

Nelson Marlborough Conservation Board

Marlborough District Council - Proposed East Coast Beach Vehicle Bylaw – Response to Post Hearing Further Information

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1. In response to Minute 4 dated 26 November 2021 and Minute 5 dated 3 December 2021 issued by the Hearings Panel, the Nelson Marlborough Conservation Board welcomes this opportunity to respond to the further information provided to the panel post the hearings held in November 2021.
2. Firstly we will address two issues raised in questions by the Panel when we presented our submission in November.
3. **Vehicle use on the beach area below MHWS/the high tide line** - The Panel questioned the Board about its opinion on vehicles having some limited ongoing use rights on the beach, specifically on the area below MHWS or the high tide line. We had considered this issue briefly in our submission and were not in favour of the proposal. Further discussion confirms this position.
4. In our submission, the NMCB stated that “In the intertidal area numerous seaweeds and animals are vulnerable to crushing by vehicles. For example, shellfish can be found on reefs or sandy beaches. While some shellfish are valued for human consumption, many more provide food for birds and other foragers.” We consider that relevant information supporting this position is provided in two key documents:
 - the post-hearing information provided by the Department of Conservation (Appendix A Ecological Values on the East Coast, South Marlborough, available online as DoC_Minute_4-App_A_Ecological_Values_East_Coast.pdf),
 - Orchard, S., Falconer, T., Fischman, H., Schiel, D. R. (2020). Beach dynamics and recreational access changes on an earthquake-uplifted coast. Report to the Marlborough District Council, 42pp. ISBN 978-0-473-54390-7 (Print), ISBN 978-0-473-54392-1 (Online).
5. Crushing of intertidal species is detrimental to the intertidal community in itself, but is also detrimental to species that feed on those populations. Post-hearing information provided by the Department of Conservation, notes that it is important to protect foraging habitat that is important for valued species to build energy reserves year-round. They note that Banded dotterel (Conservation Status: Threatened - Nationally Vulnerable) “forage down below the high tide mark, and often congregate around rocky, tidal platforms such as those at Long Point”. Red-billed gulls (Conservation Status: At Risk – Declining) feed around tidal pools,

and black-backed gulls “quite often” feed in the intertidal. They identify a range of other species (including oyster catchers, wrybill, pipits), including at-risk and threatened species, that also feed in the intertidal. Vehicle access in the intertidal would therefore have a direct disturbance effect on the birds, and an indirect effect of damaging their food supply.

6. The effects of crushing on intertidal communities is also briefly but usefully reviewed in Orchard et al. 2020 (in the context of recovery from earthquake disturbance). They reference studies – including from adjacent Canterbury coasts – highlighting the detrimental effects of vehicles on communities on sandy and rocky coasts. They note that crushing by vehicles has been shown to damage a range of shellfish on New Zealand beaches (paragraph 5 on page 6), and that trampling can have substantial and long-lasting effects on seaweeds. Seaweeds are important creators of habitat for many other species¹ (including crustaceans and bivalves that would be a food source for birds and for fish and other subtidal species), so the loss of seaweeds indicates that many other species have also been eliminated, and therefore has implications for many parts of the wider community. Similarly, intertidal shellfish and other invertebrate animals can be habitat creators, and/or prey for terrestrial and marine communities.
7. The intertidal has long been seen as a dispensable environment – see our human history of in-filling estuaries, and building artificial structures along coasts. However, this perspective is outdated and environmentally damaging. The Boards position is that the intertidal area is a productive environment which has important relationships with terrestrial and sub-tidal habitats, and warrants similar protection.
8. **Public access issues** – the Panel also questioned the Boards position on public access given that the New Zealand Coastal Policy Statement 2010 highlights public access to the coastline along with protection. As stated at the hearing, the Board believes that public access by vehicle is not appropriate along this part of the coastline and that the terminology “Control use of vehicles...” as set out in Policy 20 of the NZCPS allows for prohibition if that is the level of control needed to manage the issues set out in a) to g).
9. The high number of vehicles using the coastline over the holiday period (personal communication with several people camping and walking in the area recently), and several high profile incidents involving vehicle use, only add to the Boards concerns. Pāua poaching near Cape Campbell in December by a local person using a quad bike for transportation ([Diver caught with nearly 50 times daily limit of pāua including 111 which were undersize | Newshub](#)), and a vehicle left abandoned and burning near Canterbury Gully on the East coast, posing a serious fire risk, in early January, are two examples.
10. We note the further information provided by the Marlborough Harbourmaster regarding the characterisation of Ward beach and the adjoining eastern coastline as a “high risk location” for maritime activities. We do not believe that this should be used as a justification for vehicle access along the coast, nor that lack of vehicle access will increase the risk. As he stated “Ultimately any person who chooses to take to sea, cannot divest themselves of the responsibility for that decision and managing their own maritime risks”.

11. **Other issues** - We have read the further information provided by the various parties and make the following comments in response.
12. **Landscape and Natural Character** – James Bentley provides further confirmation as to the outstanding landscape and natural character values of this area and concludes that “threats to these values, such as frequent and persistent continued vehicle use of the beach will erode the physical and sensory values”. The Board support this conclusion.
13. **Ecological and biodiversity values** – a number of the further information reports further outline these values (Department of Conservation, East Coast Protection Group, Ministry of Primary Industry, Royal Forest and Bird Protection Society and Mark Anderson). As set out in our original submission, we believe that the range of natural values, habitat types and species present in this area, fully justifies prohibiting vehicles from the coastline.
14. The Significant Natural Areas map provided by the landowners and Marlborough District Council also highlights the values that have been identified on a high proportion of adjoining private land in this locality. This is important as it confirms that the high ecological values of the coastal area are matched by high values on the adjoining land areas and potentially allows for more integrated management across the landscape. The proven interest and commitment of a number of adjoining land owners makes this a realistic proposition.
15. **Resilience and recovery post Earthquake** – the various Ministry of Primary Industries reports show that the resilience and recovery of subtidal and intertidal areas is slow and difficult following a cataclysmic event like the Kaikoura earthquake and could take up to a decade.
16. As the Board pointed out in our original submission, **the East Coast environment is in a transitional phase post-earthquake. These are exceptional circumstances caused by the earthquake and it is important that this newly developing coastal ecosystem is left undisturbed as the rearrangement process occurs over the coming years.**
17. In conclusion, having considered the further information provided to the Panel, the Nelson Marlborough Conservation Board remains fully supportive of the bylaw to prohibit vehicles on the East Coast of Marlborough as proposed. The further information only serves to reinforce that the combination of very high landscape and ecological values, along with the dynamic situation post the uplift caused by the 2017 earthquake, supports the protection of this area from the impacts of vehicles. It is the Boards view that this is the very situation where policy 20 of the NZCPS should be utilised in its fullest form to prevent damage, harm and disturbance to this high value coastal area.