

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**EnvC-CHC-2020-**

**IN THE MATTER** of the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of a decision on the proposed Marlborough Environment Plan

**BETWEEN** **AROMA (N.Z.) LIMITED** a duly incorporated company having its registered office at Cope Shearling Limited, 68 Mandeville Street, Christchurch, 8011, New Zealand and **AROMA AQUACULTURE LIMITED** a duly incorporated company having its registered office at Cope Shearling Limited, 68 Mandeville Street, Christchurch, 8011, New Zealand

**Appellants**

*(Continued next page)*

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**NOTICE OF APPEAL  
Dated this 8th day of May 2020**

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Next Event Date:

Judicial Officer:

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**GASCOIGNE WICKS  
LAWYERS  
BLLENHEIM**

Solicitors: Quentin A M Davies | Amanda L Hills  
([qdavies@gwlaw.co.nz](mailto:qdavies@gwlaw.co.nz) | [ahills@gwlaw.co.nz](mailto:ahills@gwlaw.co.nz))

Appellants' Solicitor  
79 High Street  
PO Box 2  
BLLENHEIM 7240

Tel: 03 578 4229  
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**AND**

**MARLBOROUGH DISTRICT COUNCIL**

**Respondent**

**Notice of Appeal to Environment Court against decision on a proposed Plan**

*Clause 14(1) of Schedule 1, Resource Management Act 1991 (the Act)*

**To:** The Registrar  
Environment Court  
Christchurch

**Name of Appellant and Decision Maker**

- 1 Aroma (N.Z.) Limited and Aroma Aquaculture Limited (collectively “Aroma”) appeals against part of the decision of the Marlborough District Council (“MDC”) on the proposed Marlborough Environment Plan (“proposed Plan”).
- 2 Aroma made a submission on the proposed Plan.

**Trade Competition**

- 3 Aroma is not a trade competitor for the purposes of s 308D of the Act.

**Date of Decision appealed against**

- 4 The reasons for the decision were released from 21 February 2020, with the tracked changes decision version of the Plan being released on 3 March 2020.

**Date on which Notice of Decision was received by Appellant**

- 5 Aroma received notice of the decision on 21 February and 3 March 2020.

**The Decision**

- 6 The parts of the decision that Aroma is appealing are:

*Landscape and Coastal Natural Character*

- 7 The extent of mapping of Outstanding Natural Landscape (ONL) in Landscape Maps 1, 2, 4 and 5 in Volume 4 of the proposed Plan.
- 8 The extent and methodology of mapping of Coastal Natural Character (NC) in Coastal Natural Character Rating Maps 1, 2, 3 and 4, and Natural Character Map Outstanding Maps 2, 3 and 4 of Volume 4 of the proposed Plan.
- 9 The methodology and content in the Landscape Schedule of Values at Appendix 1 of Volume 3 of the proposed Plan, in particular the lack of recognition of marine farms as part of the existing environment of the Marlborough Sounds.

- 10 The methodology and content in the Coastal Natural Character Schedule of Values at Appendix 2 of Volume 3 of the proposed Plan, in particular the lack of recognition of marine farms as part of the existing environment of the Marlborough Sounds.
- 11 The Significance Criteria in Appendix 4 of Volume 3 of the proposed Plan.
- 12 Policy 7.2.12 of Volume 1 of the proposed Plan.

*Ecologically Significant Marine Sites*

- 13 Rule 16.6.6 of Volume 2 of the proposed Plan.
- 14 Rule 16.7.7 of Volume 2 of the proposed Plan.
- 15 Appendix 27 of Volume 3 of the proposed Plan, to the extent that the buffers overlap with existing marine farm 8215.
- 16 The mapping of the buffer around Ecologically Significant Marine Site 3.11 to the extent that it overlaps with marine farm 8215, on Ecologically Significant Marine Site Maps 4 and 9.

*Navigation*

- 17 Policy 13.15.2 of Volume 1 of the proposed Plan.
- 18 The definition of “recognised navigational route” in Chapter 25 of Volume 2 of the proposed Plan, in addition to the lack of mapping of those routes at Volume 4 of the proposed Plan.

**Reasons for the Appeal**

- 19 While Aroma is generally supportive of the proposed Plan provisions, Aroma considers that some change is required to ensure that the proposed Plan:
- (a) Promotes the purpose of the Act, being the sustainable management of resources (section 5);
  - (b) Is not contrary to Part 2 and other provisions of the Act;
  - (c) Is not contrary to the New Zealand Coastal Policy Statement 2010;
  - (d) Is not contrary to other relevant planning documents; and
  - (e) Will meet the reasonably foreseeable needs of future generations.
- 20 In particular, and without limiting the generality of the above paragraph:

*Landscape and Coastal Natural Character*

- 21 The evaluation must be at the appropriate geographic scale treating landscape, feature or natural character areas a whole.
- 22 ONF and ONL boundaries and the corresponding boundaries for natural character should be legible and coherent to the community.
- 23 There should be a correlation between the Outstanding Natural Landscapes and Features mapping in Volume 4 and the landscapes identified at Map 2, Appendix 1 of Volume 3 of the proposed Plan.
- 24 An assessment of biophysical attributes is the appropriate starting point for assessment.
- 25 The scheduling of landscapes, features and natural character needs to go beyond broad generic descriptions of values if a schedule is to serve its intended purpose in assisting consent application processes. The proposed Plan needs to provide as much certainty as possible on what is being protected and why. The proposed Plan fails to achieve Policy 4.3.3.
- 26 The policies and other methods should identify parameters within which change could occur, and where change is anticipated specify the extent to which change may occur in the schedules.
- 27 In line with that, in terms of the new landscape cumulative effects policy 7.2.12, recognition should be given to existing modifications,<sup>1</sup> because cumulative effects in the coastal environment are best addressed through a strategic planning approach.<sup>2</sup>

*Ecologically Significant Marine Sites*

- 28 Rules 16.6.6 and 16.7.7 refer to “deposition”, though the underlying reason for imposing these rules refers to deposition from dredged materials<sup>3</sup>. The rules should reflect the decision, and therefore should refer specifically to deposition of dredged materials. Rules 16.6.6 and 16.7.7, on their current wording, are broad and could apply to more than deposition of dredged material.

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<sup>1</sup> As per the MFA’s submission on natural character cumulative effects policy 6.2.7 (now 6.2.6 in the Decisions Version).

<sup>2</sup> In accordance with policy 7(2) NZCPS 2010.

<sup>3</sup> Decision on Topic 6 Indigenous Biodiversity, at [177], [179] and [198].

- 29 Marine farm 8215 acts as a buffer to Ecologically Significant Marine Site 3.11, protecting the site from other activities by the farm's presence. The activity status of that farm, and the appropriate rule framework should be determined as part of the MEP aquaculture provisions. In turn, Aroma also appeals the specified buffer distances in Appendix 27 of Volume 3 of the proposed Plan, for this reason.

### *Navigation*

- 30 Policy 13.15.2 should map 'headlands'. There is no definition of a 'headland' in Chapter 25 of Volume 2 of the proposed Plan. Without such definition or mapping the scope of application of Policy 13.15.2 is unclear.
- 31 Further, Policy 13.15.2 is broad in scope generally. On its current wording the policy could enable any annoyance or inconvenience to navigation at a 'headland' to trigger this 'avoid' policy. That is burdensome. The focus of the policy should not be on eliminating all risk from the safety system as that is impossible.
- 32 Further, the definition of "recognised navigation routes" in Chapter 25 of Volume 2 is too broad. This paired with the lack of mapping of such routes could lead to over-reach of policy 13.15.2. The definition of "recognised navigational route" could conceivably apply anywhere in the Sounds, especially if kayaks and smaller recreational vessels are taken into account, as these also travel inshore of point-to-point navigation routes.
- 33 An avoidance approach is not justified in policy 13.15.2. References to "avoiding" should be replaced with "appropriately managing" and references to "not affected" should be replaced by "not significantly affected." The avoidance policy is not justified in terms of the regional-level approach to navigation. For example, the recent Revised Harbour Safety Management System<sup>4</sup> refers to a risk-management system, not an avoidance system. Risk management is a dynamic process, which identifies risks, properly manages and controls risks and seeks to reduce risk "so far as is reasonably practicable."<sup>5</sup>

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<sup>4</sup> Comprised of the Harbour Safety Management System, Harbour Safety Plan, Harbour Risk Management Standard and Incident Management – Operational MRA – Commercial, available here: <https://www.marlborough.govt.nz/your-council/meetings?item=id:28dhrpjtvcxbyklh9qf>

<sup>5</sup> Harbour Safety Management System at pp 11 – 12.

**Relief Sought**

- 34 The Appellant seeks the following relief:
- (a) Amendments to the relevant rules and map as set out in **Schedule A** to this notice; and
  - (b) Any necessary consequential amendments; or
  - (c) Other equivalent relief.
- 35 The Appellant agrees to participate in mediation or other alternative dispute resolution of the proceeding.

**Attached Documents**

- 36 The following documents are **attached** to this notice:
- (a) **Schedule A** as referred to above;
  - (b) A copy Aroma's submission and further submission (**Schedule B**);
  - (c) A copy of the relevant parts of the decision (**Schedule C**); and
  - (d) Persons to be served with this notice (**Schedule D**).
- 37 A copy of this notice will be lodged electronically with the Environment Court and the Marlborough District Council in accordance with the updated and amended directions in the Court's Minute of 15 April 2020. The Appellant notes that the requirements to serve a copy of this notice on other parties and provide a list of names to the Registrar have been waived.



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Amanda L Hills and Quentin A M Davies  
Solicitors for the Appellant

**Address for service of the Appellant**

Gascoigne Wicks, 79 High Street, Blenheim 7201.

Telephone: 021 045 8608 or 03 578 4229

E-mail: ahills@gwlaw.co.nz | edeason@gwlaw.co.nz | shammerson@gwlaw.co.nz

Contact persons: A L Hills, Solicitor; E Deason, Solicitor; Sharyn Hammerson, Secretary

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

#### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

#### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.



## Note to appellant

You may appeal only if—

you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and

in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

## SCHEDULE A – Relief Sought

- Base text is the Decisions Version, with Hearing Panel’s recommendations accepted to remove tracking.
- Where the Appellant seeks additional text, this is shown in underline.
- Where the Appellant seeks to delete text, this is shown in ~~strikethrough~~.
- Relief sought is indicative. Relief sought includes alternative wording or approach which achieves similar goals.

Decisions Version	Relevant part of provision	Relief sought
Landscape Map 1, Volume 4	Mapping	Amend the ONL mapping of Catherine Cove and Waihinau Bay/Bulwer in accordance with submissions relating to methodology; and  The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
Landscape Map 2, Volume 4	Mapping	Amend the ONL mapping of Pig Bay, outer Port Gore in accordance with submissions relating to methodology; and  The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
Landscape Map 4, Volume 4	Mapping	Amend the ONL mapping of Nydia Bay, Beatrix Bay, Horseshoe Bay and Fairy Bay in accordance with submissions relating to methodology; and  The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
Landscape Map 5, Volume 4	Mapping	Amend the ONL mapping of Pig Bay, outer Port Gore and Beatrix Bay in accordance with submissions relating to methodology; and  The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
Coastal Natural Character Rating Map 1, Volume 4	Mapping	Amend the mapping of High and Very High terrestrial natural character of Catherine Cove and Fitzroy Bay in accordance with submissions relating to methodology; and  The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
Coastal Natural Character Rating Map 2, Volume 4	Mapping	Amend the mapping of High and Very High natural character of Pig Bay, outer Port Gore and Fitzroy Bay in accordance with submissions relating to methodology; and  The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Decisions Version	Relevant part of provision	Relief sought
Coastal Natural Character Rating Map 3, Volume 4	Mapping	<p>Amend the mapping of High and Very High natural character of Nydia Bay, Fairy Bay, Horseshoe Bay, Fitzroy Bay and Beatrix Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Coastal Natural Character Rating Map 4, Volume 4	Mapping	<p>Amend the mapping of High and Very High natural character of Pig Bay, outer Port Gore, Beatrix Bay and Fitzroy Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Natural Character Map Outstanding Map 2, Volume 4	Mapping	<p>Amend the mapping of Outstanding natural character of Pig Bay, outer Port Gore in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Natural Character Map Outstanding Map 3, Volume 4	Mapping	<p>Amend the mapping of Outstanding natural character of Nydia Bay and Fairy Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Natural Character Map Outstanding Map 4, Volume 4	Mapping	<p>Amend the mapping of Outstanding natural character of Pig Bay, outer Port Gore in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Appendix 1, Volume 3	Methodology and text of appendix/values tables	<p>Amend to recognise that marine farms are part of the existing environment of the Marlborough Sounds. In addition to broad appeal relating to methodology, for each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the Auckland Unitary Plan at Chapter L, Schedule 7):</p> <p><i><u>“Some bays contain existing marine farms, but this does not compromise [relevant area’s name] current natural values.”</u></i></p>
Appendix 2, Volume 3	Methodology and text of appendix/values tables	<p>Amend to recognise that marine farms are part of the existing environment of the Marlborough Sounds. In addition to broad appeal relating to methodology, for each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the Auckland Unitary Plan at Chapter L, Schedule 8):</p> <p><i><u>“Although marine farms occupy part of the [area], they do not compromise the overall ‘naturalness’ of the coastal environment.”</u></i></p>

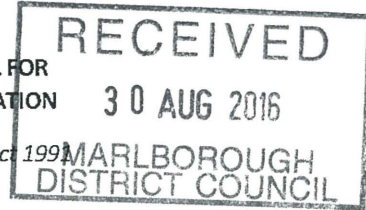
Decisions Version	Relevant part of provision	Relief sought
Appendix 4, Volume 3	Text of appendix	Delete appendix in its entirety.
Policy 7.2.12, Volume 1	Text of policy	<p>In assessing the cumulative effects of activities on outstanding natural features and landscapes, and landscapes with high amenity values, <u>recognition should be given to the extent of cumulative effects from existing modifications to the environment and</u> consideration shall be given to:</p> <ul style="list-style-type: none"> <li>(a) the effect of allowing more of the same or similar activity;</li> <li>(b) the result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect; and</li> <li>(c) the combined effects from all activities in the locality.</li> </ul>
Rule 16.6.6, Volume 2	Text of rule	<p>Amend rule to read:</p> <p>Any dredging, bottom trawling, or deposition <u>of dredged material</u> within the buffer for any Ecologically Significant Marine Site specified in Appendix 27.</p>
Rule 16.7.7, Volume 2	Text of rule	<p>Amend rule to read:</p> <p>Dredging, bottom trawling, deposition <u>of dredged material</u> and reclamation within any Category B Ecologically Significant Marine Site listed within Appendix 27.</p>
Appendix 27, Volume 3	Text of appendix	Make consequential amendments from removal of buffers which overlay with a marine farm.
Ecologically Significant Marine Site Maps 4 and 9, Volume 4	ESMS 3.11	<p>Remove buffer around Category B Ecologically Significant Marine Site 3.11 where the buffer overlaps with marine farm 8215.</p> <p>The MEP should expressly recognise that marine farms do not adversely affect the Tapapa, Kauauroa &amp; Tawero Current Communities, and may act as a buffer.</p>

Decisions Version	Relevant part of provision	Relief sought
<p>Policy 13.15.2, Volume 1</p> <p>And</p> <p>Chapter 25, Volume 2 and/or new maps at Volume 4</p>	<p>Text of policy, definitions and maps</p>	<p>Amend policy to read:</p> <p>Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:</p> <ul style="list-style-type: none"> <li>(a) maintaining safe, clear navigation routes around headlands; <del>unimpeded by structures;</del></li> <li>(b) <del>avoiding</del> <u>appropriately managing</u> activities (excluding water transportation) and/or locating structures within recognised navigational routes where the activity or structure would have an adverse effect on water transportation;</li> <li>(c) <del>avoiding</del> <u>appropriately managing</u> emissions of light that could affect the safe navigation of ships;</li> <li>(d) ensuring the safety of navigation and use of or access to mooring sites including Mooring Management Areas, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not <u>significantly</u> affected by activities or structures in the coastal marine area;</li> <li>(e) ensuring that areas that provide for anchorages of refuge are not <u>significantly</u> adversely affected by activities or structures within the coastal marine area; and</li> <li>(f) requiring structures to be maintained or marked in a way that protects the safety of water transportation activities.</li> </ul> <p>And either amend policy 13.15.2(b) to exclude “recognised navigational routes” or map such routes in Volume 4 of the Plan. If mapped, also delete the definition of “recognised navigational route” in Chapter 25 of Volume 2, and replace with maps of recognised navigational routes.</p> <p>And the meaning of “headland” (as used in policy 13.15.2(a)) should be defined in Volume 2 and/or headlands should be mapped in Volume 4.</p>

**Schedule B: Submissions of Aroma**

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR  
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION**

*Clause 6 of First Schedule, Resource Management Act 1991*



To MARLBOROUGH DISTRICT COUNCIL

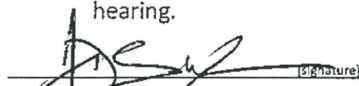
Name of submitter: AROMA AQUACULTURE LIMITED [insert name]

1. This is a submission on the Proposed Marlborough Environment Plan.
2. I/we could not gain an advantage in trade competition through this submission.
3. I/we have an interest in the following farms, or farms in the following bays:

8355, 8358, 8354, 8560, 8551, 8082, 8167, 8443, 8269, 8250 [List site numbers or bays]

The specific provisions of the proposal that my submission relates to are	My submission is	I seek the following decision from the local authority
Set out in MFA & AQNZ submission	Support MFA & AQNZ submission	As set out in MFA & AQNZ Submission
Vol 4 Coastal Natural Character Maps; Volume 3 Appendix 2	High, very high and outstanding Natural character overlay is too extensive	Remove natural character overlay from the vicinity of the farms or bays listed above; or Record that aquaculture will not affect the relevant values
Vol 4 Landscape Maps; Volume 3 Appendix 1	Outstanding natural feature and landscape overlay is too extensive	Remove outstanding natural feature and landscape overlay from the vicinity of the farms or bays listed above; or Record that aquaculture will not affect the relevant values

3. I/we wish(es) to be heard in support of its submission.
4. If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

 [Signature]

Submitter

Date: 30-08-2016 [date]

Address for service of Submitter: PO BOX 2683, CHRISTCHURCH, 8140 [address]

Telephone: 03 3899005 [telephone] Fax: \_\_\_\_\_ [fax]

Contact person: JOHN GALLAGHER [contact person]

**Note to person making submission**

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Form 6

Further submission in support of, or in opposition to, submissions on the publicly notified proposed Marlborough Environment Plan

*Clause 8 of Schedule 1, Resource Management Act 1991*

**To: The Marlborough District Council**

Name of person making further submission: AROMA (N.Z.) LIMITED

This is a further submission in opposition to or support of submissions on the proposed Marlborough Environment Plan (being a combined Regional Policy Statement, Regional Plan and District Plan).

We have an interest in the proposal that is greater than the interest of the general public, because we own and lease marine farms in areas directly relevant to the submission below. There will be consequences not only for us, but also for the people who service our farms and process our mussels.

We set out in the **attached** schedule each of the submission points we support or oppose (or in some cases a combination of the two). In addition to the reasons listed for supporting or opposing a provision (as the case may be):

- a. We support the identified submissions, because what is proposed in accordance with:
  - i. The Resource Management Act 1991;
  - ii. A section 32 analysis; and
  - iii. Other relevant plan provisions and policy statements.
- b. We oppose the identified submissions, because what is proposed is not in accordance with:
  - i. The Resource Management Act 1991;
  - ii. A section 32 analysis; and
  - iii. Other relevant plan provisions and policy statements.

In addition, we **attach** three maps as part of our further submission. These maps depict:

- a. The Outstanding Natural Landscapes or Features in the overlay maps in Volume 4 of the proposed Plan, along with the extensions to that overlay as proposed by various submitters;
- b. The Outstanding Natural Character overlay in the maps in Volume 4 of the proposed Plan, along with the extensions to the areas mapped as outstanding, very high, high or moderate to high natural character as proposed by various submitters; and
- c. The Ecologically Significant Sites overlay in the maps in Volume 4 of the proposed Plan, along with the extensions to those areas as proposed by various submitters.



These maps are based on our best interpretation of the written descriptions of proposed extensions, as set out in various submissions. Maps identifying specific proposed demarcations were not provided by submitters. Our further submissions in relation to these points are set out in detail in the **attached** schedule.

Aroma NZ wishes to be heard in support of our further submission.

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



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Quentin A M Davies / Amanda L Hills

For and on behalf of:  
Aroma (N.Z.) Limited

23 June 2017

Address for Service: Gascoigne Wicks, PO Box 2, Blenheim 7240, 79 High Street, Blenheim 7201.  
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Fax: (03) 578-4080  
E-mail: [qdavies@gwlaw.co.nz](mailto:qdavies@gwlaw.co.nz) / [ahills@gwlaw.co.nz](mailto:ahills@gwlaw.co.nz)  
Contact person: Quentin Davies / Amanda L Hills

**Note to person making further submission**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on local authority.

If you are making a submission to the Environment Protection Authority, you should use Form 16C.

**SCHEDULE**

<b>Further Sub No.</b>	<b>Further Submission</b>
1	<p>We support the detailed further submissions of the Marine Farming Association Incorporated and Aquaculture New Zealand in their entirety.</p>
2	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Submission points 202, and 205 - 209, which seek to extend the outstanding natural landscape and features overlay in Volume 4 of the proposed Plan to include:</p> <ol style="list-style-type: none"> <li>a. The seascape in Waihinau Bay, outer Pelorus Sound;</li> <li>b. Additional seascape in Nydia Bay, Pelorus Sound; and</li> <li>c. Parts of the seascape in Clova Bay, Pelorus Sound.</li> </ol> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. The proposed increase in the extent of the overlay is not justified.</li> </ol> <p>We seek that the whole of points 202, and 205 - 209 of Friends of Nelson Haven's submission be disallowed.</p>
3	<p>We oppose the submission of Judy and John Hellstrom, Private Bag 391, Picton 7250 (688).</p> <p>The particular part of the submission we oppose is submission point 44, which seeks that the D'Urville Island-Northern Cook Strait be described in its entirety as an outstanding natural landscape (seascape) including the long views from east-west from the ONL's of D'Urville Island, the Rangitoto Islands to the Chetwoods and the Capes.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. There is nothing in that area in landscape (seascape) terms which justifies the designation of the area as an ONL.</li> </ol> <p>We seek all of submission point 44 be disallowed.</p>
4	<p>We oppose the submission of John and Judy Hellstrom, Private Bag 391, Picton 7250 (688).</p> <p>The particular part of the submission we oppose is the following statement:</p> <p>"However, we wonder why the whole of Waitata Reach has not been defined as an outstanding landscape, given that coastal or freshwater landforms and landscapes (including seascape) are within the definition of natural character (6.1.1)."</p>

	<p>If we interpret that submission correctly, it is seeking that the entire Waitata Reach on landscape maps 1 and 4 be recognised as an outstanding natural feature and landscape. In particular, we oppose any submission that this should extend to the seascape in the side bays of Waitata Reach, such as Waihinu Bay.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. The area does not meet the high threshold required.</li> </ol> <p>We seek that this part of the submission be disallowed.</p>
5	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is submission point 202, which seeks amendments to natural character maps 1 and 2.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. The amendments as proposed are not justified.</li> </ol> <p>We seek that submission point 202 be disallowed.</p>
6	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are submission points 203 and 204, which seek to enlarge the area of natural character on the natural character maps in Volume 4. In particular we oppose the inclusion of landscape and seascape in Port Gore and additional seascape in Nydia Bay as areas of outstanding natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. The enlargement of the area as sought by the submitter is not justified.</li> </ol> <p>We seek that submission points 203 and 204 be disallowed.</p>
7	<p>We oppose the submissions of The Port Gore Group, PO Box 310, Blenheim 7240 (468) and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular part of the submissions we oppose is point 3 by both submitters, which seeks to include land on the southern side of Port Gore to the sea, the ridge and eastern side of it between Puzzle Peak and Cape Lambert (and back to Hunia), the eastern side of the Alligator headland, all the waters of Waitui Bay and Port Gore except Melville Cove, and all East Bay and northern Arapawa Island as having outstanding natural character, with Melville Cove having very high natural character. In particular, we oppose the inclusion of Pig Bay, Port Gore, as an area of outstanding natural character.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. The Plan for those areas should expressly recognise that marine farming does not impinge on natural character.</li> <li>2. The benthic habitat in that area shows signs of substantial modification resulting from terrestrial land use practices. Those factors (and not marine</li> </ol>

	<p>farming) ought to have led to the recognition that those areas are not either outstanding or very high in natural character terms.</p> <p>We seek that the whole of submission point 3 in both submissions identified above be disallowed.</p>
8	<p>We oppose the submission of The Port Gore Group, PO Box 310, Blenheim 7240 (468) and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular parts of the submissions we oppose are submission points 4 and 5, which seek an enlargement of the natural character area. In particular, we oppose the inclusion of the landscape and seascape in Pig Bay, Port Gore, as an area of outstanding natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. The proposed change is not justified.</li> </ol> <p>We seek that submission points 4 and 5 of the submissions identified above be disallowed.</p>
9	<p>We oppose the submission of Kenneth R and Sara M Roush, PO Box 446, Blenheim 7240 (845) and Port Underwood Association, PO Box 59, Blenheim 7240 (1842).</p> <p>The particular points we oppose are Roche submission point 21 and Port Underwood Association submission points 19 and 20, where they seek modification within Port Underwood to the natural character overlay in Volume 4 (as moderate-high, with some potential high or very high sections).</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. The modification sought is not justified.</li> </ol> <p>We seek that the submission points identified above be disallowed.</p>
10	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 200, which suggests that the definition of "Ecologically significant marine sites" includes maps 17 and 18 (dolphins and whales).</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. Davidson's mapped sites (including whales and dolphins) should not be equated with Policy 11(a) sites, because the significant sites work did not adopt the NZCPS Policy 11(a) criteria. The assessment of whether the 2011 significant sites fall within Policy 11(a) or 11(b) criteria in the NZCPS is yet to be undertaken. The authors of that report were asked to identify regionally, rather than nationally significant sites. The 2011 report does not mirror the approach taken in Policy 11 of the NZCPS.</li> <li>2. Whales have rarely been observed travelling through Tory Channel. The Davidson 2011 Significant Sites report refers to the migratory route for</li> </ol>

	<p>whales being in Cook Strait, rather than Tory Channel proper. The MFA encourages its members to have appropriate management plans in place in respect of marine mammals.</p> <p>3. Arguably only site 8.1 of Map 18 is a nationally significant site (for Hector's dolphins). However, Hector's dolphins are not necessarily seen regularly throughout the full extent of that area. Area 4.17 is not a nationally significant site, and arguably area 2.17 (Admiralty Bay) is significant habitat for Dusky dolphins (as opposed to nationally significant habitat in terms of Policy 11(a) of the NZCPS. For example, the <i>Admiralty Bay Consortium</i> Environment Court decision noted that the site was significant in terms of s 6(c), rather than under NZCPS Policy 11(a)). An avoid policy is not, therefore, justified in respect of these sites, or at least not an area including the side bays.</p> <p>We seek submission point 200 be disallowed.</p>
11	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are:</p> <p>Points 197 and 198, which seek a rule to apply to map 17 and map 18 by amending the legends on map 17 map 18 to refer to a significant marine site.</p> <p>The reason for our opposition is:</p> <p>1. That no rules apply to map 17 or map 18. Rather, the maps should make clear that the rules do not apply to that location.</p> <p>We seek that the whole of submission points 197 and point 198 be disallowed.</p>
12	<p>We oppose the submission of:</p> <p>The Royal Forest &amp; Bird Protection Society of New Zealand Incorporated, PO Box 2516, Christchurch 8140 (715).</p> <p>The particular part of the submission we oppose is:</p> <p>Paragraph 32 of the submission (which may not have been summarised), which seeks to identify in the Plan important bird areas contained in Forest &amp; Bird (2014). <i>New Zealand Seabirds: Important Bird Areas and Conservation</i>. The Royal Forest &amp; Bird Protection Society of New Zealand, Wellington, New Zealand. 72 pp. and Forest &amp; Bird (2015). <i>New Zealand Seabirds: Sites on Land, Coastal Sites and Islands</i>. The Royal Forest &amp; Bird Protection Society of New Zealand, Wellington, New Zealand.</p> <p>The reason for our opposition is:</p> <p>1. The areas identified in the 2014 publication are very large. They are not suitable for inclusion in a regulatory regime designed to protect discrete areas of high value.</p>

	<p>2. The sites and areas have not been through the <i>Ecologically significant marine sites in Marlborough: recommended protocols for survey and status monitoring</i> (2014).</p> <p>3. Should the Tawhitinui Bay important bird area be included, the plan should note that the marine farms in the bay were present before the colony was established, and consequently the marine farms and associated activity does not affect the colony.</p> <p>We seek that the submissions identified above be disallowed. In the alternative we seek the addition to the plan identified above.</p>
13	<p>We oppose the submission of:</p> <p>The Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 266, Nelson 6140 (715).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 96, which seeks to amend policy 8.1.1 to refer to the ecological significance criteria in Appendix 3 and then amend Appendix 3 to recognise important bird feeding areas as a criteria for determining ecological significance.</p> <p>The reasons for this opposition are:</p> <ol style="list-style-type: none"> <li>1. Set out in the Marine Farming Association Incorporated's original submission on policy 8.1.1.</li> <li>2. In addition, the amendment to Appendix 3 is not warranted. The significance criteria has been used to identify discreet areas which warrant a high level of protection. A different form of protection may be warranted for broader areas.</li> </ol> <p>We seek that the whole of submission point 96 be disallowed.</p>
14	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 93 in relation to Issue 8A, page 8-3: Marine Environments. If the submission can be interpreted as seeking to include "feeding areas of seabirds including the threatened king shag in the Sounds... [as] ecologically significant marine sites" (which we deny) then we oppose that part of the submission.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. The submitter's own publications suggest that the conservation management priorities for the king shag are:</li> </ol>

	<ul style="list-style-type: none"> <li>a. Protecting breeding grounds and ensuring that boats do not approach those colonies closer than 100 metres during the breeding season;</li> <li>b. Minimising seabird bycatch;</li> <li>c. Introducing pest quarantine measures to protect king shag breeding colonies; and</li> <li>d. Establishing king shags at new colony sites.</li> </ul> <p>2. The proposed area has not been assessed through the protocol used to identify the ecologically significant marine sites in Marlborough.</p> <p>3. Feeding areas are diffuse. The present state of knowledge does not lend itself to use of broad areas as a decision-making tool.</p> <p>If submission point 93 has been validly made, we seek that it be disallowed.</p>
15	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 212, where they seek to insert into the biodiversity criteria for significance at Appendix 3, Volume 3, "the site is an important feeding area for indigenous species."</p> <p>The reason for our opposition is:</p> <ul style="list-style-type: none"> <li>1. Such an addition to the criteria changes the focus from discreet benthic communities of importance to broad areas in which effects do not need to be as tightly constrained.</li> </ul> <p>We seek that the whole of submission point 212 be disallowed.</p>
16	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716)</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 194 which suggests that there should not be a general permitted noise standard, as in Policy 16.2.3, and that noise is undesirable around bird colonies, dolphins and feeding areas.</p> <p>The reasons for our opposition are:</p> <ul style="list-style-type: none"> <li>1. It is unclear what is proposed in the alternative.</li> <li>2. There are more practical and effective ways to manage the effects of noise from activities on wildlife.</li> </ul> <p>We seek that the whole of submission point 194 be disallowed.</p>

17	<p>We oppose the submission of:</p> <p>Port Underwood Association, PO Box 59, Blenheim 7240 (1042).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 2, where they submit that policy 4.12 should be altered so that consents for more than 20 years should not be granted in the public space.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. 20 years is the statutory minimum under the RMA.</li> <li>2. Prescribing the statutory minimum as a maximum in the Plan creates inefficiencies, by increasing the cost (both public and private) of consenting.</li> <li>3. Consent for more than 20 provides greater certainty for businesses operating in the public space and ensures a financial return on investments.</li> <li>4. Consents for more than 20 years are often justifiable, such as where the effects are well understood or able to be managed through adaptive management.</li> </ol> <p>We seek that Point 2 of the submission be disallowed.</p>
18	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 13, which seeks to amend policy 7.2.4 to require, at a resource consent level, an assessment of cumulative effects of all similar activities in the locality.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. Effectively, this change would require every consent holder to justify the activity of every other consent holder undertaking the same activity or similar activities. It is inefficient to do that in a resource consent context.</li> <li>2. The proposed amendment would make the cost of obtaining consent for a mooring or jetty significantly more expensive.</li> </ol> <p>We seek that the whole of submission point 13 be disallowed.</p>
19	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (869).</p> <p>The particular part of the submission we oppose is:</p>



	<p>Submission point 12, which seeks to insert into policy 13.1.1 after the words “in areas with” the phrase “, or in proximity to,”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. The introduction of the concept of proximity makes it impossible to judge with certainty whether an activity is or is not in accordance with the policies.</li> </ol> <p>We seek that the whole of submission point 12 be disallowed.</p>
20	<p>We oppose the submission of:</p> <p>The Clova Bay Residents Association, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 20, where they seek Clova Bay be identified as an area at threat or risk from significant adverse cumulative effects on natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. That Clova Bay is not an area at threat or risk from significant adverse cumulative effects on natural character to the extent relevant, substantial change has already occurred in Clova Bay, primarily due to vegetation clearance on land.</li> </ol> <p>We seek that the whole of submission point 20 be disallowed.</p>
21	<p>We oppose the submission of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 1, which seeks that all of the Sounds should be subject to all of the natural character provisions, irrespective of whether or not the area is classed as high natural character or something less than high natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. Such a policy is over-broad.</li> </ol> <p>We seek that the whole of submission point 1 be disallowed.</p>
22	<p>We oppose the submission of the Clova Bay Residents Association, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is submission point 19, which seeks to have policy 6.2.3 applied to the coastal marine area irrespective of the classification of natural character.</p> <p>The reason for our opposition is that:</p>

	<p>1. Such a policy would be over-broad.</p> <p>We seek that the whole of submission point 19 be disallowed.</p>
23	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 17, which seeks to reduce the amount of resource consent renewals (which obviously refers to marine farming) in Clova Bay.</p> <p>The reason for our opposition is:</p> <p>1. That the policy change is not warranted. The cumulative adverse effects on natural character do not warrant change.</p> <p>We seek that the whole of submission point 17 be disallowed.</p>
24	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152) and The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Clova Bay Point 16 and Kenepuru and Central Sounds Residents Association Incorporated Point 10, where they seek amendments to policy 6.2.7 whereby re-consenting existing structures would be treated the same way as new activities in so far as cumulative effects are concerned.</p> <p>The reason for our opposition is:</p> <p>1. The Plan should recognise existing activities as the context in which future resource management decisions are made.</p> <p>We seek that the whole of Clova Bay's submission point 16 and Kenepuru and Central Sounds Residents Association Incorporated's submission Point 10 be disallowed.</p>
25	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 12, which seeks that a cumulative effects on landscape values policy be included in the Plan.</p> <p>The reason for our opposition is:</p>

	<p>1. The premise upon which this policy is sought is incorrect. The coastal values of Clova Bay are not under threat from adverse cumulative effects.</p> <p>We seek that the whole of submission point 12 be disallowed.</p>
26	<p>We oppose the submissions of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152); and Michael and Kristen Gerard, Elie Bay, Private Bag 65034, Havelock (424); and Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 14 of Clova Bay Residents Association, point 21 of Michael and Kristen Gerard, and Point 12 of Kenepuru and Central Sounds Residents Association, which seek the inclusion of marine farming within policy 7.2.3(c).</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> <li>1. Section 68A Resource Management Act 1991 requires aquaculture to obtain a resource consent. There is no need for a policy in the Plan to do likewise.</li> </ol> <p>We seek that the whole of the submission points as listed above be disallowed.</p>
27	<p>We oppose the submissions of:</p> <p>Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868) and Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 36 of Kenepuru and Central Sounds Residents Association and Point 3 of Clova Bay Residents Association submission, which seek to add a new policy to address cumulative effects.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. That there is no factual basis or merit for the new policy.</li> <li>2. It will be inefficient to address cumulative effects on a consent by consent basis. Rather, any assessment of cumulative effects should be addressed through the Plan provisions.</li> </ol> <p>We seek that the whole of submission point 36 and point 3 be disallowed.</p>
28	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p>

	<p>Point 10, which seeks that Policy 8.1.3 be extended to include “the attainment of knowledge on the degree of change that has occurred in coastal marine indigenous flora and fauna biodiversity and abundance that may be reversible and that is attributable to activities that can be managed by resource consent conditions or processes – notably with regard to marine farming.”</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. The evidence demonstrates that marine farming has had substantially less effect on indigenous flora and fauna than other human-induced modifications.</li> <li>2. Any focus on marine farming in this context is disproportionate.</li> </ol> <p>We seek that the whole of submission point 10 be disallowed.</p>
29	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 9, which seeks that Policy 8.1.3 be extended to include the determination of acceptable cumulative ecological impact thresholds for regulated activities in the coastal marine area such as marine farming.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. The evidence is that the effects of marine farming are insignificant when compared with backgrounds variation and other human-induced change.</li> <li>2. The change in proposed policy is disproportionate.</li> </ol> <p>We seek that the whole of submission point 9 be disallowed.</p>
30	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152) and Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 4 of the Clova Bay submission and point 35 of the Kenepuru and Central Sounds Residents Association submission, which seek an addition to the matters listed in policy 8.3.5 to refer to alternation of the abundance of elements in the water column.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. That a change is not necessarily an adverse environmental effect.</li> <li>2. The modification lacks merit.</li> </ol>

	<p>We seek that the whole of submission point 4 of Clova Bay's submission and point 35 of Kenepuru and Central Sounds Residents Association be disallowed.</p>
31	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, tevor@offenadvisors.co.nz (152) and the Kenepuru and Central Sounds Residents Association, 2724 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Points 21, 33, and 34 of the Clova Bay submission and point 72 of the Kenepuru submission, where they seek to add to policy 13.15.2 "Avoiding activities or structures in areas that may impede on or inhibit regular navigation routes".</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. That while effects on navigation is an aspect which needs to be considered when installing structures in the coastal marine area, the effects do not need to be avoided.</li> </ol> <p>We seek that the whole of Clova Bay submission points 21, 33 and 34 and Kenepuru submission point 72 be disallowed.</p>
32	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152) and the Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Clova Bay submission points 29, 30 and 31 and Kenepuru submission point 44, all of which seek to add a further paragraph to policy 13.2.5 or policy 13.2.6 seeking guidelines or standards on acceptable levels of surface structures within any particular area.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. That paragraph is unnecessary.</li> </ol> <p>We seek that the whole of Clova Bay submission points 29, 30 and 31 and Kenepuru and Central Sounds submission point 44 be disallowed. This is subject to our original submission to delete policy 13.2.5 in its entirety.</p>
33	<p>We oppose the submission of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p>

	<p>Point 25, which seeks to extend policy 13.3.4 to areas of the Pelorus Sound and Kenepuru Sound with high public use or environmental and public amenity value.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. Recreational use should not have priority in those areas.</li> </ol> <p>We seek that the whole of submission point 25 be disallowed.</p>
34	<p>We oppose the submission of:</p> <p>The Bay of Many Coves Residents Association and Ratepayers Association Incorporated, 72 Ferry Road, Spring Creek 7202 (1190).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 34 as it applies to preventing anchoring within a buffer zone around an ecologically significant marine site.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> <li>1. Anchoring may not be appropriate within an ecologically significant marine site, but ought to be permitted in the buffer zone.</li> </ol> <p>We seek that point 34 of the submission be disallowed.</p>
35	<p>We oppose the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); The Guardians of the Sounds, 32 Hinepango Drive, RD 3, Blenheim 7273 (751); Sea Shepherd New Zealand, 67 Milton Terrace (1146) and The Marlborough Environment Centre Incorporated, 72 Ferry Road, Spring Creek 7202 (1193).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Pinder submission point 49; Guardian submission point 49; Sea Shepherd submission point 49; and The Marlborough Environment Centre submission point 43, which seek to prohibit dredging and anchoring in a buffer zone around ecologically significant sites.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> <li>1. The creation of a buffer zone should be undertaken on a case by case basis, recognising that marine farming structures regularly create a defacto buffer zone of their own.</li> <li>2. Anchoring will be appropriate in the buffer zone.</li> </ol> <p>We seek that the part of the submission points identified above which refers to the area in the buffer zone be disallowed.</p>

# Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

## Outstanding Natural Landscape or Features - MEP and Submitters

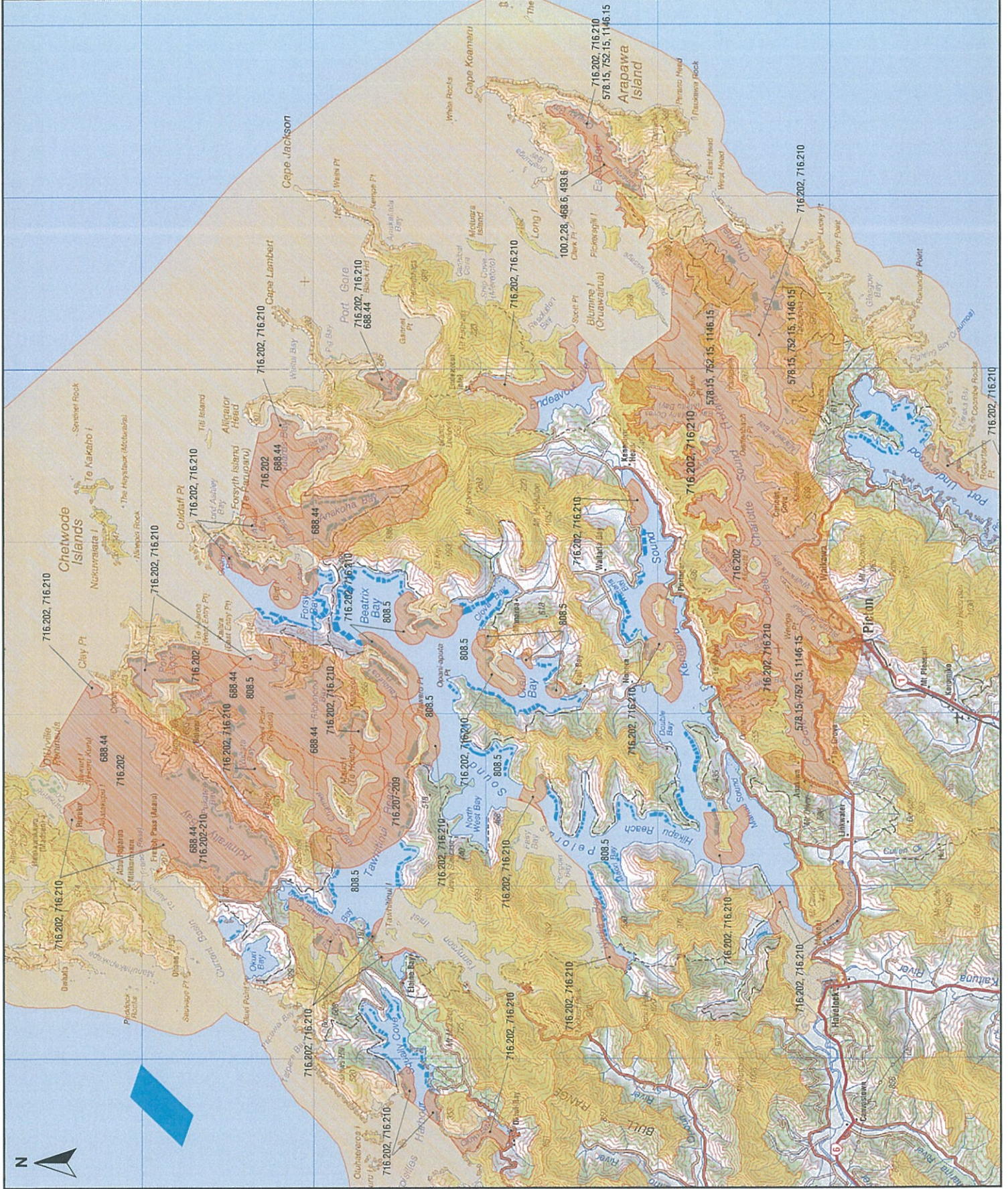
### KEY

-  Granted Marine Farm
-  MEP - Outstanding Natural Landscape or Features
-  Submitters - Outstanding Natural Landscape or Features
- 800.5 Submitter Number & Point

MEP data supplied by Marlborough District Council  
 Marine Farm data sourced from MOC Open Data (July 2016).  
 Topo Map data from LINZ Data.

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council.  
 The accompanying material has been released by Council from its information repositories as they exist as at June 2016. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy.

Scales (at A3)  
 Main Map 1:200,000  
 Port Hardy Inset 1:200,000  
 Clifford Bay Inset 1:250,000  
 Prepared: 15th June 2017



# Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

## Outstanding Natural Character MEP and Submitters

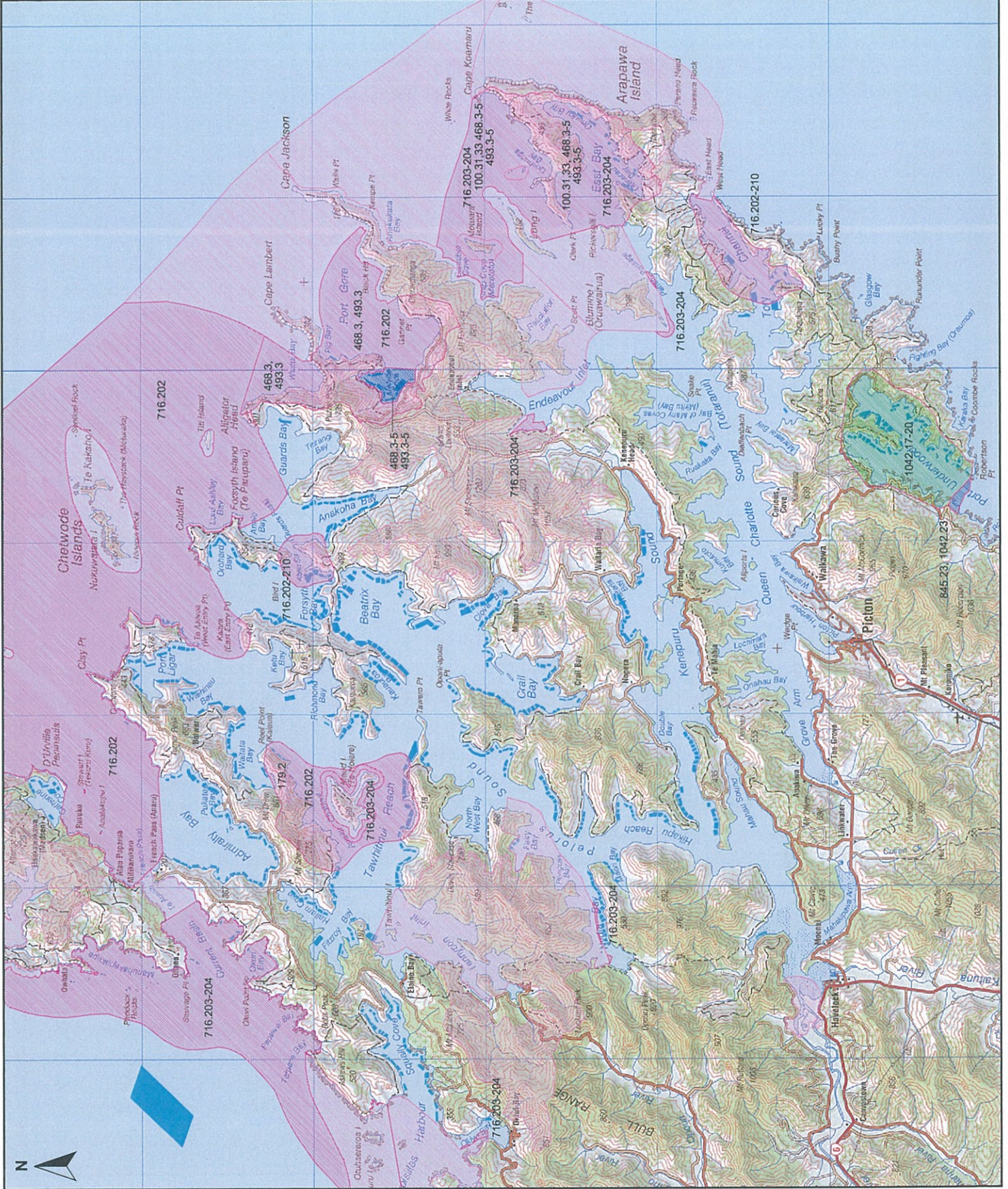
### KEY

-  Granted Marine Farm
-  MEP - Outstanding Coastal Natural Character
-  Submitters - Outstanding Coastal Natural Character
-  Submitters - Very High Coastal Natural Character
-  Submitters - Moderate - High Coastal Natural Character

MEP data supplied by Marlborough District Council.  
 Marine Farm data sourced from MDC Open Data (July 2016).  
 Topo Map data from LINZ Data.

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Scales (at A3)  
 Main Map 1:200,000  
 Port Hardy inset 1:200,000  
 Clifford Bay inset 1:250,000  
 Prepared: 15 June 2017





# Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

## MEP Ecologically Significant Marine Sites and Submissions

### KEY

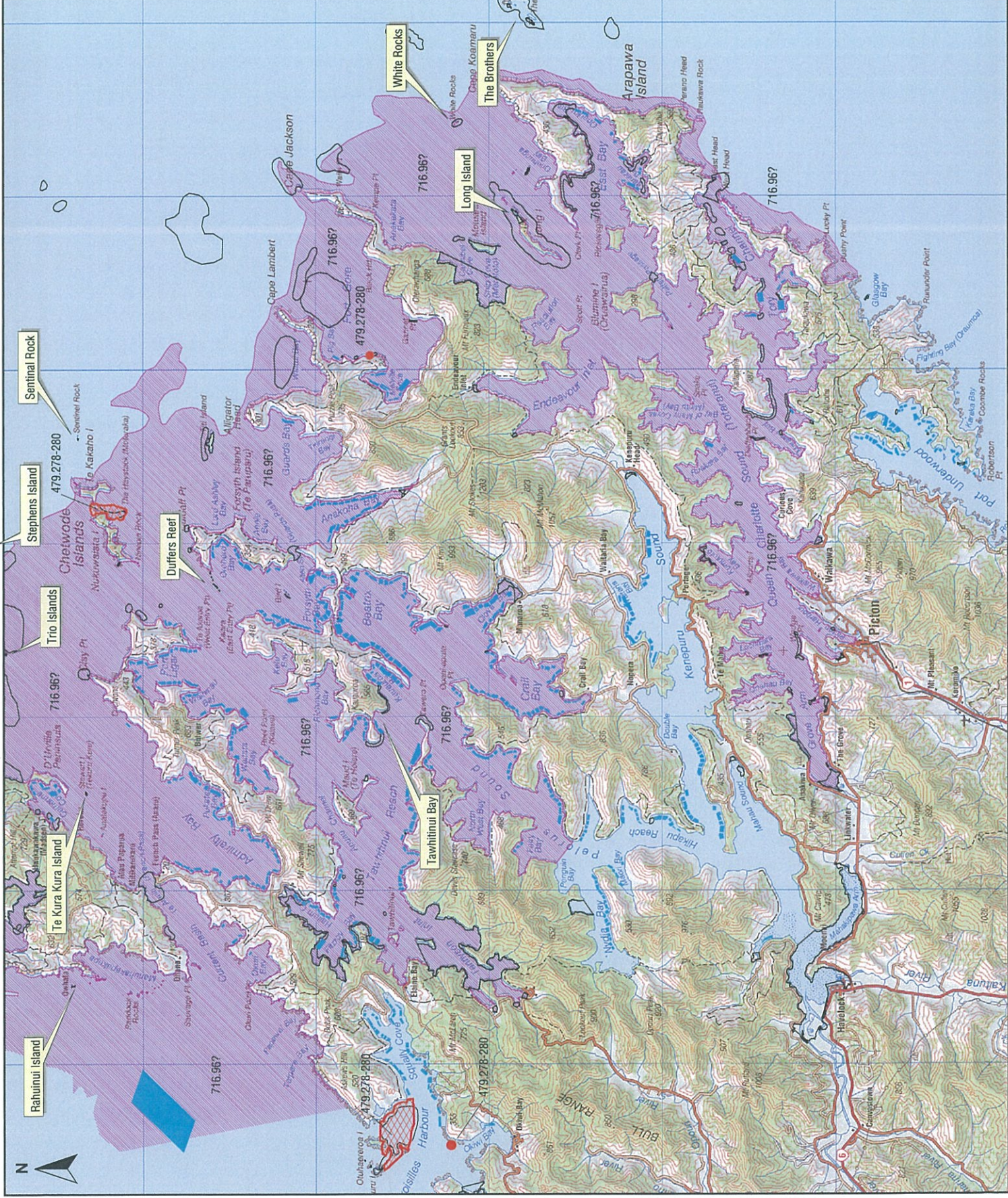
-  Granted Marine Farm
-  MEP - Ecologically Significant Marine Sites
-  Ecologically Significant Marine Sites New/Amended (DoC/MDC)
-  Proposed Important Bird Areas at Sea - Forest & Bird (2014)
-  Proposed Important Bird Areas on Land - Forest & Bird (2015)
-  Site Name

MEP data supplied by Marlborough District Council.  
Marine Farm data sourced from MDC Open Data (July 2016).  
Topo Map data from LINZ Data.

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council.  
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-Seakee (let-A9)  
Main Map 1:200,000

Prepared: 23 June 2017



## **Schedule C**

Decision of the MEP Hearings Panel: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/full-decision-on-the-pmep>

Track Changes of the MEP: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version>

**Schedule D: Persons to Be Served With a Copy of this Notice**

<b>Name / Organisation</b>	<b>Contact</b>	<b>Address for Service</b>
Marlborough District Council	Kaye Mcllveney	Kaye.Mcllveney@marlborough.govt.nz