

5. OBJECTION TO PEGASUS BAY MUSSEL FARM APPLICATION

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The purpose of this report is to ask the Council to ratify the actions of staff in lodging an objection to Pegasus Bay Aquaculture's application for a consent to operate a mussel farm in Pegasus Bay.

BACKGROUND

On 25 November 2001 Pegasus Bay Aquaculture Ltd applied to Environment Canterbury for a resource consent to operate a mussel marine farm over 10,664 ha of Pegasus Bay, some 10km off the coast from the mouth of the Waimakariri River, between Woodend and Waimairi Beach (refer attached location plan). The area of sea involved is more than double all existing New Zealand marine farms. The company has stated in the media that it sees the mussel farm as creating 600 - 1,000 jobs and \$100M a year in export earnings.

The City Council's main concern with this is that a marine farm could restrict the future options for wastewater disposal. Councillors will be aware that the Council is seeking consents to discharge treated wastewater from our treatment plant to the Avon-Heathcote Estuary for another 15 years. Beyond that time we see at this stage no reasonable alternative but to continue to discharge to the Estuary, or possibly directly to Pegasus Bay via an ocean pipeline. Either way the treated effluent will end up in Pegasus Bay.

The Council has conducted studies into current circulation patterns and die-off rates of pathogens from both these options, and conclusions to date are that there is not likely to be significant threat to the health of mussels within the area proposed in Pegasus Bay Aquaculture's application. However, more studies are needed to be conclusive about this. In addition, it should be noted that, even if science indicates no concerns over health, there might be strong negative perceptions to overcome when we seek a further consent. The Council therefore considers that a marine farm in Pegasus Bay has the potential to be incompatible with wastewater needs now and in the future.

Note that this concern applies regardless of whether in the future the Council seeks a wastewater consent to discharge to the Estuary or direct to the ocean, because in either scenario the effluent ends up in Pegasus Bay. However, it should be noted that Pegasus Bay Aquaculture's application will be of more immediate concern to the Council if it does not get the wastewater consents it is seeking and it is forced into constructing an ocean pipeline in the short term, as it is likely that the perception issues could be greater for a direct ocean discharge.

In addition to wastewater concerns, the Council considers that a marine farm could interfere with visual amenity, recreation, and navigation values in Pegasus Bay, and has the potential to pollute the Bay.

On 28 November 2001 the Government issued a press statement announcing that it was going to introduce legislation imposing a two-year moratorium on new resource consents for new aquaculture developments. The purpose of the moratorium is to enable legislation to be drafted, introduced and passed implementing a new management regime to provide for the sustainable development of aquaculture.

Proposed changes would enable regional councils to restrict aquaculture to clearly defined Aquaculture Management Areas. Development approvals within these areas would use a single permit process and individual sites would be tendered.

Subsequently the Resource Management (Aquaculture Moratorium) Amendment Bill was introduced into Parliament and is currently before a select committee for public submissions. It is anticipated the Bill will be enacted by April this year.

As drafted the Bill provides that if a hearing for an aquaculture resource consent had commenced by 28 November 2001 then the hearing could be concluded and a consent granted. On this basis the Pegasus Bay application could not proceed to a hearing. However, it may be the select committee recommends the cut-off date be changed. If that occurs the Pegasus Bay application could proceed to a hearing.

While Environment Canterbury has publicly notified the Pegasus Bay application, given the introduction of the Bill, we understand Environment Canterbury will defer any hearing until the Bill is enacted.

Waimakariri District Council has filed a submission in opposition to the Pegasus Bay application on the grounds the mussel farm may conflict with the establishment of an ocean outfall by that council.

ACTION TO DATE

To protect the City Council's position and options, Council staff have lodged an objection to Pegasus Bay Aquaculture's application and have asked to be heard at any hearings. Staff also intends also to hold discussions with Pegasus Bay Aquaculture to clarify our concerns and any opportunities for mitigation.

SUMMARY

To protect the Council's position in regard to its Christchurch Wastewater Treatment Plant Resource Consents application, visual amenity, recreation and navigation values in Pegasus Bay, Council staff have lodged an objection to Pegasus Bay Aquaculture's Mussel Farm Resource Consent application. Council ratification of this objection is sought.

Recommendation: That the Council ratify the actions of staff in lodging an objection to Pegasus Bay Aquaculture's application for a consent to operate a mussel marine farm in Pegasus Bay.