

Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

Manager, Resource Consents

Marlborough District Council
PO Box 443
Blenheim 7240
Email: mdc@marlborough.govt.nz

Ross Withell
(President)
Kenepuru Road
RD 2
Picton 7282

30 Mar 2015

Dear Sir/Madam

Kenepuru and Central Sounds Residents' Association

Submission on Resource Consent Application U141078 Clearwater Mussels Limited – Sheep Point, Tawhitinui Reach, Central Pelorus West

I write in my capacity as Chair of the Kenepuru and Central Sounds Residents' Association Inc.

1. Introduction

- 1.1 The Association was established in 1991 and currently has approximately 200 household members whose residents live full time or part time in the Kenepuru and Pelorus Sounds. The Association's objects include, among others, to coordinate dealings with central and local government and promote the interests of residents of Kenepuru Sound and adjacent areas and to promote and act in the best interests of residents, ratepayers and persons associated with the Kenepuru and Central Sounds area. AGMs of the Association are well attended.
- 1.2 The Association is concerned at the level of mussel farming that is being undertaken in the Central Pelorus Sound area and at the potentially serious cumulative impacts that this is having. The Association is further concerned that notwithstanding this applications for yet more mussel farming activity continue to be made.

Kenepuru & Central Sounds Residents Association Inc.

President	Ross Withell
Vice President	Adrian Harvey
Vice President	Andrew Caddie
Secretary	
Treasurer	Stefan Schulz
Chairman Roding Committee	Robin Bowron

withell@clear.net.nz
mountstokes@xtra.co.nz
andrew.caddie@xtra.co.nz

kcsra@pws.co.nz
info@thenikaus.co.nz

2. Decline application

- 2.1 The Association submits that the activity as applied for will have more than minor adverse ecological, natural character, landscape, visual amenity, recreational amenity, and navigational impacts, including taken cumulatively with the impacts of other marine farming activity already being undertaken in the immediate area. As such the application must be **declined**.

3. Request to Appear

- 3.1 The Association confirms that it would like to present/talk to this submission at the public hearing.

4. The Association's Concerns - General

- 4.1 As with other applications for resource consents in the area, a common theme in this application is the existing level of modification of the area by marine farming. The proposed additional area is portrayed as a small addition to the existing consented situation, which is so minor that any associated effects cannot be more than minor.
- 4.2 With respect, we have grave concerns about any analysis which is based on the concept that additional areas of marine farm activities, approved over time, become a smaller and smaller addition to the total already allocated and consequently adverse effects can be dismissed because of the extent of modification of the existing environment.
- 4.3 We consider that the countermanding analysis should apply. This is that there will be cumulative effects arising from any existing activity such that any further activity may be inappropriate development.
- 4.4 There is a suggestion in the application that the area is a 'working landscape' that can therefore be treated somewhat dismissively in contrast to other parts of the Sounds where recreational activities have been treated preferentially. There is no basis for such an approach, and the Marlborough Sounds Resource Management Plan ('MSRMP') certainly does not make such an assumption. Pelorus Sound, as with most parts of the Sounds, has extensive areas of Coastal Marine Zone 1. Despite this, within the Coastal Marine Zone 2 area the Court has turned down numerous applications in Pelorus Sound and its bays, each case being determined on its merits.
- 4.5 'Working' concepts as expressed by the applicant seems to seek to justify further marine farming area on the basis of some form of diminishing cumulative effect. We do not accept this as a valid approach. However, we do acknowledge that a high level of marine farming has been consented in this area, resulting in a situation where cumulative adverse ecological effects are likely to already be occurring, and where cumulative adverse effects on landscape, natural character, visual amenity and recreational amenity are occurring.

5. Specific Concerns

- 5.1 It is clear that the application represents a navigation impedance and a navigation safety issue. The development will extend beyond the contour of the Picnic Bay headland and out into the Tawhitinui Reach by close to 100 metres. To this extent it will represent a material navigational anomaly to even experienced boaties. We note that navigational grounds were cited in the decline of adjacent U990610 16 years ago and we don't imagine that navigation has become any less of an issue since then.
- 5.2 The area is recognised as being of outstanding landscape value in the MSRMP. The applicant dismisses this on the basis it is a 'working environment'. As noted, this is not an appropriate assessment basis under the MSRMP and the outstanding landscape value of the area must be properly respected. Indeed, if the applicant is correct in that existing development materially erodes the outstanding landscape value of the area then further development can only be *inappropriate*.
- 5.3 The applicant's assessment of ecological impacts considers only benthic issues and even then fails to consider the cumulative benthic impact of mussel farming activity in the wider area. No assessment is made of cumulative water column impacts from the existing level of activity in the Picnic Bay – Fitzroy Bay area. Consistent with work undertaken for the Marlborough District Council ('MDC') on U130772 in the same area and for the same applicant, there is sufficient concern on this basis alone to warrant a precautionary approach to be taken and the application declined.
- 5.4 Moreover, it is becoming increasingly apparent that this general area is a habitat for the rare and biologically important rhodoliths. The importance of such areas was briefly canvassed in the nearby application for U140226 hearing. The applicant's benthic report does not in any substantive way canvas this issue. It does note no brown algae beds were observed in the study. However, it also refers to "red filamentous algae" being present in one photo without more information provided. The Association is concerned that this species (rhodoliths) and its survival in this area is being swept under the carpet and submits that monitoring after the fact to see if there is any impact is too little too late. We submit that approval of any coastal permits for mussel farms in this area (including this application) should be put on hold until a properly independent assessment of the location and extent of these rhodolith beds in the general area is carried out, together with an assessment of the negative impacts of mussel farms on such beds.
- 5.5 Adjacent site U990610 was declined in 1999 on numerous MSRMP assessment criteria and policies including visual effects, scenic value, landscape, visual amenity, and aesthetic values; and also under section 6(a) and (b) of the Resource Management Act 1991 ('RMA') re preserving the natural character of the coastal environment (including the coastal marine area) from inappropriate subdivision, use and development, and protecting outstanding natural features and landscapes from inappropriate subdivision, use and development. It was also declined as inconsistent with 7(c) and (f) of the RMA, namely the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment, and as also being contrary to policies in the then 1994 New Zealand Coastal Policy Statement. This application, including the proposed

extension, raises similar issues and we would expect a consistent assessment to be applied to it by MDC.

6. The Associations' Position

- 6.1 As recorded, the Association submits that the application must be **declined**.
- 6.2 This application began as a simple request to validate the number of lines at the site as ten. It has since morphed into an application to both increase the farmed area of the site to incorporate 13 lines and to extend the expiry term of the whole site. The applicant should be invited to re-submit an application under section 127 of the RMA to vary the conditions of the existing permits to accommodate the earlier consented ten lines.
- 6.3 Failing that, the application should be declined *at least* to the extent of any extension of area, and the existing permitted area given a new term of *no longer* than to 31 December 2024 under section 123A(2) of the Resource Management Act 1991 ('RMA'). This would align it with the expiry of the original MFL area of the site and also with the immediately adjacent farms MFL 8182, 8181 and 8180, as well as with other coastal permits in the local area. This will enable an assessment of an overall appropriate level of aquaculture for the local area to be undertaken. Section 165ZF of the RMA specifically contemplates this approach where it would be more efficient and would enable better assessment and management of cumulative effects. We note that a 2024 expiry date appears to have been agreed by the Applicant in discussions during processing of the application, but the revised application appears to have nonetheless been prepared and presented as for both an extended area and for a duration well beyond 31 December 2024.

Yours faithfully



Ross Withell
President

Kenepuru and Central Sounds Residents' Association
c/- 2725 Kenepuru Road
RD 2, Picton 7282
Email: withell@clear.net.nz

cc *Clearwater Mussels Limited*
C/o Mr R Sutherland,
Property and Land Management Services Limited,
PO Box 751,
Blenheim 7240
Email palmsltd@xtra.co.nz