

**BEFORE THE ENVIRONMENT COURT**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**UNDER** the Resource Management  
Act 1991

**IN THE MATTER OF** An appeal under Clause 14  
of the 1<sup>st</sup> Schedule

**BETWEEN** **East Bay Conservation  
Society Incorporated**

**Appellant**

**AND** **Marlborough District  
Council**

**Respondent**

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**NOTICE OF APPEAL ON  
PROPOSED MARLBOROUGH ENVIRONMENT PLAN**

Dated 8 May 2020

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**Counsel: Tom Bennion**  
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Barristers and Solicitors  
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**To the Registrar of the Environment Court**

1. East Bay Conservation Society Incorporated (EBCS), appeals decisions on the following matters:

**The Proposed Marlborough Environment Plan (PMEP)**

2. EBCS made a submission on the plan change by 1 September 2016.
3. EBCS received notice of the decision on or around 20 February 2020.
4. On 26 March 2020, the Environment Court issued a minute extending the appeal period to 8 May 2020.
5. The decision was made by the Marlborough District Council.
6. EBCS is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
7. The decision is being appealed as its concerns:
  - a. Volume 4. Overlay Maps. Landscapes 5
  - b. Volume 3 Appendix 2 Coastal Natural Character Schedule of Values.
  - c. Volume 4. Overlay Maps. Coastal Natural Character 4

## GROUNDS OF APPEAL

### Outstanding Natural Feature / Landscape (ONFL)

8. Section 6(b) of the RMA provides that "the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development" is a matter of national importance.
9. The PMEP as notified excluded all of the sea area of East Bay from the ONFL overlay.
10. EBCS submitted that all of the sea area should be included because of the high landscape values of the area, regardless of the presence of marine farms in some parts.
11. The Council decision determined that the presence of marine farms and their effect on the proposed ONL overlay and exclusions was a matter of area by area assessment (Topic 5: Landscapes para 196). The decision did not discuss the values of East Bay specifically or make that area assessment, but comments in the decision and the overlay maps attached to the decision appear to endorse a section 42A report which shows part of the sea area on the eastern side of East Bay being included in the ONL ((Topic 5: Landscapes para 196).
12. Under the RMA a landscape does not have to be unmodified to be natural, just relatively unmodified. At issue is the degree of the natural component compared to the degree of human modification, and the balance of dominance of one over the other.
13. The Mackenzie Basin Interim Decision (*High Country Rosehip Orchards Ltd v Mackenzie District Council* [2011] NZEnvC 387) discusses the degree of naturalness necessary for a landscape to be an outstanding natural landscape. It states that the criteria of 'naturalness' usually include:
  - relatively unmodified and legible physical landform and relief;
  - the landscape being uncluttered by structures and/or obvious human influence;
  - the presence of water (lake, river, sea);
  - the presence of vegetation (especially native vegetation) and other ecological patterns.
14. The subsequent discussion makes it clear the Court regards naturalness as comprising a balance between the natural and cultural components of a

landscape. It concludes that modified landscapes, and not just pristine ones, can qualify as ONF/L.

15. The marine farms in East Bay do not detract from its ONFL.

#### **Natural Character Description of East Bay**

16. In Coastal marine Area D Outer Queen Charlotte Sound values were rated "very high" natural character but "excluding Otanerau Bay and the eastern section of East Bay which have a relatively high concentration of Marine Farms."
17. EBCS submitted there are few farms in this area and they did not stop the whole bay being classed as very high natural character as on the scale of East Bay the present farms are small enough not to dominate that environment. This was demonstrated with evidence that views including the farms are used in a large iconic photograph of the Marlborough Sounds in the Christchurch airport concourse.
18. The Council did not exclude the words as sought.

#### **Natural Character overlay of East Bay**

19. In the PMEP the natural character overlay did not include the outer part of Arapaoa island or the entire waters of East Bay.
20. EBCS submitted that there is little or no difference between the parts of East Bay classed as Outstanding, Very High, High Natural Character and that the few farms in the area did not stop the whole bay being classed as very high natural character.
21. This was demonstrated with evidence that the whole area is included in a large iconic photograph of the Marlborough Sounds in the Christchurch airport concourse.
22. The Council decision did not include these areas as sought.

#### **RELIEF SOUGHT**

23. The appellant seeks orders from this court:
  - a. That the ONL overlay apply to all of the sea area of East Bay.

- b. The description of coastal marine area and Outer Queen Charlotte sound values be amended to exclude the words ““excluding Otanerau bay and the eastern section of East Bay which have a relatively high concentration of marine farms.”
- c. The natural character overlay to include all of Arapaoa Island including all the waters of East Bay and the Outer Queen Charlotte Sound.
- d. Costs.

### ATTACHMENTS

- 24. The following documents are attached to this notice:
  - a. A copy of the EBCS submission.
  - b. A copy of the Council decision can be found at: [HTTPS://WWW.MARLBOROUGH.GOV.T.NZ/YOUR-COUNCIL/RESOURCE-MANAGEMENT-POLICY-AND-PLANS/PROPOSED-MARLBOROUGH-ENVIRONMENT-PLAN/DECISIONS-ON-THE-PMEP/FULL-DECISION-ON-THE-PMEP](https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/full-decision-on-the-pmep)
  - c. A list of names and addresses of persons to be served with a copy of this notice. (Not included – on the basis that service on submitters is waived by Environment Court minute 15 April 2020).



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Thomas Hugh Bennion

**Counsel for the Appellant**

This document is filed by Thomas Bennion, Solicitor for the Appellant.

The address for service of the Appellant is at the offices of Bennion Law, First Floor, 181 Cuba Street, Wellington.

Documents for service on the above-named Appellant may be left at that address for service or may be:

Posted to the solicitor at PO Box 25-433, Wellington 6140; or

Transmitted to the solicitor by email to tom@bennion.co.nz.

### **Advice to recipients of copy of notice**

How to become party to proceedings

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

### **How to obtain copies of documents relating to appeal**

The copy of this notice served on you does not attach a copy of the relevant application or the relevant decisions. These documents may be obtained, on request, from the appellant.

# Marlborough Resource Management Regulations 2003

## Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

To Marlborough District Council

**Organisation:** East Bay Conservation Society

**Contact person:** Mark Denize

**Date:** 1/09/2016

**Address for service:**

Stingray Bay  
Private Bag 427  
Picton 7250

**Telephone:** 03 5799220

**Mobile:** 021 469220

**Email:**

denize@tsnet.co.nz

**Submitter Number:** 98

**I wish to be heard in support of my submission.**

**If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

**Resource Management Plan**

- I could not gain an advantage in trade competition through this submission.
- I am not directly affected by an effect of the subject matter of the submission that-
  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition

**Submission Point: 100.1**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.10.15

**I Oppose the specified provisions**

My submission is:

This provision seeks to reduce the visual effect of jetties by making them floating, with small poles, and straight. In fact it will do the opposite where Jetties are on the side of a bay the main view of them is from the side. therefore a return running parallel to the shore actually reduces the visual impact of the return to just the width of the Jetty.

By seeking to restrict parts of Jetties that run parallel to the shore the MDC seeks to make them much more dangerous. At least part of a Jetty needs to align with the prevailing wind and sea for safe access in all conditions. Floating Jetties or jetties with small or short poles are dangerous in extreme conditions

As an example the Denize Jetty runs parallel to the shore at the end and is the only jetty in Te Aroha Bay that the Mail boat can get into in Storm conditions because all others are either too short or oriented across the prevailing conditions.

The attached photo shows two jetties in a storm at high tide. the Denize Jetty in the foreground is oriented into the wind/sea and is safe for boats in these conditions at all tides. The one in the background is short and shallow. it is not safe in these conditions. A floating Jetty or one with short poles would not be safe in either of these locations. A further photo shows the minimal visual effect of the return as it is approached from the sea.

Consideration could be made to differentiate between remote, exposed Jetties which are generally a long way apart and inner

sound jetties which are generally closer together and in more sheltered locations

**I seek the following decision from the local authority:**

Remove the provisions that seek to make exposed Jetties less safe. Make the Priority for the design of jetties the Safety of people and Boats. Do not restrict the safety of jetties by making them smaller, shallower or look less like Jetties

**Attachments**

Storm33.JPG

IMG\_20160829\_164853.jpg

**Submission Point: 100.2**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 4

**Chapter:** Overlay Maps

**Provision:** Landscapes 5

**I Support in Part the specified provisions**

My submission is:

East Bay Conservation strongly supports zoning the whole of East Bay as Outstanding Natural Feature Landscape.

However we do not support the land of East Bay being zoned ONFL and the sea between Parea Point and Papakura Pt being just zoned Sounds Coastal landscape, for as far as our members are concerned the main thing that makes this landscape of East Bay special is its relationship to the sea both inside East Bay and outside into Cook Strait.

EBCS submits that the whole of East Bay including the land and the sea should be zoned ONFL,

Supporting this view EBCS notes that the majority of the Ecologically Significant Marine sites Identified in the Outer Queen Charlotte Sound are inside the area of East Bay deemed Marlborough Sounds Coastal Landscape and that many more Ecologically Unique sites known to EBCS have yet to be formally recognised.

In addition Members of EBCS have seen several examples of photographs that show the stunning landscape of East Bay in magazines, newspapers, and commercial photographs for sale. We would like to highlight a photograph of one (attached with submission): an advertising board at the domestic arrivals and departure area of Christchurch Airport in 2014. The view is from above the head of East Bay and looks west. In the central foreground is the sea area in question, which we believe should be classed as an Outstanding Natural Feature and Landscape. We consider it to be outstanding, the people who used it for their advertisement considered it to be outstanding, and thousands of others, including many of the 5.7 million passengers who used Christchurch Airport in 2014 would also consider it outstanding. We believe that all of these parties would be astounded, as we are, that the MDC does not consider this area to be an "Outstanding Natural Feature Landscape".

We surmise that one of the reasons this area is excluded from the ONFL zone is because it is the only place in Queen Charlotte already zoned for marine farms. This resulted from the unfair rezoning of the area back in 1999 in response to lobbying by marine farmers, without adequate consultation with East Bay land owners and residents - and which resulted in 19 applications to carpet the area. After the event EBCS strongly objected to the underhand way this rezoning was carried out, and were forced to challenge the most harmful applications in the Environment Court. Apart from landscape values, EBCS took cases because the proposed and actual marine farms were sited over valuable and relatively rare wild fish habitat.

To ignore this history and reinforce the original misstep is not reasonable nor fair to the people in East Bay. Moreover this rezoning will act as a magnet for those seeking to degrade the ONFL of East Bay further, repeat the hideous saga and punish the people who live there yet again. This is quite unacceptable to us.

The new plan gives MDC an opportunity to right their original costly and harmful decision. In the same spirit in which EBCS has worked with MDC for the last 16 years to reach workable as well as landscape and environment protective outcomes for our home area, we suggest a compromise. We propose that the existing farms are bubble zoned as Marlborough Sounds Coastal landscape rather than zone the whole bay as Marlborough Sounds Coastal landscape.

**I seek the following decision from the local authority:**

EBCS requests that the whole of East Bay should be zoned ONFL and that the sea of East Bay should be zoned the same as the land.

EBCS would be happy to work with Council officers to document the other unique areas of special significance within East Bay that are known to EBCS members

We consider that the current presence or absence of marine farms or forestry or farming activity on a land or sea area should



not impact on whether that landscape they are located in be considered ONFL or not.

However If the objection is the few aquaculture farms along the coastal margin in East Bay then these should be bubble zoned as Marlborough Sounds Coastal landscape rather than zone the whole bay as Marlborough Sounds Coastal landscape which will act as a magnet for those seeking to degrade the ONFL of East bay further.

## **Attachments**

Nelson 004-1.JPG

## **Submission Point: 100.3**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 8 Indigenous Biodiversity

**Provision:** Policy 8.3.7

## **I Support the specified provisions**

My submission is:

EBCS strongly support protection of the Benthic environments that have been Identified as Ecologically Significant Marine Sites.

Some of the Ecologically Significant Marine Sites in East bay have been incorrectly labelled in the zoning maps and this needs to be corrected to align with the document written by Rob Davidson et al as follows

The sites that have so far been identified in East Bay have been incorrectly labelled as Whale and Dolphin sites. Davidson et.al. identified the following on pages 99 and 100

4.20 Papakura Point (Terrestrial) Papakura Point is a headland located in Anatholia Bay along the northern coast of the greater East Bay complex in the outer Queen Charlotte Sound. Papakura is approximately 32 km by water from Picton. Assessment of ecological significance This is one of only two gannet colonies in Marlborough. Breeding started here around 2002-2003. There were 60 pairs in 2005 and it is estimated there are now 80-100 pairs breeding that this colony.

4.21 Te Aroha Bay (Subtidal) Te Aroha Bay has a 3km coastline, a sea area of 67.9 ha, and is approximately 865m across at the mouth of the bay. It is 34 km by water from Picton. Assessment of ecological significance The central area of this bay has moderate numbers of horse mussels and associated encrusting species such as ascidians, sponges and hydroids. Between 2002 and 2005 densities averaged approximately 0.5 mussels per square metre 92,97. Large horse mussel beds are not common in the Queen Charlotte Sound and this area is an important biogenic habitat.

4.22 Puriri Bay (Subtidal) Puriri Bay is a small bay located on the southern shore of Otanerau Bay, East Bay. It has a coastline approximately 2km long, a sea area of 39.4 ha, and is 1040m wide at the bay mouth. The bay is 34km by water from Picton. There are extensive beds of red algae between 15-23m depth, which are dominated by *Adamsiella chauvinii*. A variety of sponges and hydroids as well as horse mussels and scallops have been observed from the wider bay as well as within the alga beds 92,97,165. Assessment of ecological significance At 14.3ha, this is the largest known red algae beds in the Queen Charlotte Sound. The red algae *Adamsiella chauvinii* often covers 100% of the seabed in association with a variety of other important species including scallops, giant lampshell and horse mussels.

4.23 Matiere Point (Subtidal) Matiere Point is a headland along the eastern shore of Otanerau Bay, East Bay. The bay is 34 km by water from Picton. Assessment of ecological significance The seabed around Matiere Point supports a variety of species uncommon in many areas in Marlborough. Of particular interest are giant lampshell, burrowing anemone, anemone (*Epiactus* sp.) and the habitat forming tubeworm (*Galeolaria hystrix*). These species have been recorded from the site in high densities. The bivalve *Cuspidaria wellmani* is also common at this site. Traditionally this species has been regarded as rare, but NIWA have recorded it from other localities in the Marlborough Sounds in recent years 165,306. 100 Ecologically Significant Marine Sites in Marlborough

4.24 Onauku Bay Head (Subtidal) Onauku Bay is situated in East Bay on the north-west side of Arapawa Island. The surrounding land is mainly pasture and scrub with small remnants of regenerating coastal forest. The water is relatively clear because of the lack of streams discharging sediment into East Bay and the bay has a coarse sand/shell substrate. Assessment of ecological significance In some years there are very high numbers of scallops in the bay. Their abundance depends on natural ageing and harvest by humans. This site has giant lampshell in deeper areas. Horse mussels are known in the area but are limited by recreational scallop dredging.

4.25 Onauku Bay northern coastline (Subtidal) This site extends from Onario Point (Anatholia Bay) east to Paerata Point in East Bay. Assessment of ecological significance This site supports a wide variety of species that are uncommon or rare in many parts of Marlborough. Of particular interest are giant lampshell, burrowing anemone, anemone (*Epiactus* sp.) and a habitat forming tubeworm (*Galeolaria hystrix*). A 2002 survey 97 recorded an average density of 1.44 giant lampshells per square metre, between depths of 24m to 32m.

## **I seek the following decision from the local authority:**

EBCs requests that all Ecologically Significant Marine Sites. receive as much protection as possible including limiting fishing techniques which damaged the Benthic environment such as dredging. EBCS asks that they are both correctly labelled and that

research continue to identify Ecologically Significant Marine Sites before they are degraded to the point of insignificance.

EBCS would like to work with MDC to recognise the other sites of special significance to East Bay

#### **Submission Point: 100.4**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 2

**Chapter:** 4 Coastal Environment Zone

**Provision:** 4.5.1.

#### **I Oppose the specified provisions**

My submission is:

EBCS is opposed to this provision as it seeks to make all buildings or structures over 10m<sup>2</sup> in East Bay (ONFL) subject to resource consent by way of a restricted activity, this means that a simple farm building like a chicken shed or glasshouse would become restricted discretionary activities, where they are currently permitted activities under the Rural one zone of the MSRMP. These types of structures are crucial on exposed areas of the outer sounds to keep valuable assets and animals safe in the often harsh environmental conditions

This is one case where EBCS would support a difference between the Coastal environment zone where properties are large and remote and the Coastal living zone where the effects are generally more concentrated

Non residential structures of this size should be permitted activities so long as they meet other criteria (like not being highly reflective)

#### **I seek the following decision from the local authority:**

Amend this point by making the size of restricted discretionary structures in ONFL areas bigger than small working structures in the Coastal Environment Zone.

EBCS requests that all permitted activities in the MEP for Rural One land apply to rural land in the Coastal Environment Zone

A reasonable compromise would be to make structures up to 50m<sup>2</sup> permitted and structures over 50m<sup>2</sup> restricted discretionary both with Guidelines as to how the structures could be made to blend in in the ONFL Areas

#### **Submission Point: 100.5**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 2

**Chapter:** 4 Coastal Environment Zone

**Provision:** 4.2.1.11.

#### **I Oppose the specified provisions**

My submission is:

EBCS Does not support making small (10m<sup>2</sup>) structures in the ONFL Coastal Environment Zone Restricted discretionary.

Structures this small include glass houses, chicken runs etc which should not need a resource consent. All buildings are permitted in the rural one zone under the existing MSRMP, and to go from this, to 10m<sup>2</sup>, in the new Coastal Environment Zone is unnecessarily restrictive on rural properties and will do little to protect ONFL values.

In the Arapaoa Island context, Arapaoa island is 7700 Ha or 77 000 000 m<sup>2</sup>, The properties of East Bay make approximately a quarter of this or 20 000 000 m<sup>2</sup> most of the land in East Bay is held in properties that are very large (over 100Ha or 1 000 000 m<sup>2</sup>) many are zoned ONFL. A 10m<sup>2</sup> structure is insignificant on any of these scales. In the case of one property of East Bay, the Denize property in Te Aroha Bay, it is 157Ha or 1,570,000m<sup>2</sup> a 10m<sup>2</sup> structure represents just 0,00064% of this land,

#### **I seek the following decision from the local authority:**

EBCS believes it would be better to make small structure permitted but with rules governing the effect of the structure on the environment.

EBCS asks that this provision is at least increased in size to structures over 50m<sup>2</sup> and that simple guidelines be given as to what is acceptable to build in the ONFL Coastal Environment zone. EBCS further requests that structures smaller than this be Permitted in the Coastal Environment Zone.

**Submission Point: 100.6**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 8 Indigenous Biodiversity

**Provision:** Policy 8.3.7

**I Support the specified provisions**

My submission is:

EBCS strongly supports physically protecting the Benthic Biodiversity and supports restricting the use of the Marine Environment which damages this important habitat

**I seek the following decision from the local authority:**

EBCS suggests that this policy should be accepted into the Plan

**Submission Point: 100.7**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 15 Resource Quality (Water, Air, Soil)

**Provision:** Issue 15A

**I Support in Part the specified provisions**

My submission is:

EBCS Believes that the MEP is the ideal opportunity to recognise the importance that Seawater Quality and the Benthic environment are equally important to Marlborough as the Freshwater and Soil Quality.

EBCS Believes that it is good to identify all the issues relating to the Fresh Water and Land environment. However much more needs to be done to protect the Marine environments.

It is not enough to say

*Maritime activities Degradation of coastal waters can result from common maritime activities, including the discharge of human sewage and oily bilge water from ships, runoff from maritime industries such as boat builders, and general litter. The effects of these activities tend to be short lived, unless they occur on a significant scale or are ongoing in a localised area. There is increasing awareness of the effect of antifoulants on coastal water quality. Antifoulants enter coastal water through leaching and boat maintenance activities. Marine farming involving fin fish requires the addition of feed, which has the potential to adversely affect coastal water quality in and around the marine farming operation.*

In fact most of the significant pollution of East Bay is from plastic waste discarded into the environment from the Public and Aquaculture and sedimentation from all Large scale Long term industries (Forestry and Aquaculture of all types). Particularly damaging to the benthic environment is the effects of high nutrient loading from intensive marine farming resulting in significant degradation of the the Benthos.

**I seek the following decision from the local authority:**

Recognise that the sea water and Benthic Environment of the Coastal Environment are as important to Marlborough as the freshwater and soil. and draft polices that deliver the same protection.

**Submission Point: 100.8**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 5 Allocation of Public Resources

**Provision:** Issue 5J

**I Support in Part the specified provisions**

My submission is:

## Overview

The East Bay Conservation Society (EBCS) has a 16 year, well informed interest in this topic, with substantial investment already incurred on our part. We are determined to ensure that the process finally put in place really is workable, fair and achieves the outcome of sustainable management of the coastal marine area. We encourage MDC not to compromise these outcomes at this late stage but to take a strong leadership role.

EBCS strongly supports the introduction of coastal occupation charges by the Marlborough District Council (MDC). A coastal occupancy charge scheme will enable the MDC to better carry out its function of monitoring existing marine farms and enforcing compliance with required standards in promoting the sustainable management of the coastal marine area.

EBCS does not believe that the imposition of charges will penalise offshore businesses or aquaculture. Rather it ensures all pay a fair share of the revenue that the Regional Council needs to promote sustainable management. We agree that the starting point is "the actual expenditure considered necessary to promote sustainable management of the coastal marine area" (Policy 5.10.7).

However, EBCS is concerned that the guts of the proposed charging framework is not in this document and may not if fact be formulated yet? At this stage we do not find any transparency about what actions the Council considers necessary "to promote sustainable management" or what process they will follow to develop a plan or priorities for that objective. Instead, we are simply back to political setting of the fees annually, with the inevitable consequences of short term planning, lobbying of politicians and inadequate outcomes.

Nor are we confident that the criteria proposed for determining the charges are the fairest or best way to incentivise environmental sustainability. For example, it is not clear how MDC will determine "the beneficiaries and allocation of costs fairly and equitably among beneficiaries" (Policy 5.10.7(c)). While the public interest is mentioned as an objective in Policy 5.10.3, the intent is not explicit in the criteria for determining the fees, Policy 5.10.7, so might not be applied. EBCS considers that the Council should specifically include the RMA wording - "the public benefits lost or gained, and the private benefit gained" - in the criteria for setting the fees Policy 5.10.7. We also suggest some other matters that we consider should be included in the methodology for setting fees.

EBCS finds the absence of information about the methodology for setting the fees and the actual proposed fees very strange, given previous substantial reports by Boffa Miskell and Executive Finesse for MDC on that topic. Our ability to submit therefore lacks critical information from MDC, and there is no certainty there will be an opportunity to comment on these aspects. We trust, however, that MDC intends to provide such an opportunity, possibly timed with release of the Aquaculture Policies and Marine Farms Management Provisions. It would be a breach of good faith if consultation on these critical aspects takes place only with selected members of the community and behind closed doors.

Because of our long standing contribution to MDC on this topic, we take time in this submission to:

- Provide the context of EBCS's long term support for Coastal Occupation Charges.
- Critique the framework proposed.
- Provide recommendations to improve the proposed criteria and methodology for imposing coastal occupancy charges.

## Historical Context - MDC, EBCS and Coastal Occupation Charges

In May 2000, Margaret and Stephen Thompson (later substituted by the EBCS) led an appeal to the Environment Court against a plan change in the MDC that proposed a variation to the Marlborough Sounds Resource Management Plan stating that "...until these issues are resolved to ensure a fair regime can be administered, Council will not introduce coastal occupancy charges"... (A detailed description of the legal issues involved in the case is provided by the judgment of Judge Jackson, (Decision No. C155/2007).) The EBCS won this appeal in 2009 and the Court required MDC to consider implementation of coastal occupancy charges.

Some years later, after long delays, we were persuaded by MDC to drop our legal case on the basis that coastal occupancy charges would be introduced. So 16 years since EBCS first contributed to MDC's consideration of this very important topic, MDC has finally proposed a charging regime. While very pleased to see this, and appreciative of the complex matters involved, we believe the time taken has been excessive. The long delay means the actual costs of marine farming on the Sounds environment were not assessed as they were introduced, leading to some harmful environmental consequences and a serious gap in information for ongoing sustainable management.

The starting point for EBCS is that seabed biodiversity in Marlborough is a significant and unusually accessible resource that should be conserved for the public to enjoy. The premise of our legal case came from our experience in the 1999 'gold rush' of aquaculture, when 19 consents were sought in East Bay, Arapawa Island where we live. This taught us that the MDC was under resourced and could not afford the expensive but necessary investigative research required for decisions about the sustainable management of aquaculture in the Marlborough region.

There was a startling lack of information on the marine environment in the Bay and the Sounds generally - lack of information about marine habitats, of strategies for dealing with marine pests, of protection of the wild fisheries, and the lack of any funding to deal with enforcement. Research could not be effectively undertaken unless the Council paid for and led independent projects, which was clearly the purpose for which coastal occupational charges were introduced in the 1997 amendment to the RMA.

## Critique of Framework – Cost setting

It is proposed that the “expenditure necessary for sustainable management of the coastal marine area” will be prescribed year by year in the Council’s Annual Plan. It will be compiled from the costs arising from a list of relevant activities listed in *Policy 5.10.8*. To find out more about these activities we are pointed to seven other chapters, (not including Aquaculture policies yet to be published).

We examined just one aspect from the list in 5.10.8- Chapter 8 *Indigenous Diversity*, to find out how the costs might be formulated in relation to this relevant aspect of the Sounds marine and benthic environment. Useful general principles were outlined but the only conclusion is that more work needs to be done, as shown below.

Under the heading *Marine Environments* we read -

*Despite the extensive length and physical size of Marlborough’s coastline, many marine habitats and species are fragile and vulnerable to impact. The increasing use of the coastal environment for recreational, cultural and commercial activities leads to a corresponding increase in the potential for adverse effects on marine biodiversity. Unfortunately, it is difficult to determine all of the significant marine values due to the size of the area and difficulties associated with surveying subtidal marine areas, although techniques for assessing marine biodiversity are constantly improving and evolving.*

And under *Identification of sites, areas and habitats with significant indigenous biodiversity value* (Chapter 8, Policy 8.1.3) we read -

*For the coastal marine area, the Council has undertaken a review of published and unpublished reports to provide an overview of Marlborough’s marine biodiversity. This information is available to the public but it is acknowledged that there are significant gaps in our knowledge. The Council will undertake surveys to improve knowledge of biodiversity patterns and condition.*

Without checking the other 6 chapters closely, it seems no specific process is yet proposed to enable the various components of a sustainable management plan for the coastal marine area to be determined and co-ordinated.

We then looked in the *Marlborough Sounds Resource Management Plan (MSMRP)* and amendments, Again, no process is outlined for developing a plan to guide allocation of the funding obtained from coastal occupancy charges on “expenditure necessary for sustainable management of the coastal marine area”. Yet the introduction to the MSRMP says

*The Council also has the role of promoting the sustainable management of the natural and physical resources of the coastal marine area. This carries the onus of ensuring that these resources and the qualities associated with them remain available for the use, enjoyment and benefit of future generations. The Council’s primary tool for managing the coastal marine area and fulfilling its section 30(1)(d) functions, is the Plan.*

The appropriate place for the process to be set out is the proposed Marlborough Environment Plan. The objectives and policies in the current MSMRP certainly pay detailed lip service to the purposes of sustainable management. The vital question is whether the policies set out at this stage in 5J are sufficient to ensure actual implementation.

We claim they are not. Annual Plan budget setting is a long way from a secure planning and funding framework to achieve the objective for which the charges are being imposed. We say it is quite inappropriate for coastal occupancy charges to be lumped in with the annual budget. These fees are not part of the general rates process. Since they can only be spent on sustainable marine management, the first step must be to ascertain priorities and develop a long term plan to implement that objective.

We suggest that without an explicit plan, or at the very least a transparent priority setting process, the word “necessary” could be misused to allow MDC discretion and subjectivity each year, minus accountability. It could be used as an “out” for not taking actions or for favouring “pet” projects. Without a plan, we consider that MDC is treating the coastal occupancy charges as if they are rates. Yet the criteria for determining the fees are explicitly not expressed as rates. This is not just inconsistent, it potentially subverts the whole objective of imposing the charges.

With a long term plan in place the yearly fees for several years ahead could be apportioned to the priority projects and ensure they are completed and not cut short. We propose the fees should be set for a minimum of 4 years ahead, possibly longer. This also gives all those involved, including the Council, continuity for managing projects and businesses effectively. Without this we are back to political setting of the fees annually, with all the consequences of lobbying politicians. We foresee, very sadly after our 16 years of input to MDC on this objective, that the Sounds may continue to suffer from lamentably inadequate funding for research, monitoring and enforcement. And it will be lobbied annually by those with strong reasons to keep those costs as low as possible.

EBCS commends MDC's initiation of significant projects in recent years relating to monitoring the coastal marine area, as described in the *Coastal Chapter of the State of the Environment Report 2015*. MDC has also recently undertaken important scientific investigations and hydrodynamic modelling, as reported in the *Coastal Monitoring Strategy*. These are substantive projects that MDC can build on to develop a co-ordinated plan for the “expenditure necessary for sustainable management of the coastal occupancy charges”.

We fully understand that a sustainable management plan for the coastal marine area will be dynamic and revised and implemented progressively. Implementing sustainable management in the Sounds is an exciting, ambitious opportunity that many community organisations and businesses care about and will want to support. But there must be a plan, not ad hoc, year by year,

allocation of coastal occupancy charges funding.

EBCS recommends that MDC develops a long term, co-ordinated management plan as the basis for setting the priorities and determining the expenditure necessary to achieve sustainable management of the coastal marine area. We say that coastal occupancy charges should be set for a minimum of 4 years ahead, so that those paying them can forward manage their marine structures and projects

### ***Critique of Framework – public/private balance***

EBCS is supportive of a public versus private benefit balance approach to determining the use of the coastal environment. Large parts of the coastal marine area have already been set aside for private use with a corresponding impact on public use. The expansion of marine farming means there are many situations where the net private benefit of occupation of the coastal marine area exceed net public benefits such as recreational opportunities and wild habitats. This leads to our urgent need for funding to promote sustainable management of the area. It is about internalizing externalities.

The framework for coastal occupancy charges starts with the obligation in s64A of the RMA for local bodies to consider the public benefits lost or gained, and the private benefit gained. But despite this being the focus of discussion, we do not see this intent carried forward to the policy for determining the fees in 5J, *Policy 5.10.7*.

The public/private balance of interests is mentioned as an objective in *Policy 5.10.3* and we surmise that the balance of public and private interests is intended to be covered by *Policy 5.10.7 (c)* –“the beneficiaries and allocation of costs fairly and equitably among beneficiaries”. But this wording gives subjective discretion to MDC to determine equitable balance without guidance as to how, or even if, the balance of public and private interest will be the basis for that assessment. It does not necessarily entail compliance with s64A of the RMA. In fact without a clearer statement under *Policy 5.10.7(c)* we see scope for legal action if those paying do not consider MDC is complying with the RMA in the way they impose the charges.

*Policy 5.10.6* sets out some equitable considerations, and mentions public benefit – but only in the context of setting out what will be considered if someone requests a waiver of a coastal occupation charge. Surely public benefit should not be explicitly recognised only when someone wants to waive payment.

We say the actual directive in the RMA, ie to consider the public benefits lost or gained, and the private benefit gained – should be a criterion for determining the level of coastal occupancy charges in *Policy 5.10.7*. We suggest that this wording is substituted for that currently in *Policy 5.10.7(c)*, so that the basis for assessment is clearly understandable and in accordance with the RMA.

In the absence of any fee setting methodology in these papers, nor any fees actually published in the current Annual Plan, we also note a matter very relevant in the Sounds. A Jetty is to some degree a public amenity in providing access to public space or the beach without going through private space. Where public use of a jetty becomes more than occasional, or impacts on maintenance costs or the consent holders' use, the public benefit should be reflected in assessing the fees. We suggest that resource consent for jetties could state that the consent holder must make it available to the public at large to use on an occasional basis (despite having to pay for, maintain and at the end of the consent period, dismantle the jetty). In some cases public benefit would be acknowledged as a discount factor or by other Council contribution.

We consider that the proportionate public/private benefit should be reflected in the coastal occupancy charges for shared use of infrastructures, such as substantial public use of jetties, by way of discount or other MDC contribution to private maintenance costs.

### ***Critique of Framework -***

#### **Commercial versus domestic occupancy**

*Policy 5.1.4* says that Coastal Occupancy charges will only be imposed where there is greater private than public benefit arising from the occupation. It says that the assessment of benefits arises from the occupancy of the coastal space, not “the associated activity facilitated by the structure”. There is no other discussion under 5J relating to the question of how commercial interests as opposed to domestic interests will be treated. We conclude that under 5.1.4, commercial, recreational and essential access use of the coastal marine area will all be assessed on the same basis.

We do not support this approach. Commercial ventures in the sea generate revenue for their owners by appropriation of a public resource. In comparison, jetties and moorings used for domestic purposes generally do not generate revenue and may be essential for residential access. The proportionate costs of marine infrastructure fall very differently on MDC, the recreational public and private owners. This reality should not be simply ignored but taken into account in the public/private balance assessment. The potential for domestic infrastructures to subsidise commercial ventures should be explicitly avoided.

We say that the public/private balance methodology for determining coastal occupancy charges should reflect the difference between use of public space for commercial ventures and for residential necessity. We do not support *Policy 5.10.4* because it excludes the associated activity from consideration in assessing fees.

### ***Critique of Framework – a possible methodology***

EBCS is very familiar with the proposed fee structures in the report prepared by Executive Finesse Limited, January 2013, which draws on the previous report by Boffa Miskell, November 1999. Under their suggested approach, a net private benefit was

derived for each occupancy type, taking into account private benefits and public benefits gained and lost. We submitted suggestions in relation to those reports, suggesting why we had some different views on the weightings.

There is no reference in 5J as to how, or whether, MDC will derive the proposed charges from this preliminary substantive work, or any another methodology. 5J does not suggest that the fees proposed in the *Report for Public Consultation on Proposed Framework to Introduce Coastal Occupation Charges (1 July 2014)* will be followed. Nor does it explain how the 2014 proposed fees were calculated or how the new fees will be calculated. We agree with a statement in the Executive Finesse report that certainty is an important criterion for fees, but this is certainly not achieved in the information available so far, nor will it be achieved by annual setting of fees.

EBCS considers that the methodology for setting the fees and the actual proposed fees should have been included in this consultation stage. Since that has not occurred, we claim the community is entitled to an opportunity for consultation on the methodology for setting the fees and the actual proposed fees before these are finalised, possibly at the time of release of the Aquaculture Policies and Marine Farms Management Provisions.

We commend to MDC the simple methodology we proposed previously - *“the actual charge could be based on a fixed administrative cost per structure, plus a per square metre charge, divided by a factor reflecting the utility provided to the general public”*. This captures the practical issues relevant for any methodology, and has the benefit of being explicit and understandable.

We noted at that time that the fixed cost component would reflect the simple fact that the space is occupied. For small domestic structures this cost would be most of the charge. The per square metre charge would mainly affect the large area users. Balancing the overall cost between the activities and benefits of different groups is then adjusted.

The figures we suggested in 2014 following this methodology were very similar to those in the July 2014 proposed framework. It will be interesting to see the outcome of MDC's fee setting methodology.

**I seek the following decision from the local authority:**

EBCS strongly supports the introduction of coastal occupation charges by the Marlborough District Council.

EBCS also supports the starting point for determining fees from “the actual expenditure considered necessary to promote sustainable management of the coastal marine area” (Policy 5.10.7).

The EBCS recommends, however, that the MDC considers further the way in which coastal occupancy charges will be determined. There is a need for an effective, transparent, workable, understandable charging regime linked to a long term plan for sustainable management of the coastal marine area.

We recommend the following changes to 5J.

1. That MDC develops a long term, co-ordinated management plan as the basis for setting the priorities and determining the expenditure necessary to achieve sustainable management of the coastal marine area. This would be a dynamic plan, reviewed and implemented progressively and with possibilities for involvement by interested community organisations and businesses.
2. That coastal occupancy charges should be set for a minimum of 4 years ahead, so that those paying can forward manage their marine projects and those implementing the plan have continuity.
3. That the directive in s64A RMA - to consider the public benefits lost or gained, and the private benefit gained - should be a criterion for determining the level of coastal occupancy charges in *Policy 5.10.7*. We suggest this wording is substituted for the wording currently in *Policy 5.10.7(c)* so that the basis for assessment is clearly understandable.
4. That the proportion of public/private benefit is reflected in the coastal occupancy charges for shared use infrastructures, such as substantial public use of jetties, by way of discount or other MDC contribution to private maintenance costs.
5. That the public/private assessment methodology should reflect the difference between use of public space for commercial ventures and for residential necessity. We do not support Policy 5.10.4 because it excludes the associated activity from consideration in assessing fees.
6. That the community has an opportunity for consultation on the methodology for setting the fees and the actual proposed fees before these are finalised, possibly at the time of release of the Aquaculture Policies and Marine Farms Management Provisions.
7. We commend to MDC the simple methodology we proposed previously - *“the actual charge should be based on a fixed administrative cost per structure, plus a per square metre charge, divided by a factor reflecting the utility provided to the general public”*. We consider this captures the practical issues relevant to any methodology, and has the benefit of being explicit and understandable.

**Submission Point: 100.9**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 1 Introduction

## Provision:

### I Support the specified provisions

My submission is:

It is the view of the members of East Bay Conservation that the balance of use of the Environment has been less about sustainability and more about the commercialisation of public space for profit at the expense of the environment.

### I seek the following decision from the local authority:

EBCS support the MEP where it seeks to promote the **sustainable** management of natural and physical resources

Sustainability is defined as (By Webster)

ENVIRONMENT, NATURAL RESOURCES the **idea that goods and services should be produced in ways that do not use resources that cannot be replaced and that do not damage the environment:**

*The successful coffee chain promotes sustainability within the coffee-growing regions.*

### Submission Point: 100.10

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 2 Background

**Provision:** 2.

### I Support the specified provisions

My submission is:

EBCS supports the method of defining regionally significant issues, Particularly in relation to East Bay where we find a near perfect fit

- Does the issue involve a resource that is scarce, rare, unique and/or is under threat?
- Is the issue a widespread problem apparent throughout Marlborough or large areas of Marlborough?
- Is there a conflict in resource use?
- Are there any significant cumulative impacts arising from resource use?

### I seek the following decision from the local authority:

EBCS has supported the special environment of East bay for over 15 years and seeks to protect the nationally and internationally significant values in perpetuity from unsustainable exploitation for commercial or personal gain. Our submission seeks to address the MEP issues specific to East Bay

### Submission Point: 100.11

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 4 Use of Natural and Physical Resources

**Provision:** Issue 4C

### I Support in Part the specified provisions

My submission is:

The statement

*A more recent trend has been the growth of the marine farming industry, with the establishment of over 570 farms around the Sounds. All of these activities continue today, although many pastoral farms have been left to revert to indigenous forest and shrub cover.*

in Issue 4C does not address WHY this has happened

In the main part pastoral farming has all but ceased in large parts of the sounds because these were an UNSUSTAINABLE use of the land and after as little as 100 years had destroyed the natural fertility of the land and after agricultural subsidies ceased so did the uneconomic pastoral farms.



Nor does it address the fact that marine farming has proliferated in an environment where profit can be made from free use of the public environment with absolutely NO controls on the waste emitted from marine farming.

**I seek the following decision from the local authority:**

EBCS wishes to see the issues of unsustainable use of the environment spelt out so that they can be learned from.

Issue 4C is the ideal place to highlight these issues and how they have been addressed in the past.

**Submission Point: 100.12**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 4 Use of Natural and Physical Resources

**Provision:** 4.AER.1

**I Support in Part the specified provisions**

My submission is:

CS wishes to challenge the AER especially where it says

***Public perception survey indicates that a majority of residents and ratepayers believe that the Marlborough Sounds environment is in good health***

It is EBCS view that the MDC does very little if any Marine environmental benchmarking/ monitoring/ reporting or Regulation

Where this science is done by MDC and others such as marine farmers, marine scientists, or community groups it shows woeful performance of the Marine Benthic environment with the Benthos beneath many Marine farms at near anoxic and azoic levels, and Marine significant Areas reducing at alarming levels.

Plastic Pollution both from the Public and the Aquaculture industry is at all time highs and MDC has shown EBCS complete unwillingness to take any regulatory action despite this being clearly prohibited in National and Local regulations. The attached files show an event where a mussel harvester dumped large amounts of plastic into the marine environment and no action was taken despite the culprit being identified

It therefore EBCS's perception that the East Bay environment is NOT in good health.

**I seek the following decision from the local authority:**

BCS requests that MDC actually takes action to Benchmark the Marine environment, Monitor the Marine environment, and regulate the Marine environment when MEP Policies and rules are not being met.

EBCS sees the Coastal occupancy charges as an ideal opportunity to adequately resource the science and regulation of the Marine environment, EBCS strongly supports the use of Coastal occupancy charges to protect the environment

The first step is to benchmark the environment (e.g.plastic rubbish on the beaches of the outer sounds or highly impacted Benthic environments) and to monitor these to see if they are improving.

That is an anticipated environmental result of the MEP.

**Attachments**

8232.JPG

Mark and Eian Denize plastic pollution.docx

8201.JPG

8201.JPG

8205.JPG

**Submission Point: 100.13**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 5 Allocation of Public Resources

**Provision:** Policy 5.2.4

### **I Support in Part the specified provisions**

My submission is:

section e/ of this provision it states

(e) maintain water quality;

it is the view of EBCS that given the degraded state of Marlboroughs resh water it is not good enough to just maintain the water quality

We must seek to improve the water quality.

### **I seek the following decision from the local authority:**

EBCS requests that the work Maintain be changed to Improve

### **Submission Point: 100.14**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 5 Allocation of Public Resources

**Provision:** 5.AER.1

### **I Support in Part the specified provisions**

My submission is:

EBCS Supports the AER's stated

However we note that none relate to the Coastal Marine area, we would like to see this change

### **I seek the following decision from the local authority:**

ome that come to mind are that come to mind that EBS would like to see added to this AER

1/ maintenance of marine Significant Areas - effectiveness no marine significant ares are degraded

2/ increase in the number of Marine siggnificant areas - effectiveness the number of identified marine significant areas increases each year

3/ Improvement of Benthic performance under aquaculture - effectiveness all farms operating withing industry best practice guidelines and no farm operating at or near azoic and anoxic levels.

### **Submission Point: 100.15**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 6 Natural Character

**Provision:** Issue 6A

### **I Support the specified provisions**

My submission is:

EBCS Supports the Principle that

*"Even in areas with low overall natural character, components of high natural character may remain and the protection of this natural character from inappropriate subdivision, use and development may still be important to the local community, wider public and intrinsically. These areas could also become the focus of restoration efforts."*

*this is especially important to EBCS as we seek to restore the environment of East bay, EBCS has been successful in regeneration of indigenous forest, removal of wilding pines, Predator trapping and culling, Which has resulted in the Land being zoned ONFL.*

*EBCS has also been successful in Limiting the inappropriate spread of aquaculture as evidenced by the attached map which shows the effect on the community when the MSRMP zoned part of East Bay as coastal marine zone 2 (open sea).*

**I seek the following decision from the local authority:**

We Hope that the MDC will see the results of the improvements to the environment of East Bay and support EBCS in improving this special environment still further by zoning the whole bay from ridge to ridge, and foreshore to foreshore ONFL

**Attachments**

img005.jpg

**Submission Point: 100.16**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 6 Natural Character

**Provision:** Policy 6.1.2

**I Support the specified provisions**

My submission is:

EBCS Agrees that the coastal environment extends from the sea to the first coastal ridge and that this encompasses the whole outer sounds and that this environment needs to be protected from inappropriate subdivision, use and development.

**I seek the following decision from the local authority:**

EBCS requests that is policy is followed throughout the MEP. It is not good enough to draw a line around the land of the outer sounds and say that this is outstanding, very high or high without including the sea in that clasification

**Submission Point: 100.17**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 8 Indigenous Biodiversity

**Provision:** 8.M.5

**I Support the specified provisions**

My submission is:

EBCS Stongly Supports this policy and is keen to offer our assistance to add to Council knowledge and help map the areas of East Bay known to carry significant boidiversity

**I seek the following decision from the local authority:**

No Change

**Submission Point: 100.18**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 8 Indigenous Biodiversity

**Provision:** 8.AER.1

**I Support the specified provisions**

My submission is:

EBCS supports increasing the protection for the environment. Large areas of Land owned by EBCS members are already in QE2 protection,

EBCS supports an increase in the number of marine protected areas

**I seek the following decision from the local authority:**

NO change

**Submission Point: 100.19**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.1.1

**I Oppose the specified provisions**

My submission is:

EBCS Recognises the need to carefully manage subdivision in areas of outstanding natural character. However we have also seen how careful subdivision brings with it care of the environment through stewardship of a special place.

EBCS believes that the right to have a sustainable community is dependent on there being sufficient people for neighbours to be able to call on each other where help or support are needed.

**I seek the following decision from the local authority:**

EBCS would prefer that policy 13.1.1 better reflected the needs of remote communities and that in recognising the needs of remote communities allow appropriate subdivision to meet those needs

**Submission Point: 100.20**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.1.2

**I Support the specified provisions**

My submission is:

EBCS recognises that not all areas of the coastal environment have been assessed as we are aware of several areas of significance in East Bay that are not registered

EBCS are keen to help MDC identify these areas so that they may also be protected under the MEP

**I seek the following decision from the local authority:**

EBCS Members would like to be involved with the identification of Marine Ecologically significant areas and for the MDC to take the lead to ensure that all local knowledge of significant marine biodiversity is included in the MEP.

**Submission Point: 100.21**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.2.5

**I Support in Part the specified provisions**

My submission is:

EBCS is opposed to para (i) of this policy *clustering together of structures and activities*;

It is the belief of our members that the most dominant human impacts on the landscape are those areas where houses and structures are clumped together in unnatural amounts

The outer sounds have a history of rural living and occupation where the houses and associated buildings are generally a long way from each other this and the scale of rural properties means that the effects are minimal

The MSRMP had a policy of requiring a minimum rural subdivision of 30Ha which often meant houses were still a long way apart and did not dominate the landscape.

Unfortunately there was also a protection of large lots rule which has effectively created a ribbon of small sections along the coastline and clumped many small sections together in village settings

**I seek the following decision from the local authority:**

EBCS would prefer that this point (para (i) is removed altogether or replaced with a modified para (m) to say

*encouraging appropriate **location** and design of new structures and other development inform, colour and positioning that complement, rather than detract from, the visual quality of the location.*

**Submission Point: 100.22**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.3.4

**I Support the specified provisions**

My submission is:

EBCS supports this policy unmodified

**I seek the following decision from the local authority:**

That this policy be adopted

**Submission Point: 100.23**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.5.5

**I Support the specified provisions**

My submission is:

EBCS Recognises that it is important for large Coastal Environment properties to accommodate workers as there are often no other accommodation alternatives in remote parts of the coastal environment, Therefore these properties should have the permitted right to have seasonal worker accommodation just as the same properties do under the existing rural one zone

**I seek the following decision from the local authority:**

Ensure that this policy is carried through to the permitted rules for the coastal environment zone as seasonal worker accommodation has been omitted from the permitted activities there

**Submission Point: 100.24**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.9.2

**I Support in Part the specified provisions**

My submission is:

EBCS is opposed to para (a) in remote parts of the sounds where moorings are very rare or a long way apart, and anchoring is either difficult or extremely damaging to sensitive benthic environments. By limiting moorings to just one per property It means that visitors who wish to stay overnight cannot do so in safety or security.

It is EBCS's belief that In the coastal environment zone that there is less impact on the environment by allowing an extra mooring than there is with any of the alternatives

**I seek the following decision from the local authority:**

EBCS believes that this is one policy that needs to recognise that there is a significant difference between small tightly clustered properties close to Picton where resources such as moorings are common and there is competition for space and large remote properties with up to a kilometre between titles,

EBCS believes that there is justification for this policy in the Coastal living zone but no justification whatsoever for this policy in the coastal environment zone where at least two moorings should be permitted.

**Submission Point: 100.25**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Issue 13G

**I Support in Part the specified provisions**

My submission is:

as well as the direct effects of dredging on the immediate environment it also needs to be recognised that the dumping of the dredged material and the re-suspension of sediments has a **major effect** on the environment that it is deposited into.

**I seek the following decision from the local authority:**

EBCs asks that the para detailing the main effects of dredging be modified to include the effect of deposited the dredged material and subsequent re-suspension of that material

**Submission Point: 100.26**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 2

**Chapter:** 4 Coastal Environment Zone

**Provision:** 4.1.

**I Support in Part the specified provisions**

My submission is:

The coastal environment zone encompass much land that is currently zoned rural one. These large properties have special needs one such need is having to provide appropriate accommodation for workers as there are few other options on these remote properties

**I seek the following decision from the local authority:**

Insert Worker Accommodation as a permitted activity in section 4.1 to match the policy of 13,5,5 Volume one where it says

Policy 13.5.5 – Except in the case of land developed for papakainga, residential activity on land zoned Coastal Environment will be provided for by enabling:

- (a) one dwelling per Computer Register;
- (b) seasonal worker accommodation; and
- (c) homestays.

**Submission Point: 100.27**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 2

**Chapter:** 4 Coastal Environment Zone

**Provision:** 4.7.7.

**I Oppose the specified provisions**

My submission is:

EBCS opposes this rule if it includes Long drop toilets.

In the view of EBCS appropriately sited Long drops are amongst the most environmentally sustainable way to deal with small amounts of human effluent on large remote properties. They are far more sustainable than the alternative of going in the bush and should be encouraged instead of prohibited because they cause almost no detectable adverse effects

**I seek the following decision from the local authority:**

Clarify that this provision does not include Long drops on Coastal environment zoned properties or remove it

**Submission Point: 100.28**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 3

**Chapter:** Appendix 1 Landscape Schedule of Values

**Provision:**

**I Support the specified provisions**

My submission is:

EBCS notes that much of the Nationally significant broadleaf species and nationally significant cliff vegetation on Arapaoa Island is either in or very close to East bay and is contributing to the rapid regeneration of the remainder of East Bay,

Also East bay is the is one of the most dominant drowned landscapes in the outer sounds a deserves to entirely zoned ONFL (see the attached photo from the concourse of Christchurch airport which directly focuses on the East bay Landscape in question

**I seek the following decision from the local authority:**

EBCS requests that The outer sounds Landscape is used to reassess the whole of East bay as ONFL

**Attachments**

Christchurch Airport.JPG

**Submission Point: 100.29**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 3

**Chapter:** Appendix 1 Landscape Schedule of Values

**Provision:**

**I Support the specified provisions**

My submission is:

Arapaoa Is significant for all of the reasons mention in Para 14 *Arapaoa Island and Tory Chanel including West Head*.

EBCS Notes that although there are modifications present in the existing environment as noted. they are insignificant in the scale of Arapaoa Island

**I seek the following decision from the local authority:**

The limited number of modifications in East Bay compared with the values that remain reinforce how important it is to ensure these values are protected for future generations and not further degraded.

**Attachments**

Christchurch Airport.JPG

**Submission Point: 100.30**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 3

**Chapter:** Appendix 1 Landscape Schedule of Values

**Provision:**

**I Support the specified provisions**

My submission is:

In Para 16 Islands of north Eastern Queen Charlotte Sound it states

*Large areas of the waters in Queen Charlotte Sound are of international and national scientific ecological significance. Blumine Island and Arapawa Island Reserves are considered nationally significant for ecological values.*

*EBCS notes that many of these values are in or immediately around East Bay*

**I seek the following decision from the local authority:**

No Change.

However EBCS requests that MDC take these values into account when assessing the Natural Character and Features and Landscapes of East Bay

**Submission Point: 100.31**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 3

**Chapter:** Appendix 2 Coastal Natural Character Schedule of Values

**Provision:**

**I Support in Part the specified provisions**

My submission is:

In Coastal marine Area D Outer queen Charlotte Sound It states the values that support It being rated very high and then **Excludes Otanerau Bay and the eastern section of East Bay which have a relatively high concentration of Marine Farms**

EBCS submits the few farms in this area do not stop the whole bay being classed as very high natural character as on the scale of east bay the present farms are small enough not to dominate that environment as demonstrated by the attached photograph from Christchurch airport concourse.

The dominant forms in this photograph is the outstanding natural character with hardly a man made structure to be seen

**I seek the following decision from the local authority:**

Remove the exclude areas of East Bay or bubble zone the marine farms to prevent even more subdivision of the marine environment further degrading the outstanding natural character of East bay

**Attachments**

Christchurch Airport.JPG

**Submission Point: 100.32**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 3

**Chapter:** Appendix 8 Discharge to Air

**Provision:**

**I Support in Part the specified provisions**

My submission is:

EBCS submits that Schedule one emission Requirements should apply to appliances in the residential zones but not to the rural or Coastal Environment zones as these zones generally have very little or no air pollution from existing household burning Appliances

**I seek the following decision from the local authority:**



Distinguish between the Living zones and the Environment zones to recognise the difference in effects

**Submission Point: 100.33**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 4

**Chapter:** Overlay Maps

**Provision:** Coastal Natural Character 4

**I Support in Part the specified provisions**

My submission is:

EBCS Supports the outer Sounds being classed as Outstanding Natural Character

However we find it hard to believe that the rest of the outer part of Arapaoa island does not have the same classification as on this scale there is little or no difference between the parts of East Bay classed as Outstanding. Very High, High Natural Character or Just Coastal Environment

**I seek the following decision from the local authority:**

EBCS asks that ALL of East Bay including the Land between East bay and The outer Queen Charlotte Sound and the entire water of the bay be zoned at Outstanding Natural Character or at the very least Very High Natural Character to reflect the public perception as depicted in the attached photo from the Concourse of Christchurch Airport

**Attachments**

Christchurch Airport.JPG

**Submission Point: 100.34**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 4

**Chapter:** Overlay Maps

**Provision:** Steep Erosion Prone Land 4

**I Support in Part the specified provisions**

My submission is:

EBCS submits that this overlay shows just how limited the planning information used to create the planning maps in volume 4 is

This map compares the Coastal cliffs of Arapaoa island with the inland hills between Picton and Tuamarina and deems them Steep Erosion Prone land. This map is almost nonsense, as most of the land of Queen Charlotte sound is locally over steepened cliffs falling into the sea. This is one of the things that has prevented this area of Marlborough Sounds being over exploited and made it the Outstanding Landscape that it is.

**I seek the following decision from the local authority:**

MDC needs to look at his map carefully and recognise the limitations of the information contained it and then revisit the other maps that have equally inaccurate information in them (such and the Natural Character maps and Landscape Maps to ensure sustainable protection of the environment

**Submission Point: 100.35**

The specific provisions of the proposal that my submission relates to are:

**Volume:** Volume 1

**Chapter:** 13 Use of the Coastal Environment

**Provision:** Policy 13.11.3

**I Support the specified provisions**

My submission is:

EBCS strongly supports this policy

**I seek the following decision from the local authority:**

that this policy be adopted unchanged