

2 February 2024

Marlborough District Council
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Attention: Joanna Pitts

Dear Joanna

Re: Application U230833 – Site 8239 KPF Investments Ltd, Beatrix Bay, Pelorus Sound (the ‘Application’)

This is a joint submission on the above Application by the Kenepuru and Central Sounds Residents Association Inc (KCSRA) and the Clova Bay Residents Association Inc (CBRA) – hereafter referred to as the Associations.

1. Background

- 1.1. CBRA represents most residents and property owners in the Clova Bay area whilst KCSRA has over 300 members with interests over the wider Kenepuru and central Sounds area. A key concern for the Associations is unsustainable aquaculture in the Kenepuru and central Sounds area. This concern extends to marine farming in the north-western corner of Beatrix Bay where there is currently a cluster of extraordinarily sized mussel farms, including at this particular application Site 8239. Our concern extends to the impact these inordinate mussel farms are having on the biodiversity and natural ecosystems of the area and its environs, on navigation and recreational access, on visual amenity issues, and on natural character and natural landscape values of the area.
- 1.2. The issues are significant. They have derived from planning weaknesses in the existing Marlborough Sounds Resource Management Plan (‘MSRMP’) and from systemic failures of decision makers over the last three decades. These include failing to undertake any monitoring at all of the ecological effects of the substantial escalation in mussel farming in these areas since the late 1980’s and failing to grapple with the concept of cumulative ecological, landscape, natural character and other effects. Decision makers have effectively and erroneously treated the area as environmentally sacrificial by repeatedly putting claimed economic benefits of more and more farm extensions ahead of the plummeting environmental, social and community values in the area.
- 1.3. Our submission is that this Application seeks to perpetuate what is now an unsustainable level of mussel farming activity in this particular area - one that breaches both key MSRMP and proposed Marlborough Environment Plan (pMEP) policy direction as well as environmental bottom lines of the New Zealand Coastal Policy Statement 2010 (NZCPS). As such the application must be declined.

2. Existing Consents

- 2.1. Site 8239 started out as a 3ha site in the late 1970's licensed under the Marine Farming Act 1971. This had subsequently doubled to a 6ha by 1992, was extended to an 11.4ha site in 1996, and then extended further to a 19.6ha site in 2001.
- 2.2. None of these consenting decisions considered the growing cumulative effect of the marine farming activity in this part of Beatrix Bay. Rather, the extension decisions, and the extension decisions of the other farms in this part of the bay effected over a similar time frame, tended more toward a contrary perspective - that being that the loss of values from existing marine farm development condoned the addition of further development.
- 2.3. The cascading effect of this consenting logic saw mussel farm activity in this north-western corner of Beatrix Bay grow from around **29 ha** in the early 1990's (activity that was then largely effected within a 150m wide ribbon contained to no further than 200m from shore – as contemplated by the MSRMP) to now being around **61 ha** - with some activity now extending to almost 500m from shore.
- 2.4. This application seeks to extend activity out to almost 500m from shore at Site 8239.
- 2.5. The result of this historical consenting logic is that mussel farming in this part of Beatrix Bay now significantly effects natural landscape and natural character values, is a substantial impedance to navigation, coastal access and recreational amenity, and as we record below, is also likely to be having significant adverse effects on indigenous biodiversity values in the area.

3. Activity Status

- 3.1. The application incorrectly records that there are no pMEP appeals directly affecting this site. **ENV-2023-CHC-47** directly appeals the aquaculture management area (AMA) proposed for Site 8239. As a consequence we believe the application falls as a non-complying activity under Policy 35.5 of the MSRMP.

4. Cumulative Effects

- 4.1. Cumulative effects should be assessed on an “area of influence” basis – i.e. through the identification of that part of the water column or marine area that is being affected by a particular group of activities or structures, or the identification of that part of a natural landscape or a natural character environment that is being affected by a particular group of activities or structures.
- 4.2. The Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES MA) contemplate that cumulative effects be addressed at the plan level. For this reason AMA's in the pMEP must properly recognise the actual or potential cumulative effects of the aquaculture activity they stand to facilitate. The AMAs in the north-western corner of Beatrix Bay have been appealed in ENV-2023-CHC-47 because they fail to properly recognise the cumulative effects of the amount of aquaculture activity they stand to facilitate – that being more or less the amount of activity that has been consented through repeated extensions in this area over the last 30+ years.

- 4.3. Pending that being determined, applications for replacement coastal permits must be declined if found, on the balance of probabilities, to increase or perpetuate adverse effects that are above acceptable cumulative effect thresholds.

5. Our Submission

- 5.1 The cumulative and negative environmental impacts of mussel farms are undeniable - aesthetically, recreationally, navigationally, and ecologically.
- 5.2 We have grouped our concerns into Natural Character, Landscape, and Navigation and Recreation. The following sections summarise our concerns in each of these areas.
- 5.3. It must be said that we are not averse to aquaculture in this part of Beatrix Bay. But we are averse to too much aquaculture in this area. If the applicant believes it worthwhile we are happy to have a pre-hearing meeting to discuss variations to the application to address our concerns.

6. Natural Character

- 6.1. The terrestrial area of the north-western corner of Beatrix Bay is rated as of high natural character value by the pMEP. In our view the present intensity of aquaculture in the north-western corner of Beatrix Bay has a significant adverse effect on the natural character values of the marine environment of this area. We note that Mr James Bentley (Boffa Miskell) in his S42A Hearings Report on Topic 5, Natural Character, for the proposed Marlborough Environment Plan (PMEP), records as follows:

*Beatrix Bay is recognised as an area of Pelorus Sound where aquaculture is present. **As a consequence of this, the marine environment is not rated high, very high or outstanding for natural character** at the level 4 scale (however some parts may retain higher levels of natural character at the more refined scale of mapping at Level 5).*

- 6.2. In other words, aquaculture in Beatrix Bay has been allowed to grow to the point that it has now reduced most marine environments to something less than high natural character when it would otherwise be of high, very high or outstanding natural character. This is a significant cumulative effect.
- 6.3. Natural character extends also to natural biodiversity and to the ecological health of the benthic and water column environment. To this end aquaculture in this corner of Beatrix Bay is now significantly above what is considered a safe intensity by the Aquaculture Stewardship Council (ASC)¹. We have commissioned a special purpose computer model to apply the ASC Standard at a scale of 3 hectare cells. We have had the model reviewed by expert marine ecologists and we have run it across a range of plausible ASC Standard inputs (including filtration rates, number of mussels and primary production time). The results indicate that the level of marine farming in this corner of the Beatrix Bay is above acceptable ecological standards and is of some concern.
- 6.4. This result is corroborated by the NIWA Biophysical Model for the Pelorus Sound. This model is the most comprehensive tool currently available for assessing the effects of existing marine farm activity and indicates that there would be as much as 8-10 times more

¹ Aquaculture Stewardship Council Bivalve Standard Version 1.1 ('ASC Standard').

zooplankton in this part of Beatrix Bay without the existing aquaculture². Whilst some limitations to this model's zooplankton predictions have been raised, these are not material against the magnitude of zooplankton depletion that is predicted for this part of Beatrix Bay.

- 6.5. The Robertson Environmental report accompanying the application, whilst noting the low current at the site, nonetheless suggests that the sites shallow water (albeit between 25 and 30 meters) and proximity to the Tawhitinui Reach (some 7km away by our calculations) will likely render the adverse water column effects contained to the area of the farming activity itself. This generalised proposition is inconsistent with the more targeted ASC standard and NIWA Biophysical model outputs. Moreover, it also seems to incorrectly assume that effects contained to within a farm area (if indeed they are) are irrelevant - even cumulatively. This is of course not correct – farms occupy a large area of themselves and cumulative effects within their direct area alone can be significant. In our view this aspect of the Roberston Environmental report is inadequate.
- 6.6. In our view the existing level of activity in this part of the bay is, at the least, more likely than not having a significant adverse effect on the natural ecological values of this part of Beatrix Bay. Dr Brian Stewart opines that there are *strong indications that the low flush areas of ... Beatrix Bay are being farmed beyond what might be considered an acceptable ecological carrying capacity*³.
- 6.7. This Application, taken as a new application as it must be, stands to add to or perpetuate what are more likely than not significant cumulative effects on natural character values in this part of the bay. This in turn amounts to a significant effect and as such it must be avoided under NZCPS policies 11(b)(iii) and 13.1(b).

7. Landscape

- 7.1. Natural character is an aspect of the wider concept of landscape character. Both phenomena are the product of a reasoned, descriptive analyses of a landscape or an area of the coastal environment.
- 7.2. The terrestrial landscape of the immediately adjacent Whakamawahi peninsula is rated high by the pMEP and it is rated outstanding further south toward Whakamawahi point. Mr James Bentley (Boffa Miskell) in his S42A Hearings Report on Topic 5, Landscape, for the proposed pMEP, records at page 31 that existing aquaculture has prevented the outstanding landscape rating extending into the seascape. It follows that the high landscape value of the peninsula immediately adjacent to the application site would also extend into the seascape but for the extent of the existing aquaculture activity.
- 7.3. In our view the natural landscape values of the area are thus significantly affected by the extent of the existing aquaculture activity. The Application stands to add to or perpetuate this significant effect on natural landscape values and as such must be avoided under NZCPS Policy 15(b).

8. Navigation and Recreation

- 8.1. We support the removal of structures and activity inshore of the area proposed as an AMA by the pMEP – this for safety and efficacy of navigation and recreation.

² Figure 5.14 NIWA - A biophysical model for the Marlborough Sounds Part 2: Pelorus Sound June 2015

³ **Mussel Farming in Central Pelorus Sound, Dr Brian Stewart, Ryder Consulting, December 2015.**

8.2. However, this part of the bay is regularly used for recreational cruising, fishing, diving and picnicking and having structures as far as 500m from shore in this area presents a substantial impediment to these activities.

8.3. We note the Applicant's belief that mussel farm structures enhance recreational and fishing opportunities. They do not. They effect a benthic community dominated by undesirable scavenger species such as dog fish, sand sharks and eleven armed starfish, they inhibit any form of drift or reef fishing, they are a hazard to divers and snorkellers, and are an impediment to coastal cruising, kayaking or other boating activity.

9. Non-Complying Activity Gateway

9.1 We would submit that the Application is clearly, and in some instances significantly, in breach of key MSRMP and key pMEP policies. Accordingly, the gateway test for a non-complying activity in section 104D of the Resource Management Act 1991 is not met.

10. Conclusion

10.1 In our view the application also breaches key NZCPS bottom line thresholds in natural landscape, indigenous biodiversity and natural character effects. It also presents a substantial impediment to recreation and navigation values.

10.2 As such, the Application, as it stands, must be declined. If consent is to be granted we submit that activity be contained to that as considered generally appropriate by pMEP policy 13.21.3(a) – that being no further than 300 metres from shore.

10.3 As noted, if the applicant believes it worthwhile we are happy to have a pre-hearing meeting to discuss variations to the application to meet our concerns.

11. Present at Hearing

11.1 The Associations would like to present to this submission at a hearing.

Please let us know if there is any further information that we can provide to assist.

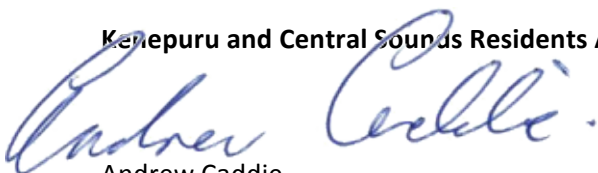
Yours sincerely

Clova Bay Residents Association Inc



Trevor Offen
Chairman

Keirepuru and Central Sounds Residents Association Inc



Andrew Caddie
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