

Extraordinary Council Meeting

8 July 2021

Separately Circulated Attachment

(as indicated this is circulated separately to the Agenda)

This attachment relates to Item 4
in your Agenda

*Attachment 4.3 –
Statement of Proposal – Summary*

East Coast Beach Vehicle Bylaw

Summary

This summary describes the environmental and public safety issues on Marlborough's East Coast between the Awatere River and Waima (Ure) River; the options explored by Council to address these issues; and how to make a submission on the draft East Coast Beach Vehicle Bylaw.

From the sheltered bays of the Marlborough Sounds to the exposed coast south of Cape Campbell, Marlborough enjoys 1,800 km of diverse coastline. We all share a common responsibility to balance human activities in the natural environment, to ensure future generations can still enjoy the coast's abundance long into the future.

On the East Coast, people enjoy walking, bird watching, crayfishing, horse trekking, camping and earning a living from farming and the sea. It's also a place where half of the coast (28.5 km of the total 48.5 km) from the Awatere River mouth to the Waima (Ure) River mouth is recognised as ecologically significant.

Following the 7.8 magnitude Kaikōura earthquake in late 2016, Marlborough's East Coast became much more accessible, as the seabed lifted and wide new expanses of beach and exposed reefs were created.

The dramatic change to the coast is the biggest physical transformation observed by any earthquake globally in modern times. The high tide mark shifted by as much as 200 metres and the seabed lifted by up to 6.5 metres.

In places where access was previously restricted, it has become possible to walk or drive at any time. The damage caused by the earthquake, coupled with increased motor vehicle access, has led to mounting pressure on the area's unique ecosystems.

After exploring other options and discussions with iwi, community groups, landowners, beach users, scientists and Government agencies, the Council has decided to move forward with a Bylaw process.

The draft Bylaw would restrict motor vehicles on the coast between the Awatere and Waima (Ure) River mouths, with few exemptions. This would improve public safety and enable habitat restoration for the many threatened and at-risk species of flora and fauna that live here. Anyone can participate and make a submission from 15 July to 8 September (closing at 5.00pm).

Biodiversity and Marlborough

Uncovering the national and international significance of our coastline

Following the Kaikōura earthquake, many researchers and scientists came to Marlborough's East Coast to assess the changes - and damage - to the ecosystems and landscape. The increased interest in the area led to new discoveries and a Technical Advice Workshop, held in July 2018.

Led by Department of Conservation and the Council, it brought together experts from a wide range of disciplines. Together, the group identified the values of the East Coast environment and the threats from human activities. More detail is available in the technical report prepared by the Council, which is available online at bit.ly/eastcoastmarlborough.



New Zealand has lost 57 land, freshwater and coastal bird species since human arrival - more than any other nation over the past 1,000 years. Today, the East Coast is home to seven indigenous bird species that remain threatened or at-risk. This stretch of coast also plays a national and international role for migratory species, which flock here each year to feed and rest - some from as far away as Siberia and Canada.

Post-quake, motor vehicle access has impacted the banded dotterel (left), which is nationally vulnerable.

49% of indigenous species in New Zealand are found nowhere else on earth – and some only in Marlborough.



The East Coast has one of the largest katipō spider populations in the country.

Naturally uncommon ecosystems - such as active sand dunes and braided riverbeds - covered less than 0.5% of the country's land mass prior to human arrival. The Cape Campbell dunes have largely escaped the impacts of human activity due to their remote location. As a result, they still hold populations of indigenous species such as the katipō, an at-risk spider that's declining nationwide.



Pingao (an at-risk species) is important for reptiles to thrive in the area.

Throughout New Zealand, some threatened flora are key structural species for ecosystems, so impacts on these have significant consequences for entire systems. For example, specialist dune species *Pimelea prostrata* and *raoulia mat daisies* provide a home for the nationally endangered "Cape Campbell" *Pimelea looper moth*. On the East Coast, six indigenous plants have been identified as threatened or at-risk.



The Waiharakeke grass skink, found only in Marlborough, is at-risk and declining.

In New Zealand, around one in three indigenous reptiles are threatened with extinction and half are at-risk. Three lizard species call the East Coast home, where they are re-colonising new habitats following the quakes. Living in driftwood zones, the lizards' habitats shifted metres away and will not be replenished. A new driftwood zone will take time to establish.



Cape Campbell before (left) and after (right) the Kaikōura earthquake.

Why is a Bylaw the best option?

Since public concerns over environmental damage began in 2017, the Council has explored several options for a potential solution.

Council considerations have included the types of motor vehicles, instating speed limits, nominating a different route, time restrictions of when vehicles can travel, and protecting the rights of the most vulnerable beach users. A full list of considerations and options can be found in the draft Bylaw's Statement of Proposal at marlborough.govt.nz.

The two key challenges of the alternatives considered come down to the feasibility of enforcement and the nature of habitats. The unique flora and fauna of the East Coast has been able to evolve because of the area's remote location and minimal human disturbances.

This remoteness poses challenges to enforce complex rules that may involve specific vehicle types or policing a nominated route, for example. The nature of habitats also poses a challenge for exploring alternatives, as different parts of the year are sensitive for different parts of the ecosystem.

Council has decided that a Bylaw is the most appropriate way of addressing public safety and environmental protection in the area. While protecting the environment and sites of significance to tangata whenua, a Bylaw also gives priority to the most vulnerable beach users, such as children and other people using the coast on foot. Prohibiting motor vehicles on this stretch would allow the natural recovery of this ecologically significant area, such as colonisation of plants and the creation of new habitats.

This draft Bylaw is prepared under the Land Transport Act 1998 and the Local Government Act 2002.

What can I do and where under the proposed Bylaw?

The Bylaw would allow for the same, continued access along the coast for walking, cycling, horse trekking and other activities currently enjoyed. The only change would relate to motor vehicles, which would be prohibited on the beaches, reefs and dunes between the Awatere and Waima(Ure) river mouths.

Under this proposal, boat launching is still allowed in designated areas at Ward and Marfells beaches, and vehicles would be allowed south of the Waima (Ure) River mouth with a speed restriction.

This proposal aligns with other councils across New Zealand, where vehicles are commonly restricted or banned from beaches with exceptions, such as launching or retrieving a boat or carrying out emergency activities.

Commercial operations with consents, such as Dominion Salt Ltd, are exempt from this Bylaw. Authorised agencies may also continue their activities in the area, such as emergency services, the Council, any Central Government Department or Ministry, and research activities by the National Institute of Water and Atmospheric Research.

In the Proposed Marlborough Environment Plan, this stretch of coast is identified as an Outstanding Natural Landscape.



All marine mammals are protected under the Marine Mammals Protection Act 1978 and the Marine Mammals Protection Regulations 1992. People on foot should stay at least 20 metres away from seals and sea lions, and motor vehicles should stay 50 metres away.

Have your say ...

In Marlborough, our coastlines are central to our quality of life, which is why the proposed Bylaw considers the cultural, recreational, economic, scientific and ecological values of the area. The aim of the Bylaw is continued use of this significant natural landscape today, in a way that restores and protects it for future generations.

The Council encourages the public to participate in the Bylaw process by making a submission. Submissions open 15 July 2021 and close 8 September 2021 at 5.00pm.

You can complete an online submission at www.marlborough.govt.nz

Paper forms are available at the Council's offices at 15 Seymour Street, Blenheim, and 67 High Street, Picton.



Can you spot the banded dotterel eggs on this nesting site? Banded dotterels (threatened and nationally vulnerable) and variable oystercatchers (at-risk and declining) nest in coastal pea gravels between Cape Campbell and the Waima (Ure) River mouth.

What happens after I make a submission?

The submission period will be open for 40 working days. During this time, the Council will appoint a hearings panel. As part of the Bylaw process, public submissions will also help to shape the recommendations from the hearings panel and whether amendments are needed to the initial proposal.

Next steps:

- The Council appoints a hearings panel
- Public submissions close
- Hearings panel to review submissions and hold a public hearing
- Hearings panel makes recommendations
- The Council decides whether to make a new Bylaw