

Applicant Information Form 1a Notified or Non-notified Process



Department of
Conservation
Te Papa Atawhai

New Zealand Government

Is this the right application form for me?

This **Applicant Information Form 1a – Notified or Non-notified Process** must be completed for **the following longer term applications** (i.e. not one-off applications):

- Grazing
- Land use: Tenanting and/or using existing DOC facility/structure
- Land use: Use of public conservation land for private commercial facility/structure
- Guiding/Tourism/Recreation: Watercraft activities
- Filming
- Sports events
- Marine reserves application form 11a: Structure in a marine reserve

For other activities use the specific activity application forms that combine applicant and activity information or book a pre-application meeting.

How do I complete this applicant information form?

- Complete all sections of this **applicant information form**.
- In addition, you must complete the **activity application form/s** that you wish to undertake.
- DOC encourages electronic applications (e.g. typed Word document), rather than handwritten applications. Electronic applications are easier to read and less likely to be returned to you for clarification.
- If you need extra space, attach or include extra documents and label them according to the relevant section. Record all attachments in the table at the back of the application information form section **F Attachments**.

How do I submit my application?

Email the following to permissions@doc.govt.nz:

- **Completed applicant information form 1a**
- **Completed activity application form**
- Any other relevant attachments.

If I need help, where do I get more information?

- Check the [DOC webpage for the activity you are applying](#)¹ for.

¹ <https://www.doc.govt.nz/get-involved/apply-for-permits/apply-for-a-permit/>

- Arrange a pre-application meeting (either face to face or over the phone) by contacting the [Department of Conservation Office](#)² closest to where the activity is proposed. You can use [DOC maps](#)³ to identify which District Office you should contact. Or arrange a meeting with any of our [four offices that process concessions](#)⁴ – choose the one closest to where the activity is proposed.
- If your application covers multiple districts, contact the office nearest most of the locations you are applying for, or nearest to locations you have a specific question about.

What happens next?

Once your application forms are received, your application will be assessed by DOC. If your application is complete, DOC will begin processing.

If your application is incomplete it will be returned to you for more information.

Why does DOC ask for this information?

The questions in this application information form and the activity application form/s are designed to cover the requirements set out in conservation legislation. Your answers allow us to assess:

- Your most up-to-date details so that DOC can contact you about your application.
- Your qualifications, resources, skills and experience to adequately conduct the activity on public conservation land.
- Your creditworthiness will help determine whether DOC should extend credit to you and set up a DOC customer accounts receivable credit account for cost recovery. To make this assessment DOC will supply your information to a credit checking agency.

Note:

- Personal information will be managed by DOC confidentially. For further information check [DOC's privacy and security statements](#)⁵.
- Information collected by DOC will be supplied to a debt collection agency in the event of non-payment of payable fees.

What fees will I pay?

You may be required to pay a **processing fee** for this application regardless of whether your application is granted or not. You may request an estimate of the processing fees for your application. If you request an estimate, DOC may require you to pay the reasonable costs of the estimate prior to it being prepared. DOC will not process your application until the estimate has been provided to you. In addition, if you are granted a guiding concession on public conservation land you may be required to pay annual **activity and management fees**. These fees are listed on the [DOC webpage for the activity you are applying](#)⁶ for.

DOC will invoice your processing fees after your application has been considered. If your application is large or complex, DOC may undertake billing at intervals periodically during processing until a decision is made. If you withdraw your application DOC will invoice you for the costs incurred up to the point of your withdrawal.

² www.doc.govt.nz/footer-links/contact-us/office-by-name/

³ <http://maps.doc.govt.nz/mapviewer/index.html?viewer=docmaps>

⁴ <https://www.doc.govt.nz/get-involved/apply-for-permits/contacts>

⁵ <https://www.doc.govt.nz/footer-links/privacy-and-security/>

⁶ <https://www.doc.govt.nz/get-involved/apply-for-permits/apply-for-a-permit/>

Your application will set up a credit account with DOC. See the checklist at the end of the form for the terms and conditions you need to accept for a DOC credit account.

Will my application be publicly notified?

Your application will be publicly notified if:

- It is a license with a term of more than 10 years.
- It is a lease.
- After having regard to the effects of the activity, DOC considers it appropriate to do so.

Public notification will increase the time and cost of processing of your application.

What does DOC require if my application is approved?

If your application is approved DOC requires:

- **Insurance** to indemnify the Minister of Conservation against any claims or liabilities arising from your actions. The level of insurance cover will depend on the activity.
- A copy of your **safety plan** audited by an external expert (e.g. Health and Safety in Employment (Adventure Activity) Regulations 2011 audit or a DOC listed organisation). See the [Safety Plan](#)⁷ information on the DOC website for further information.

Note: DOC/Minister can vary the concession if the information on which the concession was granted contained material inaccuracies. DOC may also recover any costs incurred.

⁷ <https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/safety-plans/>

A. Applicant details

Legal status of applicant (tick)	<input checked="" type="checkbox"/> Individual (Go to 1)	
	<input type="checkbox"/> Registered company (Go to 2)	<input type="checkbox"/> Trust (Go to 2)
	<input type="checkbox"/> Incorporated society (Go to 2)	<input type="checkbox"/> Other e.g. Educational institutes (Go to 2)

1	Applicant name (individual)	James Guild		
	Phone		Mobile phone	
	Email			
	Physical address		Postcode	
	Postal address (if different from above)		Postcode	

2	Applicant name (full name of registered company, trust, incorporated society or other)			
	Trading name (if different from applicant name)			
	NZBN if applicable (to apply go to: https://www.nzbn.govt.nz)		Company, trust or incorporated society registration number	
	Registered office of company or incorporated society (if applicable)			
	Company phone		Company website	
	Contact person and role			
	Phone		Mobile phone	
	Email			
	Postal address		Postcode	

Street address (if different from postal address)

Postcode

B. Pre-application meeting

Have you had a pre-application meeting or spoken to someone in DOC?

No

Yes

- If yes record the:

Date of DOC pre-application meeting

Various

Name of DOC staff member

Kaja Mazzotti - Vetter

Name of person who had the pre-application meeting with DOC

Agent, Gavin Cooper, GDC Consulting (2010) Limited

C. Activity applied for

Tick the **activity application form** applicable to the activity you wish to undertake on public conservation land. Complete the applicant information form and the activity application form and email them with any attachments to permissions@doc.govt.nz

ACTIVITY APPLICATION FORM*	FORM NO.	TICK
Grazing	2a	<input type="checkbox"/>
Land use: Tenanting and/or using existing DOC facility/structure	3a	<input type="checkbox"/>
Land use: Use of public conservation land for private/commercial facility/structure	3b	<input checked="" type="checkbox"/>
Guiding/Tourism/Recreation: Watercraft activities	4b	<input type="checkbox"/>
Filming	5a	<input type="checkbox"/>
Sporting Events	6a	<input type="checkbox"/>
Marine reserves application form: Structure in a marine reserve	11a	<input type="checkbox"/>
Other activities (not covered in the above forms or in the new activity application forms that combine applicant and activity information)	7a	<input type="checkbox"/>

Note: If the activity is not in this list check the activity on the DOC website to find the correct application form or book a pre-application meeting. Application forms that combine applicant and activity information on the DOC website include:

- [Aircraft activities](#)⁸
- [Easements](#)⁹

⁸ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/aircraft-activities/>

⁹ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/>

- [Land based guiding](#)¹⁰

¹⁰ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/land-based-guided-activities/>

D. Are you applying for anything else?

Are you submitting any other application forms in relation to this application?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>

- If yes, state which application forms:

E. Background experience of applicant

Provide relevant information relating to your ability to carry out the proposed activity (e.g. details of previous concessions, membership of professional organisations, and relevant qualifications).

The applicant has applied for various resource consent applications for fixed jetty, floating jetty structures and linkspans at the property over the years – refer U140621 and U220120, decisions and layout plans **attached**.

The property was affected by the August 2022 storm event, suffering localised slumping at the foreshore of the property, behind the existing concrete seawall and boatshed. This slumping pushed the seawall, boatshed and slipway forward off the foundations.

In late 2023, following engineering advice from local engineers with extensive experience in the Sounds, the applicant lodged resource consent application to replace the boatshed and slipway, remove the existing concrete seawall and replace with smaller section of rock revetment and gravel and timber paths to jetty and boatshed at the foreshore – refer RCA U230785, layout plan and subsequent Marlborough District Council Consent Decision granting the proposal. RCA & Decision U230785 **attached**.

The applicant also has existing DOC SFR Licence for existing structures on the SFR – ref NM-30804-SFR. Copy of signed Transfer Notice **attached**.

F. Attachments

Attachments should *only* be used if there is:

- Not enough space on the form to finish your answer
- You have additional information that supports your answer
- You wish to make an additional request of DOC regarding the application.

Label each document clearly and complete the table below.

Section of the application form the attachment relates to	Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
<u>Correct example ✓</u> D	Locations	PDF	Trust Deed.
<u>Incorrect example X</u> Table	Doc1	Word	Table
Section E	RCA	PDF	Various Resource Consent Applications and Consent Decisions, U140621, U220120 & U230785 & supporting plans
Section E	SFL	PDF	ref NM-30804-SFR.

G. Checklist

Application checklist	Tick
I have completed all sections of this applicant information form relevant to my application and understand that the form will be returned to me if it is incomplete.	<input checked="" type="checkbox"/>
I certify that the information provided in this applicant information form, and any attached additional forms is, to the best of my knowledge, true and correct.	<input checked="" type="checkbox"/>
I have completed the activity application form .	<input checked="" type="checkbox"/>
I have appropriately labelled all attachments and completed section F Attachments .	<input checked="" type="checkbox"/>
I will email permissions@doc.govt.nz my: <ul style="list-style-type: none"> • Completed applicant information form • Completed activity application form/s • Any other attachments. 	<input checked="" type="checkbox"/>

H. Terms and conditions for a credit account with the Department of Conservation

Have you held an account with the Department of Conservation before?	Tick
No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>
If 'yes' under what name	James Alastair Hay Guild

In ticking this checklist and placing your name below you are acknowledging that you have read and agreed to the terms and conditions for an account with the Department of Conservation

Terms and conditions	Tick
I/We agree that the Department of Conservation can provide my/our details to the Department's Credit Checking Agency to enable it to conduct a full credit check.	<input checked="" type="checkbox"/>
I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.	<input checked="" type="checkbox"/>
I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.	<input checked="" type="checkbox"/>
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.	<input checked="" type="checkbox"/>
I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.	<input checked="" type="checkbox"/>
I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions (as above) of the credit account are not met.	<input checked="" type="checkbox"/>
I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.	<input checked="" type="checkbox"/>

Typed applicant name/s	James Guild	Date	22 April 2024
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For Departmental use			
Credit check completed			
Comments:			
Signed		Name	
Approved (Tier 4 manager or above)		Name	



Department of Conservation
Te Papa Atawhai

TRANSFER OF LICENCE TO OCCUPY SOUNDS FORESHORE RESERVE

This Document is dated the 10th day of July 2020

PARTIES:

- (1) **Minister of Conservation**, (“the Licensor”)
- (2) **David and Jane De La Mare**, (“the Transferor”)
- (3) **James Alastair Hay Guild** (“the Transferees ”)

WHEREAS:

- (a) The Transferor holds a Licence to Occupy Sounds Foreshore Reserve (“the Licence”) numbered NM-30804-SFR dated the 24th day of August 2001
- (b) The Transferor, being the owner of the land in Certificate of Title MB 2D.356 Lot 43, DP 1196, adjoining the Licence Site wishes to transfer its interest in this land including the transfer of the Licence to the Transferees
- (c) The Transferees wish to use and occupy the Licence Site subject to the terms and conditions of the Licence and accordingly, in accordance with Clause 11.2 of the Licence, the Licence is so transferred.

Signed by:

A handwritten signature in blue ink, appearing to be 'Dave Johnstone', written over a horizontal line.

Dave Johnstone
National Transaction Centre Manager
Department of Conservation

Please attach this form to the front of the Licence to Occupy document NM-3084-SFR (formerly SFR:623)

RESOURCE MANAGEMENT ACT 1991

Decision of Marlborough District Council

RESOURCE CONSENT: U230785

APPLICANT: James Alastair Hay Guild

LOCATION: Fence Bay, Queen Charlotte
Sound/Totaranui

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

Coastal Permit for the redevelopment of an existing boatshed, slipway, timber decking and concrete seawall (Resource Consent U140621), including the construction of a new 6.0 metre wide by 7.1 metre long boatshed and new aluminium gangway to shore; the installation of a new 9.0 metre long by 3.0 metre wide slipway (floating type) fronting the new boatshed; the construction of a 2.0 metre wide timber deck along the northwest and northeast side of the new boatshed; and the construction of a 13.0 metre long rock revetment structure to replace the existing concrete sea wall along the foreshore, fronting Lot 43 DP 1196 in Fence Bay.

DECISION: **Granted**

RESOURCE CONSENT ISSUED:

Coastal Permit

Certificate of Resource Consent

Consent Holder:	James Alastair Hay Guild
Consent Type:	Coastal Permit
Consent Number:	U230785.01
Lapse Date:	1 June 2027
Expiry Date:	1 June 2044
Part 3, Section:	12

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Marlborough District Council **grants** the application for a coastal permit for the redevelopment of an existing boatshed, slipway, timber decking and concrete seawall (Resource Consent U140621), including the construction of a new 6.0 metre wide by 7.1 metre long boatshed and new aluminium gangway to shore; the installation of a new 9.0 metre long by 3.0 metre wide slipway (floating type) fronting the new boatshed; the construction of a 2.0 metre wide timber deck along the northwest and northeast side of the new boatshed; and the construction of a 13.0 metre long rock revetment structure to replace the existing concrete sea wall along the foreshore, fronting Lot 43 DP 1196 in Fence Bay, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. Except insofar as required to comply with other conditions of this consent, the activity must be undertaken and remain in accordance with the application for Resource Consent U230785 received by Council on 21 November 2023 and as amended by drawings received on 10 April 2024. In particular, Seng Engineering Consultancy drawing number 2211-01 Revision C, held on Council file number U230785 record number 2496777.
2. When undertaking construction, maintenance or repair work on the structures the following must be complied with:
 - a) No contaminants (including petrol, oil, paint and sawdust) from the work may be released into the coastal marine area.
 - b) Any disturbance of the foreshore and seabed must be undertaken in a manner which minimises water turbidity.
 - c) All equipment and left over building material must be removed from the coastal marine area upon completion of work.
3. All parts of the structures must be coloured or finished in such a manner so as to minimise, to the extent practicable, their contrast with the surrounding environment. In particular, all external surfaces of the boatshed, including trim such as gutters and downpipes, must be a colour(s) within a reflectivity value range of 5 percent to 30 percent (inclusive). The colour(s) chosen and its reflectivity value must be specified on the plans submitted in the building consent application.
4. The rock revetment wall authorised by this consent shall be finished to visually match, as closely as practicable, the predominant colour of the rocks and banks naturally occurring along the coastline immediately adjoining the application site.

5. Prior to the new boatshed consented under this coastal permit being brought into use, the existing boatshed, ramp and boatshed decking located at co-ordinates E 1681985 N 5435242, shall be removed from the site, together with all associated foundations, piles and any other materials used in its construction, in compliance with condition 2 above; and consent number U140621.01 shall be partially surrendered in accordance with section 138 of the Resource Management Act 1991, in so far as it relates to the existing boatshed to be removed.
6. Within three months of the substantial completion of the structures, or the issuing of a Code Compliance Certificate under the Building Act 2004 (whichever comes first), the consent holder must submit to the Compliance Manager, Marlborough District Council, written and photographic confirmation from the supervising engineer that:
 - a) The structures have been constructed no larger than approved, and
 - b) The structures have been constructed in accordance with generally accepted best engineering practice for such structures.

The photographic confirmation shall comprise no less than 10 colour photographs captured from different viewpoints around the development and be sufficiently clear to illustrate the finished appearance of the structures and compliance with Conditions 1, 3 and 4.

7. Except as may be required by the Harbour Master for the purpose of safe navigation, all external lighting on the facility must be fully shielded to prevent any light spillage above the horizontal plane of the light source.
8. The consent holder must ensure that the structures are maintained in a tidy, safe and structurally sound condition at all times, including by carrying out regular inspection and maintenance of timber and bolted connections.
9. All external areas of the structures including decking must not be used as a storage location for marine craft, recreational equipment or any other material or item.
10. The foreshore structures authorised by 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 structures.
11. All doors on the boatshed must be constructed and at all times thereafter maintained as solid doors with no areas of glazing or other transparent, translucent or reflective materials.
12. The boatshed must be used only for the storage of boat/s and ancillary boating equipment. At no time is the boatshed to be used for any aspect of residential activity including use of all or part as living quarters for relaxing or meal preparation, sleeping accommodation or commercial purposes.
13. The boatshed must not have internal ablution facilities, kitchen facilities, gas cooking or heating facilities, beds or bunks, indoor recreation equipment, additional windows or other external glazing installed except in accordance with the approved drawings. An external water tap(s) may be provided for wash-down of boating equipment and ancillary boating equipment.

14. Biennially following the provision of the information provided in accordance with Condition 6, the consent holder must provide the Compliance Manager, Marlborough District Council, with a minimum of 6 colour photographs which:
 - a) Are taken within 30 days of being provided to the Compliance Manager; and
 - b) Depict 360 degrees of the entire interior (including items stored or used) of the boatshed; and
 - c) Depict the entire external structure of the boatshed; and
 - d) Are sufficient to demonstrate compliance with the conditions of this consent.
15. The land to which the structures relate is presently known as Lot 43 DP 1196 (the Land). This consent must not be transferred to any person other than an owner of the Land. In the event that the Land is sold or transferred to a new owner, this permit must within 3 months thereafter be either:
 - a) Transferred pursuant to s135 of the Resource Management Act 1991 (including payment of any applicable administration fee) to the new owner of the land; or
 - b) Surrendered to the consent authority.
16. If any artefact and/or any historical, cultural or archaeological material of Maori origin or likely to have significance to Maori is found or uncovered whilst undertaking work authorised by this consent, the following must be complied with:
 - a) Work must cease immediately, the area must be secured and any uncovered material must remain untouched;
 - b) Advice of the discovery must be given within 48 hours to the resource management officer of the relevant iwi, to Council and to Heritage New Zealand; and
 - c) Work may not recommence until the approval of the relevant local iwi, Heritage New Zealand and Council are all obtained.
17. In accordance with Section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent, for the specified purposes identified in section 128(1), including for the purpose of ensuring the adverse effects upon the following matters are adequately avoided, remedied or mitigated:
 - (a) Maritime safety; and/or
 - (b) Recreation values; and/or
 - (c) Public access; and/or
 - (d) Amenity values.

Notice of review for these purposes may be given during the months of January to December (inclusive) of any year for the duration of this consent.
18. Unless a replacement resource consent is applied for and granted, the consent holder, at the consent holder's expense, must have removed the structures from the coastal marine area prior to the following events, whichever is first in time, and they must provide written confirmation of this to the Compliance Manager, of Marlborough District Council within two weeks of completion of the removal:
 - (a) Expiry of the resource consent; or
 - (b) Surrender of the resource consent; or
 - (c) The structures becoming derelict or abandoned.

Advice Notes

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to monitoring@marlborough.govt.nz.
2. The consent holder shall be required to pay the administrative charge or charges incurred in respect to inspections and monitoring of the structures and compliance with the conditions of consent.
3. At expiry of the resource consent it is a breach of section 12 of the RMA 1991 for the structures to remain in the Coastal Marine Area. The consent holder must ensure their removal to avoid the risk of enforcement action.

Reasons

Proposal

1. The applicant seeks resource consent to replace an existing boatshed, slipway, timber decking and concrete seawall with:
 - a) a new 6.0 metre wide by 7.1 metre long boatshed;
 - b) a 9.0 metre long by 3.0 metre wide slipway (floating type) fronting the boatshed;
 - c) a 2.0 metre wide timber deck along the northwest and northeast side of the boatshed;
 - d) a new aluminium gangway to the shore;
 - e) and to construct a new 13 metre long rock revetment structure to replace the existing concrete sea wall along the foreshore.

Background

2. Resource consent U140621 was granted on 27 August 2014 for a new coastal permit (replacing U990641) for an existing jetty, boatshed, slipway and seawall at the site. U140621 expires on 4 August 2029.
3. In May 2022 resource consent was granted to remove the last two bays (approximately 6 metres) of the existing jetty and construct a new 8.0 metre x 3.2 metre floating pontoon on the seaward end, with a 7.0 metre gangway linking the existing jetty and the new floating pontoon (resource consent U220120).
4. The August 2022 storm event in Marlborough caused localised slumping at the foreshore of the property, behind the seawall and boatshed, pushing the seawall, boatshed and slipway forward. Following engineering advice given to the applicants a decision was made to replace the structures, locating them further to the east and closer to the existing jetty.

Description of Existing and Surrounding Environment

5. The site is located on the southern side of Fence Bay. Around this stretch of coastline there are several sections, most with holiday properties and associated coastal structures including jetties, boatshed and slipways. Except for the applicant's own mooring, there are no other moorings near the site.
6. There is an existing fixed jetty, floating jetty, gangway, boatshed, slipway, concrete seawall, timber decks and stairs on the foreshore in front of the applicant's property. The existing boatshed with slipway and decking surrounding the boatshed will be demolished and removed from the site once the new facilities are established. The concrete sea wall along the foreshore will also be removed as part of the redevelopment and replaced with a rock revetment wall over a shorter length, confined to the area immediately behind the new boatshed.

Activity Status

Proposed Marlborough Environment Plan (the Proposed Plan)

7. The site is zoned Coastal Marine in the Proposed Plan.
8. The demolition of the existing boatshed slipway, decking and concrete seawall on the Foreshore Reserve is a permitted activity under rule 16.1.6 of the PMEP provided the standards under rule 16.3.5 are met.
9. Under Rule 16.6 application must be made for a discretionary activity for a Boatshed, (Rule 16.6.4) and slipway, (Rule 16.6.5); Occupation of the coastal marine area, except by a marine farm, not associated with any Permitted Activity in the Coastal Marine Zone, (Rule

16.6.7) and any use of the coastal marine area not provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity, (Rule 16.6.10). The activity therefore requires consent as a **Discretionary Activity**.

Notification and Affected Parties

10. The application was processed on a non-notified basis for reasons separately recorded.

Assessment of Effects

11. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, the proposal, as amended, and subject to conditions, is concluded to be likely to have acceptable adverse effects on the existing ecological values, maritime safety, natural character, landscape values, water quality, recreational values (including public access) and amenity values of the immediate locality.
12. In reaching this conclusion it is assessed that the proposed boatshed, ramp and decking has been appropriately designed and will be finished with appropriate materials, and as modified, the proposal is broadly consistent with the established character and amenity of the coastal environment in this part of Fence Bay. It is considered that condition 12 attached to this consent, restricting the use of the boatshed, will prevent it being used for inappropriate purposes.
13. The construction of the rock revetement wall behind the proposed replacement boatshed is also broadly consistent with the established character and amenity of the area.
14. In terms of positive effects, it is assessed that the structures provide secure storage for marine equipment, will facilitate associated recreational use of the coastal marine area and will provide boat storage and boat launching facilities.
15. The assessment of effects has also taken into account the demolition of the existing concrete sea wall which will have positive visual amenity and coastal natural character effects by removing an inappropriate structure in the coastal marine area and allowing a more natural beach profile to form. The visual impact of the replacement rock revetement wall will be sufficiently mitigated by its minimal length, sloping profile, materials and position behind the new boatshed; and its permeable nature will provide some opportunity to create additional intertidal habitat.

Relevant Statutory and Plan Provisions

16. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, Policies 2, 6, 13, 15, 18 and 19 of the New Zealand Coastal Policy Statement 2010; Objectives 7.1.2, 7.1.9, 7.2.7 and 8.1.2 and Policies 7.1.7, 7.2.8, 7.2.10 and 8.1.6 of the Marlborough Regional Policy Statement; Policies 2.2.1.2, 6.1.2.1.4, 8.3.1.2, 9.2.1.1.1, 9.2.1.1.3, 9.2.1.1.10, 12.3.1.4, 19.3.1.4 and 19.3.1.7 of the Plan; and Policies 13.10.3 to 13.10.17 of the Proposed Plan are of relevance to an evaluation of the proposal. Within the context of the site it is concluded that the proposal, subject to conditions, is consistent with the identified provisions.
17. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, Policies 6, 13, 15, 18 and 19 of the New Zealand Coastal Policy Statement 2010; Objectives 7.1.2, 7.1.9, 7.2.7 and 8.1.2 and Policies 7.1.7, 7.2.8, 7.2.10 and 8.1.6 of the Marlborough Regional Policy Statement; Policies 2.2.1.2, 6.1.2.1.4, 8.3.1.2, 9.2.1.1.1, 9.2.1.1.3, 9.2.1.1.10, 12.3.1.4 and 19.3.1.4 of the Sounds Plan; and Policies 3.1.3, 6.2.5, 9.1.13, and 13.10.4-13.10.22 of the PMEP are of relevance to an evaluation of the proposal. Within the context of the site it is concluded that the proposal, as amended and subject to conditions, is consistent with most of the identified provisions.

Part 2 Resource Management Act 1991

18. Having considered the matters of national importance, other matters and principles of the Treaty of Waitangi as required by Part 2 of the Resource Management Act 1991, it is concluded that the sole purpose of the Act would be better achieved through a grant of resource consent, subject to the conditions specified. In particular, restricting the transfer of the consent protects the amenity values of the locality and recognises the functional connection between the structures and the applicant’s landholding.

Consent Duration and Lapse Date

19. Section 123 of the Resource Management Act 1991 requires that every coastal permit have an expiry date. Policy guidelines in the Marlborough Environment Plan seek to limit the duration of coastal permits granted for activities in the Coastal Marine Area to a period not exceeding 20 years to enable periodic assessment of whether activities and developments are affecting the values of the coastal marine area, to encourage the efficient use of finite resources and in consideration of the dynamic nature of the coastal environment. In this case an expiry date of 1 June 2044, a timeframe of 20 years, is consistent with sustainable management.

20. A three year lapse period to 1 June 2027 enables an ample length of time to give effect to the consent while also recognising that coastal space is a public resource and should be effectively used without unreasonable delay.

Recommended for approval:



.....
Fliss Morey
Environmental Planner

Approved:



19 April 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

Additional info.

From: Fliss Morey [REDACTED]
Sent: Monday, 15 April 2024 2:50 PM
To: Gavin Cooper
Subject: RE: RE: Resource consent application U230785 - Fence Bay comments and Request for further information/amended plans - Response

Hi Gavin

Thank you for your email and attached amended drawings illustrating the revised design for the treatment of the seawall, rock revetement and access steps etc., and confirming that the existing shed will now not form part of the application. I think this takes on board the majority of my comments on the original proposal and represents a far more acceptable design solution that minimises the adverse effects on the coastal environment. I would be comfortable now in recommending this for approval and I consider that the application can be processed as non-notified.

I would be able to issue the decision by Friday 19 April 2024 and would be grateful if you were able to confirm your agreement to an extension of the processing time under section 37A to issue the decision.

Many thanks

Kind regards
Fliss

Fliss Morey BTP, Assoc. NZPI
Environmental Planner

Te Kaunihera ā-Rohe



**MARLBOROUGH
DISTRICT COUNCIL**

Phone: 03 520 7400
15 Seymour Street, PO Box 443, | Blenheim 7240, New Zealand

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From: Gavin Cooper [REDACTED]
Sent: Wednesday, April 10, 2024 8:26 AM
To: Fliss Morey [REDACTED]
Subject: CM: RE: Resource consent application U230785 - Fence Bay comments and Request for further information/amended plans - Response

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Fliss,

Further to your email of 22 January 2024 requesting further information and clarification of certain matters, please find **attached** revised engineering plans for the project (now Rev C). For the most part, the revised proposal has taken into account all of the suggested changes in your email.

The revised proposal includes:

1. Removal of concrete seawall along entire frontage. Note, the applicant seeks to retain the already consented timber access deck between the steps from the house and the new rock revetment at the foreshore as it is considered to be in a satisfactory condition. Some further rock may need to be placed along the bank under the timber deck depending on what is found when the concrete wall is removed, only time will tell.
2. Removal of deck beyond the western side of the proposed boatshed out to the old boatshed location (and no further rock protection beyond the new boatshed - refer plan **attached**).
3. Construction of new rock revetment seawall behind the boatshed to assist with bank stability and installation of new 1.5m wide access path on top of that new rock revetment wall to access the new boatshed via linkspan. Note: a 2:1 grade for the revetment wall in front of the new access along the top of the new rock revetment wall and along the revetment length is required to ensure the rock foundation is keyed in to support ongoing access and assist with bank stability. Removing the concrete wall and replacing with a new rock revetment wall does mean that the base of the rock revetment wall will now sit approx. 2-2.5m further out than the path edge behind the boatshed over a 15m-18m length; and
4. As a matter of housekeeping, we agree to remove the small shed shown on the plan from the resource consent application process - we will rely on existing use right provisions for this shed.

Reference to requiring some rock revetment protection fronting the concrete wall was made in the application documentation and the new proposal reduces the extent of that rock revetment in the CMZ from a length perspective, but increases the width behind the boatshed to assist with bank stability. The revised engineering plan shows the new access path, rock revetment wall (including cross section) and boatshed being sited in front of the existing dwelling and reduces the overall length of foreshore structures along the SFR/CMZ interface considerably. The boatshed, rock revetment and access path occupy both SFR/CMZ. DOC, as land manager of the SFR has already agreed to the proposal to redevelop previously damaged foreshore structures and their APA has been circulated to Council under separate cover. This proposal reduces the extent of the foreshore structures along the SFR from a length perspective.

The engineer has reiterated to us that the boatshed has to be built out from the land behind to reduce potential for it being affected by future land movement and that the rock revetment wall has to be keyed in carefully to provide stability to land behind, especially given the concrete wall is now proposed to be removed. Instead of just placing rock in front of the concrete wall and under the timber deck, to maintain a 2:1 slope ratio, approximately 30-35 square metres of additional occupancy in the CMZ is now required to facilitate the "keying in" of foundations for the wall (refer cross section plan **attached**). The intertidal area in this area of Fence Bay is not identified in the PMEP as having any significant marine habitat importance and the actual and potential effects of placing the rock will be less than minor. From a visual perspective, the rock revetment wall is sited behind the new boatshed, for the most part.

We trust the application assessment process can now progress.

Regards
Gavin Cooper

----- Original Message -----

From: Fliss Morey [redacted]
To: Gavin Cooper [redacted]
Date: 21/03/2024 11:16 NZDT
Subject: RE: CM: Resource consent application U230785 - Fence Bay comments and Request for further information/amended plans

Thanks Gavin

Kind regards

Fliss Morey BTP, Assoc. NZPI

Environmental Planner

Te Kaunihera ā-Rohe



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From: Gavin Cooper [REDACTED]
Sent: Thursday, March 21, 2024 11:15 AM
To: Fliss Morey [REDACTED]
Subject: Re: CM: Resource consent application U230785 - Fence Bay comments and Request for further information/amended plans

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Fliss,


Still waiting for updated plans from engineer.

Spoke to engineer yesterday.

Regards

Gavin



On 21/03/2024, at 11:11, Fliss Morey 
wrote:

Hi Gavin

I was wondering if there has been any progress on this one.

In the meantime, I can extend the timeframe as appropriate.

Many thanks

Kind regards

Fliss

Fliss Morey BTP, Assoc. NZPI

Environmental Planner

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<image001.png>

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From: Gavin Cooper [REDACTED]
Sent: Thursday, February 15, 2024 2:53 PM
To: Fliss Morey [REDACTED]
Subject: CM: Re: FW: CM: Resource consent application U230785 - Fence Bay comments and Request for further information/amended plans

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Fliss,

I have spoken with the client and engineer. Awaiting amended plans before I respond to your queries.

Regards

Gavin Cooper
[REDACTED]

On 15/02/2024 13:56 NZDT Fliss Morey [REDACTED]
[REDACTED] wrote:

Hi Gavin

Just checking if you had received my email of the 22 January 2024 and whether or not you were in a position to respond, or if you needed additional time?

Many thanks

Kind regards

Fliss

Fliss Morey BTP, Assoc. NZPI

Environmental Planner

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From: Fliss Morey-8637

Sent: Monday, January 22, 2024 1:35 PM

To: 'Gavin Cooper' [REDACTED]

Subject: CM: Resource consent application U230785 - Fence Bay comments and Request for further information/amended plans

Hi Gavin

Thank you for your resource consent application for proposed redevelopment of the existing boatshed and seawall.

Having visited the site and assessed the proposed redevelopment, including historical documents, my view is that the proposed relocation and redevelopment of the boatshed, floating slipway and decking is acceptable, and I would recommend approval of this part of the application.

I would not however be able to support the reconstruction of the damaged concrete sea wall, new rock revetement wall to the extent proposed, and the replacement of the timber boardwalk/deck in the form proposed along the foreshore. I have two issues here –

one relates to the increased occupation of the foreshore (and potentially reclamation) and the other relates to the extent of the wall, which continues beyond the site of proposed relocated boatshed and along the foreshore to the existing steps across the foreshore reserve.

It is accepted that some form of access to the new boatshed will be required and there may be justification for a limited form of a protection structure between the jetty and the proposed replacement boatshed (although this was not provided in the application). I don't however see that there is justification in continuing this rock protection structure beyond that.

Given the extent of damage to the existing wall, which is beyond simple repair, and the need to install rock revetment in front of the existing line of the wall, I would suggest that a more acceptable solution, that would not encroach further into the coastal marine area, would be to replace the damaged sea wall, between the jetty and the new boatshed, with the rock revetment wall and create a boardwalk access on top. This would minimise the occupation of the coastal marine area and would provide a more acceptable form of development that would help to restore the coastal natural character in this location. Beyond this, I do not see that there is justification in adding rock revetment in front of the line of the existing wall, or creating a timber walkway along the foreshore.

If you can reconsider this option, I would be pleased to receive amended drawings, showing this alternative detail, including cross sectional drawings for various key points along the structure, in particular showing the seaward extent of the rock revetment, in comparison with the existing structures.

Turning to the application for consent to authorise the existing small storage shed on the foreshore, our records indicate that this has existed on the site for some time, and it may benefit from existing use rights. It is likely that such a structure would not have required resource consent at the time it was constructed. The nature of the structure and its location would not be supported by current policy, and it would not be something that I would be recommending for approval. I would suggest that this is omitted from the application.

Kind regards

Fliss

Fliss Morey BTP, Assoc. NZPI

Environmental Planner

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<image001.png>

Phone: 03 520 7400

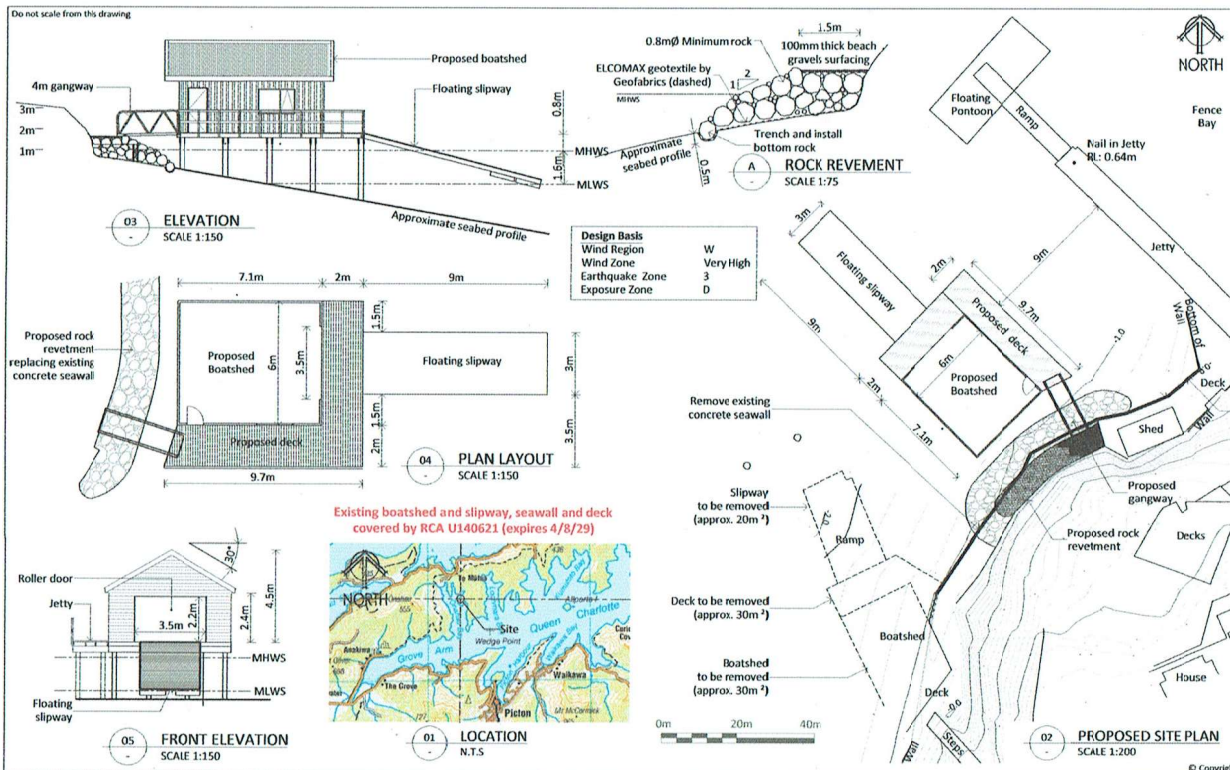
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<p>P 021 281 8889 E info@seng.co.nz</p> <p>W www.seng.co.nz P O Box 707, Ellenheim 7240</p>	PROJECT BOATSHED RELOCATION FENCE BAY, QCS FOR JAMES GUILD		DRAWING PROPOSED SITE LAYOUT & ELEVATIONS			
	ISSUE INFORMATION		SCALE (A3) AS SHOWN	DATE 27 OCT 23	DWG No. 2211-01	REV C
	REV	DATE	DETAILS			

Application for Resource Consent

Applicant details

Application for Resource Consent

Sections 88 and 145, Resource Management Act 1991

To

Marlborough District Council

Applicant

I,

James Guild



Apply for the following type(s) of resource consent

Coastal

Agent

GDC Consulting (2010) Ltd



Gavin Cooper



gavin.cooper@xtra.co.nz

Project reference

Guild - Replacement Boatshed, Slipway, Rock Revetment & Timber Decks

Property details

Site and location details

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

Site address

Fence Bay
Queen Charlotte Sound

Legal description

Lot 43 Deposited Plan 1196

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 is located in Fence Bay, Queen Charlotte Sound. The applicant's property is zoned for residential purposes and is boat access only.

The applicant's property is legally described as Lot 43 Deposited Plan 1196 and is more or less 9,075 square metres in size. Refer copy of RT **attached**.

The property contains an existing dwelling with fixed jetty, floating jetty, linkspan (gangway), boatshed, slipway, fixed timber decking, shed, concrete seawall and stairs located directly below the dwelling in the coastal marine zone. The remainder of the property is in native regenerating bush. The surrounding environment predominantly comprises coastal ribbon large lot residential properties, similar to that of the applicant's property.

The existing jetty, boatshed, slipway, concrete seawall and fixed timber decks are consented under U140621 & U220120 and all of these structures are shown on the Site Layout Plan **attached**.

The applicant's property suffered some stability issues at the foreshore following the August 2022 storm event. This slumping knocked part of the existing concrete seawall, boatshed and slipway foundations forward - refer photos **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

David Hayes, Manager Department of Conservation

14 Auckland Street
Picton 7220

Are they an owner and/or occupier?

Owner

Proposed activity

Description of the activity

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

The applicant has resource consents which cover the existing fixed jetty, floating jetty, gangway, boatshed, slipway, concrete seawall, timber decks and stairs on the Sounds Foreshore Reserve (SFR). Refer U140621 for existing jetty, boatshed, slipway and seawall fronting Lot 43 DP 1196) and U220120 for coastal permit to remove the first two bays of the existing fixed jetty and to construct an 8.0 metre x 3.2 metre floating pontoon and a 7.0 metre x 1.2 metre aluminium gangway fronting Lot 43 DP 1196 - both Decisions **attached**. These foreshore structures are sited directly below the established dwelling.

Unfortunately, the August 2022 storm event caused localised slumping at the foreshore of the property behind the seawall and boatshed which pushed the seawall, boatshed and slipway forward - refer photos **attached**.

Engineers have been to site to assess the damage and the decision has been made to remove the existing boatshed and slipway and build a new boatshed and slipway facility to the east, closer to the existing jetty. The new boatshed will be constructed slightly distant from the shore to create a movement buffer. Access to the new boatshed will be via a small gangway from the timber deck adjacent. Additional rock revetment work has also been recommended in front of the existing consented concrete seawall to tidy up isolated movement and cracking. Sections of the existing timber decking will be removed to allow rock revetment works to be undertaken from barge and timber decking reinstalled to allow a 1.8 - 2.0 metre wide thoroughfare to the new boatshed gangway and connect into the existing path network servicing the property to the west. Refer photos **attached**.

The proposed activity includes the following aspects:

- Removal of the existing consented boatshed & slipway
- Removing the timber decking above the concrete seawall to allow access to install additional rock revetment in front of the concrete seawall (from barge)
- Re-installing timber decking above the new rock revetment at 1.8 metres to 2.0 metres width leading to and past the new boatshed and gangway, tying into the existing timber access deck to the west that services the property
- Constructing pile foundations to site a new 6.0 metre wide by 7.1 metre long boatshed connected to shore by a new aluminium gangway. The new boatshed will be 4.5 metres in height at building apex with a 3.5 metre wide sectional door in the front to allow a vessels up to 6 metres to enter and be stored once it is brought up the new slipway
- Installing a new 9.0 metre long by 3.0 metre wide slipway (floating type) fronting the new boatshed; and
- Constructing a 2.0 metre timber deck fronting the boatshed and a 2.0 metre wide deck along the eastern side of the new boatshed.

Refer SENG Engineering Consultancy Plan Set **attached**.

For completeness, the applicant is also applying for retrospective consent to allow ongoing occupancy and use of the existing small shed located on the timber deck on the SFR fronting the property. Refer photos and Site Plan **attached**. For some reason this structure has a Building Consent (1966) and has been shown in various subsequent resource consent applications/ site plans, but never directly referenced in any resource consent applications or decisions for some reason.

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?

Yes - there are permissions needed which do not relate to the Resource Management Act 1991

Permissions needed which do not relate to the Resource Management Act 1991

The applicant will discuss Licence concession matters with DOC in due course and will apply for new Licence or vary the existing Licence, as required. A copy of the draft RCA has been circulated to DOC as a matter of courtesy.

Are there permitted activities that are part of this application?

Yes - there are permitted activities that are part of this application

Permitted activities that are part of this application:

Residential activity is a permitted activity in the zone. Being a sea access property, boatsheds, slipways, seawalls, timber accessways and jettys are anticipated and expected.

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

Coastal occupancy & use - new foreshore structures

Consent type

Coastal

Subcategory type

Disturb Foreshore or Seabed

Description of consent being applied for

Due to storm damage, the applicant wishes to remove their existing consented boatshed and slipway and construct new boatshed and slipway along with improvements to the existing consented concrete seawall and timber access decks.

The proposed activity includes the following seabed disturbance and occupancy aspects:

- Removal of the existing consented boatshed & slipway (refer Plans **attached**).
- Removing the timber decking above the concrete seawall to allow access and installing additional rock revetment in front of the seawall
- Re-installing timber decking above the rock revetment at 1.8 metres to 2.0 metres width leading to and past the new boatshed and gangway, tying into the existing timber access deck to the west
- Constructing pile foundations to site a new 5.5 metre wide by 7.1 metre long boatshed connected to shore by a new aluminium gangway. The new boatshed will be 4.6 metres in height at building apex with a 3.5 metre wide sectional door in the front to allow a vessels up to 6 metres to enter and be stored once it is brought up the new slipway
- Installing a new 9.0 metre long by 3.0 metre wide slipway (floating type) fronting the new boatshed; and
- Constructing a 2.0 metre timber deck fronting the boatshed and a 2 metre wide deck along the eastern side of the new boatshed.

Refer SENG Engineering Consultancy Plan Set attached. **[TBC]**

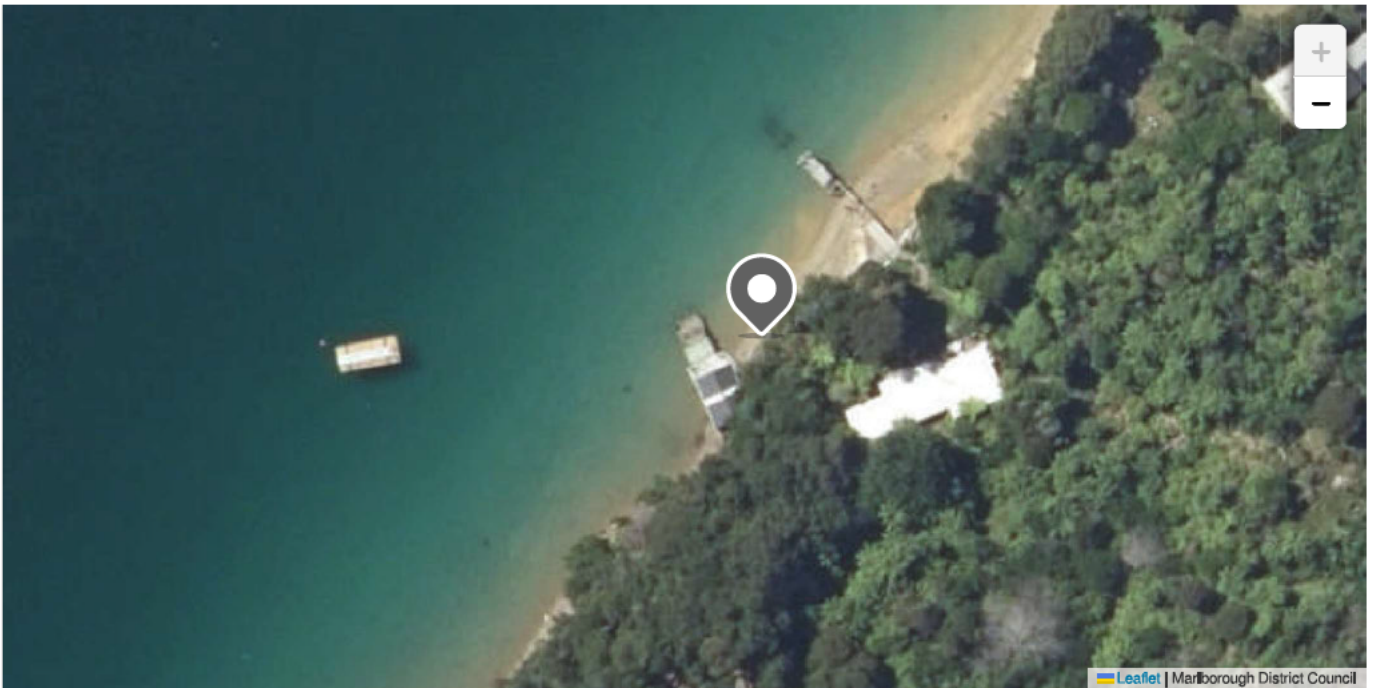
Location of the consent

Easting

1681990.896

Northing

5435249.319



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:

The site is zoned Coastal Marine.

The siting of jetties and associated foreshore structures are all **Discretionary Activities** under this Plan as per Rule 35.4.

Proposed Marlborough Environment Plan (PMEP):

The site is zoned Coastal Marine.

The siting of foreshore structures are all **Discretionary Activities** under this Plan, as per Rules 16.6.4 & 16.6.5.

Ongoing occupation of the CMA is also a **Discretionary Activity** as per Rule 16.6.7 ("occupation") and Rule 16.6.10 ("use"), although we note that Rule 16.6.7 has been appealed by multiple parties at a very generic level.

To all intents and purposes the PMEP has been considered the operative Plan, primarily because the appeal relating to "occupation" is generic and does not really focus on boatshed, slipway and

timber decking type foreshore structures.

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

The applicant seeks to simply replace some of their existing, but damaged foreshore structures; albeit a few metres further to the east.

Actual and potential effects from *occupation* and *use* have already been established by virtue of the fact that foreshore structures of one type or another have been onsite since the mid- 1960's, along with the various additions and improvements made since to ensure the foreshore structure facilities remained *fit for purpose*.

With regards to the actual and potential effects on the environment arising from the construction of the new boatshed, slipway, rock revetment and fixed timber decking, the following matters have been addressed:

Existing Foreshore Structures

There is already various existing and consented jetties and foreshore structures at the site. As mentioned, some of these foreshore structures have been damaged by recent storm events. From a footprint point of view, the proposal is seeking approximately another additional 35-40 square metres of space for the new foreshore structures and rock revetment.

Refer photo **attached** identifying existing structures.

Proposed Building Sizes

The new boatshed, at 6.0 metres wide and 7.1 metres long is small by Sounds standards nowadays. At 7.1 metres long there is sufficient room to install a winch, store the applicant's runabouts, kayaks, sailing yachts and other marine based equipment.

The fixed deck and access provision around the boatshed meets the 2 metre front and side deck provision set out in the Policy section of the PMEP which the applicant's agent understands the Regulatory Department is now treating as a **directive** rather than **having regard to** in the assessment process.

The applicant is proposing a new boatshed at 42 square metres, verses the current boatshed size at 30 square metres. The reason is that the old Harbourboard type boatshed is too small and it doesn't make sense to make significant financial outlay and still not get a building that is "*fit for purpose*". To minimise further seabed disturbance, the applicant has chosen to install a floating type slipway. This slipway is standard length and width in this area of the Sounds, but does

increase the overall footprint by another 7 square metres or so. The next closest structure is a jetty owned by the applicant and sufficient room is available to use the new slipway and jetty adjacent. The concrete seawall requires some maintenance and rock revetment to front is the most sensible solution in the applicant's opinion.

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. Other than some temporary seabed disturbance during installation of the pile foundations and laying of rock, no further effects are anticipated on the local marine ecology.

The Effect on the Activity on Foreshore Dynamics

The new boatshed, timber decking and slipway located in the coastal marine zone will be similar in design to other systems in the wider area.

Removal of existing piles and installation of new pile foundations may have temporary effects on seabed dynamics, as will laying the rock along the front of the seawall, but experience has shown that this stabilises quickly once the work has been completed.

The Effect of the Activity on Navigational Safety

The new boatshed, timber decking and slipway 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.

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.

The applicant is seeking to replace their existing boatshed, slipway structures and install some rock revetment in front of their existing seawall and cover with new timber decking. The new boatshed, timber decking and slipway are of a similar size and scale to their previous structures and the neighbouring structures and have been designed to be sympathetic to the receiving environment.

The applicant agrees to a condition of consent being set requiring the new boatshed, slipway, timber decking and rock revetment structures be kept in a safe and structurally sound condition going forward.

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 (a day is generally required to drive piles), noise effects will be minor.

Access

During construction works, access to the immediate area will be restricted for safety reasons,

however, again, this will be short-term, probably less than a day and will only affect the area immediately in front of the applicants property.

The Effect on other users of the coastal environment

Construction of the new boatshed, slipway, timber decking and rock revetment work should not affect the use of the wider coastal environment. There is sufficient space between the proposed coastal structures and the existing structures and the proposed new structures are being built on the same site.

Overall, the applicant considers that the size and scale of the proposed coastal structures will not compromise natural character or other recreational users and importantly, the development will allow the applicant to 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.

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.

Provision not relevant

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

The applicant is proposing to remove damaged structures and replace with ne foreshore structures that are not much larger in footprint area. Other than DOC, it is difficult to see who else would be affected by the proposal.

6.1(f cont.) any consultation undertaken,

The applicant's agent has circulated a copy of the draft application to DOC and Te Atiawa representatives for review and comment.

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

TBC.

6.1(f cont.) and any iwi consultation undertaken

A copy of the draft application has been 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 structurally sound 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 applicant has been left with no option but to replace the existing damaged foreshore structures.

The proposed coastal structures will not have any effect on neighbours in the local vicinity or wider community. The existing structures will be removed by barge for the most part. Rock revetment works will also be undertaken from barge once the existing timber deck is removed.

Being a residential property with only sea access, this type of redevelopment should be anticipated by all landowners in this section of Fence Bay, which was hit hard by the August 2022 storm event.

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, looking at this in context, the applicant has to replace the damaged structures and given the residential zoning tag such proposals have been

anticipated by the PMEP, albeit at a **Discretionary Activity** level. Likewise, local landowners should also expect that their neighbours should have the right to safely access their properties as well as the ability to store tenders and marine based equipment.

The applicant acknowledges that Council may set a condition requiring all new coastal structures associated with this consent to 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 structures will be similar in design to the applicant's existing but damaged foreshore structures and those in the wider area.

Installation of the structures may have temporary effects on seabed dynamics, but experience has shown that the seabed stabilises quickly once the piling installation has been completed.

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

The applicant's existing structures expire in 2029, as such, a 25 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. All parts of the new foreshore structures must be coloured or finished in such a manner so as to minimise, to the extent practicable, their contrast with the surrounding environment.
3. Not later than three months following the substantial completion of the new boatshed, gangway, decking, slipway and rock revetment facilities, 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.
4. 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.

5. 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.
6. 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.
7. 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.

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 Fence Bay has already been altered by residential ribbon development around the coastline. Within the context of this environment, the influence of the proposed new boatshed, associated fixed decking, slipway and rock revetment works on the existing natural character and amenity values in the Bay will be no more than minor. Likewise, consenting the small existing shed on the fixed deck raises no further adverse effects on the coastal environment. According to Council records, building consent for the shed looks like it was granted in 1966 and no concerns have been raised with it in the intervening period by anyone.

No significant adverse environmental effects come to mind that cannot be remedied or mitigated via appropriate conditions. Conditions have been volunteered in this application to minimise any environmental effects from the proposal.

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 jetties, gangways, boatsheds, slipways, concrete seawalls and rock revetment walls are already part of the receiving environment at the site and in the wider Bay area. Land disturbance to construct the pile foundations will be kept to a minimum and will be undertaken from the barge platform.

Proposed Marlborough Environment Plan (PMEP):

The proposed 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 new structures do not contain any features or provide for any activity beyond what is reasonable for the applicant to continue 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 briefly with Te Ātiawa o Te Waka-a-Māui representatives and supplied a copy of the draft application for review and comment prior to lodging.

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

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

Likewise, no known archeological sites are known about in the immediate area of the proposed development, however, the applicant is prepared to accept a Discovery Protocol condition to cover off the matter, if required.

6.1 (g) the protection of protected customary rights.

Provision not relevant

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

Perhaps the most pertinent natural hazard affecting this proposal relates to the potential for sea level rise leading to inundation of structures. The proposed development as a whole has been engineer designed taking this into account. The timber access deck and boatshed platform will be raised above existing levels.

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), DOC and Te Atiawa are the stewards of the area.

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

Provision not relevant

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

Provision not relevant

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

The replacement foreshore structures will visually appear no different to any others in the wider area.

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 development as a whole has been designed to maintain the quality of the receiving environment while providing for the applicants needs going forward.

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

There is sufficient space available in Fence Bay to locate the proposed replacement 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 going forward.

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

Provision not relevant

7.1 (i) the effects of climate change:

Provision not relevant

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

Provision not relevant

Treaty of Waitangi (Section 8 Resource Management Act 1991)

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**).

This Application does not cause any 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 (land-use) of the Resource Management Act 1991 (RMA) requires that no person may use land in a manner that contravenes 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 lodged with Council.

Assessment under the New Zealand Coastal Policy Statement

The applicant considers that the following 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)
- 12 (Preservation of Natural Character)
- 15 (natural features & landscapes); and
- 19 (public open space).
- 22 (Sediment)

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 to some extent 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 will be consulted as part of an agreed process.

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 maintain and improve access.

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. On the basis that the MSRMP, PMEP and the MRPS seek similar environmental outcomes - to avoid, remedy or mitigate any effects from activities the applicant does not consider there is a need to repeat an assessment under this Plan heading.

Assessment under the Proposed Marlborough Environment Plan

The relevant Objectives and Policies are found in Volume One, as follows:

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.

The wider Marlborough region is acknowledged within the Te Tau Ihu Statutory Acknowledgement provisions. The proposed development is not on or adjacent to a site or area with values listed within the Statutory Acknowledgement document. The applicant acknowledges that the application has been circulated to iwi for their comment.

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 boatshed, slipway, associated decking and rock revetment works will not inhibit public access to and along the coast and as a package the facilities will provide safe access for the applicant and other users in the Marlborough Sounds environment to access the site. Likewise, consenting the existing established small shed raises no concerns from an access perspective.

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

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

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

- a) Recognising the contribution that open space and natural character make to amenity values and provide appropriate protection to areas of open space;
- b) Maintaining and enhancing coastal and freshwater quality;
- c) Maintaining or enhancing areas with indigenous biodiversity value;
- d) Maintaining or enhancing sites or area of particular value for outdoor recreation;
- e) Making use of suitable development setbacks to avoid a sense of encroachment or domination of built form, particularly in areas of public open space and along the coastal edge;
- f) Managing forms and location of development that effectively privatise the coastal edge and discourage or prevent access to and use of the coast;
- g) Recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management;
- h) Establish standards for activities within the coastal environment; i) Clustering together of structures and activities;
- j) Managing the establishment of activities resulting in high traffic generation;

k) Ensuring the operation and speed of boats does not detract from people's enjoyment of the coastal marine area or cause navigational safety issues;

l) Requiring the removal of derelict or redundant structures within the coastal marine area; or

m) Encouraging appropriate design of new structures and other development in form, colour and positioning that complement, rather than detract from, the visual quality of the location.

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) Individual and communities values about the area subject to application;

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.

Assessment: The proposed development has been designed to ensure that it does not detract from the visual quality of the receiving environment (refer plans **attached**).

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 regard 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 dyanmic 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 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 remain in keeping with the receiving environment. The replacement boatshed will allow the applicant to continue to safely store their tenders and other marine based equipment below their property in Fence Bay. Photos are **attached** showing the type of marine equipment currently stored in the boatshed. The only change in size is that the new boatshed is 1 metre wider and 1 metre longer to allow better use of the structure going forward. The new slipway is also a little bigger, but standard dimension for this type of facility and being a floating end type it does not require pile foundations at the seaward end, reducing impact on the seabed.

Overall, the forced redevelopment on site is considered to be consistent with all of the relevant objectives and policies of the PMEP.

Assessment under the Marlborough Sounds Resource Management Plan

Whilst this Plan has been usurped by the new Proposed Marlborough Environment Plan (PMEP) for the most part, we have reviewed the relevant policies and objectives for completeness:

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 1.1 which seeks to avoid the adverse effects of subdivision, use or development within those areas of the coastal environment and freshwater bodies which are predominantly in their natural state and have natural character which has not been compromised.

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 irrevocably altered through historic and continuing residential development in the Bay. Within the context of this environment, where the applicant already has a boatshed, slipway, fixed decks and seawalls in place, the influence of the proposed activity (to replace old structures with new foreshore structures) on the Bays natural character and amenity values will be no more than minor.

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 foreshore structures have sufficient space as to allow for access along the foreshore area.

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). No significant adverse environmental effects have been identified, therefore 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 continuing to provide safe and practical 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.

Chapter 10, Vol 1, Urban Environment

Objective 2 - Enable residential activity along the coastal margin of the Sounds to the extent that this avoids or mitigates adverse effects on the environment.

Policy 2.1 - Delineate the extent of residential activity along the coastal margin of the Sounds.

Policy 2.2 - Preserve the natural character of the coastal environment of the Sounds by enabling appropriate residential use and development in areas where the natural character has already been compromised.

Policy 2.3 - Ensure that activities along the coastal margin of the Sounds avoid, remedy or mitigate adverse effects on the natural environment, areas of significance to tangata whenua and to amenity values.

Assessment: Overall, the proposed development has been designed to ensure that it does not detract from the visual quality of the receiving environment. In reality, it will look no different from the applicant's existing facilities.

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 to replace existing foreshore structures.

Overall, the proposed development does not contain any features or provide for any activity beyond what is reasonable for a sea access coastal property in the Bay.

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?

Yes - this application relates to the following existing consent

Consent number

U140461

The value of investment of the existing consent holder is

The cost of removing the existing foreshore structures would be in the order of \$200-\$250K. The anticipated cost of obtaining necessary permissions and constructing new facilities will be in the order of \$350-\$450K.

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	Title Search	LINZ	MB2D/356	Title	MB2D_356_Title_S(1).pdf (561 kB)
Miscellaneous	Resource Consent Decision	MDC	U140621	-	Decision Document - 2023-10-13T151203.552.pdf (204 kB)
Site Plan	Proposed Site Layout & Elevations	SENG Engineering Consultancy	Project 2211	Engineering Plan & Site Plan	2211 - Plans - Rev B.pdf (578 kB)
Miscellaneous	Photos of existing structures	SENG Engineering Consultants	-	-	Photos taken by engineer.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?

No - public notification of application is not requested

Lodgement fee

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

Payment ID Code

0GWDM8

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 direct any further costs or refunds direct to applicant

Declaration

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

Yes

Authorised by (your full name)

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.



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




R. W. Muir
Registrar-General
of Land

Identifier MB2D/356
Land Registration District Marlborough
Date Issued 23 April 1974

Prior References

MB48/280

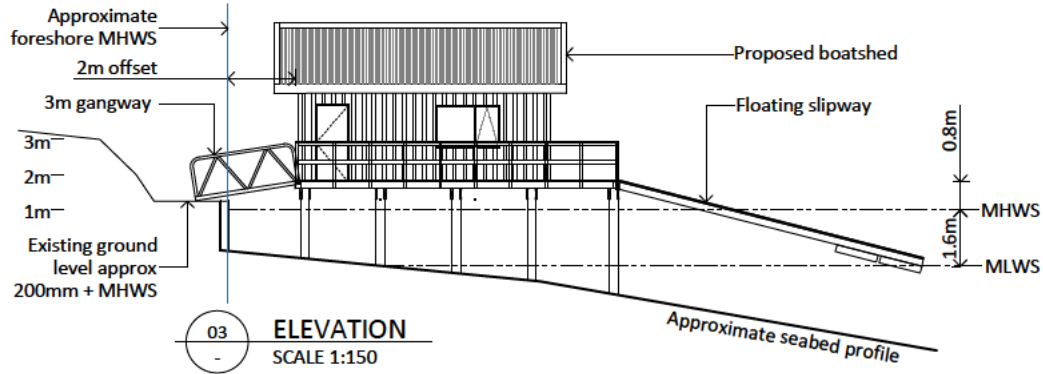
Estate Fee Simple
Area 9075 square metres more or less
Legal Description Lot 43 Deposited Plan 1196

Registered Owners

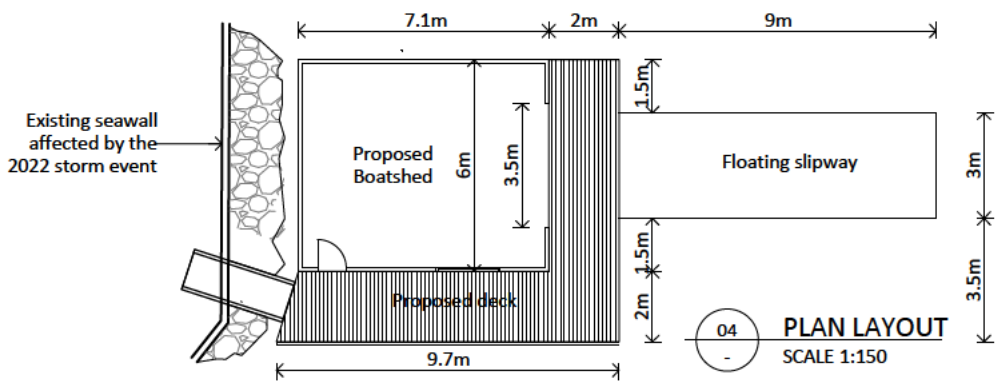
James Alastair Hay Guild

Interests

Do not scale from this drawing

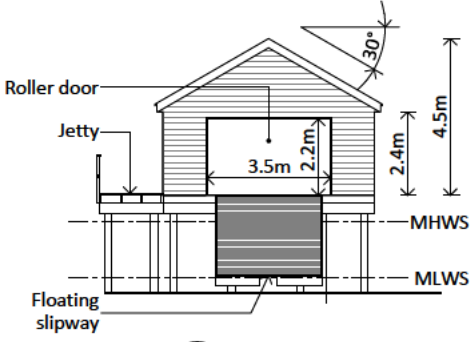


03 ELEVATION
SCALE 1:150

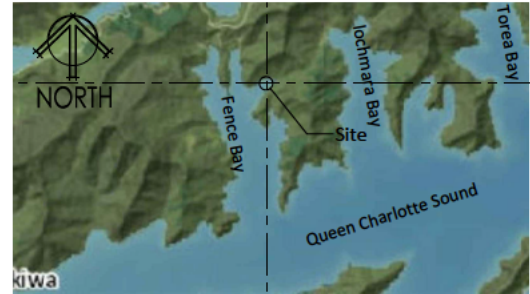


04 PLAN LAYOUT
SCALE 1:150

Existing boatshed and slipway, seawall and deck covered by RCA U140621 (expires 4/8/29)

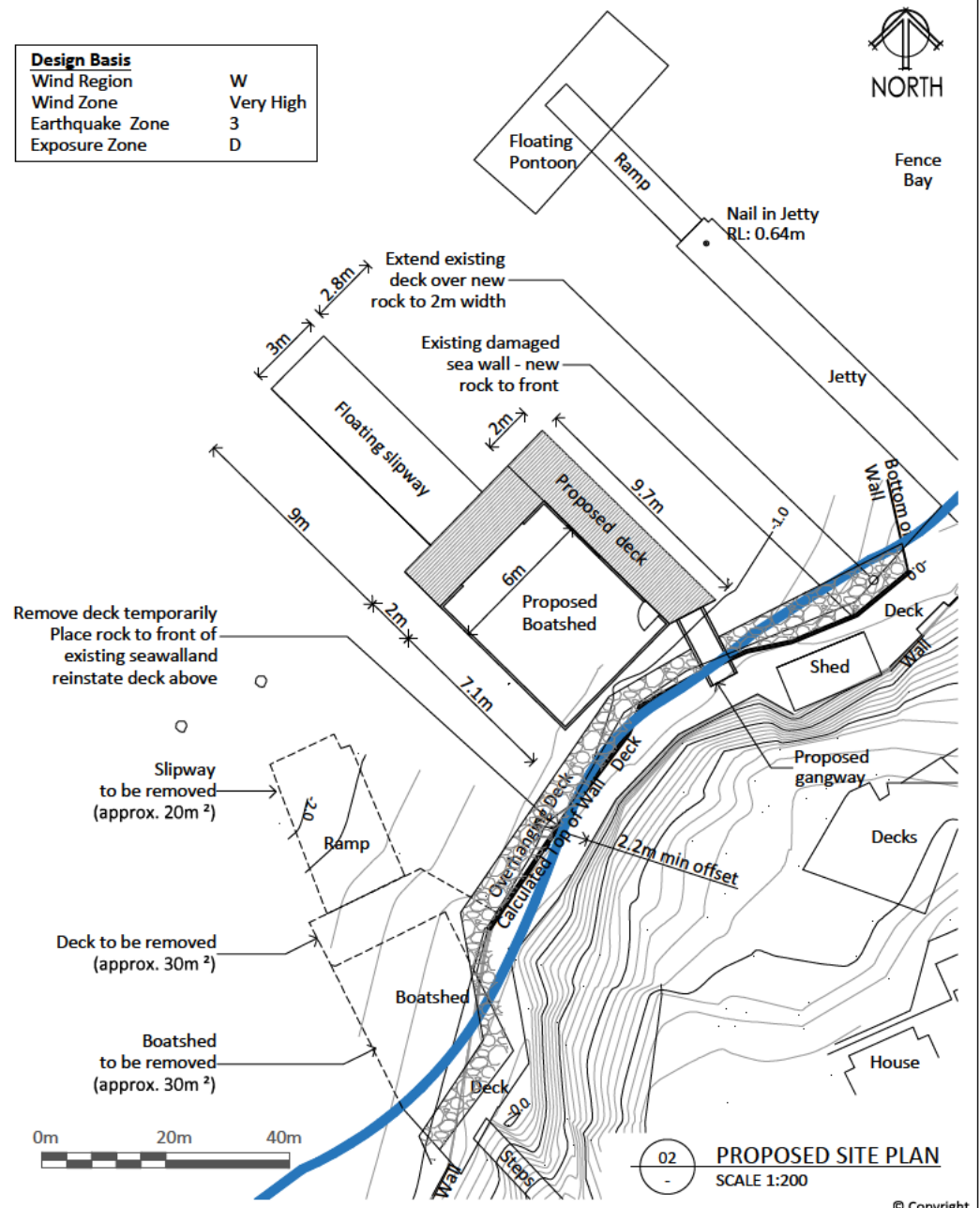


05 FRONT ELEVATION
SCALE 1:150



01 LOCATION
N.T.S

Design Basis	
Wind Region	W
Wind Zone	Very High
Earthquake Zone	3
Exposure Zone	D



02 PROPOSED SITE PLAN
SCALE 1:200

© Copyright

	PROJECT BOATSHED RELOCATION FENCE BAY, QCS FOR JAMES GUILD			DRAWING PROPOSED SITE LAYOUT & ELEVATIONS	
	ISSUE INFORMATION	SCALE (A3) AS SHOWN	DATE 27 OCT 23	DWG No. 2211-01	REV B

Photos – James Guild Foreshore Structures, Fence Bay, Tataranui

Photos taken by engineer (2022-2023)



Photo 1: Existing floating jetty, fixed jetty and decking to access boatshed, looking east



Photo 2: Existing jetty & foreshore structures, dwelling in background, looking west

Photos – James Guild Foreshore Structures, Fence Bay, Tataranui



Photo 3: Stairs to foreshore, access deck, small shed and damaged concrete wall.



Photo 4: Boatshed and slipway piles knocked forward, looking east

Photos – James Guild Foreshore Structures, Fence Bay, Tataranui



Photo 5: Exiting decking above damaged seawall, boatshed and slipway, looking south



Photo 6: Inside of boatshed

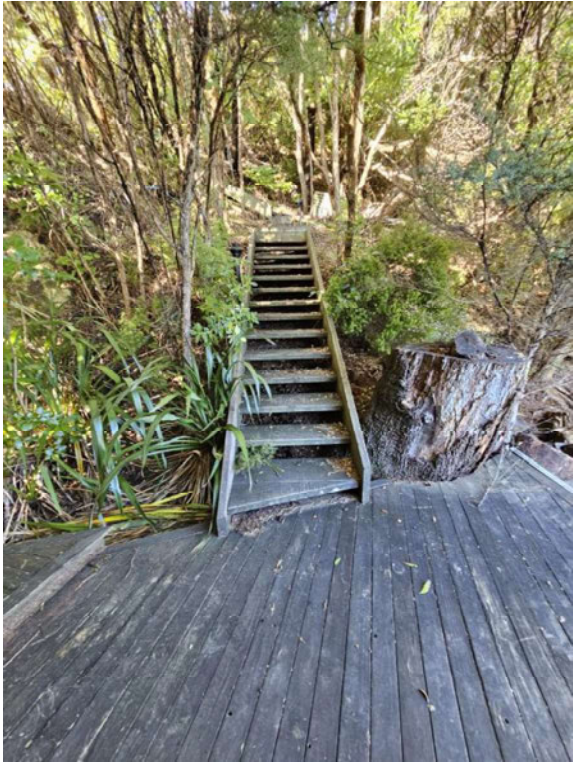


Photo 7: existing stairs at rear of boatshed to access property

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

RESOURCE CONSENT: U140621

APPLICANT: David Bryan De La Mare and Jayne
Elizabeth De La Mare

LOCATION: Fence Bay, Onahau Bay, Queen
Charlotte Sound

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

New coastal permit (replacing U990641) for an existing jetty, boatshed, slipway and seawall fronting Lot 43 DP 1196 in Fence Bay.

DECISION: **Granted**

RESOURCE CONSENT ISSUED:

Coastal Permit

Certificate of Resource Consent

Consent Holder: David Bryan De La Mare and Jayne Elizabeth De La Mare
Consent Type: Coastal Permit
Consent Number: U140621

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Marlborough District Council **grants** a new coastal permit (replacing U990641) for an existing jetty, boatshed, slipway and seawall fronting Lot 43 DP 1196 in Fence Bay, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. Unless given effect to prior, this resource consent shall lapse on 31 October 2014.
2. This resource consent shall expire on 4 August 2029.
3. Except insofar as required to comply with other conditions of this consent, the activity shall be undertaken and remain in accordance with the Application for Resource Consent U140621.
4. The consent holder shall ensure that the approved structures are maintained in a safe, secure and tidy condition at all times.
5. All parts of the structures shall be coloured or finished in such a manner so as to minimise, to the extent practicable, their contrast with the surrounding environment. In particular, in the event the boatshed is painted or reclad, the external colour used shall be within a reflectivity value range of 5 percent to 30 percent inclusive.
6. The consent holder shall allow any person to pass across and lawfully use the jetty without charge.
7. The structures authorised by this resource consent shall 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 jetty or accessing the jetty with a vessel for the loading/unloading of goods and people.
8. The boatshed shall be used only for the storage of boat/s and ancillary boating equipment. At no time is the boatshed to be used as living quarters or for sleeping accommodation or commercial purposes. The boatshed shall not have internal plumbing, kitchen facilities, beds or bunks, windows or other external glazing installed. An external water tap(s) may be provided for wash down purposes.
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, public access 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. The land to which the approved structures relate is presently known as Lot 43 DP 1196 (the Land). In the event that the Land is sold or otherwise transferred to a new owner, this coastal permit shall be transferred as necessary to reflect the new ownership of the Land. Such a transfer shall have no effect until Council is notified in accordance with section 135 of the Resource Management Act 1991. This coastal permit shall not be transferred to any party other than an owner of the Land.
11. Unless a replacement resource consent is applied for and granted, the consent holder, at the consent holder's expense, shall remove the structures 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.
12. The consent holder shall be required to pay the administrative charge or charges incurred in respect to inspections and monitoring of the structures and compliance with the conditions of consent.

Advice Notes

1. The consent holder will in the future be required to pay coastal occupation charges if they are imposed as a result of the current review of Council's resource management plans.
2. This resource consent does not constitute a building consent nor does it imply that the subject structures comply with the building code.
3. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent.

Reasons

Proposal

1. The applicants seek resource consent for the continued occupation of the common marine and coastal area by their existing jetty, boatshed, slipway and seawall located in Fence Bay. The jetty measures 22 metres long by 1.8 metres wide. The boatshed is 6.1 metres long by 5 metres wide and has decking of various widths on three sides. The slipway is of timber construction and measures 7.1 metres long by 3.5 metres wide. The seawall extends some 50 metres along the shoreline behind the jetty and boatshed, which themselves are about 25 metres apart.

Description of Receiving Environment

2. Fence Bay is located about 7 kilometres to the north of Picton, on the eastern shoreline of Onahau Bay. The bay is backed by a ribbon of privately owned residential properties separated from the coastal marine area by a strip of foreshore reserve land. Associated with those properties are seven boatsheds, eight jetties and eleven moorings. From the seaward end of the subject jetty the nearest mooring (M3383) is 70 metres to the west, while the nearest jetty is 90 metres to the northeast.

Activity Status

3. The application site is zoned 'Coastal Marine 1' within the Marlborough Sounds Resource Management Plan (Plan). The continued occupation of the coastal marine area with the subject structures is a discretionary activity which requires resource consent under Rule 35.4 of the Plan.

Notification and Affected Parties

4. Within the above described receiving environment it was determined that public or limited notification of the application was unnecessary.

Assessment of Effects

5. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, the continued existence of the subject structures is concluded likely to have acceptable adverse effects on the foreshore dynamics, recreational and amenity values, natural character and maritime safety of the locality. In reaching this conclusion it is assessed that the structures are visually and functionally well-related to the property which they serve and are unlikely to detract from the operation of any nearby jetties, moorings or boatsheds. The submitted engineer's report has identified that the structures are in a reasonable condition and that no remedial works are required to them.

Relevant Statutory and Plan Provisions

6. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, Policies 6, 13, 15, 18 and 19 of the New Zealand Coastal Policy Statement 2010, and Objectives 7.1.2, 7.1.9, 7.2.7 and 8.1.2, and Policies 7.1.7, 7.2.8, 7.2.10 and 8.1.6 of the Marlborough Regional Policy Statement are of relevance to an evaluation of the proposal. In very broad terms those provisions seek to enable people and communities to sustainably use the resources of the Marlborough district while avoiding, remedying or mitigating adverse effects. It is concluded that the continued occupation of the coastal marine area with the structures, subject to conditions, would not be inconsistent with the relevant provisions.
7. Chapters 2, 8, 9 and 19 of the Plan contain objectives and policies of relevance to an evaluation of the proposal. Most notable of those are Policies 2.2.1.2, 8.3.1.2, 9.2.1.1.1, 9.2.1.1.3, 19.3.1.1 and 19.3.1.7, which in broad terms seek to manage the effects of coastal development on natural character, public access, the coastal marine area and water transport. It is concluded that the structures, subject to conditions, would not be inconsistent with the relevant provisions.

Part 2 Resource Management Act 1991

8. Having considered the matters of national importance, other matters and principles of the Treaty of Waitangi as required by Part 2 of the Resource Management Act 1991, it is concluded that the sole purpose of the said Act would be better achieved through a grant of resource consent.

Consent Duration and Lapse Date

- 9. A 15 year consent duration is consistent with sustainable management of the subject resource, noting that it is the consent holder's responsibility to ensure the structures are maintained in a sound condition during this time. As the structures are already in place a lapse date is superfluous. However, by function of section 125 of the Resource Management Act 1991 a lapse date is administratively necessary. A lapse period of two months is therefore imposed.

Recommended for approval:



.....
Peter Johnson
Resource Management Officer

Approved:



Anna Eatherley
Marlborough District Council Manager Resource Consents

27th August 2014
Date

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 conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).

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.
- 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.

Annotation History

Date	Reason for Amendment/Alteration
27/09/2019	Transfer of Permit from David Bryan De L Mare and Jayne Elizabeth De La Mare to James Alistair Hay Guild.

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

RESOURCE CONSENT: U220120

APPLICANT: James Alastair Hay Guild

LOCATION: Fence Bay, Queen Charlotte
Sound/Totaranui

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

Coastal permit to remove the first two bays of the existing jetty and to construct an 8 metre x 3.2 metre floating pontoon and a 7 metre x 1.2 metre aluminium gangway fronting Lot 43 DP 1196 in Fence Bay.

DECISION: **Granted**

RESOURCE CONSENT ISSUED:

Coastal Permit

Certificate of Resource Consent

Consent Holder:	James Alastair Hay Guild
Consent Type:	Coastal Permit
Consent Number:	U220120.01
Lapse Date:	1 June 2025
Expiry Date:	4 August 2029
Part 3, Section:	12

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Marlborough District Council **grants** the application for a coastal permit to remove the first two bays of the existing jetty (U140621) and to construct an 8 metre x 3.2 metre floating pontoon and a 7 metre x 1.2 metre aluminium gangway fronting Lot 43 DP 1196 in Fence Bay, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. Except insofar as required to comply with other conditions of this consent, the activity must be undertaken and remain in accordance with the application for Resource Consent U220120.
2. When undertaking construction, maintenance or repair work on the jetty extension the following must be complied with:
 - a) No contaminants (including petrol, oil, paint and sawdust) from the work may be released into the coastal marine area.
 - b) Any disturbance of the foreshore and seabed must be undertaken in a manner which minimises water turbidity.
 - c) All equipment and left over building material must be removed from the coastal marine area upon completion of work.
3. All external surfaces of the jetty extension must be:
 - a) A colour(s) within a reflectivity value range of 5% to 30% inclusive; and/or
 - b) A natural, weathered timber finish.

The colour/s chosen and their reflectivity value/s must be specified in the drawings submitted for building consent.
4. Except as may be required by the Harbour Master for the purpose of safe navigation, all external lighting on the jetty extension must be:
 - a) Hooded to prevent any light spillage above the horizontal plane of the light source; and
 - b) Directed away from roads so as to avoid any adverse effects on traffic safety.
5. Within 30 days of the date of completion of the construction of the jetty extension or the issuing of a Code Compliance Certificate under the Building Act 2004 (whichever comes

first), the consent holder must provide a minimum of 10 colour photographs to the Compliance Manager, Marlborough District Council which:

- a) Are taken within 30 days of being provided to the Compliance Manager; and
 - b) Depict the entire external appearance of the structure; and
 - c) Are sufficient to demonstrate compliance with the conditions of this consent.
6. The consent holder must ensure that the jetty is maintained in a tidy, safe and structurally sound condition at all times, including by carrying out regular inspection and maintenance of timber and bolted connections.
7. All external areas of the jetty including decking must not be used as a storage location for marine craft, recreational equipment or any other material or item.
8. The consent holder must allow any person to pass across and lawfully use the jetty without charge. The consent holder must not display any signage that deters people from using the jetty extension.
9. The jetty 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 jetty or accessing the jetty with a vessel for the loading/unloading of goods and people.
10. The land to which the structures relate is presently known as Lot 43 DP 1196 (the Land). This consent must not be transferred to any person other than an owner of the Land. In the event that the Land is sold or transferred to a new owner, this permit must within 3 months thereafter be either:
- a) Transferred pursuant to s135 of the Resource Management Act 1991 (including payment of any applicable administration fee) to the new owner of the land; or
 - b) Surrendered to the consent authority.
11. If any artefact and/or any historical, cultural or archaeological material of Maori origin or likely to have significance to Maori is found or uncovered whilst undertaking work authorised by this consent, the following must be complied with:
- a) Work must cease immediately, the area must be secured and any uncovered material must remain untouched;
 - b) Advice of the discovery must be given within 48 hours to the resource management officer of the relevant iwi, to Council and to Heritage New Zealand; and
 - c) Work may not recommence until the approval of the relevant local iwi, Heritage New Zealand and Council are all obtained.
12. In accordance with Section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent, for the specified purposes identified in section 128(1), including for the purpose of ensuring the adverse effects upon the following matters are adequately avoided, remedied or mitigated:
- (a) Maritime safety; and/or
 - (b) Recreation values; and/or
 - (c) Public access; and/or
 - (d) Amenity values.

Notice of review for these purposes may be given during the months of January to December (inclusive) of any year for the duration of this consent.

13. Unless a replacement resource consent is applied for and granted, the consent holder, at the consent holder's expense, must have removed the structures from the coastal marine area prior to the following events, whichever is first in time, and they must provide written confirmation of this to the Compliance Manager, of Marlborough District Council within two weeks of completion of the removal:
 - (a) Expiry of the resource consent; or
 - (b) Surrender of the resource consent; or
 - (c) The structures becoming derelict or abandoned.

Advice Notes

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to monitoring@marlborough.govt.nz.
2. The consent holder shall be required to pay the administrative charge or charges incurred in respect to inspections and monitoring of the structures and compliance with the conditions of consent.
3. At expiry of the resource consent it is a breach of section 12 of the RMA 1991 for the structures to remain in the Coastal Marine Area. The consent holder must ensure their removal to avoid the risk of enforcement action.

Reasons

Proposal

1. The applicant seeks resource consent to remove the last two bays (approximately 6 metres) of the existing jetty and construct a new 8.0 metre x 3.2 metre floating pontoon on the seaward end, with a 7.0 metre gangway linking the existing jetty and the new floating pontoon.
2. The existing jetty is approximately 24.5 metres long and 1.8 metres wide. The floating pontoon will be located perpendicular to the existing jetty and the completed structure as proposed will project out seawards by a further 3.0 metres overall. The floating pontoon will be of timber construction and is proposed to be held in place with concrete anchor blocks and chain.

Background

3. Resource consent U140621 was granted on 27 August 2014 for a new coastal permit (replacing U990641) for an existing jetty, boatshed, slipway and seawall at the site. U140621 expires on 4 August 2029.

Description of Existing and Surrounding Environment

4. The site is located on the southern side of Fence Bay. Around this stretch of coastline there are several sections, most with holiday properties and associated coastal structures including jetties, boatshed and slipways. Except for the applicant's own mooring, there are no other moorings near the site. The nearest coastal structure is located approximately 90 metres to the northeast.

Activity Status

Proposed Marlborough Environment Plan (the Proposed Plan)

5. The site is zoned Coastal Marine in the Proposed Plan. The activity requires consent as a discretionary activity under Rule 16.6.3.

Notification and Affected Parties

6. The application was processed on a limited notified basis for reasons separately recorded. No submissions were received in respect of the application.

Assessment of Effects

7. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, the proposal, subject to conditions, is concluded to be likely to have acceptable adverse effects on the existing ecological values, maritime safety, natural character, landscape values, water quality, recreational values (including public access) and amenity values of the immediate locality. In reaching this conclusion it is assessed that the proposed jetty extension is broadly consistent with the established character and amenity of the area. In terms of positive effects, it is assessed that the structure will facilitate safe and convenient boat access to the property at all states of the tide and associated recreational use of the marine area.

Relevant Statutory and Plan Provisions

8. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, Policies 2, 6, 13, 15, 18 and 19 of the New Zealand Coastal Policy Statement 2010; Objectives 7.1.2, 7.1.9, 7.2.7 and 8.1.2 and Policies 7.1.7, 7.2.8, 7.2.10 and 8.1.6 of the Marlborough Regional Policy Statement; Policies 2.2.1.2, 6.1.2.1.4, 8.3.1.2, 9.2.1.1.1, 9.2.1.1.3, 9.2.1.1.10, 12.3.1.4, 19.3.1.4 and 19.3.1.7 of the Plan; and Policies 13.10.3 to 13.10.17 of the Proposed Plan are of relevance to an evaluation of the proposal. Within the

context of the site it is concluded that the proposal, subject to conditions, is consistent with the identified provisions.

Part 2 Resource Management Act 1991

- 9. Having considered the matters of national importance, other matters and principles of the Treaty of Waitangi as required by Part 2 of the Resource Management Act 1991, it is concluded that the sole purpose of the Act would be better achieved through a grant of resource consent, subject to the conditions specified.

Consent Duration and Lapse Date

- 10. Section 123 of the Resource Management Act 1991 requires that every coastal permit have an expiry date. In this case the proposed jetty relies for its existence on the continuation of the existing structures at the site. The existing structures have a consent expiry date of 4 August 2029. Therefore, the same expiry date for this consent is consistent with sustainable management.
- 11. A three year lapse period to 1 June 2025 enables an ample length of time to give effect to the consent while also recognising that coastal space is a public resource and should be effectively used without unreasonable delay.

Recommended for approval:



.....
Fliss Morey
Environmental Planner

Approved:



20 May 2022

.....
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



The Department recommends that you contact the Department of Conservation Office closest to where the activity is proposed to discuss the application prior to completing the application forms. Please provide all information requested in as much detail as possible. Applicants will be advised if further information is required before this application can be processed by the Department.

This form is to be used when the proposed activity is the building or use of any private or commercial facility or structure on public conservation land managed by the Department of Conservation. Examples may include lease of land to erect an information centre; authorisation to erect a weather station; or construct or lease a private/commercial campground or lodge. This form is to be completed in conjunction with either Applicant Information Form 1a (longer term concession) or Applicant Information Form 1b (one-off concession) as appropriate.

Please complete this application form, attach Form 1a or Form 1b, and any other applicable forms and information and send to permissions@doc.govt.nz. The Department will process the application and issue a concession if it is satisfied that the application meets all the requirements for granting a concession under the Conservation Act 1987.

If you require extra space for answering please attach and label according to the relevant section.

A. Description of Activity

Please describe the proposed activity in detail – where the site is located, please use NZTM GPS coordinates where possible, what you intend to use the building for, whether you intend to make any changes to the infrastructure.

Please include the name and status of the public conservation land, the size of the area for which you are applying and why this area has been chosen.

If necessary, attach further information including a map, a detailed site plan and drawings of proposal and label Attachment 3b:A.

Background

The site is located on the southern shore of Fence Bay, Queen Charlotte Sound. The applicant's property is zoned for residential purposes and is boat access only.

The applicant's property is legally described as Lot 43 Deposited Plan 1196 and is more or less 9,075 square metres in size.

The property contains an existing dwelling with fixed jetty, floating jetty, linkspan (gangway), boatshed, slipway, fixed timber decking, shed, concrete seawall and stairs located directly below the dwelling in the coastal marine zone. The remainder of the property is in native regenerating bush. The surrounding environment predominantly comprises coastal ribbon large lot residential properties, like that of the applicant's property.

The applicant's property suffered some localised slumping at the foreshore following the August 2022 storm event. This slumping knocked part of the existing concrete seawall, boatshed and slipway foundations forward - refer photos **attached**.

The Proposal

The applicant has resource consents which cover the existing fixed jetty, floating jetty, gangway, boatshed, slipway, concrete seawall, timber decks and stairs on the Sounds Foreshore Reserve (SFR).

Refer U140621 for existing jetty, boatshed, slipway and seawall fronting Lot 43 DP 1196) and U220120 for coastal permit to remove the first two bays of the existing fixed jetty and to construct an 8.0 metre x 3.2 metre floating pontoon and a 7.0 metre x 1.2 metre aluminium gangway fronting Lot 43 DP 1196.

Copies of both Decisions are **attached to Form 1b**.

These foreshore structures are sited directly below the established dwelling. The applicant holds existing SFR Licences for foreshore structures and access provision over the SFR (refer NM-30804-SFR. Copy of signed Transfer Notice **attached to Form 1b**.

Unfortunately, the August 2022 storm event caused localised slumping at the foreshore of the property behind the seawall and boatshed which pushed the existing seawall, boatshed and slipway forward - refer photos **attached**.

Engineers have been to site to assess the damage and the decision has been made to remove the existing boatshed and slipway and build a new boatshed and slipway facility to the east, closer to the existing jetty facility. The new boatshed will be constructed slightly distant from the shore to create a movement buffer.

Access to the new boatshed will be via a small gangway from the timber deck adjacent. Additional rock

revetment work has also been recommended behind the boatshed and a section of new access pathway will be sited on top of the rock revetment. Sections of the existing timber decking will be removed to allow the damaged concrete seawall to be removed and new rock revetment works to be undertaken from barge. Timber decking will then be reinstalled to allow a 1.8 - 2.0 metre wide thoroughfare to the new boatshed gangway, tying into the existing path network servicing the applicant's dwelling above. Refer photos **attached**.

Overall, the proposed activity includes the following aspects:

- Removal of the existing consented boatshed & slipway
- Removing the timber decking above the concrete seawall to allow access remove existing concrete seawall and to install additional rock revetment (from barge)
- Construct a new 13m long rock revetment structure to replace a section of the existing concrete seawall along the front of the property
- Re-installing timber decking above the new rock revetment at 1.8 metres to 2.0 metres width leading to the new boatshed and gangway
- Constructing pile foundations to site a new 6.0 metre wide by 7.1 metre long boatshed connected to shore by a new aluminium gangway. The new boatshed will be 4.5 metres in height at building apex with a 3.5 metre wide sectional door in the front to allow a vessels up to 6 metres to enter and be stored once it is brought up the new slipway
- Installing a new 9.0 metre long by 3.0 metre wide slipway (floating type) fronting the new boatshed; and
- Constructing a 2.0 metre timber deck fronting the boatshed and a 2.0 metre wide deck along the eastern side of the new boatshed.

Matters requiring DOC consideration:

This proposal amounts to a reduction of foreshore structures on the SFR by approximately 50%. The obvious benefit is that the existing damaged concrete seawall will be removed as part of the project. Specifically, the parts of the project now affecting the SFR are:

- **The construction of a 13-15m long rock revetment wall directly behind the boatshed to assist with land stability and access going forward; and**
- **Replacement of timber decking to connect into new rock revetment works and new linkspan to new boatshed (approximate length from bottom of steps from dwelling is approximately 8m.**

Refer SENG Engineering Consultancy Layout Plan and concept plans **attached**.

B. Alternative sites considered

If your application is to **build, extend or add** to any permanent or temporary structures or facilities on public conservation land, please provide the following details:

- Could this structure or facility be reasonably located outside public conservation land? Provide details of other sites/areas considered.
- Could any potential adverse effects be significantly less (and/or different) in another conservation area or another part of the conservation area to which the application relates? Give details/reasons

N/A.

C. Larger area

Is the size of the area you are applying for **larger** than the structures/facility **NO**

If **yes**, please detail the size difference in the box below, and answer the following 3 questions, if **no** please go on to the next section:

Is this necessary for safety or security purposes? **YES / NO**

Is this necessary as an integral part of the activity? **YES / NO**

Is this essential to carrying on the activity? **YES / NO**

If the answer to any of the above is yes, please provide details and attach supporting evidence if necessary and label Attachment 3b:C.

D. Exclusive possession

Do you believe you need **exclusive possession** of the public conservation land on which your structure/building is located, ie no one else can use the land during your use of it? **YES**

(Exclusive occupation requires a lease which requires public notification of the application)

If **yes**, please answer the following 3 questions, if no please go to the next section:

Is exclusive possession necessary to protect public safety? **YES**

Is exclusive possession necessary to protect physical security of the activity? **YES**

Is exclusive possession necessary for the competent operation of the activity? **YES**

If the answer to any of the above is yes, please provide details and attach supporting evidence if necessary and label Attachment 3b:D.

The applicant will need to lock the boatshed facility for safety and security reasons.

E. Technical Specifications (for telecommunications sites only) N/A.

Frequencies on which the equipment is to operate

Power to be used (transmitter output)

Polarisation of the signal

Type of antennae

The likely portion of a 24 hour period that transmitting will occur

Heaviest period of use

F. Term

Please detail the length of the term sought (i.e. number of years or months) and why.

Note: An application for a concession for a period over 10 years must be publicly notified, an application for a concession up to 10 years will not be publicly notified unless the adverse effects of the activity are such that it is required, or if an exclusive interest in the land is required.

10 years is suitable.

G. Bulk fuel storage

Under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) 'Bulk fuel storage' is considered to be any single container, stationary or mobile, used or unused, that has a capacity in excess of 250 litres of Class 3 fuel types. This includes petrol, diesel, aviation gasoline, kerosene and Jet A1. For more information on Hazardous Substances, go to:

<http://www.business.govt.nz/worksafe/information-guidance/legal-framework/hsno-act-1996>

Do you intend to store fuel in bulk on the land as part of the activity?

NO

If you have answered yes, then please provide full details of how and where you intend to store the fuel, and label any attachments including plans, maps and/or photographs as Attachment 3b:G. If your concession application is approved you will be required to provide a copy of your HSNO compliance certification to the Department before you begin the activity.

H. Environmental Impact Assessment

This section is one of the most important factors that will determine the Department’s decision on the application. Please answer in detail.

In column 1 please list all the locations of your proposal, please use NZTM GPS coordinates where possible. In column 2 list any special features of the environment or the recreation values of that area. Then in column 3 list any effects (positive or adverse) that your activity may have on the values or features in column 2. In column 4 list the ways you intend to mitigate, remedy or avoid any adverse effects noted in column 3. Please add extra information or supporting evidence as necessary and label Attachment 3b:H.

Refer to Steps 1 and 2 in your Guide to Environmental Impact Assessment to help you fill in this section.

Location on public conservation land	Special feature or value	Potential effects of your activity on the feature or value (positive or adverse)	Methods to remedy, mitigate or avoid any adverse effects identified
<i>EG: Tararua Forest Park</i>	<i>Northern rata - threatened species</i>	<i>Damage to the plants by construction</i>	<i>Brief construction and maintenance staff of the location and importance of the species; clearly tape off areas with the species to avoid damage</i>
Refer RCA Assessment of Effects for recent resource consent application attached .			<p>The applicant proposes removing damaged structures in and fronting DOC managed SFR, then building new access provision, boatshed and slipway closer to their existing jetty facility, directly below their established dwelling.</p> <p>Removing damaged foreshore structures and improving access provision will benefit the applicant and other users alike.</p>

I. Other

Is there any further information you wish to supply in support of your application? Please attach if necessary and label Attachment 3a:I.

1. Copy of AEE for replacement structures and subsequent Council Decision (Granting consent) – refer U230785.
2. Site layout Plans showing access provision to new facility.

From: [RMA](#)
To: [Gavin Cooper](#)
Cc: [Kaja Mazzotti-Vetter](#)
Subject: RE: James Guild RCA - replacement foreshore structures, Fence Bay, Tataranui
Date: Friday, 15 December 2023 1:40:02 pm
Attachments: [image001.png](#)
[S95E RC3144 JAH Guild - APA Letter.pdf](#)

Kia Ora Gavin,

A request for S95E Written Approval from James Alastair Hay Guild was sent to RMA@doc.govt.nz on 27th November 2023, and we are pleased to advise that Approval is granted regarding the described activity.

Please find attached to this email the Approval Letter. If you have any questions regarding this approval, please contact RMA@doc.govt.nz using the reference number given to this letter.

Ngā mihi

Grace Taylor
Statutory Process Support Officer

RMA
Department of Conservation | Te Papa Atawhai

www.doc.govt.nz



From: Gavin Cooper [REDACTED]
Sent: Monday, November 20, 2023 10:33 AM
To: permissions <permissions@doc.govt.nz>; Kaja Mazzotti-Vetter <kvetter@doc.govt.nz>
Subject: James Guild RCA - replacement foreshore structures, Fence Bay, Tataranui

Dear Sir/Madam & Kaja,


Please find **attached** draft resource consent for James Guild for replacement foreshore structures that were damaged during the August 2022 storm event.

In time we will prepare the DOC Licence applications for the new structures.

Give me a call if you have any queries in the interim.

Regards

Gavin Cooper
GDC Consulting (2010) Limited



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DOC Ref: RC3144

Date: 15 December 2023

James Alastair Hay Guild
c/- Gavin Cooper
GDC Consulting



Dear Gavin,

Request for Approval s95E Resource Management Act 1991:

Application from James Alastair Hay Guild to remove existing boatshed, slipway, decking above concrete seawall at Lot 43 Deposited Plan 1196 Queen Charlotte Sound. Then to install additional rock revetment in front of concrete seawall, re-install timber deck above new rock revetment, construct pile foundations to site, construct new slipway and timber deck fronting the boatshed.

I have considered your request for written approval in terms of s95E of the RMA and am pleased to advise that I grant my approval as an affected person. This approval is granted on the basis that the proposal is as described, for the purposes described, and will have the effects on the Department of Conservation's interests as described in the application dated 20th November 2023. This approval is limited to the likely adverse effects of the proposal on the Department's interests and should not be construed as approval to effects on the environment generally.

This approval is specific to the above application and is for the purposes of s95E of the RMA only. It is not indicative of any associated concession or other statutory approval which may be required from the Department relating to this proposal. This approval will be rendered null and void if the proposal to which it refers is changed between the date of this letter and its consideration by the consent authority without referral back to me for my further assessment.

If you have any questions regarding this approval, please contact RMA@doc.govt.nz

Yours sincerely

Trevor Ellis
Resource Management Regulatory Delivery Manager