

<b>TOPIC – Effects of Craft Using the Surface of Coastal Waters</b>	<b>TRMP Chapter 20</b>
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<b>ISSUES</b>
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This chapter is concerned with safe navigation, amenity values and natural values that are not compromised by the passage of craft, or by other activities on the surface of water. The protection of amenity and natural values are an important requirement under the Resource Management Act (RMA) and the TRMP (with the exception of safe navigation) addresses the effects of activities on amenity and natural character largely through the other coastal chapters. Navigation safety is predominantly addressed under the Maritime Transport Act 1994 and bylaws promulgated under that Act, and the passage of craft is legislatively provided for under the Marine and Coastal Area (Takutai Moana) Act 2011.

This chapter was drafted at a time when there was strong growth in coastal tourism and the provisions are focussed on managing the effects of that development. Since this chapter was written, other legislation and policy documents have been developed such as the Abel Tasman Scenic Foreshore Reserve Management Plan and the TDC Navigation and Safety Bylaw 2015, and these documents often overlap or provide alternative methods of managing the effects of craft on the environment.

The main conclusion for the review is that the TRMP has played only a minor part in ensuring safe navigation and managing effects on craft on natural and amenity values. A particular barrier has been a lack of rules in the TRMP to manage the effects of craft activities on amenity and natural values, including wildlife.

<b>MANDATORY STATUTORY REQUIREMENTS</b>
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Since the Plan was first proposed, there have been a number of substantive changes to the legislation and national guidance. These changes include changes to Part 2 of the RMA 1991, the New Zealand Coastal Policy Statement (NZCPS) and the Marine and Coastal Area (Takutai Moana) Act 2011. In particular, changes to RMA make it mandatory for the TRMP to address coastal occupation charges before any further changes are made to the coastal plan. A plan change addressing coastal occupation charges has recently been notified. The RMA also seeks integrated management with other relevant policy documents. Following the drafting of the Plan, a number of other policy documents have been written and the Plan needs to be reviewed to work in conjunction with these documents, e.g., Iwi management plans and the Abel Tasman Scenic Foreshore Reserve Management Plan.

The TRMP is also required to be amended to give effect to the policies in the NZCPS with polices regarding coastal activities, preservation of natural character and features and landscapes, public open space and vehicle access particularly relevant to this chapter. Recent case law has determined that where plans do not give effect to the NZCPS then increasing reliance should be made on the policy in the NZCPS in determining outcomes. The effect of this is that the TRMP coastal plan is becoming increasingly marginalised in the management of the coast. The Environment Court has also expressed a reluctance for Council to undertake any further coastal plan changes until the NZCPS is given effect to, especially the requirement to strategically plan for activities within the coastal environment.

The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) and supporting changes to the RMA require protection to be given to customary rights through coastal plans. Nine applications have been made to have customary marine rights formally recognised. Decisions on these applications are pending. The effects of craft activity and related structures on approved customary marine title areas will need to be considered in the future. Under MACA there is also a requirement for Council to establish and maintain a record of ownership of coastal structures within Tasman — Council only holds partial ownership information on structure ownership and a process to determine ownership is required.

<b>RECOMMENDATIONS</b>
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1. Review the need for this Chapter and consider merging with other coastal chapters.
2. Review the contents and amend to give effect to the objectives and policies in the NZCPS.
3. Review the contents against the objectives and policies of relevant policy documents including iwi management plans to achieve integrated management.
4. Undertake strategic planning for the coastal environment to provide greater certainty for activities, identifying where activities and uses are appropriate.