

Submission Form 13**File No: RM14.106**

This is a Submission on a publicly notified resource consent application pursuant to Section 95A(2)(a) the Resource Management Act 1991

Applicant Details:

Name of Applicant: **Southern Clams Limited**
 Application Number: RM14.106.01 and RM14.106.02
 Description: Coastal permit applications for activities associated with aquaculture within Otago Harbour

Locations: Three locations within Otago Harbour;
Site 1: Adjacent to the main navigation channel approximately 930 metres east of Rocky Point
Site 2: At the approximate midpoint between the main container wharf at Port Chalmers and Harwood, approximately, 1,700 metres south east of Rocky Point
Site 3: Adjacent to the main navigation channel approximately 2,200 metres south west of Quarantine Point

Legal Description: Common Marine and Coastal Area, Otago Harbour

NZTM 2000 Map Reference: Site 1: Midpoint E1416646, N4925063
 Site 2: Midpoint E1416991, N4924225
 Site 3: Midpoint E1414997, N4921914

Submitter Details:*(please print clearly)*Full Name/s Andrew Clouston
 Full Postal Address: c/o Yachting New Zealand
PO Box 33 1487
Takapuna, AUCKLAND **Post Code:** 0740
(please tick your preferred Daytime contact number)

☒ **Work Ph:** (09) 361 4021
☐ **Home Ph:** _____
☐ **Mobile Ph:** _____



Signature/s of submitter/s (or person authorised to sign on behalf of submitter/s)

19/3/15

 (Date)

PTO

Submission No: _____

Please tick one of the following submission types regarding the application,

Do you:

- ☐ Support
☐ Neutral
☒ Oppose

Do you:

- ☒ Wish to be heard
☐ Not wish to be heard

in support of my/our submission.

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- ☐ Yes
☒ No

The specific parts of the applications that my submission relates to are: *(Give details)*

Please see attached submission.

My/Our submission is *(the reasons for your views, use a separate sheet if necessary)*

Please see attached submission.

I/We seek the following decision from the consent authority *(give precise details, including the general nature of any conditions sought)*

To decline the consent application in full.

Date submissions close: 5 pm Friday 20th March 2015

A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Otago Regional Council

Address for Otago Regional Council:

Otago Regional Council, Private Bag 1954, Dunedin, 9054

Address for Applicant:

Southern Clams Limited, PO Box 483 Dunedin, 9016, Attention: Roger Belton

**Submission to the ORC on the Southern Clams Ltd. application (RM14.106) by
Yachting New Zealand Inc.**

1. Yachting New Zealand (YNZ) is the national sports organisation (NSO) for sailing in New Zealand. YNZ represents over 31,000 members in 114 yacht clubs from Taipa in the north to Bluff in the south – also affiliated are 50 class associations and 40 maritime associations. Many members are involved in both power and sail driven activities.
2. YNZ is not opposed to aquaculture per se but seeks that aquaculture takes place in appropriate places; in particular YNZ seeks that:
 - (a) Aquaculture structures and activity is not in placed where it will pose a risk to navigational safety.
 - (b) Aquaculture structures do not impede passage to and anchorage in bays used as safe daytime and overnight anchorages and ports of refuge in adverse weather.
 - (c) Aquaculture development takes place in areas where there will be no adverse effect on the community's access to the coastal marine area (CMA) for recreational use (including for sporting activities).
3. YNZ considers the sites proposed in the application by Southern Clams Limited are inappropriate locations and seeks that the Otago Regional Council rejects the application in full.
4. YNZ seeks rejection of the application in full on the following grounds:
 - (a) Locating aquaculture in the sites identified in the application will have a significant adverse effect on the sailing area used by local clubs and visiting sailors for recreation and sport.
 - (b) The sites are located directly alongside major navigational channels. The placement of these sites contravenes Maritime New Zealand's guidelines for placement of aquaculture structures.

5. All three sites impact upon current sailing areas. Such areas are relatively limited in the Otago harbour.
6. Whilst the Application notes that they only propose to use an area of 0.56% of the total area of the Otago Harbour area it must be noted that the available area within the Otago Harbour for successful yacht races and recreational sailing is very limited currently due to a number of physical constraints; namely the major sand banks that stretch virtually the length of the harbour and divide the harbour from west to east, the rock wall that bounds the Victoria Channel south to the Midway Islands to Dunedin, the shallows very prevalent in the upper harbour and eastern side of the harbour, the two major islands at the midway point in the harbour, the already present commercial Port activities - namely the areas surrounding the Container Terminal at Port Chalmers and the Dunedin Port in the upper harbour.
7. Site 2, 1804/1 is in an area currently used by the Port Chalmers Yacht Club for racing. To be able to run a variety of courses during all prevailing wind directions and tidal heights it is very advantageous to be able to use the extremities of the areas of the Portobello Bay. This includes going out to the waters in the extreme North/west area of this Bay which is where Site 2 is proposed to be located. Yachting racing, by the very nature of sailing does require an area that is not bounded by a strict line directly from one mark to the other. Yachts do require the room to tack to a mark, this necessitates that lay-lines to the marks will always be beyond the tight confines of any arbitrarily drawn line between buoys.
8. Both Sites 1 & 3, 1804/2 & 1805/3, also occupy areas that are also used for sailing. Site 1 is located in a large area just beside the main shipping channel. This area is used by yachts when racing / sailing in the lower channel as it can provide an area that is out of the main tidal flow experienced in the main shipping channel. It also provides a safe area for yachts to navigate should there be any shipping in the main shipping channel adjacent to it.
9. Site 3, 1805/3, is very similar to Site 1, in that it affords a large area outside of the main tidal flow and a very safe area for yachts to progress through should shipping be present around the Midway Islands.

10. We have considerable concerns regarding navigational safety with sites 1 and 3. Their presence will create two bottleneck areas where the opportunity to safely move out of the shipping channel for pleasure craft will be lost.
11. Adding structures into the CMA creates navigational safety risks. Maritime New Zealand produced a guide to the placement of aquaculture addressing this risk; the specific positioning section of the Guidelines reflects that marine farms present a hazard to navigation. The following comments make reference to the Guidelines for Aquaculture Management Areas and Marine Farms (2005) (Provided as an appendix to this submission).
12. The Guidelines refer to "AMAs"; as a result of changes to legislation governing aquaculture in New Zealand AMAs as previously defined in legislation no longer exist. However an "AMA" simply refers to an area where marine farming can take place under the Coastal Plan. Accordingly references in the Guidelines to AMAs remain relevant.
13. 5.2.2 of the MNZ document states that aquaculture "shall be kept clear of recognised navigational routes, navigational bottlenecks and port approaches".
14. 5.2.5 states "As a minimum figure... inshore farms shall not be located within 500 metres of any recognised navigational route".
15. The Guidelines include the following definition of Navigational Route:
 - (a) **Recognised Navigational Route:** Is a safe sea passage and commonly used by vessels navigating within that area. The recognised navigational route may be one used by commercial vessels to and from ports and may also include pleasure craft routes which are normally used to navigate between popular destinations.
16. Proposed Areas 1804/2 and 1805/3 lie within 50 metres and 20 metres of the main shipping channel, respectively. Moreover, both Proposed Areas lie squarely across navigational routes widely used by smaller craft, particularly when avoiding heavy ships moving through the main channel. This would certainly rule out sites 1 and 3.
17. We have concern around the detail of lighting of the proposed farms if approved. Whilst the Application notes the necessity for Navigational lighting no

further detail is given to additional lighting, neither distance between lights, nor how these will be viewed at sea level by a yacht traversing these areas at night with a backdrop of already existing navigation lights plus additional harbour and shore-line lighting.

18. We are concerned with the lack of evidence justifying the size of the indicated sites. We see little evidence within the Application that any form of exhaustive research was undertaken to look into the possibility of any other viable areas being available for this activity; likewise the investigation of on land tank purging of the Oysters appears to be given just a cursory dismissive look.

Andrew Clouston
Participation and Development Manager, Yachting New Zealand
March 20, 2015