

## **BEFORE THE HEARING PANEL**

Under the Resource Management Act 1991  
In the matter Topic 11 (Coastal Environments) of the Proposed Marlborough  
Environment Plan

Between

**Port Marlborough New Zealand Limited**

Submitter

and

**Marlborough District Council**

Local Authority

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**Memorandum of Counsel on behalf of Port Marlborough  
New Zealand Limited – Response to Minute 20**

**22 May 2018**

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**BELL GULLY**

BARRISTERS AND SOLICITORS

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1. This memorandum responds to matters raised by the Panel in Minute 20 issued on 26 April 2018. The Panel sought further detail from Port Marlborough New Zealand (**PMNZ**) as to the Waikawa Bay Marina Zone and the Elaine Bay Port Landing Area.

### **Waikawa Bay Marina Zone**

2. PMNZ's submission seeks that an area on the eastern side of the marina bund structures in Waikawa Bay be included within the Marina Zone in the Proposed Marlborough Environment Plan (**PMEP**). The Panel has requested that PMNZ provide it with a GIS detailed map enabling the exact location to be identified in Council's GIS mapping for the PMEP, if the submission is accepted.
3. We have attached, as **Appendix A** to this memorandum, the map requested by the Panel. The map shows the Marina Zone extending 20m horizontally beyond the MLWS (**Mean Low Water Springs**) interface between the sea surface and the existing breakwater. For completeness, the drawing also shows the other landside area that PMNZ seeks to be rezoned.
4. We have also included the map in dwg file format. This file provides the necessary data for Marlborough District Council technical staff to import into the Council's master GIS system, should that be required.

### **Elaine Bay Port Landing Area**

5. The Panel's Minute notes that the map included in the original submission of PMNZ as to the Coastal Marine Zone sought to be rezoned Port Landing Zone at Elaine Bay showed an area at the south west corner of the notified Port Landing Zone. The Panel has requested more detail as to the nature of activities conducted in that area which are said to require the extension of the Port Landing Area zoning.
6. This area provides access for maintenance of port infrastructure, and for that maintenance to take place within the Port Landing Zone. The Officer was correct in her s 42A Report that activities need to occur

within the Coastal Marine Zone, on the landward side of the existing wharf, to facilitate marine activities (i.e. the maintenance of the wharf).<sup>1</sup>

7. We note that all of the port infrastructure in Elaine Bay and the CMA to the landward side of this infrastructure (other than the small corner PMNZ seeks to be rezoned) is identified as Port Landing Zone under the PMEPP. PMNZ's submission seeks to achieve consistent treatment in the PMEPP for the area between the shoreline and wharf infrastructure at Elaine Bay.
8. We trust that this further information addresses the questions asked of PMNZ by the Panel in Minute 20.



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**AJL Beatson**

**Counsel for Port Marlborough New Zealand Limited**

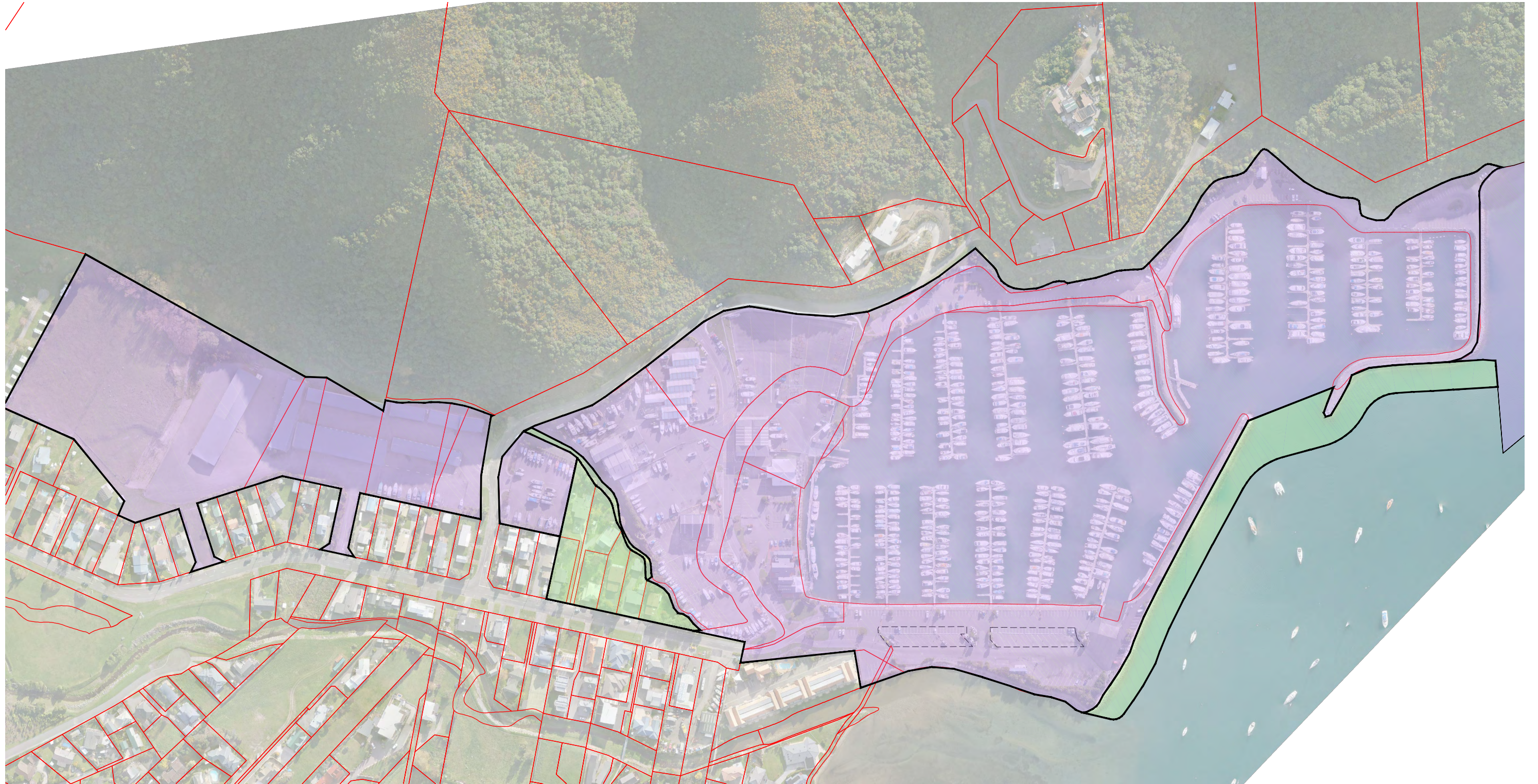
**22 May 2018**

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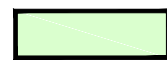
<sup>1</sup> Section 42A Report – Topic 11: The Use of the Coastal Environment at [864].

**Appendix A – Map showing zoning sought by PMNZ at Waikawa Bay**





CURRENT MEP MARINA ZONE EXTENTS



PROPOSED ADDITIONAL MARINA ZONE AREA