

Bea Gregory-5252

From: MDC
Sent: Tuesday, 25 October 2016 8:18 a.m.
To: OReg Admin
Subject: FW: Lodging RC application
Attachments: RC Application

Hi,

This was received in the MDC inbox for your attention, thanks

Sonia
Customer Service Officer

From: Vern Harris [<mailto:vern.forest@kinect.co.nz>]
Sent: Monday, 24 October 2016 5:14 p.m.
To: MDC
Subject: Lodging RC application

On behalf Aubade NZ Ltd. Property # 130569.
Barge site, Pipi Bay, Port Underwood.
Fees by way of direct transfer.

Thanks and regards

Vern Harris

V A Harris RMNZIF.

Consultant

Forest and Environmental Management Ltd

03 572 8475 / 0272510097

RECEIVED

By Beate Gregory at 9:03 am, Oct 25, 2016

Resource Consent Application

This application is made under Section 88 of the Resource Management Act 1991

**MARLBOROUGH
DISTRICT COUNCIL**

Please read and complete this form thoroughly and provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal, the words used in this form or the application process with Council staff, who are here to help.

This application will be checked before formal acceptance. If further information is required, you will be notified accordingly. When this information is supplied, the application will be formally received and processed further.

You may apply for more than one consent that is needed to cover several aspects of the activity on this form.

For Office UseISO 9001:2008
Document Number:
RAF0002-C1579

Lodgement Fee Paid \$

Receipt No.

Consent No.

Case Officer:

Date Received:

1. Applicant Details (If a trust, list full names of all trustees.)

Name:

(full legal name)

AUBADE NZ LTD

Mailing Address:

(including post code)C/- Mr Andrew Beach
16 Turners Road, Waikawa

Email Address:

Phone: (Daytime) 03-573-7706

Phone: (Mobile) 027-444-7009

2. Agent Details (If your agent is dealing with the application, all communication regarding the application will be sent to the agent.)

Name:

VERNON HARRIS

Mailing Address:

(including post code)

Forest & Environmental Services Ltd

Email Address: vern.forest@kinect.co.nz

Phone: (Daytime) 03-572-8475

Phone: (Mobile) 027-251-0097

3. Type of Resource Consent Applied For

☒ Coastal Permit ☐ Discharge Permit ☒ Land Use ☐ Subdivision ☐ Water Permit

4. Brief Description of the Activity

In Pipi Bay - Port Underwood, Marlborough

Establish a marshalling area and barge loading site including causeway, cross foreshore reserve, clear vegetation, drainage, excavate and infill. Use machinery within 8m of a coastal marine area
Application is for Discretionary Consent - limited notification.

Legal description: Sec 1 (Cutters Bay), Sec 2 (Whangatoetoe Bay), Sec 12 and Pt Sec 24.
District of Port Underwood

5. Supplementary Information Provided?

☐ Yes ☒ No

Council has supplementary forms for some activities, such as moorings, water permits, domestic wastewater, discharge permits, to assist applicants with providing the required information.

6. Property Details

The location to which the application relates is (address): Pipi Bay, Port Underwood

Legal description (i.e. Lot 1 DP 1234): Description does not fit - see above

(Attach a sketch of the locality and activity points. Describe the location in a manner which will allow it to be readily identified, e.g. house number and street address, Grid Reference, the name of any relevant stream, river, or other water body to which application may relate, proximity to any well known landmark, DP number, Valuation Number, Property Number.)

Please attach a copy of the Certificate of Title that is less than 3 months old (except for coastal or water permits).

The names and addresses of
the owner and occupier of the
land (other than the applicant):

NZ FORESTLAND LTD (Owner)
16 RIVERSIDE
NELSON, 7010

Please attach the written approval of affected parties/adjoining property owners and occupiers.

Note: As a matter of good practice and courtesy you should consult your neighbours about your proposal. If you have not consulted your neighbours, please give brief reasons on a separate sheet why you have not.

7. Assessment of Effects on the Environment (AEE) *(Attach separate sheet detailing AEE.)*

I attach, in accordance with Schedule Four of the Resource Management Act 1991, an assessment of environmental effects in a level of detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment. Applications also have to include consideration of the provisions of the Resource Management Act 1991 and other relevant planning documents.

Note: Failure to submit an AEE will result in return of this application.

8. Other Information

Are additional resource consents required in relation to this proposal? If so, please list and indicate if they have been obtained or applied for.

I attach any other information required to be included in the application by the relevant Resource Management Plan, Act or regulations.

☐ Yes ☒ No

9. Fees

1. The applicable lodgement (base) fee is to be paid at the time of lodging this application. If payment is made into Council's bank account 02-0600-0202861-02, please put Applicant Name and either U-number, property number or consent type as a reference. If you require a GST receipt for a bank payment, please tick ☐
2. The final cost of processing the application will be based on actual time and costs in accordance with Council's charging policy. If actual costs exceed the lodgement fee an invoice will be issued (if actual costs are less, a refund will be made). Invoices are due for payment on the 20th of the month following invoice date. Council may stop processing an application until an overdue invoice is paid in full. Council charges interest on overdue invoices at 15% per annum from the date of issue to the date of payment. In the event of non-payment, legal and other costs of recovery will also be charged.
3. Please make invoice out to: ☒ Applicant ☐ Agent
(if neither is ticked the invoice will be made out to Applicant)

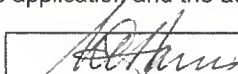
10. Declaration

I (please print name) VERNON HARRIS

As Agent:

confirm that the information provided in this application and the attachments to it are accurate.

Signature of applicant or authorised agent:



Date: 20-10-2016

Privacy Information

The information you have provided on this form is required so that your application can be processed and so that statistics can be collected by Council. The information will be stored on a public register and held by Council. Details may be made available to the public about consents that have been applied for and issued by Council. If you would like access to or make corrections to your details, please contact Council.

Reset Form



Forest & Environmental Management Marlborough Ltd
15 Oudenarde Street
RENWICK 7204
Phone: 0272510097 / 03-572-8475
Email: vern.forest@kinect.co.nz

AUBADE NZ LTD

Application for Resource Consent **Creation of a Barge Site for Log Storage and Loading** **Pipi Bay, Port Underwood**

Assessment of Environmental Effects



Prepared By:

VA Harris RMNZIF

Registered Forestry Consultant

Forest & Environmental Management Marlborough Ltd

October 2016

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- ❖ Appendix 1 – Information from previous consent applications
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- ❖ Appendix 3 – Figures and Photos used in this report - full size for clarity
- ❖ Appendix 4 – Davidson Environmental Report #696 (Seabed)
- ❖ Appendix 5 – Archaeological Assessment of Whataroa Forest

1.0 Introduction

This is an application to MDC by Aubade NZ Ltd for the creation of a “barge site” for log storage and loading in Pipi Bay, Port Underwood.

Pipi Bay is a small bay located on the western coastline of the Whataroa Peninsula and is now owned by NZ Forestland Ltd. Historically the Port Underwood area has been a centre for both Maori and European occupation. Their occupation over time, particularly the European, with land clearing for farming, has provided a landscape now considered as heavily modified and a seascape that is an essential working part of this landscape.

Traditional farming has given way from about 1960 to exotic plantation forestry and an ever increasing mix of small holdings, life style blocks and holiday homes.

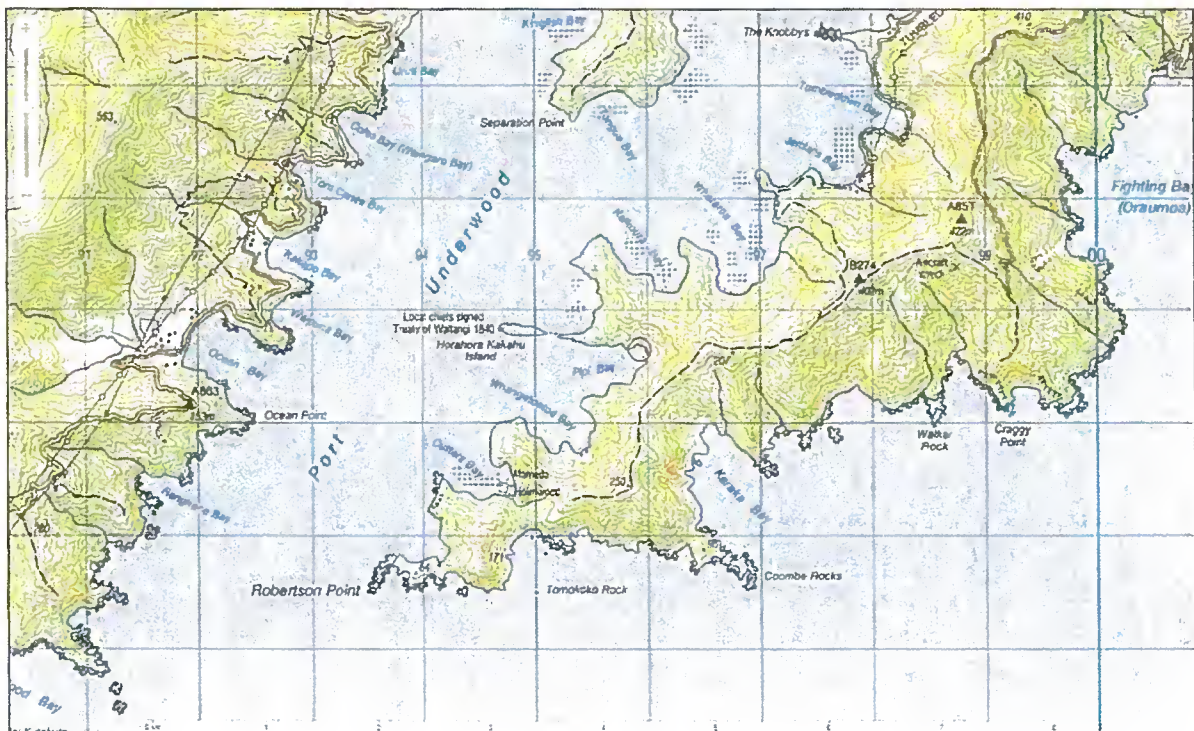


Figure 1. Proposed log loading site in Pipi Bay (red circle).

NZ Forestlands Ltd have two approved resource consents for sub-division of the Peninsula (U140147 of 27/03/2014 and U150185 of 04/05/2015). From these consents it should be noted that Pipi Bay is wholly contained within Lot 16 of the sub-division. The various Lots are currently on the market.

Within the subdivision consent Lots 7 – 21 are to be sea access only – from this it can be considered that MDC must see it as acceptable for access to be created for loading and unloading barges (presumably at selected sites) to service all Lots. The consent refers to a number of Rights of Way to be created.

The primary reason for this application is because the (now) owners of the barging complex at Opuia Bay have increased charges to Aubade NZ Ltd to a level where the applicants see the creation of the barge site at Pipi Bay as more cost effective and with less future risk than endeavouring to meet the charges imposed by Sounds of Forest Ventures Ltd.

The applicant is aware that adjacent landowners, including Te Atiawa and Ngati Toa receive royalty income based on truck movements (tonnage) across their land, from Whataroa to Opuia Bay.

In view of this economic pressure over what is essentially a Private Use of Public Space (Opuia Bay barge site) it is considered appropriate for the applicant to provide a statement as to how they see it and provide clarity and context to their need for this application. This is entered into this application under the heading

2.0 Applicants Statement.

Using Pipi Bay will allow the use of a barge of some 1000 tonnes capacity shipped directly to the Port Company Shakespeare Bay log wharf. It is anticipated there will be 3 – 4 barge movements each two weeks.

Port Underwood supports a mussel farming and commercial fishing industry. The coastal margin, the hinterland and the seascape has been continuously modified over time into the regular working environment it is now.

2.0 Applicants Statement

Aubade NZ purchased a Forestry Right over Whataroa Forest early in 2014. Prior to and post purchase Aubade applied to the Marlborough District Council for use of the Port Underwood road to cart logs to domestic mills in Marlborough. This application was declined.

All logs, for both domestic and export markets would be barged from the Opuia Bay barge facility adjacent to Queen Charlotte Forest, both owned at that time by Matariki Rayonier.

Aubade lodged a subsequent challenge through the Environment Court as to the validity of Councils decision. The Court ruled in favour of the MDC.

A mutually acceptable contract was established between Matariki and Aubade for use of the barge site and the roading system through QCF connecting to Whataroa Forest. In return for the use of the facility and the roading network Aubade agreed to pay \$2.75 per tonne, this \$2.75 included a base fee in the form of a royalty, a maintenance fee for the barge site, a maintenance fee for

the roading infrastructure (based on the average per kilometre cost incurred over the previous 5 years including contingency for unforeseen events) and a levy as a part contribution to the costs associated with 2015 renewal of the resource consent for the Barge Site

In early 2016 Queen Charlotte Forest was sold to Sounds of Forest Ventures Ltd, a company inter-related to Zindia Ltd, which is a direct competitor to Aubade NZ Ltd. Since the new ownership the terms of the original contract have significantly changed with SOFV demanding a 47% increased royalty to use the road, and, placing all the cost of reparation for any damage to the road infrastructure as a result of a weather event, on Aubade NZ.

We understand this increase, at least in part, is driven by an increase in fees charged to SOFV Ltd by Te Atiawa and Ngati Toa following their becoming the landowner in terms of the recent Treaty Settlements.

While there are fluctuations the present costs of harvesting are (approximately) of the following order: Logging - \$41.00/tonne, allowance for roading - \$11.00/tonne, and log transport to Opua Bay at \$36.00/tonne. The value of each tonne landed to Shakespeare Bay can be as little as \$95.00/tonne.

Early calculations suggested a logistics conduit via road from Port Underwood into Picton would offset the costs of barging the export volume to the Port. Internally the log transport distance is a round trip to Opua Bay of some 34km and increasing as the harvest moves out. This in itself will incur additional costs. As the road use to Picton has not been an option for us, harvesting in Whataroa can at best be described as marginal and changes to our operating costs, no matter how trivial they may seem, have a major impact on the viability of the venture.

When we were unable to negotiate suitable terms SOFV declined access to Aubade and its contractors to QCF and Opua Bay, which led to a situation where, unless we conceded to their demands, we would have to completely shut down operations. Due to the increase in cost combined with unforeseen risk, we now view Opua Bay as an unviable option for the long term and as such we have been forced to find an alternate logistics point. In effect Whataroa becomes economically landlocked. Our desire is to keep our harvesting programme intact, ceasing at this stage would put the livelihoods of some 25 contract employees in jeopardy, a huge disruption to our operations, not least

being the loss of a direct contribution to the local economy of around \$650,000 per month. With this in mind, we decided to capitulate to the demands SOFV in the short term, with a view to establishing a barging facility in Pipi Bay.

Pipi Bay had previously been identified in a Council survey as site suitable and was further identified in the Harvest Plan prepared by Merrill Ring in 2005 (U041265). Our wish is to continue to harvest Whataroa to its completion but on a more level economic playing field, mitigating further losses where we can. We have calculated the creation of the Pipi Bay barge site may save us approximately \$1m in operating costs to the completion of the harvest. These saving are made up from logistics costs, where the round trip from Whataroa to Opua Bay amounts maximum of 34km, as opposed to a maximum of a 6.5km round trip from Pipi Bay to any location within the forest. These savings do not include the estimated cost of road damage caused by weather events and for which Aubade is now liable. This could, potentially, be a very significant amount. As an example, following the extreme weather event around Cyclone Ita (2004) the cost of remedial work for roads and barge site was some \$250,000.00.

When Aubade made the initial application to the MDC to allow logging trucks to use the Port Underwood Rd, one of the Councils strongest arguments in opposition was Aubade had an alternative to the road by way of the Opua Bay barge site. Likewise, as a part of the Environment Courts ruling and summary, aspects of Aubade's argument to use the Port Underwood Road were countered by the fact that there was an alternative method to barge rather than using the road. At that time the "barging alternative" was a direct reference to the Opua Bay Facility.

Central and local Governments made a significant financial investment in creation of the Opua Bay Barge site, by way of the subsidies given to Matariki. It is worth noting the application for Resource Consent, the subsequent hearing, the final Resource Consent and the documentation surrounding the subsidies, all named Whataroa (as one of a number of forests) as a potential future user of the facility.

It follows that the consent and the subsidies were granted on the basis that the named forests would in fact come to use the roads through Queen Charlotte Forest and the Opua barge site at some point in the future. It is a little surprising that no provision or consideration was made by the MDC or Central Government (NZTA) as to how the past, present or future owners of the site and surrounding

land, might be able to block the other named potential users, either by simply declining access or alternately making it uneconomically viable.

In summary, we believe our ability to ship logs by barge from Opuia bay has been obstructed and if we are to abide the Councils ruling to not allow us to use the Port Underwood Rd, then we seek councils approval to construct the alternative facility in Pipi Bay.

3.0 General Information and Intent

3.1 The Site

The proposed barging site, including log storage, access across foreshore reserve and causeway to barge loading is known as Pipi Bay (and somewhat further to the south is a small cove known as Little Pipi Bay).

Briefly;

- Access Will be by formed road to rear of the log storage area.
- Log Storage Is behind the foreshore reserve in the non-forested triangle. Approximate dimensions are shown on Fig 2.



Figure 2. Proposed barge landing site in Pipi Bay.

- Across Foreshore This will be a formed access some 10m in width crossing the foreshore at, more or less, right angles
- Causeway Will be a construction of some 55m to a low tide depth of 3m (see Davidson – report #696).



Photo 1: The proposed site.

4.0 Site Inspection

Site inspection has identified the site to be suitable for use as to a barge landing site. There is no vegetation of importance, neither indigenous nor exotic. The primary vegetation is exotic grasses with gorse and broom. Native is identified as some manuka, tauhinu with whitey-wood at the side and head.

A primary concern of inspection was existing water – it is noted that there are no streams/watercourses evident across the proposed site, although it is identified that there is overland water-flow from the hillside which surface flows through the grass and vegetation. It is proposed this will be controlled should it occur.

Inspection indicates an on site log volume capacity of approximately 1 barge load (9 – 1,100 tonnes). Site works sufficient for this should not effect the lower hillside and water control can be simply installed.



Photo 2: Foreshore Reserve, looking north.

5.0 Soils

The Pipi Bay area flats are recent deposits derived from erosion of the surrounding moderately steep to steep Schistose Greywacke Bedrock, which is generally well weathered. Steeper slopes are subject to soil slip erosion under heavy or prolonged rainfall events.

The soils of the hill country backing Pipi Bay are Arapawa Steepland soils derived from Schistose Soils. Deep weathering, often deep red, can be seen in cuttings and exposed slips and coastal cliffs. The soils are shallow having a dark grey A horizon of crumb to blocky structures silt loam. B horizons are bright yellow blocky to nutty silt loams with rock fragments up to 45cm deep overlying weathered Schistose Greywacke. They have a medium natural soil fertility.

The small bay flat in Pipi Bay is of recent origin correlated with Kaituna Soils that are situated in bay head fans and flat terraces of the inner Marlborough Sounds. These Alluvial Soils are dark grey brown granular silt loams that are friable. Up to 12cm thick overlaying yellow brown nutty silt loam that can be friable but firm. These soils overlay gravels and sand. Often small swamp features can appear in these sites especially close to waterways.

6.0 Site Construction Requirements

Construction will concentrate on the following main areas;

1. Water control
2. Working and storage surface
3. Access across foreshore
4. Causeway

6.1 Water Control

- from access road to site
- overland from hillside
- subsurface and surface
- The access road will require surface water to be led away in a controlled manner so that any volume is channelled away from the work area. It is intended this water will be channelled to the southern hill toe where it will be directed into a constructed drain along the base of the hill and then to a settling pond constructed behind the foreshore reserve. This drain will also collect any overland flow from the southern hillside.
- Water shed from the road to the northern hillslope will join the overland flow downslope into a similarly constructed drain at the base of the hill and then to a constructed settling pond behind the foreshore.
- The settlings ponds will not have any outflow – water will be allowed to overflow into adjacent vegetation and/or percolate through the gravels. Essentially as present water flow does now.
- Using Geotech cloth over the working area after clearing and levelling will allow any subsurface water flows to remain unimpeded. Surface water will travel through the gravel surface and the Geotech cloth.

6.2 Working and Storage Surface

- As indicated above, following clearing and levelling the working area will be covered with a Geotech cloth followed by a gravel layer. It is intended that required gravel will be extracted as part of the normal road construction process for the harvest in the plantation adjacent the site.
- Once cleared an assessment will be made as to the need to establish a base course. Should this be required (triggering excavation and clean fill compliance) it is likely to be some 300 – 400mm in depth.
- It is likely the road access into the marshalling area will be constructed along the southern boundary, along inside the foreshore reserve and then along the northern boundary to link at the access point. This will allow a number of advantages.
 - A hard surface perimeter which will allow;
 - Vehicle access to unload and return without a need to back up and screw the surface which will;
 - Minimise surface disturbance and the creation of dust and sediment.
- This construction will not impinge on the foreshore reserve except where access to the causeway is required.

- The contractor (Tasman Forest Management Ltd) is a well experienced contractor and well versed in the requirements of establishing roads, marshalling areas, barge sites and causeways. He is fully aware of the requirements of the NZ Environmental Code of Practice for Plantation Forestry (2007) and the NZ Forest Road Engineering Manual, Operation Guide (2012), both documents will be followed, should consent be granted.

6.2.1 Bark Disposal

Provision will be made for the accumulation and disposal of bark residue. This is a precautionary measure to ensure this can be accommodated if required.

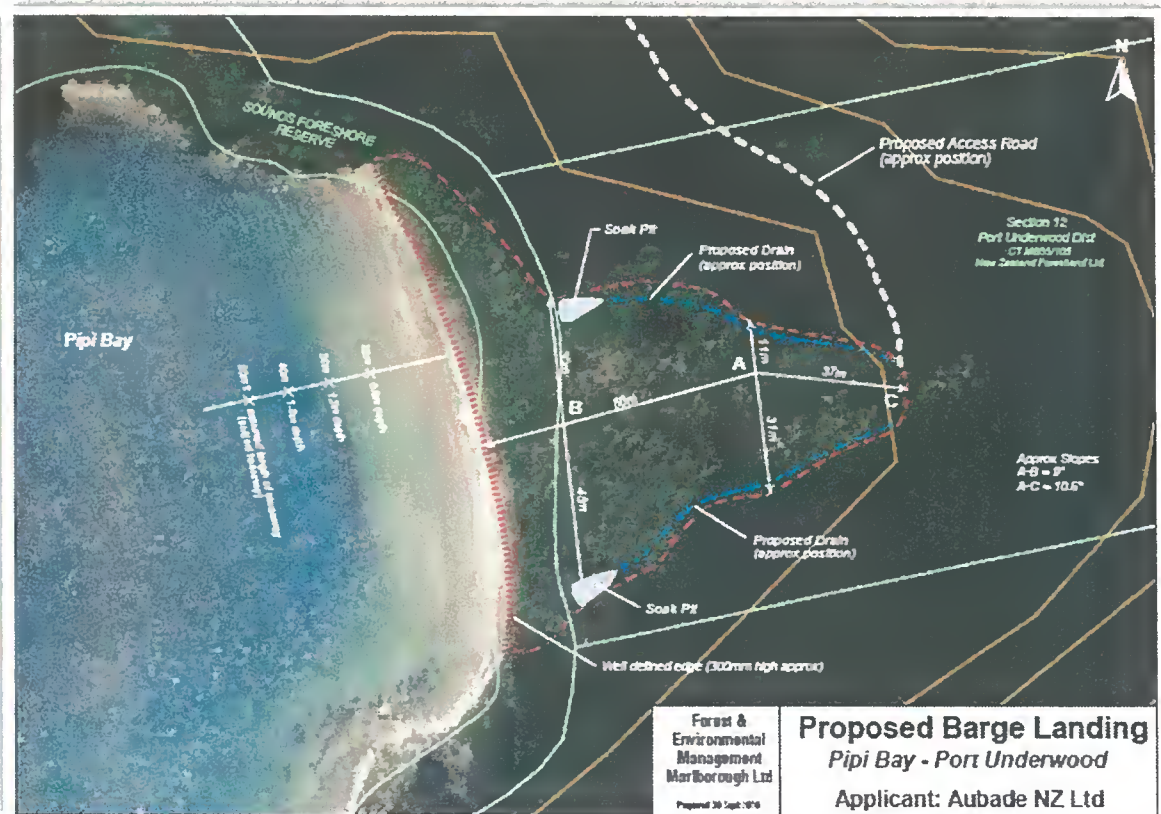


Figure 3. Proposed barge landing site in Pipi Bay.

6.3 Access Across Foreshore

- This will be some 10m in width and will be constructed in the same manner as the working and storage surface (6.2 above) and will link directly to the causeway.

6.4 Causeway

- This will be approximately 8m in width on the running surface and will be some 55m in length from the back of the beach (to a low water depth of 3m).

- It is indicated that this construction will be by compacted layers built up to the requisite height. Barge ramp will lower to a constructed abutment (see sample photos attached – as constructed by the contractor operating for Aubade NZ Ltd). There is sufficient suitable size rock available on site from road construction to provide for construction.
- Following completion of site works all exposed soil areas will be grass seeded.



Photo 3: Abutment example #1.



Photo 4: Abutment example #2.



Causeway length from back of beach to ramp abutment is 75m.



Photos 5 & 6: Causeway examples.

7.0 Pre-lodgement Consultation

Contact and discussion with a number of organisations and individuals has been had prior to formal lodgement of this application with the Marlborough District Council.

The following have been contacted and discussion entered into as required by them.

- **Port Underwood Residents Association** (J Davison)
An initial telephone contact followed up with brief detail and further correspondence. A copy of this application provided.
- **Iwi**
 - Te Atiawa Manawhenua Ki Te Tau Ihu Trust (Mr B Brosnan). Preliminary brief detail then meeting on 12/07/16. No further requests for information/discussion. Correspondence received 11/10/16 and 12/10/16 advised Te Atiawa will oppose the application.
 - Ngati Rarua Trust (Mr W Greenaway). Preliminary brief detail provided. No queries and a request to provide completed application. No further requests for information/discussion.
 - Ngati Toarangatira Manawhenua ki Te Tau Ihu Trust (initially Ms T Williams then Ms L Barriball). Preliminary brief detail provided. Ms Barriball requested an on site visit which took place on 26/08/16. From this on site a copy of the seabed survey and archaeological report provided. Following this visit, on 05/09/16 an email received from Ngati Toa stating they would oppose the application while indicating they would be happy to discuss there has, as yet, been no response to my reply of 12/09/16.
 - Ngati Koata Trust (Reception). Please send an outline of proposal by email – done. No further comment received.
 - Te Runanga a Rangitane o Wairau (Ms S Evers). At her request a brief outline of proposal sent. No further comment received.

All iwi mentioned above have received a copy of the application.

- **Marlborough District Council** (Dr S Ulrich PhD)
Information requested on significant marine sites within Port Underwood and particularly Pipi Bay. Information provided shows no sites of interest within Pipi Bay.

Information provided by Dr Ulrich is shown as Figure 4.

- **Marine Farm Sites**

Through the Marine Farming Association contact was made with the three sites around the southern perimeter of Pipi Bay (essentially Little Pipi Bay).

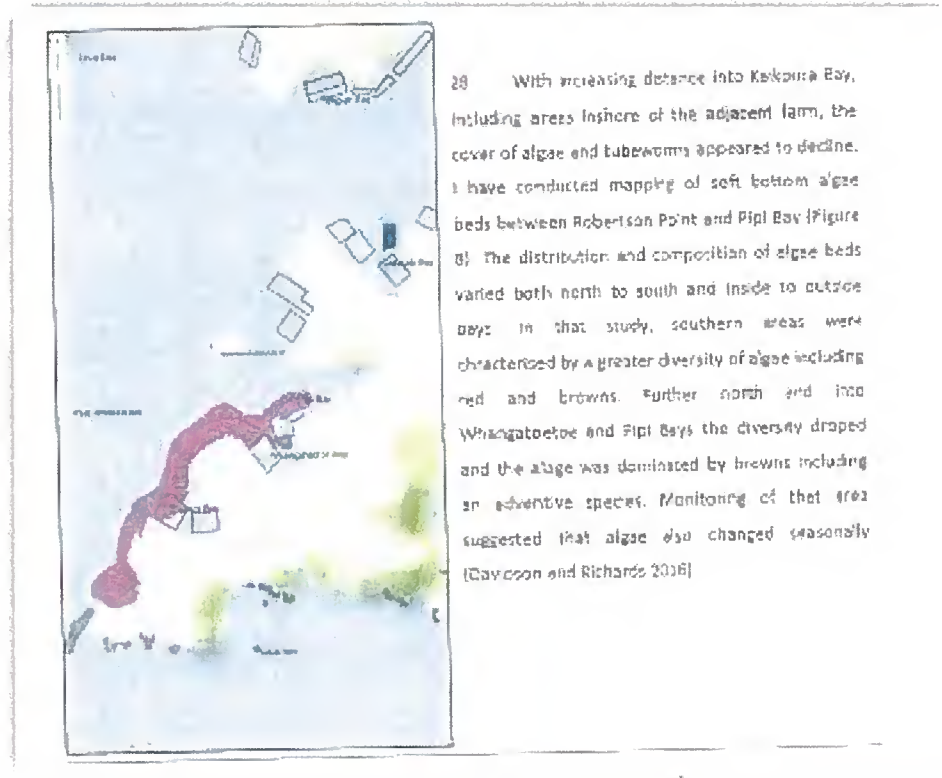


Figure 4. Extent of red algae in the vicinity of Pipi Bay.
Note comments included.
Marine farm sites.

- **Department of Conservation (Mr D Hayes)**

Telephone conversation as a "heads up" with a confirmation email (20/05/16), an indicative plan of site and probably causeway location (25/07/16) with copy of initial contact with Port Underwood Resident Association attached. There has been discussion of process with DOC.

8.0 Ecological Report for Proposed Barge Site

Prepared by Davidson Environmental Ltd (Report #696) and undertaken on 27 July 2016. This report is included as part of the application and clearly indicates (3.0 Results, Page 5) and (4.0 Discussion, Page 11) no cause for ecological concern or reason for monitoring from a biological standpoint.

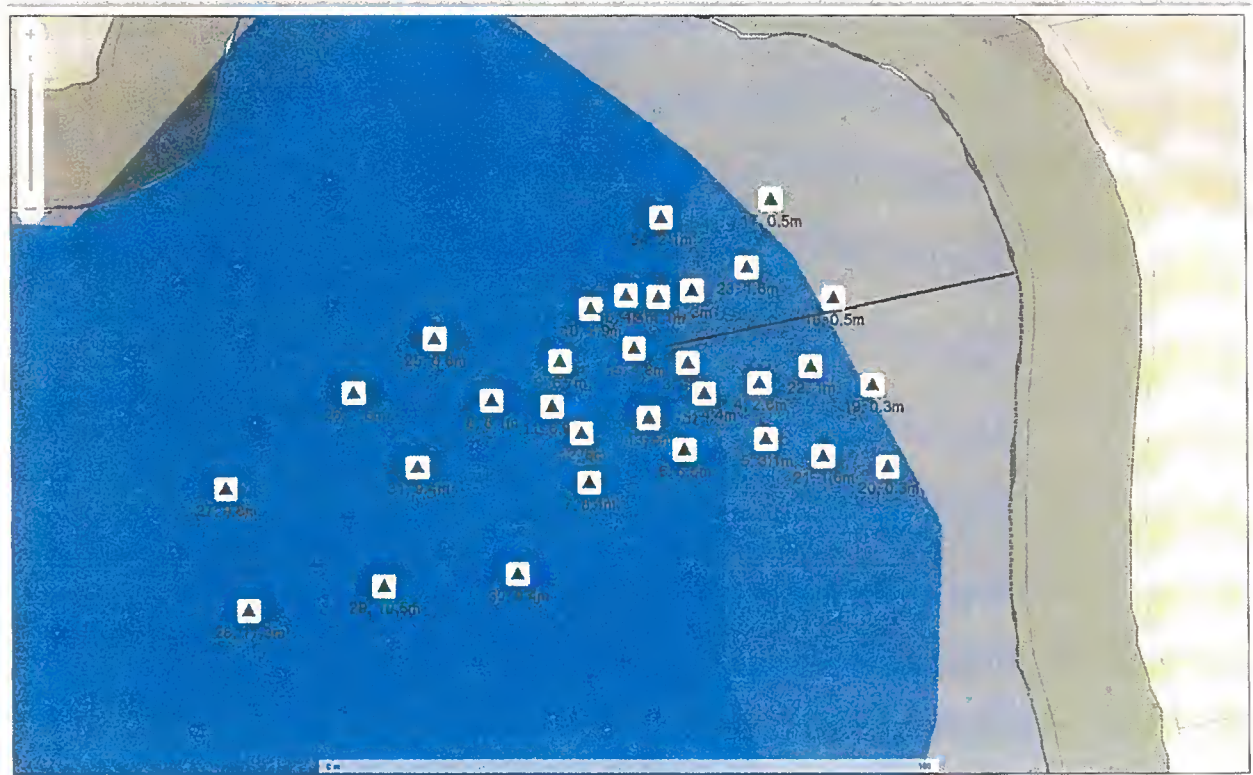


Figure 2. Proposed location of loading ramp (black line = 60 m) and drop camera stations with depths.

Figure 5. Extracted from the Davidson Environmental Report. Page 9.

9.0 An Archaeological Assessment of Whataroa Forest, Port Underwood October 2015 - Prepared by Deb Foster Archaeological Consultancy

This report originally compiled for a harvesting consent and, at the applicants request, Pipi Bay, specifically, was revisited by Deb Foster in July 2016.

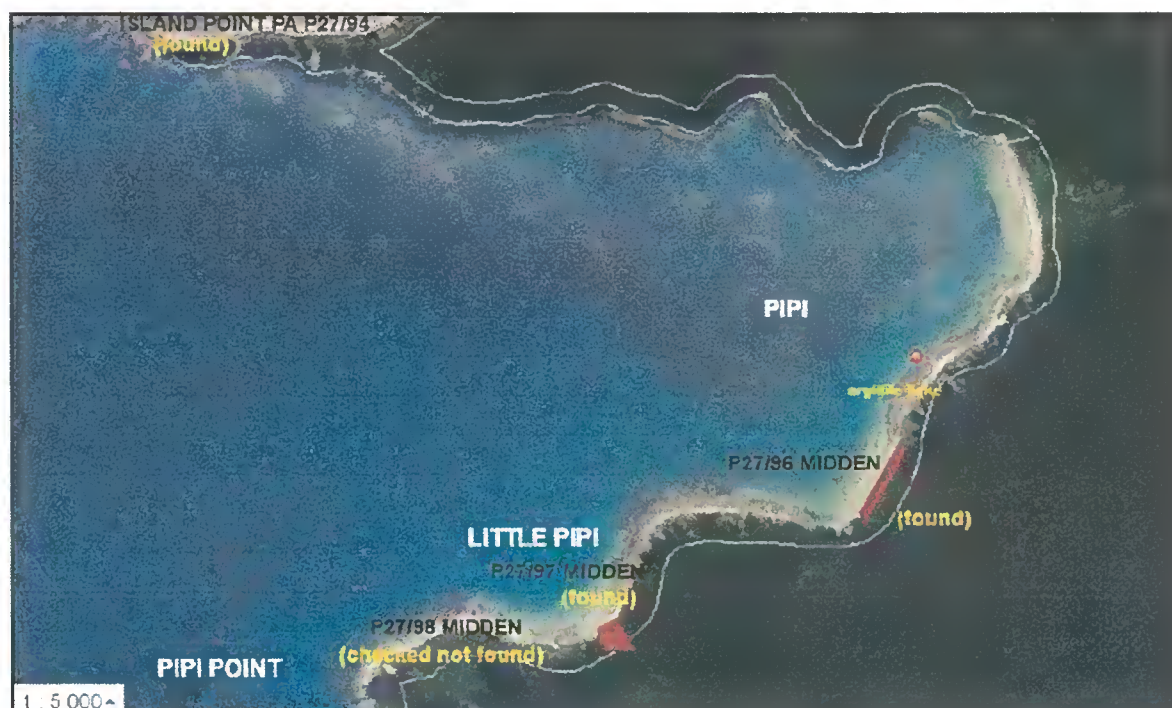


Figure 19: Locations of P27/94, 96, 97 and 98

Figure 6. Extracted from the Archaeological Assessment, Page 29.

She was accompanied on this revisit by Mr Tamati Smith (Manager – Tasman Forest Management Ltd) who is harvesting the area under consent U041265 and Ms Christine Barnett of Heritage NZ.

The inspection of July 2016 has been entered into and updates the 2015 report, specifically Page 30, items P27/96 – relocated and records updated, P27/97 – relocated and records updated and P27/98 – assumed as item described by Trotter. Estimated location marked in Fig 21. The above three items are also referenced in Appendices 16.8, 16.9 and 16.10.

There is no evidence of sites or artefacts over the wider bay area within the proposed work site. The closest site is P27/96, which is well distant.

P27/96: GR E1695872 N5423408 Midden and ovenstones exposed in beach-front representing occupation of the back beach, which is reasonably flat. The site was relocated during the search on 26th June 2016 and the site record updated. See Appendix 16.8. Mitigation: Any trees that pose a risk to preservation of the site must be poisoned rather than logged.

P27/97: GR E1695586 N5423194 Midden and oven remains in the beach bank at Little Pipi Bay. The 2004 Resource Consent application contained a recommendation to “fell and leave on site the few trees below the midden in Pipi Bay (site 97).” (see excerpt Figure 4). This site was relocated by Tamati in July 2016 and the record has been updated to reflect the actual location. See Appendix 16.9. Mitigation: Any trees that pose a risk to preservation of the site must be poisoned rather than logged.

P27/98: GR E1695386 N5423094 Midden reported to be exposed in bulldozed track between Little Pipi Bay and Whangatoetoe. Trotter reports that the “pit-like depressions on this point are probably natural”. The site was marked on Archsite as being in the sea to the west of Pipi Point which was clearly in error. The described location of the site was checked by Tamati Smith in July 2016. He found a track on the north side of the point which matched the description of the site location but the gorse and grass cover did not allow a clear view of the cut section and no midden was seen. The estimated location is marked in Figure 21. See Appendix 16.10.

Mitigation: A cautionary approach should be taken in the area marked as the suspected site location to minimize ground disturbance.

Figure 7. Extracted from the Archaeological Assessment, Page 30.

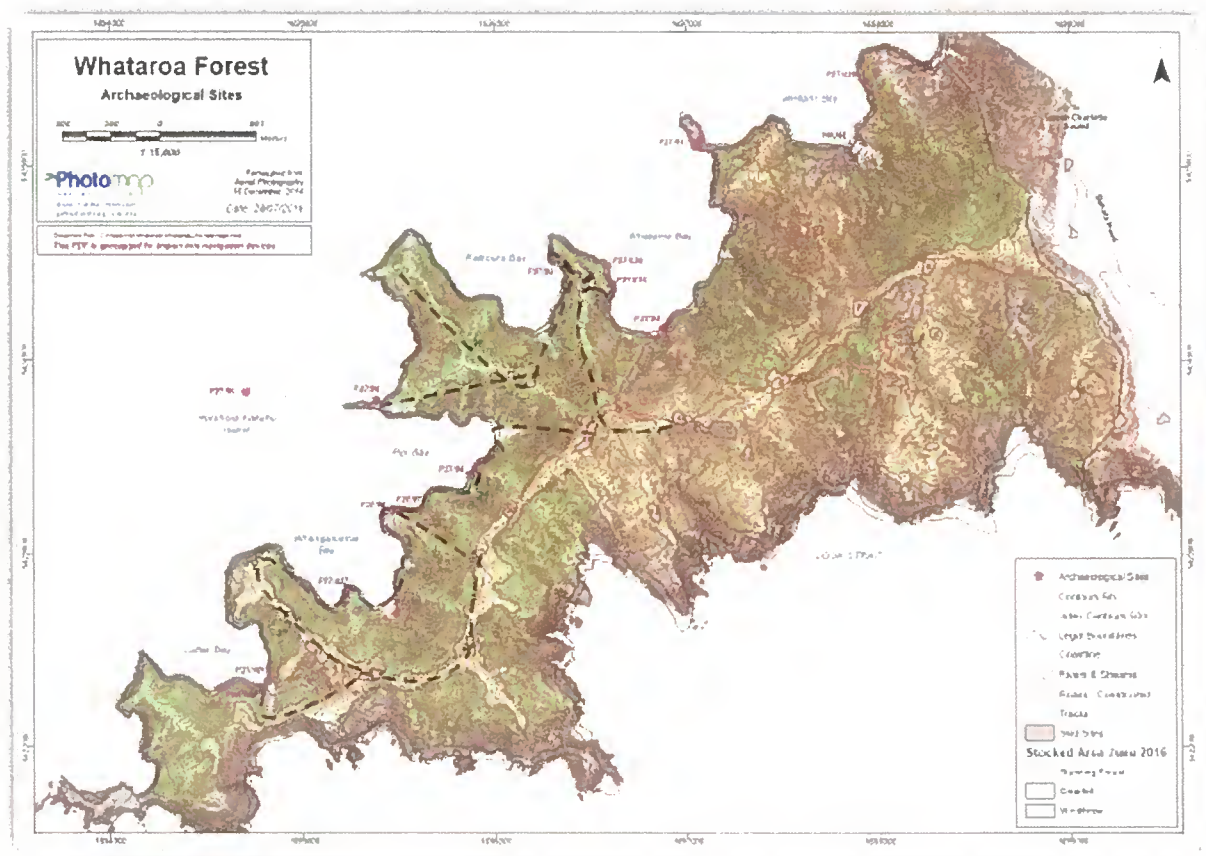
9.1 Discovery Protocol

Although the Archaeological Report has found no sites within or immediately adjacent the proposed work area it is acknowledged that, given the historic use of Port Underwood, both European and Maori (including pre-European) there is a possibility of material being uncovered.

The applicant is aware of the Standard Marlborough District Council Discovery Protocol placed on consents and is in agreement with it, however, in this situation it may be that Iwi may wish to have their own protocol in place. Subject to suitability pan-Iwi this is acceptable to the applicant.

9.2 Marlborough Environment Plan Volume 4 Appendices

Register of Significant Heritage Resources, Schedule 1: Category 1 and Schedule 2: Category 2 – there are no references applicable (including waahi tapu) to Pipi Bay or, apart from Horahora – Kakahu, anything adjacent.



10.0 Visual Intrusion

Inspection has shown that area of view into Pipi Bay (from across the port) is actually quite narrow, when viewed from the end part of the causeway.



Photo 7: From approximate end of the causeway towards the west.

In reverse, from the western side of the Port across to Pipi Bay it is identified there are no residences with a viewpoint within 3.5km, only 1 at 3.9km, 1 at 4.3km, 1 at 4.6km and 1 at 4.8km.

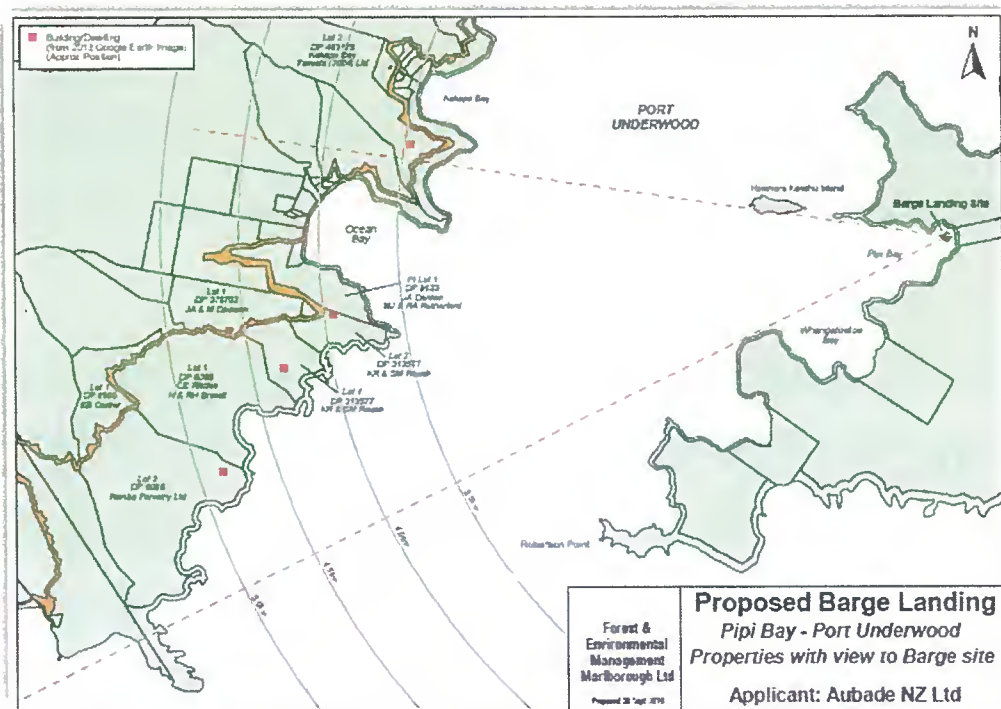


Figure 9. Properties with view to barge site.

With the nearest "sea level" residence at just over 4km it is considered such residents will have no realistic, casual view into the proposed barge site, and, in the unlikely event of something seen it will be effectively no greater visually, and probably less clear, than can be seen now of the harvesting operation above and around the site.

The four identified (possible) viewers (Two are owned by one property) are assessed as being unlikely to be effected visually, and, as above, certainly to no more of an extent than as at present.

11.0 Noise

Port Underwood, generally, is a working environment, indeed, the MEP makes specific reference to the tensions inherent between the primary production sector and, particularly residential (urban and lifestyle). See Volume 1, Page 14 – 2 Issue 14A and Page 14 – 4 Policy 14.1.7, 14.1.8 and 14.1.9.

In the case of an operating barge site, operation is generally from 0600 – 1800 daily (meaning an availability to work, not that barges will be loaded everyday) the creation of noise will be no greater than currently experienced from existing (and consented) harvesting and skid operations on the Whataroa Peninsula.

It is unlikely (except on very rare occasions) that any noise will be identifiable from the existing and background noise from the Port Underwood road, mussel farms and operations, boat operations generally, forestry, farming and general lifestyle activities (e.g. cutting firewood).

12.0 Boat Use

Pipi Bay is, from time to time, used by boaties as a safe anchorage. The proposed use as a barge site, including causeway will not detract from this at all. It is believed only vessels with quite shallow draft will wish to use the most inshore area of the bay.

From the depth soundings taken (Davidson #169) it is estimated that only some 12 – 15m of the causeway will extend past the 1.0m depth at low tide.

13.0 Barge Wake

From pre-lodgement discussion there has been indication of areas of the possible effects of the wake created by the use of barge. Barge use is estimated at approximately four loads each two weeks.



Photo 8: Unladen barge at 7 knots (about maximum).



Photo 9: Barge at 5knots - maximum laden speed.

Speeds on entry/exit Pipi Bay will be less than open cruising. Subject to weather and tide etc but around 1 - 3 knots.

Barge design and speed is such that any wake created is not “excessive” (violent, turbulent, high, fast) and dissipates rapidly as it moves out from the vessel.

It is considered extremely unlikely that barge wake will have any effect to the shoreline – water movement/depth increase will not be measureable, and, given the number of boat movements within the area at any time will, indeed, not be noticeable.

14.0 Structures

There are no structures of any kind within Pipi Bay above the beach line. There is no intention for any permanent buildings (including habitable) as part of this application.

15.0 Causeway Permanence

This application is for a barge site for the storage and loading of logs and the consent received is likely to be for 10 years. In that sense the causeway could be expected to be removed at the end of the consent period. However, the applicant recognises that the underlying property owners (NZ Forestlands Ltd) have two consents granted for subdivision, and, within these consents Lots 7 – 21 are stated as sea access only, with a number of ROW's created to access these Lots (7 – 21).

It seems prudent therefore that the landowners be given an opportunity, within the consent period, to apply for a re-issue of the consent if they see this causeway as having an ongoing use in the delivery of building materials etc to Lots 7 - 21.

16.0 Planning Provisions

With the release of the Proposed Marlborough Environment Plan (June 2016), which includes immediately applicable Regional Rules as well as District Rules, it has been agreed that this application will be lodged on the basis of the Proposed Marlborough Environment Plan rather than having a confusion of requirements with use of the existing Marlborough Sounds Resource Management Plan as well as the Proposed Marlborough Environment Plan.

17.0 Previous Approvals

At this juncture it is appropriate to consider previous approved consents over this property and their relativity to this application. There are two main approved consents to be considered (1) U041265 dated 27/01/05 and (2) U050185 dated 03/03/15.

U041265: is works required to allow the harvest of approximately 600ha of commercial forest, under a Forestry Right agreement.

U150185: is consent to subdivide the Peninsula as proposed by the landowners (from Tumbledown Bay to the end of the Peninsula).

Prior to these, earlier consents had been approved for subdivision (U070406 dated 07/11/08), which was not given effect to and to establish commercial forests (7/00/0290 dated 27/07/79) U070406 was re-applied for (U140147 dated 28/02/14).

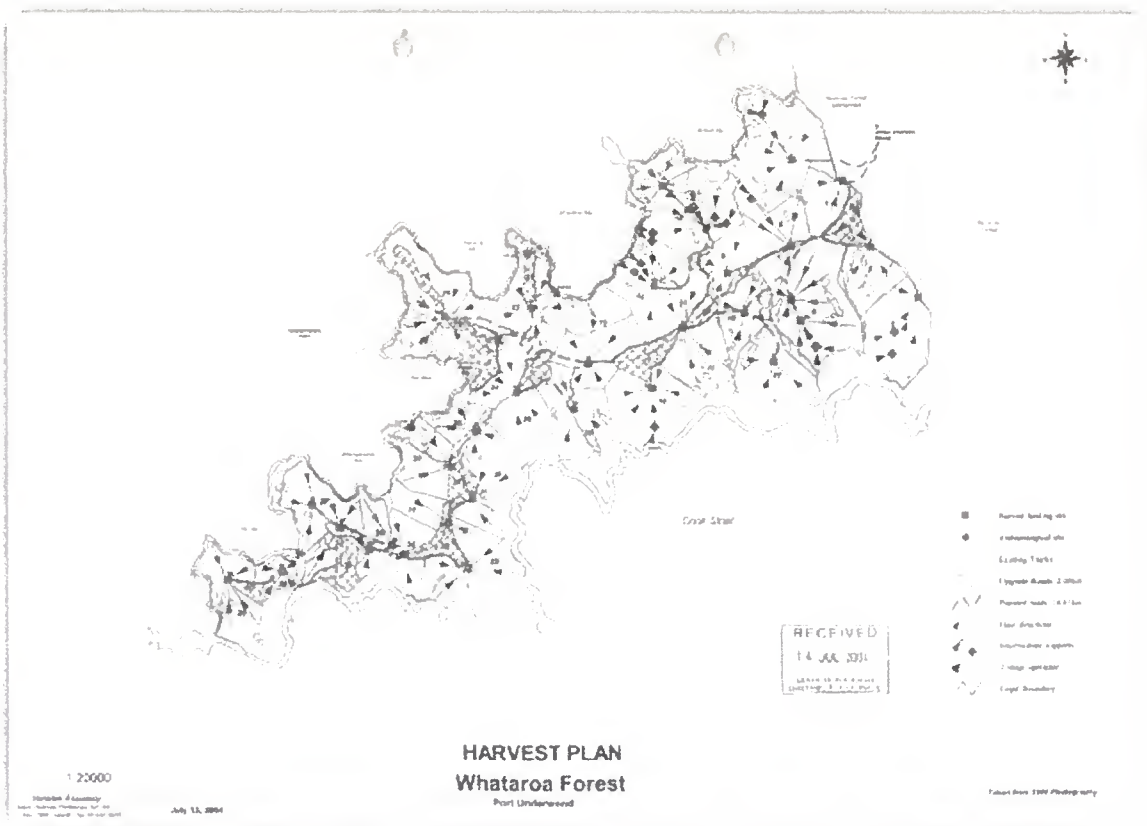


Figure 10. Harvest plan – U041265.

18.0 Previous Consent Discussion – Chronological

- 7/00/0290 – 1979
 - Report from the NZ Forest Service Forestry Extension Officer stating clearly suitable log marshalling area in Pipi Bay and others and, of these, Pipi Bay is the most accessible and preferred.
 - Approved and commercial plantation established.
- U041265 – 2005
 - Application notes Pipi Bay as a barge site and goes on to discuss consideration of when it may be required and stating clearly the applicants *".....wish to retain the option of applying for a barge loading site on their property at some future date"*.
 - Plan prepared in application that clearly shows barge site designation in Pipi Bay and a harvest road into the bay (July 2004).
 - The consents officer report dated 03/12/04 which, under the Tangata Whenua & Heritage heading states;
 - "Item 6.0 Local iwi for this area is Rangitane. They have been contacted by the applicant and have no concerns regarding the activity subject to being contacted in the event of any material being found."*
 - No other Iwi identified.
 - Item 62 – 66 discusses revision to the Harvest Plan, Historic Places Trust concerns and a discovery protocol.
 - Application approved and harvesting in process included a discovery protocol and a requirement for an Archaeological Report to be undertaken.

There is no record of any Iwi objection.

- U140147 – 2008
 - Allowed to lapse.
 - Note advice that area is outside Te Atiawa rohe.
- U150185 – 2015
 - Officers report Item 29 notes Lots 7 – 21 as sea access only.
 - ".....applicants confirms ability to access across foreshore to these Lots although several ROW will be required."*
 - Access is advised as pedestrian or 4WD. Confirms materials can be removed from barge by machinery or helicopter.
 - 15/03/15 Te Atiawa confirms outside their rohe.

- 30/03/15 Ngati Rarua confirms discovery protocol as advised by applicant and goes on to state;
"Te Runanga o Ngati Rarua state that the land that has been owned by the Crown, in the process of being transferred to Iwi groups Ngati Toa and Te Atiawa, is through the financial and commercial redress of the Treaty of Waitangi Deed of Settlement only. Te Runanga o Ngati Rarua recognises the cultural standing of Ngati Toa in the Port Underwood area and the open sea side of Port Underwood, but this does not give Te Atiawa initial standing in Port Underwood."
- Ngati Rarua go on to confirm and agree that Te Atiawa stated (15/03/15) the area is outside their rohe and then;
".....but acknowledge that Te Atiawa has been given land back in Port Underwood, by the Crown, in compensation through the financial and commercial redress only of the Treaty of Waitangi Deed of Settlement. Therefore they only have the right to treat it the same way as that of business."
- Ngati Rarua also states that;
"Te Atiawa has no cultural or social connection or standing within Port Underwood or on the open sea side of Port Underwood."
- Various papers supporting the above statements are annexed as Appendix 1.

18.1 Comment

It is noted that the Te Tau Ihu Iwi Statutory Acknowledgment was enacted on 1st April 2014.

From the above information it can be clearly seen that Pipi Bay has been considered as a possible barge/marshalling site for logs since 1979. It has been referenced on various approved consent applications and has never been the subject of query or conditions.

Similarly with Iwi consultation – until the financial and commercial redress provisions of the recent Treaty of Waitangi Settlements, in essence giving the Iwi involved a right in a business sense, most Iwi appeared to be silent as to objection with consent application or, indeed, stated it to be outside their rohe.

18.2 MDC – NZ Forest Service Survey

Over 1982 – 83 a survey to locate possible barge sites within the Marlborough Sounds was commissioned by MDC and conducted by the NZ Forest Service. Completed by Mr M Turbitt (then District Forester)

19.0 Specific Planning Requirements

Under the MEP there are three primary sections;

- (a) Coastal Marine Zone Chapter 16
- (b) Open Space 3 - Previously Foreshore Reserve Chapter 19
- (c) Coastal Environment Zone Chapter 4

19.1 Coastal Environment Zone Chapter 4

This is the area inland of Open Space 3.

4.3.10 Indigenous Vegetation Clearance

While not a major component there will be a need to clear some native vegetation – whitey-wood, manuka and tauhinu.

This is a Permitted Activity under 4.3.10.2 (a) and (d). Exempt from; *"Standards 4.3.11.3 to 4.3.11.6 9 (inclusive) due to (a) indigenous vegetation under or within 50m of commercial forest, woodlot or shelterbelt and (b) where the clearance is associated with the maintenance of an existing road, forestry track or farm track."*

4.3.11 Non-Indigenous Vegetation Clearance

4.3.13 Excavation

Approved consent U041265 allows for a road constructed to the inland edge of the Open Space 3 Zone. This approval will be implemented and will allow for the above.

In doing so the main provisions of 4.3.11 will be complied with and there will be no discharge to water or coastal marine area.

The main provisions of 4.3.13 will be complied with and there will be no discharge to water.

4.3.15 Filling Land with Clean Fill

Although the road construction to the back of Open Space 3 will markedly reduce the amount of fill, it will not comply with Permitted Standards. There will remain some 800 – 900m³ of fill required. While the bulk of requirements will be achieved it is recognised that consent is required given the non-compliance with; 4.3.15.5 (*excess of 500m³ per computer register with the ONF & L*) and 4.3.15.8 (*Soil and Over Sowing*).

Rule 4.6.1 states that consent is required as a Discretionary Activity for these non - compliances.

There will be no water discharge.

In all cases, vegetation removed and excavation spoil will be removed from the site and appropriately disposed of.

19.2 Open Space 3 - Formerly Known as Foreshore Reserve Chapter 19

Activity in this area will be confined to an (approx) 10m width x 20m length of roadway crossing the Open Space (3) to link the causeway to the road/marshalling area.

There will be no permanent buildings or structures **(19.2)**.

There will be no noise, odour, smoke or dust outside the property boundary **(19.2.2/2.3/2.4/2.5)**

19.33 Indigenous Vegetation Clearance

Exemption under 19.3.3.2 (a) will continue to apply.

19.3.4 Non-Indigenous Vegetation Clearance

19.3.4.1 – 4.5 will be complied with.

19.3.4.6 there will be no water discharge.

19.3.5 Excavation

19.3.5.3 – 19.3.5.12 consent is required to operate tracked or wheeled machinery within 8m of a coastal marine area.

19.3.6 Filling of Land with Clean Fill

19.3.6.4, 19.3.6.9 consent required to operate tracked or wheeled machinery within 8m of a coastal marine area and, while areas not forming the running surface will be grass seeded the running surface will not be.

Rule 19.4.1 states that consent is required as Discretionary Activity for these non-compliances.

The Department of Conservation has been kept advised.

19.3 Coastal Marine Zone Chapter 16

Creation of a causeway of some 50-55m x 8m to allow the loading of logs to barge.

16.2.1 Disturbance of the Foreshore or Seabed

Causeway construction and occupation of the Coastal Marine area by the causeway is not specifically provided for as a Permitted Activity, so is considered as under 16.6.7 as a Discretionary Activity *"Any use of the Coastal Marine area, except a marine farm, not provided for as a Permitted Activity, Controlled Activity, or a Restricted Discretionary Activity, or limited as a Prohibited Activity."*

16.2.1.1 – cannot be met therefore consent is required for this non-compliance as a Discretionary Activity under Rule 16.6.1.

16.1.2/1.3/1.4/1.5 – can all be met. Construction will be undertaken from the shore seaward and no machinery (unless an emergency) will operate from the seabed (in the water).

Contractor will have protocols in place to deal with any contaminated discharge.

The bulk of machinery to be used is already working on site under U041265. Specialist machinery will certainly be moved away as soon as possible following completion.

16.2.3 Noise

16.2.4 Odour

16.2.5 Smoke

16.2.6 Dust

These Standards for Permitted Activities can all be met. There is unlikely to be any discharge outside the property boundary.

In Summary:

- Pipi Bay has been noted as a potential barge site since 1979.
- Much of required earthworks are approved under Consent U041265.
- Additional requirements to construct require consent and this is applied for.
- People and organisations thought to have an interest have been advised and information provided on request. Undoubtedly there will be more discussion.
- The application recognises the interest of a number of Iwi.
- Te Atiawa and Ngati Toa have a financial interest in maintaining the status quo.
- Effects, with the style of works and mitigations proposed will be minimal and activity not visually intrusive.

- Approval maintains the viability of an operation employing (directly) some 25 people and indirectly and additional 10 – 15.

As the effects will be less than minor it is requested this application, with appropriate conditions, be approved.

VA Harris RMNZIF

Registered Forestry Consultant

Forest & Environmental Management Marlborough Ltd



New Zealand Forest Service

Telegrams "Forestry" — Telex

— P.O. Box 228

7/03/0290

BLLENHEIM

TOWN & COUNTRY PLANNING ACT

WHATAROA FOREST - PORT UNDERWOOD

I, Richard Arthur Cheshire, am employed by N.Z. Forest Service in the position of Forestry Extension Officer for Marlborough. I am a qualified Forest Ranger, having completed the four year Ranger Training Course run by the N.Z. Forest Service. Since graduation in 1968 I have worked at Glenbervie Forest and Kaikōhe in Northland, and Waiuku Forest in South Auckland before being posted to my present position in 1976. I have had a wide range of practical experience in both exotic and indigenous forestry.

I have inspected the property owned by Whataroa Forest Developments Ltd at Port Underwood, and made recommendations with regard to afforesting the area.

I have read the resulting forest management proposals prepared by the Company, and endorse these proposals. The area covered by the afforestation proposals is very suitable for this land-use.

The Company recently applied for a Forestry Encouragement Grant and I shall recommend the application be approved.

This land was offered to the N.Z. Forest Service by the previous owner, Mr G. D. Russell. It was inspected by Mr L. L. Hill, District Ranger, who reported favourably on it and recommended it be purchased for afforestation. However, lack of finance for land purchase at that time prevented the sale being concluded.

I would like to elaborate on some aspects of the forest management plan.

- (1) The area proposed for afforestation excludes the Cook Strait cliff faces identified in the "Crown Study of the Marlborough Sounds" as a scientific amenity area.
- (2) Most of the known historic/archaeological sites are outside the area proposed for afforestation. Those that are within the area and others that may be found at later dates could be protected by unplanted buffer zones around them, should their importance justify this protection.
- (3) The importance of Cutters Bay as a Historical site is recognised and this area has been excluded from consideration as a log marshalling area.
- (4) Suitable log marshalling areas are located in:-
 - (a) Whangatoetoe Bay
 - (b) Pipi Bay
 - (c) Kaikōura Bay

Continued ...

Cont.

- 2 -

Of these, Pipi Bay is the most accessible and has the greatest area of suitable land. Thus it is the preferred site. This bay has been zoned as "Not available" for Marine Farming. Just to the south of the log marshalling area, an archaeological site has been identified. This consists of a midden of shells, fish bones, charcoal and burnt stones, plus flakes of argillite and an argillite drill point. Log marshalling need not disturb this area, if protection is thought necessary.

Whangatoetoe Bay has reasonable access and although sufficient suitable land area is present for log marshalling the site is more restricted than the other two areas. This bay has been listed as an archaeological site because some fifty years ago a cache of unfinished stone adzes was found there.

Access to Kaikoura Bay is more difficult. No historical/archaeological sites have been recorded in this bay. This bay has been zoned as suitable for marine farming but no licences have yet been granted.

None of these bays are likely to be required for log marshalling for at least 25 years. This should allow sufficient time for further investigations into the archaeological value of these sites and the level of protection each requires.

- (5) A roadline on grade was mapped to ensure future logging roads were possible. This roadline has been inspected on-site. I am satisfied that roads of logging standard can be formed from the end of the County Road in Jerdans Bay up to the ridge and along the ridge top. The log marshalling areas can also be linked into this system by suitably graded roads.

This allows a number of options for future log transport.

- (a) By water through the log marshalling.
- (b) By existing county road from Jerdans Bay to Picton.
- (c) By forming a ridge road:-
- (i) To the Fighting Bay Road and hence by county road to Picton.
 - (ii) To the Forest Service log marshalling area in Opua Bay.
 - (iii) Around below Rahotia to the Whatamonga - Hakahaka road saddle and hence by county road to Picton.

- (6) Firebreaks - All proposed firebreaks are located on prominent ridges and can be constructed to meet Catchment Board requirements.

- (7) Tracks for Establishment - Present farm tracks can be used for establishment and tending operations but some sections require re-grading and extending to provide all weather 4-wheel drive access at all states of the tide; the present track system includes sections along the beach

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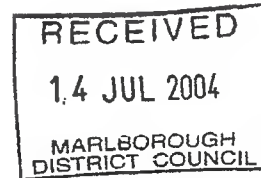
- 3 -

below high tide level.

- (8) Spraying - Small areas of gorse will require spraying for dessication and releasing. These areas are remote from other land-owners so no conflict is foreseen.

In concluding, there are substantial economic and social benefits that will arise from the establishment, management, and harvesting of an exotic forest on this presently unproductive land.

R. A. Cheshire
Forestry Extension Officer
N.Z. Forest Service
ELENHEIM



404/265

3

off the forest by roads. These roads and harvest landing sites are the subject of this application.

The intention is that log transport be by road trucks to either:

- A barging point in Opua Bay, Queen Charlotte Sound. Rayonier NZ is currently using this barge site for harvesting their Queen Charlotte Forest and the owners of Whataroa Forest have an understanding with Rayonier NZ to gain access to the site to barge their export logs to Picton. All road travel in this case is on private roads or
- Picton via public roads for locally processed logs.

The options of barging from Pipi Bay and Whangatoetoe Bay on the sheltered Port Underwood coast of Whataroa Forest have been investigated but will only be used if road access off the property becomes difficult or new log markets such as in Wellington become viable. The owners of Whataroa Forest therefore wish to retain the option of applying for a barge loading site on their property at some future date should that be necessary.

The potential barging point in Whangatoetoe Bay is likely to be avoided because of

- Limited log storage area.
- The likely presence of historic artifacts at the Whangatoetoe Bay site. (This is the origin of the "Flood Collection" of artifacts held by the Canterbury Museum.)
- The presence of mussel farms. Currently, mussel farms do not affect access to Pipi Bay.

Of the two sites Pipi Bay has the least restrictions and the Harvest Plan shows optional access to this site but access will not be formed if road access to Opua Bay and Picton is assured. The environmental effects of any barge site in Pipi Bay will be the subject of another consent application if necessary in future.

7.1 Planning and Consultation.

Having settled on road rather than barge transport as the means of getting logs out of the forest, a detailed ground study was undertaken of the stocked area.

The location of roads and landings has been identified in a two-step process, the latter step aimed at mitigating or avoiding possible environmental concerns. In particular cable logging has been designed to avoid pulling logs through gullies and side cut roading has been reduced to the minimum in preference to ridge top roading.

Consultation has been undertaken with immediate neighbors, (Rayonier, George Yorke) Marlborough District Council (Toby May), DOC (Robin Cox), NZ Archaeological Society (Reg Nichol), Iwi (Rangitane) and some marine farmers.

8.0 Details of Proposed Earthworks.

Earthworks will consist of upgrading parts of existing roads, building new roads, constructing log landing/processing sites.

11041265

3/12/2004. Justin Hughes

54. Ongoing monitoring of land disturbance sites by Council is important to ensure that resource consent conditions are being adhered to and to identify potential issues. It is recommended that a condition of consent requiring that monitoring of the operation may be undertaken on a quarterly basis and more frequently should there be incidence of non-compliance or complaints relating to this consent.
55. In addition a Section 128 review clause of the resource consent conditions may be considered appropriate, should the land disturbance activities contributing to the sedimentation of the waterways.
56. The Marlborough Sounds Resource Management Plan identifies minimum standards that all land disturbance activities must adhere to. In addition the plan identifies the limits to Councils discretion in terms of placing controls on land disturbance. The recommended conditions relating to land disturbance reflect those identified in the plan.
57. The Committee will need to be satisfied that the proposed mitigation measures by the applicant and the recommended conditions of consent will satisfy the submitters concerns and ensure that the effects on the environment will be minor.

Tangata Whenua and Heritage

58. The New Zealand Coastal Policy Statement aims for the protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.
59. Tangata Whenua and Heritage Objectives and Policies 6.1.2 of the Plan recognises and provides for the relationship of Marlborough's Maori to their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.
60. The local iwi for the subject area is Rangitane. Te Runanga A Rangitane O Wairau have been contacted by the applicants and have no concerns regarding the activity subject to being contacted in the event of any material being found.
61. Tangata Whenua and Heritage Objectives and Policies 6.2.2 of the plan aims for the preservation of the Plan area heritage resources including; historic buildings, places and sites, waahi tapu, archaeological sites and areas and heritage trees.
62. Whataroa Forest Limited has used the New Zealand Archaeological Society Site Recording Scheme in the planning process and all relevant sites have been inspected. Reg Nicol, archaeologist from Picton, has visited all archaeological sites where pine trees are growing.
63. After the above site visit Whataroa Forest Limited revised their harvest plan as follows:
 - To delete Whangatoetoe Bay from consideration as a possible barging point. There is no danger to this site from roading.
 - Change the harvest plan to protect the site of the whaling settlement in Cutters Bay from log hauling.
 - Fell and leave on site the small number of trees below the midden and house site at site number 92 in Whataroa Bay.
 - Temporarily fence around the two ridge-top pits in Kaikoura Bay (site 93) to protect them from machinery.
 - Fell and leave on site the few trees below the midden in Pipi Bay (site 97).

No iwi objections

- All other mapped sites are not affected by roading or logging activities since they have no trees near them.
- 64. The Historic Places Trust has raised further concerns with the proposal in terms of potential effects of the operation to both known and unknown sites. Despite the visit by Mr Nicol, the Trust considers that further information is required with regard to the impact of the forestry operations on archaeological sites. In particular, the Trust considers that a detailed archaeological assessment should be prepared.
- 65. The Committee must be satisfied that the outcome of the archaeological investigation is satisfactory to meet the concerns raised by Historic Places Trust with regard to the presence of both known and unknown historic sites.
- 66. It is recommended that a condition of consent require that if any historical, cultural or archaeological material (including any artefact) of Maori origin or likely to have significance to Maori, or of heritage or scientific value is found or uncovered during the performance of work authorised by this consent, the following will be complied with:
 - Works shall cease immediately
 - Advice of the discovery shall be given, as soon as possible to the New Zealand Historic Places Trust, Rangitane and Marlborough District Council.

Visual, Landscape and Natural Character

- 67. The New Zealand Coastal Policy Statement set national priorities for the preservation of the natural character of the coastal environment including protection for inappropriate subdivision, use and development.
- 68. An Area of Outstanding Landscape Value is identified in the plan as the cliffs on the Cook Strait coast. The applicant has outlined that the trees have only been planted on the accessible area above the very steep cliffs. The main excavation will be confined to ridge tops on this side of the property and so visual impact will be limited.
- 69. Harvesting a pine forest that has been a part of the landscape for 30 years causes a major visual change. The application is only for the earthworks not the actual logging so mitigation of landscape effects is limited to the impact of roads and landings on the landscape.
- 70. It is recommended that the consent be granted with a ten year duration which will limit the works to a set duration. Note that the applicant has requested a ten year lapse date so that they have the flexibility to start works when the log market is strong.
- 71. Chapter 2 Natural Character of the plan aims to preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.
- 72. Policy 1.2 looks to appropriate use and development will be encouraged in areas where the natural character of the coastal environment has already been compromised, and where the adverse effects of such activities can be avoided, remedied or mitigated.
- 73. The establishment of commercial forestry could be considered to have already altered the natural character of the area. Similarly any logging operation will further alter the natural character of the area until such time that vegetation re-establishes on the site.

Natural Hazards

- 74. Some areas of the subject land have an Unstable Natural Hazards overlay.

U140147

From: Resource Management | Te Atiawa
Sent: 2 Mar 2014 23:15:16 +0000
To: Ian Sutherland-
5181;rangitane@xtra.co.nz;'admin@ngatirarua.co.nz';'toa.kitetauihu@xtra.co.nz'
Subject: RE: U140147 - New Zealand Forestland Ltd - Cutters Bay Subdivision

Kia ora Ian,

I advised the applicant that the proposed subdivision site is outside of Te Atiawa's rohe. Te Atiawa Trust therefore did not comment on the application.

Nga mihi
Catherine

From: Ian Sutherland-5181 [mailto:ian.Sutherland@marlborough.govt.nz]
Sent: Monday, 3 March 2014 9:58 a.m.
To: rangitane@xtra.co.nz; 'admin@ngatirarua.co.nz'; Resource Management | Te Atiawa;
'toa.kitetauihu@xtra.co.nz'
Subject: U140147 - New Zealand Forestland Ltd - Cutters Bay Subdivision

Tēnā koutou,

We have received a subdivision application to adjust some boundaries of land located in Cutters Bay, Port Underwood. Copy appended.
There are recorded archaeological sites in the vicinity which are protected under the Historic Places Act, and the applicant has also volunteered a condition relating to accidental find for any other sites.
The applicant advises that he has consulted with you, but has not commented on whether any concerns have been raised.

Can you please advise whether you have any concerns with the proposal, including the proposed conditions.
In order for us to meet the statutory timeframes, I would need to have any concerns referred to me by 14 March 2014 to be able to act on them in time.

Kind regards, ngā mihi

Ian Sutherland
Resource Management Officer

Marlborough District Council
Phone: 03 520 7400
DDI: 03 520 7414
Fax: 03 520 7496
Email: ian.sutherland@marlborough.govt.nz
15 Seymour Street, PO Box 443, Blenheim 7240, New Zealand
www.marlborough.govt.nz

28. It is noted from the engineer's report that Lots 9 and 18 do not have suitable building sites nearer the foreshore, but have safer building sites further up the slopes nearer or on top of the ridge. This will create some difficulties for access, getting building materials to the site and obtaining a supplementary stream water supply, however, the developer believes that this is acceptable and Council is limited in its ability to determine whether this is suitable or not as the subdivision meets controlled activity standards.

29. Section 106 also requires Council to be satisfied that there is sufficient provision for legal and physical access to each allotment. This access only needs to be to the boundary of the allotment, not to the indicative building site. Lots 1-6 are proposed to have legal access to road and, subject to the conditions imposed in relation to the upgrade of Tumbledown Bay Road, suitable legal and physical vehicle access will be provided to those lots, although several rights of way are required to be created. Access to the other lots, Lots 7-21, are based on sea access only. The applicant has provided information to confirm that practical access is generally available across the foreshore to these lots, although several rights of way will be needed. The access is generally suitable for pedestrian or Four Wheel Drive use only. The application confirms that building materials can be moved to these lots manually by barge and off loaded by machinery or by helicopter. Council is satisfied that this meets the requirements of section 106 of the Act.

Marlborough Regional Policy Statement

30. The purpose of the Marlborough Regional Policy Statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the Marlborough region and policies and methods to achieve integrated management of natural and physical resources.

31. The application does not refer to this document, however, Council is satisfied that the proposal will not conflict with the relevant objective and policies in the Marlborough Regional Policy Statement.

Marlborough Sounds Resource Management Plan - Volume One

32. The relevant objectives and policies are in the Natural Character, Landscape, Rural Environment, Natural Hazards and Subdivision Chapters of this Plan.

33. A condition has been imposed to ensure that all proposed new buildings and driveways are located in such a way that potential adverse effects on the outstanding landscape area, as identified in the Plan, can be avoided as required by Objective 1 and the supporting policies under the Landscape Chapter.

34. In conclusion, Council concurs that, subject to the conditions imposed and volunteered, the proposal will not be inconsistent with the relevant objectives and policies of the Plan.

New Zealand Coastal Policy Statement 2010

35. As the subdivision meets the controlled activity standards of the Plan, it is considered that the subdivision will not conflict with the relevant objectives and policies of the New Zealand Coastal Policy Statement.

Part 2 Resource Management Act 1991

36. The purpose of the Act (paraphrased) is to promote the sustainable use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their wellbeing while sustaining the potential of those resources for future generations, safeguarding the life supporting capacity of water and ecosystems, and avoiding, remedying or mitigating any adverse effects of activities on the environment.

From: angus malcolm
Sent: 15 Mar 2015 23:52:06 +0000
To: Ian Sutherland-5181
Subject: Fw: RC Application

4150185

Ian,
Te Atiawa response below.

Regards,
Angus

On Monday, 16 March 2015, 12:47, Resource Management | Te Atiawa <rm@teatiawatrust.co.nz> wrote:

Hello Angus,

As discussed, the proposed subdivision site is outside Te Atiawa's rohe, with the only historic interest in this property was the potential for logging trucks proceeding through Waikawa and Picton.

As far as Te Atiawa is aware, there are no sites of importance to Te Atiawa on the subject land or neighbouring land recently vested to Te Atiawa in Fighting Bay.

Therefore, the Trust does not have any issues with the proposed subdivision for now.

Ngā mihi, Catherine

Resource Management Officer
for
Te Ātiawa o Te Waka-a-Māui
Beach Road, Waikawa Marina, Waikawa, Picton 7220
(PO Box 340, Picton 7250)
Phone : 03 573 5170 / 0800 284 292
Fax : 03 573 5180
www.teatiawatrust.co.nz



From: angus malcolm [mailto:amalcolm3@yahoo.com]
Sent: Monday, 2 March 2015 8:30 a.m.
To: Resource Management | Te Atiawa
Subject: RC Application

Hi Catherine,
Please find attached our resource consent application for the scheme plan I sent you a while ago. Let me know if you need copies of the appendices.

Please give me a call to discuss when you are free.



Ngāti Rārua
Te Rūnanga o Ngāti Rārua

6150185

30 March 2015

Angus Malcolm
By email: amalcolm3@yahoo.com

Tēnā koe e Angus,

Thank you for your telephone call and subsequent email on 16 March 2015, updating the Rūnanga of what is happening in Port Underwood.

On 13 February 2014, you sent an email to Hemi Toia in response to an e-mail that I had sent you. In it you stated as below:

- "1. That if any artefacts or historical, cultural or archaeological material (Including any artefact) of Maori origin or likely to have significance to Maori, or area which classifies as an archaeological site under the Historic Places Act 1993, is found or uncovered during undertaking work authorised by this consent, the following shall be complied with:
- Work shall cease immediately;
 - Advice of the discovery shall be given, as soon as possible, to the Resource Management Officer of the relevant Iwi Authority, the Department of Conservation and the NZ Historic Places Trust;
 - That the area of discovery shall be mapped and recorded with Marlborough District Council; and
 - No work shall recommence until 72 hours after advice has been given or agreement reached between parties regarding appropriate protection measures, whichever is the sooner."

For your subdivision, Te Rūnanga o Ngāti Rārua request that the above recorded statement becomes a rider within the sale of each and every section as per the Resource Consent.

An archeological survey would be required on every new dwelling site noted on the maps supplied.

Te Rūnanga o Ngāti Rārua state that the land that has been owned by the Crown, in the process of being transferred to iwi groups Ngāti Toa and Te Atiawa is through the financial and commercial redress of the Treaty of Waitangi deed of settlement only. Te Rūnanga o Ngāti Rārua recognises the cultural standing of Ngāti Toa in the Port Underwood area and the open sea side of Port Underwood, but this does not give Te Atiawa cultural standing in Port Underwood.

On Page 15 of the Subdivision Application document attached to your email of 16 March 2015, Te Atiawa have indicated that the subject property is outside of their rohe. Te Rūnanga o Ngāti Rārua state that Port Underwood is outside of the Te Atiawa rohe, but acknowledge that Te Atiawa has been given land back in Port Underwood, by the Crown, in compensation through the financial and commercial redress only of the Treaty of Waitangi deed of settlement. Therefore they only have the right to treat it the same way as that of a business.

Ngāti Rārua state that Te Atiawa has no cultural or social connection or standing within Port Underwood or on the open sea side of Port Underwood.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Arthur Phillips', with a stylized flourish at the end.

Arthur Phillips
Deputy Chair

cc: Ian Sutherland, Marlborough District Council, PO Box 443, Blenheim 7240



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**
Limited as to Parcels




R.W. Muir
Registrar-General
of Land

**Guaranteed Search Copy issued under Section 172A
of the Land Transfer Act 1952**

Identifier **MB55/105**
Land Registration District **Marlborough**
Date Issued 19 June 1956

Prior References

MB34/261

Estate	Fee Simple
Area	42.3655 hectares more or less
Legal Description	Section 1 (Cutters Bay), Section 1 (Whangatoetoe Bay), Section 12 and Part Section 24 District of Port Underwood

Proprietors

New Zealand Forestland Limited

Interests

8772307.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 24.5.2011 at 7:00 am
9705453.2 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Aubade NZ Limited -
17.4.2014 at 5:08 pm
9705453.3 Mortgage of Forestry Right 9705453.2 to Indian Overseas Bank - 17.4.2014 at 5:08 pm
9705453.4 Mortgage to ANZ Bank New Zealand Limited - 17.4.2014 at 5:08 pm

Transaction Id

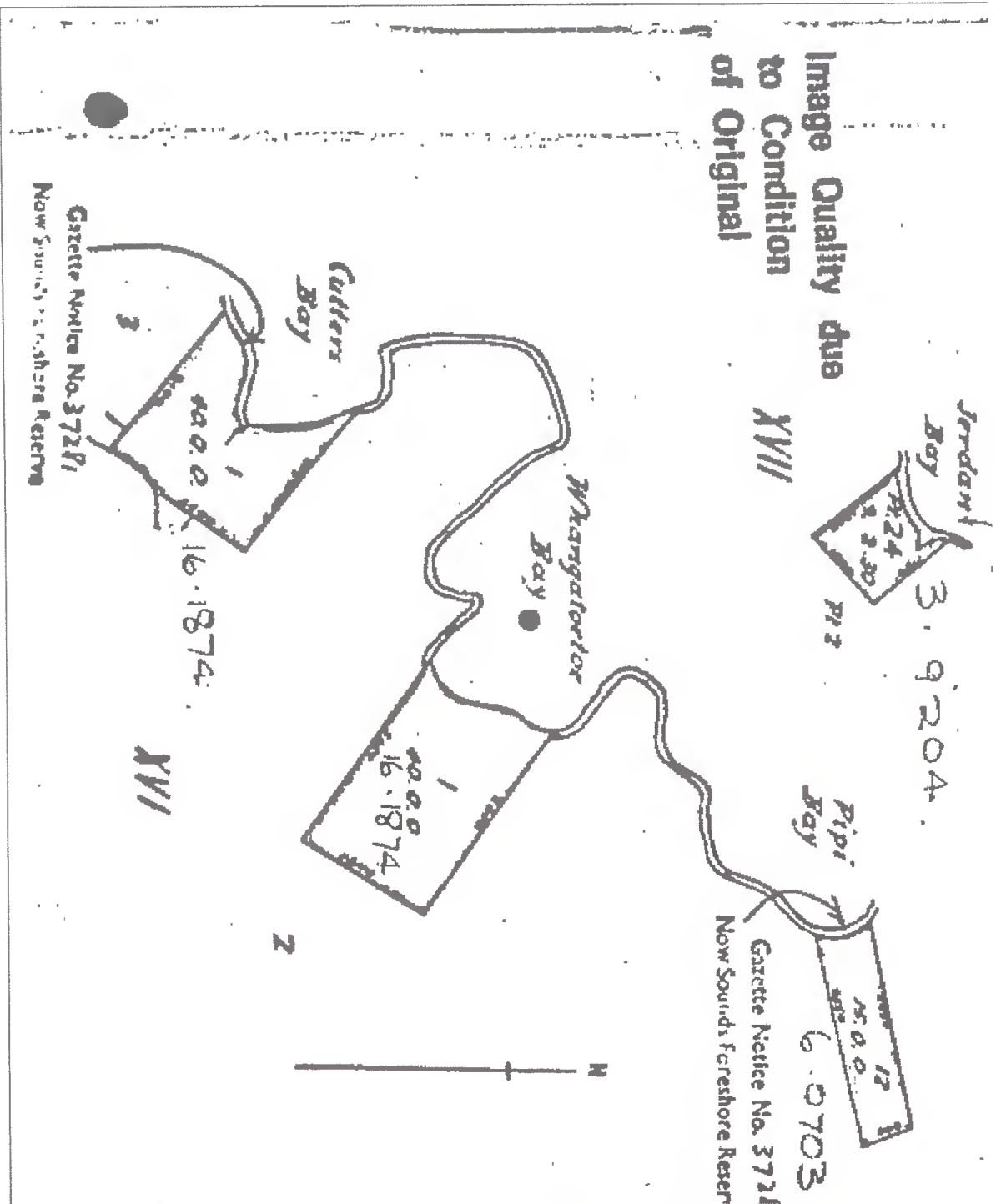
Client Reference QuickMap

Appendix 2

Identifier

MB55/105

Image Quality due
to Condition
of Original



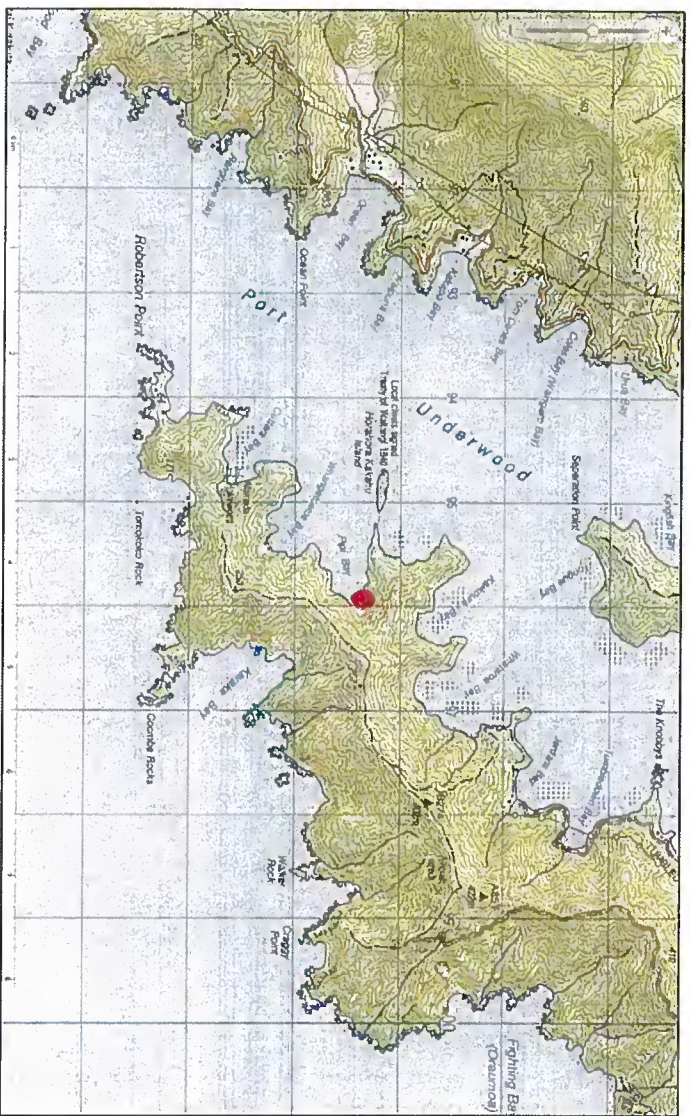


Figure 1. Proposed log loading site in Pipi Bay (red circle).



Figure 2. Proposed barge landing site in Pipi Bay.



Photo 1: The proposed site.



Photo 2: Foreshore Reserve, looking north.



Figure 3. Proposed barge landing site in Pipi Bay.



Photo 3: Abutment example #1.



Photo 4: Abutment example #2



Photo 5: Causeway example.



Photo 6: Causeway example

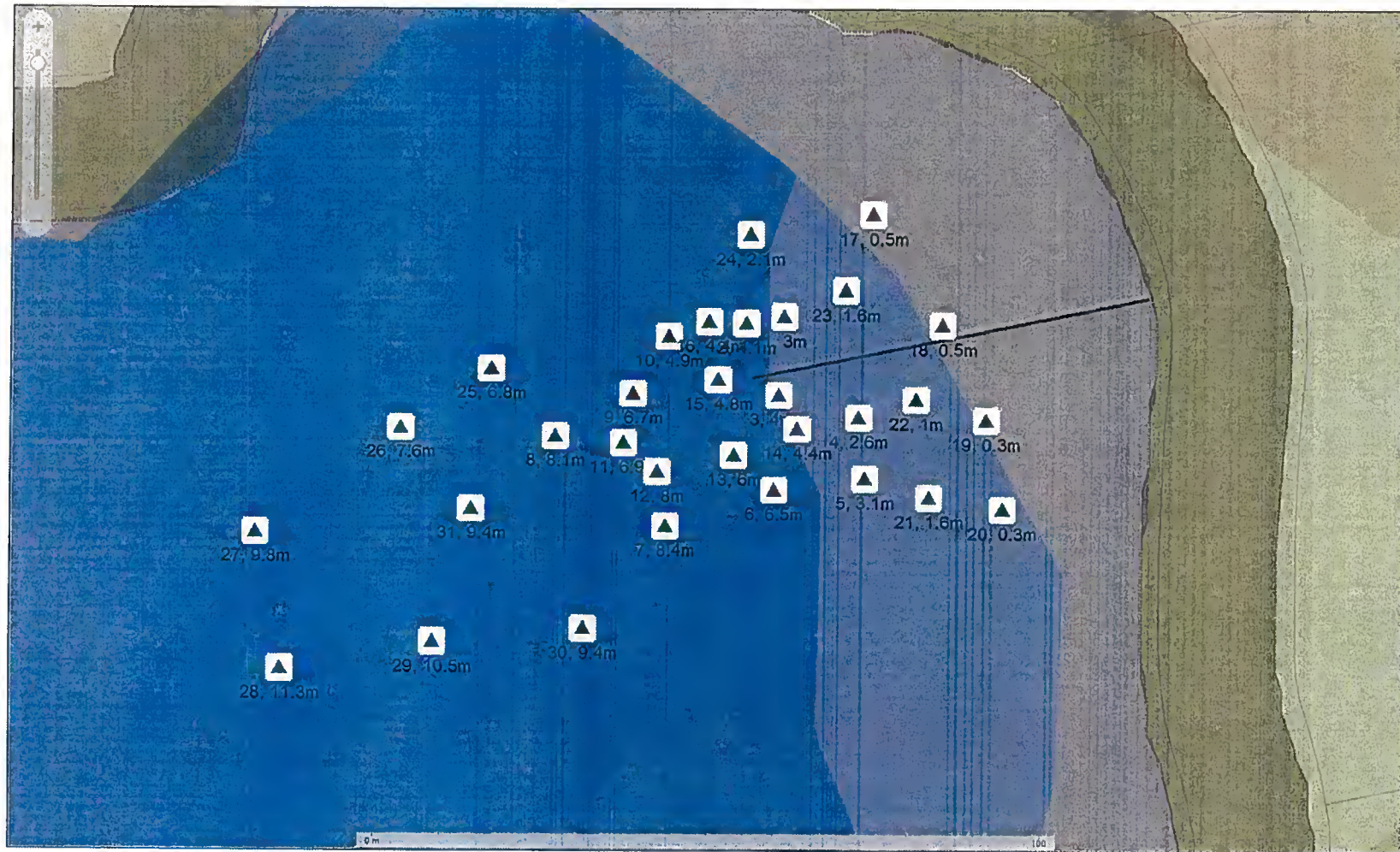


Figure 2. Proposed location of loading ramp (black line = 60 m) and drop camera stations with depths.

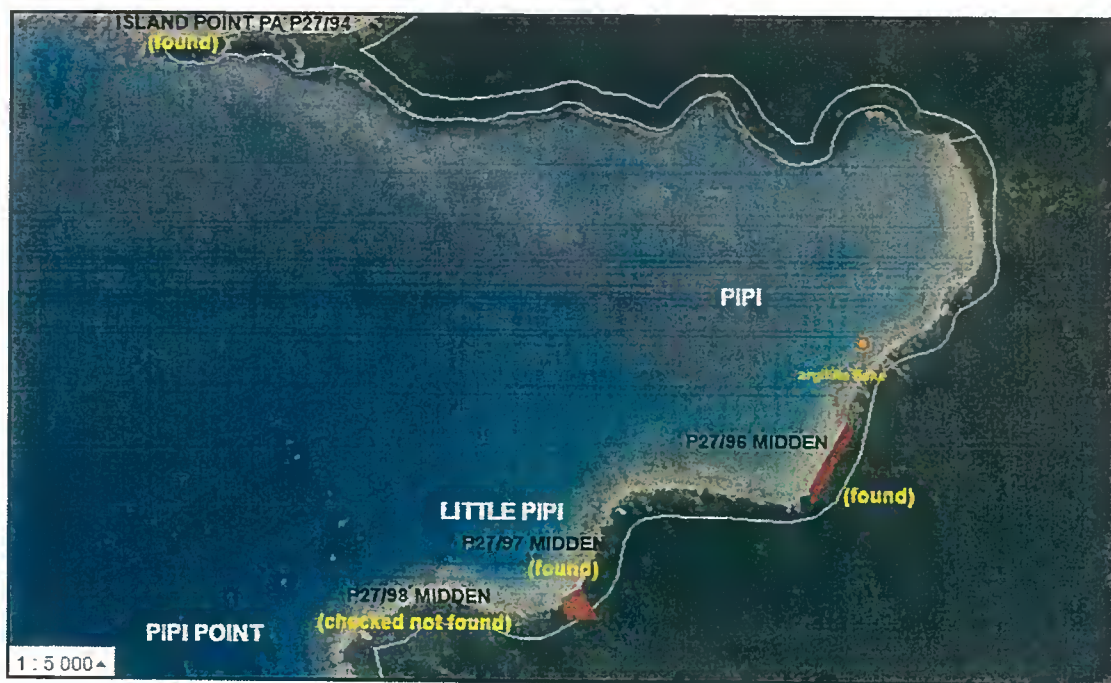


Figure 19: Locations of P27/94, 96, 97 and 98

P27/96: GR E1695872 N5423408 Midden and ovenstones exposed in beach-front representing occupation of the back beach, which is reasonably flat. The site was relocated during the search on 26th June 2016 and the site record updated. See Appendix 16.8.

Mitigation: Any trees that pose a risk to preservation of the site must be poisoned rather than logged.

P27/97: GR E1695586 N5423194 Midden and oven remains in the beach bank at Little Pipi Bay. The 2004 Resource Consent application contained a recommendation to *"fell and leave on site the few trees below the midden in Pipi Bay (site 97)."* (see excerpt Figure 4). This site was relocated by Tamati in July 2016 and the record has been updated to reflect the actual location. See Appendix 16.9.

Mitigation: Any trees that pose a risk to preservation of the site must be poisoned rather than logged.

P27/98: GR E1695386 N5423094 Midden reported to be exposed in bulldozed track between Little Pipi Bay and Whangatoetoe. Trotter reports that the "pit-like depressions on this point are probably natural". The site was marked on Archsite as being in the sea to the west of Pipi Point which was clearly in error. The described location of the site was checked by Tamati Smith in July 2016. He found a track on the north side of the point which matched the description of the site location but the gorse and grass cover did not allow a clear view of the cut section and no midden was seen. The estimated location is marked in Figure 21. See Appendix 16.10.

Mitigation: A cautionary approach should be taken in the area marked as the suspected site location to minimize ground disturbance.

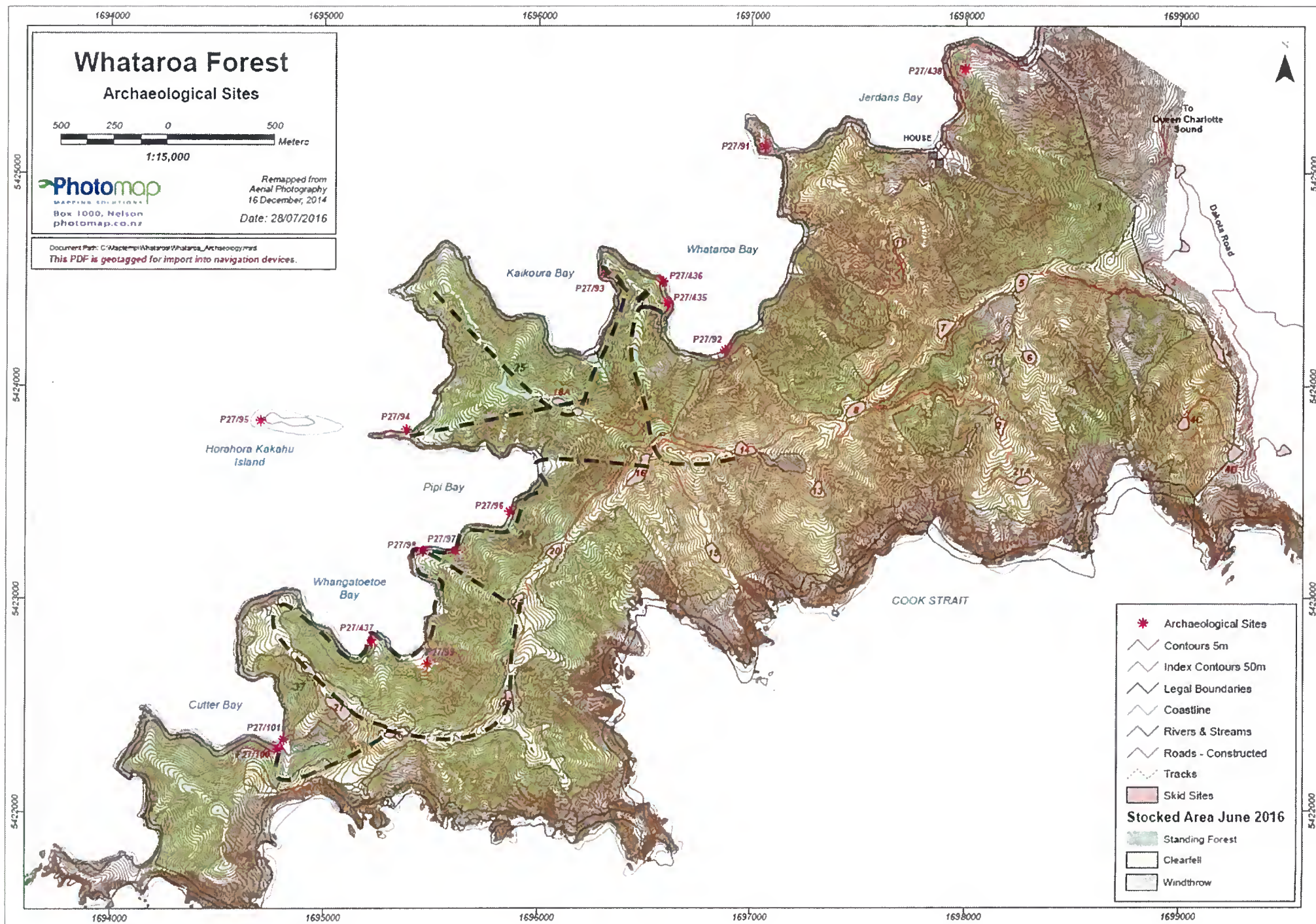




Photo 7: From approximate end of the causeway towards the west.

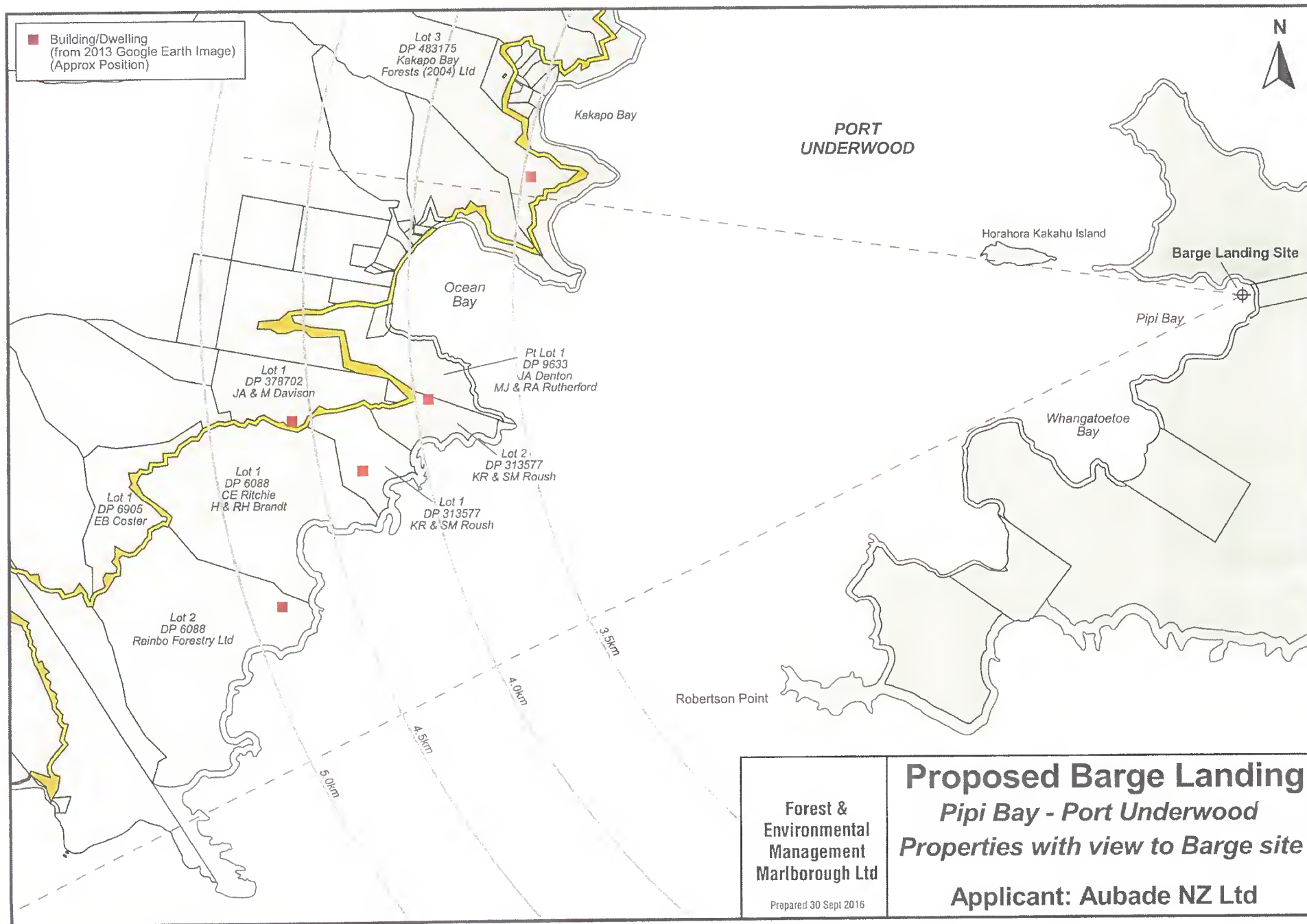


Figure 9. Properties with view to barge site.

Forest & Environmental Management Marlborough Ltd Prepared 30 Sept 2016	Proposed Barge Landing <i>Pipi Bay - Port Underwood</i> <i>Properties with view to Barge site</i> Applicant: Aubade NZ Ltd
---	--

Photo 8: Unladen barge at 7 knots (about maximum).



2016/02/11

Photo 9: Barge at 5 knots - maximum laden speed.



2016/02/11



Davidson Environmental Limited

Ecological report for a proposed barge loading site located in Pipi Bay, Port Underwood

Research, survey and monitoring report number 696

A report prepared for:
Forest and Environmental Management Limited
15 Oudenarde Street
Renwick 7204

By
Rob Davidson

August 2016

Appendix 4

Specialists in research, survey and monitoring



Bibliographic reference:

Davidson, R. J. 2016. Ecological report for a proposed barge loading site located in Pipi Bay, Port Underwood. Prepared by Davidson Environmental Limited for Forest and Environmental Management Limited. Survey and monitoring report no. 837.

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Prepared by:

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2016



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1.0 Introduction

The aim of the present study was to describe the habitats, species and any associated ecological values in relation to a proposed log barge loading site. The proposed site is located at the head of Pipi Bay, Port Underwood (Figure 1, Plates 1 and 2). A secondary aim was to comment on any measures, if appropriate, that would minimise the impact of the barge loading site.

Pipi Bay is along the outer eastern shores of Port Underwood. The Bay has a coastline length of approximately 1625 m and covers an area of sea of approximately 22.5 ha. Pipi Bay is approximately 560 m wide across the mouth and is approximately 8.2 km from Ngakuta Bay, at the head of the eastern arm of Port Underwood.



Figure 1. Proposed log loading site in Pipi Bay (red circle).



Plate 1. Beach and backdrop of the proposed log loading in Pipi Bay.



Plate 2. Close-up of beach looking onshore at the proposed log loading site.

2.0 Methods

The site was sampled on 27th July 2016. Prior to fieldwork, the location of the proposed barge loading site was plotted onto mapping software (TUMONZ professional). The laptop running the mapping software was linked to a Lowrance GPS receiver allowing real-time plotting of the drop camera stations in the field. This GPS system has a maximum error of +/- 5 m distance.

On the day of the survey, high tide was 1.4 m at 12.02 pm and low tide was 0.4 m at 6.20 pm. The tide was outgoing at the time of the present survey.

Drop camera stations and site depths

A total of 31 drop camera photographs were collected from the subtidal shore immediately offshore and adjacent to the proposed barge loading site (Figure 2). At each site, a Sea Viewer underwater 'splash' camera fixed to an aluminium frame was lowered to the benthos and an oblique still photograph was collected where the frame landed.

The location of photograph stations was selected in an effort to obtain a representative range of habitats close to, offshore of, and adjacent to the proposed loading ramp area. The coordinates for locations at or very close to low water were also collected.

All photographs collected during the survey have been included in Appendix 1.

Intertidal inspection

Photographs and observations were collected from the intertidal area at and adjacent to the proposed barge loading site. Intertidal species (presence-absence and relative abundance) were also recorded from the intertidal shore.

3.0 Results

Intertidal substratum and species

The intertidal shore at the proposed barge loading site was approximately 20 m wide (high tide to low water mark). This shore was characterised by a pebble, granule and shell dominated shore (Plates 1 and 2). No surface dwelling species were observed. It is probable the infauna is dominated by species typical of a soft shore beach such as hoppers and isopods.

Subtidal shore

Subtidal drop camera stations ranged in depth from 0.3 to 11.3 m depth (Table 1, Figure 2). In areas approximately <6.5 m the benthos was characterised by combinations of pebble, granules, shell and occasional cobbles (Figure 3, Plate 3). Between 6.5 m and 8.5 m the substrata was characterised by combinations of silt and shell (Figure 3, Plate 4). Offshore substratum was characterised by silt and clay (Figure 3, Plate 5).

The greatest variety of surface dwelling species were observed from areas <8 m depth. Solitary ascidians, horse mussel, spire shell, anemones, cats-eye snail, sea cucumber, and drift brown macroalgae were all regularly observed.

Table 1. Drop camera data, depths, substratum and coordinates (NZTM).

No. & Depth (m)	Coordinates	Substratum
1, 3m	1695942 5,5423641.5	Pebble, granule and shell, occ cobble
2, 4.1m	1695936 9,5423640.5	Pebble, granule and shell, occ cobble
3, 4.5m	1695941 8,5423629.5	Pebble, granule and shell, occ cobble
4, 2.6m	1695953 7,5423626.1	Pebble, granule and shell, occ cobble
5, 3.1m	1695954 8,5423616.8	Pebble, granule and shell, occ cobble
6, 6.5m	1695941 1,5423615.0	Pebble, granule and shell
7, 8.4m	1695924 9,5423609.5	Silt, shell
8, 8.1m	1695908 3,5423623.2	Silt, shell
9, 6.7m	1695919 9,5423629.8	Silt, shell
10, 4.9m	1695925 3,5423638.5	Pebble, granule and shell, occ cobble
11, 6.9m	1695918 6,5423622.2	Silt, shell
12, 8m	1695923 6,5423617.8	Silt, shell
13, 6m	1695935 1,5423620.3	Pebble, granule and shell, occ cobble
14, 4.4m	1695944 6,5423624.4	Pebble, granule and shell, occ cobble
15, 4.8m	1695932 7,5423631.9	Pebble, granule and shell, occ cobble
16, 4.4m	1695931 3,5423640.8	Pebble, granule and shell, occ cobble
17, 0.5m	1695955 8,5423656.8	Sand, shell
18, 0.5m	1695966 3,5423640.2	Pebble, granule and shell, occ cobble
19, 0.3m	1695972 8,5423625.8	Pebble, granule and shell, occ cobble
20, 0.3m	1695975 3,5423612.1	Pebble, granule and shell, occ cobble
21, 1.6m	1695964 4,5423613.9	Pebble, granule and shell, occ cobble
22, 1m	1695962 4,5423628.9	Pebble, granule and shell, occ cobble
23, 1.6m	1695951 8,5423645.5	Pebble, granule and shell, occ cobble
24, 2.1m	1695937 4,5423653.8	Pebble, granule and shell, occ cobble
25, 6.8m	1695898 7,5423633.6	Silt, shell
26, 7.6m	1695885 2,5423624.5	Mud
27, 9.8m	1695863 6,5423608.5	Mud
28, 11.3m	1695867 4,5423588.2	Mud
29, 10.5m	1695890 2,5423592.2	Mud
30, 9.4m	1695912 6,5423594.2	Mud
31, 9.4m	1695895 8,5423612.1	Mud

Specialists in research, survey and monitoring



Plate 3. Pebble, granule, shell and occasional cobbles from shallow subtidal areas (photo 20, 0.3 m).



Plate 4. Silt and shell located offshore of inshore substratum (photo 9, 6.7m).

Specialists in research, survey and monitoring



Plate 5. Mud substratum (photo 28, 11.3 m).

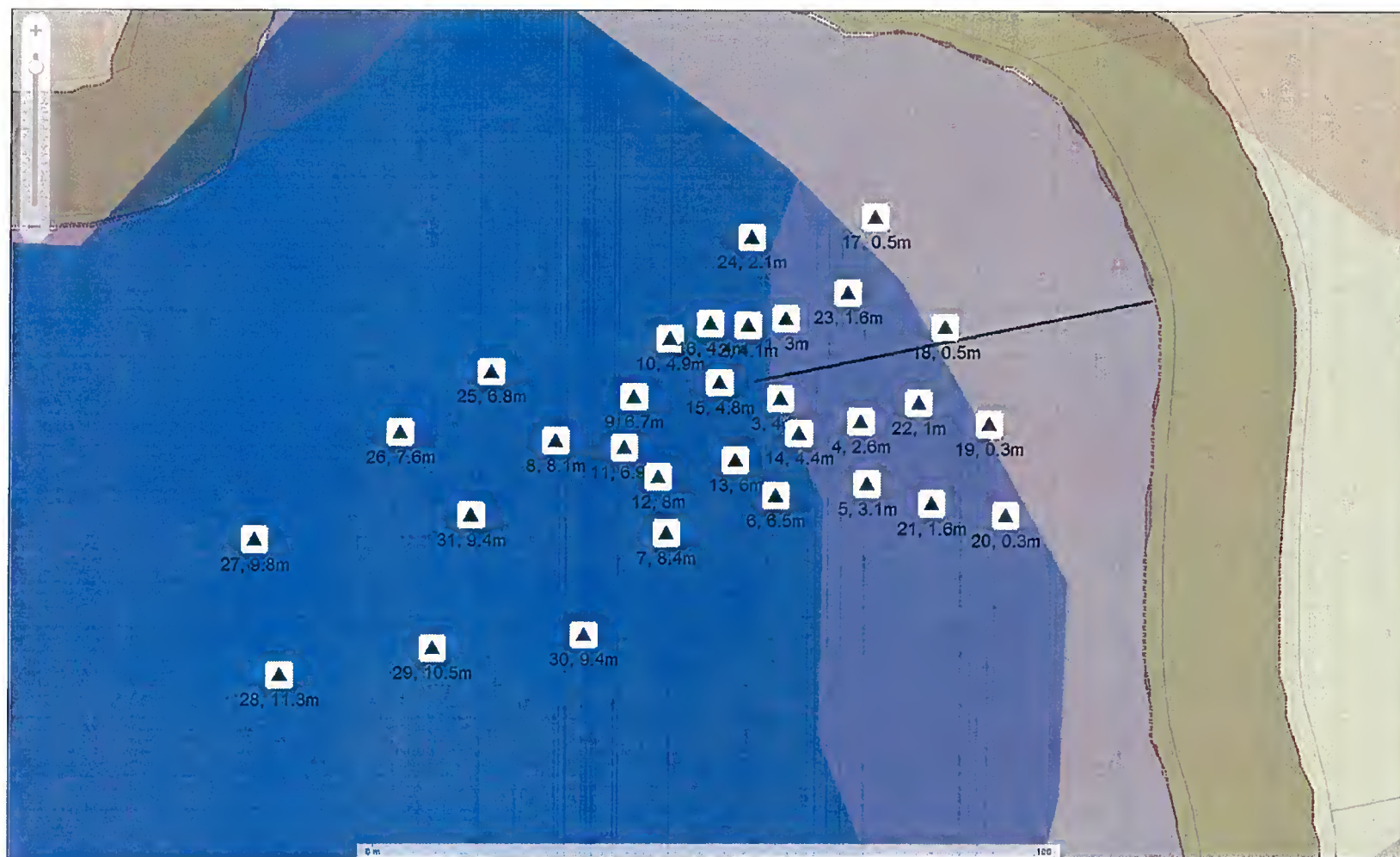


Figure 2. Proposed location of loading ramp (black line = 60 m) and drop camera stations with depths.

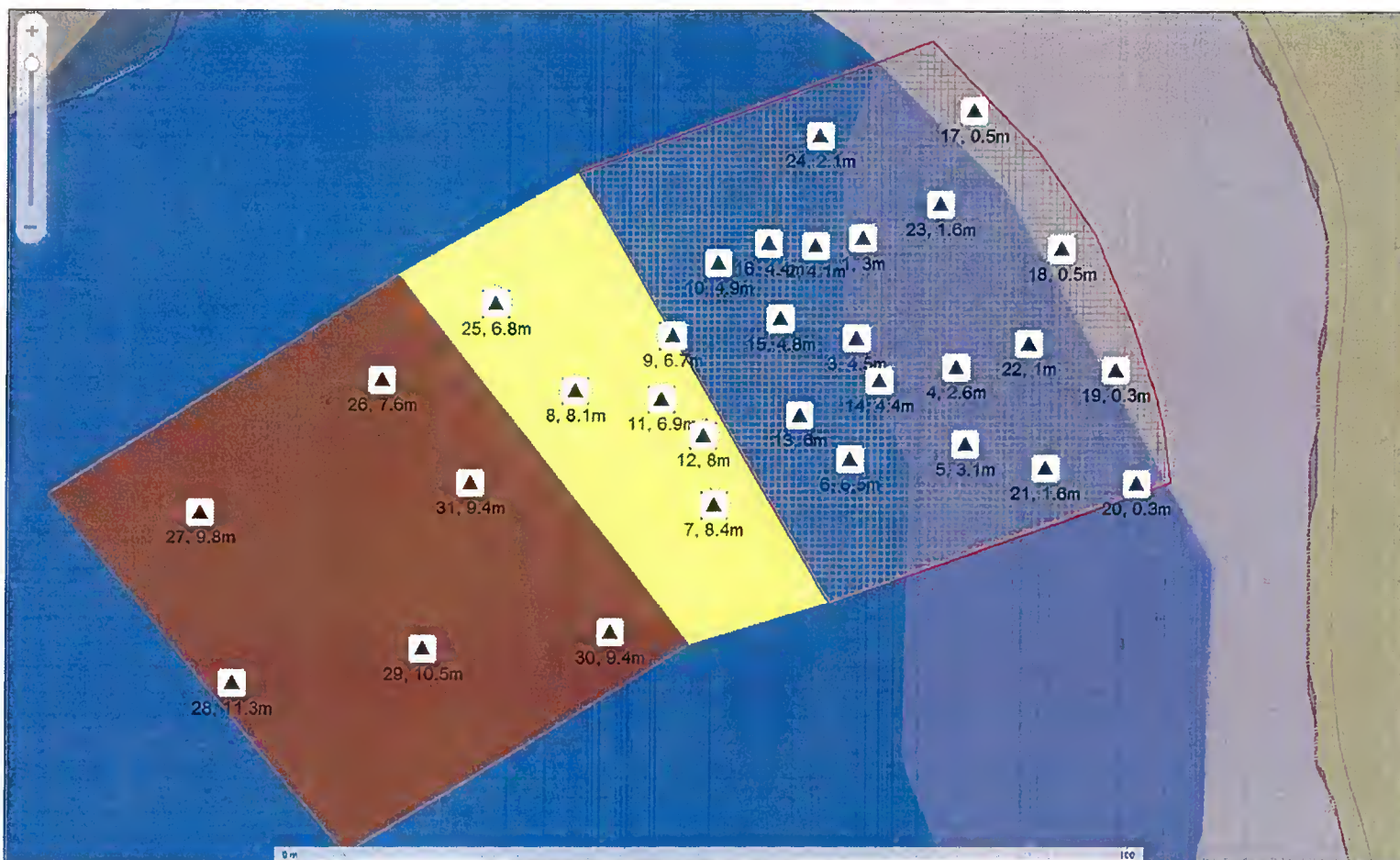


Figure 3. Approximate location of major substratum types in Pipi Bay (brown = mud, yellow = silt and shell, hatched = pebble, granule, shell and occasional cobbles).

4.0 Discussion

The shallow subtidal habitats located at and immediately adjacent to the proposed barge loading site are representative of shallow habitats in numerous bays of Port Underwood and inner Queen Charlotte Sound.

Within Port Underwood there exists three known sites that support significant sites and are therefore considered ecologically important (Davidson *et. al.*, 2011; Davidson and Richards, 2015). These sites are located well distant to the proposed barge landing site and most unlikely to be impacted is the barge landing is constructed.

No species of particular ecological importance were observed in the study area, nor were any species of commercial or recreational importance observed from the area proposed as a barge loading site. Similarly, the intertidal shore is representative of pebble, granule and shell beaches in Port Underwood.

Establishment of a barge loading site will have an impact on some intertidal and shallow subtidal habitats. These habitats and species are widespread throughout the central Queen Charlotte Sound area. Some of this loss under the structure will be offset by the establishment of new intertidal habitat along the structure sides and ramp end.

Based on biological considerations, no suggestions or alterations to the proposal are considered. Similarly, there are no biological issues that would initiate monitoring of the area should the proposal proceed.

References

- Davidson R. J.; Duffy C.A.J.; Gaze P.; Baxter, A.; DuFresne S.; Courtney S.; Hamill P. 2011. Ecologically significant marine sites in Marlborough, New Zealand. Co-ordinated by Davidson Environmental Limited for Marlborough District Council and Department of Conservation.
- Davidson RJ., Richards LR. 2015. Significant marine site survey and monitoring programme: Summary 2014-2015. Prepared by Davidson Environmental Limited for Marlborough District Council. Survey and monitoring report number 819.

Appendix 1. Drop camera photographs

Photo site 1

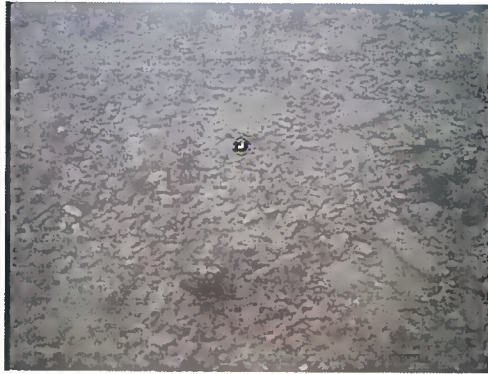


Photo 2



Photo site 3



Photo 4



Photo site 5

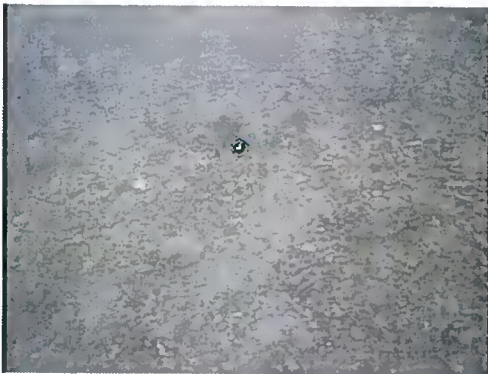


Photo 6



Photo site 7



Photo 8



Photo site 9



Photo 10

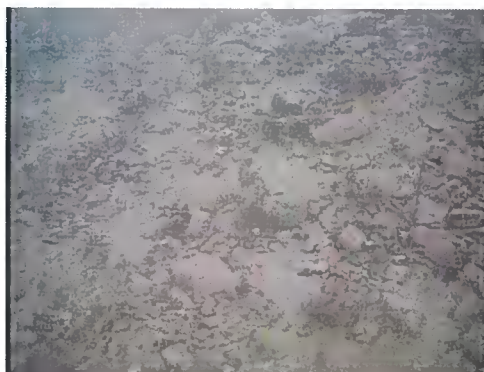


Photo site 11

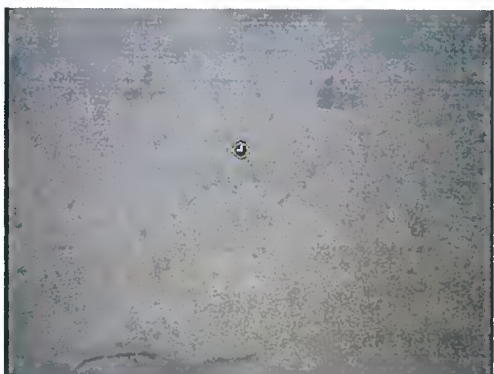


Photo 12



Photo site 13



Photo 14



Photo site 15



Photo 16

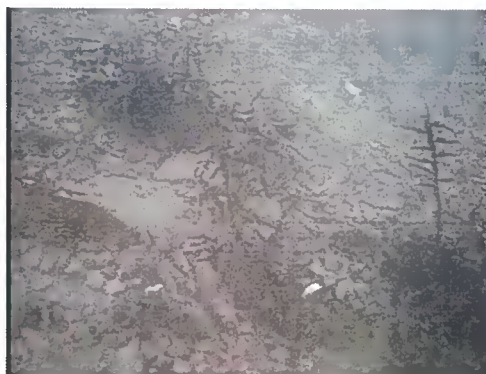


Photo site 17

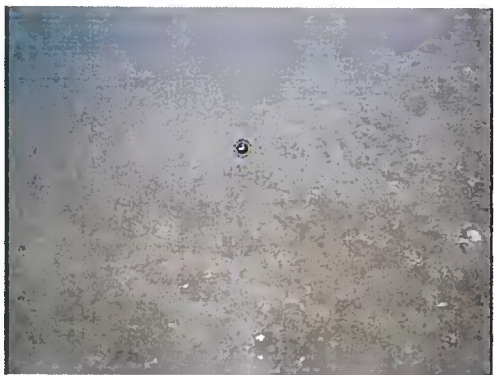


Photo 18



Photo site 19



Photo 20

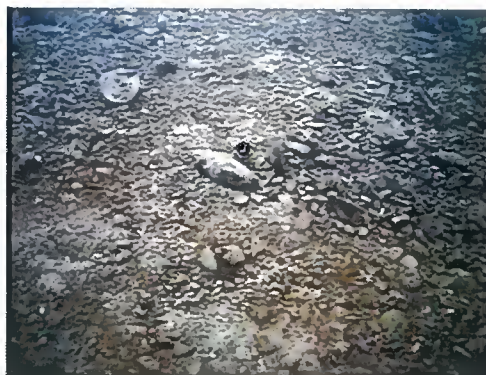


Photo site 21



Photo 22



Photo site 23



Photo 24



Photo site 25



Photo 26



Photo site 27



Photo 28



Photo site 29



Photo 30



Photo site 31

