

31 August 2021

Marlborough District Council

Dear Sir/Madam

East Coast Beach Vehicle Bylaw – Burkhart Fisheries submission

1. We set out **below** Burkhart Fisheries Ltd and Lanfar Holdings (No 4) Ltd’s submissions in respect of the draft Bylaw.

Access for operations

2. Burkhart Fisheries Ltd supports allowing vehicle access for boat launching at Ward Beach. It opposes the mapping of the area to the extent that it would prevent it from exercising its current resource consent U191050.
3. This consent allows Burkhart Fisheries Ltd to access a larger area of Ward Beach for the excavation and deposition of gravel in order to maintain the launching area that is to be used at Ward Beach. If it is not able to continue those operations effectively, launching from that location will be dangerous for certain vessels.
4. Burkhart Fisheries Ltd also requires access to its well intake at Marfells Beach (depicted with a star in the figure below). This intake has been operated since 1987, and is understood to be the sole beach well in Marlborough.



5. The 'well' is a licensed depuration system. It provides pure, depurated seawater free from contaminants and organisms (e.g. mussels) to operations at the Saltworks such as Cloudy Bay Clams, and also for scientific research. It separately is used to provide water for export of live/lobster crayfish for the overseas market. The water is collected by external contractors. It is necessary to access the well to provide for its maintenance and to allow collection of water by contractors.
6. Burkhart Fisheries Ltd and Lanfar Holdings (No 4) Ltd seek an exemption from the Bylaw to allow it to undertake their lawful activities, on the same terms that have been provided for Dominion Salt Limited.
7. Specifically, it seeks the following exemption:

Nothing in this Bylaw applies to an employee, contractor or nominee of the following entities, when carrying out the lawful functions or activities of that entity:

 - a. *An authorised agency;*
 - b. *Dominion Salt Ltd;*
 - c. *Burkhart Fisheries Ltd;*
 - d. *Lanfar Holdings (No 4) Ltd*

Safety of recreational fishers

8. Burkhart Fisheries Ltd considers that the draft Bylaw has not adequately provided for safe boat launching locations for recreational fishing.
9. The technical report does not consider the possible impacts on health and safety of recreational fishers who may be enticed to utilise locations such as Ward Beach which are dangerous for inexperienced persons. That would pose a safety risk not only to the recreational fishers, but to others within the area who may need to act to try assist them.
10. It appears that only biodiversity experts provided input into the draft Bylaw. No safety experts appear to have provided feedback on it. More specifically, the Harbour Master does not appear to have provided feedback.
11. Burkhart Fisheries Ltd considers that the draft Bylaw should be submitted to the Harbour Master and that his advice should be considered as to what locations should be included. Those locations may include those identified below.

Additional launching areas and adjustments

12. Burkhart Fisheries Ltd considers that the current draft Bylaw does not provide adequate future-proofing for the commercial fishing industry. It also considers that it does not adequately provide for access to the coastal marine area for recreational fishers as set out above.
13. Ward Beach will be one of the main launching areas on the East Coast. However, there is significant uncertainty as to the ability to continue to utilise this location. The Council granted a term to 2026 under U191050 for Burkhart Fisheries Ltd to maintain the access to the coastal marine area by dredging. It is unclear if access will be available after the consent expires. Further, there are constraints as to when dredging can occur which may mean that there is no access to the coastal marine area at Ward Beach at various points during any given year.

14. Burkhart Fisheries Ltd considers that it is vital that additional launching areas be provided for. It specifically seeks additional launching areas at:
 - a. At and around Canterbury Gully, including at Needles Bay (which can be accessed over private land); and
 - b. At Chancet Rocks.
15. The additional launching areas could be between 20 and 50m wide. These would be narrow corridors that allowed for vehicle use between the mean high water springs and the sea. The narrow access would mean that there would be limited impacts on the ecology of the beach, i.e. minimal consequential impacts on biodiversity.
16. It also seeks that an adjustment is made to the launching location at Marfells Beach. The currently proposed launching location is narrow. It is in an area which floods regularly and contains boulders. Launching in this area often requires identifying the safest point which varies according to tide, wind, swell, surf and the nature of the vessel being launched. It considers that the entire area between the northern launching area and 100m north of Marfells Beach Road should be included as a boat launching location to enable safe launching at all times.

Yours faithfully

GASCOIGNE WICKS



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