

**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 an appeal under Clause 14, Schedule 1 of the RMA

BETWEEN **GOULDING TRUSTEES LIMITED** a duly incorporated company having its registered office at 108 Glen Road, Glenduan, Nelson, 7071, New Zealand and **SHELLFISH MARINE FARMS LIMITED** a duly incorporated company having its registered office at 108 Glen Road, Glenduan, Nelson, 7071, New Zealand

Appellants

(Continued next page)

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

Next Event Date:
Judicial Officer:

**GASCOIGNE WICKS
LAWYERS
BLLENHEIM**

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

Appellants' Solicitor
79 High Street
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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 Goulding Trustees Limited (“Goulding”) and Shellfish Marine Farms Limited (“Shellfish Marine”) appeal against part of the decision of the Marlborough District Council (“MDC”) on the proposed Marlborough Environment Plan (“proposed Plan”).
- 2 Goulding and Shellfish Marine made submissions on the proposed Plan.

Trade Competition

- 3 Neither Goulding nor Shellfish Marine are 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 Goulding and Shellfish Marine received notice of the decision on 21 February and 3 March 2020.

The Decision and Particular Reasons

- 6 The parts of the decision that Goulding and Shellfish Marine are appealing are:

Coastal Natural Character and Landscape

- 7 Policy 7.2.12 of Volume 1 of the proposed Plan.
- 8 The extent of mapping of Outstanding Natural Character, Very High Natural Character and High Natural Character, and Outstanding Natural Landscape (“ONL”), in Volume 4 of the proposed Plan, in terms of:
 - (a) The extent of mapping of ONL in Landscape Maps 1, 2, and 4 of Volume 4 of the proposed Plan.

- (b) The extent of mapping of High, Very High and Outstanding coastal natural character in Natural Character Rating Maps 1, 2 and 3, and Natural Character Map Outstanding Map 3 of Volume 4 of the proposed Plan.
- 9 The methodology underpinning the coastal natural character and landscape mapping in Volume 4 of the proposed Plan.
- 10 The methodology and content of the Landscape Schedule of Values at Appendix 1, and of the Coastal Natural Character Schedule of Values at Appendix 2 of Volume 3 of the proposed Plan.
- 11 Appendix 4 of Volume 3 of the proposed Plan.
- 12 The lack of recognition of marine farms as part of the existing environment of the Marlborough Sounds in the above mapping and Appendices.
- 13 The reasons for the appeal include:
 - (a) The evaluation must be at the appropriate geographic scale treating landscape, feature or natural character areas a whole.
 - (b) ONF and ONL boundaries and the corresponding boundaries for natural character should be legible and coherent to the community.
 - (c) 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.
 - (d) An assessment of biophysical attributes is the appropriate starting point for assessment.
 - (e) 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.
 - (f) 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.

- (g) In line with that, in terms of the new landscape cumulative effects policy 7.2.12, recognition should be given to existing modifications,¹ because cumulative effects in the coastal environment are best addressed through a strategic planning approach.²

General Reasons for the Appeal

14 While Goulding and Shellfish Marine are generally supportive of the proposed Plan provisions, Goulding and Shellfish Marine consider 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.

15 In particular, and without limiting the generality of the above paragraph, please refer to the specific reasons for the appeal above.

Relief Sought

16 The Appellants seek 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.

17 The Appellants agree to participate in mediation or other alternative dispute resolution of the proceeding.

Attached Documents

18 The following documents are **attached** to this notice:

- (a) **Schedule A** as referred to above;

¹ As per the MFA's submission on natural character cumulative effects policy 6.2.7 (now 6.2.6 in the Decisions Version). Goulding and Shellfish Marine supported the MFA's submission in its entirety in Goulding and Shellfish Marine's submissions on the proposed Plan.

² In accordance with policy 7(2) NZCPS 2010.

- (b) A copy of the submission of Goulding, a copy of the submission of Shellfish Marine, and copies of the further submissions of Goulding and Shellfish Marine (**Schedule B**);
 - (c) A copy of the relevant parts of the decision (**Schedule C**); and
 - (d) A copy of persons to be served with this notice (**Schedule D**).
- 19 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 Appellants note 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.



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 Port Ligar, West Entry Point, Yellow Cliffs and Reef Point 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 Port Ligar and West Entry Point 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 northern Tennyson Inlet 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 natural character of West Entry, Reef Point and Yellow Cliffs 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 natural character of West Entry Point 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 3, Volume 4	Mapping	Amend the mapping of High and Very High natural character of Horseshoe Bay and northern Tennyson Inlet/Cregoe Point 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.
Natural Character Map Outstanding Map 3, Volume 4	Mapping	Amend the mapping of Outstanding natural character of northern Tennyson Inlet in accordance with submissions relating to methodology; and

Decisions Version	Relevant part of provision	Relief sought
		The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
Appendix 1, Volume 3	Methodology and text of appendix/values tables	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): <i><u>“Some bays contain existing marine farms, but this does not compromise [relevant area’s name] current natural values.”</u></i>
Appendix 2, Volume 3	Methodology and text of appendix/values tables	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): <i><u>“Although marine farms occupy part of the [area], they do not compromise the overall ‘naturalness’ of the coastal environment.”</u></i>
Appendix 4, Volume 3	Text of appendix	Delete appendix in its entirety.
Policy 7.2.12, Volume 1	Text of policy	Amend policy to read: 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 consideration shall be given to:</u> <ul style="list-style-type: none"> (a) the effect of allowing more of the same or similar activity; (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 (c) the combined effects from all activities in the locality.

Schedule B: Submissions of Goulding Trustees Limited and Shellfish Marine Farms Limited

**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: GOULDING TRUSTEES LIMITED

Goulding Trustees Limited (GTL) is the operating company for the Goulding Family Trusts. GTL owns and operates mussel farms in Waitata Bay, Port Ligar, and Horseshoe Bay. The company also operates marine farms in Tasman and Golden Bays. GTL employs eight full time family and staff. The company operates two farm servicing vessels and a seeding and harvesting vessel.

The Goulding family has been involved in the marine farming industry since its pioneering days. James Maurice Goulding ("Jim") is a strong advocate for the mussel industry and is involved in a number of industry organisations. He is a current member of the executive committee of the Marine Farming Association (MFA), a position he has held since 1994. Jim has been a director of the Tasman and Golden Bay Ring Road Farming and Spat Catching companies since they were established in 2000.

GTL is an active participant in the MFA Environmental Programme and adheres to the various industry Codes of Practice.

Jim's wife's family was the original European early settlers in Waitata Bay. Parts of the Bay have been in broader family ownership since the 1860's. Waitata Bay is an essential part of the King-Turner and Goulding family's lives, history and economic well-being.

GTL owns over 300 hectares of land from Kaiua Reef, including Yellow Cliffs and the western side of the Waitata peninsular. This includes three residences, as well as sheds and facilities to operate the mussel farming operation.

1. This is a submission on the following proposed plan (the **proposal**):
 - (a) Proposed Marlborough Environment Plan.
2. Goulding Trustees Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
Those set out in the Marine Farming Association Incorporated (MFA) submission	Support the MFA submission in its entirety.	As set out in the MFA submission.
Specific points set out in the MFA submission.	<p>In particular, Goulding Trustees Limited supports the following submissions made by the MFA:</p> <ul style="list-style-type: none"> • Add new guiding principle to promote economic development (Chp 1); • Support Issue 4B, and proposed amendment to Policy 4.2.1 (Elaine Bay infrastructure); • Add new Issue 4D – Recognise that limiting development has a trade-off; • Add new Objective 4.3A – Qualities and values of the Sounds (recognise cultural and social use); • Add new Policy 4.1.1A – Existing Use; • Add new Policy 4.1.2A – Experimentation and Innovation; • Add new Policy 4.1.2B – Net Improvement; • Add new Policies 6.2.1 – 6.2.3 (avoidance policies – natural character); • Add new Policies 7.2.5 – 7.2.5B (avoidance policies – landscape); • Add new Policies 8.3.1 – 8.3.2C (avoidance policies – indigenous biodiversity); • Add new Policy 8.3.8 – Biodiversity offsets; • Add new Adaptive Management policy to chapter 8; 	As set out in the MFA submission.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	<ul style="list-style-type: none"> • Amend Policy 13.2.3(b) – Term of consent; • Amend Monitoring Equipment Standards 13.3.10, 14.3.5.1, 15.3.9, and 16.3.9; and • Support the submissions in respect of the Appendices (Vol 3) and Maps (Vol 4). 	
Vol 3, Appendix 1	Social and cultural uses, including existing marine farms, are part of the qualities and values of the Marlborough Sounds. This should be expressly recognised in the landscape values assessment at Appendix 1.	<p>For each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the proposed Auckland Unitary Plan at Chapter L, Schedule 7):</p> <p><i>“Some bays contain existing marine farms, but this does not compromise [relevant area’s name] current natural values.”</i></p>
Vol 3, Appendix 2	Social and cultural uses, including existing marine farms, are part of the qualities and values of the Marlborough Sounds. This should be expressly recognised in the natural character values assessment at Appendix 2.	<p>For each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the proposed Auckland Unitary Plan at Chapter L, Schedule 8):</p> <p><i>“Although marine farms occupy part of the [area], they do not compromise the overall ‘naturalness’ of the coastal environment.”</i></p>
Vol 4, Overlays, Coastal Natural Character Map 1 AND Vol 3, Appendix 2	<p>Support the absence of a natural character overlay in:</p> <ul style="list-style-type: none"> • Inner Port Ligar; • Camp Bay, Waitata Bay; • Steamboat Bay, Waitata Bay; and • Turner Bay, Waitata Bay; 	<p>Retain the absence of a natural character overlay in:</p> <ul style="list-style-type: none"> • Inner Port Ligar; • Camp Bay, Waitata Bay; • Steamboat Bay, Waitata Bay; and • Turner Bay, Waitata Bay;

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	<p>AND</p> <p>Oppose the:</p> <ul style="list-style-type: none"> • High natural character overlay in Horseshoe Bay (based on the overlay maps on the Marlborough District Council website); • Very high natural character overlay at Reef Point, on the southwestern headland of Waitata Bay; • High natural character overlay at Reef Point/Hamilton Cove/Yellow Cliffs; and • Extent of the high natural character overlay at the West Entry Point of Waitata Reach. <p>Horseshoe Bay is not included in Coastal Natural Character Map 1, as per the Natural Character index.</p>	<p>AND</p> <p>Remove the natural character overlay from:</p> <ul style="list-style-type: none"> • Horseshoe Bay; • Reef Point/Hamilton Cove/Yellow Cliffs; and • The West Entry Point of Waitata Reach; <p>OR</p> <p>The MEP should expressly recognise that marine farms, residential activities and land-based farming do not adversely impact the values that lead to that classification, by amending the values at Vol 3, Appendix 2, as per separate submission.</p>
Vol 4, Overlays, Coastal Natural Character Map 2	Support the natural character overlay as proposed in respect of Forsyth Bay, particularly the absence of an overlay in the central inner bay.	Retain the mapping as proposed.
<p>Vol 4, Overlays, Landscape Map 1</p> <p>AND</p> <p>Vol 3, Appendix 1</p>	<p>Support the absence of an outstanding natural landscape overlay (ONL) in:</p> <ul style="list-style-type: none"> • Camp Bay, Waitata Bay; • Steamboat Bay, Waitata Bay; and • Turner Bay, Waitata Bay; <p>AND</p> <p>Oppose the ONL overlay:</p> <ul style="list-style-type: none"> • In Port Ligar; • At Reef Point/Hamilton 	<p>Retain the ONL mapping as proposed in:</p> <ul style="list-style-type: none"> • Camp Bay, Waitata Bay; • Steamboat Bay, Waitata Bay; and • Turner Bay, Waitata Bay; <p>AND</p> <p>Remove the ONL overlay from:</p> <ul style="list-style-type: none"> • Port Ligar; • Reef Point/Hamilton Cove/Yellow Cliffs; and

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	Cove/Yellow Cliffs; and <ul style="list-style-type: none"> • At the West Entry Point of Waitata Reach. 	<ul style="list-style-type: none"> • The West Entry Point of Waitata Reach. OR The MEP should expressly recognise that marine farms residential activities and land-based farming do not adversely impact the values that lead to that classification, by amending the values at Vol 3, Appendix 1, as per separate submission.
Vol 4, Overlays, Landscape Map 4	Support the absence of an ONL overlay on the northern side of Horseshoe Bay.	Retain the ONL mapping as proposed in Horseshoe Bay.
Vol 4, Overlays, Landscape Map 5	Support the absence of an ONL overlay in inner Forsyth Bay.	Retain the ONL mapping as proposed in Forsyth Bay.
Vol 4, Zoning 1:10,000, Map 65	Oppose the zoning of the commercial wharf at Elaine Bay as Port Landing Zone. The wharf is regionally significant infrastructure, and should have the same zoning as Port Havelock.	Amend Zoning Map 65, to rezone the commercial wharf at Elaine Bay as Port Zone.
Vol 4, Zoning 1:40,000, Map 103	Oppose the zoning of the commercial wharf at Elaine Bay as Port Landing Zone. The wharf is regionally significant infrastructure, and should have the same zoning as Port Havelock.	Amend Zoning Map 103, to rezone the commercial wharf at Elaine Bay as Port Zone.

Where changes are proposed, further consequential amendments may be required. Alternative relief securing the same outcomes could be granted.

3. Goulding Trustees Limited wishes to be heard in support of its submission.

4. If others make a similar submission, Goulding Trustees Limited will consider presenting a joint case with them at a hearing.



.....
QAM Davies and A L Hills

Solicitors for Submitter

Date: 1 September 2016

Address for service of Submitter:

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PO Box 2

BLENHEIM 7240

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Email: ahills@gwlaw.co.nz

Fax: 03 578 4080

Contact person/s: Quentin Alexander Davies and Amanda Leigh Hills

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.

**'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: SHELLFISH MARINE FARMS LIMITED

Shellfish Marine Farms Ltd (Shellfish Marine) is a company jointly owned by the Goulding and Hannah families. Both families have been extensively involved in the marine farming industry since its pioneering days. Shellfish Marine owns three mussel farms in the outer Pelorus Sound, and has been operating since the mid 1990's. Work on Shellfish Marine's farms is undertaken by contractors.

Shellfish Marine is an active participant in the MFA Environmental Programme and adheres to the various industry Codes of Practice.

1. This is a submission on the following proposed plan (the **proposal**):
 - (a) Proposed Marlborough Environment Plan.
2. Shellfish Marine Farms Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
Those set out in the Marine Farming Association Incorporated (MFA) submission	Support the MFA submission in its entirety.	As set out in the MFA submission.
Specific points set out in the MFA submission.	In particular, Shellfish Marine Farms Limited supports the following submissions made by the MFA: <ul style="list-style-type: none"> • Add new guiding principle to promote economic development (Chp 1); • Support Issue 4B, and proposed amendment to Policy 4.2.1 (Elaine Bay infrastructure); • Add new Issue 4D – Recognise that limiting 	As set out in the MFA submission.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	<p>development has a trade-off;</p> <ul style="list-style-type: none"> • Add new Objective 4.3A – Qualities and values of the Sounds (recognise cultural and social use); • Add new Policy 4.1.1A – Existing Use; • Add new Policy 4.1.2A – Experimentation and Innovation; • Add new Policy 4.1.2B – Net Improvement; • Add new Policies 6.2.1 – 6.2.3 (avoidance policies – natural character); • Add new Policies 7.2.5 – 7.2.5B (avoidance policies – landscape); • Add new Policies 8.3.1 – 8.3.2C (avoidance policies – indigenous biodiversity); • Add new Policy 8.3.8 – Biodiversity offsets; • Add new Adaptive Management policy to chapter 8; • Amend Policy 13.2.3(b) – Term of consent; • Amend Monitoring Equipment Standards 13.3.10, 14.3.5.1, 15.3.9, and 16.3.9; and • Support the submissions in respect of the Appendices (Vol 3) and Maps (Vol 4). 	
Vol 3, Appendix 1	Social and cultural uses, including existing marine farms, are part of the qualities and values of the Marlborough Sounds. This should be expressly recognised in the landscape values assessment at	For each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the proposed Auckland Unitary Plan at Chapter L, Schedule 7):

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	Appendix 1.	<i>“Some bays contain existing marine farms, but this does not compromise [relevant area’s name] current natural values.”</i>
Vol 3, Appendix 2	Social and cultural uses, including existing marine farms, are part of the qualities and values of the Marlborough Sounds. This should be expressly recognised in the natural character values assessment at Appendix 2.	For each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the proposed Auckland Unitary Plan at Chapter L, Schedule 8): <i>“Although marine farms occupy part of the [area], they do not compromise the overall ‘naturalness’ of the coastal environment.”</i>
Vol 4, Overlays, Coastal Natural Character Map 1 AND Vol 3, Appendix 2	Support the absence of a natural character overlay in Port Ligar; AND Oppose the high natural character overlay at the northeastern headland at the entrance to Waitata Bay.	Retain the absence of a natural character overlay in Port Ligar; AND Remove the natural character overlay from the northeastern headland at the entrance to Waitata Bay; OR The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification, by amending the values at Vol 3, Appendix 2, as per separate submission.
Vol 4, Overlays, Coastal Natural Character Map 3 AND Vol 3, Appendix 2	Cregoe Point, Tawhitinui Reach is not included in Coastal Natural Character Map 3, as per the Natural Character Index. Oppose the extent of the outstanding and very high natural character overlay at the northern extreme of Tennyson	Remove the natural character overlay from the northern extreme of Tennyson Inlet; OR The MEP should expressly recognise that marine farms do not adversely impact the values

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	Inlet.	that lead to that classification, by amending the values at Vol 3, Appendix 2, as per separate submission.
Vol 4, Overlays, Landscape Map 1 AND Vol 3, Appendix 1	Support the absence of an outstanding natural landscape overlay (ONL) in the northeastern part of Waitata Bay; AND Oppose the ONL overlay in Port Ligar.	Retain the ONL mapping as proposed in the northeastern part of Waitata Bay; AND Remove the ONL overlay from Port Ligar; OR The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification, by amending the values at Vol 3, Appendix 1, as per separate submission.
Vol 4, Overlays, Landscape Map 4 AND Vol 3, Appendix 1	Oppose the extent of the ONL overlay at the northern extreme of Tennyson Inlet.	Remove the ONL overlay from the northern extreme of Tennyson Inlet; OR The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification, by amending the values at Vol 3, Appendix 1, as per separate submission.
Vol 4, Zoning 1:10,000, Map 65	Oppose the zoning of the commercial wharf at Elaine Bay as Port Landing Zone. The wharf is regionally significant infrastructure, and should have the same zoning as Port Havelock.	Amend Zoning Map 65, to rezone the commercial wharf at Elaine Bay as Port Zone.
Vol 4, Zoning 1:40,000, Map 103	Oppose the zoning of the commercial wharf at Elaine Bay	Amend Zoning Map 103, to rezone the commercial wharf at

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	as Port Landing Zone. The wharf is regionally significant infrastructure, and should have the same zoning as Port Havelock.	Elaine Bay as Port Zone.

Where changes are proposed, further consequential amendments may be required. Alternative relief securing the same outcomes could be granted.

3. Shellfish Marine Farms Limited wishes to be heard in support of its submission.
4. If others make a similar submission, Shellfish Marine Farms Limited will consider presenting a joint case with them at a hearing.



.....
QAM Davies and A L Hills

Solicitors for Submitter

Date: 1 September 2016

Address for service of Submitter:

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Contact person/s: Quentin Alexander Davies and Amanda Leigh Hills

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: GOULDING TRUSTEES LIMITED

This is a further submission in opposition to or support of submissions on the proposed
Marlborough Environment Plan.

The Goulding Trustees Limited (GTL) is the operating company for the Goulding Family Trusts.

We have an interest in the proposal that is greater than the interest of the general public, because we own 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.

In addition, GTL owns over 300 hectares of land from Kaiaua Reef, including Yellow Cliffs and the western side of the Waitata peninsular. This includes three residences, as well as sheds and facilities to operate the mussel farming operation. Some submissions will impact on our use of our land.

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.

GTL 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.



Quentin A M Davies / Amanda L Hills

For and on behalf of:
Goulding Trustees Limited

23 June 2017

Address for Service: Gascoigne Wicks, PO Box 2, Blenheim 7240, 79 High Street, Blenheim 7201.
Telephone: (03) 578-4229
Fax: (03) 578-4080
E-mail: gdavies@gwlaw.co.nz / 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

Further Sub No.	Further Submission
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"> a. The seascape in Port Ligar, outer Pelorus Sound; b. The landscape and seascape in Waitata Bay, Pelorus Sound; and c. The waters of Horseshoe Bay, Pelorus Sound. <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The proposed increase in the extent of the overlay is not justified. <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"> 1. There is nothing in that area in landscape (seascape) terms which justifies the designation of the area as an ONL. <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.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The area does not meet the high threshold required. <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"> 1. The amendments as proposed are not justified. <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 natural character maps 1 and 2. In particular we oppose the inclusion of landscape and seascape near the southwestern side of Waitata Bay and eastern headland at Port Ligar as areas of outstanding natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The enlargement of the area as sought by the submitter is not justified. <p>We seek that submission points 203 and 204 be disallowed.</p>
7	<p>We oppose the submission of:</p> <p>The Royal Forest & 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 & Bird (2014). <i>New Zealand Seabirds: Important Bird Areas and Conservation</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand. 72 pp. and Forest & Bird (2015). <i>New Zealand Seabirds: Sites on Land, Coastal Sites and Islands</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 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>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>
8	<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"> 1. Set out in the Marine Farming Association Incorporated’s original submission on policy 8.1.1. 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. <p>We seek that the whole of submission point 96 be disallowed.</p>
9	<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"> 1. The submitter’s own publications suggest that the conservation management priorities for the king shag are:

	<ol style="list-style-type: none"> a. Protecting breeding grounds and ensuring that boats do not approach those colonies closer than 100 metres during the breeding season; b. Minimising seabird bycatch; c. Introducing pest quarantine measures to protect king shag breeding colonies; and d. Establishing king shags at new colony sites. <ol style="list-style-type: none"> 2. The proposed area has not been assessed through the protocol used to identify the ecologically significant marine sites in Marlborough. 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>If submission point 93 has been validly made, we seek that it 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 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> <ol style="list-style-type: none"> 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. <p>We seek that the whole of submission point 212 be disallowed.</p>
11	<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> <ol style="list-style-type: none"> 1. It is unclear what is proposed in the alternative. 2. There are more practical and effective ways to manage the effects of noise from activities on wildlife. <p>We seek that the whole of submission point 194 be disallowed.</p>

12	<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"> 1. 20 years is the statutory minimum under the RMA. 2. Prescribing the statutory minimum as a maximum in the Plan creates inefficiencies, by increasing the cost (both public and private) of consenting. 3. Consent for more than 20 provides greater certainty for businesses operating in the public space and ensures a financial return on investments. 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. <p>We seek that Point 2 of the submission be disallowed.</p>
13	<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"> 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. 2. The proposed amendment would make the cost of obtaining consent for a mooring or jetty significantly more expensive. <p>We seek that the whole of submission point 13 be disallowed.</p>
14	<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"> 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. <p>We seek that the whole of submission point 12 be disallowed.</p>
15	<p>We support the submission of:</p> <p>New Zealand Institute of Surveyors, PO Box 704, Blenheim (996).</p> <p>The particular part of the submission we support is:</p> <p>Submission point 24, which seeks to remove the maximum area to build buildings in an outstanding natural landscape in the coastal environment zone</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. We ought to be able to build on existing titles as of right. <p>We seek that the whole of submission point 24 be allowed.</p>
16	<p>We support the submission of:</p> <p>Federated Farmers of New Zealand, PO Box 945, Palmerston North 4340 (425)</p> <p>The particular part of the submission we support is:</p> <p>Submission point 650, which seeks to remove the maximum area to build buildings in an outstanding natural landscape in the coastal environment zone</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. We ought to be able to clear vegetation on private land for a range of reasons (including maintaining tracks) without a resource consent. <p>We seek that the whole of submission point 650 be allowed.</p>
17	<p>We support the submission of:</p> <p>Federated Farmers of New Zealand, PO Box 945, Palmerston North 4340 (425)</p> <p>The particular part of the submission we support is:</p> <p>Submission point 659, which seeks to remove the maximum area to build buildings in an outstanding natural landscape in the coastal environment zone</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. We ought to be able to build tracks on rural land without a resource consent. <p>We seek that the whole of submission point 659 be allowed.</p>



Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

Outstanding Natural Landscape or Features - MEP and Submitters

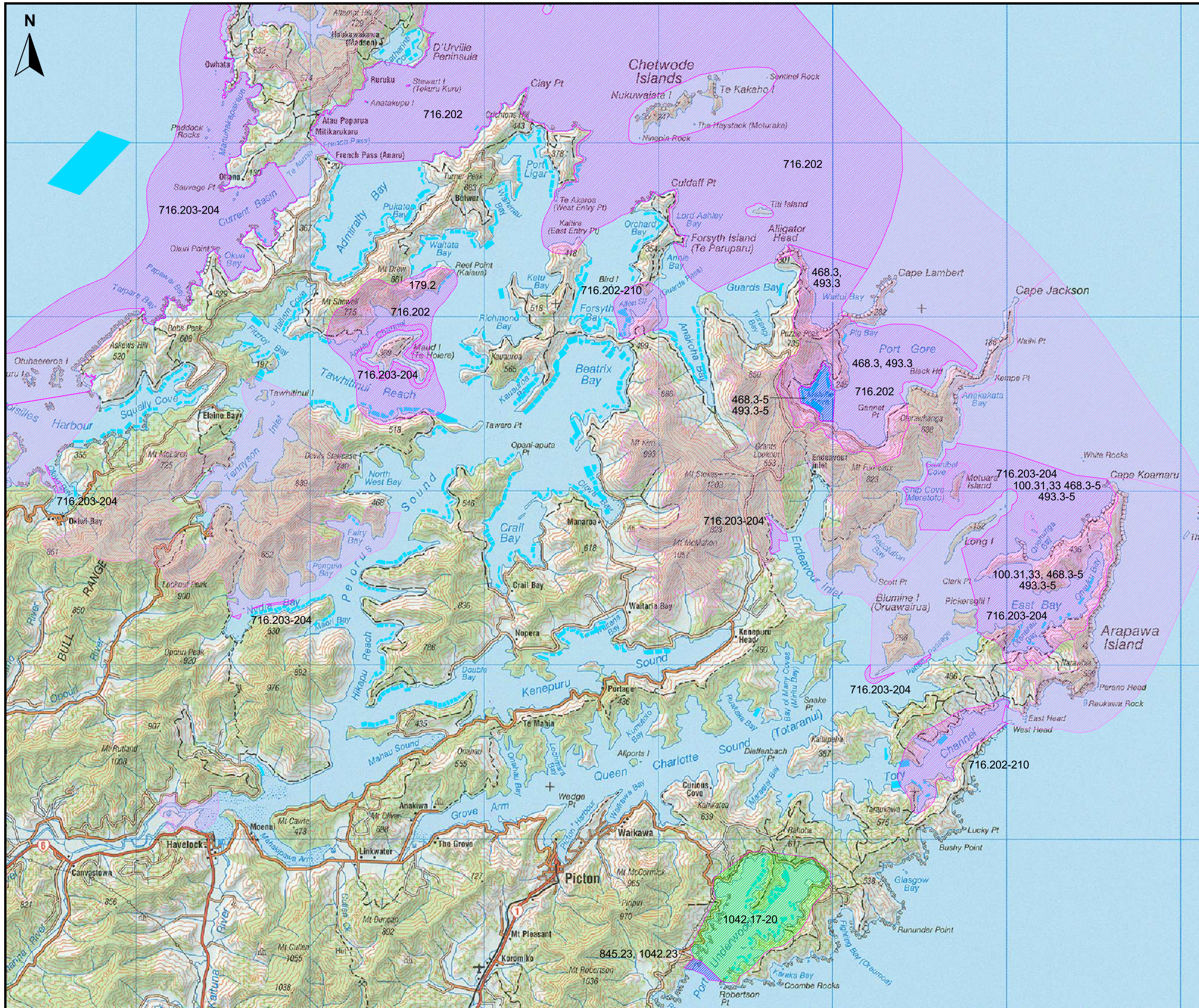
- KEY**
- █ Granted Marine Farm
 - █ MEP - Outstanding Natural Landscape or Features
 - █ Submitters - Outstanding Natural Landscape or Features
 - 800.5 Submitter Number & Point

MEP data supplied by Marlborough District Council. Marine Farm data sourced from 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. 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

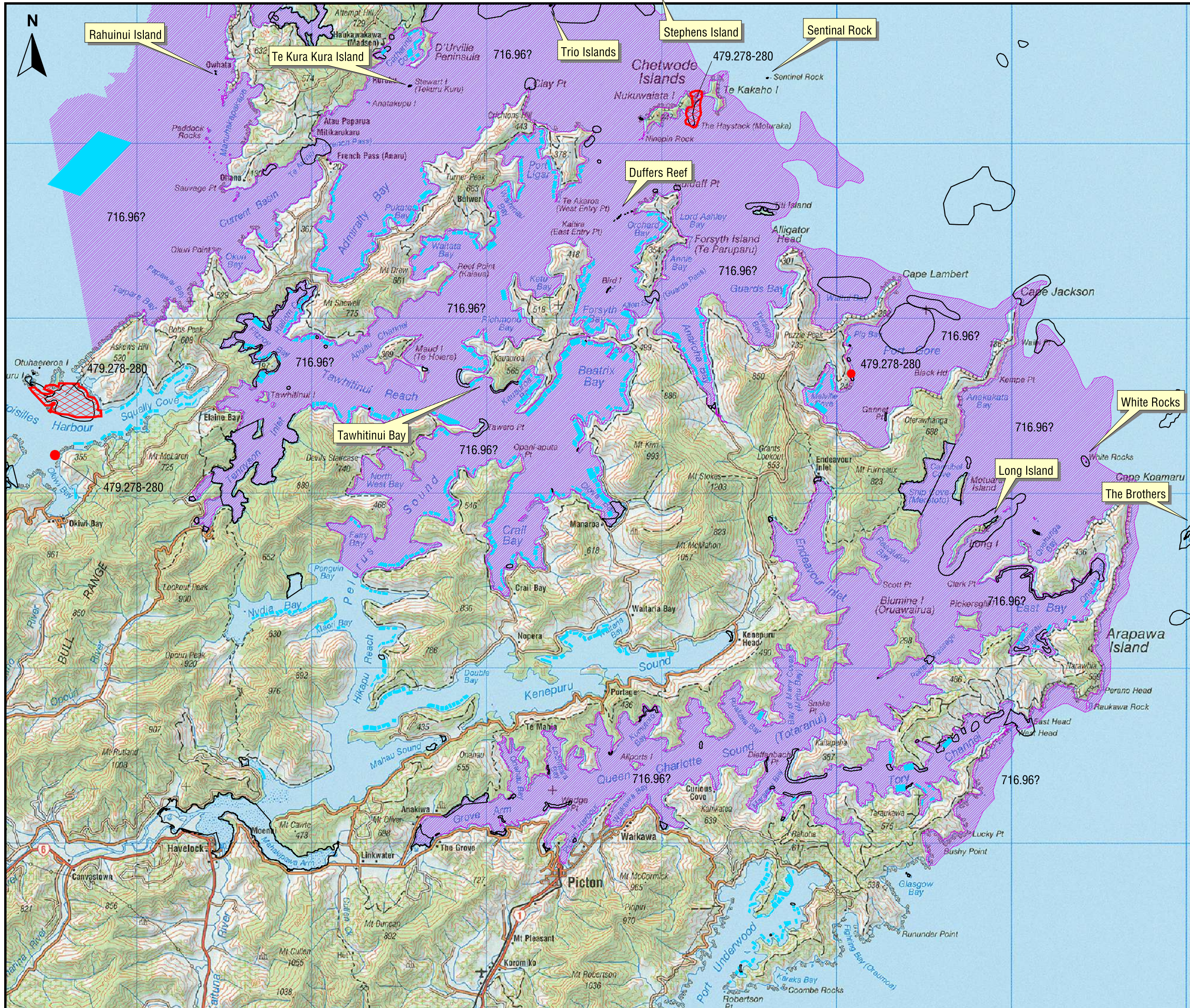
- KEY**
- Granted Marine Farm
 - MEP - Outstanding Coastal Natural Character
 - Submitters - Outstanding Coastal Natural Character
 - Submitters - Very High Coastal Natural Character
 - Submitters - Moderate - High Coastal Natural Character

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)
- Site Name
- Proposed Important Bird Areas on Land - Forest & Bird (2015)

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

Prepared: 23 June 2017

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: SHELLFISH MARINE FARMS LIMITED

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

Shellfish Marine Farms Limited has an interest in the proposal that is greater than the interest of the general public, because we own 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.

SFM 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.



Quentin A M Davies / Amanda L Hills

For and on behalf of:
Shellfish Marine Farms Limited

23 June 2017

Address for Service: Gascoigne Wicks, PO Box 2, Blenheim 7240, 79 High Street, Blenheim 7201.
Telephone: (03) 578-4229
Fax: (03) 578-4080
E-mail: gdavies@gwlaw.co.nz / 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

Further Sub No.	Further Submission
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"> a. The seascape in Port Ligar, outer Pelorus Sound; and b. The landscape and seascape in Waitata Bay, Pelorus Sound. <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The proposed increase in the extent of the overlay is not justified. <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"> 1. There is nothing in that area in landscape (seascape) terms which justifies the designation of the area as an ONL. <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.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The area does not meet the high threshold required. <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"> 1. The amendments as proposed are not justified. <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 natural character maps 1 and 2. In particular we oppose the inclusion of the eastern headland at Port Ligar as an area of outstanding natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The enlargement of the area as sought by the submitter is not justified. <p>We seek that submission points 203 and 204 be disallowed.</p>
7	<p>We oppose the submission of:</p> <p>The Royal Forest & 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 & Bird (2014). <i>New Zealand Seabirds: Important Bird Areas and Conservation</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand. 72 pp. and Forest & Bird (2015). <i>New Zealand Seabirds: Sites on Land, Coastal Sites and Islands</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 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>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>
8	<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"> 1. Set out in the Marine Farming Association Incorporated’s original submission on policy 8.1.1. 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. <p>We seek that the whole of submission point 96 be disallowed.</p>
9	<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"> 1. The submitter’s own publications suggest that the conservation management priorities for the king shag are:

	<ol style="list-style-type: none"> a. Protecting breeding grounds and ensuring that boats do not approach those colonies closer than 100 metres during the breeding season; b. Minimising seabird bycatch; c. Introducing pest quarantine measures to protect king shag breeding colonies; and d. Establishing king shags at new colony sites. <ol style="list-style-type: none"> 2. The proposed area has not been assessed through the protocol used to identify the ecologically significant marine sites in Marlborough. 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>If submission point 93 has been validly made, we seek that it 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 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> <ol style="list-style-type: none"> 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. <p>We seek that the whole of submission point 212 be disallowed.</p>
11	<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> <ol style="list-style-type: none"> 1. It is unclear what is proposed in the alternative. 2. There are more practical and effective ways to manage the effects of noise from activities on wildlife. <p>We seek that the whole of submission point 194 be disallowed.</p>

12	<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"> 1. 20 years is the statutory minimum under the RMA. 2. Prescribing the statutory minimum as a maximum in the Plan creates inefficiencies, by increasing the cost (both public and private) of consenting. 3. Consent for more than 20 provides greater certainty for businesses operating in the public space and ensures a financial return on investments. 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. <p>We seek that Point 2 of the submission be disallowed.</p>
13	<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"> 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. 2. The proposed amendment would make the cost of obtaining consent for a mooring or jetty significantly more expensive. <p>We seek that the whole of submission point 13 be disallowed.</p>
14	<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 data-bbox="391 347 1372 459">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. <p>We seek that the whole of submission point 12 be disallowed.</p>
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Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

Outstanding Natural Landscape or Features - MEP and Submitters

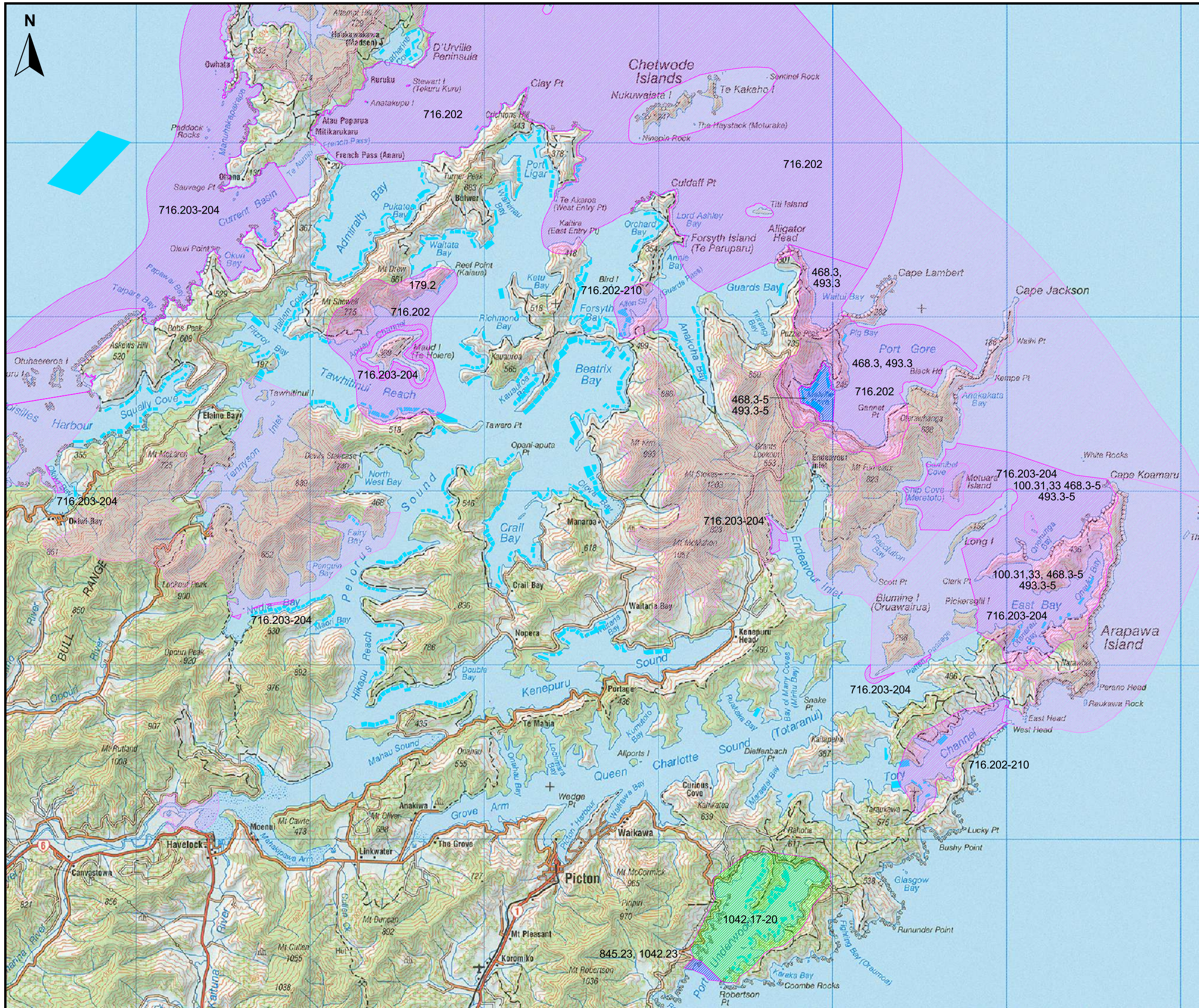
- KEY**
- Granted Marine Farm
 - MEP - Outstanding Natural Landscape or Features
 - Submitters - Outstanding Natural Landscape or Features
- 800.5 Submitter Number & Point

MEP data supplied by Marlborough District Council. Marine Farm data sourced from 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. 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

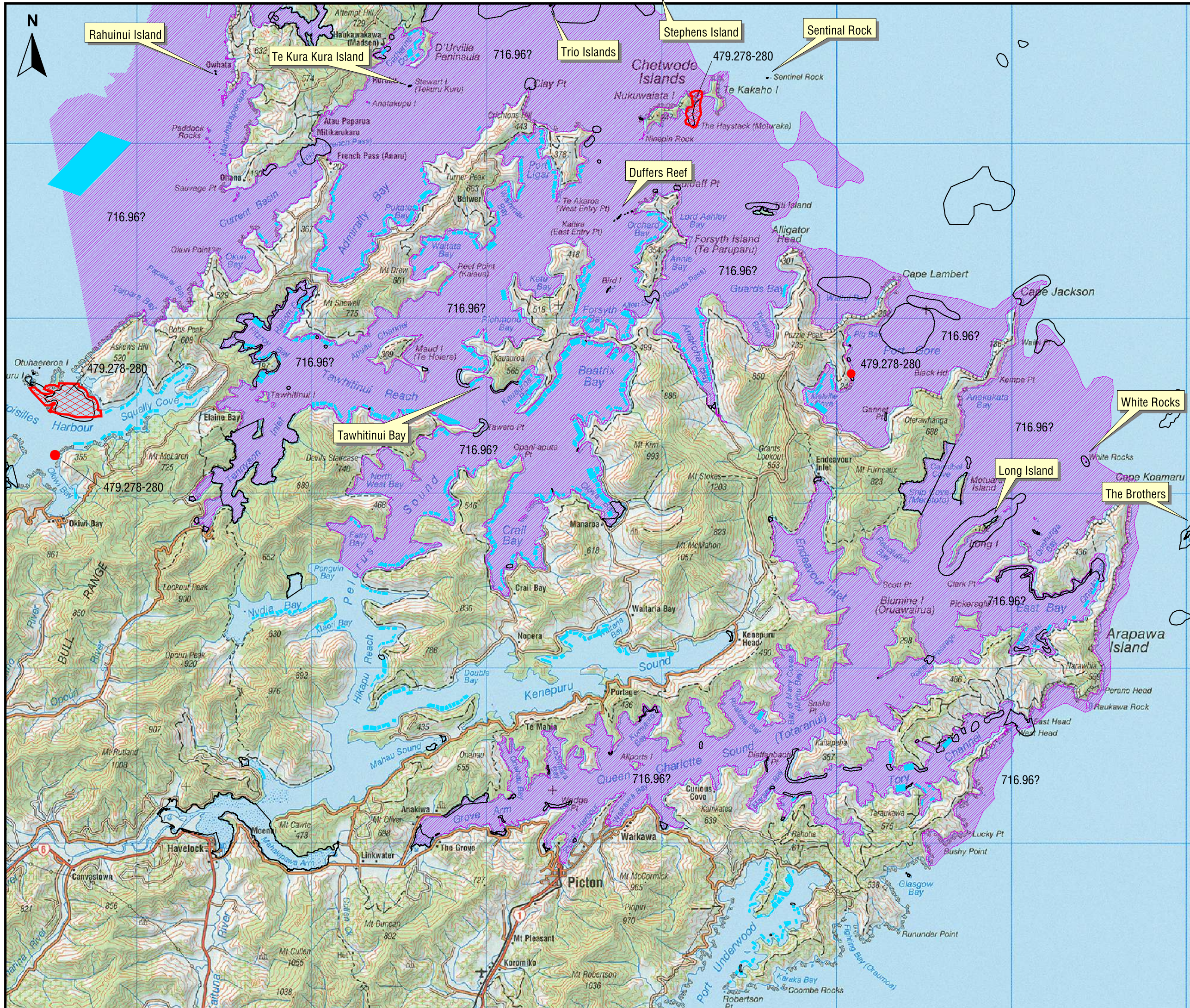
- KEY**
- Granted Marine Farm
 - MEP - Outstanding Coastal Natural Character
 - Submitters - Outstanding Coastal Natural Character
 - Submitters - Very High Coastal Natural Character
 - Submitters - Moderate - High Coastal Natural Character

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)
 - Site Name
 - Proposed Important Bird Areas on Land - Forest & Bird (2015)

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

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

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