



Is this the right application form for me?

Use this application form for existing or proposed buildings/structures (e.g. boatsheds, sheds, retaining walls, bridges, steps, etc.) on Sounds Foreshore Reserve (SFR).

The Department of Conservation (DOC) will process the application and issue a concession if it is satisfied that the application meets all the requirements for granting a concession under Part 3B of the Conservation Act 1987.

You can also use this form to apply for a 'variation' of a current licence/lease concession if the change(s) are only minor. A variation can't be used if you want to extend the term, substantially change the location or increase the environmental effects of your concession activity.

What other application forms may be relevant?

If you seek an easement concession across SFR, either to benefit other land or in gross (e.g. right of way), for the following purpose:

- a right to convey water.
- a right to drain water.
- a right to drain sewage.
- a right of way.
- a right to convey electricity.
- a right to convey telecommunications.
- a right to convey gas.

Use or include this [form for new easement applications and variations to an existing easement concession](#)¹ across land administered by DOC.

How do I complete this application form?

- Complete all relevant sections of this form.
- 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 form (section L).

Note: Personal and sensitive information will be managed by DOC confidentially. For further information check [DOC's privacy and security statements](#)².

¹ <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/easement-application-form.pdf>

² <https://www.doc.govt.nz/footer-links/privacy-and-security/>

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

- Check DOC's [SFR Licences/Concessions](https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/sounds-foreshore-reserve-licences-and-concessions/)³ and [Access structures on SFR](https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/access-structures-on-the-sounds-foreshore-reserve/)⁴ webpages.
- DOC recommends that the applicant contact the Waitohi/Picton District Office to discuss the application and arrange a pre-application meeting (either face to face or over the phone) prior to filling in this form. Phone +64 3 520 3002. Email picton@doc.govt.nz
- It is also recommended that you seek legal advice for guidance when completing this form.

Have you considered DOC's statutory planning documents?

Your building or structure must not be inconsistent with [DOC's relevant statutory planning documents](https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/)⁵ as they set out how DOC and our Treaty partners manage public conservation land. Statutory planning documents can have a direct impact on your application, for example they may set the specific track limitations and vegetation clearance.

Book a pre-application meeting with DOC staff if you require assistance with navigating DOC's statutory planning documents.

How do I submit my application?

Email your completed application and any other attachments to: permissions@doc.govt.nz

What happens next?

Once 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 with a request for more information.

Why does DOC ask for this information?

The questions in this application form are designed to cover the requirements set out in DOC's conservation legislation. DOC will not use this information for any other reason not related to that purpose. Your answers allow us to assess:

- The effects of your encroachment and your proposed methods to avoid, remedy or mitigate any adverse effects of the activity.
- Your creditworthiness – a factor in determining 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](https://www.doc.govt.nz/footer-links/privacy-and-security/)⁶.

Information collected by DOC may be supplied to a debt collection agency in the event of non-payment of payable fees.

³ <https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/sounds-foreshore-reserve-licences-and-concessions/>

⁴ <https://www.doc.govt.nz/get-involved/apply-for-permits/individuals/access-structures-on-the-sounds-foreshore-reserve/>

⁵ <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/>

⁶ <https://www.doc.govt.nz/footer-links/privacy-and-security/>

Treaty Partner consultation

DOC has a responsibility to give effect to the principles of the Treaty of Waitangi in all areas of our work and may consult with our Treaty Partners about your application. More information can be found on the DOC website on our [iwi/hapū/whānau consultation](https://www.doc.govt.nz/get-involved/apply-for-permits/iwi-consultation/)⁷.

Contact your [local DOC office](#)⁸ if you require further information about consultation.

What fees will I pay?

You will be charged a processing fee for this application, regardless of whether your application is granted or not. If your application is granted, you may be required to pay annual activity and management fees.

DOC will send you a cost estimate of the processing fee once your application has been accepted. If further charges are likely to be incurred, DOC will provide you with a revised estimate.

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.

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.

In addition, if you are granted a licence over public conservation land you may also be required to pay a bond, insurance, monitoring fees and [ongoing activity fees](#)⁹ and management fees.

Bond

A bond may be required to ensure compliance with the conditions of a Sounds Foreshore Reserve permit or licence. The amount of the bond will be set at an appropriate level to recognise potential costs. The bond may be an unconditional on-demand surety bond or a cash bond held in trust and refunded (with any interest) at the conclusion of the building activity or called upon to ensure compliance with the conditions of the permit or licence.

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 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 occupation and/or activities on SFR. The level of insurance cover will depend on the activity.

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/iwi-consultation/>

⁸ <https://www.doc.govt.nz/footer-links/contact-us/office-by-name/>

⁹ <https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/ongoing-concession-fees/>

A. Applicant details

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

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

②	Applicant name (full name of registered company, trustees, educational institute or incorporated society)	Cuirass Trust, Trustees: William Ronald Trotter, Neville Charles Goldie		
	Trading name or trust 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	[REDACTED]		
	Phone		Mobile phone	[REDACTED]
	Email	[REDACTED]		
	Postal address	[REDACTED]	Postcode	[REDACTED]
Street address (if different from Postal address)		Postcode		

B. Variation of an existing licence and/or concession.

Is this application *varying* an existing licence/lease concession?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
Licence/lease concession number(s) you wish to vary	

C. Pre-application meeting

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

☐ No (continue to section D.)

☒ Yes (record details below)

Date of DOC pre-application meeting	28 December 2022
Name of DOC staff member(s)	Leigh Rodd, Susana Peckham
Name of person(s) who had the pre-application meeting with DOC	

Record relevant notes/comments:

Meeting resulted in recommendation to send formal request to DoC, which was done. The result is that we were referred back to Leigh Rodd for the concession process for a duration exceeding 10 years. This application is made without prejudice to the Applicant's position is that a renewal under the ROLDA is available and appropriate, but if the term sought is granted, is likely to result in relinquishment of that renewal right under the ROLDA.

D. What structures or activities are currently on SFR fronting your property?

All existing/new structures or activities are required to have prior approval for the continued occupancy of SFR. This may mean you have unauthorised structures or activities adjacent to your property that you are unaware of.

Please select below all appropriate structures and activities in relation to SFR fronting your property (Licensed and/or Unlicensed):

Boardwalk	Boatshed	Box steps
Bridge	Concrete path	Concrete steps
Conveying electricity	Conveying gas	Conveying telecoms
Conveying water	Culvert	Decking
Drainage/Stormwater pipe	Handrail	House
Retaining wall <1.5m	Retaining wall >1.5m	Seawall
Septic system	Shed	Shelter
Slipway	Staircase	Step risers
Tramway/Trolley	Water tank	Other: _____

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](#)¹⁰
- [Easements](#)¹¹
- [Land based guiding](#)¹²

Provide details of currently held SFR Licences, Permissions/Permits and Easements:

Current SFR Licence: PAL-24-89-01

Applicants DoC Account Number: 28202

E. Duration

State how long (months and years) you want any granted concession for private buildings or structures 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.

30 years

F. Is this application for existing or new buildings and structures?

Select from the following:

- ☐ No (for **new buildings and structures only** fill in all sections **except** Section G.)
- ☒ Yes (for **existing buildings and structures only** fill in all sections **except** Section H.)
- ☐ Both (for **existing AND new buildings and structures** complete **both** Sections G. & H.)

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

¹¹ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/>

¹² <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/land-based-guided-activities/>

G. Existing Buildings or Structures – Description of Encroachment on Sounds Foreshore Reserve

1. Provide the Lot, Deposited Plan (DP) number and name of the bay of the **adjoining property** to the encroachment.

Lot number: Section 20 Block X Gore Survey District

DP number:

Name of the bay: Deep Bay, western coastline of Endeavour Inlet, Totaranui / Queen Charlotte Sound

Address (if applicable):

2. Describe in detail the existing encroachment, including when it was installed / constructed, the size and footprint of the structure/s and the purpose of the structure/s. Attach all relevant information and list in section N Attachments including:

- Record(s) of Title for your property (mandatory)
- Maps
- NZTM coordinates
- Photographs
- Survey plans
- Resource consent applications
- Concept plans
- Engineering reports
- Other

Appropriate licence / concession is sought from the Department of Conservation for the following occupation of the Sounds Foreshore Reserve (SFR) adjacent to Section 20 Block X Gore Survey District, Deep Bay:

- Rear part of boatshed above Mean High Water Springs level including lean-to area and 1 metre (m) high retaining wall. Footprint area; approx. 45 square metres (m²). Refer to attached Survey Plan 14585 sheet SK04 issue A, and Figures 1 - 3.
- 52 m long by 2 m wide low timber boardwalk between the rear of the boatshed and the dwelling. Footprint area; approx. 104 m². Refer to attached Survey Plan 14585 sheet SK04 issue A, and Figures 2 - 4.
- Front part of the dwelling and deck. Footprint area; approx. 93 m². Refer to attached Survey Plan 14585 sheet SK04 issue A, and Figure 5.
- Domestic wastewater inground treatment tanks on north side of dwelling. Size unconfirmed, estimated 20 m². Refer to attached Survey Plan 14585 sheet SK04 issue A.

Could this structure/work be reasonably located on your private property? Provide details of other sites considered:

The boatshed, lean-to, retaining wall and boardwalk are access facilities for this boat access only property and by their nature and purpose cannot be located elsewhere.

The dwelling (constructed 1960s), deck area, and inground domestic wastewater treatment tanks (also 1960s) have been in place in place without incident or issue for the past 60 years. The subdivision that created the subject lots was approved in 1968. Survey plan records indicate the dwelling was in existence at that time. Refer to attached 1968 Survey Plan 4883 – Diagram 'A'.

The SFR in this location is uniquely 40 m wide compared to the typical 20 m Marlborough Sounds width. The dwelling deck and wastewater system do not in any way restrict public access, use and enjoyment of the SFR in this location. For these reasons, relocation of these structures has not been considered.

3. Is the building going to be used for commercial purposes? Give details/reasons.

None of the subject facilities are used for commercial purposes.

H. New Structures/Work - Description of Encroachment on Sounds Foreshore Reserve

1. Provide the Lot, Deposited Plan (DP) number and name of the bay of the adjoining property to the encroachment.

Lot number:

DP number:

Name of the bay:

Address (if applicable):

2. Describe in detail the proposed encroachment including when work is to commence, the size and footprint of the structure/s and the purpose of the structure/s. Attach relevant documents, including:
 - Record(s) of Title (mandatory)
 - Maps
 - NZTM coordinates
 - Photographs
 - Survey plans
 - Resource consent applications
 - Concept plans
 - Engineering reports
 - Other

3. Could this structure/work be reasonably located on your private property? Provide details of other sites considered:

4. Is the activity applied for being used for commercial purposes? Give details/reasons.

I. Are you applying for anything else?

Are you applying for other DOC permissions (e.g. easement, concession) as well as this activity?

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

If yes, state the other permissions you are applying for?

No other permissions are being sought as part of this concession process. However, formal notice to exercise the right of renewal under the ROLDA was given, under which the Department is obliged to renew the licence under the same terms. Nevertheless, the Applicant is prepared not to enforce that right in Court if a 30 year concession is granted.

J. Planning provisions (all applicants)

- Does your proposal comply with the Marlborough District Council district plan(s) for the area?
☒ No
☐ Yes
- Do you require resource consent and/or building consent? (Ask the relevant councils' planning sections for advice. Generally, if structures are to be built (or have been built), it is likely that consent/s will be required).
☒ No – Relevant resource and building consents have been approved by the Marlborough District Council.
☐ Yes
- If resource/building consent is required, provide details of the consent together with information on progress with the application for consents. (It will be a condition of any licence to occupy that all necessary consents have been obtained.)

Resource consents covering the subject structures are in place. Refer to attached resource consent U240493.

Note that the current wastewater system is a permitted activity under Proposed Marlborough Plan Rule 19.1.15 and associated Standards 19.3.13.1 – 19.3.13.10 and does not require resource consent.

The only subject structure that requires building consent is the boatshed which was approved in May 2005. Refer to attached building consent U050587. The dwelling pre-dates building consent requirements.

K. Consultation undertaken

DOC has a statutory obligation to give effect to the principles of the Treaty of Waitangi. This often requires consultation with our Treaty Partner (iwi/hapū/whānau of local Māori) on your application. If you have already consulted with our Treaty Partner, or with other interested stakeholders, DOC would like to know about it.

We recommend you discuss consultation with a DOC staff member before starting your application.

Have you carried out any consultation?

☒ No

☐ Yes

If yes, supply details for each group consulted with:

Whānau/hapū/iwi or other interested party consulted with:	
Name of individual you consulted with:	
Date of consultation:	
Form of consultation (e.g. email, meeting):	
Outcome of consultation*:	<p>Note: The application for resource consent U240493 was circulated to all eight local Iwi who have cultural, historical and spiritual connections to the waters of Totoranui, and Deep Bay as described in the Te Tau Ihu Statutory Acknowledgements document. No concerns or issues with the subject facilities were raised by any Iwi.</p> <p>Additionally, as part of the process for resource consent U240493, the Marlborough District Council assessed subject facilities against sections 95A to 95G of the Resource Management Act 1991 and found that any associated adverse environmental effects were less than minor and, apart from the eight Te Tau Ihu Iwi, there were no other potentially affected parties.</p>

***If you received a written response to your consultation attach a copy to this application. Record the document details in the L Attachments section of this form.**

L. Consistency with DOC statutory plans

List [DOC's statutory planning documents](#)¹³ relevant to your application (e.g. Nelson/Marlborough Conservation Management Strategy):

Nelson/Marlborough Conservation Management Strategy 1996-2006, Sounds Foreshore Reserve Implementation Policies 14.10.1 – 14.10.17.

Are you aware of any potential inconsistency your activity may have with DOC's statutory planning documents?

No



Yes



If you have answered 'yes' explain why it is inconsistent with the statutory planning documents.

¹³ <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/>

M. Description of actual and potential effects of existing or proposed works (all applicants)

Identify actual or possible effects of the activity applied for. Describe the actions you propose to take to avoid, remedy or mitigate those effects. For further information check [DOC's Environmental Impact Assessment](https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/environmental-impact-assessment/#low-medium-impact)¹⁴ and [DOC's guide to preparing your environmental impact assessment](https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/guide-to-environmental-impact-assessments.pdf)¹⁵.

In many cases an Assessment of Environmental Effect (AEE) prepared for resource consent under the Resource Management Act 1991 will satisfy this requirement.

Provide details below and record the document details in the L Attachments section of this form.

Effects	Description
Effects on the landscape e.g. ability of landscape to accommodate changes.	Although well maintained, the subject structures are modest and have been in place for nearly 60 years without generating any significant landscape effects. Their continued existence will have minimal impact on the landscape values of Deep Bay.
Effects on the visual composition of the landscape.	As above the subject structures are modest and have been in place for nearly 60 years without generating a significant visual influence. Their continued existence will have minimal effect of the visual and amenity values of Deep Bay.
Effects on cultural values of Tangata Whenua or members of the public.	No issues or concerns in relation to the subject facilities have been raised by the eight Te Tau Ihu Iwi.
Effects on historic sites or objects including Wāhi Tapu e.g., disturbance of the ground.	Not Applicable (NA), there are no registered archaeological sites or Wāhi Tapu areas on or in the near vicinity of the subject site.
Effects on existing infrastructure such as roads, tracks, huts, carparks etc.	NA
Effects on existing vegetation e.g. disturbance or removal of vegetation.	NA

¹⁴ <https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/environmental-impact-assessment/#low-medium-impact>

¹⁵ <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/guide-to-environmental-impact-assessments.pdf>

Effects of earthworks e.g. removal of topsoil and where removed earthworks will be stored. Note: All earthworks storage on public conservation land needs to be authorised.	NA
Effects on wildlife or wildlife habitat .	The subject structures have been in place for nearly 60 years without generating any significant adverse effects on native wildlife or habitat. Their continued existence will have a minimal impact on the indigenous ecosystem of Deep Bay.
Effects on aquatic habitat (waterways, swamps, freshwater animals and vegetation).	As above, the continued existence of the subject structures will not adversely impact or influence any aquatic habitat.
Effects on other users (Tangata Whenua, recreational users, and concessionaires) of the land.	Public access to the SFR is enhanced by the subject facilities.
Effects of potential increased threats (pests, weeds, pathogens, and fire) to public conservation land.	The subject facilities do not present any potential increase in threat to public conservation land.
Effects of increased rubbish, toilet waste or debris left on public conservation land during construction and regular use of the easement.	NA
Cumulative effects that could be caused by the activity.	NA
Positive effects of the activity.	Landscape, natural character and indigenous habitat (vegetation land and coastal) values were important factors and attractions for the Applicant's decision to purchase the subject property and facilities. The small improvements and maintenance work that the Applicant has done since purchasing the property have been undertaken with consideration to enhancement of those values.

N. Attachments

Attachments should *only* be used if:

- You are answering a specific question and providing a report e.g. Environmental Impact Assessment.
- 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
G	1 Record of Title MB5A/1220	PDF	Record of Title for Applicants property.
G	2 Survey Plan 14585 sheet SK04 issue A	PDF	Survey accurate plan of subject boundaries and facilities.
G	3 Deep Bay - Figures 1 - 5	PDF	Site photographs.
G	4 1968 Survey Plan 4883 – Ref Diagram ‘A’	JPG	1968 survey plan. Diagram A shows dwelling and SFR boundary.
J	5 Resource Consent U240493, Deep Bay - issued 26.7.24	PDF	Coastal Permits and Land use consents relating the subject facilities.
J	6 Building Consent 050587 – issued 19.5.05	PDF	Building consent for boatshed.

O. Checklist

Application checklist	Tick
I have completed all sections of this 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 application form and any attached additional forms is, to the best of my knowledge true and correct	<input checked="" type="checkbox"/>
I have attached all relevant information (e.g. Certificate of Title, maps, photographs, resource consent applications etc) and recorded them in Section N .	<input checked="" type="checkbox"/>
I have appropriately labelled all attachments and completed the Section N . Attachments to match	<input checked="" type="checkbox"/>
I have completed the terms and conditions for a credit account with the Department of Conservation outlined in Section P .	<input checked="" type="checkbox"/>
I will email permissions@doc.govt.nz my: <ul style="list-style-type: none">• Completed applicant information form• Any other attachments	<input checked="" type="checkbox"/>

P. 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:	William Trotter & [REDACTED] – The Cuirass Trust DoC Account No. 28202

In ticking this checklist and placing your name below you are acknowledging that you have read and agreed to these 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 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 type="checkbox"/> NA, the Applicant is not a company.
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"/>

Applicant name/s (of authorised person/s):	[REDACTED]	Date:	29 November 2022
---	------------	-------	------------------

For Departmental use			
Credit check completed			
Comments:			
Signed		Name	
Approved (Tier 4 manager or above)		Name	



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

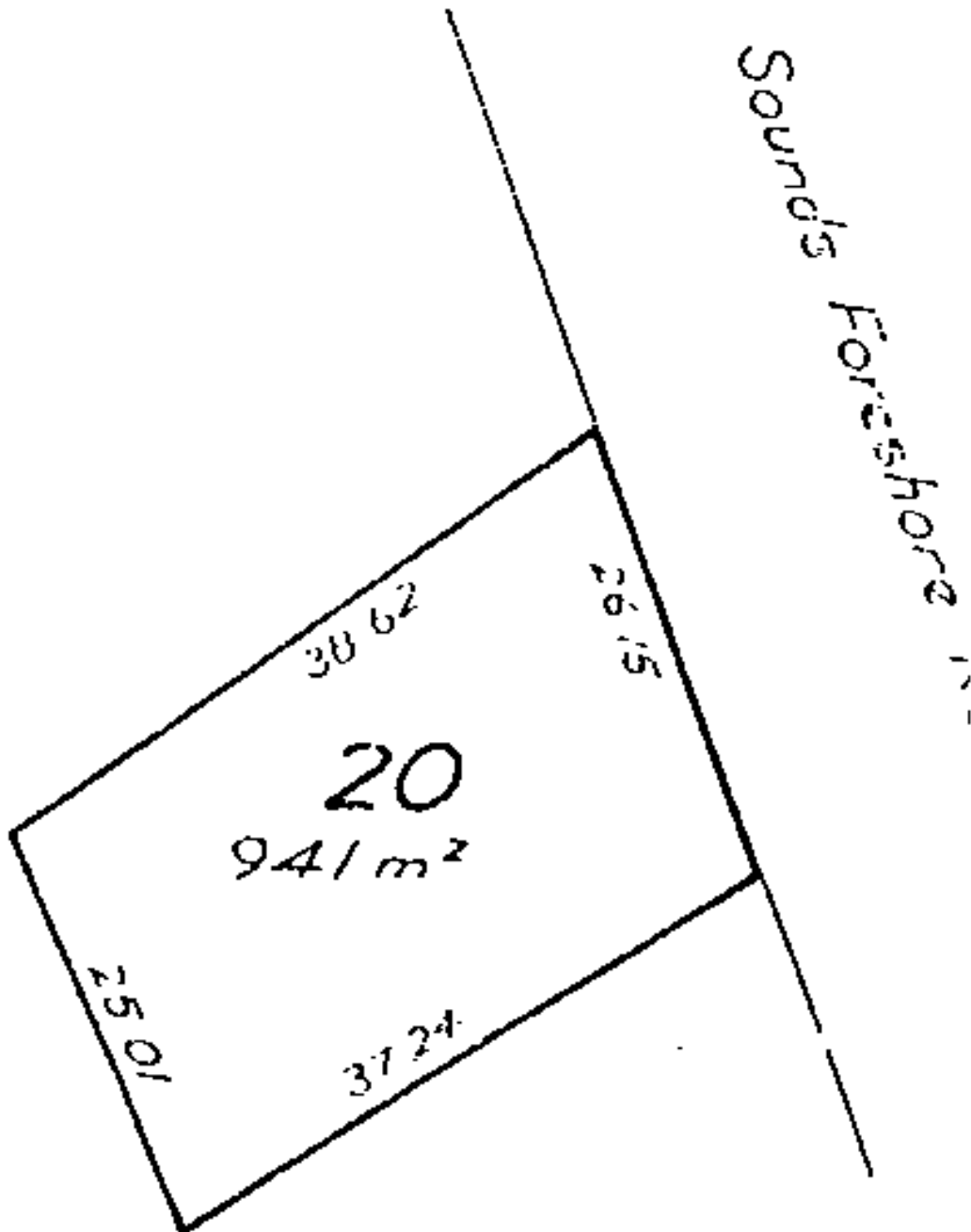
Identifier **MB5A/1220**
Land Registration District **Marlborough**
Date Issued 23 June 1992

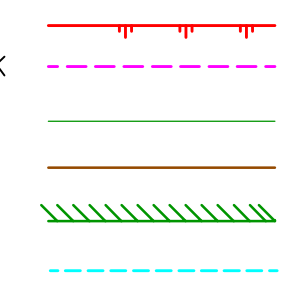
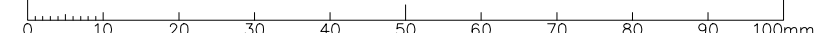
Prior References
MB3D/1472

Estate Fee Simple
Area 941 square metres more or less
Legal Description Section 20 Block X Gore Survey District
Registered Owners
William Ronald Trotter and Andrew Kinley Ormond Henderson

Interests
Subject to Section 11 Crown Minerals Act 1991
Subject to Part IVA Conservation Act 1987

Image Quality due to Condition of Original





DESIGNED	JOB No.	
DRAWN 06/09/2023 HM	14585	
CHECKED		
SCALES	SHEET No.	ISSUE
A1 1:100 A3 1:200	SK04	A
CAD		

C:\HARRY\14585 Deep Bay\12d stuff.dwg

FIGURE 1 : Retaining Wall and Lean-To Area at Rear of Boatshed – April 2024



FIGURE 2 : Slip Debris from August 2022 Storm Event, Retaining Wall, Lean-To and Board Walk at Rear of Boatshed – April 2024



FIGURE 3 : Slip Debris from August 2022 Strom Event, Board Walk at Rear of Boatshed – April 2024



FIGURE 4: Timber Boardwalk (Dashed)

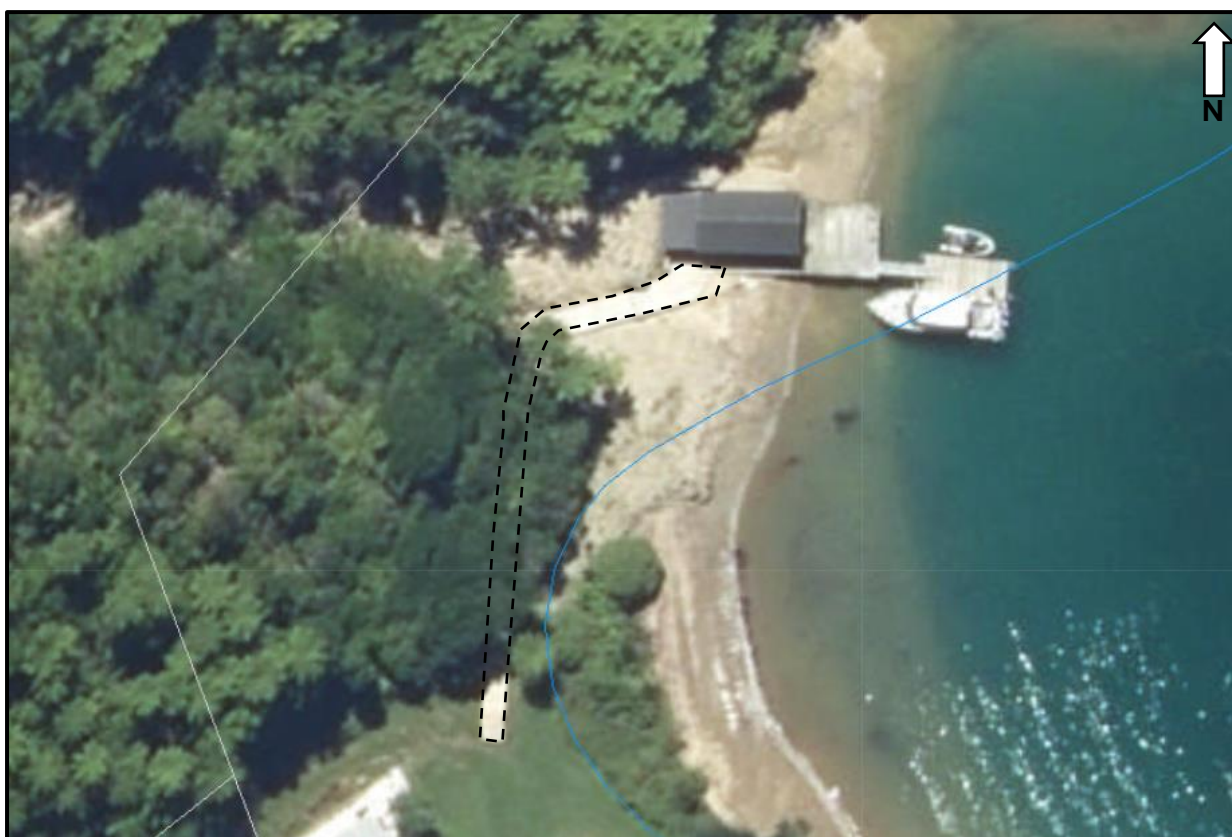


FIGURE 5: Applicants Dwelling



216750 links
North of G.H.

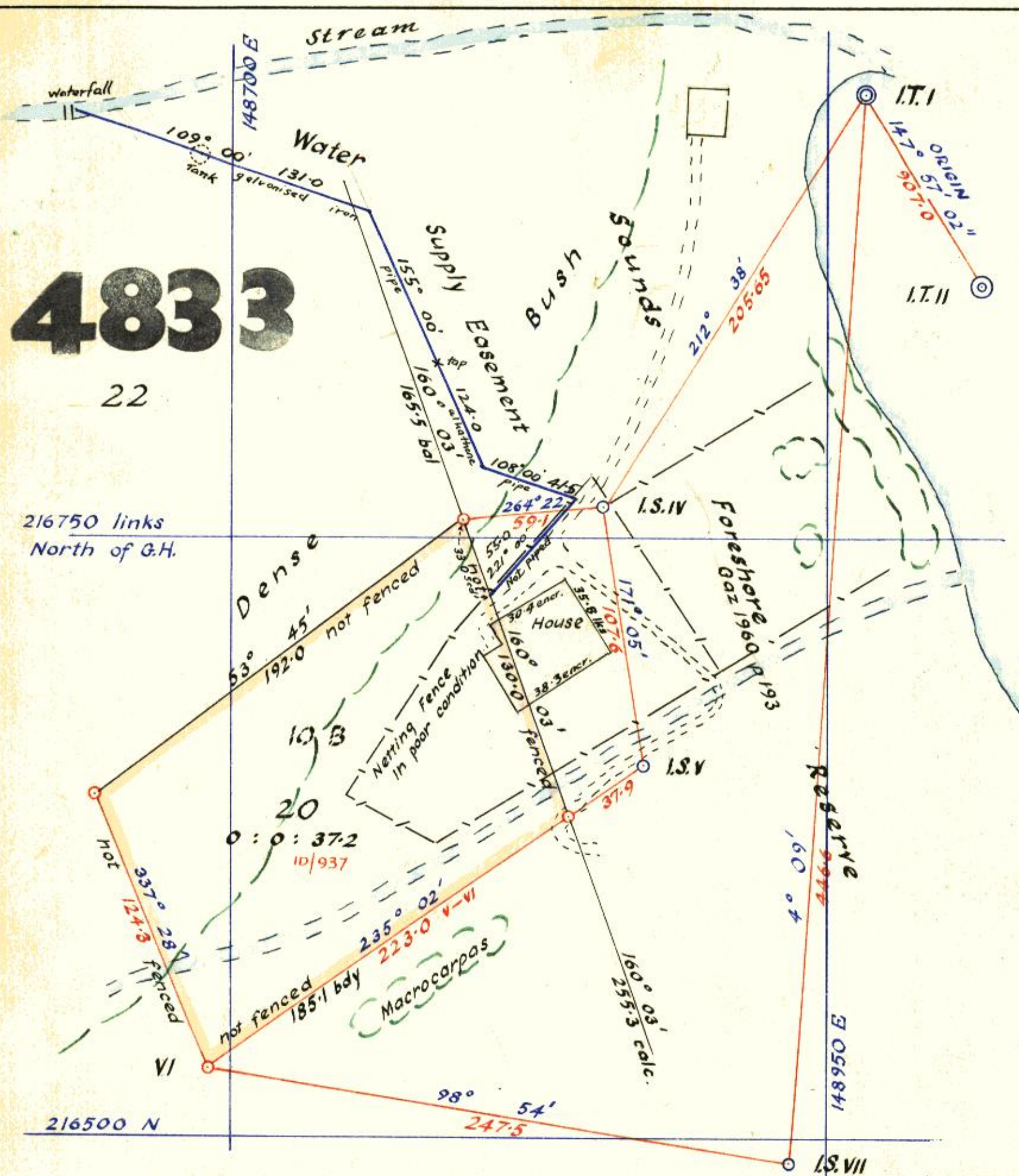


DIAGRAM 'A'
Scale: 50 links to an inch

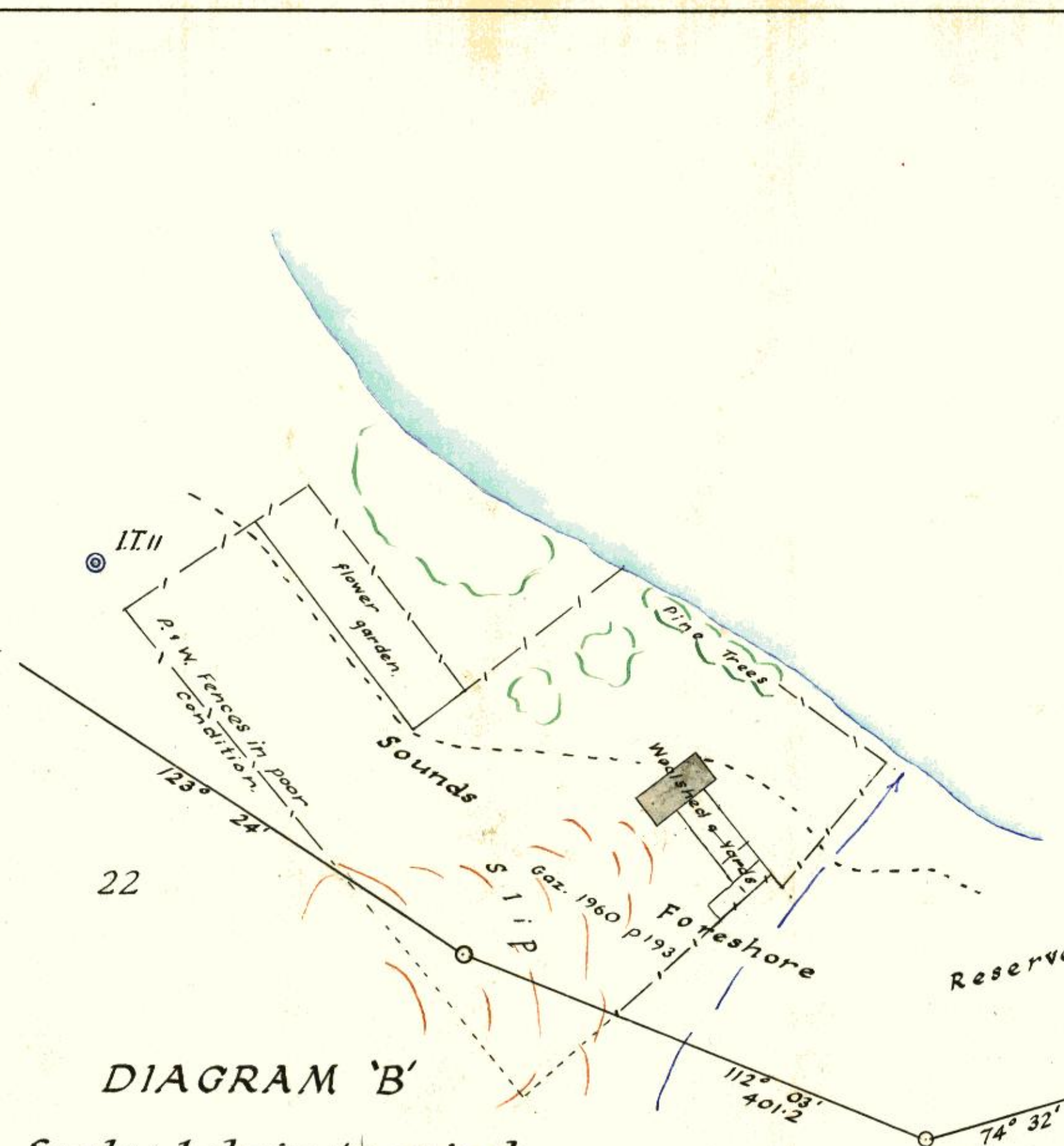


DIAGRAM 'B'

Scale : 1 chain to an inch.

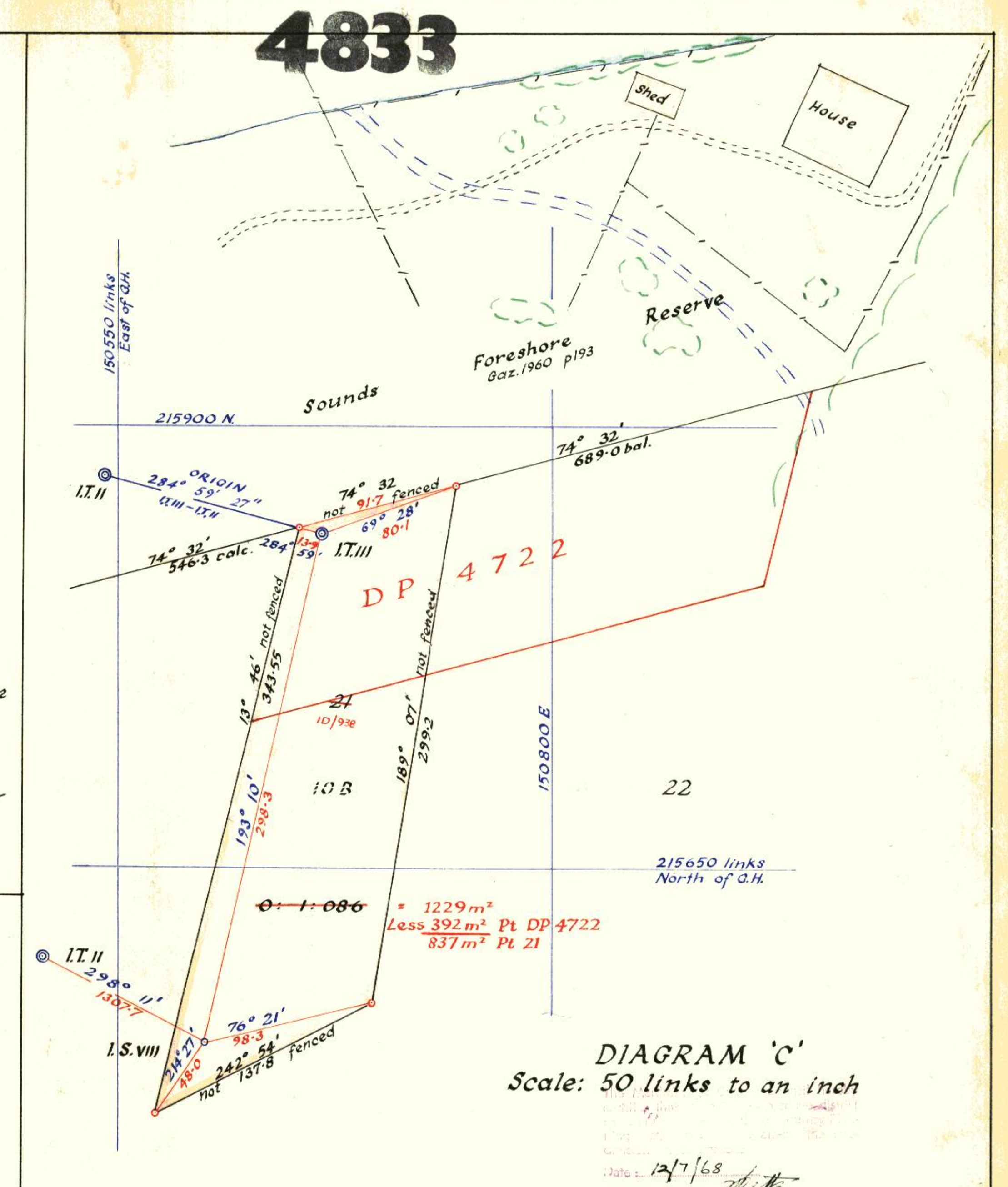


DIAGRAM 'C'

Scale: 50 links to an inch

DIAGRAM 'D'
Not to Scale

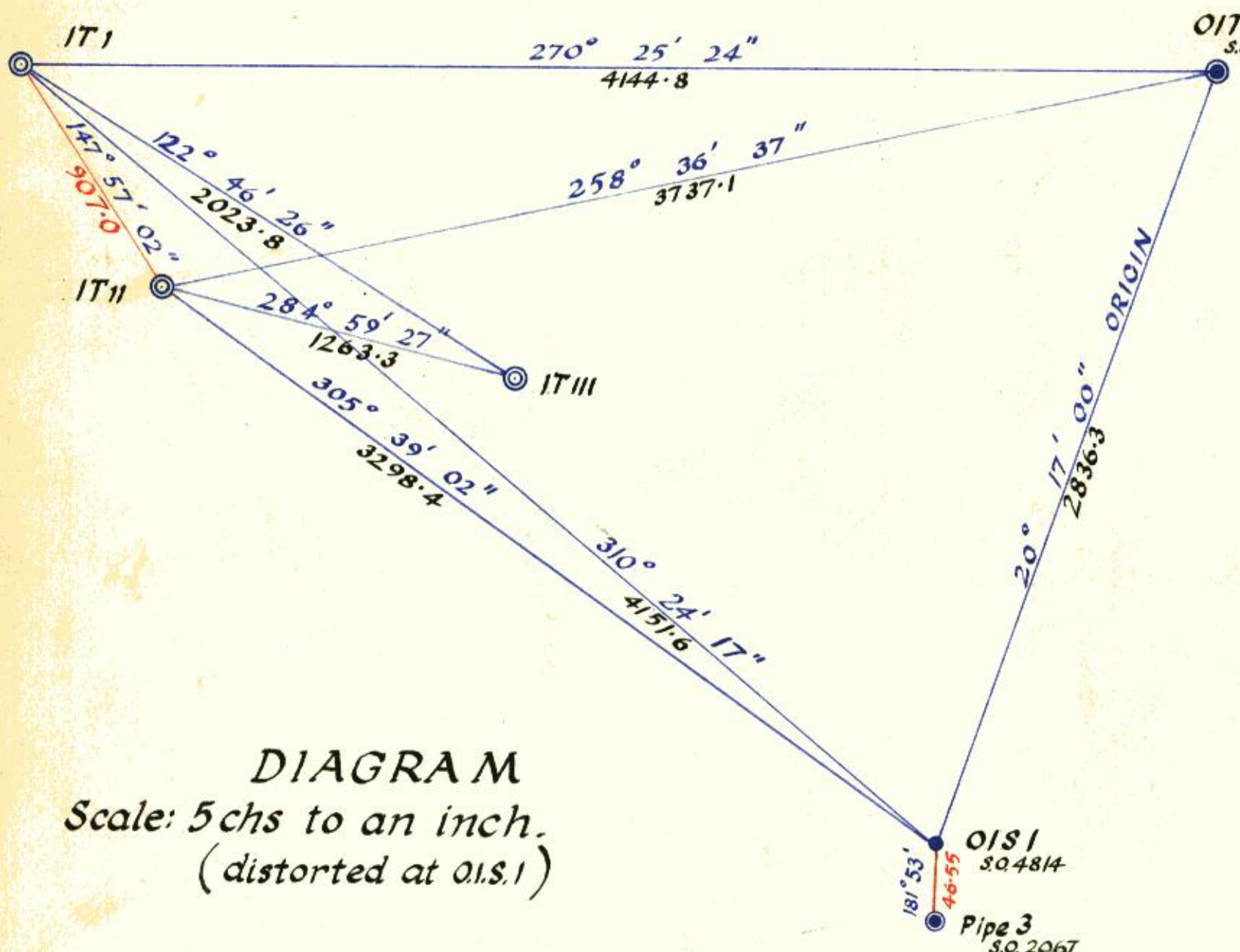
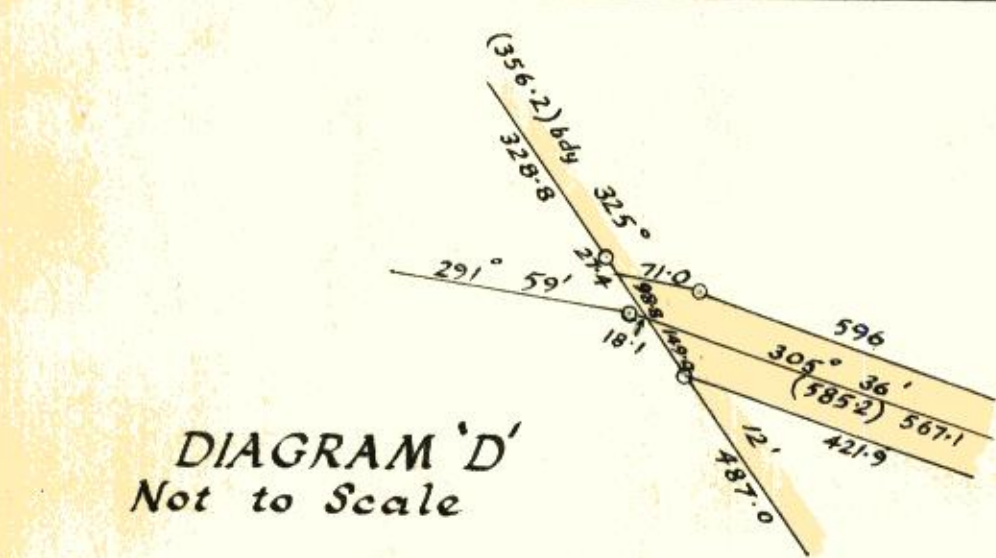
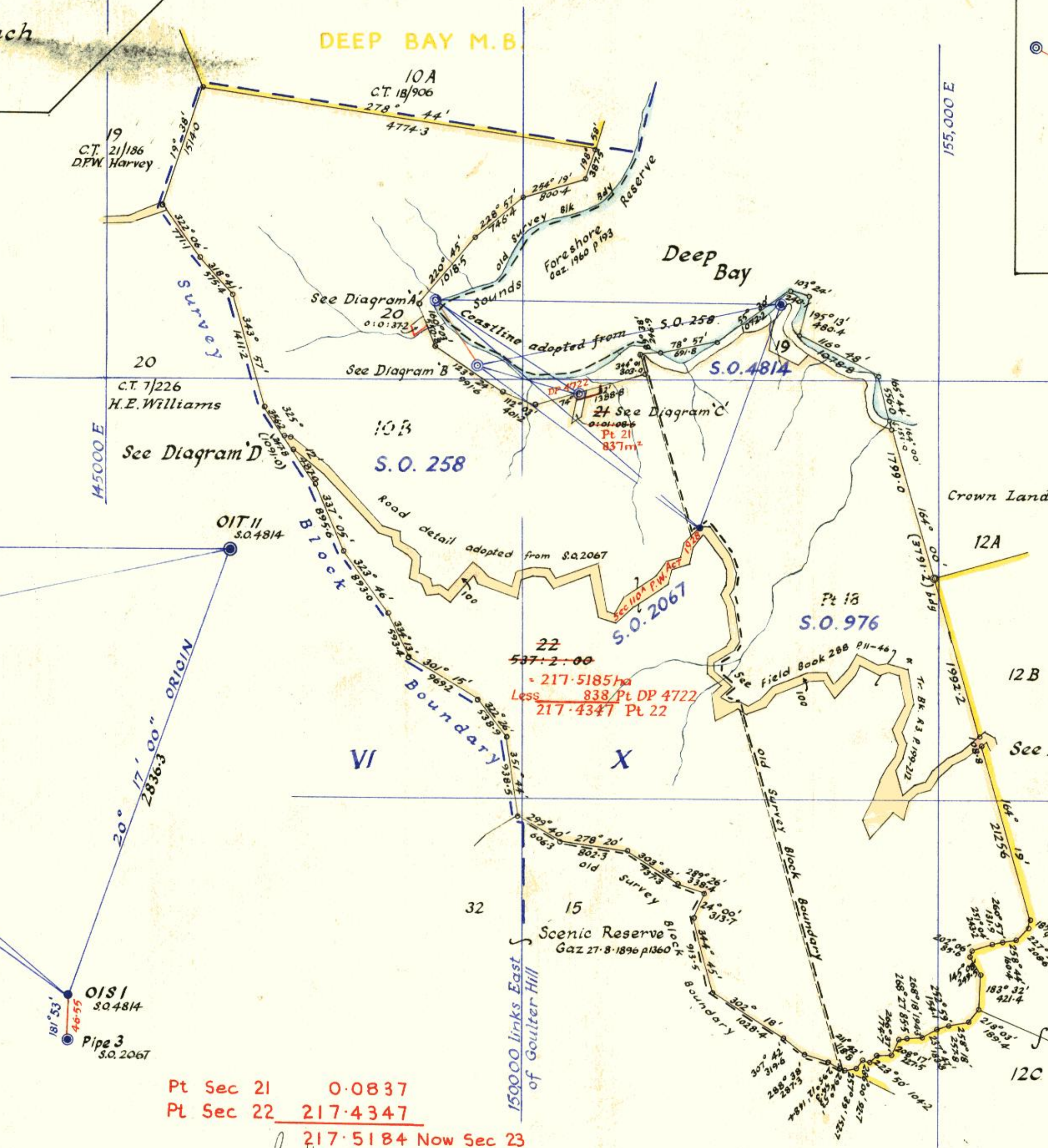


DIAGRAM
Scale: 5chs to an inch.
(distorted at 0.1s.1)



Pursuant to Sec. 34 Counties Amendment Act 1961, the
Chairman, Councillors and Inhabitants of the County of
Marlborough, hereby consent to this plan of subdivision.
The Common Seal of the County Council
was affixed pursuant to a resolution to a resolution to
that effect passed on the 12th day of
July 1968.

B. J. Lee Chairman.
W. H. H. H. County Clerk.

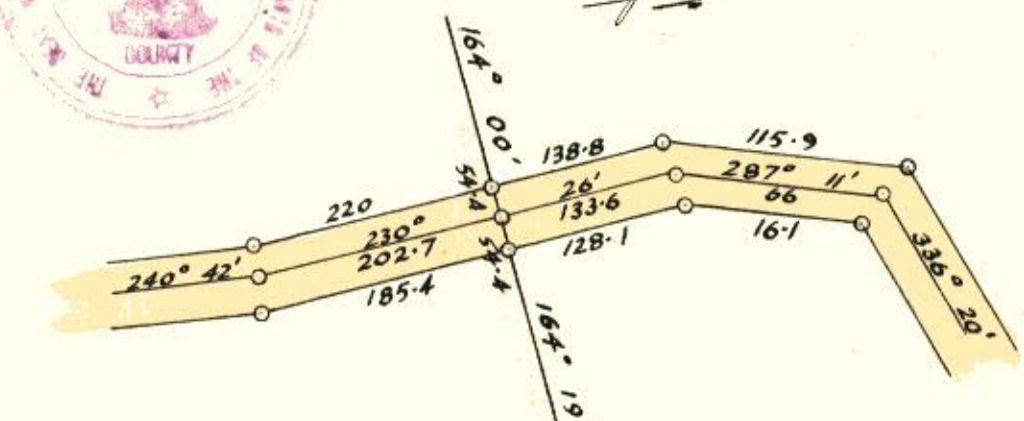


DIAGRAM 'E'
Not to Scale

211,000 links
North of Goulter Hill

Total Area
538 : 0 : 05.8

PLAN OF SEC'S 20, 21, & 22 BLK X GORE S.D.
FORMERLY SEC 10B BLK VI AND PT SEC 18
BLK X GORE S.D.

SURVEY BLOCK & DISTRICT: Blk X Gore S.D.
 LAND DISTRICT: Marlborough LOCAL BODY: Marlborough County Council
 SCALE: 10 chs to an inch SURVEYED BY: F.I. Kearns DATE: January 1968

I Francis John Kearns of Blenheim Registered Surveyor and holder of an annual practising certificate, hereby certify that this plan has been made from surveys executed by me; that both plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act 1938.

Dated at Blenheim this 20th day of march 1968

J. J. Kearns.
Registered Surveyor

Approved as to Survey

Chief Surveyor
29/3/68

4833

Received: *4 Collected 25/3/68*
File: *R.L. 83 #113*
Instructions: *5 January 1968*
Reference Plans: *80.4.814, 2067, 976, 258,*
1067.
Field Book: *659. P 34, 35, 38, 39, 40.*
Traverse Book: *39. P 185-186.*
Examined by: *A. L. Edgington 28/3/68*
Recorded: *A. 29-4-68* v12, v13
Plan in order for approval:

4833



RESOURCE MANAGEMENT ACT 1991

Decision of Marlborough District Council

RESOURCE CONSENT: U240493

APPLICANT: William Ronald Trotter and Neville
Charles Goldie (as trustees of the
Cuirass Trust)

LOCATION: Deep Bay, Endeavour Inlet, Queen
Charlotte Sound/Tōtaranui

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

New coastal permit (replacing U041660 and U050259) for an existing jetty, linkspan, floating pontoon, boatshed and associated decking; and land use consent for a retaining wall, lean-to structure, boardwalk and house decking fronting Sec 20 Blk X Gore SD.

DECISION: **Granted**

RESOURCE CONSENTS ISSUED:

Type of Consent	Number	Activity	Section	Page
Coastal Permit	U240493.01	New coastal permit (replacing U041660 and U050259) for an existing jetty, linkspan, floating pontoon, boatshed and associated decking adjacent to Sec 20 Blk X Gore SD in Deep Bay, Endeavour Inlet.	12	1
Land Use Consent	U240493.02	Land use consent for a retaining wall, lean-to structure, boardwalk, and house decking within the Open Space 3 Zone fronting Sec 20 Blk X Gore SD.	9	5

Certificate of Resource Consent

Consent Holder:	William Ronald Trotter and Neville Charles Goldie (as trustees of the Cuirass Trust)
Consent Type:	Coastal Permit
Consent Number:	U240493.01
Lapse Date:	This consent will lapse on 1 March 2025 unless given effect to prior to that date.
Expiry Date:	1 August 2039
Part 3, Section:	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 (replacing U041660 and U050259) for an existing jetty, linkspan, floating pontoon, boatshed and associated decking adjacent to Sec 20 Blk X Gore SD in Deep Bay, Endeavour Inlet, 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 U240493.01, in particular the recommendations in the *Foreshores Structures Condition Survey, Ref: 27740* provided by the Davidson Group, dated 6 March 2024 received by Council on 31 May 2024 as held on Council file number U240493 as record number 24141250.
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; and
 - 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 structures (including trim, gutters and downpipes) must be:
 - a) A colour/s within a reflectivity value range of 5% to 30% inclusive; and/or
 - b) A natural, weathered timber finish.
4. Except as may be required by the Harbourmaster for the purpose of safe navigation, all external lighting associated with the structures must be hooded to prevent any light spillage above the horizontal plane of the light source.
5. The following repairs and remedial work must be completed within the timescales set out below, in accordance with the recommendations in the *Foreshores Structures Condition Survey, Ref: 27740*, accompanying the application:

Jetty and Deck:

- a) Handrails: The existing top rail located at the second to last bay of the fixed jetty must be either removed or replaced with a properly designed and fixed safety barrier at 1,100 millimetres high above the deck and an associated mid-rail.

Action required by 01 March 2025.

- b) Bolts: Replace all heavily rusted steel bolts located on the deck's seaward pile cap.

Action required by 1 August 2025 (within 1 year).

- c) Linkspan: Correctly reinstall the linkspan bracket's pivot bolt, located on the right-hand side of the linkspan when facing seaward, so that the bolt is no longer skewed and half-dislodged.

Action required by 1 March 2025.

- 6. Within 30 days of the date of completion of the repairs outlined in Condition 5 above, 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;
 - b) Are sufficient to demonstrate compliance with Condition 5 above.
- 7. 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.
- 8. No person may at any time use any external part of the structures for the storage of any item, material, or equipment of any sort.
- 9. All doors on the boatshed must be at all times be maintained as solid doors with no areas of glazing.
- 10. 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.
- 11. 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 application. An external water tap(s) may be provided for wash-down of boating equipment and ancillary boating equipment.
- 12. Not later than 1 March 2025, and biennially thereafter, the consent holder must provide the Compliance Manager, Marlborough District Council with a minimum of 10 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) Are sufficient to demonstrate compliance with Conditions 10 and 11 of this consent.
- 13. The consent holder must allow any person to pass across and lawfully use all external parts of the structures without charge. The consent holder must not display any signage that deters people from using the structures.

14. The structures 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 or accessing the structures with a vessel for the loading/unloading of goods and people.
15. The land to which the structures relate is presently known as Section 20 Block X Gore SD (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 otherwise 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. 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) Public access; and/or
 - b) Maritime safety; and/or
 - c) Recreation values; 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.
17. Unless a replacement resource consent is applied for and granted, the consent holder, at the consent holder's expense, must have removed the structures prior to the following events, whichever is first in time, and provide written and photographic confirmation of this to the Compliance Manager, 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 structure becoming derelict or abandoned.
18. This resource consent must not be implemented unless existing consents U041660 and U050259 are surrendered or have expired. (Note: their expiry date is 1 January 2025.)

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. This resource consent does not constitute a building consent nor does it imply that the existing structures or proposed repairs comply with the Building Code.
3. This resource consent does not constitute any required Department of Conservation approvals and/or Sounds Foreshore Reserve Licences.
4. The consent holder will in the future be required to pay coastal occupancy charges if they are imposed through Council's resource management plans.
5. 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.

6. If you wish to vary the structures including increasing the size or changing the design you will need to apply to vary a condition of this consent under s127 of the RMA 1991 or potentially apply for a replacement consent subject to the degree of change sought.
7. At expiry of the resource consent it is a breach of section 12 of the RMA 1991 for the structure to remain in the Coastal Marine Area. The consent holder must ensure their removal to avoid the risk of enforcement action.

Certificate of Resource Consent

Consent Holder:	William Ronald Trotter and Neville Charles Goldie (as trustees of the Cuirass Trust)
Consent Type:	Land Use
Consent Number:	U240493.02
Lapse Date:	This consent will lapse on 1 November 2024 unless given effect to prior to that date.
Part 3, Section:	Section 9.

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 resource consent for a retaining wall, lean-to structure, boardwalk, and house decking within the Open Space 3 Zone fronting Sec 20 Blk X Gore SD, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

Conditions

1. Except insofar as required to comply with the other conditions of this consent, the activity must be undertaken and remain in accordance with the resource consent application received by Marlborough District Council on 31 May 2024 in particular Figure 7: New Timber Boardwalk, Figure 9: Surveyed Dwelling and Foreshore Reserve Deck Area provided by Ayson Survey+, Job Ref 14585, SK04, and the Existing Foreshore Structures Drawings, SK01, provided by Davidson Group, as contained in Council record number 24121250 and the Planting Plan, R8642 received on 23 July 2024 as contained in Council Record Number 24181240.
2. All external surfaces of the structures (including trim, gutters and downpipes) must be:
 - a) A colour/s within a reflectivity value range of 5% to 30% inclusive; and/or
 - b) A natural, weathered timber finish.
3. Not later than 1 September 2025, the areas identified in the submitted Planting Plan, R8642 must be planted with locally occurring plant species selected from the Department of Conservation publication; 'Restoring Native Vegetation on Sounds Foreshore Reserve', and / or the species list for the 'Outer Sounds' within Eade N. & Walls G. (2011) 'Native Vegetation for North Marlborough – A Planting and Restoration Guide', pages 48 – 51, published by the Marlborough District Council and the Department of Conservation. All plantings shall be thereafter maintained in good health, with any plants that die being replaced within 12 months.
4. Not later than 1 December 2025, written and photographic confirmation of the planting which has been carried out in accordance with Condition 3 above must be provided to the Compliance Manager at Marlborough District Council, as monitoring@marlborough.govt.nz.
5. 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) Public access; and/or
 - b) Recreation values; and/or

c) Amenity values.

Notice of review for these purposes may be given during the months of January to December inclusive of any year for the first five year period of this consent.

6. If any artefact and/or any historical, cultural or archaeological material of Māori origin or likely to have significance to Māori is found or uncovered whilst undertaking work authorised by this consent, the following shall be complied with:
 - a) Work shall cease immediately, the area must be secured and any uncovered material must remain untouched.
 - b) Advice of the discovery must be given within 24 hours to:
 - i) Te Atiawa Trust's Kaitiaki o Te Taiao Office:
Landline: 03 573 5170
Email: kt@teatiawatrust.co.nz
To enable appropriate cultural procedures and tikanga to be administered.
 - ii) The Manager Resource Consents, Marlborough District Council
Landline: 03 520 7400
 - iii) Heritage New Zealand / Pouhere Taonga
Landline: 04 472 4341
 - c) No work shall recommence until both:
 - i) Agreement has been reached with Te Atiawa Manawhenua Ki Te Tau Ihu Trust; and
 - ii) If required, an Authority has been issued by Heritage New Zealand if the find involves an archaeological site.

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. This resource consent does not constitute a building consent nor does it imply that the subject structures comply with the Building Code.
3. This resource consent does not constitute any required Department of Conservation approvals and/or Sounds Foreshore Reserve Licences.
4. If you wish to materially change the design and/or location of the structure you will need to apply to change the applicable condition(s) of this consent under section 127 of the RMA 1991, or potentially apply for a replacement consent subject to the degree of change sought.
5. All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that Act to modify damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an authority to modify damage or destroy an archaeological site. This may include the planting of trees within an archaeological site.
6. Pursuant to section 36 of the Resource Management Act 1991, the consent holder shall be responsible for the actual and reasonable costs associated with monitoring this resource consent.

Reasons

Proposal

1. The applicant seeks resource consent for the continuation of a boatshed, jetty, linkspan floating pontoon and associated decking which were consented under U041660 and U050259 and are situated within the coastal marine area.
2. The boatshed is 4.95 metres by 9.1 metres, the jetty is 15 metres by 2.0 metres, the linkspan is 6 metres by approximately 1 metre and the floating pontoon is 7.4 metres by 3.4 metres. The floating pontoon is held in position by four piles. U041660 provided for a 7.0 metre by 2.5 metre boat ramp however an approximately 7 metres by 4.5 metres area of decking was built instead by the previous property owners.
3. Resource consent is also sought for a timber retaining wall and lean-to at the rear of the boatshed, a boardwalk and decking fronting the dwelling which are all structures built on the Sounds Foreshore Reserve.
4. The retaining wall is approximately 1.0 metre high and 6.55 metres long. The lean-to structure is 4.95 metres by 3 metres with decking covering the floor area and the area to the south of the lean-to places an additional 3 metres to the end of jetty and connects with the boardwalk.
5. The new boardwalk is a 52.0 metre by 2.0 metre low timber structure that replaces a previously unconsented boardwalk.
6. The decking area and wooden stairs fronting the dwelling covers 42m².
7. The applicant has identified areas where native planting will be carried out fronting the dwelling decking and surrounding the boardwalk area near the boatshed.

Background

8. The previous consents for the coastal structures, U041660 and U050259, expire on 1 January 2025.
9. A weather event in August 2022 caused a slip in the steep gully behind the boatshed which deposited large volumes of mud, rock and debris behind the boatshed and demolished the existing boardwalk. The timber retaining wall was installed behind the boatshed to enable debris to be cleared to provide access to the rear of the boatshed and the area between the retaining wall and the boatshed was covered creating the lean-to.
10. The area between the boatshed and the dwelling, where the boardwalk has been built, is boggy ground and since the slip is covered with mud and debris.

Description of Existing and Surrounding Environment

11. The applicant's property, Section 20 Block X Gore SD, is located in Deep Bay, on the southwestern shoreline of Endeavour Inlet. The main dwelling is located in the Sounds Foreshore Reserve fronting the property. The coastal structures are located to the northeast of the dwelling.
12. The applicant's property is one of two properties within the immediate embayment. Both properties have coastal permits for jetties which are approximately 430 metres apart. The applicant is the consent holder of the two moorings within the bay, U180916.01 and 02 (M3219 and M3728).

13. Further resource uses within the area are coastal residential properties with associated coastal structures and private and publicly held land containing regenerating native vegetation.

Planning Provisions

14. The boatshed, decking, jetty, linkspan and floating pontoon are located within the Coastal Marine area under the PMEP and are subject to the High/Very High Natural Character Rating, Outstanding Natural Feature/Landscape, Marlborough Sounds High Amenity Landscape, Important Bird Area and Marine Mammal Distribution overlays. The activity is a discretionary activity under 16.6.3, 16.6.4 and 16.6.7 of the PMEP.
15. The retaining wall, lean-to and associated decking, boardwalk and decking fronting the dwelling are located within Open Space 3 and are subject to the High Natural Character and the Marlborough Sounds High Amenity Landscape. These structures are a discretionary activity under 19.4.3 of the PMEP.

Notification and Affected Parties

16. For reasons recorded separately, the application was processed without public or limited notification.

Assessment of Effects

17. 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.
18. In reaching this conclusion it is assessed that the continued existence, including the required repair work, of the boatshed, jetty, linkspan and pontoon, subject to conditions would not appear unduly prominent from most public viewpoints, and are unlikely to detract from the character and amenity of the area or impact any nearby established activities.
19. It is considered that the structures within the Sounds Foreshore Reserve, subject to conditions, have been appropriately designed to integrate with the coastal setting and are broadly consistent with the character and amenity of the coastal environment. The proposed planting and colour scheme/ finishes will help soften the appearance of the structures, blending in with the surrounding environment.
20. In terms of positive effects, it is assessed that the coastal structures and the boardwalk will facilitate safe and convenient boat access to the applicants' property at all states of the tide and associated recreational use of the marine area.

Relevant Statutory and Plan Provisions

21. 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, 7.1.10, 7.2.8, 7.2.10 and 8.1.6 of the Marlborough Regional Policy Statement; Objectives 3.1 – 3.3, 6.2, 7.1.2, 7.1.9, 7.2.7, and 13.10 and Policies 6.2.1, 6.2.3A, 6.2.5, 6.2.7, 6.2.8, 7.2.1, 7.2.4, 7.2.7, 7.2.8, 8.2.14, 9.1.8, 9.1.13, 9.4.1, 9.4.4, 13.10.2, 13.10.4 to 13.10.17, 13.10.19, 13.10.22 and 13.10.23 of the Proposed Marlborough Environment 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 broadly consistent with the identified provisions.

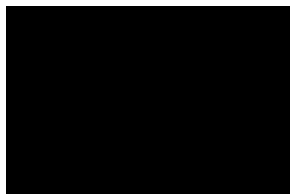
Part 2 Resource Management Act 1991

22. 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

23. Section 123 of the Resource Management Act 1991 requires that every coastal permit have an expiry date. In this case a consent duration of 15 years for the jetty, linkspan, floating pontoon, boatshed and decking is consistent with sustainable management. Upon expiry of this resource consent, a new application will be required to be made and will be determined in accordance with the legislation and policies in place at that time.
24. A lapse date of 1 March 2025 is imposed for the coastal permit to enable the consent holder to either see out the duration of the existing consents U041660 and U050259 or to surrender those consents and implement the replacement consent.
25. For the land use consent, this will be given effect to upon commencement as the structures already exist. A three month lapse period is imposed for Council's administrative purposes only.

Recommended for approval:



.....
Emma Hunter
Environmental Planner

Approved:



..... **26 July 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

BUILDING CONSENT

SECTION 51, BUILDING ACT 2004


MARLBOROUGH
DISTRICT COUNCIL
P O Box 443, Blenheim
Phone: (03) 578 5249
Fax: (03) 578 6866

THE BUILDING		Property Reference Number
Street address of building:	Deep Bay QUEEN CHARLOTTE SOUND	111691
Legal description of land where building is located	SEC 20 SO 4833 Bk X GORE SD	Building Consent Number BC050587
Building name:		ISO 9001:2000 FORM REF CIXXX
Location of building within site/block number:		
Level/unit number:		Estimated Value: \$50,000.00

THE OWNER	
Full name of Owner(s):	William Hamish Rutherford, Edward Gale Crichton Blakely, Virginia Mary Dunlop & Others
Mailing Address:	The Terraces 50 Terrace Road Leithfield NORTH CANTERBURY 8251
Phone Numbers	<div>Business After Hours Mobile Fax</div>
Email address:	
Contact Person:	

BUILDING WORK	
(1)	The following building work is authorised by this building consent:
	Boatshed

- (2) This building consent is issued under section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building)
- (3) This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.
- (4) This building consent is subject to the following conditions [☒ *tick applicable option(s)*]
- (a) the building must be altered, removed, or demolished on or before the end of years from the date of issue of this consent (being the specified intended life of the building); and
- (b) Inspections required and Conditions of building consent

INSPECTIONS REQUIRED

Final Inspection 1

ENGINEERS INSPECTION REQUIRED

Pile Driving Inspection 1
Final Inspection 1

All work is to be built as shown on the approved Building Consent. Do not make changes from the drawings or specifications as what has been approved is what must be built. All building work is to comply with the New Zealand Building Code. Nothing in this consent gives approval for work that fails to meet the minimum Building Code standards.

The provisions of the Marlborough District Council Resource Management plans and any applicable Resource Consent conditions must be complied with.

Building work must commence within 12 months of the consent issue date. It is important that the owner contact the Council Building Control Group if the work cannot commence within 12 months or the Council will cancel the consent.

Reasonable progress should be maintained on the project until it is completed or the consent may be cancelled. The project must be fully completed within two years of the date on the Building Consent.

The owner must identify property boundaries. The issue of the building consent does not give people the right to build outside their own property. Care must be taken to identify foreshore and reserve boundaries. Property owners may be asked to prove the boundary location and this may mean that a registered surveyor will have to be employed by the owner. The Council will not accept any liability arising from incorrect siting of buildings irrespective of inspections on the site, or for its approval to issue the building consent.

No changes are to be made to the approved Building Consent, as what has been approved must be built. If you wish to amend your building consent or change the building during construction then apply for an amendment to the building consent before carrying out any work.

The approved site copy of the plans and specifications must be on site during construction. Inspections may be refused if the site copy is not on site at the time of inspection.

The consent fees include all of the inspections that the Council expects to do on the project. At the completion of the project if fewer inspections are made then the Council will refund the balance. If extra inspections are made, for any reason, then additional fees will be invoiced and must be paid before a Code Compliance Certificate will be issued.

A list of the inspections required is included with the Building Consent. The applicant or applicant's agent is responsible for advising the Council when work is ready for inspection. Make sure that no work, or drains are closed in until inspected, and that substrate is inspected before application of plaster or texture finish. Please give the Council a minimum of 24 hours notice for all inspections. To book inspections telephone Council on Blenheim (03) 577-2517.

On some consents a producer statement has been issued which requires inspections by the person or company that issued the statement. It is the applicant's responsibility to make sure these inspections take place and that the record of the inspection is forwarded to the Council. In the case of inspections by structural engineers a completed producer statement will be required to cover all inspections made by the engineer.

This building consent is issued on the basis that the building is not for human habitation. If the Building is to be later used for habitation then a new Building Consent will be required for the change of use and the building will have to be upgraded. Habitable buildings are constructed to different standards than non-habitable buildings.

When the project is completed call for a final inspection.

This consent is issued under notice that the building work may not commence, or may only commence in part as specified in the notice, because authorisations are required under the Resource Management Act or other Act. It is important that the conditions of the notice are complied with and that no work is undertaken until the authorisation is obtained except for any work allowed in the notice.

COMPLIANCE SCHEDULE

(1) A compliance schedule

is required for the building

is not required for the building

(2) The compliance schedule must contain the following specified systems and comply with the performance standards for those systems required by the building code. The specified systems for the building are as follows:

ATTACHMENTS

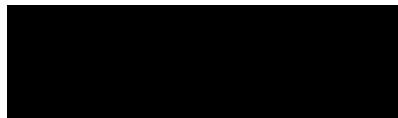
Copies of the following document is attached to this building consent [☒ *tick applicable option(s)*]

Project information memorandum

Development contribution notice

Certificate attached to project information memorandum

Signature



Position

BUILDING CONTROL GROUP LEADER

On behalf of **Marlborough District Council**

Date: 19 May 2005

APPLICATION FOR CODE COMPLIANCE CERTIFICATE

SECTION 92, BUILDING ACT 2004


MARLBOROUGH
DISTRICT COUNCIL
P O Box 443, Blenheim
Phone: (03) 578 5249
Fax: (03) 578 6866

THE BUILDING CONSENT

Building Consent Number **BC050587**
Property Reference Number **111691**
Issued by: **Marlborough District Council**
P O Box 443, Blenheim
Phone: (03) 578 5249, Fax: (03) 578 6866

OFFICE USE

Date Received Stamp

ISO 9001:2000 FORM REF
CIXXX

THE OWNER

Full name of Owner(s): _____
[first names] [family name]
Mailing Address: _____
_____ Street address/registered office _____
_____ office _____
Phone Numbers _____
Business After Hours Mobile Fax
Email address: _____
Contact Person: _____

THE AGENT *(only required if application is being made on behalf of the owner)*

Full name of Agent(s): _____
[first names] [family name]
Mailing Address: _____
_____ Street address _____
_____ _____
_____ _____
Phone Numbers _____
Business After Hours Mobile Fax
Email address: _____

APPLICATION

(1) All building work to be carried out under the above consent was completed on _____
date

- (2) The following specified systems are contained on the compliance schedule for the building and, in the opinion of the personnel who installed them, are capable of performing to the performance standards set out in the building consent:

The following specified systems are contained on the compliance schedule for the building and, in the opinion of the personnel who installed them, are capable of performing standards set on in the building consent:

There are no specified systems in the building

Cable Car (including to individual dwelling)

Automatic systems for fire suppression (for example, sprinkler systems)

Electromagnetic or automatic doors or windows (for example, ones that close on fire alarm activation)

Automatic or manual emergency warning systems for fire or other dangers

Emergency lighting systems

Escape route pressurisation systems

Riser mains for Fire Service use

Any automatic back-flow preventer connected to a potable water supply

Lifts, escalators, travelators or other systems for moving people or goods within buildings

Mechanical ventilation or air-conditioning systems

Means of escape from fire

Building maintenance units for providing access to the exterior and interior walls of buildings

Emergency power systems for, or signs relating to, a system or feature specified

Safety barriers

Means of access and facilities for use by persons with disabilities which meet the requirements of section 118 of the Building Act 2004

Hand-held hose reels for fire fighting

Such signs as are required by the Building Code or by section 120 of the Building Act 2004

Laboratory fume cupboards

Audio loops or other assistive listening systems

Some control systems

- (3) I request that you issue a code compliance certificate for this work under section 95 of the Building Act 2004. The code compliance certificate should be sent to ☐ tick applicable option]

Owner

Agent

☐ tick one option only]

Owner

Signed: _____

**Agent on behalf of and with the authority of
the owner**

Date: _____

Full name of person signing: _____

[first name]

[family name]

ATTACHMENTS

The following documents are attached to this application ☐ tick applicable option(s)]

Certificates from the personnel who carried out the work

Certificates that relate to the energy work

Evidence that specified systems are capable of performing to the performance standards set out in the building consent.

**If you have any queries regarding completion of this form please contact us on
phone (03) 578 5249 or fax (03) 578 6866**

Inspection Schedule

- 1. Please Read Before Commencement of Building Work**
- 2. Please Leave This Attached to the Site Copy**

Council requires at least 24 hours notice for each of the inspections identified in the inspection schedule below. Please give us as much notice as possible, especially if you live in a remote area or the only access is by boat.

The phone number for inspection bookings is (03) 577 2517.

The site copy of the approved plans must remain on site during construction. Council's Building Control Officer will need to refer to the site copy during each inspection.

Name: **W H Rutherford, E G C Blakely, V M Dunlop, O R Matson**

Building Consent No: **BC050587**

Site Address: **Deep Bay
QUEEN CHARLOTTE SOUND**

Project: **Boatshed**

COUNCIL INSPECTIONS:

Final Inspection 1

ENGINEERS INSPECTION REQUIRED

Pile Driving Inspection	1
Final Inspection	1

Please Note: This is an estimate of what inspections are required by Council officers for this project. Once the final inspection is done a refund or an additional charge may be required to be made.

If additional inspections are to be carried out by an Engineer, it is the owner's responsibility to ensure that these inspections are undertaken.

Field Sheet

Application No: **BC050587** Property No: **111691** Issued: **19/05/2005**

Valuation Roll No: **20110 60100** Legal Description: **SEC 20 SO 4833 Blk X GORE SD**

OWNER: **W H Rutherford, E G C Blakely, V M Dunlop, O R Matson**

Home Phone: **03 315 8227** Work Phone:

BUILDER:

Phone No: _____ Builders Mobile: _____

DRAINLAYER: Drainlayers Phone:

PLUMBER: _____ Plumbers Phone: _____

ACTIVITY: **Boatshed**

BUILDING **Deep Bay QUEEN CHARLOTTE SOUND** .

COUNCIL INSPECTIONS:

ENGINEER:

Final Inspection	1
------------------	---

ENGINEERS INSPECTION REQUIRED:

Pile Driving Inspection 1

Final Inspection	1
------------------	---

[illegible]

COMPLETED (Signature)

Date: / /

Consent No: BC050587

Ask For: Graham Roberts

19 May 2005

W H Rutherford, E G C Blakely, V M Dunlop & Others
The Terraces
50 Terrace Road
Leithfield
NORTH CANTERBURY 8251

Dear Applicant

Building Consent

We are pleased to forward your Building Consent. Provided there are no outstanding resource management issues, then work can commence at any time.

Please ensure that you read all of the attachments carefully because they contain important information.

This consent is issued under the Building Act 2004. You need to be aware of the following:

1. No changes to the consent can be made without prior approval. What has been approved must be built. Should you wish to change something talk to a Building Control Officer first. A new consent may be needed.
2. The project should be fully completed and a Code Compliance Certificate issued within two years. You should discuss with a Building Control Officer if you are unable to meet this requirement.
3. If this building is to be occupied by the public, then it is unlawful for any occupation to take place before a Code Compliance Certificate is issued. It is extremely important that you understand this requirement and ensure that your builder and sub contractors have the work fully completed so a Code Compliance Certificate can be issued before your occupation date.
4. The site copy of the approved documents must be on site at all times. Inspections may be refused if they are not on site when the inspector arrives.
5. When the project is complete, fill out the form "Application for Code Compliance Certificate" and return to Council.
6. Ensure that all inspections listed in the conditions are called for.
7. The invoice for this consent should be paid as soon as possible. The consent will be cancelled if the fees are not paid in full in a reasonable time.

We wish you well with your building project.

Yours faithfully



GRAHAM ROBERTS
BUILDING CONTROL GROUP LEADER

Smart Associates
P O Box 57
BLENHEIM 7315



P O Box 443
BLENHEIM
Tel (03) 578 5249
Fax (03) 578 6866
Email mdc@marlborough.govt.nz
Web www.marlborough.govt.nz



Hans van der Wal
Barrister
027 787 8052
Hans@Hansvanderwal.co.nz

Walker Street Chambers
DX WX11109
Christchurch
Also at 14 Queen Street
Blenheim

29 November 2024

Department of Conservation
SFR Renewals Team
Ōtautahi / Christchurch Office
Private Bag 4715
Christchurch Mail Centre
Christchurch 8140

By email: SFRrenewal@doc.govt.nz; lrodd@doc.govt.nz

Dear Madam/Sir

Cuirass Trust Deep Bay Marlborough Sounds Concession Application

1. As you know, I act for the Cuirass Trust (the Trust), whose Trustee Mr Bill Trotter has been corresponding with the Department of Conservation (the Department) regarding the renewal of its foreshore licence at Deep Bay, Marlborough, under the reference number 2802.
2. That correspondence arose from the indication in the Department's correspondence with Mr Trotter that the "application" for renewal cannot be processed as a renewal under s7 Reserves and Other Lands Disposal Act 1982 (ROLDA), but must be processed as an application for a concession under Part 3B Conservation Act 1987 (CA)¹. The factsheet in which that is stated (the factsheet) also indicates that licences renewed until August 2021 (under the ROLDA) will remain in effect until they expire in 2030.
3. While, as previously indicated, the Trust does not accept that the Department is unable to renew the licence under the ROLDA, I am instructed that for reasons of pragmatism, it is willing to apply for a concession, but with a longer timeframe to reflect the loss of assurance that a renewable licence provides as to future tenure. It also reflects the nature of the occupation which the concession seeks to authorise, much of which is permanent, historical, and does not interfere with public access along reserve land. It is willing to do so without prejudice to its position as to its right of renewal under the Licence. Should the longer term concession be granted, the Trust would be willing to relinquish its right of renewal under the licence.

¹ See in particular Sounds Foreshore Reserve Renewals Factsheet, provided to Mr Trotter by email on 11 October 2022.

APPLICATION

4. Please find **enclosed** by way of lodgement an application for a concession with a duration exceeding 10 years. You will see that a full planning assessment has been provided. However, in addition to that assessment, I provide below a summary of the significant legal matters that with respect, it is suggested should be given particular weight when considering the application. I acknowledge that this application has taken some time to prepare, however this time was taken first to obtain all the regulatory (Resource Management Act 1991) permissions required for the structures with which the Trust seeks authorisation under the Concession to occupy Department-administered Reserve.

Important Legal Matters

Legitimate Expectation

5. The key portion of the encroachment relates to the dwelling and those parts of the appurtenant structures that were authorised via the renewable licence. In relation to those it should be noted that:
- a. The encroachment is such that it is not feasible to remove it without effectively having to demolish the entire dwelling. When The Trust acquired its property at Deep Bay in 2018, it was aware of the encroachment, but relied on:
 - i. Section 7(10) ROLDA, which provided certainty that the licence held by its predecessor in title, authorising that encroachment, would automatically pass to it on purchase of that property;
 - ii. The existence of a licence authorising the encroachment, which included at clause 3.2, a right of renewal, which under clause 3.3. is to be included in any renewal;
 - iii. The fact that this licence was a renewal (in 2010) of the original licence that had been issued on 1 January 2001 and, in accordance with clauses 3.2 and 3.3, had been issued for a further period of 10 years (expiring 31 December 2020), with those same rights; and
 - iv. The consequential belief that provided there was payment of licence fees, if, in accordance with Clause 3.3(b), it gave notice of the intention to renew the licence at least three months before its expiry, that licence would be renewed. That renewal would be for a further ten years and would include a further right of renewal in accordance with Clauses 3.2 and 3.3.
 - b. The Trust purchased property in reliance on a legitimate expectation that the tenure of the reserve land (without which the dwelling it contained could not continue to exist) would be provided for by the right of renewal, which in accordance with past practice, would lead to a renewed licence also containing such a right.
 - c. The appropriate means of recognising and providing for this outside such a renewal, would be a thirty-year concession, as sought.

Grant of Land Use Consents Confirming Appropriateness for Recreational Values and Public Access

6. As will be evident from part L of the **enclosed** application, the proposal is not inconsistent with the relevant provisions of the applicable Conservation Management Strategy, which are Policies 14.10.1 – 14.10.17 of the Nelson/Marlborough Conservation Management Strategy

1996-2006, Sounds Foreshore Reserve Implementation. It is noted that Policies 14.10.1, 2 and 7, with which there is no conflict, make maintenance of recreational values important. At p80, in the Overview Section of that Strategy, it is indicated that public access to the coast is pivotal to the maintenance of such values. This is reiterated under the heading "Access", at p299. Given s17SB(1) of the Conservation Act 1987, the effect on public access to and along the Coastal Marine Area is a very relevant consideration.

7. In this regard, the Trust has obtained land use consents authorising the previously licenced structures on reserve land, as well as some minor extensions to those structures. Importantly, the Marlborough District Council, in granting those consents, is obliged to:
 - a. Provide, as a matter of national importance under s6(d) RMA for the maintenance and enhancement of public access to and along the coastal marine area; and
 - b. Have regard, under s104(1)(b) RMMA to any relevant provisions of the Proposed Marlborough Environment Plan, Objective 9.1 of which seeks to ensure that the public are able to enjoy the amenity and recreational opportunities of Marlborough's coastal environment. Policy 9.1.1 gives effect to that by identifying that the coastal marine area has a high degree of importance for public access and requiring a priority focus from Council for enhancing access to and within these areas, while Policy 9.1.13 further lists other matters relevant to public access to and along the coastal marine area in this location.
8. Having done this, the Marlborough District Council has granted land use consent U240493.02, which under s123(b) RMA has an indefinite duration, authorising those structures on reserve land. This confirms that the Council accepts that the permanent occupation of reserve land in this location does not interfere inappropriately with public access to and along the coastal marine area or associated recreational values. On the contrary, it enhances public access to and along the Coastal Marine Area and thus recreational values. This is of particular relevance given the reference in Heading L of the Strategy to interaction with the RMA for ensuring public access.
9. This absence of adverse effect, and presence of positive effects, on public access and thus recreation values, is reinforced by the fact that, at 36m wide, the foreshore reserve at Deep Bay is nearly double the standard 20m customarily set aside and referred to in the Strategy to ensure public access to and use of the foreshore. While its dwelling encroaches some metres into the reserve, the extraordinary width of that reserve means that even with that encroachment, the provision for public access along and use of the foreshore reserve in that location remains significantly better than in locations with a 20m wide reserve but no encroachments.

Additional Structures

10. Department Staff had identified some structures beyond those identified in the licence. Those have been fully identified in the **attached** concession application. They have been authorised in the **enclosed** resource consents granted by the Marlborough District Council.

NEXT STEPS

11. It is accepted that because the application is for a period that exceeds 10 years, public notification is obligatory. The Applicant will of course wish to appear and be heard, with appropriate representation and expert evidence, at any hearing that may follow.
12. Please include this cover letter with the **enclosed** concession application form and other material, for processing. I am also aware that it is open to the Department to seek any further information it may require to process the application. Please do not hesitate to contact the writer with any requests for clarification or further information.
13. Thank you again for your patience. My client, its advisors and I look forward to working with the Department to achieve a long-term resolution.

Yours sincerely

