

Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

Manager, Review of Marlborough RPS/RM Plans
Attn: Pere Hawes
Marlborough District Council
PO Box 443
Blenheim 7240
Email: rpsreview@marlborough.govt.nz

Ross Withell
(President)
Kenepuru Road
RD 2
Picton 7282

22 Aug 2014

Dear Sir

Kenepuru and Central Sounds Residents' Association

Submission on Proposed Framework for Marine Farming within the Marlborough Sounds

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 260 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 On 1 July 2014 the Marlborough District Council ("Council") released for public consultation its proposed policy framework for marine farming within the Marlborough Sounds. The Committee of the Association reviewed and discussed the documents at some length. In due course it was decided to prepare and circulate an explanatory brief to our members explaining the proposals and giving the committee's preliminary views on them. We have been surprised by the extent of feedback we received to this consultation process. With the exception of one industry member, all of the feedback has been fully in support of the committee's views on the proposals. A copy of that

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

brief is available on our website www.kcsra.org.nz

2. Structure

2.1 This submission is structured as follows:

- General comment on marine farming in the Sounds.
- Wide fragmentation of the public's interest in the Sounds.
- Controlled activity status.
- Alteration of preferred area to a 100m - 300m ribbon and cumulative impacts.
- Alteration of marine farm status beyond the preferred ribbon area.
- Extension of prohibited zone.
- Existing marine farms in prohibited zones.
- Coastal permit terms.
- Some specific comment on proposed marine farming policies.
- Some specific comment on other Regional Policy Statement ('RPS') chapter provisions relevant to marine farming.

2.2 Section 12 is a summary by way of a collaboration together of the key submissions herein made.

3. Marine Farming in the Sounds

3.1 *Economic, social and cultural contribution and the natural integrity of the Sounds*

3.1.1 The Association supports marine farming in the Sounds and recognises the economic, social and cultural contribution it brings to the area. However, it is important to appreciate that the value of any industry rests only in how much greater the returns are from investing resources in it over investing those resources somewhere else. That is, the value of the marine farming industry to Marlborough is limited to the greater returns Marlborough gets on its labour and capital from marine farming compared to what it would get if the capital and labour resources were instead applied to more forestry, farming, horticultural or other industries.

3.1.2 Like all industry, the marine farming industry may come and go. It may collapse through market failure, supply side issues, disease, climate change or environmental issues. It may flourish through demand growth or technological developments. In the end it is just an industry and its importance will always only be a question of whether, for the time being, we are better off with our people and money engaged there over being engaged somewhere else.

3.1.3 But it is also an environmentally exploitive industry so against this we must also measure the environmental and amenity cost of marine farming in the Marlborough Sounds. This is important because the Association does not believe

that any net social, cultural and economic contribution gain for the time being from investing in marine farming activities is or will ever be greater than the value to New Zealanders of the natural integrity of all parts of the Marlborough Sounds. That is priceless and everlasting. Whilst this seems a relatively fundamental point we are taken back by the fact that there is actually nothing at a policy level in the Council's proposals that recognises this. Indeed, a perception could be taken from the policies as drafted that if there are considered to be any net social, economic or cultural gains to be made then such are to be afforded an embellished weighting or even an 'entry ticket' through assessments for marine farming applications.

3.1.4 On the basis of the above, the Association submits:

That at a policy level it be made clear in the planning documents that whilst marine farming is a welcome industry in some parts of the Sounds where there are net cultural, social or economic benefits, the natural integrity of all areas of the Sounds is paramount and must be protected for present and future generations to enjoy.

3.2 *Growth and the Future of Marine Farming*

3.2.1 Industry growth is welcomed by the Association but it must be recognised that the Sounds have a finite capacity for marine farming without compromising sustainability and/or the natural integrity of the Sounds. There is no incentive on the industry to consider alternatives and as a consequence the industry continues to focus its energies on pressurising for more and more 'easy' Sounds based farming opportunities. Relentlessly appeasing this pressure is simply not an option and objective limits must be set within the Sounds to protect their natural integrity. Assertive action needs to be taken to redirect industry pressure away from the Sounds and onto more sustainable options with less natural amenity costs, such as land based or offshore farming options.

3.2.2 As a corollary we note, unsurprisingly, that very little, if anything, has ever come from industry promises to introduce sub-surface flotation technology for use within the Sounds. This is probably because there has never been any real incentive for the industry to actually do this.

The Association submits that the planning documents make it clear that opportunities for marine farming growth within the Sounds are finite and that the industry should be encouraged to focus on the development of options and technologies for alternatives such as land based or larger scale offshore marine farming opportunities.

3.3 *Fragmentation of Sounds Interest Groups*

3.3.1 A major concern the Association holds is in relation to the fragmentation of Sounds stakeholders. Whilst there is a pool of permanent residents in the Sounds by far the greater interest is held by the hundreds of thousands of people who use the Sounds on an itinerant basis. However, whilst the collective value in the Sounds held by these stakeholders is huge, their interests are individually insufficient to warrant them staying aware of, or contributing to, matters such as these proposals or resource consent applications that potentially impact on their values.

- 3.3.2 As a consequence the collective value of this vast interest group is seldom professionally represented at the likes of resource consent hearings and the load of representing them is left to be carried by a few volunteer residents who are themselves often under resourced and unfamiliar with the procedures, plans and law at issue. We are concerned that the resulting imbalance in representation has led, and will continue to lead, to decisions being made that are gradually eroding and threatening the values held in the Sounds by the general public.

The Association submits that at a policy level Council be required to take steps through funding, facilitation or other assistance to ensure that the interests of the wider public in the Sounds is independently and professionally represented in Council hearings and other such decision making processes.

4. Controlled Activity Status

- 4.1 The Association is strongly of the view that any form of ‘controlled’ or ‘restricted controlled’ activity status for marine farming activities undertaken in the public domain is ***fundamentally incorrect***. We note that similar propositions were recommended to Government by the Aquaculture Technical Advisory Group (‘TAG’) in 2009. However, this aspect of the TAG proposals was not adopted by Government and was not included in the Aquaculture Legislation Amendment Bill (No 3) that emanated from the TAG recommendations.

4.2 *Public Domain*

- 4.2.1 This is because allowing private use of public resources as a controlled activity would be a fundamental short-circuiting of the Resource Management Act 1991 (‘RMA’) principles. It is the values of the wider public that must set the agenda for the evolution of a special place like the Marlborough Sounds. Granting controlled activity status for Sounds marine farming activity would simply deny this evolutionary process. Marine farming structures would effectively be granted pre-emptive rights over public domain irrespective of the evolution over time of a much greater public value from other uses of that space. No industry can be so important as to warrant such pre-emptive rights over public domain.

- 4.2.2 Industry argument that such tenure is required to secure investment is light and unsustainable. We note that controlled activity status was originally argued for on the basis that security of tenure was required to justify investment in industry infrastructure. Other arguments included that it was needed to secure bank funding. As it turns out the required infrastructure investment and bank funding has nonetheless transpired in Marlborough without such security of tenure (but for pre-1996 farms). It cannot be argued that it is needed to keep it. Even if such arguments could be sustained, they are still merely factors to be measured against alternative public values in that public domain.

- 4.2.3 We are also concerned at information that suggests controlled activity status has been proposed by the Marine Farming Association because of fears held by its members that as the natural character values in the Sounds environment continues to increase marine farmers will face greater uncertainty as their current coastal permits expire. This, of course, is precisely why controlled activity status is ***not*** appropriate – because the public cannot be denied their ability to enjoy that greater utility of the Sounds if the natural character values do indeed increase.

- 4.2.4 We do not believe that Council has provided any legitimate basis for this proposal. We are advised by Council officers that this change is proposed to ‘*acknowledge the contribution that these farms collectively make to Marlborough’s social and economic wellbeing and to recognise the existing investment marine farmers have made in marine farming infrastructure.*’ We have noted that economic contributions should rightly be considered. ‘Infrastructure investment’ is not a discrete cost benefit consideration. It is inherently accounted for in any net economic benefit from the activity. More to the point, economic benefits (with infrastructure investment) are no more than matters to be considered and weighed, *like anything else*, in a cost benefit analysis against other public values that are held in relevant permit areas. It is not rationale to suggest they are a basis for avoiding any public values assessment.
- 4.2.5 Recent aquaculture law reform introduced a minimum term of 20 years for marine farm coastal permits and the reality is that it is most unlikely that in the foreseeable future activities carried on within the bounds of objective assessment criteria would be denied renewals as discretionary activities. How many applications for renewals have ever been declined under the current rules, naked as they are of objective assessment criteria ? And any displacement of water space that *does* occur through changing public demands and values in particular areas could only be expected, in the foreseeable future, to occur at the fringes. If such renewals are declined then it would be because the public are *net better off* because of that - and this process must be allowed to occur.
- 4.3 *Ecological Carrying Capacity Concerns*
- 4.3.1 There is also growing concern held for the ecological sustainability of the current level of mass mussel farming occurring, particularly in areas such as Beatrix Bay, Kauauroa Bay, Clova Bay, Horseshoe Bay and parts of Crail Bay. A recent review commissioned by the Association suggests that Beatrix Bay is not at all a suitable area for intensive mussel farming and that it is likely, if not probable, that the existing level of mass mussel farming there ***is having and has had*** a cumulative and potentially serious impact on the indigenous ecosystems of the bay. This is corroborated by mussel farmers observing longer growth times on inside lines and a long term trend of declining mussel farm yields in the bay. Long-term locals have also witnessed a virtual wipe out of inter-tidal shellfish and other activity in the bay since mussel farming has intensified there. Similar observations have been made by members in other bays as noted above.
- 4.3.2 It seems to the Association quite remiss that virtually no attention has ever been given by Council (or the Industry) to the potential for mass mussel farming to cumulatively drain bays of nutrients and energy at the expense of the natural ecosystems. As a consequence the natural ecosystems in some areas may now be under serious threat. This includes natural shellfish stocks and potentially extends to recreational fish stocks.
- 4.3.3 The Association is of the view that ***assertive and immediate attention*** is required in this area. It would appear that the Council is *required* by the New Zealand Coastal Policy Statement (‘NZCPS’) to both *include provision for the management of these issues in its plan*¹ and to use an integrated management

1 Policy 7 - Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. ***Include provisions in plans to manage these effects.*** Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided. [emphasis added].

approach to deal with them¹. On this basis alone it is submitted that it cannot be appropriate for any existing marine farms to be rendered undeniable renewal rights as controlled activities.

4.4 *Mistakes of the Past*

4.4.1 The Association is advised that in one or two areas, such as Clova Bay, marine farm permits have been granted historically without any regard to cumulative impact on natural character or landscape values, public access, recreation or navigation. There are also other farms in the Sounds that are inappropriately located and/or inappropriately sized for their location and many of the earliest marine farms were granted by MAF in Wellington without the higher level of scrutiny that new applications today must face. There are clearly some inappropriate farms in place. The Association submits that granting controlled activity status for these farms would simply be locking mistakes of the past into the future and clearly in contravention of the NZCPS.

4.5 *Pre 1996 Farms*

4.5.1 Farms consented before 1996 and which have not since been varied in purpose, size or permitted species may be renewed as ‘controlled activities’ under the current rules. Council officers have been unable to provide a reason for this however we understand it was argued as necessary at the time to give some certainty whilst industry infrastructure was developed.

4.5.2 The Sounds marine farming industry is now mature and thus it would appear to the Association that this purpose has long since waned.

4.5.3 There may also be farms in this category that are inappropriately sized or located and these farms contribute to cumulative impacts in areas as much as farms consented post 1996 do. It is not relevant in this regard when farms were originally consented.

4.5.4 Many of these farms and/or their consents have long since been varied such that current activities no longer qualify for renewal as controlled activities and there is uncertainty for many others. This time based distinction is now an unnecessary complication without purpose and in our view should be removed. As for post 1996 farms, leaving pre-1996 farms as controlled activities stands to commit mistakes of the past to the future and would also appear to be a contravention of Policies 4 and 7 of the NZCPS.

4.6 *Consistency with Other Users*

4.6.1 We note proposed General Policy 13.10.2 – *“In most cases any structure that occupies the coastal marine area in terms of section 12 of the RMA, will require to be assessed through a discretionary activity resource consent. This is to ensure that regard is had to the values of the coastal environment and the impact on other uses or activities in deciding whether the proposed structure is appropriate or not”*

¹ Policy 4 - Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:.... particular consideration of situations where:.... significant adverse cumulative effects are occurring, or can be anticipated.

4.6.2 We fail to see why marine farming, the largest occupier of the coastal marine environment in the Sounds, should not be subject to this fundamental policy as well.

4.7 For all of the above reasons the Association STRONGLY submits:

That all marine farming activities within the Sounds must be assessed as no less than fully discretionary activities, whether they be pre 1996, post 1996 or existing farms in CMZ1.

4.8 The Association acknowledges that this will necessarily involve a renewal process every 20 years for more than 500 marine farming coastal permits in the Sounds. However, we do not believe that the prospect of a weighty administrative process is any basis at all to abandon environmental responsibilities nor to deny the public the right to voice and contest for their values in the Sounds. We also note that many coastal permits now share a common renewal date of 2024 such that, if necessary, many renewals might be heard on a consolidated bay by bay or other basis. Indeed the Association supports a bay by bay management approach to marine farming in general.

5. Change in Preferred Zone for Marine Farms to 100m to 300m from shore and Cumulative Impacts

5.1 Under current rules marine farming is 'preferred' in an area between 50M and 200M from shore, that is in a 150M wide ribbon. It is proposed that this preferred zone be altered to between 100M and 300M from shore, that is a 200M wide ribbon. This amounts to a 33% increase in the zone preferred for marine farming.

5.2 The Association supports the proposal to move the preferred area out to 100M from shore. This is because it will make navigation inside of farms much safer and easier and because it is likely to assist somewhat with inter-tidal and sub-tidal ecosystem recovery in heavily farmed areas. It is also the area most frequented by recreational cod-fishermen.

5.3 However, the Association is concerned that no case has been presented at all to justify an overall extension in the preferred marine farming zone by 33%. Suggestions that such is done in recognition of Policy 8 of the NZCPS seems to overlook what, the Association submits, is already a more than adequate provision for marine farming within the waters of the Sounds. The proposal appears to simply be an arbitrary allocation of public space for marine farming activities.

5.4 We are particularly concerned at the inappropriateness of this in central Pelorus areas such Beatrix Bay, Kauauroa Bay, Clova Bay, Horseshoe Bay and parts of Crail Bay where marine farming is probably already at or beyond acceptable limits, not least from an ecological perspective as already noted, but also from a cumulative natural character, landscape, public access, recreation and navigational perspective.

5.5 Council acknowledge that an expanded preferred zone would not be appropriate for all areas and suggests that this could just be left to be determined through the consent process. However, as noted areas and bays have a finite environmental

capacity and, as is the case for the existing plan, there are no policies proposed to assist in determining whether an area can cumulatively tolerate further marine farms. Hearing Authorities acknowledge cumulative impacts but are reluctant to load the responsibility for them onto individual permit holders or applicants. The Association submits that this gap ***must be addressed*** and this is a role for plan policies and rules.

- 5.6 The Association believes that objective policies and rules ***must*** be introduced in this regard before there is any net increase in the preferred zone for marine farming. These policies and rules should ensure that marine farms do not ***cumulatively dominate*** landscape or natural character values of an area, and do not ***cumulatively materially impede*** recreational use, public access or other public amenity of an area, and do not have ***cumulative adverse ecological impacts*** on an area. Policy should be ***clear*** that no further farming can occur once any of these thresholds is reached in a bay or area.
- 5.7 We are advised by our members that it was accepted when marine farming was first introduced in the Sounds that ***as a guideline no more than 10% of bays or areas*** should be encumbered with marine farms. Public values in the Sounds domain have increased since then. As such, a 10% encroachment guideline would seem to us, if anything, a generous guideline today.
- 5.8 It is imperative that policies also direct where the responsibility lies for corrective action where cumulative thresh-holds *are* considered to have been exceeded in an area. This should have regard to fairness across all contributing permit holders. To this end policy might prescribe a system of farm reduction responsibility that is based on the ***relative contribution*** of individual farms to a cumulative problem. For example, if an area is considered to be over-farmed by 25% then new farms would be prohibited activities or declined on application, and renewals of existing farms would be declined on application to the extent of water column dropper line area by 25%.
- 5.9 We note in this regard that specific policies requiring removals, reductions or alterations of structures upon renewal of a coastal permit is not in any way unusual or inequitable. Council is proposing such for existing mooring and jetty coastal permit holders where there are inconsistencies between their existing permits and the direction of new policies for mooring and jetties under the new plan¹. Nothing is owed to holders of coastal permits for marine farming structures and we can see no reason why marine farm coastal permit holders should be treated any differently.
- 5.10 On the basis of all the above the Association submits as follows:

That the preferred area be reduced to no closer than 100m to shore.

That the preferred area be extended to no more than 250m from shore.

That policies and assessment criteria be introduced ensuring that all marine farm structures in a bay or local area do not:

¹ Refer proposed policy 13.9.7 re moorings “The extent to which the existing mooring is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated, will be a significant factor in whether a new consent is granted” and to proposed policy 13.10.18 re jetties “The extent to which the existing jetty is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated, will be a significant factor in whether a new consent is granted”.

- Individually or cumulatively dominate landscape or natural character of the bay or local area. That as a guideline in this regard no more than 10% of the surface area of identifiable bays or areas should be encumbered by marine farm structures and that no more than 30% of the width of any bay at any point should be encumbered by marine farm structures;
- Individually or cumulatively materially impede public access, recreational use or other amenity value of a bay or local area;
- Individually or cumulatively materially alter the hydrodynamics of a bay or local area where there are likely to be siltation, ecological or other effects;
- Individually or cumulatively have any more than a minor impact on natural ecosystems of a bay or local area, having regard not only to benthic effects, but also to the ecological carrying capacity of the bay or local area and water column nutrient and energy depletion impacts.

That new or additional marine farming activities in Beatrix Bay, Kauauroa Bay, Clova Bay, Horseshoe Bay and those parts of Crail Bay intensively farmed be prohibited activities until the ecological carrying capacities of the respective area is independently and professionally determined.

That existing permits that expire in these areas in advance of the completion of such ecological carrying capacity studies be restricted to 1 year short term renewals under section 123A(2)(b) of the RMA.

That policies be introduced prescribing that new applications in other bays or local areas found to have excess cumulative impacts be declined as a first principle and that as a second principle renewal applications in such bays or local areas be assessed as contributing to the cumulative impact problem on a relative contribution basis across all contributing existing coastal permits in the bay or local area(s).

6. Change in Status of Applications for Areas Outside of Preferred Areas

- 6.1 The Council proposes that farming beyond the preferred zone be altered from a ‘non-complying’ activity to a ‘discretionary’ activity. As proposed, applications beyond the preferred zone would be guided only by proposed policy 1.7. As currently drafted this simply states that marine farming outside of the preferred zone should generally be regarded as an ‘inappropriate activity’.
- 6.2 The Association submits that this will render applications beyond the preferred zone in the same policy vacuum that applications for non-complying activities currently fall in. That is, that applications can still be made but because there are no policies in place to determine how to actually assess them then they would simply fall to be assessed under the same policies as any other discretionary applications, albeit they might be considered to have an overlay of ‘generally being inappropriate’.
- 6.3 The purposes of the original 200m preferred zone included the prevention of

sprawl and navigational safety. The Association submits that it needs to be spelt out in the new plan just how applications outside of the 'preferred zone' are to be assessed to avoid the same policy vacuum issue we currently have.

6.4 On the basis of the above the Association submits:

- *That policy explicitly state that the main purposes of the 100m in shore 'preferred zone' line is navigational safety, in-shore ecosystem protection, public fishing and other recreational access, and objectivity of policy for all stakeholders in the water space area. Applications for Marine farming inshore of this line would need to be extraordinary in nature to be approved.*
- *That policy explicitly state that the main purposes of the 250m outside 'preferred zone' line is navigational safety, open area natural character and landscape value protection, sprawl containment, and objectivity of policy for all stakeholders in the water space area. Applications for Marine farming beyond this line would need to be extraordinary in nature to be approved.*

7. Extending Prohibited Areas

7.1 Council propose the retention of areas where marine farming is a prohibited activity. These are CMZ1 areas under the current rules.

7.2 It is also proposed that these areas be extended to include the currently unfarmed areas of the Tawhitinui Reach, Anakoha Bay, Waitata Bay, Port Ligar, Forsyth Bay, Admiralty Bay, the area from Whakamawahi Point across to Tawero Point and down to the head of Clova Bay, and island areas around D'Urville and off the coast of the Sounds.

7.3 The Association agrees that the prohibited areas should be extended to include these areas. However, the Association does not believe that it should be restricted to only currently unfarmed areas within these proposed zones. This infers that areas currently farmed within these zones are somehow not deserving of the same protected status as areas currently unfarmed within these zones. This may not be the case, particularly where existing farms in these areas are outside of the preferred 100M to 250M zone.

7.4 A simpler approach would be to mark the territory as prohibited except for the 100M – 250M preferred zone within the new territory. Existing farms that fell outside the preferred zone in the prohibited territory would be afforded the same renewal opportunities as is proposed for farms that are currently in a CMZ1 zone.

7.5 On the basis of the above, the Association submits:

- *That the extensions to the prohibited zone be made as proposed except that the new zone be defined simply as all areas outside of the preferred 100m to 250m area within the new zone. Existing farms in the new prohibited zone that fall outside of the preferred 100m to 250m area should have a fully discretionary renewal right for the same activity subject to the same criteria as other farms outside of the preferred zone and with regard also to the impact of the prohibited zone*

transgression on the integrity of the prohibited area zoning.

8. Existing Farms in Prohibited Areas

- 8.1 There are currently 22 marine farms operating in existing prohibited areas. Many of these may also currently have ‘controlled activity’ status, particularly if approved before 1996 and the area, purpose or species has not since been altered.
- 8.2 Several options are proposed by Council for these farms. These are removing the current exemption so they cannot be renewed on expiry, removing the prohibited zoning from the area, making the farms a ‘discretionary activity’ with an overlay that regard also be had to the integrity of the prohibited nature of the area, or shifting them to an area where marine farming is not prohibited.
- 8.3 Areas in the Central Pelorus area with such farms include Clova Bay (1), Tuhitarata Bay in Beatrix Bay (1), Marys Bay in Homewood Bay (2) and Fairy Bay (3).
- 8.4 Association feedback from members suggests that a very high value is placed on central Pelorus CMZ1 zones, with specific feedback received to this effect with regard to the value of the *Clova Bay* CMZ1 zone.
- 8.5 As such it would seem highly unlikely that the public value of farms within these areas was greater than the public value of the overall prohibition for the area. Because of this the Association believes that the removal of a prohibited zoning because there is a marine farm in it is *not* an appropriate approach.
- 8.6 The harsh reality is that a coastal marine farm permit is a privilege and nothing is owed by the public to coastal permit holders. The Association nonetheless accepts that relocation might be an option although there would need to be a net gain in public value from any relocation proposal. The Association does not believe that relocation of CMZ1 farms should necessarily be constrained to relocation to newly created CMZ2 space. For example, existing CMZ1 permit holders might also be granted pre-emptive rights over unoccupied existing CMZ2 space and also over occupied CMZ2 space that is not being responsibly or efficiently utilised.
- 8.7 Council propose that as a minimum these farms have the opportunity to test for renewal under standard criteria with regard also given to whether the farm detracts from the integrity of the overall prohibition for marine farming in the area. We accept that it is not inconceivable that the weight of public benefit supports a farm remaining in a prohibited area, notwithstanding its impact on the integrity of the wider prohibition zone. For example, if the protected area was large, the particular farm immaterial relative to it, and if the farm otherwise passed the environmental and public value discretionary assessment criteria. The committee also believes that if this test is to be applied then it must be applied on a full discretionary activity basis, including whether or not the farm is within the preferred area for marine farming under proposed policy 1.7.
- 8.8 Council propose that regard also be had to whether opportunities have been made for the relocation of these farms to other areas when assessing them for renewal under the discretionary activity option. Whilst we support options being

pursued to relocate these farms we do not believe that having regard to relocation opportunities is actually an appropriate assessment criteria. It is too subjective and also assumes a sense of responsibility to coastal permit holders that may well be misplaced.

8.9 On the basis of the above the Association submits:

- ***That renewal of all marine farming activities in CMZ1 zones be prohibited unless they do not detract from the integrity of the prohibition zoning to any more than a minor degree. If this threshold is passed they may be assessed as fully discretionary activities, including compliance with the preferred zone rules.***

- ***That options be created for the relocation of farms currently in CMZ1 zones, including the creation of new CMZ2 areas where there is a net public benefit gain, and the creation of pre-emptive rights over existing CMZ2 areas that are either not being utilised or that are not being utilised responsibly or effectively.***

9. Coastal Permit Term

9.1 Recent aquaculture law reform introduced a *minimum* term of 20 years for marine farm coastal permits. Council propose that this also be the *maximum* term. This is because the Sounds public domain is used or valued for a range of different reasons, because there is growing pressure and increasing demand for coastal space, because the issues facing coastal space are changing and challenging, because the coastal environment is dynamic in nature and constantly changing, and because matters of national importance under the RMA need to be recognised and provided for on an ongoing basis.

9.2 We would add to this list the large information gaps on the ecological impact of mass mussel farming on indigenous ecosystems in sheltered or low flushing waterways and point out that for these same reasons marine farm coastal permits should *not* be renewable without full environmental and public value testing.

9.3 The Association ***agrees*** and submits that a *maximum* term of 20 years should apply for marine farm coastal permits in the Sounds.

10. Brief Comment on Specific Marine Farming Policies

10.1 The following are one or two brief observations on more specific aspects of the marine farming policy proposals. They are supplementary to but are not intended to override the higher level submissions as made above.

- ***Objective 1*** - The word ‘important’ before natural and human use values in Objective 1 should be removed. It is ***not appropriate*** that only ‘important’ natural and human use values be protected from adverse marine farming effects.

- ***Coastal Occupancy Charges*** - References to these as assessment criteria (e.g. Policy 1.3) should be removed. They are not about environmental impacts and have no relevance at all in a marine farm environmental impact assessment. We also note that these charges are not proposed as assessment

criteria for jetty, mooring or other coastal occupancy applications and query this differentiation.

- **Assessment Criteria - Reefs** – Dropper, warp lines or other marine farm structures should not be located any closer than 75m from a material reef area to enable recreational fishing and other movement around the outer perimeter of the reef and to protect the reef from detritus and water column ecological impacts.
- **Policy 1.10 – Previously declined areas** – It is unclear what the objective of this policy is as it stands. It should be added that applications for substantially the same activity that have been declined within the previous ten years are prohibited.

11. Brief Comment on Other Chapter Policies Relevant to Marine Farming

11.1 *Chapter 4 – Natural and physical resources.* It is suggested that the majority of residents and ratepayers believe the Sounds to be in good health. This is not the case for the residents in Central Pelorus areas. Serious concerns are held for the declining health of ecosystems in some areas and the flow-on impact that this is having or stands to have on recreational values such as recreational fish and shellfish stocks.

11.2 *Chapter 6 – Natural Character.*

- Proposed Policy 6.2.5 - Proposes to encourage development where the coastal environment is already modified. This is not rational and leads to argument that further modification is actually intended for already modified areas and that modification can still occur if areas are already modified enough. It appears to be a hang-over from old policy 1.1.1(a) of the 1994 New Zealand Coastal Policy Statement which has been removed from the 2010 NZCPS. It also conflicts with the need to have regard to cumulative impact. ***It is no longer an appropriate policy and should be removed.***

11.3 *Chapter 8 – Indigenous Ecosystems*

- These provisions fail to recognise the large information gaps in mass mussel farming ecological impacts, including cumulative ecological impacts through nutrient depletion and water column energy extraction and the hydrodynamic impact of structures on matters such as siltation. Objective 8.3 should recognise that the existing level of aquaculture in areas such as Beatrix Bay, Kauauroa Bay, Clova Bay, Horseshoe Bay and parts of Crail Bay is likely to be having an adverse impact on ecosystems in these areas and that this needs to be assertively addressed through ecological carrying capacity and other work and through restrictions on aquaculture applications in these areas.

12 Summary of Key Submission Made

12.1 The key submissions made by the Association are as follows:

That at a policy level it be made clear that whilst marine farming is a welcome industry in some parts of the Sounds where there are net cultural, social or economic benefits, the natural integrity of all areas

of the Sounds is paramount and must be protected for present and future generations to enjoy.

That at a policy level it be made clear that opportunities for marine farming growth within the Sounds are finite and that the industry should be encouraged to focus on the development of options and technologies for alternatives such as land based or larger scale offshore marine farming opportunities.

That at a policy level Council be required to take steps through funding, facilitation or other assistance to ensure that the interests of the wider public in the Sounds is independently and professionally represented in Council hearings and other such decision making processes.

That all marine farming activities within the Sounds be assessed as no less than fully discretionary activities, whether they be pre 1996, post 1996 or existing farms in CMZ1.

That the preferred area be reduced to no closer than 100m to shore.

That the preferred area be extended to no more than 250m from shore.

That policies and assessment criteria be introduced ensuring that all marine farm structures in a bay or local area do not:

- a. *Individually or cumulatively dominate landscape or natural character of the bay or local area. That as a guideline in this regard no more than 10% of the surface area of identifiable bays or areas should be encumbered by marine farm structures and that no more than 30% of the width of any bay at any point should be encumbered by marine farm structures;*
- b. *Individually or cumulatively materially impede public access, recreational use or other amenity value of a bay or local area;*
- c. *Individually or cumulatively materially alter the hydrodynamics of a bay or local area where there are likely to be siltation, ecological or other effects;*
- d. *Individually or cumulatively have any more than a minor impact on natural ecosystems of a bay or local area, having regard not only to benthic effects, but also to the ecological carrying capacity of the bay or local area and water column nutrient and energy depletion impacts.*

That new or additional marine farming activities in Beatrix Bay, Kauauroa Bay, Clova Bay, Horseshoe Bay and those parts of Crail Bay intensively farmed be prohibited activities until the ecological carrying capacities of the respective area is determined. Existing permits that expire in these areas in advance of the completion of such ecological carrying capacity work should be restricted to 1 year short term renewals under section 123A(2)(b) of the RMA.

That policies be introduced prescribing that new applications in other bays or local areas found to have excess cumulative impacts be declined as a first principle and that as a second principle renewal applications in such bays or local areas be assessed as contributing to the cumulative impact problem on a relative contribution basis across all contributing existing coastal permits in the bay or local area(s).

That policy explicitly state that the main purposes of the 100m in shore 'preferred zone' line is navigational safety, in-shore ecosystem protection, public fishing and other recreational access, and objectivity of policy for all stakeholders in the water space area. Applications for Marine farming inshore of this line would need to be extraordinary in nature to be approved.

That policy explicitly state that the main purposes of the 250m outside 'preferred zone' line is navigational safety, open area natural character and landscape value protection, sprawl containment, and objectivity of policy for all stakeholders in the water space area. Applications for Marine farming beyond this line would need to be extraordinary in nature to be approved.

That the extensions to the prohibited zone be made as proposed except that the new zone be defined simply as all areas outside of the preferred 100m to 250m area within the new zone. Existing farms in the new prohibited zone that fall outside of the preferred 100m to 250m area should have a fully discretionary renewal right for the same activity subject to the same criteria as other farms outside of the preferred zone and with regard also to the impact of the prohibited zone transgression on the integrity of the prohibited area zoning.

That renewal of all marine farming activities in CMZ1 zones be prohibited unless they do not detract from the integrity of the prohibition zoning to any more than a minor degree. If this threshold is passed they may be assessed as fully discretionary activities, including compliance with the preferred zone rules.

That options be created for the relocation of farms currently in CMZ1 zones, including the creation of new CMZ2 areas where there is a net public benefit gain, and the creation of pre-emptive rights over existing CMZ2 areas that are either not being utilised or that are not being utilised responsibly or effectively.

That a maximum term of 20 years should apply for all marine farm coastal permits in the Sounds.

The Association is keen to and looks forward to discussing this submission with both policy Staff and Councillors of Council in the near future. Of course, please feel free to direct any questions or queries you have to myself or the committee on committee@kcsra.org.nz .

Yours sincerely



Ross Withell
President

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