

Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

Manager, Resource Consents
Marlborough District Council

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7 September 2015

Dear Sir/Madam

Kenepuru and Central Sounds Residents' Association

Submission on Resource Consent Application U150652

Tuhitarata Bay, Beatrix Bay

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

1. Introduction

- 1.1 The Association was established in 1991 and currently has 250 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 with a number of aspects of this application and we expand on these briefly below.

Kenepuru & Central Sounds Residents Association Inc.

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Vice President	Andrew Caddie
Secretary	Brenda Sutton
Treasurer	Stefan Schulz
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2. Affected Person

- 2.1 The Association's view is that it is an affected person by this application. It is concerned it was not notified along with other affected parties. The Association has nonetheless been advised to submit on the basis the submission will be accepted if the Consent Authority (Marlborough District Council 'MDC') agrees the Association is an affected person.
- 2.2 The Association is an affected person because it represents members with property and interests in Beatrix Bay and the wider Beatrix basin area. These members live in or around Beatrix Bay and habitually visit and use Beatrix Bay, including Tuhitarata Bay - generally for recreational purposes. The Association has been actively working to ensure that mussel farming in the Central Pelorus Sound is more sustainably and appropriately developed and the MDC is aware of the Associations work and activity in this regard, particularly in the Beatrix Bay area.

3. Controlled Activity

- 3.1 The Association challenges the status of the application as a controlled activity under Part 35.2.5 of the Marlborough Sound Resource Management Plan (MSRMP).
- 3.2 The existing authority for marine farming at this site was issued under the Marine Farming Act 1971 in August 1991 (albeit now deemed to be a Coastal Permit under the Resource Management Act 1991). It was issued for the purpose of farming Mussels (*Perna canaliculus*) only. This license was varied in September 1992 to include various other species.
- 3.3 The Association submits that for an application to be assessed as a controlled activity paragraphs 35.2.5.1(b) and (c) of the MSRMP prescribe that the species to be farmed must be only those authorised by the current consent as applied for prior to 1 August 1996. Variations made since the consent was originally applied for cannot be considered because such would defeat the purpose of the test - which is to assess for continuity of the original activity.
- 3.4 The Heading to section 35.2.5 of the MSRMP reads "***Marine Farms Within Specifically Identified Areas and Beyond 50 metres From MLWM and Listed in Appendix D***" According to the version of the MSRMP on the MDC website this subject farm does not appear to be in a specifically identified area, is not beyond 50 meters from MLWM and is not listed in Appendix D.

4. Environmental Matters

- 4.1 If the application is a controlled activity the Association submits that controls must be imposed so as to avoid any impact of the farm on the outstanding natural landscape. This might include a requirement that only sub-surface structures be used.
- 4.2 Other controls must be imposed to avoid remedy or mitigate the sensitive benthic area beneath the farm – all of which appears to be compromised of sand and natural shell – generally not considered appropriate benthos for mussel farming at all.
- 4.3 Navigational issues are another major concern. The site is abnormally close to shore.

4.4 These factors clearly render the farm inappropriate development and there is an obvious need for MDC to fully hear and consider options for the management of this application through the hearing process.

4.5 We also note the Consent Authority has the ability to issue a reduced term under 123A(2)(b) of the Resource Management Act 1991 ('RMA') where required to ensure that adverse effects on the environment are adequately managed. It would seem more than appropriate that this provision be applied to this application.

5. Investment

5.1 The applicant has grossly mis-applied the provisions of section 104 (2A) of the Resource Management Act 1991. This is generally limited to mussel crop on the lines – which can of course be dealt with by a progressive phase out of the consent. Refer paragraph 211 *Port Gore Marine Farms Ltd* Decision No. [2012] NZEnvC 72.

6. Request to Appear

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

Yours faithfully


Ross Withell

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