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Committee Environment
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Use of boatsheds by consent holders

1. Purpose

To update the Committee on the outcomes of the internal inspections of boatsheds in the Wellington Region, and to address the issue of *non complying* consent holders and to seek advice on what direction to take.

2. Background

2.1 General compliance

Annual compliance inspections of boatsheds in the Wellington Region were carried out between November 2002 and January 2003. In the past, compliance has been determined by either internal or external inspections, depending on the type of activities thought to be occurring. This year, we undertook internal inspections of the boatsheds, in light of the Council's decision to decline overnight stays, on 19 September 2000. A summary of the compliance inspections is provided as Attachment 1.

Now that the overnight issue has been resolved, we are now finding other 'uses' creeping in. Therefore, we need to ask the Committee's advice on where we pitch our compliance.

All boatshed consent holders must comply with the following consent condition:

The boat shed shall only be used for storing boats and ancillary equipment. At no time is the boat shed to be used for accommodation purposes or as a place of assembly unless allowed by another resource consent.

Demand for boatsheds in the Wellington Region is continuing to rise. It is generally suspected that the increased demand is not from boat users but from people wanting cheap, coastal space for other non-boating purposes.

2.2 Regional polices

Policy 6.2.11 of the Regional Coastal Plan seeks to prevent the use of boatsheds for residential habitation and for activities which are not associated with the coastal marine area.

This policy recognises boatsheds are a limited coastal resource. Change in use, away from boating related activities, may create demands for carparking, water supply and waste disposal. Other issues, such as noise, security, loss of amenity value and character also become more prevalent. Accordingly, residential and non-water related activities are considered inappropriate uses of boat sheds.

2.3 Implications and reasons for use of boatsheds for non-boating activities

Using boatsheds for non-water related activities could have the following effects:

1. The availability of the coastal resource to true boat users to utilise the coastal marine area (CMA) for boating purposes is limited.
2. Less public access to the CMA due to a demand for more boatsheds to be constructed.
3. The possibility of increased discharges to the CMA.

There are several reasons why permit holders do not use boatsheds as originally intended:

1. Boats no longer need to be stored in boatsheds. Due to changes in boating materials and design, many boats can be moored or taken away by trailer. Therefore, the need to house boats in a boatshed and to carry out associated repairs has become redundant. So, boatsheds are now used for other purposes.
2. Boatsheds are being sold to non boat-users who may not be aware of the restrictions.
3. Boatsheds are being used as quiet places to study, paint etc as they are tranquil inspiring locations.
4. Non-boat users are able to occupy the CMA at extremely low cost. Boatshed owners pay an annual compliance and monitoring charge of \$105 to Greater Wellington, and may pay their local authority for sewer and water connection. However, no local authority rates are paid as the CMA is Crown Land and not rateable. A boatshed is considerably cheaper than a bach and even if people are aware of restrictions they don't think they'll get caught.

3. Outcome of internal inspections

3.1 Uses of boatsheds

There are three main categories of boatshed use. These can be described as follows:

(a) Using as boatshed and bach

More commonly boatsheds are being used for both storing boats and as a bach. It is becoming increasingly difficult for monitoring officers to assess whether having furniture and kitchen facilities in a boatshed is breaching condition 1, which states that *“boatsheds shall only be used for storing boats and ancillary equipment”*.

For example, it is not unusual for a boatshed to be well equipped with a fridge, microwave, full cooking facilities, sofa, t.v. etc. as well as toilet and bathroom facilities. However, if the owner is clearly also using the boatshed for boating use, where do we draw the line?

It was determined that this year that if owners did not have a boat or boating equipment in the boatshed, they were in breach of condition 1. However, this situation could lead to those owners that are non complying putting a dingy in the corner of their boatshed, so that they achieve a fully complying status.

(b) Using as bach

From the 101 internal inspections carried out this compliance year, nine boatshed owners were considered to be *non complying* with the condition of the consent that states: *“the boat shed shall only be used for storing boats and ancillary equipment...”*

These boatsheds were set up as baches and did not contain any boats or ancillary equipment. In these instances, it is very clear that the boatshed owners are not complying with their resource consent.

(c) Using for other non boating related activities

A number of boatsheds are used for a variety of non boating related activities. These activities include hobbies such as art and craft, commercial art and craft, meetings for sporting and interest groups and inventing (see article – Attachment 3).

Boatsheds being used in this fashion have been treated in the same manner as (a) above, where they were given a fully complying rating if there was evidence of boating activity. If there was no evidence of boats or ancillary equipment they were given a non complying rating.

3.2 No internal inspections undertaken

A relatively high number of owners did not respond to repeated attempts to set up appointments for internal inspections to be carried out. Out of the total 133 boatsheds, 32 (24%) were not able to be inspected internally.

External inspections were, however, carried out on all boatsheds to ensure that they appeared in sound condition, that there were no apparent discharges to the coastal marine area (CMA), and that public access was not impeded.

In summary, the implications of boatshed owners not facilitating inspections are as follows:

1. It allows the permit holder to continue to use the boatshed without having any regard for importance of compliance monitoring.
2. Boatshed owners who have allowed an internal inspection of their boatshed, feel they are being discriminated against.
3. Greater Wellington Regional Council is unable to assess compliance with the consent conditions.

Compliance officers determined that boatsheds that were not internally inspected should be rated as “Mainly Complying”. Under our existing policy, if an inspection could not be carried out, then it is not possible to rate a consent holder as “non complying”, as it is not possible to assess compliance with all the conditions. However, considering that 24% of boatshed owners did not facilitate an internal inspection, the situation needs urgent attention.

4. Issue – level of compliance

As can be seen above there are a number of scenarios where boatsheds are not being used in the way they were originally intended. They are not strictly complying with consent conditions. We need to determine the activities that are acceptable under the consent conditions.

It is reasonably clear that sheds being used as described in section 3.1(b) are “non complying”. The difficulty arises when boating related activities co-exist with non boating related activities. Section 5 proposes various compliance ratings for the different uses of boatsheds. However, it may be that the Committee wishes to see boatsheds used for purely boating purposes. This scenario would require the removal of all kitchen equipment, furniture etc.

5. Compliance level options

Table 1 outlines the different use scenarios encountered during inspections and recommends a level of compliance that may be appropriate.

Table 1: Scenarios for boatsheds

| Scenarios | Recommended Compliance Rating |
|---|--|
| 1. To store boats and ancillary equipment only | Fully complying |
| 2. To store boats and ancillary equipment and limited kitchen equipment (i.e. fridge, kettle, sofa) | Fully complying |
| 3. Sporting/hobby club (non boating e.g. Hot Rodders) uses boat shed for meeting and storage of equipment | Non complying – require removal of equipment and cessation of meetings (unless consented separately) |
| 4. Boatshed used for hobbies such as painting, writing, inventing. | Fully complying – so long as evidence that shed is used for some boating related activities. |
| 5. Boatshed used commercially e.g. art studio, recording studio, ship broker | Non complying – require activity to cease. |
| 6. To store boats and ancillary equipment and full kitchen and lounge (i.e. cooker, t.v., video, bed) | Non complying – require removal of bed |
| 7. No boat storage and fully kitted out as a bach | Non complying – removal of all bedroom related equipment |

6. Enforcement of compliance

Once we have decided on the level of compliance, we have a number of enforcement tools available to ensure compliance. If a consent is rated as non complying we have a duty to ensure action is taken to ensure compliance. Attachment 2 outlines the various tools available and their advantages and disadvantages.

7. Communication

Compliance ratings and what is expected of boatshed consent holders will be included in the consent holders annual compliance report.

8. Recommendations

It is recommended that the Committee:

1. *receive the report*
2. *note the contents; and*
3. *support the recommended compliance ratings outlined in Table 1 of the report.*

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Attachment 1: Annual compliance summary 2002/3003 for boatsheds in the Wellington region

Attachment 2: Table 2: Issues following internal inspections

Attachment 3: Newspaper Article Dominion Post