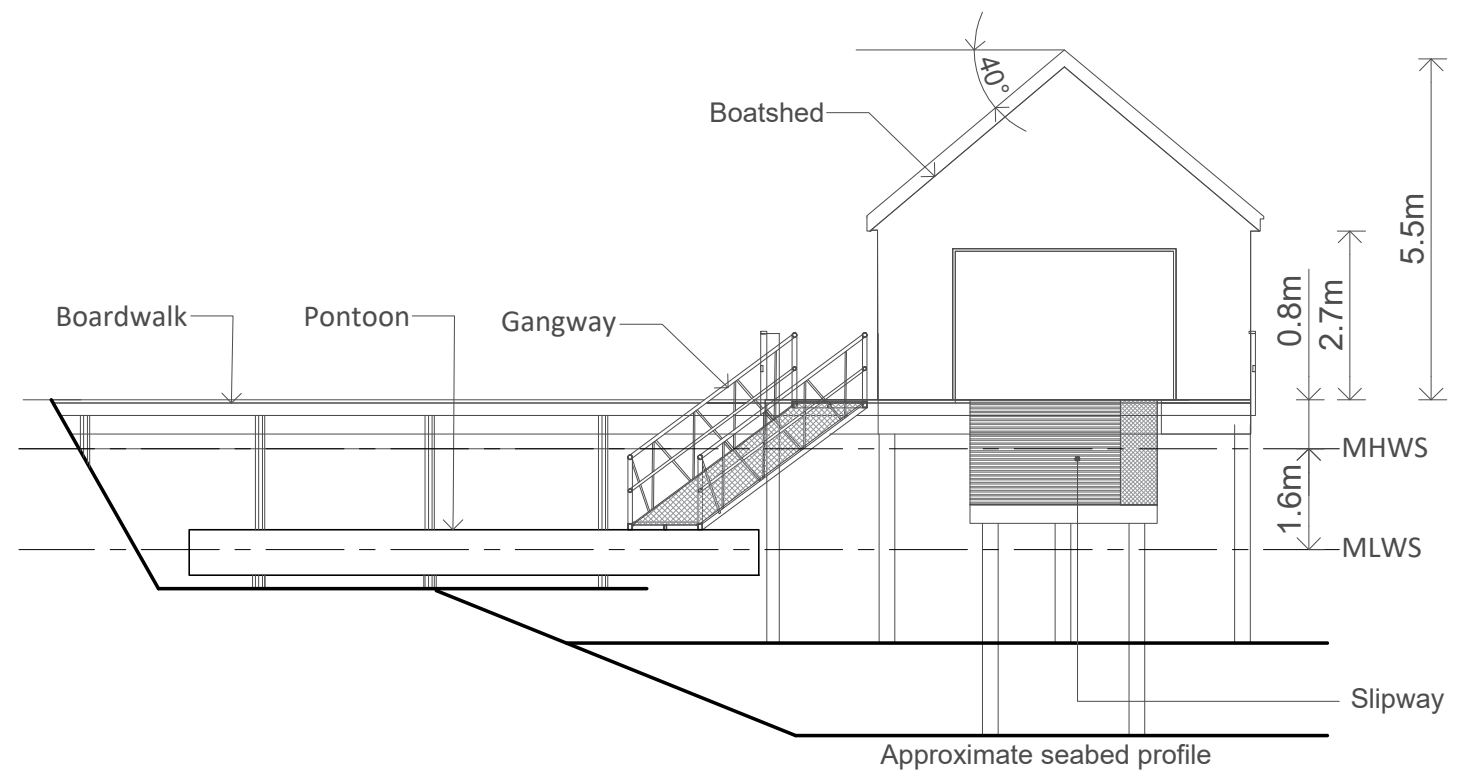
01
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PLAN
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02
-
BOARDWALK SECTION
SCALE 1:50

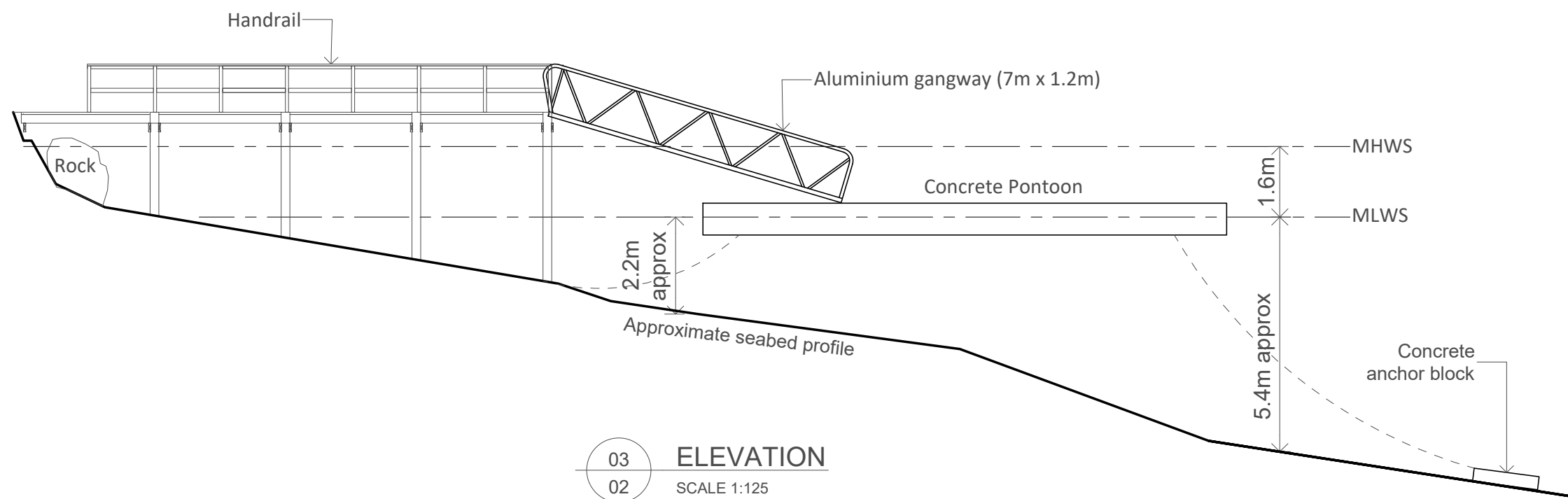
REV	DATE	DETAILS
PROJECT JETTY, GANGWAY & PONTOON BLACKWOOD BAY FOR CLARK		
		ENGINEERING CONSULTANCY
P 03 577 5604		W www.seng.co.nz
E info@seng.co.nz		P.O. Box 707, Blenheim 7240
DRAWING PLAN AND ELEVATIONS		
ISSUE INFORMATION		
SCALE (A3) AS SHOWN	DATE 28 APR 22	DWG No. 2281-02
		REV B



01 ELEVATION
02 SCALE 1:125



02 ELEVATION
02 SCALE 1:125



03 ELEVATION
02 SCALE 1:125

REV	DATE	DETAILS

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DRAWING
ELEVATIONS

ISSUE
INFORMATION

SCALE (A3)	DATE	DWG No.	REV
1:125	28 APR 22	2281-03	B

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PROJECT
JETTY, GANGWAY & PONTOON
BLACKWOOD BAY
FOR CLARK

ISSUE
APPROVAL

DRAWING
ELEVATION

SCALE (A3)	DATE	DWG No.	REV
1:125	16 MAY 24	2281-04	A

REV	DATE	DETAILS
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To: Marlborough District Council
PO Box 443
Blenheim 7240



ISO 9001:2008
Document Number:
RAF0010-C11921

SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

1. Submitter Details

Name of Submitter(s) in full _____

Electronic Address for Service (*email address*) _____

Postal Address for Service (*or alternative method of service under section 352 of the Act*) _____

Primary Address for Service (*must tick one*)

Electronic Address (*email, as above*) or, Postal Address (*as above*)

Telephone (*day*) _____ Mobile _____ Facsimile _____

Contact Person (*name and designation, if applicable*) _____

2. Application Details

Application Number _____ U _____

Name of Applicant (*state full name*) _____

Application Site Address _____

Description of Proposal _____

3. Submission Details (*please tick one*)

I/we support all or part of the application

I/we oppose all or part of the application

I/we are neutral to all or part of the application

- I am a trade competitor for the purposes of section 308B of the Resource Management Act 1991
- I am directly affected by an effect of the subject matter of the submission that:
 - a) adversely affects the environment; and
 - b) does not relate to trade competition or the effects of trade competition
- I am NOT directly affected by an effect of the subject matter of the submission that:
 - a) adversely affects the environment; and
 - b) does not relate to trade competition or the effects of trade competition
- I am NOT a trade competitor for the purposes of section 308B of the Resource Management Act 1991

The specific parts of the application that my/our submission relates to are *(give details, using additional pages if required)*

The reasons for my/our submission are *(use additional pages if required)*

The decision I/we would like the Council to make is *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required)*

4. Heard in Support of Submission at the Hearing

- I/we wish to speak in support of my/our submission
- I/we do not wish to speak in support of my/our submission

OPTIONAL: Pursuant to section 100A of the Resource Management Act 1991 I/we request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

5. Signature

Signature _____ Date _____

Signature _____ Date _____

6. Important Information

- Council must receive this completed submission before the closing date and time for receiving submissions for this application. The completed submission may be emailed to mdc@marlborough.govt.nz.
- The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.
- You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
- Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the section 42A hearing report.
- If you are making a submission to the Environmental Protection Authority, you should use form 16B.
- If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
- If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.
- Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

7. Privacy Information

The information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public file held by Council. The details may also be available to the public on Council's website. If you wish to request access to, or correction of, your details, please contact Council.