

# Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

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8 October 2018

Dear Sir/ Madam

## **Kenepuru and Central Sounds Residents' Association - Resource Consent Application U180499 - New Zealand King Salmon Co. Limited.**

I write in my capacity as President of the Association.

### ***Introduction***

The Association was incorporated in 1991 and currently has over 280 mainly household members whose residents live full time or part time in the Kenepuru or Central Pelorus Sounds. The Association's objects include, among other things, to coordinate dealings with central and local government on matters of interest to members.

The Association is active on a wide variety of issues. These range from; attempting to maintain the security and reliability of the rather stressed local roading network; advocating with Council for the installation and/or maintenance of essential public services; lobbying central government in support of retaining the local school bus service and in more recent times advocating (with some success) on conservation and environment matters concerning the much treasured marine space of the Sounds. For more detail see our web site ([kcsra.org.nz](http://kcsra.org.nz)).

### ***Background***

Since 2012 New Zealand King Salmon has sought to acquire space in the Sounds for some 15 new fish farms. Once up to speed the Association quickly realised the significant adverse impacts of these proposals on the public space making up the iconic Sounds marine environment vastly outweighed the benefits potentially accruing to King Salmon shareholders and the less than minor contribution to the national economy. The Association with its meagre resources did what it could to oppose these proposals. At the Board of Inquiry (BOI) hearings we realised that even the King Salmon evidence demonstrated that all these proposals have a fundamental problem.

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#### **Kenepuru & Central Sounds Residents Association Inc.**

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Water temperatures in the then targeted areas of the Sounds are too warm for too long<sup>1</sup>.

This was underlined by reports that King Salmon's new BOI farms in the Pelorus - supposedly especially chosen to avoid this issue - suffered very high mortality rates last summer. Stressed fish are susceptible to disease. Again two hitherto unknown pathogens (to NZ) have been isolated in the mortalities. We submit that even the 2017 Salmon Advisory Board Report clearly signalled to King Salmon and central government that salmon farming's time in the Sounds had reached its environmental and public tolerance limits and they needed to look offshore.

### ***The King Salmon Offshore Vision***

Over the last six months or so there have been a number of King Salmon press releases suggesting they were considering doing just that. Their vision was for a massive increase in production (with the associated massive increase in waste discharges) using large numbers of submerged pens located somewhere in the likes of Cook Strait.

Against this background, and from a conceptual viewpoint only, it is good to see that King Salmon is taking some initial steps to look offshore. We say "initial" because it seems at least half the target area is in what is described as "the harbour limit". To be clear, the Association would vastly prefer King Salmon was looking further south instead of apparently so close inshore to the Sounds and in such a sensitive and high value, from an environmental perspective, area. Accordingly the Association reserves its position if the area designated in this consent application is indeed the targeted farm area. However that debate is for another day. This application is, on the face of it, only about collecting data on a range of matters. We **stress** that our comments and views assume that this application is a one off and will not be treated as a precedent in any way.

### ***The Application***

A wholly owned subsidiary of the listed parent Company - New Zealand King Salmon Investment Co. Ltd - is the applicant (hereafter jointly "NZKS"). They are seeking sole occupancy rights to an area of the sea bed totalling nearly 1800 hectares for a period of up to 15 years (10 years **plus** a lapse period of five years). The purpose of the application is said to be - to better protect the recording devices to be located in or on up to six structures. These structures are to be anchored to the sea bed. The applicant acknowledges they have no idea of the flora or fauna on the target area seabed. Currently it seems the recording phase is to be divided into two stages. The number and type of these devices, methods, purpose, objectives and data to be collected is scantily dealt with in the application.

Indeed the applicant is at pains to point out that by the time the likes of the Association receive and read the application the first stage of installing and monitoring at least two recording devices will be well under way. This is because it seems that the installation of such devices (and any number of the same) is a permitted activity under the current plan. As an aside the Association notes with approval that the Marlborough District Council (MDC) has in the notified MEP apparently taken some long overdue steps to correct this glaring anomaly.

This begs the question why has the applicant made this application?

The reason is, so the applicant states, that it needs to protect its sensitive devices from the possibility of another person anchoring other structures to the sea bed in the target area and thereby creating the risk of befuddling its recording and measuring devices. This view is backed

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<sup>1</sup> To review the KCSRA technical papers on this subject go to [www.kcsra.org.nz](http://www.kcsra.org.nz), click on "Public Documents" and then tap on the folder "Salmon Farm Mortality"

up by a letter from Cawthron Institute who suggest a buffer zone of several kilometres around each installation. As with the MDC consent officer a few questions immediately sprang to our minds. We note the applicant's lawyers', with all due respect, fairly vague responses.

Given the NZKS responses to the MDC questions and bearing in mind we have dealt with NZKS over the past few years we submit that it would be excessively naive for a consent authority to accept this explanation as the full story behind the applicant's request to carve out on a pre-emptive basis 1800 hectares of sea bed for a very long time. In other words we submit that a dominating purpose behind this application is that, on the balance of probabilities, NZKS is staking out its claim in this area for future salmon farming should it so choose.

Conceptually we have some sympathy with this approach. However when an organisation wishes to secure sole occupation rights to such a large space in a sensitive area we believe the regulator and hearing authority should also focus on the greater public good opportunities the application presents.

Thus, for example, we submit that the Aquaculture industry is notoriously secretive. At the hearing we can recount some of our dealings when trying to obtain information on NZKS mortalities for example if that would be helpful. Accordingly, and by way of example only, we see this consent process as an appropriate opportunity to build in more scientific and management rigour to the project and a greater degree of public scrutiny and access to the data being collected. In the long run if the applicant does proceed to seek farming rights then this more open and transparent approach will, we submit, assist that process. Further we see the matters traversed below as the appropriate trade-off for the nature and extent of the application and its location in such high value, from an environmental perspective, area.

### ***Some suggested areas to improve the application.***

In the relatively short time available to the Association we have some suggestions / submissions as how the conditions of the consent might be usefully altered.

NZKS should be required to produce (as a precondition) a detailed project plan in the usual format and covering the usual matters for review by, in the first instance the MDC coastal scientist, and then a suitably qualified independent person(s) with experience in the area. Dr Kim Goetz, currently of NIWA, springs to mind as a suitable person given her experience in attempting to measure whale and dolphin movements and presence in the Sounds environment using hydrophone techniques.

The Association submits that using independent experienced specialist reviewers is critical in order to better assess whether what NZKS proposes is best practice - eg it appears only one structure will be equipped to record current, temperature and some biological indicators.

At the end of each stage of the project NZKS should be required to produce to MDC a technical report summarising the results, identifying any qualifications and identifying areas for further work in the next stage or any proposed changes / additions to the original project plan. This report should be made publicly available. Pending receipt and review of each such report by MDC, NZKS should not be permitted to proceed to the next stage.

At regular intervals the data sets collected should be provided to MDC in a form and format agreed with MDC. This data should be available from MDC to suitably qualified experts on request.

In terms of the proposed duration of the consent NZKS needs to better explain / justify the proposed lapse period. After all the application leads the reader to believe NZKS have already commenced their monitoring activities.

We submit in order to balance the long term nature of this research consent there be developed a set of conditions around “use it or lose it”. This will help, for example, to address issues, we submit, around perceived “seabed banking”

We submit some requirement be placed on NZKS to identify fairly quickly just what is the nature of the sea bed they intend to disturb (scour).

As this application although research in nature it is for a very long time and over a large area, effectively creating pre-emptive rights it arguably creates a potentially valuable commercial property right. Accordingly we submit controls and conditions need to be placed around its transfer to unrelated parties.

### **Conclusion**

On balance the Association sees its stance on this application at this point in time (and given the brief information to hand) as one of neutrality. Albeit with a number of quite reasonable concerns that we hope the regulator and NZKS will work to address prior to the hearing.

The Association advises that we wish to be represented at the hearing and in the interim kept informed as the applicant or the regulator produces technical papers etc. please respond to the email address given below.

Yours Sincerely

A handwritten signature in blue ink that reads "Andrew Caddie". The signature is written in a cursive, flowing style.

Andrew Caddie  
President

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