Submission on U161175 Barge site at Pipi Bay, Port Underwood

On behalf of

The Port Underwood Association

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**Introduction**

This is a submission in respect of the application by Aubade Ltd for a logging barge site and 60-metre causeway in Pipi Bay Port Underwood. This submission is made on behalf of The Port Underwood Association Incorporated (the Association) membership of which is open to persons having a meaningful interest in Port Underwood. Membership consists of permanent and part-time residents, bach owners, forestry owners, commercial fishers and marine farm owners. Current membership is approximately 120 with each typically representing a household or family group. 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.

The constitution of the Association sets forth that it should:

* Encourage and promote the use and preservation of the Area in a manner consistent with the fair use and enjoyment of the Environment,
* Promote the protection and enhancement of the beauty and natural values of the Area for the use and enjoyment of people,
* Promote in the government of the Area balance among the potentially competing interests of different types of users of the Area, which do not prejudice the collective general interests of private land owners in the Area and to participate in such government,
* To represent and advance the interests of the members as holders of beneficial interests in the Area to and with any authority having control or influence in matters affecting the Area,

Therefore the Port Underwood Association (PUA) is opposed to parts of this application for the following reasons:

**Underwater Spring**

It is our understanding that Pipi Bay is the site of an undersea freshwater spring. This is shown on the chart attached at Appendix A.

A causeway, the dredging, excavation and dumping of material to create the causeway may irreparably harm this spring. There are few underwater fresh springs and there is potential that the introduction of a large causeway in the area will inevitably harm this rare and delicate ecosystem.

The building of a causeway and the creation of a logging barge site will be contrary to sections 5, 6(a) and 6(b) of the Resource Management Act 1991.

**Anchorage**

Pipi Bay is a well-known anchorage and is shown on various maps and charts (see Appendix A). A number of boats have been observed anchored overnight in the Bay over many years including recently. The use of the bay as a barge site, the possibility of loose logs in the water, and the presence of the causeway will all adversely impact the safe anchorage of boats and reduce the desirability of anchoring there. This is contrary to sections 5, 6(a) 6(b) and 6(d) of the Resource Management Act 1991.

**Recreational use**

Pipi Bay is a popular destination for the boating community, sheltering & over-nighting boats/yachts, and recreational use. It is also used for water skiing, and diving. This application would markedly detract from their experience. This is contrary to sections 6(a) 6(b) and 6(d) of the Resource Management Act 1991.

It is unlikely that the causeway would be regarded as an amenity or used to tie up boats. The very nature of its construction makes it almost impossible for anything other than a large barge to conveniently use. It is often suggested in applications for mussel farms that the structures can be utilised by recreational boats. Observation of the Port Underwood area would indicate that this is rarely done. It is suggested that individuals do not believe they can utilise what is private property in this way nor do they desire to. It is submitted that the same would apply to the causeway.

Recreational users would not realise that the causeway is not a private structure. The presence of the causeway, the activity of the log marshalling including the constant truck movements and barge loading activity would effectively privatise this area as well as reduce the desirability to the public to use this bay There will be a marked decrease in the visual amenity while the causeway is in place and a decrease in visual amenity and increase in the noise disturbance while the log transporting to Pipi Bay and the log marshalling is taking place.

The use of the area as a log marshalling and barge loading area will increase the potential of logs falling into the water and this will be a hazard for recreational users. Logs have been observed falling into the water from harvesting, and it is submitted this will increase when the area is used for log marshalling and barge loading.

The application states that the proposed use is appropriate in context of the area being compromised. It is submitted that this is not the case. The area of the bay would be compromised by the construction of a causeway as there is no current development in the bay. This would be a significant change to the natural character of the bay. The land behind the bay is currently being clear felled but this will not have a long term impact on the bay as regrowth will occur. The causeway will be a permanent structure.

**Environmental issues**

As Pipi Bay is the only bay currently un-modified in this section of Port Underwood it could serve as a significant reference environment for assessing the impact of industrial activity in Port Underwood - this would be lost if the proposal proceeds.

The application states that the causeway will be unobtrusive against the background of the forest harvesting. Whilst this would be true for observations from a distance at sea level, the public road and several residences on the western side are not at sea level and the causeway will not be unobtrusive. Viewed from within the bay the causeway and log marshalling site will be very apparent. In addition, it is submitted that there will be significant noise pollution from the barging and log marshalling activity. This will also not be unobtrusive to residents and tourists to the area.

**Cultural and historic issues**

As the causeway is proposed to be built in the environs of Island Point and Horahora Kakahu Island there is a significant impact upon the historic and cultural significance of the area. The island is the location of the signing of the Treaty of Waitangi in the South Island. It is suggested that this is a place of historic significance and the area should be preserved. The building of the causeway would have a significant detrimental impact upon the visual amenity from the West side of Port Underwood, and this is where the Island is observed from (and there is a signpost pointing to the island on the Port Underwood Road. Any development in this area would be contrary to section6(f) of the Resource Management Act 1991.

It is also submitted that it is likely that the site would be of significant relevance to local iwi, although the Association is not in a position to comment upon this.

**Economic issues**

It is noted that the reason given for the creation of the new barging site and causeway is the increase in expense in using the existing Opua Bay barge site($1-30 per tonne). The veracity of this claim cannot be judged by the Association but it is understood that costs may drive decisions or desires of a business. Whilst the applicants have suggested that there is a recent increase in cost in using Opua Bay, it is not known how this impacts on the overall operation and consequently this information is otiose. It is noted, however, that the prices obtained for radiata logs have increased markedly over the past 18 months.

The purpose of this application is to increase the profits from the harvesting activity. Profits that will presumably be going overseas. If an economic argument is to be considered it would be necessary to evaluate the economic effect on the local economy. We submit that the granting of this application would decrease the financial contribution of the harvesting activity to the Marlborough area rather than increase it.

The Association believes that a proposal that is based on increasing profits for the applicant by increasing the social and environmental costs to the community while decreasing the economic benefit to the community should not be granted.

**Logging activity**

It would appear that extensive logging has been undertaken in the area surrounding Pipi Bay. This suggests that there is little reason for the causeway given the extent of trees that have already been cleared.

**Previous applications**

An application was made in 2000 by the Benmorven Estate Trust Partnership for a marine farm in Pipi Bay (U990746). This was refused. The decision is attached (Appendix B). The reasons for the refusal (in brief) were:

* Pipi Bay is a site used for significant recreational activities and the proposal would not be sustainable in terms of sections 5(2), 6(d) and 7(c) of the Resource Management Act 1991.
* There were [and still are] no manmade structures in Pipi Bay and the introduction of a man made structure into the unmodified environment would have more than a minor adverse effect on its existing character and amenity value compromising sections 6(a), 7(d) and 7(f) of the Resource Management Act 1991.
* Island Point and Horahora Kakahu Island are significant in terms of the signing of the Treaty of Waitangi (the island being the only place where the Treaty was signed in the South Island). It is also a significant site for local iwi.
* The spiritual significance of Island Point and Horahora Kakahu Island extends into the surrounding waters and the grant of a consent would be contrary to sections 6(e), 7(a) and 7(aa) of the Resource Management Act 1991
* The New Zealand Pilot, and the New Zealand Cruising Guide, and the relevant charts, show Pipi Bay as an anchorage. These publications are relied upon by mariners, some of whom do not have local knowledge, who have an historical right to safe and unrestricted anchorage.
* Structures in the Bay would be a hazard for anchoring vessels and would compromise Part II of the Resource Management Act 1991 as it would not "enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety ... " (section 5(2)).

The hearing committee held that the characteristics, values and uses of Pipi Bay are such that it recommended the bay to be rezoned as Costal Marine Zone 1 to preserve the values for future generations.

Pipi Bay has not changed in the past 16 years and it is submitted that the decision of 2000 should be followed in respect of this application. There are significant recreational and cultural aspects that will be adversely impacted by this application and consequently it should not be permitted to progress.

**Study for a barge site in Kenepuru Sounds produced for the Marlborough District Council**

While this study (see Appendix C) was produced for a barge site in Kenepuru Sounds as a replacement for the use of public roads and therefore the production figures and comparisons to road usage are not valid for the Pipi Bay barge site application, some of the general comments about log barging sites reinforce our position as put forward in this submission. Those comments are:

paragraph 12 *– There is currently no viable “sea” option (barging site) in operation this area.*

This indicates that a consideration of available barging sites should take place in the evaluation of establishing a new barge site. We submit there is a viable barging site at Opua Bay which is available to this harvesting scheme.

paragraph 31 -*Should there be an investment of public money into a barge site then it is will be recommended that a precondition of the investment be that forest owners formally commit to exclusive use of it by individually signing a Memorandum of Use.*

There has been investment of public money into Opua Bay so this statement indicates that it would be expected that logs from this forestry operation should be using Opua Bay as a barging site.

paragraph 32 -*Furthermore that M.O.U. will spell out terms and conditions for management and maintenance of the barging facility. It is anticipated that this would fall to the users to be responsible for.*

The legal status and responsibility for the long term management of the Pipi Bay causeway and auxiliary infrastructure is undefined in this application other than the applicants have no desire to continue responsibility for it once the logging is finished.

paragraph 36 -*Noise and nuisance are also factors that need to be taken into account.*

We agreed with this statement and submit that the applicants have not properly and fully assessed this issue.

paragraph 37 *- Establishing a barge site will not be without challenge on an environmental front.*

We agreed with this statement and submit that the applicants have not properly and fully assessed this issue.

**Summary**

The establishment of a barging site and causeway in Pipi Bay is not necessary for the continuation of the harvesting activity by Aubade Ltd. as a viable existing alternative is present.

The plan, as presented, creates a number of adverse effects on the environment and the community. Some of those adverse effects consist of: alteration of the marine environment, adverse effects on recreational users, adverse effects on the visual amenity and natural character of Pipi Bay. We submit that the applicants have not properly and fully evaluated the effects in relation to the Marlborough resource management plans.

The causeway will create a permanent industrial structure in a bay that is currently free of any such structures. A structure that the applicants show no intention of removing after its short term usage and which will be left to degrade with no acknowledged owner.

A past decision on an application for commercial activity in Pipi Bay declined the application and ruled that there was sufficient merit in recognising the recreational activities, preserving unmodified environment as well as the natural character and amenity values of the Bay, and recognising the cultural significance of the area.

This proposal does not offer any benefits to the social and economic wellbeing of the local community. In fact, it decreases the overall financial contribution of the harvest program to the Marlborough economy. The (assessed) small marginal cost of continuing to use the existing Opua Bay barge site does not justify the increased social and environmental costs to the community of creating and using a barge site at Pipi Bay as applied for in this application.

We see the causeway as one of the major contributors in the creation of the adverse effects as listed above and suggest that the applicants explore other possibilities for barging without a causeway and for providing control of the land based activities in such a way as to minimise the noise, alienation of the public to the foreshore, and other effects such as siltation and industrial waste contamination.

We wish to speak to our submission at the resource consent hearing if one is held.

Ken Roush,

Chairman for the

Port Underwood Association

Appendix A Chart

[Chart NZ 6212 Plans on the North East Coast of South Island: Port Underwood - New Zealand Hydrographic Authority | Waikawa | GIS Data Map Mapping | LINZ Data Service](https://data.linz.govt.nz/layer/1413-chart-nz-6212-plans-on-the-north-east-coast-of-south-island-port-underwood/%22%20%5Ct%20%22_blank)

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Appendix B - Decision on U990746

Decision on Application for Resource Consent - Coastal Permit

APPLICANT: Smythe Family - Benmorven Estate Trust Partnership

LOCATION: Pipi Bay North, Port Underwood

At a meeting held on Wednesday, 13 December 2000, Council's Resource Hearings Committee considered an application seeking resource consent to place standard marine farm backbone lines, floats and anchoring systems for the purpose of carrying out the marine farming of green lipped mussels *(Pema canaliculus),* scallops *(Pecten novaezelandiae),* flat oysters *(Tiostrea lutaria),* sponges Yellow slimy *(Lissodendoryx sp, Latruncalia sp and Mycale sp),* seaweeds *(Ulva lactuca, Macrocystis pyrifera, Ecklonia radiata, Lessonia variegata, Gracilaria sp* and *Pterocladia lucida)* within an area of 7.68 hectares, and to place appropriate structures for spat catching of the same species at the site).

The site of the application is Pipi Bay, Port Underwood, as shown on a plan included with the

Application:

The Committee's decision is as follows:

That pursuant to the Resource Management Act 1991, a coastal permit (occupancy, activity andstructures) to establish a new marine farm in Pipi Bay, Port Underwood, sought by the SmytheFamily - Benmorven Estate Trust Partnership is hereby REFUSED.

The reasons for the decision were as follows:

1. The farm was proposed to be located in Pipi Bay which the Committee considered to be aclearly defmed embayment with distinct values in terms of:

• The three beaches at the head of the bay and along the south coast of the bay;

• The distinctive peninsula of Island Point and its surrounding reefs;

• Horahora Kakahu Island and the significant cultural values of this locale;

• Being the only bay between Robertson Point and Kanae Bay that is free of marine farmstructures; and

• Being an acknowledged and used anchorage

2. The Committee noted the evidence regarding the degree to which Pipi Bay is used forrecreational activities such as fishing, set netting, water skiing and picnicking andconsidered a marine farm in this location, and of the scale proposed, would significantlyaffect those existing uses. Thus the proposal would not be sustainable in terms ofsections 5(2), 6(d) and 7(c) of the Resource Management Act 1991.

3. That Pipi Bay is currently unmodified by marine farms or other man made structures. Theintroduction of man made structures into that unmodified environment would have a morethan minor adverse effect on the existing character, landscape and amenity values of thearea. The proposal would therefore compromise sections 6(a), 7(d) and 7(f) of the ResourceManagement Act 1991.

4. That Island Point and Horahora Kakahu Island are significant in terms of the signing of theTreaty of Waitangi. This area was also the site of significant occupations in the past by iwiand remains a significant focus for iwi in the area. The Committee noted in particular thatperiodic *hui a iwi* are held on the island.

5. That the spiritual significance of Island Point and Horahora Kakahu Island to iwi extends tothe surrounding waters, and a grant of consent would therefore be contrary to sections 6(e),7(a) and 7(aa) of the Resource Management Act 1991.

6. The Committee considered the evidence of Captain King in relation to the use of Pipi Bay asan anchorage. The Committee is however aware that the New Zealand Pilot, and the NewZealand Cruising Guide, and the relevant charts, show Pipi Bay as an anchorage. Thesepublications are relied upon by mariners, some of whom do not have local knowledge, whohave an historical right to safe and unrestricted anchorage.

7. That the establishment of structures within an acknowledged anchorage would create apotential hazard for anchoring vessels and would therefore compromise Part 11 of theResource Management Act 1991 in that it would not "enable people and communities toprovide for their social, economic and cultural wellbeing and for their health and safety ..."(section 5(2)).

FOOTNOTES:

1. The Committee noted the submissions of the applicant's counsel to the effect that the'submission' lodged by J and N Guard should be disregarded as it was received some fourmonths after the close of the submission period. The Committee however considers the'letter' received from Mr and Mrs Guard does not constitute a submission in terms ofSection 96 of the Resource Management Act and was in fact included as furthercorrespondence for the sake of completeness.
2. After considering this application, the Committee holds the view that the specificcharacteristics, values and uses of Pipi Bay are such that a recommendation should be madeto Council to have the bay rezoned as Coastal Marine Zone 1, so as to ensure protection ofthose values for future generations.

Please note that the foregoing is the full text of the decision.

Appendix C

(As part of a report prepared by Jon Cunliffe for the Marlborough Annual Plan review)

**Appendix: Establishing A Barging Loading Site on the Northern Side of Kenepuru Sound**

**Purpose**

1. The purpose of this report is to request budgetary provision for the establishment of a barge loading site on the northern side of Kenepuru Sound. This facility would be used principally for the transportation of harvested forestry logs by sea to Havelock as an alternative to using Kenepuru Road

**Background**

2. Commercial forestry has been established throughout the Marlborough Sounds with significant areas being planted during the early to mid 1990’s.

3. Plantings and replanting have occurred on a regular basis since.

4. A key aspect of the overall production cycle, especially within the Marlborough Sounds, is the transportation of harvested logs to export or processing facilities.

5. While the Port Underwood and Queen Charlotte Sounds forests have been in harvest mode for some years now many of the forests in the Kenepuru and Pelorus Sounds areas are now approaching maturity.

**Kenepuru/Pelorus Forests – Yields and Transport Options**

6. A study of the location, age and yield profiles of established commercial forests in the Kenepuru/Pelorus Sound area has enabled projections of harvest tonnages over the next two growing cycles (50+ years) to be made.

7. These tonnages require transporting from the forest to export and/or processing facilities.

8. For parts of the Kenepuru/Pelorus there are no transport options. It is either by sea (barge) as in the Pelorus area or by road in the Mahau area.

9. However along the northern and north-eastern margins of Kenepuru Sound there is both a sea and a road option for transporting harvested logs.

10. For forests in this area the road in question would be the Kenepuru Road from the vicinity of Waitaria Bay on the north side around to Broughton bay on the south side.

11. If the existing road were to be used it would have to be upgraded significantly to carry the additional loads. A capital cost. Coupled with this would be a much heavier annual maintenance requirement on account of both the heavier loading and the higher frequency of those loadings.

12. There is currently no viable “sea” option (barging site) in operation this area.

13. It is proposed that a barge loading site be established on the northern side of Kenepuru Sound as an alternative to using the road.

14. The cost of establishing such a facility is estimated at $430,000. It is for this purpose that budget is being sought.

**Kenepuru/Pelorus Forests – Study Area; Planting and Harvest Profiles**

15. Figure 1 (below) indicates the extent and location of existing commercial forests in the Kenepuru/Pelorus Sound. It shows the catchment as a number of sub areas; Hopai, Titirangi, Mahau, Pelorus and Crail. These are labelled on Figure 1 and are referenced in succeeding Figures and Tables. Within the Hopai and Crail areas a dotted yellow line (labelled “Divide”) approximates a ridge line. Arrows indicate the direction harvested logs may be transported in if a barging site were in place at the site indicated.

**Figure 1:** Commercial Forestry in the Kenepuru/Pelorus Sound Study Area *[Omitted for brevity as it is not applicable to Pipi Bay.]*

16. Figure 2 (below) shows the planting profile for the study area.

17. Of note is the upsurge in planting from the early 1990’s. Steady planting has been sustained over the years since, albeit not at the same levels as in 1992.

18. There is currently some 4,310 hectares planted in commercial forest within the study area.

**Figure 2:** Planting Profile: Kenepuru/Pelorus Sound Study Area *[Omitted for brevity as it is not applicable to Pipi Bay.]*

19. Table 1 (below) summarises the projected yields (in tonnes) from commercial forests within the study are over two harvest cycles. The table groups forests by area AND by transport option available.

20. Of note is that the total yield from the area over each harvest cycle is between 2.2 and 2.3 million tonnes. This represents a significant “production” resource.

**Table 1:** Yields from Forestry – Kenepuru/Pelorus – by Harvest Cycle and Transport mode *[Omitted for brevity as it is not applicable to Pipi Bay.]*

21. Of relevance to this item is the tonnage projected from the areas where there is both a road or a sea option for transport (ie if an additional barge site were in place as indicated and was operational.)

22. Over the first harvest cycle such a facility would handle an estimated 497,416 tonnes with a similar amount projected in the second harvest cycle. Assuming an average load of 28 tonnes per load, this equates to approximately 35,000 truck movements per harvest cycle.

23. The harvest profile for those areas where a Road or Sea option exists is shown in Figure 3 (below).

24. This highlights the fact that there are both highs and lows within the harvest cycles and from a roading design point of view it would be misleading to use average annual figures.

25. A feature in Figure 3 is the very high harvest projected for the first year – approaching 140,000 tonnes. It is important to appreciate that although the first year may have come and gone and the trees have not been harvested that is not the end of the matter. The trees are still there and will be harvested at some point. This merely adds to the harvest volumes and the loading on infrastructure in succeeding years.

**Figure 3:** Harvest Profile for Forests with a Road or Sea option for Transport *[Omitted for brevity as it is not applicable to Pipi Bay.]*

**The Case for a Barge Site**

26. The marginal costs of upgrading Kenepuru Road to enable it to take the increased loadings that would result from transporting harvested logs where road or sea has been identified as a transport option for the Hopai, Crail and Titirangi areas.

27. This would require a capital cost to upgrade the structure and the form of the Kenepuru Road from Waitaria Bay through Broughton Bay. There would also be an ongoing and increased annual maintenance costs to keep to road open.

28. The additional capital and maintenance cost has been estimated in present day terms at $3.33m or $6.63/tonne of harvested logs. This option also generates benefits to private motor vehicles through improved alignments as one example.

29. In comparison the cost of establishing and operating barging site has been estimated at $430,000 or $0.86/tonne of harvested logs for the first harvest cycle.

30. These comparisons represent a comparative cost of infrastructure only. It is assumed that ALL timber harvested from the “barge site catchment” would be transported through the barge site.

31. Should there be an investment of public money into a barge site then it is will be recommended that a precondition of the investment be that forest owners formally commit to exclusive use of it by individually signing a Memorandum of Use.

32. Furthermore that M.O.U. will spell out terms and conditions for management and maintenance of the barging facility. It is anticipated that this would fall to the users to be responsible for.

33. In addition to the cost of infrastructure considerations there are other significant factors to take into account.

34. While the use of a barge site may incur additional handling costs for foresters, there will be savings in road transport costs to offset this.

35. Safety for road users (trucks and other vehicles alike) and residents along the road has been raised as a major concern amongst residents in the Kenepuru and Central Sounds Area.

36. Noise and nuisance are also factors that need to be taken into account.

37. Establishing a barge site will not be without challenge on an environmental front.

38. Neither would getting public support for using the current road network for the increased traffic loadings and the expenditures required to support upgrade works.

39. Overall a new barging site would be an investment in the community wellbeing, delivering both tangible and in-tangible benefits.

**Summary**

40. Significant tonnages of harvested logs from areas where there are transport options available (sea as well as road) will come on stream throughout the next 50 plus years.

41. There is a strong case emerging to establish a barge loading site within the Kenepuru Sound – northern side - to take the pressure off the Kenepuru Road as well as contributing to a greater sense of community harmony and road user safety than if the road was the sole means of transport.

42. The cost of establishing a new barge site has been put at $430,000 or $0.86 per tonne of logs harvested.

43. The cost of upgrading existing roading infrastructure (capital plus maintenance) has been estimated at $3.33m or $6.63/tonne.

44. This facility which would operate for the public, community and private good.

45. $430,000 has been determined as the level of investment sought for this project.

46. A Memorandum of Use (MOU) requiring all foresters in the designated catchment to use the barge site only and not the Kenepuru Road is a precondition of investment.

**RECOMMENDED**

**1. That the information be received and adopted as supporting information.**

**2. That $430,000 be included in the Roading Budget for the establishment of a barge loading site on the northern side of Kenepuru Sound to provide a sea based option for the transport of harvested logs from that area to Havelock.**

**3. That a fully subscribed Memorandum of Use (MOU) requiring all foresters in the designated catchment to use the barge site only and not the Kenepuru Road be a precondition of the investment.**