



**MARLBOROUGH
DISTRICT COUNCIL**

RESOURCE CONSENT APPLICATION

U200491

Andrew John and Diane Michelle Prow

Ruakaka Bay, Queen Charlotte Sound/Tōtaranui

Submissions Close

5.00 pm Wednesday 22 July 2020

Bea Gregory-5252

From: RCInbox
Sent: Monday, 8 June 2020 4:40 PM
To: RCInbox
Subject: An Application has been submitted



New resource consent application received

An application for a new resource consent has been received by Council on 08/06/2020

Applicant(s): Andrew John Prow, Diane Michelle Prow

Consent(s) applied for: Coastal Permit - Structure, Coastal Permit - Mooring

[Download](#) and review the application.

[View the application online.](#)

Version 0

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Application for Resource Consent

Applicant details

Application for Resource Consent

Sections 88 and 145, Resource Management Act 1991

To

Marlborough District Council

Applicant

I,

Andrew John Prow

828 Otaki Gorge Road
Hautere
Otaki 5582

c/- 027 5735614
gavin.cooper@xtra.co.nz

Diane Michelle Prow

828 Otaki Gorge Road
Hautere
Otaki 5582

c/- 027 5735614
gavin.cooper@xtra.co.nz

Apply for the following type(s) of resource consent

Coastal

Agent

GDC Consulting (2010) Limited

PO Box 32
Picton 7250

Gavin Cooper

0275735614

gavin.cooper@xtra.co.nz

Project reference

Prow - Coastal Permits

Property details

Site and location details

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

Site address

Ruakaka Bay
Queen Charlotte Sound

Legal description

Lot 1 DP 11846

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 Applicants property is located in Ruakaka Bay, Tootaranui. For all intents and purposes, the property is boat access only.

The property comprises a land area of more or less 52.4852 hectares and is covered in native bush for the most part. A copy of the Certificate of Title is **attached**.

The land in this area rises steeply from a rocky foreshore to a ridge 300 metres above sea level. Vegetation cover is predominantly regenerating scrub.

The bay where the foreshore structures are proposed to be located in faces south.

The property is not currently serviced by any boatshed, jetty or moorings, although we note that consent was held up until Nov 2018 for a boatshed and jetty in the same embayment as this proposal (ref U031050).

Owners and occupiers of the application site

Applicant is the only owner and occupier?

Yes - the applicant is the only owner and occupier

Proposed activity

Description of the activity

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

The applicant seeks permission to construct a boatshed, deck, ramp, floating pontoon jetty (floating jetty) and associated linkspan fronting Lot 1 DP 11846.

The boatshed will measure: 12 metres by 6 metres, sitting on a wooden deck platform with access around the boatshed for foot traffic.

The floating jetty will measure: 10 metres by 3 metres.

The associated linkspan will measure: 9 metres by 1.2 metres.

The applicant also seeks permission to install a traditional chain and rope swing mooring using a 4 tonne concrete block, chain and nylon rope to cater for vessels up to 10.6 metres in length. The Mooring would be laid in front of the applicants property (Lot 1 DP 11846). The following site conditions and swing radius would apply:

Depth at MLW (m): 8.25

Length of Tackle (m): 25

Length of Vessel (m): 10.6

Swing Circle Radius (m): 25

A completed Mooring Specification sheet is **attached**.

A set of concept plans showing the proposed foreshore structures and mooring position is **attached**.

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

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

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

Are there permitted activities that are part of this application?

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

Additional resource consents

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

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

Consent summary

I apply for the following resource consents.

Consent information

Structures

Consent type

Coastal

Subcategory type

Structure

Description of consent being applied for

To construct a boatshed, deck, ramp, floating jetty and associated linkspan fronting Lot 1 DP 11846.

- The boatshed will measure 12 metres by 6 metres and sit on a wooden platform (deck) with access around the boatshed for foot traffic
- The floating pontoon jetty will measure 10 metres by 3 metres; and
- The linkspan will measure 9 metres by 1.2 metres

A set of concept plans are **attached**.

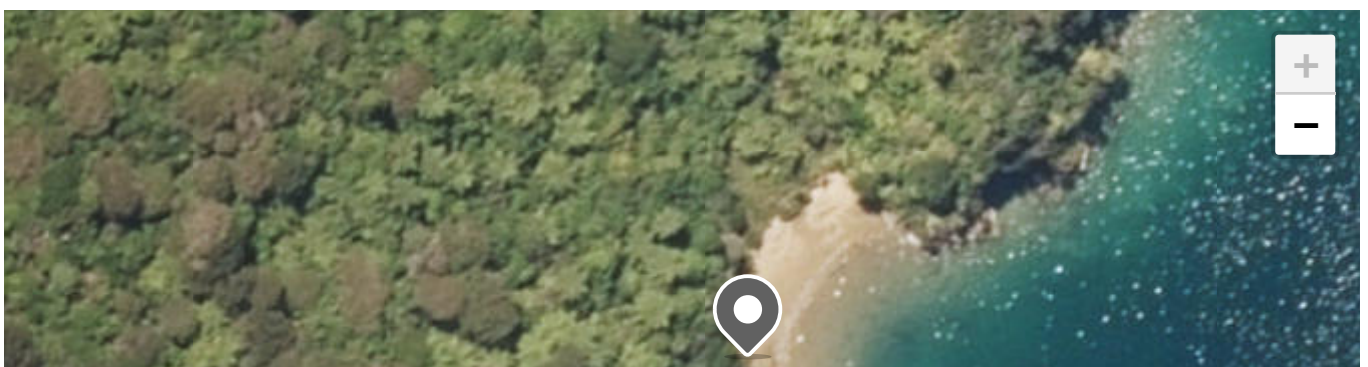
Location of the consent

Easting

1693981.784

Northing

5438830.781





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 boatshed, deck, ramp, linkspan and floating jetty are all **Discretionary Activities** as per:

1. Rule 35.4 bullet point 7; standard 35.4.2.2.1 – “floating structures”
2. Rule 35.4 bullet point 15; standard 35.4.2.7 “occupation of the coastal marine area.”

Proposed Marlborough Environment Plan:

The boatshed, deck, ramp, linkspan and floating jetty are all **Discretionary Activities** as per:

1. Rules 16.6.3, 16.6.4 and 16.6.5 "Jetties, Boatsheds and Slipways"

Assessment of Effects on the Environment (AEE)

Clause 6 - Information required in assessment of environmental effects

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

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

Provision not relevant

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

With regards to potential effects on the environment from the proposed boatshed, deck, ramp, floating jetty and other ancillary foreshore structure works, the following matters have been addressed:

The Effect of the Activity on Marine Ecology

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

This part of the Coastal Marine Area is not identified in the Marlborough Sounds Resource Management Plan or Proposed Marlborough Environment Plan as having any specific importance from a marine habitat point of view.

The Effect of the Activity on Foreshore Dynamics

The new boatshed, deck, ramp, floating jetty and associated structures will be similar in design to other foreshore structures in the area. Installation will not affect tide or currents to any extent. The platform and floating jetty will however provide some further protection to the immediate foreshore and intertidal area to the north-east of the jetty from southerly winds and wave fetch.

The new structures will not inhibit tidal flow to any extent.

The Effect of the Activity on Recreational Values & other Moorings

The proposed foreshore structures are along a coastal area (the applicants boundary) where there are currently no other structures or moorings which could be affected by the proposed activity. Given this, it is considered that the effects of the activity on recreational values will be no more than minor.

The Effect of the Activity on Navigational Safety

The proposal does not extend any further out into the bay than others in the wider bay area and does not protrude into any recognised navigable routes. In any event, vessels travelling within 200 m of shore must be moving at 5 knots or less. This speed restriction 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 point of view, the existing local boatsheds, decks and floating jetties have been part of the landscape in the Ruakaka Bay for many years, however, it is accepted that any built structure is likely to have some effect on the visual landscape. The Applicant acknowledges that Council may set a condition requiring the structures to be kept in a safe and structurally sound condition going forward.

The proposal is not likely to affect any terrestrial vegetation.

The Effect of the Activity from Construction

Noise

All construction activity has a noise element.

The greatest amount of noise is likely to come from the piling operation during pile installation, but this will only be for part of a day.

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

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

Access

During construction works, access to the immediate area will be restricted for safety reasons, however, this will be short-term and should not be a problem for the public given the inaccessibility of the Applicant's site to the general public.

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,

Te Atiawa

Department of Conservation

6.1(f cont.) any consultation undertaken,

The Applicant has circulated a copy of the draft Application to Department of Conservation's Picton Office.

The Applicant's agent has met with staff at Te Atiawa on 5 July 2020.

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

The applicants agent met with staff at Te Atiawa on 5 June to discuss the proposal in general.

6.1(f cont.) and any iwi consultation undertaken

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 communicated with Te Ātiawa o Te Waka-a-Māui representatives.

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

Provision not relevant

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

Provision not relevant

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

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

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

The proposal will not affect any other person in the neighbourhood or wider community.

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

From a local visual amenity point of view, boatsheds and floating jetties have been part of the landscape in the bay for many years, however, it is accepted that any built structure is likely to have some effect on the visual landscape. A condition has been suggested requiring the structures be kept in a safe and structurally sound condition going forward.

It is not envisaged that any terrestrial vegetation will be disturbed around the immediate area of the boatshed and deck extensions. All of the proposed works will occur in the coastal marine area.

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

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

This part of the Coastal Marine Area is not identified in the Marlborough Sounds Resource Management Plan or Proposed Marlborough Environment Plan as having any specific importance from a marine habitat point of view.

Construction of the structures will require some minor disturbance to the inshore seabed during piling. Whilst this construction activity will cause some disturbance, construction will only take about a day and seabed disturbance will settle down quickly following completion of work.

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

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 facility 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.
3. Construction must be completed within 24 months of the commencement.
4. Not later than three months following the substantial completion of the facility, the consent holder must submit to the Compliance Manager, Marlborough District Council, not less than ten colour photographs of the facility. Such

photographs must be taken from different viewpoints around the facility.

5. Following construction, the consent holder must ensure that all parts of the facility are maintained in a tidy, safe and structurally sound condition at all times.
6. The consent holder must allow any person to pass across and lawfully use the jetty and deck without charge.
7. The jetty 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 entire jetty or accessing the jetty with a vessel for the loading/unloading of goods and people.
8. The land to which the structures relate is presently known as Lot 1 DP 11846 (the Land). This coastal permit must not be transferred to any person other than an owner of the Land. In the event that the current consent holder ceases 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 a transfer shall have no effect until Council is notified in accordance with section 135 of the Resource Management Act 1991.
9. In accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent for the purpose of ensuring that adverse effects on maritime safety and amenity values are avoided, remedied or mitigated. Notice of review for these purposes may be given during the months of January to December (inclusive) in any year for the duration of this consent.
10. Unless a replacement resource consent is applied for and granted, the consent holder, at the consent holder's expense, must remove the facility and all associated materials from the coastal marine area and provide written confirmation of this to the Compliance Manager, Marlborough District Council, within three months of any of the following events occurring:
 - a) The expiry of the resource consent; or
 - b) The consent being surrendered or cancelled; or
 - c) The structures becoming derelict or abandoned.

Consent information

Mooring

Consent type

Coastal

Subcategory type

Mooring

Description of consent being applied for

The applicants seek permission to install a chain and rope swing mooring using a 4 tonne concrete block to cater for vessels up to 10.6 metres in length.

A Site Plan and completed Mooring Specification sheet is **attached**.

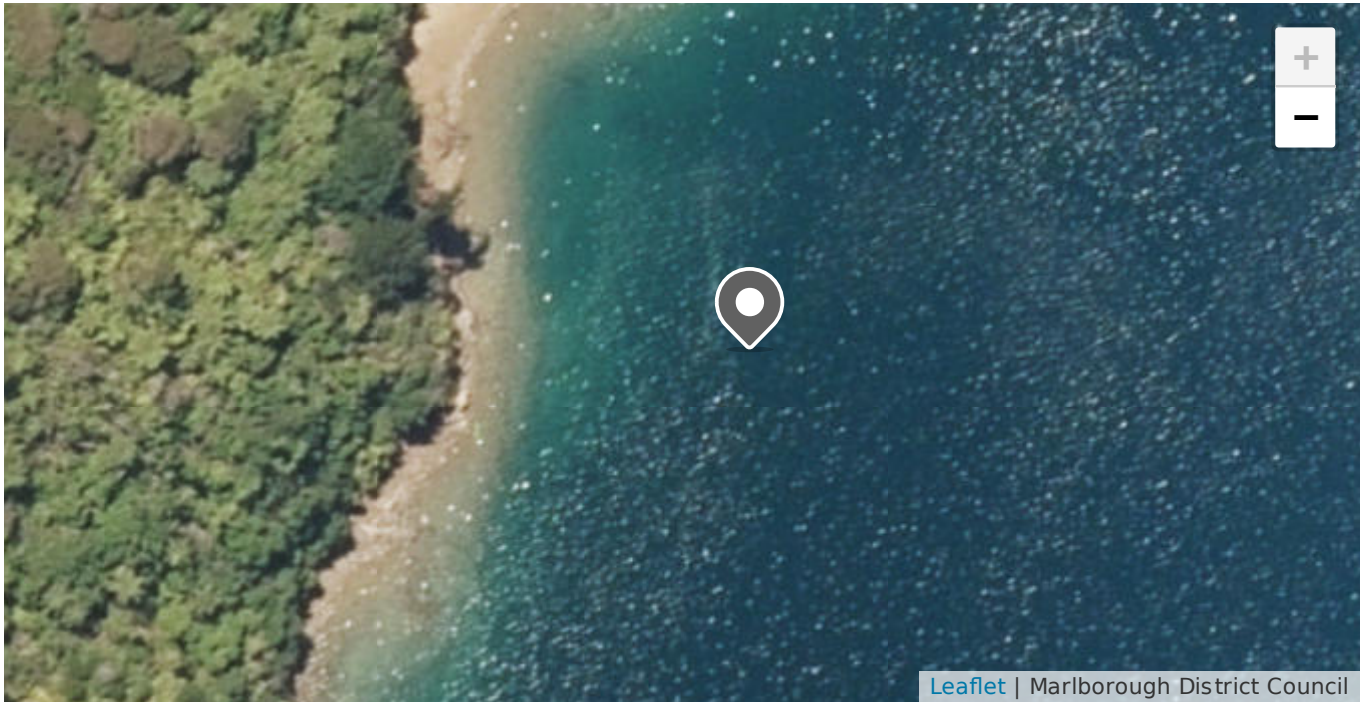
Location of the consent

Easting

1694025.44

Northing

5438797.972



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:

Rule 35.4.2.7 (occupation) and Assessment Criteria at 35.4.2.8 (assessment criteria for placement of swing moorings) applies. Installation of Moorings is a **Discretionary Activity**.

Proposed Marlborough Environment Plan:

Rule 16.6.2 applies. Installation of Moorings is a **Discretionary Activity**

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 permission to install a chain and rope swing mooring, using a 4 tonne concrete block to cater for vessels up to 10.6 metres in length.

It has been determined that a 10.6 metre vessel will be able to safely utilise the mooring at the proposed location without affecting any safe navigation routes into the Applicant's jetty.

Moorings are an expected and accepted requirement to safely moor vessels in this area of the Sounds.

The new mooring position should not cause any nuisance to local users as it is still located within 100 metres of shore.

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

Provision not relevant

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

Provision not relevant

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

Provision not relevant

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

The proposed location of the mooring will ensure that the vessel can moor safely without impeding access to the shoreline or the proposed adjacent jetty and associated boatshed.

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

The closest mooring to the proposed mooring site is located approx. 290 metres away to the east as the crow flies. It is difficult to see how they would be affected.

Tangata whenua have been contacted and a copy of the application sent to them.

6.1(f cont.) any consultation undertaken,

The Applicant has not spoken directly to anyone in the bay to date. However, a copy of the application has been circulated to DOC's Picton Office.

The Application has also been circulated to Resource Management staff at Te Atiawa's office in Waikawa Bay, Tataranui.

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

The Applicant has received the following response:

- No responses have been received to date.

6.1(f cont.) and any iwi consultation undertaken

The Application has been circulated to Resource Management staff at Te Atiawa's office in Waikawa Bay, Tataranui.

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

Provision not relevant

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

Provision not relevant

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

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

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

The proposed mooring will not have any further effect on those in the neighbourhood or wider community. There are no existing moorings in the vicinity of the proposed mooring site.

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

Although there are currently no moorings fronting the Applicants property, the wider bay has already been developed with foreshore structures, moorings and residential housing for some time. Given this residential ribbon development around the coastline, the proposed mooring will be visually in keeping with the receiving environment.

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

Other than the initial disturbance on laying of the anchor block, no other seabed disturbance is expected.

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

Council's Standard mooring conditions are acceptable.

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 Ruakaka Bay has already been altered by residential development along the coastline. Within the context of this environment, the influence of the proposal on the existing natural character and amenity values will be no more than minor.

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

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

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

Marlborough Sounds Resource Management Plan (MSRMP):

Neither the mooring area or adjacent land where the boatshed, decking, ramp, floating jetty and associated linkspan are proposed is 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.

Proposed Marlborough Environment Plan:

Neither the mooring area or adjacent land is 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:

The Proposed Marlborough Environment Plan has identified the site as being within a "high" status coastal natural character overlay. The Applicant notes that the land behind is regenerating native bush and agrees that it needs to be protected where possible. However, seen in context, Ruakaka Bay has been subdivided and developed into typical sounds properties, in this case, with only sea access. The installation of a new boatshed, deck, ramp, floating jetty, linkspan and mooring will not impact on the local native vegetation.

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

The proposed activities do not contain any features or provide for any activity beyond what is reasonable for the applicant to safely access the property using their vessel(s).

By way of explanation, the upgrade is required by the Applicant for several reasons:

- The property is sea access only
- There is a need to access the property in a safe manner during all weather conditions
- The Applicant must be able to moor its vessel safely and securely on an appropriately sized swing mooring.

The new structures will allow easier and safer access to the adjacent Sounds Foreshore Reserve for everyone going forward.

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

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

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

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 proposed development area.

6.1 (g) the protection of protected customary rights.

Provision not relevant

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

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

Mooring lines can simply be retensioned as part of any maintenance process.

Other than storms, no other concerns arise from natural hazards on the mooring.

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 tangata whenua for this area of Tōtaranui. A copy of the Application will be sent to their office in Waikawa Bay to review.

7.1 (aa) the ethic of stewardship:

Provision not relevant

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

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

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

Provision not relevant

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

The foreshore structures and mooring will also appear no different to many others in Totaranui.

The proposal will allow the applicant to safely provide access to their property in all weather while maintaining local amenity values.

7.1 (d) intrinsic values of ecosystems:

Provision not relevant

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

The proposed proposed structures and their associated activities have been designed to maintain the quality of the receiving environment.

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

Sufficient space is available to locate the boatshed, deck, ramp, floating jetty and swing mooring and the applicant considers the proposal makes efficient use of the space available.

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

Provision not relevant

7.1 (i) the effects of climate change:

Sea Level Rise is now entering mainstream thought processes.

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

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 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 consent.

Assessment under the New Zealand Coastal Policy Statement

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

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

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 residential development and associated structures along much of the foreshore in Ruakaka 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.

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).

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

Assessment under the Marlborough Sounds Resource Management Plan

The following objectives and policies are relevant:

Chapter 2.2 Vol.1: Natural Character

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

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

Assessment: The natural character of the wider receiving environment has been altered through historic and residential development. Within the context of this environment, the influence of the proposal on the existing natural character and amenity values will be no more than minor. 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 and associated swing mooring will not significantly hinder or restrict public access in or along the Coastal Marine 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 safe and practical access to the applicants property while not over impinging on the use of public space. 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 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 proposed swing mooring position.

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

Assessment under the Proposed Marlborough Environment Plan

The following objectives and policies are relevant:

Chapter 3 - Tangata Whenua

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

Assessment: The applicant acknowledges the Te Tau Ihu Statutory Acknowledgement provisions and recognises that the application will be circulated to the relevant iwi through an agreed process with Marlborough District Council.

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 foreshore structures and mooring will not inhibit public access to and along the coast and will provide enhanced access for the applicant and other users to the Marlborough Sounds environment.

Chapter 13 - Use of the coastal environment and the allocation of Coastal Space.

Objective 13.8 – Efficient use of the coastal marine area where there is competing demand to occupy coastal space for swing moorings.

Policy 13.9.3 – Swing moorings should be sited to avoid the risk of collision with a boat on an adjacent swing mooring.

Policy 13.9.4 – The use of a mooring shall be limited to the size and displacement of boat for which consent was granted.

Policy 13.9.5 – Moorings shall be maintained and marked in a way that protects navigational safety, including by providing and maintaining adequate buoyage and anchoring systems.

Assessment: The mooring has been designed to ensure that:

- The risk of collision with a boat on any adjacent swing mooring is avoided
- The mooring is sized to the boat for which application is applied for
- The mooring promoted will minimise disturbance to the seabed; and
- The mooring will be maintained to ensure that it protects navigational safety.

Overall, the proposed development is considered to be consistent with the relevant objectives and policies of the Proposed Marlborough Environment Plan.

Additional information

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

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

No - this application does not relate to an existing consent

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

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

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

Additional information required for subdivision consent

Does your application include one or more consents for subdivision?

No

Additional information required for application for reclamation

Does your application include one or more consents for reclamation?

No

Plans and technical reports

Report type	Report title	Author	External reference	Keywords	Document
Miscellaneous	Concept Plans	Tory Channel Contracting Limited	-	-	Final Plans.pdf (2 MB)
Certificate of Title	-	LINZ	-	-	CT.pdf (105 kB)
Site Plan	Site Plan	Tory Channel Contracting	-	-	Site Plan.pdf (680 kB)
Miscellaneous	MDC Mooring Specification Sheet	MDC & Applicant	-	-	Mooring Specification sheet.pdf (2 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

00KX7R

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

Agent

If refunds are applicable, please refund

Agent

Fee comments

-

Declaration

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

Yes

Authorised by (your full name)

Gavin Cooper for GDC Consulting (2010) Limited

Authorising person is:

Person authorised to sign on behalf of the applicant

Note to applicant

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

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

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

If your application is to the Environment Protection Authority, you may be required to pay actual and reasonable costs incurred in dealing with this matter (see section 149ZD of the Resource Management Act 1991).

Privacy information

The information you have provided on this electronic form is required so that your application can be processed and so that statistics can be collected by Council. The information will be stored on a public register and held by Council. Details may be made available to the public about consents that have been applied for and issued by Council. If you would like access to or make corrections to your details, please contact Council.

Applicant Name: A & D PROW**INFORMATION TO SUPPORT AN APPLICATION
for Swing or Stern-tie Mooring (mandatory information)**

This additional application form is required to be provided to supplement the Application for a Resource Consent.

Introduction

It is the applicant's responsibility to provide an accurate description of the proposal, including the mooring coordinates and the length and type of vessel to be moored. Such details are essential to the understanding of the environmental effects of the activity. The **precise coordinates and water depth (at Mean Low Water Springs) of the mooring site** are particularly important.

Any vessel using a swing mooring will traverse a circle centred on the mooring block. The size of this 'swing circle' varies from mooring to mooring, depending on the water depth, tackle length and vessel length. Council will calculate the swing circle from the information provided on this form.

1(a) Coastal Permit Details

Do you currently hold a coastal permit for a mooring that is due to expire?

Yes

Please state the permit number (i.e. U180796):

Please state the mooring number:

Please state when was the mooring last inspected:

No

Is there a mooring number for the unconsented mooring? Yes No

If yes, please state the mooring number:

1(b) Mooring Details

The mooring type is:

Swing (chain and rope tackle)

Elasticated system (i.e. Marine Flex)

Stern-tie

Pole

Star

Other (please specify):

Mooring block coordinates:

Easting: 1694025

Northing: 5438797

New Zealand Transverse Mercator 2000 (NZTM2000) coordinates take the format of a paired seven digit Easting and Northing (for example E1684391, N5428720).

Stern-tie mooring:

Stern-tie point coordinates (sea):

Easting: *N/A*

Northing: *N/A*

Stern-tie point coordinates (land):

Easting:

Northing:

What do the tie back point(s) comprise (sea and land)?

If the mooring is to be a stern-tie mooring, please also provide a description of what it is, be it a mooring block, pile, post or some other attachment point in the sea or on land. A tree or tree stump is unlikely to be acceptable to Council.

Water depth at the mooring site at Mean Low Water Springs (MLWS):

8.25m

Water depth at the mooring site at Mean High Water Springs (MHWS):

8.25m + 1.65m - 1.80m

Weight of the mooring block (if known):

4T.

Total length of tackle (chain and rope) from mooring block to vessel:

APP 25m

Will the mooring be constructed to accord with Council's 'Mooring Construction Guidelines'? Yes No

BUT BIGGER

If no, please attach a report prepared by a chartered professional engineer which demonstrates that the mooring has been designed to, as far as possible, securely moor the vessel to the seabed in all weather conditions. (The guidelines are provided as Appendix 1)

- 2 BLOCK

PROPOSED

1(c) Vessel Details

The vessel to be moored is:

Pleasure boat

Commercial vessel

Marine farming or fishing vessel

Barge or working platform

Swimming platform

Other (please specify):

Maximum length of vessel proposed to use the mooring: *10.5m*

If more than one vessel will use the mooring, specify the length of the largest vessel. The resource consent, if granted, will be for the length of vessel specified in the application. To moor a vessel exceeding the consented length will require a further application to Council to do so.

Vessel name(s) (if known):

Emergency contact details:

In case of the vessel slipping free of its mooring or other incident concerning the mooring.

Contact Name: *ANDREW & DIANE PROW*

Contact Phone: *c/- gavin cooper 027 573 5614*

2(a) Mooring Used For

The mooring will be used:

- In association with nearby property Lot ... DP ... 11846
- In association with a commercial enterprise in the area
- Not in association with any nearby property or commercial enterprise
- As a temporary and short-term 'stopover' or holiday mooring while visiting the area

Appendix 1

Mooring Construction Guidelines

These guidelines are not intended as a substitute for the need to address the particular seabed and weather conditions encountered at each individual mooring site. It is recommended that you consult a professional mooring provider and/or chartered professional engineer for site specific advice tailored for the vessel/s to be moored.

Be aware that risk cannot be completely eliminated in the mooring of a vessel.

Council does not accept any responsibility for any loss or damage which may occur as a consequence of the use of these guidelines or otherwise.

Construction Specifications

Mooring Class	Vessel Length	Block Weight	Ground Chain Diameter (mm)	Mooring Chain Diameter (mm)	Rope Diameter (mm)
Class A	Up to 6 metres	1 tonne	24	16	20
Class B	6 – 12 metres	2 tonnes	32	20	20
Class C	12 – 16 metres	3 tonnes	38	20	24
Class D	16 – 18 metres	4 tonnes	38	20	28
Class E	> 18 metres	Vessel specific design by a chartered professional engineer with experience in mooring structures.			

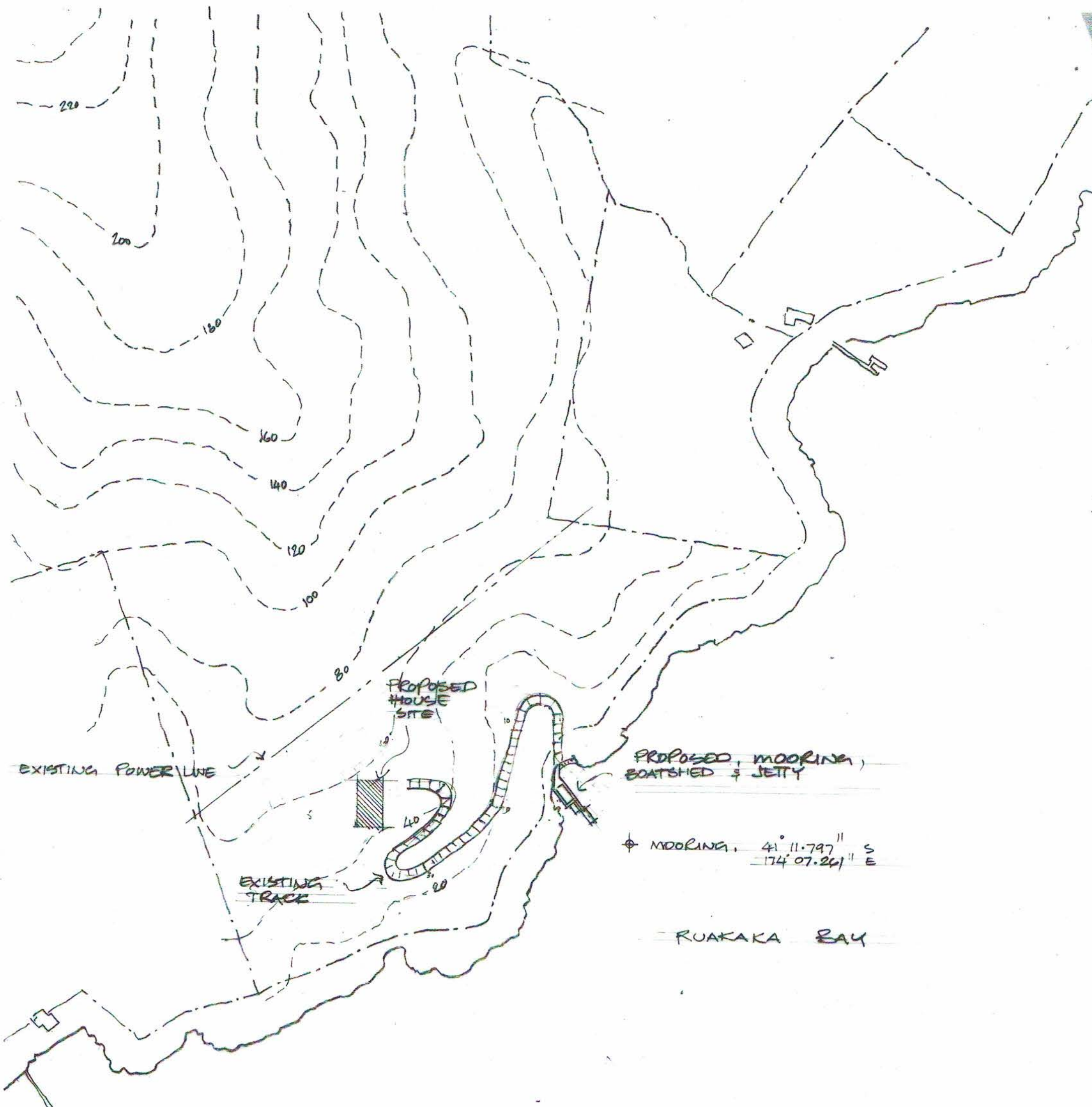
1. Shallow water moorings in a depth of 5 metres or less to be designed to suit with respect to these guidelines.
2. Total length of the chain to be the depth of water at mean high water springs with one third of this chain to be ground chain. (*see below*)
3. Length of the rope to be equal to the depth of water at mean high water springs. (*see below*)

The total length of the mooring tackle should be equal to twice the water depth at Mean High Water Springs at the mooring site. Generally, mooring tackle consists of a combination of chain and rope totalling twice the water depth. NOTED. ALLOWED 2.5x MHS.

- ✓ 4. All shackles must be welded.
- ✓ 5. Swivels may be used at the mooring provider's discretion, but where these are used, the size of the swivel must be commensurate with that of the chain.
- ✓ 6. Anodes may be used at the mooring provider's discretion.
- ✓ 7. All mooring blocks must be designed by a Chartered Professional Engineer with expertise in mooring structures and be made to those specifications.
- ✓ 8. Similar metals are to be used throughout.
- ✓ 9. Moorings of different design and/or manufacture will be considered on a case by case basis. As a minimum, such moorings must be supported by appropriate Chartered Professional Engineer design drawings and certification.

Mooring Inspection Requirements

1. Moorings must be recovered to the water surface for the purpose of inspection.
2. All tackle is to be replaced at 20% wear.
- ✓ 3. Moorings must be inspected at intervals not exceeding 2 years.
4. A completed mooring inspection report must be forwarded to the Manager Resource Consents, Marlborough District Council, not later than 30 days after the inspection.



PROPOSED MOORING, BOATSHED & JETTY

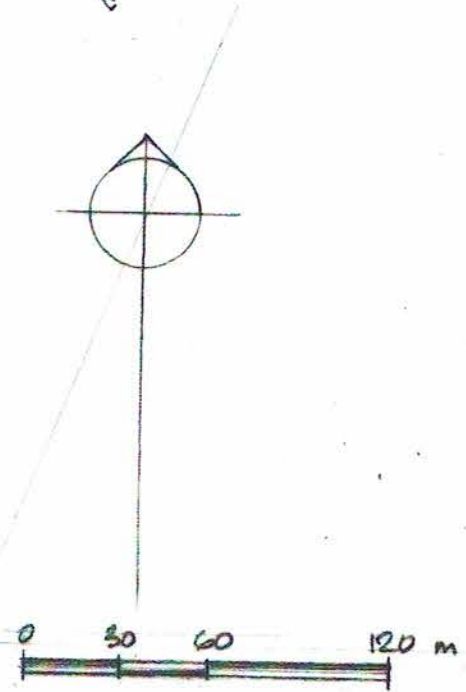
MOORING: $41^{\circ} 11.797''$ S
 $174^{\circ} 07.261''$ E

RUAKAKA BAY

EXISTING POWER LINE

EXISTING TRACE

PROPOSED HOUSE SITE



1:2500 SITE PLAN

ROCKY BANK

DECK TO THE TRACK TO HOUSE SITE

APPROX 8.0M

BEACH

CORR. COLOURSTEEL ROOF,

BATTENED PLYWOOD CLADDING

1:100 EAST ELEVATION

1:100 NORTH ELEVATION

BOATSHED 12x10 M

RAMP

3.6M

9x1.2 M LINKSPAN

10x5 M FLOATER ANCHORED WITH CONCRETE BLOCKS

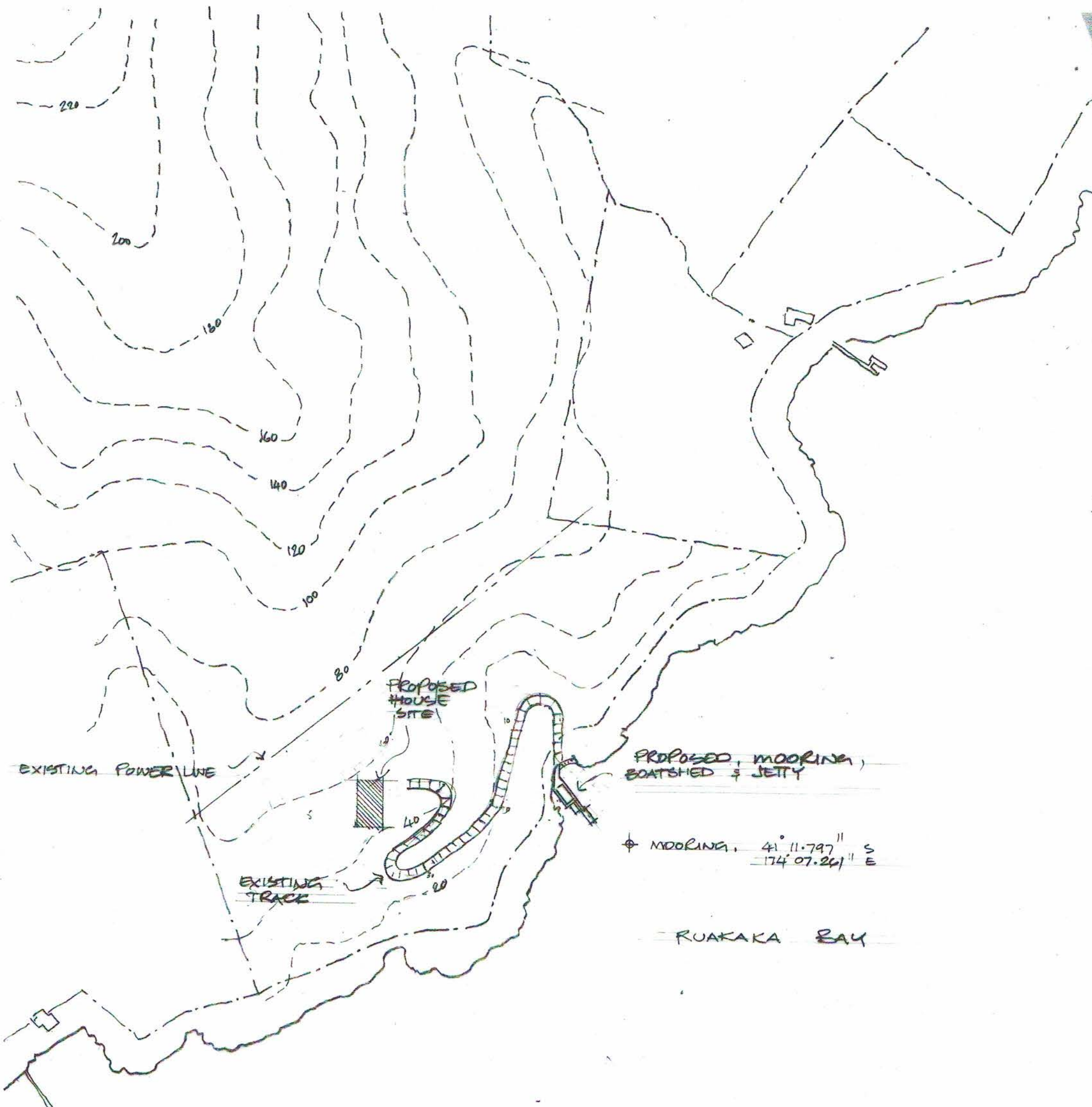
REFERENCE NORTH

TORY CHANNEL CONTRACTING
LACON ROAD PICTON
5757975 021 2405030

PROW

BOATSHED - RUAKAKA BAY

P2 2/6/20



PROPOSED MOORING, BOATSHED & JETTY

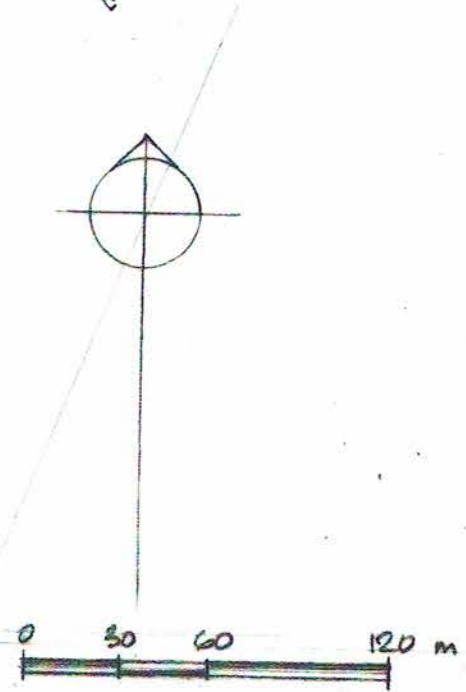
MOORING: $41^{\circ} 11.797''$ S
 $174^{\circ} 07.261''$ E

RUAKAKA BAY

EXISTING POWER LINE

EXISTING TRACE

PROPOSED HOUSE SITE



1:2500 SITE PLAN



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




R. W. Muir
Registrar-General
of Land

Identifier MB6B/1199
Land Registration District Marlborough
Date Issued 16 November 2000

Prior References

MB58/268

Estate Fee Simple
Area 52.4852 hectares more or less
Legal Description Lot 1 Deposited Plan 11846

Registered Owners

Andrew John Prow and Diane Michelle Prow

Interests

Subject to a right to electricity (in gross) over part marked E DP 11839 in favour of Marlborough Lines Limited created by Transfer 215119.3 - 16.11.2000 at 9.35 am

Appurtenant hereto are rights to convey water specified in Easement Certificate 215119.4 - 16.11.2000 at 9.35 am

The easements specified in Easement Certificate 215119.4 are subject to Section 243 (a) Resource Management Act 1991

215119.5 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 16.11.2000 at 9.35 am

215119.6 Open Space Covenant pursuant to Section 22 Queen Elizabeth the Second National Trust Act 1977 over the part herein marked F DP 11839 - 16.11.2000 at 9.35 am

Subject to a right to convey water over part marked A on DP 11839 created by Transfer 215941.2 - 17.1.2001 at 11.00 am

The easements created by Transfer 215941.2 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey water over part marked A on DP 11839 created by Transfer 215941.3 - 17.1.2001 at 11.00 am

The easements created by Transfer 215941.3 are subject to Section 243 (a) Resource Management Act 1991

To: Marlborough District Council
PO Box 443
Blenheim 7240



ISO 9001:2008
Document Number:
RAF0010-CI1921

SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

1. Submitter Details

Name of Submitter(s) in full _____

Electronic Address for Service (*email address*) _____

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

Primary Address for Service (*must tick one*)

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

Telephone (*day*) _____ Mobile _____ Facsimile _____

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

2. Application Details

Application Number _____ U _____

Name of Applicant (*state full name*) _____

Application Site Address _____

Description of Proposal _____

3. Submission Details (*please tick one*)

I/we support all or part of the application

I/we oppose all or part of the application

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

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

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

.....

.....

.....

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

.....

.....

.....

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

.....

.....

.....

4. Heard in Support of Submission at the Hearing

I/we wish to speak in support of my/our submission

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

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

5. Signature

Signature _____ Date _____

Signature _____ Date _____

6. Important Information

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

7. Privacy Information

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