Proposed Marlborough Environment Plan

Minute of the Hearing Panel

Minute 45

To: Pere Hawes, Manager Environmental Policy, Marlborough District Council

1. At the head of Deep Bay on the eastern side of Arapaoa Island the notified version of the PMEP identified the Ecologically Significant Marine Sites (ESMS) on Overlay Map 14 an ecologically significant marine site 5.7. The underlying report for ESMS 5.7, Davidson et al 2011 entitled 'Ecologically Significant Marine Sites in Marlborough', described ESMS 5.7 as a significant cockle bed, particularly because of the large size of cockles in the bed.

2. In the course of its hearings on issues relating to sediment effects asserted to arise from forestry harvesting activities, the Hearing Panel received detailed evidence on 3 December, 2018 from Clare Pinder as to that cockle bed. During that evidence she informed the Panel of the following facts, or assertions of fact:

    a) that the cockle bed was a source of mahinga kai to Māori's tangata whenua iwi and has been actively used by members of the public for many years over the period during which she and her family have owned a bach at Deep Bay.

    b) The Davidson et al (2011) report which formed the basis of the PMEP sites of marine sites of ecological significance identified the cockle bed as continuing in existence and meriting protection by being identified as ESMS 5.7.

    c) As a result of obvious overland sediment flows emanating from forestry activities in the Deep Bay catchment in recent years, the cockle bed has been smothered, either entirely or substantially.

    d) The consequence was damage to the extent that the cockle bed is no longer visited by gatherers of mahinga kai, and she has not been able to find any cockles there.

    e) There were no other land use activities occurring in the Deep Bay catchment, other than forestry harvesting activities, which could have provided such a source of sediment sufficient to smother the cockle bed in whole or in part.

f) This cockle bed was rare in terms of the Totaranui and Queen Charlotte Sound and has been degraded directly as a result of sedimentation.

3. The Hearing Panel wishes to have a response from the Council as to the following matters, which it anticipates will require independent objective research to be carried out by an expert marine biologist:

a) Whether the area of ESMS 5.7 has undergone any level of degradation in the years since the examination reported on in the Davidson et al 2011 Report.

b) The extent of any such degradation, the nature of it, and whether it has been complete or partial?

c) Whether it is possible to reach any conclusion as to what has caused the degradation?

d) Whether the scientifically significant aspects of the cockle bed have been affected adversely by sedimentation since the 2011 Report was written?

e) If the degradation has been partial only, the likelihood of the cockle bed recovering?

f) If recovery is possible, what period that is likely to take, and how complete is it likely to be?

4. The Panel anticipates that the obvious expert to be requested to conduct the scientific examination of the cockle bed would be Mr. Rob Davidson, if he is available, given that he co-authored the 2011 Report which established most recently the nature and extent of the ESMS 5.7. The Panel would be assisted by knowing if he is available to undertake the necessary research and reporting, and if so how long he would need to undertake the research and provide a report on his findings?

5. Accordingly, Mr. Hawes is requested to make contact with Mr. Davidson to provide those initial responses.

6. If Mr. Davidson was to be unavailable then Mr Hawes is requested to approach another experienced marine biologist as to his or her availability to conduct the necessary research and to provide a timely report to assist the Panel in its deliberations.

Dated 5 December 2018

Councillor Trevor Hook

Chair of the MEP Hearing Panel