



Manager, Resource Consents
Marlborough District Council
PO Box 443
Blenheim 7240

Email: mdc@marlborough.govt.nz

Andrew Caddie
President KCSRA
c/- PO Box 5054
Springlands
Blenheim 7241
email: president@kcsra.org.nz
WWW: kcsra.org.nz

28 February 2022

Dear Sir/Madam

Kenepuru and Central Sounds Residents' Association
Submission on Resource Consent Applications U211056 -
U211057 and U220028 - Clova Bay – Sanford Limited

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

Introduction

- 1.1 The Association was established in 1991 and currently has approximately 310 household members living full 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 referred to in the proposed Marlborough Environment Plan (**pMEP**) as a unique and iconic New Zealand marine 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. We have also learnt that this rampant expansion was often haphazard with little appreciation of the adverse impacts on the ecological and other environmental and public values of some of these sites.
- 1.3 These applications represent the worst of all worlds. They are continuation applications for farms located in an area already suffering from the cumulative adverse effects of intensive aquaculture farming on ecological and other

environmental values. We have had discussions with the Clova Bay Residents' Association (CBRA) who have thoroughly researched these applications and their significant adverse environmental impacts. These adverse impacts encompass matters concerning navigation and public access issues, visual amenity issues, the adverse impacts of marine farm structures on natural character and natural landscape values and uncontrolled plastic discharges arising from the activity. We agree with CBRA and we submit that the hearing panel should exercise their discretion and **decline the applications.**

Preliminary Matter – Why are these applications being processed?

- 2.1 These applications were accepted by the Council after pMEP Variation1 (Marine Farming) was formally notified. Accordingly, we submit that Policy 16.8.1 of Variation 1 (which mirrors the wording of section 165F of the RMA) is a bar to these applications being heard until the requirements of that policy (which has legal effect) are satisfied. Preliminary discussion with Council suggests that they are relying on Section165J of the RMA to avoid this outcome.
- 2.2 With all due respect we submit that the Council is incorrectly relying on an irrelevant section. For example, the applicant does not hold an authorization as contemplated by that section. Accordingly, we request the hearing panel obtain independent legal advice on that point and, prior to any proposed hearing, advise the applicant and submitters of its view. In the interim, we reserve our position on this fundamental issue but for efficacy's sake put this apparent bar to one side and briefly look at the applications.

Application U211056 - Sanford Limited

- 3.1 After review of the submission from CBRA dated 27 February and filed with the Council on that date we endorse and support the submissions made by CBRA. We submit that the application is in breach of key MSRMP and pMEP policies and also fails bottom line policies such as policies 13, 11 and 15 of the New Zealand Coastal Policy statement (NXCPS). Accordingly, we submit that this application fails the non-complying activity gateway test of Section 104D of the RMA and the assessment standards as prescribed in section 104 of the RMA. We believe for the reasons set out in the CBRA submission and above this application **should be declined.**

Application U211057 – Sanford Limited

- 4.1 After review of the submission from CBRA dated 27 February and filed with the Council on that date we endorse and support the submissions made by CBRA. We submit that the application is in breach of key MSRMP and pMEP policies and also fails bottom line policies such as policies 13, 11 and 15 of the NXCPS. Accordingly, we submit that this application fails the non-complying activity gateway test of Section 104D of the RMA and the assessment standards as prescribed in section 104 of the RMA. We believe for the reasons set out in the CBRA submission and above this application **should be declined.**

Application U220028 – Sanford Limited

- 5.1 After review of the submission from CBRA dated 27 February and filed with the Council on that date we endorse and support the submissions made by CBRA. We submit that the application is in breach of key MSRMP and pMEP policies and also fails bottom line policies such as policies 13, 11 and 15 of the NZCPS. Accordingly, we submit that this application fails the non-complying activity gateway test of Section 104D of the RMA and the assessment standards as prescribed in section 104 of the RMA. We believe for the reasons set out in the CBRA submission and above this application **should be declined**.

Request to Appear

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

Conclusion

The Association is of the view that the applications, jointly and severally, run contrary to the objectives and policies of the NZCPS, the relevant Marlborough Plans and the likes of section 7 of the RMA. For these reasons and the matters set out above the Association submits the applications **should be declined**.

Yours faithfully



Andrew Caddie

President Kenepuru and Central Sounds Residents' Association

e-mail: president@kcsra.org.nz

[Cc Adrian.low@mitchelldaysh.co.nz](mailto:Adrian.low@mitchelldaysh.co.nz)