

Proposed Marlborough Environment Plan

Hearing

27 November 2017

Topics 1 and 3

General and Use of Natural and Physical Resources

Presentation from

Kenepuru and Central Sounds Residents' Association

27 November 2017

Presentation to MEP Hearing Panel re Topics 1 and 3

Introduction

1. On behalf of the Kenepuru and Central Sounds Residents' Association (**Association**) I would like to thank the hearing panel for the opportunity to talk to aspects of the Association's submissions on the Proposed Marlborough Environment Plan (MEP) and our subsequent further submissions as it concerns the above topics.
2. My name is Andrew Caddie and I am the Vice President of the Association. For ease of administration and efficiency the Association divided its response to aspects of the MEP among members and thus prepared and submitted several separate submissions. As today's session covers matters the Association largely traversed in the submission I had a major role in preparing - on Commercial Forestry issues in the Coastal Marine Zone - the President asked me to prepare and present on behalf of the Association.
3. Today's session of hearings covers Topics 1 and 3 (General and use of Natural and Physical Resources). I note the Chair's earlier assurances that panel members will have read the Association's submissions and accordingly I wish to focus on matters arising from the RMA Section 42A reports the Council has had prepared. In particular the Section 42A report prepared by Senior Planner Liz White. However, it seems appropriate to firstly note our brief comments on the section 42A report dealing with Topic 1 and prepared by Mr Whyte.

Section 42A Report Mr P. Whyte – Topic 1

4. We wish to record that we are in general agreement with and support the recommendations made by Mr Paul Whyte in his section 42A report. We note Mr Whyte touched on Appendix 4 of the MEP – Maps.
5. In our submission, we recorded our support that the Council take steps to identify land susceptible to erosion. However, after working our way through the overlay maps section (on line) it seems that in terms of identifying steep erosion-prone land, MDC's criteria is such that only a small fraction of the Sounds area is so classified.
6. This outcome does not seem to reflect the actual physical situation or other organisations' views of the terrain. By way of example, the MEP map (erosion susceptibility) contrasts quite sharply with the National Environmental Standard for Plantation Forestry (**NES PF**) erosion land classification system and mapping outcome. In the NES PF (as one would expect) a far greater proportion of the Sounds is classified as High to Very High in terms of erosion susceptibility. We have **attached** the relevant extract from the NES PF for ease of reference.
7. The Association **submits and recommends** that the Panel have the Council take steps to ascertain why there is this huge difference and adjust the overlay mapping re erosion susceptibility in Appendix 4 to reflect the NES PF mapping.

Section 42A Report by Ms L White – Topic 3

8. As noted in our submission, we focus on issues arising in the Coastal Marine Zone of the Marlborough Sounds. As a number of matters I wish to touch on concern the outcomes of Commercial Forestry activities in the Coastal Marine Zone it

seems appropriate to briefly record my qualifications and experience in Commercial Forestry matters.

9. I completed a Bachelor of Forestry Science at Canterbury University in 1974 and worked for the then New Zealand Forest Service in the Central North Island for several years as a Forester. I also had a short spell with a (still) well-known national forestry consultancy – PF Olsen Ltd. Following a stint overseas I enrolled for and graduated with an LLB again from Canterbury University. I then enjoyed 20 or so years practising as a commercial solicitor with two national law firms specialising in matters relating to the commercialisation of natural resources. Part of my practice focussed on matters relating to forestry. I have published articles on a variety of forestry issues from a legal perspective as well as presented papers at various forestry conferences. I am a member (retired) of the New Zealand Institute of Forestry and for a number of years was the chair of the Auckland section of the Institute.
10. Ms White has, in terms of chapter 4 of Volume One of the MEP, divided her commentary and recommendations as to changes in text into three Issues. In this presentation we follow her style/form of usage.
11. In terms of her Issues One and Two the Association generally supports Ms White's recommendations as to amendments to the text of the MEP.

Issue 3 – The Particular Qualities of the Marlborough Sounds

12. In our submission we strongly supported the reference in Objective 4.3 of the MEP to the Marlborough Sounds being the “jewel in crown”. We are supportive of the useful change recommended by Ms White to the narrative to Objective 4.3.

13. Objective 4.3 of the MEP is buttressed by several express policies. Policies 4.3.1 to 4.3.5.
14. Some industry submitters objected to the reference to “unique and iconic” in policy 4.3.3. Given our support of the text in Objective 4.3, it should be clear that we support that wording but for the record, the Association strongly supports Ms White’s recommendations that the Marlborough Sounds is both unique and iconic and that no change is required to the wording of this policy.

Fine Sedimentation Runoff in the Sounds

15. In its submission, the Association sought wording changes to text to recognise the adverse impacts Commercial Forestry activities in the Coastal Marine Zone were having. In advancing these suggested changes, the Association noted the findings and recommendations of an MDC Technical Paper¹. Further, in certain fishing and aquaculture forums our Association representatives are continually being told how significant and adverse the issue of fine sedimentation is to the health of the marine environment. The MDC Technical paper reflects these views.
16. In order to properly address this issue we wish to table and, at the hearing, briefly discuss documents which further buttress the Association’s concern and belief that Volume One Chapter 4 of the MEP is indeed the appropriate section to recognise we have a real and significant problem in fine sedimentation runoff and that in this context it is appropriate for policy guidance to be given. The additional documents are:

¹ Mitigating Fine Sediment from Forestry in the Coastal Waters of the Marlborough Sounds (Technical Report no 15 - 009 November 2015). MDC web link follows: https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Environment/Coastal/Scientific%20Investigations%20List/26112015_Item_7_Mitigating_Fine_Sediment_from_Forestry_in_Coastal_Waters_of_the_Marlborough_Sounds.pdf

- An affidavit by a Mr W J D Olliver (a former Deputy County Clerk) prepared for a recent Environment Court Hearing involving forestry issues. At paragraphs 14 and 15 he usefully opines as to the background behind the relatively recent history of the establishment of commercial forestry in the Sounds.
- A NIWA produced “poster” summarising the results from a recently released seabed coring study in Kenepuru Sound and Beatrix Bay and identifying sedimentation patterns and likely sources².
- An MDC document identifying likely harvest patterns of commercial forest plantations in the Kenepuru and Central Sounds areas – see Page 4.

17. The Association’s original submission and these further documents support, in our view, the significant contribution of Commercial Forestry activities to what seems to be widely regarded as a significant problem for the marine space. However, it is fair to say that identifying a particular industry - Commercial Forestry - in the manner we did in our submission and seeking wording changes did not find favour with Ms White - “...providing specific policy guidance in this chapter for particular activities...” was not appropriate³.

18. Bearing in mind we are dealing with a threat to an important quality of the Sounds we struggled with this approach. However, in discussion, one of our members pointed out that perhaps there was some merit in Ms White’s approach. Perhaps the problem here was that the Association

2 A 1000 year history of Seabed change in Pelorus Sound (Te Hoiere) Marlborough
 Prepared by S Handley et al of NIWA. The link to the MDC website follows:
https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Environment/Coastal/Scientific%20Investigations%20List/A_1000_year_history_of_seabed_change_in_Pelorus_Sound_Te_Hoiere.pdf
 3 Section 42A Report Ms L. White page 14.

was not making it clear enough that the problem was fine sedimentation and who was contributing to the inflow was only a consequential issue. What was needed, it was suggested, was policy recognition of the issue, not whose activities were contributing to the issue.

19. Accordingly on that basis, the Association would like to slightly revisit its earlier submission and recommend to the Panel that the generic issue of fine sedimentation be recognised in this section either as an additional new policy or as an addition to one of the existing 5 Policies. The intent of any policy direction is merely to record *”Recognise the need to mitigate fine sedimentation run off into the marine environment of the Marlborough Sounds”*. We look forward to discussing this matter further at the hearing.

Proposed Change to Narrative Re Policy 4.3.2

20. Policy 4.3.2 reads *“Identify the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds and protect these from inappropriate subdivision, use and development”*.
21. Ms White has recommended that an addition be made to the explanation to this policy. The identification of the qualities and values of importance required under this policy will also need to *“take into account the effects that past and present activities have had, and continue to have, on the character of the Marlborough Sounds”* The reason given for this change is *‘to acknowledge that the character has been and is influenced by past and present activities within the area, and the identification of the particular values that is required need to be undertaken with this in mind.’*
22. The Association opposes this change as it may be taken to suggest that effects of existing activities are a baseline even

where these effects of existing activity are unacceptably adverse and open to being avoided, mitigated or remedied through consent renewal or review processes. The commentary on Policy 4.3.2 should thus be left as it was - or it should at least be clarified that the process of quality and value identification for protection should *include* improved qualities and values that are attainable through consent processes for an existing activity.

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Association
Chair – Marine Sub Committee

6 November 2017