

Proposed Marlborough Environment Plan

Minute of the Hearing Panel

Minute 22

1. On 10 April, 2018 the Hearing Panel orally provided Port Clifford Limited with an opportunity to seek legal advice as to the implications of the New Zealand Coastal Policy Statement (NZCPS) on the zoning map changes its submission requested.
2. The Hearing Panel had drawn attention to its obligation under section 66(1) of the Resource Management Act 1991 that the Marlborough District Council must prepare the Marlborough Environment Plan (MEP) in accordance with the NZCPS. The concern raised in particular was the effect of the request made by Port Clifford Limited having regard to the provisions of Policy 11 (b) (iii) of the NZCPS and other potentially relevant provisions in Policy 11.
3. That Policy relevantly requires avoidance of significant adverse effects as follows:
 11. *To protect indigenous biological diversity in the coastal environment:*
 - a.; and
 - b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
 - i. *areas of predominantly indigenous vegetation in the coastal environment;*
 - ii. *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
 - iii. *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
 - iv. *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
 - v. *habitats, including areas and routes, important to migratory species; and*
 - vi. *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*
4. The issue raised by the Hearings Panel was that the evidence and submissions provided at the hearing by Port Clifford Limited had not addressed those particular NZCPS provisions and had only addressed Policy 13 implications. However, the

proposal outlined as part of the zoning map request on its face seemed to involve potentially significant adverse effects in terms of Policy 11 (b).

5. One was on a coastal wetland area, involving its destruction, and another involved potential significant effects on coastal dunelands — to mention just two very obvious potential effects.
6. The purpose of this Minute is to record that the Hearings Panel agreed to Port Clifford Limited having a month to respond with legal submissions and/or evidence addressing the NZCPS implications for its requested relief.
7. That period is recorded as being until 5:00 pm Thursday 10 May, 2018.

Dated 27 April 2018

A handwritten signature in black ink, appearing to read 'T Hook', followed by a period.

Councillor Trevor Hook

Chair of the MEP Hearing Panel