

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

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

EnvC-2020-CHC-

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 **JUST MUSSELS LIMITED** a duly incorporated company having its registered office at 565 Rocks Road, Moana, Nelson 7011, New Zealand, **TAWHITINUI GREENSHELL LIMITED** a duly incorporated company having its registered office at 565 Rocks Road, Moana, Nelson 7011, New Zealand and **WAIMANA MARINE LIMITED** a duly incorporated company having its registered office at 563 Rocks Road, Nelson, 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)

Appellant's 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 Just Mussels Limited (“Just Mussels”), Tawhitinui Greenshell Limited (“Tawhitinui”) and Waimana Marine Limited (“Waimana”), jointly known as “the Appellants”, appeal against part of the decision of the Marlborough District Council (“MDC”) on the proposed Marlborough Environment Plan (“proposed Plan”).
- 2 The Appellants made submissions on the proposed Plan.

Trade Competition

- 3 None of the Appellants is 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 The Appellants received notice of the decision on 21 February and 3 March 2020.

The Decision

- 6 The parts of the decision that the Appellants are appealing are:

Landscape and Natural Character

- (a) The extent of Outstanding Natural Landscape (ONL) mapping of Fitzroy Bay, the northern entrance of Tennyson Inlet, Wilson Bay and Tawhitinui Bay in Landscape Map 4 of Volume 4 of the proposed Plan.
- (b) The extent of High and Very High natural character mapping of Fitzroy Bay, Hallam Cove, Camel Point, Tapapa Point/Tawhitinui Bay and Wilson Bay in Natural Character Rating Maps 1 and 3 of Volume 4 of the proposed Plan.

- (c) The extent of Outstanding natural character mapping at the northern entrance to Tennyson Inlet on Outstanding Natural Character Map 3 in Volume 4 of the proposed Plan.
- (d) The methodology underpinning the coastal natural character and landscape mapping in Volume 4 of the proposed Plan.
- (e) The methodology and content of the Landscape Schedule of Values at Appendix 1 and the Coastal Natural Character Schedule of Values at Appendix 2 of Volume 3 of the proposed Plan.
- (f) Appendix 4 of Volume 3 of the proposed Plan.
- (g) The lack of recognition of marine farms as part of the existing environment of the Marlborough Sounds in the above mapping and Appendices.

Ecologically Significant Marine Sites

- (h) Rule 16.6.6 of Volume 2 of the proposed Plan.
- (i) Rule 16.7.7 of Volume 2 of the proposed Plan.
- (j) Appendix 27 of Volume 3 of the proposed Plan, in so far as it relates to the existence of buffers around marine farms 8216, 8203 and 8195.
- (k) The existence of the buffer around Ecologically Significant Marine Site 3.11 that overlaps with marine farm 8216, on Ecologically Significant Marine Site Maps 4 and 9 in Volume 4.
- (l) The existence of the buffer around Ecologically Significant Marine Site 3.8 that overlaps with marine farms 8203 and 8195, on Ecologically Significant Marine Site Maps 3, 4 and 8 in Volume 4.

Reasons for the Appeal

- 7 While the Appellants are generally supportive of the proposed Plan provisions, the Appellants 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.

8 In particular, and without limiting the generality of the above paragraph:

Landscape and Natural Character

- (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.

Ecologically Significant Marine Sites

- (g) Rules 16.6.6 and 16.7.7 refer to “deposition”, though the underlying reason for imposing these rules refers to deposition from dredged materials¹. 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.
- (h) Marine farms 8216 and 8203/8195 act as a buffer to Ecologically Significant Marine Sites 3.11 and 3.8 respectively, protecting the site

¹ Decision on Topic 6 Indigenous Biodiversity, at [177], [179] and [198].

from other activities by the farm's presence. The activity status of those farms, and the appropriate rule framework should be determined as part of the MEP aquaculture provisions. In turn, the Appellants also appeal the specified buffer distances in Appendix 27 of Volume 3 of the proposed Plan, for this reason.

- (i) Further, in terms of site 3.8 any adverse effects from marine farms can be adequately mitigated using adaptive management if need be.²

General Reasons for the Appeal

- 9 While the Appellants are generally supportive of the proposed Plan provisions, they 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 other relevant planning documents;
 - (d) Will meet the reasonably foreseeable needs of future generations; and
 - (e) Is consistent with the New Zealand Coastal Policy Statement 2010.

Relief Sought

- 10 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.
- 11 The Appellants agree to participate in mediations or other alternative dispute resolution of the proceeding.

Attached Documents

- 12 The following documents are **attached** to this notice:
- (a) **Schedule A** as referred to above;

² *Clearwater Mussels Ltd v Marlborough District Council* [2016] NZEnvC 21 at [151] - [157].

- (b) A copy of the Appellants' submissions 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**).
- 13 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 Appellants

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 4, Volume 4	Mapping	Amend the ONL mapping of Fitzroy Bay, the northern entrance of Tennyson Inlet, Wilson Bay and Tawhitnui 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 natural character of Hallam Cove 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 Fitzroy Bay, Hallam Cove, Camel Point, Tapapa Point/Tawhitnui Bay and Wilson 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.
Outstanding Natural Character Map Page 3	Mapping	Amend mapping of outstanding natural character at the northern entrance to 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.
Appendix 1, Volume 3	Methodology 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): <u><i>“Some bays contain existing marine farms, but this does not compromise [relevant area’s name] current natural values.”</i></u>
Appendix 2, Volume 3	Methodology 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

Decisions Version	Relevant part of provision	Relief sought
		<p>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>
Appendix 4, Volume 3	Text of appendix	Delete appendix in its entirety.
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	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	Mapping of ESMS 3.11 and buffer	<p>Remove buffer around Category B Ecologically Significant Marine Site 3.11 where the buffer overlaps with a marine farm.</p> <p>The MEP should expressly recognise that marine farms do not adversely affect the bryozoans, sponges, ascidians, horse mussels and hydroids at Tapapa Point, Kauauroa Bay and Tawero Point.</p>
Ecologically Significant Marine Site Maps 3, 4 and 8, Volume 4	Mapping of ESMS 3.8 and buffer	<p>Remove buffer around Category B Ecologically Significant Marine Site 3.8 where the buffer overlaps with a marine farm.</p> <p>Recognise that the potential adverse effects of marine farms on elephant fish spawning areas are minor, and adverse effects can be adequately mitigated using adaptive management if need be (<i>Clearwater Mussels Ltd v Marlborough District Council</i> [2016] NZEnvC 21 at [151] - [157]).</p>

Schedule B: Submissions of Just Mussels, Tawhitinui and Waimana

**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: JUST MUSSELS LIMITED and TAWHITINUI GREENSHELL LIMITED

Just Mussels Limited is a marine farm servicing company 100% owned by the Pooley family. It was established during the pioneering days of the marine farming industry. Tawhitinui Greenshell Limited holds marine farm assets and is also owned by the Pooley family. The companies own or operate mussel farms in Tawhitinui Bay, Wilson Bay, Anakoha Bay, Hallam Cove, Fitzroy Bay, Camel Point, and Tasman and Golden Bays.

The Pooley family has been involved in the Greenshell Mussel industry for four generations, beginning in Nydia Bay in the early 70's. The family applied for and operated the first open ocean farm in New Zealand, offshore at Motunau Beach.

The family properties are in Elaine Bay, from which its business is operated. They are significant contributors to Council and community.

Rob Pooley, Managing Director of Just Mussels, has had a 27+ year relationship with the Marine Farming Association (MFA) (with approximately 15 as President). He is a passionate advocate for the industry, having served on every National Industry body, and was a director of Aquaculture NZ.

Just Mussels and Tawhitinui Greenshell (along with all of the Pooley family marine farming entities) have been lifelong members of the various industry, advocacy, political and compliance organisations. The Pooley family is a founding member of the industry's environmental programmes, and passionately supports the clean a beach programme and the MFA's compliance audit programme. Just Mussels or Tawhitinui Greenshell has never been served with an abatement notice.

The marine farming business is currently managed by Rob's eldest son, Simon, who with his wife and three children, lives in Rai Valley. He is supported by Rob's youngest son, Jeremy. Just Mussels and Tawhitinui Greenshell currently employ the equivalent of six FTE's, with a further four casuals.

The business is supported at an administrative and governance level by Rob and paid employees. The companies operate two farm servicing vessels out of Elaine Bay, leasing

berths off the Port Company. They are the sole provider of raw material to the Cloudy Bay Seafood processing plant in Nelson, which accounts for approximately 50 FTEs.

1. This is a submission on the following proposed plan (the **proposal**):
 - (a) Proposed Marlborough Environment Plan.
2. Just Mussels Limited and Tawhitinui Greenshell Limited could not gain an advantage in trade competition through this submission.
- 3.

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. Rob Pooley was actively involved in preparation of the MFA's submission on behalf of the industry.	As set out in the MFA submission.
Specific points set out in the MFA submission.	<p>In particular, Just Mussels and Tawhitinui Greenshell 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 – 	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>6.2.3 (avoidance policies – natural character);</p> <ul style="list-style-type: none"> • 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 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</i></p>

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
		<i>compromise the overall 'naturalness' of the coastal environment."</i>
Vol 4, Overlays, Coastal Natural Character Map 1 AND Vol 3, Appendix 2	The southern part of Fitzroy Bay and Camel Point are not included in Coastal Natural Character Map 1, as per the Natural Character index. Based on the overlay maps on the Marlborough District Council website: <ul style="list-style-type: none"> • Oppose the extent of the high, very high, and/or outstanding natural character overlay in Fitzroy Bay, Hallam Cove, and at Camel Point. 	Remove natural character overlay from: <ul style="list-style-type: none"> • The Fitzroy Bay land and seascape; • The northwestern side of Hallam Cove; • The Camel Point headland and its vicinity; and • The northern extreme of the 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 2, as per separate submission.
Vol 4, Overlays, Coastal Natural Character Map 2	Support the absence of a natural character overlay in Anakoha Bay.	Retain the natural character mapping as proposed.
Vol 4, Overlays, Coastal Natural Character Map 3 AND Vol 3, Appendix 2	Tawhitinui Bay and Tapapa Point are not included in Coastal Natural Character Map 3, as per the Natural Character Index. Based on the overlay maps on the Marlborough District Council website: <ul style="list-style-type: none"> • Oppose the extent of the very high natural character overlay at Tawero Point; and • Oppose the high natural character overlay at Tapapa 	Amend the overlay map by: <ul style="list-style-type: none"> • Removing the very high natural character overlay from the seascape south of Tawero Point and in Wilson Bay; and • Removing the high natural character overlay at Tapapa Point and in Tawhitinui Bay; OR The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification,

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	Point and in Tawhitinui Bay.	by amending the values at Vol 3, Appendix 2, as per separate submission.
Vol 4, Overlays, Landscape Map 1 AND Vol 3, Appendix 1	Oppose the extent of the outstanding natural landscape (ONL) mapping in Hallam Cove.	Reduce the extent of the ONL mapping in Hallam Cove; 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	Support the absence of an ONL overlay at Camel Point; AND Oppose the extent of the ONL overlay: <ul style="list-style-type: none"> • In Fitzroy Bay; • In Tennyson Inlet; • At Tawero Point; and • At Tapapa Point/Tawhitinui Bay. 	Retain the ONL mapping as proposed at Camel Point; AND Remove ONL overlay from: <ul style="list-style-type: none"> • Fitzroy Bay; • The northern extreme of Tennyson Inlet; • Tawero Point; and • Tapapa Point/ Tawhitinui 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 1, as per separate submission.
Vol 4, Overlays, Landscape Map 5	Support the extent of the ONL overlay in Anakoha Bay.	Retain the ONL mapping as proposed in Anakoha Bay.
Vol 4, Overlays, Ecologically Significant Marine Sites, Map 9	It is unclear from the mapping whether these sites are intended to be regionally or nationally significant sites.	Changes to Vol 1, Chapter 8 provisions and the Significance Criteria in Vol 3, Appendix 3, as per 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
	Support the mapping of sensitive area 3.11, but oppose the implementation in respect of this area in the MEP provisions.	
Vol 4, Overlays, Ecologically Significant Marine Sites, Maps 3, 4 and 8 (significant site 3.8)	<p>It is unclear from the mapping whether these sites are intended to be regionally or nationally significant sites.</p> <p>Support the mapping of sensitive area 3.8, but oppose the planning approach implemented in respect of this area in the MEP provisions.</p> <p>The potential adverse effects of marine farms on elephant fish spawning areas are minor, and adverse effects can be adequately mitigated using adaptive management (<i>Clearwater Mussels Ltd v Marlborough District Council</i> [2016] NZEnvC 21 at [151] – [157].)</p>	Changes to Vol 1, Chapter 8 provisions and the Significance Criteria in Vol 3, Appendix 3, as per the MFA submission, in particular in terms of providing for adaptive management where appropriate.
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.

4. Just Mussels Limited and Tawhitinui Greenshell Limited wish to be heard in support of its submission.
5. If others make a similar submission, Just Mussels Limited and Tawhitinui Greenshell Limited will consider presenting a joint case with them at a hearing.



.....

QAM Davies and A L Hills

Solicitors for Submitter

Date:

Address for service of Submitter:

Gascoigne Wicks

79 High Street, Blenheim 7201

PO Box 2

BLenheim 7240

Telephone: 03 578 4229

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

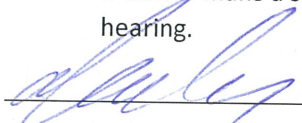
Name of submitter: Waimara Marine Ltd. [insert name]

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:

8321, Wilsons Bay, 8203 Camel Point, All MFA holding sites [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: 1/9/16 [date]

Address for service of Submitter: PO Box 74, Rai Valley [address]

Telephone: 0275 446161 [telephone] Fax: _____ [fax]

Contact person: Simon Pooley [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.

RECEIVED
- 1 SEP 2016
MARLBOROUGH
DISTRICT COUNCIL

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: Waimana Marine Limited (marine farm interests in 8321 & 8203)

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

We are persons who have an interest in the proposal that is greater than the interest of the general public because we own a marine farm in an area directly relevant to the submissions below. There will be consequences not only for me but also for the people who service our farm and process our mussels.

We oppose the submissions of;

688: Judy and John Hellstrom, Private Bag 391, Blenheim 7240

716: Friends of Nelson Haven, P O Box 98, Rai Valley

The particular parts of the submission we oppose are submission point(s);

688: Point 44

716: Points 202-210

which seeks to enlarge the area covered by outstanding natural landscape or outstanding natural character.

The reason for my/our opposition is:

1. The increase in area is not justified.
2. It is inconsistent with the relevant definitions, and other provisions of the Plan and the Act.
3. The proposed change cannot be supported by a s 32 analysis.

We seek that the whole of the submission point identified above be disallowed.

We wish 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.



Simon Pooley

Date: 22nd June 2017

Address for Service: P O Box 74, Rai Valley

Telephone: 027 544 6161

E-mail: waimanamarine@gmail.com

Contact person: Simon Pooley

This form can be submitted to:

Attention Rachel Anderson

Marlborough District Council

PO Box 443

Blenheim 7240

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