**Submission on U140707**

**On behalf of**

**Port Underwood Association**

**To** Marlborough District Council

P.O. Box 443,

Blenheim 7240,

New Zealand

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**RESOURCE CONSENT APPLICATION : U140707**

Name of submitter: Port Underwood Association

This is a submission on an application from Oyster Bay Developments Limited for a resource consent.

Proposal :

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|  | * To subdivide Lot 6 DP 11879 and Pt Sec 11 Blk XII Arapawa SD into 10 allotments ranging in size from 5,152 square metres to 38.56 hectares.
* To realign an existing ephemeral drainage swale.
* To undertake earthworks (excavation and fill) to construct the right of way and install services within a flood hazard area.
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Location: The subject site is located at Oyster Bay, Port Underwood.

The specific parts of the application that our submission relates to are the application in its entirety.

**Introduction**

This submission is made on behalf of The Port Underwood Association Incorporated (the Association) which became an Incorporated Society in 1995 with membership open to persons having a meaningful interest in Port Underwood. Membership consists of permanent residents, part-time residents, bach owners, forestry owners, commercial fishers and marine farm owners. Each membership usually represents a couple or family group which may include a number of individual persons and the current membership is estimated to be more than 200 adults. Members rely on the Association to keep them informed of the developments in the Port Underwood area and to act on their behalf in matters which affect the area.

Membership of the Association has been increasing through the years and members take an active interest in the Association and its activities. This is an indication that local people feel the Association is portraying an accurate picture of their views and concerns. Members are increasingly more active and showing more direct concern for what is happening in the local community of Port Underwood.

**Previous Submissions relating to this application**

This Association has been active in submissions involving land and resource use in this area. The previous application for land zoning change (2005 PC15) and subsequent applications in October 2007 and Environment Court appeal 2009 are referred to in this application (ref Executive Summary,4.1 Design Philosophy).

Although this application is new, the main issues identified in those applications remain critically important to our members, and are well documented in the responses to the above previous applications.

Recent comments from nearby Port Underwood Association members have reinforced views expressed in the above submissions. The committee of this Association has informed its members of this application and has formed this document based on the feedback from its members.

**Details of this submission**

We oppose this application based upon the main issues documented in previous assessments when the larger subdivision was sought. Many of these issues will not be alleviated just by reducing the number of subdivided lots. Our particular emphasis relates to the effects on Oyster Bay and the surrounding Port Underwood region of inappropriate use and the consequent effects on the rural nature of this region.

**Non compliance with MSRMP**

As a non complying application within the MSRMP the disadvantages outweigh the advantages on which this application rests. The lot size restriction in the Rural 1 zone was proposed and mandated for sound environmental and community reasons and should therefore be adhered to. This land is not zoned Sounds Residential and therefore should not be considered for such subdivision.

**Roading**

There will be increased road use during development, construction and long term residence of this area. The long term residents of this area are concerned that a fragile roading system that is prone to natural damage and closure on almost an annual basis will have increased use with the consequent negative effects.

The Access road will add an intersection at an area of limited road width with the likelihood of vehicles with trailers and marine craft turning through an uncontrolled intersection.

**Sewerage, waste water and flooding issues.**

The water quality of Oyster Bay area and Port Underwood Harbour is already at risk at times of flooding, and particularly with increased occupation in summer months. The introduction of improved sewerage systems is essential. However at holiday times and with increased levels of permanent residency which this application would permit, there is likely to be an inherent risk of increased sewer run off and waste water discharge to Oyster Bay. Shellfish collection for human consumption and recreational use of this area may be compromised. The comments by Mr Fitzgerald (Exec. summary , sect 4.12) regarding the risk of flooding and consequences are insufficient on which to base the decision. His opinion as resident involved with the application may represent a conflict of interest and therefore the independent opinion should be the basis for this consideration.

**Rubbish removal, rubbish disposal.**

The increased subdivision, during development and subsequent use is certainly likely to escalate the production of refuse, domestic refuse and the consequential illegal dumping of refuse that has increased in this area. There are no council refuse areas or regular collection. Previous services have been intermittent and unsatisfactory for residents of Port Underwood. Small sections as proposed are less likely to have private refuse areas and consequently this requires transport to the nearest council refuse dump and recycling area in Picton. Historically any increase in population and use of this area has progressively resulted in an increase in litter on and around the roads of Port Underwood.

**Protection of the rural character of Oyster Bay and Port Underwood in general**

This subdivision would change the character of Oyster Bay and the question must be asked if this fits in with the natural concept of what people perceive Port Underwood to be. The rural character will change within Oyster Bay but will also have consequences to all areas within Port Underwood. The use of Port Underwood roads and amenities will gradually increase with any subdivision and increase in population. The justification that a small subdivision has only a small effect, which acknowledges that there is a consequence that once approved cannot be reversed, is not necessarily true in a location that inheritantly has a small population.

**Expectation of adherence to existing plan**

The MSRMP sets forth what activities and conditions people can expect to occur in a particular area. Existing residents with property that borders a rural area in both designation and aspect can reasonably expect those attributes to remain as rural. Many residents have chosen to live and spend time in this area, and Port Underwood in general, specifically because of the conditions that currently exist. Even apparently small changes need to be considered carefully as to possible effects on the activities and conditions which may change in this area.

**Protection of productive rural land**

This subdivision will considerably reduce the ability to realise the productive capability of this rural land. The assessment within the application that the land is marginal in their opinion does not discount the current and potential use of this land. The previous subdivision that has occurred in Oyster Bay has mainly been on the margins and included much less productive areas.

**Benefit versus costs**

This subdivision does not seem to provide any benefit to Oyster Bay beyond the financial reward to the applicants but creates a number of detrimental costs in non-financial terms. Some of these costs will be born by the council. It is likely that if extra amenities and council services are required in the future, then residents of Port Underwood may all be required directly or indirectly to contribute.

Although the applicant requests additional “sections need to be created for sale” (executive summary p7) this aspect should not be considered as a reason to support the application and is therefore rebutted by our Association.

**Precedence**

The use of precedent to justify this application is unacceptable.The existence of smallish sections Oyster Bay has been referenced by the applicants as a reason for allowing this application. If allowed, this latest application and subsequent subdivision sets further precedence for more subdivision in Oyster Bay, resulting in the exact situation that the Marlborough District Council and the Environment Court has ruled against. It also sets a precedent for further subdivision in other bays. It is noted that decisions made on subdivision in other bays have been used by these applicants as reasons to justify certain aspects of their plans for Oyster Bay.

The Port Underwood Association therefore asks the Marlborough District Council to decline this application in its entirety.

Thank you for the opportunity to present these issues regarding this application.

The Port Underwood Association reserves the right to attend the public hearing to present its submission.

Address for service of submitter:

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Attention: John Davison, Chairman

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A copy of this submission has been mailed to the applicant’s agent at :

RMco Ltd,

P.O. Box 820,

Blenheim, 7420.

Attention : Mr. P. Williams