

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 KCSRA

2725 Kenepuru Road

RD 2

Picton 7282

email: president@kcsra.org.nz

WWW: kcsra.org.nz

8 September 2015

Dear Sir/Madam

Submission on Resource Consent Application U150653

Sanford Ltd

Laverique 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 around 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 in some parts of the Central Pelorus and Beatrix Bay is a primary area of concern.

2. Decline application

2.1 The Association is of the view that the application cannot meet the statutory threshold

Kenepuru & Central Sounds Residents Association Inc.

President	Ross Withell
Vice President	Andrew Caddie
Secretary	Brenda Sutton
Treasurer	Stefan Schulz
Chairman Roding Committee	Robin Bowron

president@kcsra.org.nz
vicepresident@kcsra.org.nz
secretary@kcsra.org.nz
treasurer@kcsra.org.nz
roading@kcsra.org.nz

for a non-complying activity under section 104D of the Resource Management Act 1991 and as such it 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

- 4.1 The Association is primarily concerned with the cumulative effects of the existing level of mussel farm development in Beatrix Bay. We refer to the accompanying Ministry for the Environment commissioned paper on Cumulative Effects and make the following observations:

- Cumulative effects include the known and potential effects of the activity in question added to the known and potential effects of other consented activity (page 6).
- Cumulative effects can and must be considered when determining a resource consent application (page 6).
- There are cumulative effect limits on all natural character and landscape values whether or not they are considered outstanding or features (page 11).
- “*One only need visit the Marlborough Sounds...to wonder whether we have...exceeded the sustainable limit of some landscape resources...*” (Page 14)

4.2 Cumulative Ecological Effects

- 4.2.1 With regard to cumulative ecological effect matters, the Association is concerned that mussel farming in Beatrix Bay has already exceeded an acceptable ecological carrying capacity. We note the production carrying capacity (i.e. the point at which a further mussel farm will only result in a converse reduction in production on other farms in the area) is likely being reached or exceeded in Beatrix Bay for extended cyclical periods (Zeldis 2008). It is generally accepted that the ecological carrying capacity (i.e. the acceptable tolerance level for ecosystem disruption or displacement through mussel culturing) will be reached at a fraction of the level of farming where production carrying capacity is reached. Zeldis (2008) is thus indirect empirical evidence that Beatrix Bay is being farmed beyond its ecological carrying capacity.

- 4.2.2 Mussel farming also has material benthic impacts. 15% of Beatrix Bay's benthos is now impacted by mussel farm fouling and biodiversity changes. Mussel farms can deposit between 250 and 400 tons of material onto the seafloor per hectare per annum and much of the Bay's more productive photic zone is now impacted in this way. Any development imposing yet further effects on the Bay in this manner is not appropriate development.

4.3 Cumulative Landscape and Natural Character Effects

- 4.3.1 This farm is also close to an area of outstanding natural landscape where adverse impacts must be avoided.

4.3.2 The existing level of mussel farming in Beatrix Bay is generally regarded by the community and visitors to the area as dominating the landscape/seascape interface of the bay. The Association's position is that this is beyond an appropriate level of development from a visual amenity perspective. Further, most landscape and natural character experts agree that their professional assessment of the landscape values of Beatrix Bay is materially reduced by the extensive level of mussel farm development around its coastline.

4.3.3 No further development is appropriate where the threshold for acceptable cumulative landscape or natural character impact is already exceeded.

4.4 *New Pattern of Development*

4.4.1 The development also represents a new pattern of development not seen before – double parking. This creates an eye-catching negative visual impact and raises a new set of navigational and ecological issues. The Environment Court in *Knight Sommerville Partnership* Decision No 2014 NZEnvC 128 at paragraph 82 makes it clear that moving beyond a single ring of farms (i.e. moving into double parking) may not be appropriate development.

4.5 *Investment*

4.5.1 We note that 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

5 **Non Complying Activity**

5.1 The application will involve structures more than 200 metres from MLWM and as such is for a non-complying activity. This imposes a special threshold to cross – a notably more difficult policy assessment threshold to cross than that of a discretionary activity assessment under section 104 of the RMA (Refer *Queenstown Central Limited v Queenstown Lakes DC* [2013] NZHC 817¹).

5.2 The effects of this application are very clearly more than minor and are contrary to key policy direction of the MSRMP. As such the application must be declined under section 104D of the Resource Management Act 1991.

Yours faithfully


Ross Withell

President
Kenepuru and Central Sounds Residents' Association

¹ Paragraph 37 "It is not an overall judgment of some degree of the adverse effects of the proposal. The test is tougher. The activity must not be contrary to any of the objectives or policies."

c/- 2725 Kenepuru Road
RD 2, Picton 7282

Email president@kcsra.org.nz

*cc Sanford Limited
C/o Aquaculture Direct Ltd*

*PO Box 213
Blenheim*

Email bruce@aquaculturedirect.co.nz