

Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

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23 September 2019

Dear Sir/Madam

**Kenepuru and Central Sounds Residents' Association
Submission on Resource Consent Application U19053 -
east of Brightlands Bay, Tawhitinui Reach – Jonathan Blair Allan Tester**

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

1. Introduction

- 1.1 The Association was established in 1991 and currently has approximately 280 household members who 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 represent members on matters of interest to them.
- 1.2 A few years ago members became concerned at the seemingly endless tide of marine farm applications in the Kenepuru and Pelorus Sounds without regard to the cumulative adverse impacts on what is often referred to as a unique and iconic New Zealand environment. We decided to make a principled evidence based stand. Consequently the Association has built up a sound knowledge and understanding of issues concerning the unsustainability of some marine farming in the Sounds. Most notably the Association has identified particularly egregious mussel farm applications and successfully opposed them at Commissioner led hearings. The Association has then participated in successfully opposing appeals to the Environment Court (and beyond) by those unsuccessful mussel farm applicants.

2. Background Context

- 2.1 The subject application concerns a request for a **new** marine farm consent, referred to as

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U19053 with an area 1.288 ha. On reviewing the location of this resource consent application (**Application**) we see that in 1999 Wakatu Resources Limited was granted an extension to their farm 8310 in the same area as this application after an appeal. This consent has since lapsed as a fisheries permit was not granted.

2.2 Would we put a farm there now given what we now know? We say no.

3. Other Matters

3.1 Landscape and Natural Character:

The proposed farm constitutes the final infill of a gap within an existing ribbon of marine farms stretching from Brightlands Bay in the west through to Rams Head in the east.

The proposed site would be located directly off a significant headland and its associated reef. Under the current plan headlands are to be avoided as mussel farm areas. We also note that in addition to headlands creating high value landscape and natural character values they are often adjacent to high value biodiverse reef areas, as is the case here. In the recent *Davidson Family Trust v MDC*¹ the application for a new farm was, among other things, rejected because it was proposed to be located around a headland. We submit the same analysis applies here.

3.2 Recreational Use:

The reef structures are an important ecological resource and habitat to a variety of recreational fish and are therefore valued by recreational fishermen. The presence of structures in close proximity to the reef would have a significant adverse effect on access to and use of this resource.

3.3 Alienation of Public Space:

The final infill in this ribbon of marine farms, particularly off a significant headland, creates a domination of marine farming activity over all other uses. It is considered to be a significant alienation of public water space.

3.4 King Shag:

The proposed farm would be sited in the proximity of an identified King Shag feeding area (ecology map 2). From the evidence available it was concluded that there was a potential for marine farm structures in this location to impact on that identified value. The leading Environment Court case on avoiding adverse cumulative effects as it concerns loss of foraging habitat for the King Shag is of course *Davidson Family Trust v MDC*². In his concluding words at paragraphs 299 and 300 Judge Jackson made it very clear that what was at risk was the survival of a very rare species of bird. He was of the view that until much more detailed and sophisticated research was carried out then the industry would have to accept it would not be able to expand or even continue at the same level. These comments are particularly applicable given that the 2018 and the 2019 census of the species has, unfortunately, shown a further decline in population numbers.

3.5 Navigation:

The south coast of Tawhitiui Reach is used as a lee shore providing shelter to small boats traversing the reach in adverse conditions. The placement of a marine farm with up to 207 m longlines in front of a headland with its associated reef would restrict the

¹ Davidson family trust v. MDC [2016] NZEnvC 81

² See above

ability of these boats to access the embayment to the east and west of the headland to seek shelter. The adverse effects of a marine farm in this location on navigation would be more than minor.

3.6 Efficient Use of Natural and Physical Resources

The proposed marine farm is relatively small and the potential return to the applicant would be limited, whereas the attendant effects of this farm in terms of visual, navigation, ecological and public use and amenity would remain.

This proposed farm does not constitute an efficient use of natural and physical resources.

4. Conclusion

On the basis above, the Association finds the proposal to be unsustainable in that:

- (a) It would not enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety [section 5(2) of the Resource Management Act (RMA)].
- (b) Fails to avoid, remedy or mitigate any adverse effects of activities on the environment [section 5(2)(c) of the RMA].
- (c) Did not preserve the natural character of the coastal environment [section 6(a) of the RMA].
- (d) Did not maintain or enhance public access to and along the coastal marine area [section 6(d) of the RMA].
- (e) Did not constitute an efficient use and development of natural and physical resources in terms of section 7(b) of the RMA.
- (f) Did not maintain or enhance amenity values [section 7(c) of the RMA].
- (g) Did not maintain or enhance the quality of the environment [section 7(f) of the RMA].

5. Decline Application

- 5.1 For the reasons set out above and elsewhere in this submission this application would appear to be for a discretionary activity. The Association is of the view for the reasons set out in this submission that the application cannot meet the statutory threshold for a discretionary activity under Section 104D of the Resource Management Act 1991 (RMA) and that the application should be declined.

6. Request to Appear

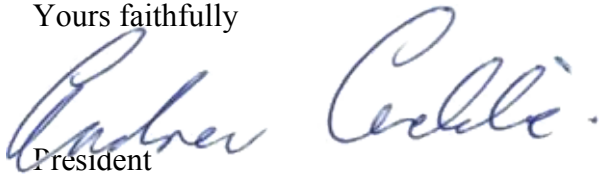
- 6.1 The Association confirms that it would like to present/talk to this submission at the public hearing and will be represented.

Conclusion

The Association is of the view that the application fails the discretionary activity criteria of the Marlborough Sounds Resource Management Plan. It also offends against the objectives and policies of the New Zealand Coastal Policy Statement and the Marlborough Regional Policy Statement. It stands to have a more than minor environmental impact and fails the tough legislative policy threshold as prescribed by sections 104D of the RMA.

For these reasons and the matters set out above the Association submits the application **should be declined**.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Robert Cecil".

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