Mr. Hans Versteegh

Marlborough District Council

Mr. David Hayes

Department Of Conservation

Dear Sirs,

Members of the Port Underwood Association have approached the Association with concerns about past, current, and possibly future Resource Consent Applications seeking relief from the requirement to have an 8 metre setback from the Sounds Foreshore Reserve for dwellings and structures.

Those concerns are based on the following principles:

**Maintaining a continuous flow of the visual amenity of the coastline and preventing the perceived privatization of the foreshore.**

Having a buffer zone between the foreshore reserve and any dwellings and structures will help maintain the natural visual amenity of the coastline, particularly in the more remote areas, by separating the manmade structures from the natural habitat. Furthermore, the buffer zone (setback) and, where necessary, a method of delineating the private property from the foreshore reserve will prevent a domination of the foreshore by the structures. Unless buffered this domination gives the impression of private ownership of the foreshore and/or strongly decreases the desirability of others to use that foreshore area.

**Preventing a possible fire hazard with the close proximity of the foreshore foliage and a dwelling**.

If the foreshore reserve has any sort of foliage, a fire hazard is created when a dwelling is located in close proximity to it. Both the dwelling and the reserve are susceptible whether the fire originates from the reserve or the dwelling. A cleared area around any dwelling in the Sounds is vital to fire prevention.

**Maintaining the foliage of the foreshore.**

Either as a method of reducing fire risks, as mentioned above, as a method of improving the visual outlook from the dwelling or providing access to the coast, the clandestine removal of foliage from the foreshore reserve is more likely to take place when the dwelling is not set back from the reserve.

**Consistency in the Plan and its application.**

Among the assessment criteria listed in the MSRMP for subdivision are:

*Whether the proposal will maintain or enhance the amenity values of the surrounding area;*

*Whether the proposal contributes to the character of the surrounding area…;*

*Regarding the amenities of the surrounding area will it;*

*adversely affect the natural quality of any tree, bush, or group of trees that make a significant contribution to the visual qualities of the surrounding area;*

*visually intrude on any significant ridgeline or skyline or significant landscape;*

*and detract from any view or vista which contributes to the aesthetic coherence of a locality.*

These assessment criteria are also listed for various resource consents.

In most cases the subdivision has previously been granted with the implication that these criteria can and will be maintained. The setback rule is part of maintaining these criteria. The applicants and designers/engineers will be aware of these requirements and should be designing to maintain these criteria instead of asking for relief from them.

The communities, and the Port Underwood Association in particular, agree with the rationale behind the establishment of the setback rule and expect the purpose of the Marlborough Plan should be adhered to unless there is an extremely strong reason to deviate from it.

By granting a deviation to its plan without a demanding reason, the Marlborough District Council is being inconsistent to its own plan, its past resource consent decisions, and failing the expectations of the communities which have approved the plan. Looking to the future, if such breaches became common practise then there would eventually be no bays left with an uninhibited foreshore reserve.

In those cases where a deviation to the Plan is requested and the fact that a breach of the rule quite clearly has effects beyond the site itself and into the public domain then any such request should require public notification as is the case with other resource consent applications in the coastal marine area.

We also recommend that where a resource consent allows encroachment on the 8 metre set back from the foreshore reserve a caveat be imposed that no structure within the foreshore reserve in front of the full extent of the encroaching property will be permitted in the future i.e. boat shed, jetty, launching ramp. This would be with a view to ensuring that the combination of such structures encroaching on both the set back and the foreshore reserve would not become “intimidating” or a deterrent to the public that would otherwise access the foreshore reserve. Where such structure on the foreshore already exists then encroachment on the 8 metre setback should not be permitted.

We respectfully ask that you inform your staff who process the resource consent applications of our concerns.

With highest regards,

Port Underwood Association Committee

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