

6th September 2021

Marlborough District Council

East Coast Marlborough Bylaw Submission – Larnce Wichman

I am Larnce Wichman. I have lived in Marlborough for 47 years. Forty-two of those years have been in Ward. I have enjoyed the Marlborough environment and what it has provided me. In my years of working in the fishing industry, I have seen significant changes and managed changes. I have not experienced something that's been happening for generations to be taken away with such bias pretense of this Council. I may be wrong and should say by some of the people in this Council that have just not thought through what they want to do to our people in our community.

The Council wants to take away what has been an activity for generations for many families. Land-based fishing around Cape Campbell and south along the East Coast was happening well before I came to Ward in 1974. Potting for lobster by beach fishing is a unique fishing experience in NZ. Diving is the only other beach access method to harvest lobster. Very few people go around the Cape by boat. Fishers need experience navigating the dangerous, unpredictable water of Cape Campbell, especially after the 2016 earthquake. A register of those that have lost their lives at sea in that proximity even experienced commercial fishers. I am not aware of any lives or incidents that have occurred by going around the Cape on quad bikes or any other vehicles, for that matter.

The Bylaw consultation paper explains that the area is still in good health and needs protection, what's hard to understand based on fishers going around there for over 50 years accused of damaging the environment. Yet, we are told how great it is and must be protected. From what? Am I missing something, or have the ECPG convinced certain people in the Council to push for this closure? To me, it appears so.

In stopping the families from accessing the fishery, an alternative is by getting boats to launch in three locations that the Council offers, two at Marfells Beach and the other at Ward Beach. There is nothing about whether they are suitable or not, nothing about the hazards a vessel and those in it will face when going around the Cape to access the fishery or launch at Ward Beach. In November 2019, MDC produced an East Coast – **Issues** and **Options** paper, not one word about taking the local recreational fishermen off their quad bikes and into boats. No safety considerations to travel around Cape Campbell. **What a significant issue** that the Council has ignored in the consultation paper. Not one word from the Harbour Master. There have been lives lost in the Cape Campbell area, but this does not appear to be an issue by offering a launching location and not considering quad bike users will get in a boat with little experience and go around one of the most dangerous nasty Capes in NZ.

Ward Beach.	Enclosed beach with a surf break. Moeraki-type concretion boulders. Exposed reef system. River mouth and lagoon.
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The other launching location offered in the Bylaw consultation paper is Ward Beach. Is Ward Beach an **issue** not mentioned? It does not appear so in the consultation paper, especially since the 2016 earthquake, yet it is a significant safety issue for the Ward Beach commercial fishermen who have been launching in this location for 48 years. The Council is aware that four consent applications have been worked through for the commercial fishermen to make the beach a safe launching location. Not announcing the safety aspect in the issues paper by the Council astounds me. Why was this not investigated to the same extent as the Council spent on other items, much time, energy, and cost studying all the ecology, flora, and fauna yet no investigation into the safety issues when they announce launching locations. They have reported safety and nuisance as the reasons for closing the beach to vehicles, yet with no supporting evidence. Not one incident has been recorded or given as an example. At least I have proof that the Ward beach is not safe to launch in. Apart from my knowledge of the beach, I found out in fewer than 30 minutes how dangerous Ward Beach is by Googling Maritime NZ.

2016 7.8m earthquake Ward Beach uplifted 2.8m, one of the first things displayed in the local newspaper showed a photo of surfers now using the new surf break at Ward Beach, even the Council recognised this, there has even been a surfing competition on Ward Beach, why? Because it is now a surf break, how come Ward Beach now has a bar, not as a social bar but a dangerous gravel bar? Am I exaggerating making this point, no. I looked upon the Maritime NZ website, and there is a whole section on bars and how to navigate them. First warning, you must be an experienced vessel operator to consider navigating a bar, why, because they claim lives when crossing them, why, because those that have lost their lives had no experience operating a boat, even the experienced commercial skippers fail. Maritime NZ has classified bars, so people understand what bars are about and expect when crossing a bar. Maritime NZ classifies bars into three categories, **Dangerous, Very Dangerous, Extremely Dangerous**. Not hard to find out as Maritime NZ has done a great job in explaining the perils of crossing a bar, yet our Council in offering Ward Beach as a launching location did not even investigate the safety aspect of what they have offered as an option to go fishing on the East Coast. It's not even seen as an **issue** by the Council nor ECPG for that matter, people's lives matter, to the Council, it appears to be not an issue, but some other unexplained **safety** is with the quad bikes. This is downright disgraceful not to consider people's lives matter compared to the effort MDC, ECPG, and F&B have gone into for the lizards, geckos and birds, fauna, and flora.

The Ward Beach commercial fishermen, which I am involved with, have gone to considerable lengths to make the beach a safe place for launching, \$100's 000's of dollars spent trying to make it safe, did the Council have a chat to them, yes it was me they spoke to, yes I told them it is not a safe beach to launch in, all the effort and cost the commercial fishermen have gone to,

to make the beach safe, I have to inform you nothing has worked. A waste of money trying to beat the force of nature, it remains a dangerous beach to launch from for the commercial fishermen, sorry very dangerous beach for launching, Class 2 bar status, that is what I would class it under the Maritime NZ classifications, and I can explain more, best the Council staff should conduct their investigation.

Another problem I foresee if the beach is closed to vehicles is that the locals know full well how dangerous the Cape is to go around by boat, so let's go down to Ward Beach and launch there. If they get over the bar, which is the easier part but still dangerous, it's the coming back when the trouble happens, and the most concerning is that if something does happen out at sea, the local commercial vessels may not be able to launch to rescue them, Lady Elizabeth will have to come across from Wellington. Putting recreational fishers on Ward beach with boats is careless.

So that you know, commercial vessels are getting off Ward beach around 35% of the time they used to get off pre-earthquake. When I meet with Council staff, I explained this, and I asked them if Ward Beach is designated as a launching location to make sure it is fit for purpose. No response, nor did they take my discussion points further in the consultation paper to see if they were even fit for purpose. Else they would have found out what I did in less than 30 minutes to make a judgment without leaving the office.

If the Council is going to offer a safe launching location, there are three locations along the Eastcoast based on allocating a bylaw launching Zone, the Chancet Rocks, which is an all-weather natural launching location that even the locals used way back in the early days of horse and cart, Canterbury Gully south of Cape Campbell and Needles Bay south of Ward Beach.

I cannot understand that one of the reasons for looking at prohibiting vehicles on the beach is about safety, public safety, and the Council is promoting Ward Beach as a launching location without considering the safety aspects of using that beach. All I can say is "really," please explain.

There is much rhetoric about all the damage quad bikes do in the dunes, running over fauna and flora and destroying lizards, geckos, spiders. Yet as you have or will hear about farm animals are more destructive as they walk and eat all through the dunes that we need high protection, the ECPG members have purposely left out information, so the Council will not use it as it makes poor reading, forget the truth, it's the vehicles that need banning.

After a post-earthquake meeting in the Ward Town Hall in 2017, a group was formed as a collaborative community group to bring all users and interested parties around the table to find solutions. A quad bike fisherman was made the Chairman, the group functioned well for around 18 months. At that point, the environmentalists in the group did not want to hear what the quad bike users wanted to implement to protect the dunes and ecosystem. They wanted them gone. An argument broke out at a meeting in the DoC Renwick meeting room. It was the worst behavior I had ever experienced at a meeting, the bubble burst. The environmental people did

not want the quad bike users in the group. We are told this is solely a protection group, and it is not a collaborative working group. It's a protection group.

A hard slap in the face to the quad bike fishermen wanting to help protect the environment. The environmentalists changed the group's status, not the quad bike users nor the community. The quad bike/fishermen walked out of the meeting and resigned from ECPG. I stayed on for several more months and did not see any advantage of any contributions by staying. I have been working on a collaborative community group called Te Korowai Te Tai O Marokura in Kaikoura. I learned about one very important thing early in the group's establishment. When such high-profile locations need management, by utilizing the environment within sustainable environmental limits, putting rules in place to manage the environment within environmental limits, it works to protect what is required. Te Korowai achieved Special Legislation based on these principles. Quad bikes over the past two years have worked hard to educate all the quad bike users, and it is working. I have seen it for myself. I'm impressed. They are not affecting the area the Issues Paper identifies, and the old photos do not give legitimacy to today's quad bike practice.

What surprises me is that the Council has not given the group called RAwE any advisory support as to what they have given to ECPG. The Council and DoC only supported one group when the group parted, which clearly shows in the consultation paper. Is this how a Council works with the ratepayers and community?

After that horrible meeting, the Council and DoC (DoC are a considerable asset to Te Korowai did not try to address the breakdown of the collaborative process as to what they supported at the Ward Town Hall meeting). To all the others that sit outside of the ECPG only related to one thing, the Council endorsed the takeover of the collaborative group by the environmentalists and discarded the beach user group. The Council exposed their preference, and that shows through the Options Paper.

Rather than give Council examples, I would instead provide examples of the group the Council has supported and has advised. You will hear further examples when other presenters inform you of what members of the ECPG care about the coast based on what they allow to happen in the coastal environment.

Members of the ECPG have used all sorts of emotive language, anecdotal information, and exaggerations in the media, yet look at what they do or let's say what they don't want you to know about their adverse effects on the coastal environment in what is classed in the Issues and Options paper as.

Under Landscape and Scenery

Throughout.	Largely unmodified and very exposed. Has a remoteness value. Recognised as ONL in Proposed Marlborough Environment Plan (PMEP).
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I present two examples south of the Chancet Rocks; you will hear or see more throughout the hearing.

Photo was taken 25th June 2017



This is outstanding. A natural occurrence in an outstanding natural landscape is what you would expect to see when the countryside evolves after a 7.8 magnitude earthquake.

The farmer decided to control the slip in an area that is being classified as an Outstanding Natural Landscape in the PMEP.

The photo was taken 27th August 2018



This worsens given the high protection that the Council, ECPG, and Forest & Bird want to put on the coastal environment. How insincere can this be? I would even like to see how Forest & Bird would explain this practice on an ONL.



While we are in the same location, this is a farmers' track in the dunes; on the beachside of the farmer's boundary, you can identify with the place. With all the surveying and assessments of the coastal area, this was not raised.

Quad bikes never caused such an issue as to what this shows an ECPG member has done to the environment.

What the problems and issues that have been identified in the consultation paper happen further up the beach. It is not where the quad bikes travel. Old photos show they do, but today is very different, which the Council has chosen not to show photos of, so the public is not aware of how the quad bike users have dramatically reduced their impact on the beach, is the Council bias, I have to say yes.

I will cover some points that I see as nonfactual or miss leading for a Council public consultation paper.

Simple eras in the issues paper that miss lead the public is it by purpose or just unprofessional given the report has been worked on for over 12 months, and still does not provide the facts, the paper is miss leading in several areas.

Predators are the biggest risk to the ecology, not quad bikes.

Comparison photos are used for the emotive consultation paper.

Bulldozer tracks from photos 3.5 years ago north of Ward Beach, which has already been addressed, why put them in the paper? I can only say one word, emotive, is that the Council's role to insight public emotion into the consultation paper, if the Council is not bias why haven't they explained the benefits the public gets from harvesting seafood for sustenance, wellbeing and great protein values.

Wrong months announced for commercial lobster fishing, May is the largest lobster landing month on the calendar and has been for over 30 years, another misinformed fact given to our community.

Explanation about the ECPG is a joke and has not correctly described how the group started and then splintered. Again, incorrect facts were used, and shame on the Council. Inappropriate, outdated photos used this has created much emotion in the media yet are still used by the Council.

A statement made that one of the best sites in Marlborough for banded dotterels is this factual, no research data. The gravel beach extends 40km south of the Waima Ure River to Waipapa, Does Dotterel's nest further along the coast? Yes, they do.

DoC seal predictions are well off the mark. What happened along the new state highway with the loss of the Ohau Point seal colony, they have dispersed along the coast, and now there is no way of managing their rules to keep people 20m away from seals when accessing the sea. Why the emphasis at the Cape Campbell when there is a more significant problem south, seals have adapted better than humans. I can inform you that approximately 200 seals are killed on the state highway south of the Clearance to Oaro each year. Disturbing seals at the Cape is not an issue for the seals.

ECPG vehicle survey should not have been in the paper, full stop. What protocols were in place? Why didn't the Council conduct their surveys given that the information will be going into vehicle bylaw assessment of options and issues, just showing how the ECPG has manipulated the Council staff. If the survey was that important to include in the Issues paper, why didn't the Council conduct the survey? Sorry, ECPG is biased and has purposely hidden the truth away from the public on other matters. I cannot trust their input. I ask the commissioners to have this survey deleted or rejected from the consultation paper—another poor judgment by the Council.

Fishing pressure will shift to another location, i.e., Ward Beach, Wharenuī, and Port Underwood. I should not have included Ward Beach. If Ward Beach remains a launching location, it is not about if a life will be lost. It's when will a life be lost. Will the Council, ECPG, F&B stand up and be accountable when that happens?

Quad bikes operated in the right manner do not create the damage as to what is being stated they do, they do not destroy shellfish beds, where's the evidence, where's the research, I know through searching that where the quad bike users drive is after high tide and down to half tide,

the risk about shellfish spat is incorrect, the spat will perish in that zone due to the sun and wind. This tidal zone is the location RAwE is educating people to drive their quads, and it is working. You cannot consider the research on Toheroa as a concern on the local beaches. The area is not recognised as a Toheroa location as the publication link given in the Bylaw paper. What health status was the shellfishery in pre-earthquake? It appears no one was interested back then as no research has been conducted, even after years of quad bike use.

Another point I make is how a land-based cockle business can continue in Golden Bay after 35 years of beach harvesting and remains a strong fishery. Oreti Beach in Southland holds the largest motorbike beach races in the southern hemisphere on a protected tuatau beach, no problems? We all know 90-mile beach, there are many vehicle accidents a year on that beach, controls are in place and still not closed to vehicles. What the public is informed is all anecdotal and unsubstantiated along the east coast. Apart from the fauna, flora, and ecology, the Council or Fisheries NZ has had three years to provide facts of destroying a fishery. Instead, a few holes were dug, and photos showed some old dead shells and research conducted in other regions in NZ. Is this substantial enough to close the beach to vehicles? It has not gone anywhere enough compared to having to have the level qualified information for a resource consent, but not in a bylaw.

The Bylaw process has educated those to blame for driving in the dunes and storing pots in the dunes. It has generated action from these groups and should be acknowledged. As I see it, they are now utilising the area within environmental limits.

The Council states that vehicles must be stopped to enable habitat restoration, but wait, vehicles moving along the beach below the high tide mark do not impede habitat restoration, as that occurs further up the beach.

The consultation paper refers to the increase of vehicles on the beach. Where is the data? Why hasn't that been presented? The Council states vehicles are speeding along the coast. Is this a fact? Where did this information come from?

Public safety, never been an incident reported of the public not being safe, where did this come from, what about fishermen safety, can they be linked to the public also, if so, the Council has miss used the word safety in the paper, where did the Council get the safety issues information from, please explain? No examples are provided. I know quad bikes have assisted injured people (twisted ankles, become cold, worn out from the trek) and those that could not make the return journey back to Marfells Beach on foot. Is that what is meant by safety.

On the biodiversity page, what a flop. Vehicles are no longer driven along that zone as they did in the past. The earthquake assisted in the restoration of the habitat by now allowing the quad bikes to travel below the high tide mark.

I support a Zone Rule Bylaw if a bylaw is put in place.

Traveling below the high tide mark removes all concerns with habitat, ecological issues, damaging any areas of significance to Tangata Whenua. Quad bike users could be told to stop after a certain distance around Cape Campbell.

What happens along this coastline in Marlborough happens along with many other coastal areas in Marlborough, is this the first to go, and is the Council going to address the other beaches for the same unjustified reasons.

If a total ban is applied, please consider opening the paper road up between Ward Beach and the Chances Rocks for safety's life's sake, as that is the main driver of this Bylaw, or is safety just an empty hollow word? used as a tool for emotive purposes.

Let the Bylaw be a Zone Rule Policy for five years by allowing vehicles on the **BEACH with rules** in the Bylaw, continued use of the beach below the high tide mark and staying on the track, promote fishing as an excellent healthy wellbeing activity.

When applying for an RMA consent, every detail must be supported by qualified evidence. Where's the Council's evidence in wanting to set this Bylaw in place? The Council sets the standards, and they should be practicing them.

One last point displays the Council's inept work in thoroughly assessing what all happens along the coastal area in the Statement of Proposal.

Item 6. Exemptions. There is a private sea well intake that sits 30m east of the Saltworks intake. No exemption has been given or considered for Burkhart Fisheries to access their sea well intake and will be raised in another submission. I mention this as it shows the lack of detail that the Council has applied in preparing the Bylaw Proposal for the people of Marlborough.

I wish to be heard.

Yours faithfully

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