

# **Proposed Marlborough Environment Plan**

**Section 42A Hearings Report for Hearing Commencing  
Monday 12 February 2018**

**Report dated 20 November 2017**

**Report on submissions and further submissions topic:  
Criteria for identifying ecological significance of  
biodiversity  
and  
Mapping of ecologically significant marine sites**

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## List of Abbreviations

Biodiversity	Biological Diversity (refer section 2 RMA 1991)
CBD	Convention on Biological Diversity
CMA	Coastal Marine Area (comprising ~725,000 hectares in Marlborough).
Council	Marlborough District Council
DoC	Department of Conservation
Expert Panel	Significant marine site expert panel of biologists advising Council and DoC.
MEP	Proposed Marlborough Environment Plan
MfE	Ministry for the Environment
MPI	Ministry for Primary Industries
NESPF	National Environment Standard – Plantation Forestry
NIWA	National Institute of Water and Atmospheric Research
NPSFM	National Policy Statement – Freshwater Management
NZCPS	New Zealand Coastal Policy Statement
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
SNA	Significant Natural Area
Stats NZ	Statistics New Zealand
UNSDG	United Nations Sustainable Development Goals

# 1 Introduction

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## 1.1 Statement of Peter Hamill

1. My full name is Peter Francis Hamill. I am employed by Marlborough District Council (Council) as the Team Leader - Land and Water in Council's Environmental Science and Monitoring Group. I have been employed in this capacity since June 2017.
2. I have worked for the Council since January 1994. Prior to holding my present position with Council, I held the following positions:
  - April 2013 - June 2017 Senior Environmental Scientist
  - June 2000 - April 2013 Environmental Scientist - Aquatic Biota
  - June 1998 – June 2000 – Policy Analyst - Information Management
  - May 1994-June 1998 – Resource Information Officer
  - Jan 1994 – May 1994 Consents Officer.
3. I hold a Bachelor of Science and Post-Graduate Diploma in Science (University of Otago, 1989).
4. I have been involved with the Council's Significant Natural Areas programme since its inception and was involved with the development of the criteria for determining significance used in the SNA programme. I am one of the authors of the report "Ecologically Significant Marine Sites in Marlborough, New Zealand" and as such was involved with the establishment of the significance criteria used in that document. I was the lead in the identification and assessment of significance of wetlands across Marlborough. I have personally visited over 200 wetlands and assessed them in relation to the SNA assessment criteria.
5. I was not involved in the production of the report Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016 or the technical information that supported it.
6. I was involved in the preparation of the MEP in a limited context by providing information and specialist advice to the Environmental Policy Group on areas where I have expertise, mainly in relation to biodiversity, wetlands and freshwater management.
7. My evidence is going to primarily focus on public submissions on the application of the ecological significance criteria in Policy 8.1.1, Volume 1 and Appendix 3, Volume 3 MEP to terrestrial and wetland sites.
8. I have read the Section 32 report on Indigenous Biodiversity (Chapter 8 of the MEP).
9. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This statement has been prepared in accordance with it and I agree to comply with it.
10. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
11. I am authorised to give this evidence on the Council's behalf.

## 1.2 Statement of Dr Steve Urlich

12. My full name is Dr Stephen Charles Urlich. I am the Coastal Environmental Scientist in Council's Environmental Science and Monitoring Group. I have held this position since October 2013.
13. I hold the qualification of Doctor of Philosophy in Forest Ecology (2000) and Bachelor of Resource Studies from Lincoln University (1996). I am a past recipient of the William Georgetti scholarship.
14. I have published twenty peer-reviewed scientific journal articles and technical reports on topics as diverse as: best practices for benthic management under salmon farms; methods to mitigate fine sediment from land use into coastal waters; coastal state of the environment reports on aquaculture, biodiversity and ship-wake effects; biodiversity protection; adaptation of native birds; forest dynamics; botanical surveys; frameworks for ecologically sustainable tourism, and group dynamics. My research record can be publicly accessed at: [https://www.researchgate.net/profile/Steve\\_Urlich](https://www.researchgate.net/profile/Steve_Urlich)
15. I have worked for the Department of Conservation as a Technical Support Officer, Biodiversity, in Wellington where I focused on native forest dynamics and outcomes of pest control from 2002 to 2005. I joined Land Information New Zealand in 2005 to work in the High Country Tenure Review Programme, which I ended up leading from 2007 to 2009. I worked for the Foundation for Research, Science and Technology as an Investment Manager in the Environmental Science Sector in 2010. Since 2011, I was employed by Council as an Environmental Protection Officer from 2011 to 2013.
16. My current role also involves contracting specialist marine science advice and services from different science providers. Council established this position in 2013 along with sufficient funding to out-source science advice in a programme-project model (hereinafter termed the 'Coastal Programme').
17. The Coastal Programme includes the ecologically significant marine site monitoring project, which commenced in 2015 and has been run in collaboration with the Department of Conservation (DoC). The focus of this project is the identification, survey, and monitoring of habitats important for biodiversity in sub-tidal and inter-tidal estuarine areas. My role also includes assisting the Significant Marine Site Expert Panel (the 'Expert Panel'), which reviews monitoring reports for Council, and provides assessments of significance for individual sites surveyed and monitored.
18. My evidence is going to primarily focus on public submissions on the application of the ecological significance criteria in Policy 8.1.1, Volume 1 and Appendix 3, Volume 3 MEP to coastal and marine sites, and the significant site overlay in Volume 4 MEP. My evidence is based on the summary of submission points as set out in this report which was presented to me for analysis and comment, and not the full content of individual submissions.
19. I was peripherally involved in the preparation of the Marlborough Environment Plan (MEP). This is because the formulation of policies, objectives, methods and rules were primarily developed prior to my appointment, and to the collection of scientific information by the Coastal Programme since then.
20. I have read the Section 32 report on Indigenous Biodiversity (Chapter 8 of the MEP).
21. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This statement has been prepared in accordance with it and I agree to comply with it.
22. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
23. I am authorised to give this evidence on the Council's behalf.

## 2 Scope of Hearings Report

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24. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
25. In this report, we assess and provide recommendations to the Hearing Panel on submissions made on the Marlborough Environment Plan (MEP) Volume 1, Chapter 8 (Indigenous Biodiversity) and Volume 3, Appendix 3 (Ecological Significance Criteria for the terrestrial, wetland and coastal environment), and Volume 4, Overlay Maps (Ecologically Significant Marine Sites “Overlay”).
26. The focus of this s42A Report is an analysis of relief requested with respect to:
  - Policy 8.1.1 which sets out the criteria for assessing whether wetlands, terrestrial or marine ecosystems, habitats and areas have significant indigenous biodiversity.
  - The significance and extent of individual significant marine site depicted in the Overlay.
27. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
28. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

## 3 Statutory Documents

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29. The following statutory documents are relevant to the provisions and/or submission within the scope of this report. Although a summary of the way in which these provisions are relevant is provided below, the way in which they influence the assessment of the relief requested by submissions will be set out in the actual assessment.

### 3.1 Resource Management Act 1991 (RMA)

30. Biodiversity is shorthand for biological diversity, and is defined in s2 RMA: “Biological diversity means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.”
31. Council has a legal duty to maintain biodiversity as set out in section 30(1)(ga): “Every regional council shall have the following functions for the purpose of giving effect to the RMA in its region: the establishment, implementation and review of objectives, policies, and methods for maintaining indigenous biological diversity.”

### 3.2 National Policy Statement for Freshwater Management 2014 (NPSFM)

32. The National Policy Statement for Freshwater Management 2014 (Freshwater NPS) sets out the objectives and policies for freshwater management under the Resource Management Act. The Freshwater NPS was amended in August 2017. The <http://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2014-amended-2017> superseded the original 2014 version on 7 September 2017.

33. The Freshwater NPS directs regional councils, in consultation with their communities, to set objectives for the state of fresh water bodies in their regions and to set limits on resource use to meet these objectives.
34. Objectives A1 and B1 are particularly relevant to Chapter 8 as they require the Council to safeguard fresh water's life-supporting capacity, ecosystem processes, and indigenous species in the management of water quality and water quantity.

### **3.3 New Zealand Coastal Policy Statement 2010 (NZCPS)**

35. The NZCPS sets out national policy direction in order to achieve the purpose of the RMA in relation to the coastal environment. It is the only mandatory national policy statement under the RMA. It contains seven objectives and 29 related policies. The NZCPS provides direction to local authorities in relation to how the coastal environment is to be managed, consistent with the functions given to regional councils and district councils under the RMA. The NZCPS must be given effect to in regional policy statements, regional plans and district plans.
36. The NZCPS has a number of Objectives and Policies relevant to maintaining indigenous biodiversity in the coastal environment. Objective 1 requires the safeguarding of the integrity, form and functioning, and resilience of the coastal environment, and the sustaining of coastal land, dunes, estuaries and marine ecosystems: This includes maintaining and enhancing natural processes and water quality, protecting representative ecosystems and the diversity of indigenous flora and fauna. Objective 6 recognises that people and communities can subdivide, use and develop in the coastal environment, provided this done appropriately. This includes protecting habitats of living marine resources which contribute to cultural, social and economic wellbeing, and not compromising these resources by activities on land. Management under the RMA is recognised as means of protecting resources as there is limited formal protection in the marine environment. Policy 11 provides clear guidance on avoiding adverse effects on threatened species and on different types of habitats.
37. Objective 7 ensures that management recognises and provides for New Zealand's international obligations regarding the coastal environment. New Zealand is a signatory to the 1992 Convention of Biological Diversity and the ensuing 2011-2020 Aichi Biodiversity Targets. The NZ Biodiversity Strategy 2000 and the NZ Biodiversity Action Plan 2016-2020 were developed to respond to these obligations. New Zealand has also ratified the 2015 United Nations Sustainable Development Goals. Goal 14 *Life Under Water* has a target to end destructive fishing practices by 2020.
38. In brief, there is a significant gap between the obligations that New Zealand has committed to internationally, and the national implementation of these at the regional level through the legislative framework. For example, UNSDG Goal 14 *Life Below Water* has a target for countries to end destructive fishing practices, which include bottom-trawling and dredging, by 2020. This is partially reflected in the NZ Biodiversity Action Plan 2016-2020. However, there is a lack of national guidance for councils, reflecting the failure to manage the nexus between the Fisheries Act and the RMA.
39. The need for councils to maintain (in the sense of safeguarding and restoring ecosystem function) biodiversity in different environments is widely-accepted in terrestrial and wetland environments. This is inconsistency around the country as to whether this should be by regulatory or non-regulatory means, or via a combination of methods. The situation is different in the coastal environment, where prior to the MEP, councils have not exercised their statutory powers to maintain biodiversity.

### 3.4 National Environmental Standards for Plantation Forestry 2017 (NESPF)

40. The NESPF is designed to provide a nationally consistent set of rules that address the risks of forestry activities and protect sensitive environments. The regulations apply to any forest larger than one hectare that has been planted specifically for harvest. It covers eight core plantation forestry activities: afforestation; pruning and thinning to waste; earthworks; river crossings; forestry quarrying; harvesting; mechanical land preparation; and replanting. In recognition that there are some locations that require a greater degree of protection, the NESPF allows councils to make rules that are more stringent, where necessary, in specified instances, such as the sensitive receiving environments of the Marlborough Sounds. The NESPF does not come into effect until 1 May 2018. Until then, the relevant provisions applicable to forestry in the MSRMP, WARMP and MEP will continue to apply. The NESPF has direct relevance to Chapter 8 MEP, in particular Objective 8.1 (protection) and 8.2 (restoration or improvement in the condition of degraded areas). The effects of sedimentation from forestry are most keenly felt in intertidal estuarine areas, such as the smothering of the ecologically significant site within Hitaua Bay estuary in 2015. Seabed coring by NIWA in 2017 found that forestry is also the largest single identifiable source of contemporary sediment within Kenepuru Sound.
41. Sediment is defined as a contaminant in s2 RMA 1991 when it is in sufficient quantities to change the physical, chemical or biological condition of water. Policy 22 Sedimentation of the NZCPS requires sediment loads from run off to be reduced through controls, as well as the impacts of vegetation removal including from plantation forestry. Policy 23 Discharge of Contaminants requires particular regard to avoiding adverse effects on ecosystems and habitats after reasonable mixing.

## 4 Indigenous biodiversity provisions in the MEP

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42. Chapter 8 of the MEP has two Objectives:
- 8.1 – Marlborough’s remaining indigenous biodiversity in terrestrial, freshwater and coastal environments is protected.
  - 8.2 – An increase in area/extent of Marlborough’s indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded.
43. Chapter 8 contains twenty policies to give effect to the objectives. The purpose of this s42A Report is to analyse and make recommendations on the relief requested by submitters on Policy 8.1.1 which sets out the criteria for assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value.
44. The policy is set out in Chapter 8 as follows:

**Policy 8.1.1 – When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:**

- (a) **representativeness;**
- (b) **rarity;**
- (c) **diversity and pattern;**
- (d) **distinctiveness;**
- (e) **size and shape;**



- (f) **connectivity/ecological context;**
- (g) **sustainability; and**
- (h) **adjacent catchment modifications.**

**For a site to be considered significant, one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics) must rank medium or high.**

45. To determine whether a site is significant for the purposes of Section 6(c) of the RMA, an assessment needs to be made by the Council or others against consistently applied criteria. The criteria identified in this policy (further explained in Appendix 3), have been used by the Council previously to identify and encourage opportunities for the conservation of natural features on private land in Marlborough (*terrestrial and wetland environments*) and will enable assessments to be made in the future where none have occurred to date. The same criteria have also been used in identifying wetlands of significance in Marlborough.
46. In Dr Ulrich's view the criteria for assessing significance in *coastal environments* are slightly different to terrestrial and wetland environments. The **Representativeness** criterion is applied in a biogeographic area, as opposed to an ecological district. The **Sustainability** criterion was not seen by the Significant Marine Site Expert Panel to be relevant. The Significant Marine Site Expert Panel has made several tweaks to the wording of the criteria over time to more appropriately reflect marine processes. For example, the **Adjacent Catchment Modification** is not applicable for deep water sites well offshore.
47. The criteria are applied at a sub-regional or 'biogeographic' scale. This is because the Marlborough CMA has distinctive differences in hydrodynamics and wave exposure, which in turn influence the biology. For example, Tory Channel is comprised of cooler, well-mixed and nutrient rich waters than Queen Charlotte Sound, and these areas differ in turn from the waters around D'Urville Island. Nine biogeographic areas were identified by the Expert Panel in 2011 (see the map in section 5.2.1).
48. Since 2015, Council and DoC have monitored a selection of known significant sites. The purpose is to assess the condition of each site and to fix the boundaries with GPS. Imagery has been taken at all sites, and at some sites data have been collected of the relative density of biological values. There have been increases and decreases in site boundaries which reflect more accurate definition, or in some cases, loss of values mostly likely attributable to physical disturbance of the seabed.
49. All monitoring data are then put before the Expert Panel for assessment. The Panel comprises the same scientists who prepared the 2011 publication, with the exception of Peter Hamill who was replaced by marine ecologist Bruno Brosnan of Te Atiawa-o-Te-Waka-A-Maui Trust. Dr Ulrich provides support to the Panel, but does not participate in the Expert Panel's assessments.
50. The 2015 and 2016 monitoring data have been sought to be incorporated into the MEP overlay maps in Volume 4 through submissions. The third year of monitoring from 2017 will need to be picked up by a separate plan change process.

## 5 Analysis of submissions

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51. There were approximately 208 submission points received on provisions related to Policy 8.1.1, Ecological Significance Criteria in Appendix 3 and the Ecologically Significant Marine Sites Overlays in Volume 4 of the MEP.

52. Individual submitters who used one of the above common formats have been grouped together as a single entry per relevant point or map to avoid unnecessary repetition and duplication.
53. Analysis of submission points has been set out by issue and then by respective components of the topic, under the following headings:
- Policy 8.1.1 (Volume 1 MEP)
  - Appendix 3 (Volume 3 MEP)
  - Ecologically Significant Marine Sites Overlays (Volume 4 MEP)
54. There have been no pre-hearing meetings for this topic.

## 5.1 Policy 8.1.1 Submissions and Assessment

55. A total of 21 submissions were received on this specific provision. Ten were in support, six were support in Part and five were opposed to the provision which requires at least one of the first four criteria to be assessed as High or Medium. These are: representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics.
56. Eight of those who supported the provision, Ross Edward Beech [42.001][693.002] (twice), Ian Balfour Mitchell [364.019], Judy and John Hellstrom [688.074], Trustpower Limited [1201.084], Bay of Many Coves Residents and Ratepayers Association [1190.035], Kiwi Rail Holding Ltd [873.020] and Department of Conservation [479.071] simply asked for the policy to be retained as notified. **The support for the policy is noted.**
57. The Environmental Defence Society Inc [698.062] supports the provision but has requested that the criteria for assessment criteria should also apply to freshwater and coastal environments.
- It is Mr Hamill's view that the addition of freshwater to the provision will ensure that all environments are treated equally and consistently. He **recommends that the wording is amended to:** "*When assessing whether wetlands, marine, freshwater or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:*"
  - Dr Ulrich advises that coastal environments are already included in the 2011 Ecologically Significant Marine Sites publication<sup>1</sup>. This is because most of Marlborough's estuaries are assessed as ecologically significant sites. These sites can include coastal plants such as native musk (*Mimulus repens*) and the sea sedge (*Carex litorosa*) that are both listed as "At Risk" in the DoC 2012 threatened plant classification.<sup>2</sup> The extent of the coastal environment is mapped in the Zoning maps in Volume 4. He therefore **recommends that no change is required for coastal environments** as they are already included.
58. The New Zealand Transport Agency [1002.034] supports the provision but believes that it is unclear under what instances Council would require an assessment under this policy and as a result have requested clarification as to when the assessment would be required.
- Mr Hamill advises that as there is a very diverse range of instances where the criteria should be used and it is impractical to specify exactly when the criteria should be applied. As with all of the

<sup>1</sup> Davidson R. J.; Duffy C.A.J.; Gaze P.; Baxter, A.; du Fresne S.; Courtney S.; Hamill P. 2011. *Ecologically significant marine sites in Marlborough, New Zealand*. Co-ordinated by Davidson Environmental Limited for Marlborough District Council and Department of Conservation. Published by Marlborough District Council.

<sup>2</sup> Department of Conservation 2013. *Conservation status of New Zealand indigenous vascular plants, 2012*. Compiled by P. de Lange, J. Rolfe; P. Champion; S. Courtney; P. Heenan; J. Barkla; E. Cameron; D. Norton and R. Hitchmough. *New Zealand Threat Classification Series 3*. 70 p

policies and objectives Policy 8.1.1 needs to be considered when activities that alter the environment are being proposed. No specific changes to the maps are requested **and therefore no changes are recommended.**

59. Federated Farmers of New Zealand [425.123] support in part the criteria used for the identification of ecological significance for terrestrial, wetland and coastal environments. They consider that they provide Council with useful criteria for the prioritisation of sites for partnership programmes with landowners and the community. Federated Farmers however consider that for the site to be considered significant, one of the first four criteria must rank as high, and/or two or more must rank as medium. Federated Farmers Submission is supported by Pernod Ricard Winemakers Ltd and opposed by Te Atiawa o Te Waka-a-Maui Trust and Royal Forest and Bird Society.
- Dr Ulrich states that the significance thresholds in Policy 8.1.1 are less stringent than the Department of Conservation 2017 guidelines for assessing significant ecological values in terrestrial environments<sup>3</sup>, which just require a Medium rating for at least one of 7 criteria. To date the significance threshold in Policy 8.1.1 has been applied to terrestrial, wetlands and coastal marine sites. The significant marine sites and significant wetlands have been mapped in the MEP. The terrestrial SNA sites have not been mapped. The reason for this has been set out in the separate 42A report of Andrew MacLennan on Chapter 8.
  - Dr Ulrich also comments that the terms High, Medium, and Low may create a misleading perception of the relative value of significant sites, and that sites not ranked High could be seen as perhaps less important. However, even 'Low' ranked sites are ecologically significant for biodiversity, as these sites may be more aptly described as typical examples (or commonplace as DoC describe them), rather than of low significance. He suggests that it may be helpful to think about sites assessed as "High" as the most outstanding example in its biogeographic area; and that "Medium" can be thought of as very ecologically significant, and Low as significant.
  - Dr Ulrich **recommend that the requirement be retained for the one of the first four criteria must rank High or Medium be retained.**
60. Te Runanga O Ngati Kuia [501.030] support in part the criteria, however they has submitted that criteria should include "cultural and Kaitiaki values". This is supported by Te Atiawa o Te Waka-a-Maui Trust and opposed by Port Marlborough New Zealand Ltd. It is unclear as to what the Port Marlborough submission is opposing.
- It is Mr Hamill's view that if appropriate wording for a "cultural and Kaitiaki values" criterion can be established in Appendix 3 it **should be added to the policy** if the "management" criteria are retained. It would be helpful if the submitter could provide the appropriate criteria to be included in Appendix 3 in their evidence.
  - Dr Ulrich observes that section 6e of the RMA enables Iwi to identify sites of significance to them as taonga to be recognised and provided for as a matter of national importance. This includes a range of terrestrial, wetland and coastal sites, along with historic sites, waahi tapu and other taonga. He sees the real potential for conflation and confusion between s6c and 6e, and recommends that they be kept separate, both in the assessment of significance and in the MEP. **Accordingly, he recommends the submitter's point be declined.** He notes that, in reality, there will be overlap

<sup>3</sup> Department of Conservation 2017. *Department of Conservation guidelines for assessing significant ecological values*. Compiled by M. Davis; N.J. Head; S.C. Myers; S.H. Moore. Science for Conservation 237. 73p.

between the ecological significance and cultural importance for some sites. He also sees practical difficulties if the ecologists on the Expert Panel complete their assessment but have no mandate to identify the importance of a site for any of the Te Tahu Ihu iwi.

61. Queen Charlotte Sound Residents Association [504.030] support in part the criteria in their submission, however they suggest that a process needs to be put in place to allow the community to identify sites between plan reviews. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited oppose this submission as they believe that the identification of significant sites is a process for experts and not something that community groups can do.
- Dr Ulrich advises that members of the public have been, and are, welcome to suggest to Council candidate significant marine sites. These are recorded and will be surveyed in the annual monitoring programme as priorities and resources allow. The data are then assessed for significance by the marine site Expert Panel; and, if significant, adopted as a site in the MEP via a plan change. This does not need to be recorded in the MEP as it is an operational, rather than policy, matter. In that light, **he recommends that the submitter's point be declined.**
62. Nelson Marlborough Fish and Game [509.123] support in part the policy. They have requested a number of changes to;
1. They submit that there should be a slight wording change in the policy with the removal of the word "indigenous". The word change is opposed by Trustpower Ltd and Pernod Ricard Winemakers as they believe that it would widen the provisions more than what the Resource Management Act 1991 requires.
    - i. It is Mr Hamill's view that if Nelson Marlborough Fish and Game's request to remove the word indigenous from the criteria would not add value to the intention of the policies overlying objective of increasing the area/extent of Marlborough's Indigenous biodiversity. The existing criteria are all based around indigenous values and therefore non-indigenous areas would not meet the criteria to become significant. He observes that the proposed word change runs directly counter to s6c and s30(ga) RMA, the NZ Coastal Policy Statement, the Convention for Biological Diversity, and the New Zealand Biodiversity Strategy. **He recommends that this part of the submission is rejected.**
  2. Fish and Game submit that the policy should recognise that all wetlands are significant as they are a globally rare ecosystem. NZ Transport Agency opposes this as they believe that the wetlands currently in the plan need to be revisited and clarified.
    - i. Mr Hamill agrees with Fish and Game that wetlands are rare ecosystems. However, the current criteria are such that they recognise their rarity and they will be ranked as significant. **He recommends that this part of the submission is rejected.**
  3. Fish and Game submit that the Sustainability criterion is removed and that there is clearer guidance on the criteria and how they will be applied.
    - i. Mr Hamill notes that the Sustainability criterion is a management criterion and therefore does not alter the determination of the significance assessment. [The four criteria for assessing sustainability are: representativeness, rarity, diversity and pattern, and distinctiveness]. The 'management' criteria [size and shape; connectivity/ecological context; sustainability; and adjacent catchment modification] are used as a prioritisation tool for allocating resources for

management. He therefore advises that the Sustainability criterion should remain as one of the management considerations and **recommends that this part of the submission is rejected.**

4. Fish and Game submit that the Council use a similar approach as the Horizons One Plan Table F2(a) for the assessment of significance.

- i. Mr Hamill advises that the Horizon One Plan Table F.2(a) is a prescriptive classification and gives minimum areas of specific ecosystem types to be considered significant. It is his view that the criteria that the Council has used is a more inclusive approach and allows small fragments of significant vegetation to be included if appropriate. He **recommends that this part of the submission is rejected.**

63. Royal Forest and Bird Protection Society NZ (Forest and Bird) [715.173] support in part the policy. They believe that connectivity should be added to one of the criteria that should be used to assess significance and that the management related criteria (size and shape, sustainability and adjacent catchment modifications) should be removed as the Environment Court has rejected the use of management matters as significance criteria. Nelson Forests Ltd and Federated Farmers of New Zealand oppose the submission; however, the reason for the opposition is not clear.

- *Inclusion of Connectivity in Significance Assessment.* Dr Ulrich advises that Connectivity is a difficult criterion to rigorously evaluate in the marine environment, as larval movement of habitat-forming organisms is assumed rather than able to be quantified across large distances. Therefore, for consistency across ecosystem types, **he does not support** the addition of Connectivity to the criteria for ranking significance.
- Mr Hamill notes that in some way it seems irrelevant to include the “management” criteria if they are not used in the determination of significance.
- Dr Ulrich advises that the Expert Panel see the Management criteria as essential to helping distinguish between High, Medium and Low sites, when applying the significance criteria. For example, the *size and shape* of different remnant rhodolith (calcified algae) beds, and the spatial relationship between them (*ecological context*), informs a comparative analysis of which is the best representative (High) from a bed that is typical (Low). He therefore recommends **that the relief be declined and the management criteria be retained within Policy 8.1.1.**

64. Friends of Nelson Haven and Tasman Bay Incorporated [716.096] support in part the policy. They submit that Policy 8.1.1 is duplication of Appendix 3 and that the criteria do not recognise bird feeding areas as required by the NZCPS. Te Atiawa supports the submission. William & Kathleen Rainbow oppose the submission as they believe the increased area is not justified.

- Mr Hamill does not agree that the Policy 8.1.1 and Appendix 3 are duplicative for terrestrial and wetland environments, but are in fact complementary and both need to be there as Appendix 3 explains the criteria and gives guidelines for their use. He does not think that bird feeding areas specifically need to be included in the criteria as other classes of animals are equally important. He believes that by adding to the “High” guideline in the Diversity and Pattern criteria in Appendix 3: “The site is an important feeding area for threatened indigenous species.” will recognise the importance of these feeding areas. He therefore **recommends that the relief be partly granted by amending the Diversity and Pattern criterion.**
- Dr Ulrich holds a different view. He sees that for marine environments, any potential change to the significance criteria should be considered and endorsed by the Expert Panel. He observes

that the Rarity criteria already considers a site that contains nationally threatened or endangered species as being of High Significance, so **the relief requested by the submitter is redundant** (that the Diversity and Pattern criteria be expanded) **and is therefore recommended to be declined**. It is his view that is nonsensical to protect only part of the habitat that a threatened species uses to sustain itself for feeding and breeding. This reflects the wording of the Rarity criteria in the 2011 Ecologically Significant Sites (p150): “The site is significant if it **contains**...fauna listed as...nationally endangered...The site is also considered significant if it **supports**...fauna that are...locally endemic.” [emphasis added]. These are the criteria the Expert Panel uses to assess sites for significance. He notes that in the text of their submission Friends of Nelson Haven and Tasman Bay have mentioned the need to provide protection for feeding habitat for the threatened NZ King Shag (*Leucocarbo carunculatus*) but have not sought specific relief in this regard. He notes that the king shag is classified by DoC as “nationally endangered”<sup>4</sup>. He also notes that the Environment Court recently declined a marine farm on the basis that it would have removed potential feeding habitat of king shag, and thereby could contribute towards extinction. In that respect, the Environment Court has made a determination that feeding areas of king shag are ecologically significant, which means in effect that these should be added to the Overlay. The next step is for the Expert Panel to consider information that defensibly identifies the spatial extent of the king shag feeding area. The identified area will then be incorporated into the MEP by way of Plan Change.

65. Aquaculture New Zealand [401.090] and Marine Farming Association [426.094] oppose the policy on the basis that the policy does not implement policy 11 of the NZCPS. It is their view that the NZCPS requires a national approach rather than the regional approach taken in the MEP. They are supported by Te Atiawa o Te Waka-a-Maui Trust and Red Sky Trust and are opposed by Royal Forest and Bird Protection Society of New Zealand Incorporated [1135], Royal Forest and Bird Protection Society NZ [1284], Clova Bay Residents Association Inc.[74] and Kenepuru Central Sounds Residents Association Incorporated [316] who all believe that the proposed changes do not support or encourage sustainable management of the environment and would not deliver on the identification and protection of significant sites. Aquaculture New Zealand request that for sites to be determined to be significant the sites should be assessed against the criteria by experts/biologists rather than a layman. They have requested that the MEP adopt the approach used the Proposed Regional Policy Statement for Northland which notes that the criteria are intended to be applied by suitably qualified and experienced ecologists.

- *Application of criteria by experts in their field:* Mr Hamill and Dr Ulrich are **in agreement with the relief requested** by the Marine Farming Association and Aquaculture New Zealand that the identification of significant sites is a specialised skill to be completed by experts. **It is recommended** that a note is added to explanation of the criteria in Appendix 3 the reads “The ecological criteria are intended to be applied by suitably qualified and experienced ecologists in their field of expertise.”
- *Change from a regional to national approach following Northland Regional Council:* For marine environments, Dr Ulrich does not support the requested relief for coastal environments. This is because the criteria in the proposed RPS for Northland are primarily focused on terrestrial,

<sup>4</sup> Robertson, H.A.; Baird, K.; Dowding, J.E.; Elliott, G.P.; Hitchmough, R.A.; Miskelly, C.M.; McArthur, N.; O'Donnell, C.F.J.; Sagar, P.M.; Scofield, R.P.; Taylor, G.A. 2017: Conservation status of New Zealand birds, 2016. New Zealand Threat Classification Series 19. Department of Conservation, Wellington. 23 p

freshwater, and wetland environments. Northland also takes a regional approach in their assessment criteria, with mention of species which are endemic or at their distributional limit in Northland. The biogeographic approach developed for Marlborough's CMA (para 47) reflects the distinctive differences between marine environments in Tory Channel from Pelorus Sound for example, and the different types of seabed communities that are found in those places. **He recommends the submitters' requested relief be declined.**

66. Marlborough Forest Industry Association Incorporated [962.066] oppose the policy and request that any wetlands that have not be verified and included without landowner consultation should be removed from the MEP. Royal Forest and Bird Protection Society of New Zealand Incorporated [1145] oppose the submission as they believe that the identification of wetlands as significant should not be reliant on landowner approval.

- Mr Hamill advises that the identification of wetlands that have been included in the MEP went through a series of consultative processes and all landowners had the opportunity to make comment on the inclusion of the wetlands that were to be included in the MEP.

**Recommendation is that the relief requested by the submitter be rejected.**

67. Nelson Forests Ltd [990.198] opposes in part the policy in that the identification of wetlands as significant should require on-site verification. It is their view that they were not informed that some wetlands on their land were not included in the identification and consultation process. Ernslaw One Limited [305] supports the submission and request the same relief. Royal Forest and Bird Protection Society of New Zealand Incorporated [1146] and Royal Forest and Bird Protection Society NZ [1286] oppose the submission and believe that wetlands should be deemed significant until proven otherwise given their rarity of wetlands in the district.

- Mr Hamill advises that Nelson Forests Ltd's concerns have been investigated and it has been discovered that the wetlands in question are in Nelson Forests Ltd's Forests but the land is not actually owned by Nelson Forests and hence they were not specifically notified. Lack of consultation regarding the application of the criteria to a specific site does not mean that the policy is not an effective or efficient means of achieving Objective 8.1. **He recommends that the relief requested be rejected.**

68. Sanford Ltd [1140.029] opposes the policy as they state that the NZCPS focuses on nationally significant areas and it doesn't require regionally significant areas to be mapped. They have requested that all ecologically significant marine sites be removed from the MEP and for a full reassessment of the sites be conducted using national criteria. Red Sky Trust [436] supports the submission. Royal Forest and Bird Protection Society of New Zealand Incorporated [1151] oppose the submission on the basis that national significance does not include regional importance.

- Dr Ulrich notes that 11 of the twelve criteria in Policy 11 of the NZCPS that give effect to protecting indigenous biodiversity in the coastal environment are non-specific about whether they apply at a national or regional scale. In reality they apply at the regional level. For example, Policy 11(a)(i) applies in the Marlborough CMA for king shag as it requires avoidance of adverse effects of activities on indigenous taxa that are listed as threatened in the New Zealand Threat Classification System. King Shag is endemic to the Marlborough CMA. Policy 11(a)(v) of the NZCPS is the only criterion that references nationally significant. This suggests that the

remaining criteria are to be applied at an appropriate scale be it local, regional or national. **He recommends that the relief requested by the submitter be rejected.**

## 5.2 Appendix 3 - Submissions and Assessment

69. Aquaculture New Zealand [401.246] and Marine Farming Association Incorporated [426.242] oppose the criteria and request that a note should be added at the beginning of the Appendix stating "These criteria are intended to be applied by suitably qualified and experienced ecologists". The submission is supported by Te Atiawa o Te Waka-a-Maui Trust and Red Sky Trust.

- Mr Hamill and Dr Ulrich are **in agreement with the relief requested** by the submitters that the identification of significant sites is a specialised skill to be completed by experts. **It is recommended** that a note is added to explanation of the criteria in Appendix 3 the reads "The ecological criteria are intended to be applied by suitably qualified and experienced ecologists in their field of expertise."

70. Aquaculture New Zealand [401.247] and Marine Farming Association Incorporated [426.242] oppose the criteria as they believe that the criteria are not suitable to determine national significance under policy 11 of the NZCPS. They request that Appendix 3 be deleted and replaced with an approach similar to that used in the Proposed Regional Policy Statement for Northland where national and regionally significant areas are distinguished and use a cascading approach as in policy 11 of the NZCPS to manage effects on significant areas should be included in the policies in Chapter 8. The submission is supported by Te Atiawa o Te Waka-a-Maui Trust and Red Sky Trust. Clova Bay Residents Association Inc and Kenepuru Central Sounds Residents Association Inc oppose the Marine Farming Association Incorporated submission on the basis that the requested changes would not support or encourage sustainable management of the environment.

- Dr Ulrich notes that 11 of the twelve criteria in Policy 11 of the NZCPS that give effect to protecting indigenous biodiversity in the coastal environment are non-specific about whether they apply at a national or regional scale. In reality they apply at the regional level. For example, Policy 11(a)(i) applies in the Marlborough CMA for king shag as it requires avoidance of adverse effects of activities on indigenous taxa that are listed as threatened in the New Zealand Threat Classification System. King Shag is endemic to the Marlborough CMA. Policy 11(a)(v) of the NZCPS is the only criterion that references nationally significant. This suggests that the remaining criteria are to be applied at an appropriate scale be it local, regional or national. **He recommends that the relief requested by the submitter be rejected.**

71. Clifford Bay Marine Farms [629.004] oppose the Appendix 3 and request that the marine mammal site is removed from the vicinity of marine farm 8001 in Clifford Bay or state that aquaculture will not affect the relevant marine mammal values. The request is based on their belief that a large amount of dolphin research was carried out prior to the granting of marine farm 8001 and in the process it was deemed that the farm posed no threat to dolphins.

- Dr Ulrich advises that the identification of significant marine sites is separate from evaluating the threats to the values within those sites and applying management controls accordingly. The only current prohibition in the MEP at ecologically significant sites is disturbance of seabed from fishing in sub-tidal habitats. In terms of the marine mammal sites, the MEP has not explicitly considered the risks to the water column habitat of marine mammals from sediment discharged



into the water column from widespread seabed disturbance, or the loss of biodiversity and ecosystem function within feeding habitats from associated seabed damage and destruction. These multiple stressors are likely to be having ongoing ecologically deleterious effects on biodiversity and the habitats of threatened marine mammals. These effects could pose a greater risk to the marine mammals in Clifford Bay for example, than the submitter's activity so it would be inappropriate to remove the site from the vicinity of the farm, Therefore, the **submitter's request for relief is recommended to be declined.**

72. Friends of Nelson Haven and Tasman Bay Incorporated (FNHTB) [716.212] oppose the Biodiversity Criteria for Significance. Their submission supports the criteria, however they believe that the criteria do not assess the significance of habitats of birds and mammals as although breeding areas are encapsulated feeding areas are not. They have requested that the Diversity and Pattern criteria is expanded to include "The site is an important feeding area for indigenous species". The submission is supported by Te Atiawa o Te Waka-a-Maui Trust and opposed by:

1. Apex Marine Farm Limited
2. Archer, Beryl and Heberd, John
3. Clearwater Mussels Limited and Clark Island Company Limited
4. Aroma (N.Z.) Limited
5. The New Zealand King Salmon Co. Limited
6. KPF Investments Limited and United Fisheries Limited
7. HARO Partnership
8. Goulding Trustees Limited
9. Shellfish Marine Farms Limited
10. St George Limited
11. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited
12. Maclab NZ Ltd
13. William & Kathleen Rainbow,

All those who oppose FNHTB have all presented the same submission. They oppose the submission as they believe that if feeding areas were added the focus will change from discreet benthic communities to more board areas and that this is not in accordance with the RMA or the policies and objectives.

- Mr Hamill is of the view that by adding "The site is an important feeding area for threatened indigenous species." to the "High" guidance in the Diversity and Pattern criteria in Appendix 3 it will recognise the importance of these feeding areas across all ecosystem types and provide clarity to the criteria. Recommend that the wording "The site is an important feeding area for threatened indigenous species." be added to the "High" guidance in the Diversity and Pattern criteria in Appendix 3
- Dr Ulrich notes that the submission relates to the significance criteria in the marine environment. In that light, any potential change to the significance criteria should be considered and endorsed by the Expert Panel. He observes that the Rarity criteria already considers a site that contains nationally threatened species as being of High Significance, so **the relief requested by the submitter is redundant** (that the Diversity and Pattern criteria be expanded) **and is therefore recommended to be declined.** It is his view that is nonsensical to protect only part of the habitat that a threatened species uses to sustain itself for feeding and breeding. This reflects the

wording of the Rarity criteria in the 2011 Ecologically Significant Sites (p150): “The site is significant if it **contains**...fauna listed as...nationally endangered....The site is also considered significant if it **supports**...fauna that are....locally endemic.” [emphasis added]. These are the criteria the Expert Panel uses to assess sites for significance.

73. PF Olsen [149.70] support in part the criteria and request that Rarity point 4 be clarified as the way it is currently written the area that it is assessed against is not clear and a mix of measures may be used.

- Mr Hamill notes that it is not clear what the submission is actually requesting and what the wording should be changed to and therefore **no changes are recommended** as a result of this submission.

74. Federated Farmers [425.769] support in part the criteria used for the identification of ecological significance for terrestrial, wetland and coastal environments. They consider that they provide Council with useful criteria for the prioritisation of sites for partnership programmes with landowners and the community. Federated Farmers however consider that for the site to be considered significant, one of the first four criteria must rank as high, and/or two or more must rank as medium. Federated Farmers Submission is supported by Pernod Ricard Winemakers Ltd and opposed by Te Atiawa o Te Waka-a-Maui Trust and Royal Forest and Bird Society.

- Dr Ulrich states that the significance thresholds in Policy 8.1.1 are less stringent than the Department of Conservation 2017 guidelines for assessing significant ecological terrestrial environments, which just require a Medium rating for at least one of 7 criteria. To date the significance threshold in Policy 8.1.1 has been applied to terrestrial, wetlands and coastal marine sites. The significant marine sites and significant wetlands have been mapped in the MEP. The terrestrial SNA sites have not been mapped. The reason for this has been set out in the separate 42A report of Andrew MacLennan on Chapter 8.
- Dr Ulrich also comments that the terms High, Medium, and Low may create a misleading perception of the relative value of significant sites, and that sites not ranked High could be seen as perhaps less important. However, even ‘Low’ ranked sites are ecologically significant for biodiversity, as these sites may be more aptly described as typical examples (or commonplace as DoC describe them), rather than of low significance. He suggests that it may be helpful to think about sites assessed as “High” as the most outstanding example in its biogeographic area; and that “Medium” can be thought of as very ecologically significant, and Low as significant.
- Dr Ulrich **recommend that the requirement be retained for the one of the first four criteria must rank High or Medium be retained.**

75. The Department of Conservation [479.270] (DoC) support in part the submission and have requested a number of changes. Their submission is supported by Te Atiawa o Te Waka—Maui Trust.

1. They request that the numbering used in Appendix 3 may cause confusion when the guidance at the beginning refers to the first four criteria determining significance. To alleviate this concern they have requested that the numbering should be replaced with a different format.
  - Mr Hamill agrees that the numbering could create confusion and it is suggested that the numbering in Appendix 3 be changed to bullet points. Dr Ulrich sees that the confusion could be efficiently resolved by separating the terrestrial, wetland and freshwater criteria from the coastal and marine.

2. They also request that the word coastal is replaced with the word marine in the heading to clarify that the criteria apply to the marine environment and should read “Ecological Significance Criteria for terrestrial, wetland and marine environments”.
  - Dr Ulrich agrees that the change would provide more clarity and be consistent with Policy 8.1.1, but suggests that it should be “coastal and marine”.
3. They also request that the words or biogeographic area need to be added to the Distinctiveness H criteria to clarify that biogenic habitats are included. They request that the wording be changed to “The site contains any ecological feature that is unique nationally, in the region or in the ecological district or biogeographic area; or it contains several such features that are outstanding regionally or in the ecological district or biogeographic area.”
  - Dr Ulrich advises that the Expert Panel is using slightly modified assessment criteria, which include the reference to biogeographic area, as this is consistent with the 2011 Ecologically Significant Marine Sites publication and also reflects their experience in assessing sites over the first three years of the survey and monitoring of subtidal sites. He notes that splitting out the coastal marine significance criteria in Appendix 3 from the terrestrial, wetland and freshwater environments for clarity (see paragraph 76).
4. They have requested that sub-criterion 9 refers to sites being significant if it is compact in shape or cohesive. The ranking criteria only refer to compactness which is not always applicable in the marine context. The term cohesive should be reflected in the ranking criteria. And therefore the criteria should be changed to the following “H: The site is large in size for the region or ecological district and is compact in or cohesive. M: The site is moderate in size for the region or ecological district and is compact in shape or cohesive; or the site is relatively large but not very compact or cohesive.”
  - Mr Hamill agrees that the change would provide more clarity and **supports the change to Appendix 3.**
  - Dr Ulrich advises that this needs to be considered by the Expert Panel **and does not support the change for coastal and marine environments.** It is not part of the 2011 Ecologically Significant Marine Sites publication. He is unaware of the use of the cohesive terminology, how it is defined, and what it actually means ecologically.
5. Their submission states that there are examples throughout the criteria where the high, medium or low rankings are not directly relevant to each of the sub criterion under the criteria headings. Given this there is a risk that some of the sub criterion will not have due consideration in the assessment of significance. An example of this is sub criterion 11 under the Connectivity, which discusses the functions of wetlands, and the rankings only consider connectivity to other areas. Also the rankings are not relevant to sub-criterion 12 which has regard to indigenous vegetation or habitats providing an important habitat for indigenous species. Another example is sub-criterion 3 states that a marine site is significant if it is a ‘good example’ within the biogeographic area. This is inconsistent with the application of the ranking criteria which refer to the ‘best’ examples being significant, and it seems to mean that the ranking criteria need not apply to this sub criterion. No specific changes were requested regarding this point in the submission.
  - Mr Hamill agrees that there is some confusion in wording. It would be helpful if the submitter could provide a suggested alternative in evidence.

6. Their submission suggests some further guidance may be required as to how the significance criteria are applied, specifically around what constitutes a 'site'. A site could be the affected area within a property, but which is a component of a larger 'site'. No specific changes were requested regarding this point in the submission. Federated Farmers of New Zealand support this component of the submission.

- Mr Hamill notes this and suggests it would be helpful if the submitter could provide a suggested alternative in evidence.

76. D C Hemphill [648.048] supports in part the Appendix and has requested that it is reformatted and revised. It is however, not clear from the Submission the specific changes sought to Appendix 3. No specific changes to the maps are requested.

- Dr Ulrich agrees that the criteria need to be more clearly distinguished for coastal and marine environments. **He recommends that Appendix 3 be split** between terrestrial, wetland, and freshwater environments; and coastal and marine environments.

77. The Environmental Defence Society Incorporated [698.109] (EDS) supports in part the Appendix and have requested a variety of changes. The entire submission is supported by Te Atiawa o Te Waka-a-Maui Trust. Trustpower Limited opposes the submission as they believe that the proposed changes do not make it clear what ecological significance criteria will be used in freshwater environments. EDS have requested that Appendix 3 be amended to include Freshwater and Marine environments in the heading and it should be reworded to "Ecological Significance Criteria for terrestrial, wetland, freshwater, marine and coastal environments".

- Dr Ulrich agrees that the inclusion of freshwater and marine in Appendix 3 will provide clarity and consistency with Policy 8.1.1.
- Mr Hamill agrees in part with the submission however suggests that the wording be amended to be consistent with Policy 8.1.1 and be worded "Ecological Significance Criteria for wetland, marine, terrestrial and freshwater, environments"

1. They request that changes are made to improve clarity and ensure consistency in the application of Appendix 3 and a paragraph identifying and explaining the scale of spatial classification used for each environment type should be added and consistently referred in each criterion. They also submit that no classification scale has been stipulated for the freshwater environment. This submission point is supported by Federated Farmers of New Zealand. The changes requested are that the following is added in the introduction paragraph: The scale at which significance is to be determined depends on the type of environment:

a) Terrestrial environment: the scale of assessment is at the ecological district level. [MDC: Insert an explanation of ecological district].

- Mr Hamill **agrees that the ecological districts should be defined** and the following wording is suggested: "An Ecological District is defined as a local part of New Zealand where the topographical, geological, climatic, soils and biological features produce a characteristic landscape and range of biological communities (Identified in Map 1 attached). It is **recommended** that a definition of what constitutes an ecological area is added to the Criteria and a map of the areas is included in the mapping book."

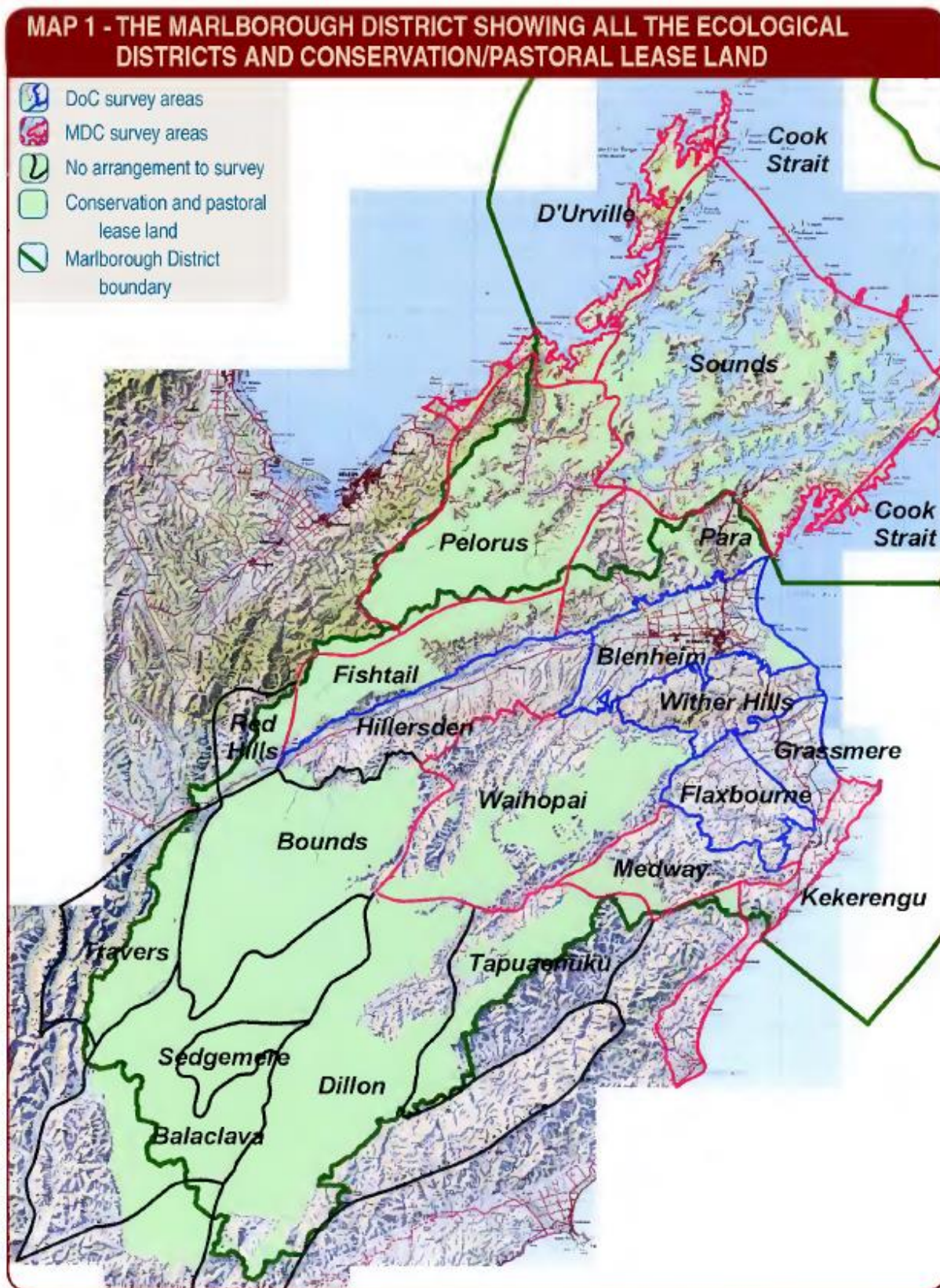
b) Marine environment: the scale of assessment is at the coastal biogeographic region level. This is a region that is defined and classified according to visible ecological patterns and the physical

characteristics or a geographic or hydrographic area. New Zealand's coastal biographic regions have been identified and mapped by the Ministry for the Environment. Marlborough falls within the South Cook Strait Region.

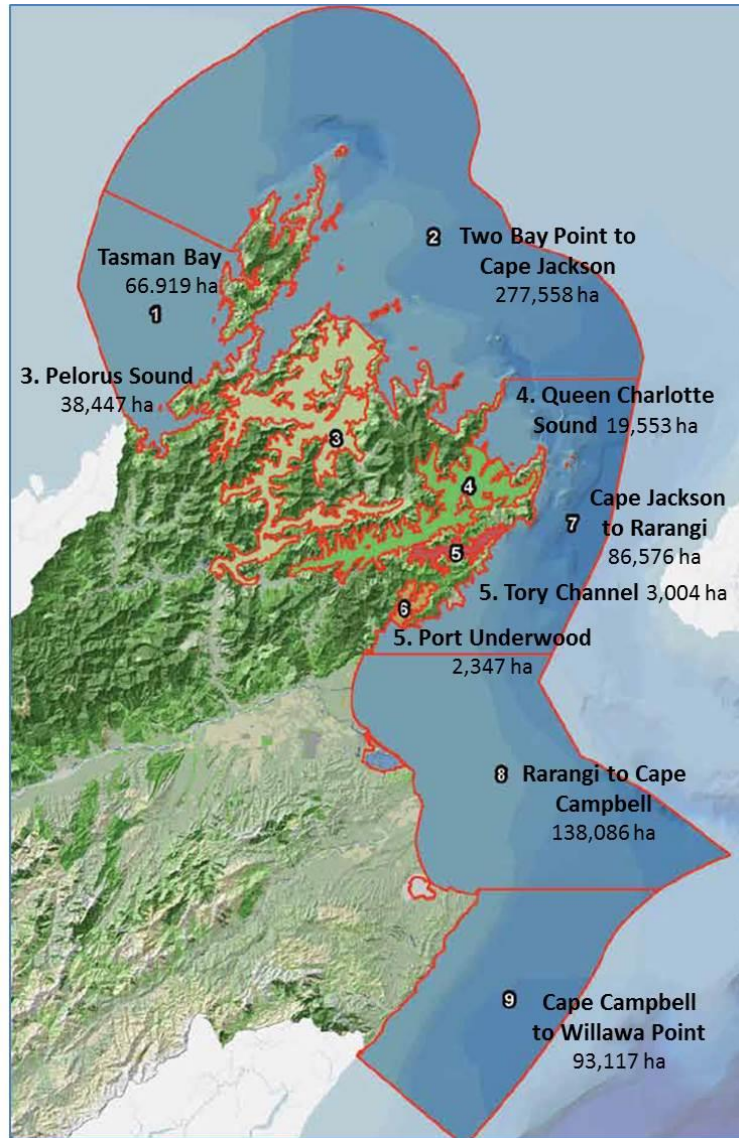
- Dr Ulrich observes that definition offered by EDS for the Coastal Biogeographic Region is however not consistent with the definition that has been used in the assessment of significance in the identification of significant marine sites in the MEP. The 2011 Ecologically Significant Marine Sites divides the Marlborough CMA into nine distinct biogeographic areas (see para 47 and identified in Map 2 attached). The South Cook Strait biogeographic region includes Tasman Bay, Golden Bay and Kahurangi Point. He therefore **recommends the relief be declined**.
- c) Freshwater environment. EDS have suggested that the Freshwater Environments are classified using the New Zealand Rivers Classification (REC) scale for lakes and rivers. [MDC: Insert assessment classification scale].
- Mr Hamill agrees that a classification scale is required however there are limitations with using the REC that need to be further considered. It would be helpful if the submitter could provide a suggested definition of a freshwater environment in evidence.
2. In paragraph 3 of Representativeness EDS submit that it is not clear what would qualify as a “good example” and therefore further guidance is required however no relief is sought.
  3. In paragraph 4 of Rarity EDS submit that the words “land environment” are not defined and should be deleted unless there is a definition of what this means.
    - Mr Hamill supports this suggestion **and recommends** that the words “land environment” are deleted.
  4. EDS submit that it is not clear why a compact shape should determine significance. For example, a significant area may be large because it extends in a thin ribbon over an extensive area, such as a gully system. This area would not easily be described as compact. In the absence of a valid and robust scientific reason EDS request that this should be deleted.
    - Mr Hamill agrees that sites may be significant that are not compact in shape and it is **recommended that the word compact should be deleted**. However, he notes that size and shape criterion is not one of the four which determine significance.
  5. EDS also submit that as the Courts have expressed concern with the use of size to determine significance that further direction is required as to how 'large' 'moderate' and 'small' are to be assessed. No specific changes in how to do this have been offered.
    - Mr Hamill advises that it would be helpful if the submitter could provide a suggested methodology as to how 'large' 'moderate' and 'small' are to be assessed.
    - Dr Ulrich advises that the Expert Panel have considered this for coastal and marine environments. They note that size is going to be relative to the community type being assessed for significance. For example, rhodolith beds are now very rare, so a 10ha area may be considered “Large”. However, for a horse mussel bed, 10 ha may be “Small”. Hence, it is difficult to prescribe a specific area that would be considered High, as it is context dependent to the community type being assessed. He therefore **recommends the relief be declined**,

## Recommendation

78. We recommend that the following changes be made to Appendix 3:



**Map 1** – Example of map of ecological districts that would be included in the MEP Maps



**Map 2:** Biogeographic areas identified by the Ecologically Significant Marine Sites Expert Panel in 2011

## 5.3 Ecologically Significant Marine Overlay Maps – Submissions and Assessment

### General statements of support or opposition

79. Pinder Family Trust [578.051] Support the Overlays. They Support the identification, mapping and ongoing monitoring and protection of ecologically significant marine sites and request that the Ecologically Significant Marine Sites Overlays are retained. **The submitter's support is noted.** The submission is opposed by Port Marlborough as their original submission seeks amendments to the Ecologically Significant Marine Sites at Havelock and Shakespeare Bay. The Port Marlborough relief is discussed within the section on Overlay Map 12.
80. Guardians of the Sounds [752.52] Support the Overlays. They Support the identification, mapping and ongoing monitoring and protection of ecologically significant marine sites and request that the Ecologically Significant Marine Sites Overlays are retained. **The submitter's support is noted.** The submission is opposed by Port Marlborough as their original submission seeks amendments to the Ecologically Significant Marine Sites at Havelock and Shakespeare Bay. The Port Marlborough relief is discussed within the section on Overlay Map 12.
81. Port Underwood Association [1042.24] Support in part the Overlays. They submit that they note not all significant sites are mapped and request that these should be noted on the mapping index. The submission is opposed by Sanfords. Dr Ulrich advises that not all sites that were in the 2011 Significant Marine Sites report have been included in the MEP. Some sites in the report did not have enough detailed information about the values present, their condition and extent, for these sites to be included in the MEP. There is a process for inclusion of new sites in the MEP by way of a plan change, and any new sites will be only included after a review by the Expert Panel. He does not believe that it is necessary to have these sites identified in the MEP and **recommends that the submission be rejected.**
82. Sea Shepard New Zealand [1146.052] Support the Overlays. They Support the identification, mapping and ongoing monitoring and protection of ecologically significant marine sites and request that the Ecologically Significant Marine Sites Overlays are retained. **The submitter's support is noted.**
83. The Marlborough Environment Centre [1193.044] Support the Overlays. They Support the identification, mapping and ongoing monitoring and protection of ecologically significant marine sites and request that the Ecologically Significant Marine Sites Overlays are retained. **The submitter's support is noted.**

### Ecologically Significant Marine Sites Overlay Map 1

84. Aquaculture New Zealand [401.266] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
85. Department of Conservation [479.278] Support in part the Map and request that the latest updated information be included on the maps to reflect the most recent knowledge presented in the report Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for Marlborough District Council. Survey and monitoring report number 836. This is supported by Te Atiawa o Te Waka-a-Maui



Trust and The Marine Farming Association Incorporated and Aquaculture New Zealand Limited. It is opposed by Jonathan Tester and Kono NZ Ltd as they believe that the increase in area is unjustified as it is inconsistent with the relevant definitions and other provisions of the plan and act and that the changes cannot be supported by section 32 analysis. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**

86. Marine Farming Association Incorporated [426.257] Support in part Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
87. Marlborough District Council [91.098] support the Map. The submission requests that site 2.12 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.12 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich notes that report has been assessed by the Expert Panel and that the boundaries of marine site 2.12 should be amended. **It is therefore recommended that the submission is accepted and the amendment made.**
88. The New Zealand King Salmon Company Limited [997.013] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

## **Ecologically Significant Marine Sites Overlay Map 2**

89. Aquaculture New Zealand [401.267] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
90. Department of Conservation [479.279] support in part the Map and request that the latest updated information be included on the maps to reflect the most recent knowledge presented in the report Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for Marlborough District Council. Survey and monitoring report number 836. This is supported by Te Atiawa o Te Waka-a-Maui

Trust and The Marine Farming Association Incorporated and Aquaculture New Zealand Limited. It is opposed by Jonathan Tester and Kono NZ Ltd as they believe that the increase in area is unjustified as it is inconsistent with the relevant definitions and other provisions of the plan and act and that the changes cannot be supported by section 32 analysis. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**

91. Marine Farming Association Incorporated [426.258] Support in part Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
92. Marlborough District Council [91.091] support the Map. The submission requests that site 2.6 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.6 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich notes that report has been assessed by the Expert Panel and that the boundaries of marine site 2.12 should be amended. **It is therefore recommended that the submission is accepted and the amendment made.**
93. The New Zealand King Salmon Company Limited [997.014] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

### **Ecologically Significant Marine Sites Overlay Map 3**

94. Aquaculture New Zealand [401.268] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
95. Aquaculture New Zealand [401.284] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ submits that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of

policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

96. Marine Farming Association Incorporated [426.275 and 426.259] Support in part Map. They submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
97. The New Zealand King Salmon Company Limited [997.015] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. No specific changes to the maps are requested and **therefore no changes are recommended.**
98. HARO Partnership [764.007] support in part the Map. They submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
99. Just Mussels Limited and Tawhitiui Greenshell Limited [842.014] support in part the Map. They submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
100. Sanford Limited [1140.084] oppose the submission. They submit that it is unclear if site 3.8 is intended to meet policy 11(a) or 11(b) of the NZCPS and have requested that site is either deleted or amended to acknowledge that marine farm number ML8190 sits fully inside this site and at the time of consenting was assessed as being an appropriate use of the coastal water space. The submission is supported by Red Sky Trust. Dr Ulrich advises that this site has been prioritised for resurvey in the 2017-18 year as part of the ongoing significant site monitoring programme. The results of the resurvey with the respect to the accuracy of the site will be reported to the Council. If the site is inaccurately mapped it is appropriate the Council will prepare a plan change to amend the boundaries accordingly. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **No change is therefore recommended to site 3.8.**

#### Ecologically Significant Marine Sites Overlay Map 4

101. Aquaculture New Zealand [401.269] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
102. Aquaculture New Zealand [401.285] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ submits that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested **and therefore no changes are recommended.**
103. Marine Farming Association Incorporated [426.276] Support in part Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended**
104. Department of Conservation [479.280] support in part the Map and request that the latest updated information be included on the maps to reflect the most recent knowledge presented in the report Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for Marlborough District Council. Survey and monitoring report number 836. This is supported by Te Atiawa o Te Waka-a-Maui Trust. It is opposed by Jonathan Tester and Kono NZ Ltd as they believe that the increase in area is unjustified as it is inconsistent with the relevant definitions and other provisions of the plan and act and that the changes cannot be supported by section 32 analysis. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**
105. HARO Partnership [764.008] support in part the Map. They submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

106. Just Mussels Limited and Tawhitinui Greenshell Limited [842.015] support in part the Map. They submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended**.
107. Marlborough District Council [91.090] support the Map. The submission requests that site 1.5 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.1.5 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is therefore recommended that the submission is accepted** and that the information in the 2016 Davidson report be included on the maps.
108. Marlborough District Council [91.092] support the Map. The submission requests that site 2.13 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.13 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the submission is accepted** and that the information in the 2016 Davidson report be included on the maps.
109. Marlborough District Council [91.093] support the Map. The submission requests that site 2.15 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.15 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is therefore recommended that the submission is accepted** and that the information in the 2016 Davidson report be included on the maps.
110. Marlborough District Council [91.097] support the Map. The submission requests that site 2.12 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.12 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is therefore recommended that the submission is accepted** and that the information in the 2016 Davidson report be included on the maps.
111. Department of Conservation [479.280] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information

or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. This submission is contrary to the previous DoC submission on this map and as a result **it is recommended that this submission is rejected** as the latest updated information should be displayed on the maps.

112. Marine Farming Association Incorporated [426.260] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
113. A J King Family Trust and S A King Family Trust [514.022] oppose the Map. They submit that Marine farm 8188 in Hallam Cove that is situated within site 3.8 and the farm has been an established and productive part of the Marlborough Sounds for many years and it is important that they are recognised as such and is allowed to continue. It is inferred from the submission that the decision requested is that site 3.8 is reviewed. Dr Ulrich advises that this site has been prioritised for resurvey in the 2017-18 year as part of the ongoing significant site monitoring programme. The results of the resurvey with the respect to the accuracy of the site will be reported to the Council. If the site is inaccurately mapped it is appropriate the Council will prepare a plan change to amend the boundaries accordingly. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **No change is therefore recommended to site 3.8.**
114. The New Zealand King Salmon Company Limited [997.016] submission opposes the policies implemented in respect of the sites mapped as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
115. Sanford Limited [1140.085] oppose the Map. They submit that it is unclear if the sites identified are intended to meet policy 11(a) or 11(b) of the NZCPS. They also submit that at the time of consenting the farms were assessed as being an appropriate use of the coastal water space and therefore the significant marine sites should not include the location of the consented marine farms. The request is that as Ecological site 3.8 includes parts or all of ML 8203, ML 8200, ML 8573, ML 8194, ML 8190 and Ecological site 3.6 is within 400m of ML 8178, that the sites are either deleted or amend so that the seaward boundary excludes these existing marine farms. The submission is supported by Red Sky Trust. Dr Ulrich advises that these sites have been prioritised for resurvey in the 2017-18 year as part of the ongoing significant site monitoring programme. The results of the resurvey with the respect to the accuracy of the site will be reported to the Council. If the site is inaccurately mapped it is appropriate the Council will prepare a plan change to amend the boundaries accordingly. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no

assessment is made in this report. The submitter has not provided evidence or information to demonstrate that Hallum Cove does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **No changes are therefore recommended to sites 3.6 and 3.8.**

116. Sanford Limited [1140.112] oppose the Map. Although this submission addresses Significant Marine Sites the relief requested appears to be in relation to Natural Character. No specific changes to the maps are requested and **therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 5**

117. Aquaculture New Zealand [401.270] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

118. Department of Conservation [479.281] support in part the Map and request that the latest updated information be included on the maps to reflect the most recent knowledge presented in the report Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for Marlborough District Council. Survey and monitoring report number 836. This is supported by Te Atiawa o Te Waka-a-Maui Trust. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**

119. KPF Investments Limited and United Fisheries Limited [874.017] support in part the Map. They submit that it is unclear from the mapping whether site 3.12 in Beatrix Bay is a regionally or nationally significant site. They support the mapping of sensitive area 3.12, but oppose the approach implemented in respect of this area in the MEP provisions. They believe that the effects of mussel farming on the benthos are well understood and they are localised and extend up to a maximum of 30m from the edge of farm structures. A strict avoidance approach is not justified in their view. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

120. Marlborough District Council [91.094] support the Map. The submission requests that site 2.15 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.15 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited support the submission as they support the ongoing and systematic review of the sites by expert scientists. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**

121. Marlborough District Council [91.099] support the Map. The submission requests that site 2.20 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.20 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited support the submission as they support the ongoing and systematic review of the sites by expert scientists. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**
122. Marlborough District Council [91.100] support the Map. The submission requests that site 2.18 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.2.18 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited support the submission as they support the ongoing and systematic review of the sites by expert scientists. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**
123. Apex Marine Farm Limited [544.014] support the Map and agree with the mapping of the significant sites in Forsyth Bay and request that mapping is retained as proposed. **It is recommended to accept this submission** as no other changes in Forsyth Bay have been requested.
124. Lloyd Sampson David [890.014] support the Map and agree with the mapping of the significant sites in Forsyth Bay and request that mapping is retained as proposed. **It is recommended to accept this submission** as no other changes in Forsyth Bay have been requested.
125. Marine Farming Association Incorporated [426.261] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
126. Sanford Limited [1140.085] oppose the Map. They submit that it is unclear if the sites identified are intended to meet policy 11(a) or 11(b) of the NZCPS. They also submit that at the time of consenting the farms were assessed as being an appropriate use of the coastal water space and therefore the significant marine sites should not include the location of the consented marine farms. The request as Ecological site 3.12 is located inside the Sanford share farm ML 8240, and is within 400m of ML 8240, and ML 8579 and that the site is either deleted or amended so that the seaward boundary excludes these



existing marine farms. The submission is supported by Red Sky Trust. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **No changes are therefore recommended to site 3.12.**

127. The New Zealand King Salmon Company Limited [997.017] submission opposes the policies implemented in respect of the sites mapped as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 6**

128. Aquaculture New Zealand [401.271] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

129. Department of Conservation [479.285] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**

130. Te Atiawa o Te Waka-a-Maui Trust [1186.008] support the Map. They seek that there be an appropriate buffer provided around significant sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island). The submission is supported by Sanford Limited as the buffers need to be determined on a case by Elkington whanau and Ngati Koata landowners who delegate kaitiakitanga to the submitter to act in their best interest also support the submission but it is unclear to what they are supporting. Buffers have been addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **The support for the map is noted.**

131. Marine Farming Association Incorporated [426.262] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

132. The New Zealand King Salmon Company Limited [997.018] submission opposes the policies implemented in respect of the sites mapped as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Urlich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 7**

133. Aquaculture New Zealand [401.272] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

134. Department of Conservation [479.282] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**

135. Marlborough District Council [91.088] support the Map. The submission requests that site 1.2 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.1.2 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited support the submission as they support the ongoing and systematic review of the sites by expert scientists. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Urlich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the maps.**

136. Marlborough District Council [91.089] support the Map. The submission requests that site 1.4 is updated to reflect updated information that is now available and requests that boundaries of Ecologically Significant Marine Site no.1.4 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited support the submission as they support the ongoing and systematic review of the sites by expert scientists. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Urlich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the maps.**

137. Marlborough District Council [91.096] support the Map. The submission requests that site 1.9 is updated to reflect updated information that is now available and requests that boundaries of Ecologically

Significant Marine Site no.1.9 is amended as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. The Marine Farming Association Incorporated and Aquaculture New Zealand Limited support the submission as they support the ongoing and systematic review of the sites by expert scientists. Te Atiawa o Te Waka-a-Maui Trust oppose the submission however, the reasons for the opposition are not clear. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**

138. Marine Farming Association Incorporated [426.263] oppose the Map. They do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

139. Marlborough Oysters Limited [964.016] support the Map. They submit that the areas around the marine farm 8622 (Squally Cove) have not been classified as having areas of indigenous biodiversity. They request that extent that the Ecologically Significant Marine Sites overlay extends over Squally Cove as mapped is retained. No other changes are requested to the extent of mapping in Squally Cove. **The support for the map is noted.**

140. The New Zealand King Salmon Company Limited [997.019] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

### **Ecologically Significant Marine Sites Overlay Map 8**

141. Aquaculture New Zealand [401.273] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

142. Aquaculture New Zealand [401.286] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. The support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated

with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

143. Marine Farming Association Incorporated [426.277] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

144. Tennyson Inlet Boating Club Inc [480.003] Support in part the Map. They submit that Penzance, Tuna, Duncan and Elaine bays adjoin the permanent and holiday homes of those who live there and the reason the housing is there is that they are such good safe anchorages. They state that if they are no longer able to have moorings in the area their families will be at risk while traveling from the vessels to the shore in anything but the calmest weather. It is inferred from their submission that they would like those parts of Ecologically Significant Marine Sites 3.9 and 3.10 that impact on mooring activities in Penzance, Tuna, Duncan and Elaine Bays removed from the map. The submitter has not provided evidence or information to demonstrate that Tennyson Inlet does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **Therefore, no changes are recommended to sites 3.9 and 3.10.**

145. HARO Partnership [764.009] support in part the Map. They submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. The support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

146. Just Mussels Limited and Tawhitinui Greenshell Limited [842.016] support in part the Map. They submit that it is unclear from the mapping whether Site 3.8 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

147. Department of Conservation [479.286] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request

that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**

148. Apex Marine Farm Limited [544.015] support the Map and agree that there are no significant sites in Nikau Bay and request that mapping is retained as proposed. It is recommended to accept this submission as no other changes in Nikau Bay have been requested. **The support for the map is noted.**
149. Lloyd Sampson David [890.015] support the Map and agree that there are no significant sites in Nikau Bay and request that mapping is retained as proposed. It is recommended to accept this submission as no other changes in Nikau Bay have been requested. **The support for the map is noted.**
150. Marine Farming Association Incorporated [426.264] oppose the Map. They do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
151. Worlds End Enterprises Limited [482.005] oppose the Map. They submit that it is unclear from the mapping whether this site is intended to be a regionally or nationally significant site. They also submit the extent of the mapping of sensitive area 3.9 is not justifiable and oppose the planning approach implemented in respect of this area in the MEP provisions. They request that at a minimum the main navigation channel in Tennyson Inlet is removed from mapped Ecologically Significant Marine Site 3.9. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. He advises that this site may be resurveyed in the 2017-18 year as part of the ongoing significant site monitoring programme, if resources allow. The results of the resurvey with the respect to the accuracy of the site will be reported to the Council. If the site is inaccurately mapped it is appropriate the Council will prepare a plan change to amend the boundaries accordingly. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that Tennyson Inlet does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3 and **therefore no changes are recommended.**
152. A J King Family Trust and S A King Family Trust [514.014] oppose the Map. They submit that Marine farm 8573 in Canoe Bay that is situated within the Ecologically Significant Marine Site 3.8 and the farm has been an established and productive part of the Marlborough Sounds for many years and it is important that it is recognised as such and is allowed to continue. It is inferred from the submission that the decision requested is that site 3.8 is reviewed. Dr Ulrich advises that this site may be resurveyed in the 2017-18 year as part of the ongoing significant site monitoring programme, if resources allow. The results of the resurvey with the respect to the accuracy of the site will be reported to the Council. If the site is inaccurately mapped it is appropriate the Council will prepare a plan change to amend the boundaries accordingly. The submitter has not provided evidence or information to demonstrate that the

site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **It is therefore recommended that no change be made to site 3.8.**

153. The New Zealand King Salmon Company Limited [997.020] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

154. Sanford Limited [1140.086 and 1140.113] oppose the Map. They submit that it is unclear if the sites identified are intended to meet policy 11(a) or 11(b) of the NZCPS. They request that Ecological Site 3.6 has a boundary adjustment so that it is 400m away from marine farm ML 8313. The submission is supported by Red Sky Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. Dr Ulrich advises that this site may be resurveyed in the 2017-18 year as part of the ongoing significant site monitoring programme, if resources allow. The results of the resurvey with the respect to the accuracy of the site will be reported to the Council. If the site is inaccurately mapped it is appropriate the Council will prepare a plan change to amend the boundaries accordingly. The submitter has not provided evidence or information as to the boundaries of the site. **Therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 9**

155. Aquaculture New Zealand [401.274] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

156. Aquaculture New Zealand [401.287] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ submit that the MEP should expressly recognise that marine farms do not adversely affect the gannet colony at Ecologically Significant Marine Sites 3.13 (Waimaru Peninsula). The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

157. Michael and Kristen Gerard [424.194] Support in part the Map. They submit that there has been some dive work undertaken around Ouokaha Island, both for an application for a marine farm in 2000 by Ngati Kuia and for the proposed Hopai Resort in 1986 and suggest that Ouokaha Island, Crail Bay be identified as an Ecologically Significant Marine Site. The submission is opposed by Jonathan Tester, The Marine Farming Association Incorporated and Aquaculture New Zealand Limited (622) and Kono NZ Ltd as they believe that the increase in area is unjustified as it is inconsistent with the relevant definitions and other provisions of the plan and act and that the changes cannot be supported by section 32 analysis. Dr Ulrich advises that the Ouokaha Island site will be listed as a Candidate site for survey in the ecologically significant marine sites monitoring programme in 2017-18, if resources allow. The existing information referred to by the submitter will also be evaluated by the Expert Panel for assessment. The results of the

survey will be reported to the Council. If the site is assessed as significant, the Council will prepare a plan change to amend the boundaries accordingly. **Therefore, no changes are recommended.**

158. Michael and Kristen Gerard [424.195] Support in part the Map. They submit that the Ika-huia (Grants Bay) Reef has been a traditional fishing and diving hotspot for as long as anyone locally can remember, probably even in earlier times, given the significance of its Maori name. Early residents even talk of collecting paua off this reef - which are long gone now, but the reef is particularly popular these days for king-fish and is a small remaining pocket of coastal ecosystem worthy of protection. It is requested that Ika-huia (Grants Bay) Reef as an Ecologically Significant Marine Site is identified as an Ecologically Significant Marine Site. The submission is opposed by Jonathan Tester, The Marine Farming Association Incorporated and Aquaculture New Zealand Limited (622) and Kono NZ Ltd as they believe that the increase in area is unjustified as it is inconsistent with the relevant definitions and other provisions of the plan and act and that the changes cannot be supported by section 32 analysis. Dr Ulrich advises that the Grants Bay site is already scheduled as a significant site (Site 3:15). It will be surveyed for boundary definition as resources allow. **Support for the site is noted.**
159. Marine Farming Association Incorporated [426.278] Support in part the Map. They submit that the MEP should expressly recognise that marine farms do not adversely affect the gannet colony at Ecologically Significant Marine Sites 3.13 (Waimaru Peninsula). The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
160. Marine Farming Association Incorporated [426.279] Support in part the Map. They submit that the MEP should expressly recognise that the spat catching site in Clova Bay does not adversely affect the estuarine fringe and subtidal habitat inshore of the farm. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. No specific changes to the maps are requested and **therefore no changes are recommended.**
161. Just Mussels Limited and Tawhitinui Greenshell Limited [842.013] support in part the Map. They submit that it is unclear from the mapping whether Site 3.11 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
162. KPF Investments Limited and United Fisheries Limited [874.018] Support in part the Map. They submit that they support the inclusion of sites 3.15 and 3.16 but oppose the approach implemented in the MEP in respect to these. They request that the MEP should expressly recognise that existing marine farms do not adversely affect the reef extending from the headland in Grants Bay, or Blue maomao (site 3.15) or

the horse mussel beds in Crail Bay (site 3.16). The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report.

No specific changes to the maps are requested and **therefore no changes are recommended.**

163. St George Limited [1160.011] support in part the Map. They submit that it is unclear from the mapping whether Site 3.11 is intended to be regionally or nationally significant. They support the inclusion of the site in the maps but they oppose the policies implemented in respect of these sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
164. Department of Conservation [479.287] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**
165. Apex Marine Farm Limited [544.016] support the Map and agree that there are no significant sites in Mary's Bay and request that mapping is retained as proposed. No specific changes to the maps are requested and **therefore no changes are recommended.**
166. Lloyd Sampson David [890.016] support the Map and agree that there are no significant sites in Mary's Bay and request that mapping is retained as proposed. No specific changes to the maps are requested and **therefore no changes are recommended.**
167. Aquaculture New Zealand [401.288] Oppose the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. They submit that the MEP should expressly recognise that the spat catching site in Clova Bay does not adversely affect the estuarine fringe and sub-tidal habitat inshore of the farm. No specific changes to the maps are requested and **therefore no changes are recommended.**
168. Marine Farming Association Incorporated [426.265] Oppose the Map. They submit that the MEP should expressly recognise that the spat catching site in Clova Bay does not adversely affect the estuarine fringe and subtidal habitat inshore of the farm. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. No specific changes to the maps are requested and **therefore no changes are recommended.**
169. A J King Family Trust and S A King Family Trust [514.018] oppose the Map. They submit that Marine farm 8544 in Grant Bay that is situated within the Ecologically Significant Marine Site 3.15. This farm has been an established and productive part of the Marlborough Sounds for many years and it is important that it is recognised as such and is allowed to continue. This farm has been an established and productive part of the Marlborough Sounds for many years and it is important that it is recognised as such and is allowed to continue. It is inferred from the submission that the decision requested is that site 3.15 is reviewed. Dr Ulrich advises that the Grant Bay reef may be surveyed in the ecologically significant marine sites monitoring programme in 2017-18, if resources allow. The results of the survey will be



reported to the Council. If the site boundaries change, the Council will prepare a plan change to amend the boundaries accordingly. No information has been provided to assess why the changes are required and **therefore no changes are recommended.**

170. The New Zealand King Salmon Company Limited [997.021] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclellan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
171. Sanford Limited [1140.087 and 1140.114] oppose the Map. They submit that it is unclear if the sites identified are intended to meet policy 11(a) or 11(b) of the NZCPS. They request that Ecological Site 3.11 and 3.16 have boundary adjustment so that they do not incorporate any marine farms within the footprint of the site. The submission is supported by Red Sky Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclellan and therefore no assessment is made in this report. Dr Ulrich advises that this site may be resurveyed in the 2017-18 year as part of the ongoing significant site monitoring programme, if resources allow. The results of the resurvey with respect to the accuracy of the site will be reported to the Council. If the site is inaccurately mapped it is appropriate the Council will prepare a plan change to amend the boundaries accordingly. The submitter has not provided evidence or information as to the boundaries of the site. **Therefore, no changes are recommended.**
172. Marine Farming Association Incorporated [426.266] Oppose the Map. They submit that the MEP should expressly recognise that marine farms do not adversely affect the gannet colony at Ecologically Significant Marine Sites 3.13 (Waimaru Peninsula). The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclellan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 10**

173. Aquaculture New Zealand [401.275] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclellan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
174. Department of Conservation [479.283] support in part the Map and request that the latest updated information be included on the maps to reflect the most recent knowledge presented in the report Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for Marlborough District Council. Survey and monitoring report number 836. This is supported by Te Atiawa o Te Waka-a-Maui Trust. Dr Ulrich advises that the 2016 Davidson and Richards report has been assessed by the Expert

Panel and that assessment has been received by Council. **It is recommended that the information in that report be included on the map.**

175. Te Atiawa o Te Waka-a-Maui Trust [1186.009] support the Map. They seek that there be an appropriate buffer provided around significant sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island). The submission is supported Elkington whanau and Ngati Koata landowners who delegate kaitiakitanga to the submitter to act in their best interest also support the submission but it is unclear to what they are supporting. Buffers have been addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **The support for the map is noted.**

176. The New Zealand King Salmon Company Limited [997.022] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 11**

177. Aquaculture New Zealand [401.276] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

178. Department of Conservation [479.288] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**

179. Te Atiawa o Te Waka-a-Maui Trust [1186.010] support the Map. They seeks that there be an appropriate buffer provided around significant sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island). The submission is supported Elkington whanau and Ngati Koata landowners who delegate kaitiakitanga to the submitter to act in their best interest also support the submission but it is unclear to what they are supporting. Buffers have been addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **The support for the map is noted.**

180. The New Zealand King Salmon Company Limited [997.023] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be

regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

### **Ecologically Significant Marine Sites Overlay Map 12**

181. Aquaculture New Zealand [401.277] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
182. Aquaculture New Zealand [401.289] Oppose the Map. They submit that any area used for navigation and Havelock Port should be removed from mapped site 3.20. They believe that the effect of the mapping and proposed rule 16.3.16 will require all boats using the channel to have a resource consent to take coastal water. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. It is noted from the zoning maps (Map 124 and 135) that there is port zone extending from the Havelock Marina around Cullens Point. As such Port activity will be contemplated within the zone, this included dredging (rule 13.1.25) given the above it is appropriate to remove the Port Zone from site 3.20. Given that the navigation channel is mapped in error, **it is recommended that the port zone extending from the Havelock Marina around Cullen's Point is excluded from site 3.20.**
183. Department of Conservation [479.289] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**
184. Marine Farming Association Incorporated [426.268] oppose the Map. They do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
185. Marine Farming Association Incorporated [426.280] oppose the Map. They submit that any area used for navigation and Havelock Port should be removed from mapped site 3.20. They believe that the effect of the mapping and proposed rule 16.3.16 will require all boats using the channel to have a resource consent to take coastal water. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. We note from the zoning maps (Map 124 and 135) that there is port zone extending from

the Havelock Marina around Cullens Point. As such Port activity will be contemplated within the zone, this included dredging (rule 13.1.25) given the above it is appropriate to remove the Port Zone from site 3.20. Given that the navigation channel is mapped in error, **it is recommended that the port zone extending from the Havelock Marina around Cullen's Point is excluded from site 3.20.**

186. Port Marlborough New Zealand Ltd [433.214] Oppose the Map. They submit that the Ecologically Significant Marine Site 3.20 at Havelock crosses into the reclamation area. They request that the boundary is amending to the edge of the reclamation and the CMA. The submission is supported by The Marine Farming Association Incorporated and Aquaculture New Zealand Limited and opposed by Te Atiawa o Te Waka-a-Maui Trust. Given that the reclamation areas are mapped in error, **it is recommended that the reclamation area is excluded from site 3.20.**
187. The New Zealand King Salmon Company Limited [997.024] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. No specific changes to the maps are requested and therefore no changes are recommended. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
188. Te Atiawa o Te Waka-a-Maui Trust [1186.011] support the Map. They seek that there be an appropriate buffer provided around significant sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island). The submission is supported Elkington whanau and Ngati Koata landowners who delegate kaitiakitanga to the submitter to act in their best interest also support the submission but it is unclear to what they are supporting. Buffers have been addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **The support for the map is noted.**

### **Ecologically Significant Marine Sites Overlay Map 13**

189. Aquaculture New Zealand [401.278] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
190. Department of Conservation [479.290] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**
191. Te Atiawa o Te Waka-a-Maui Trust [1186.012] support the Map. They seek that there be an appropriate buffer provided around significant sites within the Queen Charlotte Sound, Tory Channel, and

Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island). The submission is supported Elkington whanau and Ngati Koata landowners who delegate kaitiakitanga to the submitter to act in their best interest also support the submission but it is unclear to what they are supporting. Port Marlborough New Zealand Ltd oppose the submission as the buffer areas sought are not defined. Buffers have been addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **The support for the map is noted.**

192. Marine Farming Association Incorporated [426.269] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

193. Port Marlborough New Zealand Ltd [433.214] Oppose the Map. They submit that the extent of Ecologically Significant Marine Site 4.10 extends beyond the actual area occupied by this feature. They request that the boundary is amended to reflect the actual extent of the ecological feature. The submission is supported by The Marine Farming Association Incorporated and Aquaculture New Zealand Limited and opposed by Te Atiawa o Te Waka-a-Maui Trust. No information is provided by Port Marlborough on their definition of the "Actual Extent" and **therefore it is recommended that the submission be declined.** However, it would be helpful if the submitter could provide the appropriate information to define the extent of the ecological feature in their evidence.

194. The New Zealand King Salmon Company Limited [997.025] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 14**

195. Marine Farming Association Incorporated [426.281] Support in part the Map. They submit the MEP should expressly recognise that marine farms do not adversely affect the red algae bed in Cutters Bay. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as they believe the submission does not support or encourage sustainable management of the environment. No specific changes to the maps are requested and **therefore no changes are recommended.**

196. Apex Marine Farm Limited [544.017] support in part the Map. They request that the sites in Port Underwood, Oyster Bay and Tory Channel be retained. The request that Site 5.4 in Ngaruru Bay be removed and the MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification and may actually enhance it by providing settlement surfaces for juvenile sporophytes and recruitment back to the reef. **It is recommended to accept the submitter's point of support** for the retention of sites in Port Underwood, Oyster Bay and Tory Channel, and **recommended to decline the submitter's request to remove** of Site 5.4 in Ngaruru Bay as no scientific evidence has been provided to refute the inclusion of the site.
197. Lloyd Sampson David [890.017] support in part the Map. They request that the sites in Port Underwood, Oyster Bay and Tory Channel be retained. The request that Site 5.4 in Ngaruru Bay be removed and the MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification and may actually enhance it by providing settlement surfaces for juvenile sporophytes and recruitment back to the reef. **It is recommended to accept the submitter's point of support** for the retention of sites in Port Underwood, Oyster Bay and Tory Channel, and **recommended to decline the submitter's request to remove** of Site 5.4 in Ngaruru Bay as no scientific evidence has been provided to refute the inclusion of the site.
198. Department of Conservation [479.291] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**
199. Te Atiawa o Te Waka-a-Maui Trust [1186.013] support the Map. They seek that there be an appropriate buffer provided around significant sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island). The submission is supported Elkington whanau and Ngati Koata landowners who delegate kaitiakitanga to the submitter to act in their best interest also support the submission but it is unclear to what they are supporting. Buffers have addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **The support for the map is noted.**
200. Dianne Elizabeth & Kenneth George Gullery [325.001] Oppose the Map. They submit that existing marine farms (sites 8446, 8447 and 8448) situated in the South Westerly waters of Kaikoura Bay, Port Underwood have been operating for 25+ years with no effect on the tube worm colony. They request that Site 6.2 be reassessed to allowing existing Marine Farms to remain in their current location. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **No change is therefore recommended to site 6.2.**
201. Aquaculture New Zealand [401.290] Oppose the Map. They submit the MEP should expressly recognise that marine farms do not adversely affect Ecologically Significant Marine Site 6.3 (red algae bed in Cutters Bay). The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew

Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested **and therefore no changes are recommended.**

202. Marine Farming Association Incorporated [426.270] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
203. Ray Thomas [465.001] Oppose the Map. They submit that Site 6.2 is mapped to a greater extent than it should be. They state that the existing marine farms in Kaikoura Bay have been operating for 25+ years with no effect on the tube worm colony. They request that Site 6.2 be reassessed to allowing existing Marine Farms to remain in their current location. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **No change is therefore recommended to site 6.2.**
204. The New Zealand King Salmon Company Limited [997.026] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
205. Sanford Limited [1140.088] oppose the Map. They submit that it is unclear if the sites identified are intended to meet policy 11(a) or 11(b) of the NZCPS. They request that Ecological Site 6.2 boundary is adjusted so that it does not incorporate any marine farms within the footprint of the site. The submission is supported by Red Sky Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **No change is therefore recommended to site 6.2.**

#### **Ecologically Significant Marine Sites Overlay Map 15**

206. Aquaculture New Zealand [401.279] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

207. Aquaculture New Zealand [401.280] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
208. Department of Conservation [479.292] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**
209. Te Atiawa o Te Waka-a-Maui Trust [1186.014] support the Map. They seek that there be an appropriate buffer provided around significant sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island). The submission is supported Elkington whanau and Ngati Koata landowners who delegate kaitiakitanga to the submitter to act in their best interest also support the submission but it is unclear to what they are supporting. Port Marlborough New Zealand Ltd oppose the submission as the buffer areas sought are not defined. Buffers have addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **The support for the map is noted.**
210. Marine Farming Association Incorporated [426.271] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of scale of assessment (i.e. regional vs. national) is addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and therefore no changes are recommended.
211. The New Zealand King Salmon Company Limited [997.027] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

#### **Ecologically Significant Marine Sites Overlay Map 16**

212. Aquaculture New Zealand [401.281] Support in part the Map. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. Aquaculture NZ do not oppose the mapping of sites



however, they oppose the policies implemented in respect of these sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

213. Kevin Francis Loe [454.127] Support the Map. They request that the Map is retained as notified. **The support for the map is noted.**
214. Department of Conservation [479.293] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**
215. Flaxbourne Settlers Association [712.102] Support the Map. They request that the Map is retained as notified. **The support for the map is noted.**
216. Cape Campbell Farm [1051.001] Support the Map. They submit that they have major concerns about long-term effects of motorbike usage of the coastal riparian strip between Marfells Beach and further south. They state that motorbikes (and even at odd times vehicles) can drive around the beach at low tide only, to access the tidal zone along the south side of the Cape Campbell Peninsular and continue along the coast to almost Ward Beach. Over the years the number of bikes has grown to such an extent that they are now making a definite impact on this fragile area. At peak holiday times up to 60 bikes can be present at one low tide period. The continual frequency of these bikes on the intertidal zone causes huge disturbance to ground nesting birds and young seal pups. Not only is this area at risk but also the dunelands where the motorbikes frequent also. There is slight damage to Maori Cultural site at Mussel Point from motorbike track. They are concerned that restrictions associated to the Significant Marine Site are being made to the landowner but none being made on the public using this Ecologically Significant Marine site. They request that more signage is used to inform the public of the right way to use this area and that to ensure that the area is maintained as a Unique coastal environment these steps need to be made sooner than later. A number of these matters are being addressed directly with Council through the East Coast Protection Group. However, in terms of relief requested that can be dealt with under this process, **the support for the map is noted.**
217. Marine Farming Association Incorporated [426.272] oppose the Map. They do not oppose the mapping of sites; however, they oppose the policies implemented in respect of these sites. They also submit that it is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust and opposed by Clova Bay Residents Association Inc. and Kenepuru Central Sounds Residents Association Incorporated as the submission does not support or encourage sustainable management of the environment. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**
218. Apex Marine Farm Limited [544.018] Oppose the Map. They request the removal of Ecologically Significant Marine site 9.1 from the Cape Campbell Area or expressly recognise that many activities are

compatible with this site. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **It is recommended that the submission** to remove of Site 9.1 from the Cape Campbell Area **be declined** as no scientific evidence has been provided to refute the inclusion of the site and no definition of the area to be removed has been provided. Dr Ulrich advises that part of the seabed of this area is being mapped to assess the extent and condition of reefs after the Kaikoura quake. This is not being done by Council as the purpose of the survey is around fisheries resources. Nevertheless the data will be publicly available in 2019, which the Expert Panel will be able to assess for significance.

219. Lloyd Sampson David [890.018] Oppose the Map. They request the removal of Ecologically Significant Marine site 9.1 from the Cape Campbell Area or expressly recognise that many activities are compatible with this site. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. **It is recommended that the submission** to remove of Site 9.1 from the Cape Campbell Area **be declined** as not scientific evidence has been provided to refute the inclusion of the site and not definition of the area to be removed has been provided.

220. The New Zealand King Salmon Company Limited [997.028] submission opposes the policies implemented in respect of these sites as they are unclear whether the mapped sites are intended to be regionally or nationally significant sites. Dr Ulrich advises that sites have to be assessed as significant within the biogeographic area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended**.

### **Marine Mammal (Whale) Overlay Map 17**

221. Friends of Nelson Haven and Tasman Bay Incorporated [716.197] Support in part the Map. They submit that Rule 16.7.5 is reasonable and justifiable to address the issue of degradation of ecological values of ecologically significant sites from the cumulative effects of seabed disturbance from fishing activities and other activities. They believe that Ecologically Significant Marine site 7.15 should not be excluded from Rule 16.7.5 and request that the legend on Ecologically Significant Marine Sites 17 Overlay Map be amended to make it clear that Rule 16.7.5 does apply to this site. They request that Map 17 is by amended by changing the legend on Map 17 to read Marine Mammal (whale) significant marine site. Te Atiawa o Te Waka-a-Maui Trust support the submission. There are 9 further submissions that oppose this submission.

- Apex Marine Farm Ltd, Clearwater Mussels Ltd and Clark Island Company, Aroma (N.Z.) Limited, New Zealand King Salmon Co. Limited, David, Lloyd Sampson, KPF Investments Limited and United Fisheries Limited, and St George Limited all believe that no rules should apply to Ecologically Significant Marine site maps 17 and 18 as what is proposed is not in accordance with the RMA, Section 32 analysis or other plan provisions.
- Sanford Limited believe that the proposed extension in the submission have not contained reasoning why additional protection is being sought, nor have they recognised the presence of existing marine farms, many of which have been located in these areas for many years.
- William and Kathleen Rainbow believe that the increase in area is not justified and it is inconsistent with the relevant definitions, and other provisions of the Plan and the Act.

This submission point on the application of Rule 16.7.5 on Marine Mammal (Whale) Map 17 has been addressed in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended.**

222. Department of Conservation [479.294] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the map is noted.**
223. Lynette and Kevin Oldham [261.003] Oppose the Map. They submit that site 7.15 is inadvertently mislabelled in the overlay through use of the abbreviated title of Whales. They state that the full title of the site, from the DoC/MDC source report Ecologically Significant Marine sites (inferred Davidson et al 2011) in Marlborough for site 7.15 is Cook Strait whale migratory corridor and that no evidence is presented in the report that whales migrating through Cook Strait use inlets such as East Bay in any significant manner. They request that as East Bay is not a significant part of a Cook Strait whale migratory corridor, and should not be included in Site 7.15. East Bay is identified in area 7.15 in Davidson et al 2011 as a site of significance for whales. The submitter is correct that the correct name is the Cook Strait whale migratory corridor and **their request for Site 7.15 to be labelled as such in the Overlay map is supported.** The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.
224. Aquaculture New Zealand [401.282] and Marine Farming Association Incorporated [426.273] Oppose the Map. They submit mapped Ecologically Significant Marine Sites (including whales and dolphins) should not be equated with NZCPS Policy 11(a) sites, because the significant sites work did not adopt the NZCPS Policy 11(a) criteria. They believe that the assessment of whether the 2011 significant sites fall within Policy 11(a) or 11(b) criteria in the NZCPS is yet to be undertaken. They state that whales have rarely been observed travelling through Tory Channel and the Davidson 2011 Significant Sites report refers to the migratory route for whales being in Cook Strait, rather than Tory Channel proper. They request that the map should be redrafted to be consistent with the text of the Davidson 2011 Significant Marine Sites report, or it should be expressly recognised that marine farms do not have an adverse effect on whales. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.
225. Apex Marine Farm Limited [544.019] Oppose the Map. They submit that it is incorrect to suggest that whales frequent Port Underwood, Tory Channel and Queen Charlotte Sound regularly enough to justify this classification. They request that the Ecologically Significant Marine Site (Marine Mammal Whale) classification in Port Underwood, Tory Channel and Queen Charlotte Sound be removed or the MEP should expressly recognise that marine farms do not have any adverse effect on whales. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and

therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.

226. Clearwater Mussels Limited and Knight-Somerville Partnership [615.003] Oppose the Map. They submit that marine mammals have not been shown to be affected by aquaculture in the area and the plan should recognise aquaculture as part of the existing landscape. They request the presence of marine farms should be expressly recognised as it pertains to this area of sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended**.
227. David Walker [679.004] Opposes the Map. He submits that Port Underwood, Tory Channel and Queen Charlotte Sound should be removed from Site 7.15 Marine Mammal (Whale) map. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.
228. Lloyd Sampson David [890.019] Opposes the Map. They submit that it is incorrect to suggest that whales frequent Port Underwood, Tory Channel and Queen Charlotte Sound regularly enough to justify this classification. They request that the Ecologically Significant Marine Site (Marine Mammal Whale) classification in Port Underwood, Tory Channel and Queen Charlotte Sound be removed or the MEP should expressly recognise that marine farms do not have any adverse effect on whales. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.
229. The New Zealand King Salmon Company [997.029] Oppose the Map. They submit that whales have rarely been observed travelling through Tory Channel and the Davidson 2011 report refers to the migratory route in Cook Strait, rather than Tory Channel proper. They state that NZ King Salmon have appropriate management plans in place in respect of marine mammals. They request Marine Mammal (Whale) Map 17 is redrafted to be consistent with the text of the Davidson 2011 Ecologically Significant Marine Sites report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.
230. Sanford Limited [1140.115] Oppose the Map. They submit that the Davidson 2011 significant sites work is a regional assessment and was not intended to mirror the approach in Policy 11 of the NZCPS. They also state that it is also unclear whether the mapped sites are intended to meet 11(a) or 11(b) of the NZCPS. Overall, the MEP mapping lacks consistency with the subsequent policies in the plan, and the intended outcome is unclear. They request that the proposed marine mammal site is removed from Port Underwood. The Submission is supported by Red Sky Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.

231. Talleys Group Limited [1184.002] Oppose the Maps. They submit there is no evidence to show existing farms in Port Underwood have had any adverse effect on whales. They request that the plans are changed to reflect the presence of aquaculture as marine farms are present in the area and have had no adverse effect on the whales. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 7.15.

### **Marine Mammal (Dolphin) Overlay Map 18**

232. Friends of Nelson Haven and Tasman Bay Incorporated [716.198] Support in part the Map. They submit that Rule 16.7.5 is reasonable and justifiable to address the issue of degradation of ecological values of ecologically significant sites from the cumulative effects of seabed disturbance from fishing activities and other activities. They believe that Ecologically Significant Marine sites 2.17, 4.17 and 8.1 should not be excluded from Rule 16.7.5 and request that the legend on Ecologically Significant Marine Sites 18 Overlay Map be amended to make it clear that Rule 16.7.5 does apply to these sites. They request that Map 18 is amended by changing the legend on Map 18 to read Marine Mammal (dolphin) significant marine sites, Te Atiawa o Te Waka-a-Maui Trust support the submission. There are 10 further submissions that oppose this submission.

- Apex Marine Farm Ltd, Clearwater Mussels Ltd and Clark Island Company, Aroma (N.Z.) Limited, New Zealand King Salmon Co. Limited, David, Lloyd Sampson, KPF Investments Limited and United Fisheries Limited, St George Limited, and The Marine Farming Association Incorporated and Aquaculture New Zealand Limited, all believe that no rules should apply to Ecologically Significant Marine site maps 17 and 18 as what is proposed is not in accordance with the RMA, Section 32 analysis or other plan provisions.
- Sanford Limited believe that the proposed extension in the submission have not contained reasoning why additional protection is being sought, nor have they recognised the presence of existing marine farms, many of which have been located in these areas for many years.
- William and Kathleen Rainbow believe that the increase in area is not justified and it is inconsistent with the relevant definitions, and other provisions of the Plan and the Act.

This submission point on the application of Rule 16.7.5 on Marine Mammal (Dolphin) Map 18 has been addressed in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. A request for specific labelling change is not supported. This is because the overlay map already is labelled; "Marine Mammal (Dolphin)" and the Legend refers to "Ecologically Significant Marine Sites".. **Therefore, no changes are recommended.**

233. Department of Conservation [479.295] support the Map. They submit that the ecologically significant marine sites overlay is generally supported. The sites are being systematically identified and evaluated and surveys are ongoing and given this it is considered to be important that the most recent information or understanding of these features is reflected in the planning maps overlay for these sites. They request that the Map is retained as notified. Te Atiawa o Te Waka-a-Maui Trust support the submission. **The support for the submission is noted.**

234. Salvador Delgado Oro Laprida [218.008] Opposes the Map. He submits that there is insufficient evidence that portion of site 4.17 that extends into East Bay is significant for dolphins, either on a national or regional basis. He requests that map be amended to exclude East Bay. The submitter has not provided evidence or information to demonstrate that East Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to site 4.17.
235. Lynette and Kevin Oldham [261.004] Oppose the map. They submit that Site 4.17 is labelled Queen Charlotte Sound (Hectors Dolphin Area) in the Davidson et al. 2011 Ecologically Significant Marine sites in Marlborough report and the accompanying description in that report makes it clear that Hectors Dolphins are the sole focus of this site. They state that the report description for Site 4.17 identifies a pod of Hector's Dolphins near Blumine Island, but provides no supporting evidence to indicate that Onauku Bay, or any other part of East Bay, is important for Hectors dolphins. They request that Site 4.17 is renamed Hectors Dolphin Area (QCS) and the inner waters of East Bay east of Matiere Point be removed from site 4.17. The submitter is correct that the focus of the dolphin area is Hector's Dolphin in the Ecologically Significant Marine Site, and **their request for Site 4.17 to be labelled as such in the Overlay map is supported**. Council has a report by the University of Otago in 2002 (Slooten et al - Council record 1760286) which showed Hector's dolphins have been recorded in East Bay. Therefore, the submitters request for relief by excluding East Bay is recommended to be declined, and **no change is recommended** to site 4.17.
236. Aquaculture New Zealand [401.283] and the Marine Farming Association Incorporated [426.247] Oppose the Map. They submit the Marine Mammal (Dolphin) map is based on the Davidson 2011 Significant Sites report and that the authors of that report were asked to identify regionally, rather than nationally significant sites. They believe that the 2011 report does not mirror the approach taken in Policy 11 of the NZCPS and that arguably only site 8.1 of Map 18 is a nationally significant site (for Hector's dolphins). They submit that Site 4.17 is not a nationally significant site, and arguably area 2.17 (Admiralty Bay) is significant habitat for Dusky dolphins (as opposed to nationally significant habitat in terms of Policy 11(a) of the NZCPS. They state that the Admiralty Bay Consortium Environment Court decision noted that the site was significant in terms of s6(c), rather than under NZCPS Policy 11(a) and therefore an avoid policy is not justified in respect of these sites, or at least not an area including the side bays. They request that the MEP should be amended so that a strict avoidance approach is not adopted in respect of these sites, and is consistent with their proposed changes to the policies at Chapter 8. They also request that it is specified as to which species of dolphin are relevant to each of the mapped areas. They also request that the maps should be updated in light of recent population research <http://www.stuff.co.nz/environment/82818673/research-shows-hectors-dolphin-population-bigger-than-previously-realised>. The submission is supported by Red Sky Trust and Te Atiawa o Te Waka-a-Maui Trust. The Stuff article referenced by the submitter states that the species is listed as endangered and that the findings of the report "didn't mean the species were no longer at risk." The matter of policies associated with the mapped sites is in the separate s42A report of Andrew Maclellan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the site does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to the overlay map,
237. A J King Family Trust and S A King Family Trust [514.020] Oppose the Map. They submit that marine farm 8043 in Admiralty Bay is situated within the Ecologically Significant Marine Mammal (Dolphin)

overlay Site 2.17 and this farm has been an established and productive part of the Marlborough Sounds for many years and it is important that it is recognised as such and is allowed to continue. They state that this marine farm is affected only by the marine mammals (dolphin) issue and the evidence supporting the concerns for Dusky Dolphins welfare to date has been vague and theoretical with no quantitative facts to support it. They request the Ecologically Significant Marine Mammal Overlay over marine farm 8043 be reviewed. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the areas do not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore, no change is recommended** to the overlay map,

238. Apex Marine Farm Limited [544.020] Oppose the Map. They submit that the proposal as mapped in Port Underwood may reflect the habitat of Hector's and Dusky dolphins, but does not reflect the habitat or distribution of other dolphin species. They request the Ecologically Significant Marine Sites (Marine Mammal Dolphin) classification in Port Underwood be removed, as frequency of dolphins is as episodic as most of the rest of the Marlborough Sounds or the MEP should expressly recognise that marine farms do not have any adverse effect on dolphins in this area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the areas do not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. **Therefore no change is recommended** to the overlay map,
239. Clearwater Mussels Limited and Knight-Somerville Partnership [615.004] Oppose the Map. They submit that marine mammals have not been shown to be affected by aquaculture in the area and the plan should recognise aquaculture as part of the existing landscape. They request the presence of marine farms should be expressly recognised as it pertains to this area of sites. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. No specific changes to the maps are requested and **therefore no changes are recommended**.
240. Clifford Bay Marine Farms Limited [629.003] Oppose the Map. They submit that the marine mammal site (dolphins) is too extensive as a large amount of dolphin research was done prior to the granting of their marine farm in Clifford Bay and the farm was deemed not to pose a threat to dolphins at the time. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Clifford Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended**.
241. KPF Investments Limited and United Fisheries Limited [874.019] Oppose the Map. They submit the Marine Mammal (Dolphin) map is based on the Davidson 2011 Significant Sites report and that the authors of that report were asked to identify regionally, rather than nationally significant sites. They believe that arguably area 2.17 (Admiralty Bay) is significant habitat for Dusky dolphins (as opposed to nationally significant habitat in terms of Policy 11(a) of the NZCPS. They state that the Admiralty Bay Consortium Environment Court decision noted that the site was significant in terms of s6(c), rather than under NZCPS Policy 11(a)) and therefore an avoid policy is not justified in respect of these sites. They

request that the MEP should be amended so that a strict avoidance approach is not adopted in respect of these sites, and is consistent with their proposed changes to the policies at Chapter 8. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**

242. Lloyd Sampson David [890.020] Opposes the Map. He submits that the proposal may reflect the habitats of Hector's and Dusky dolphins in Port Underwood, but does not reflect the habitat or distribution of other dolphin species. He requests that Ecologically Significant Marine Site (Marine Mammal Dolphin) classification in Port Underwood is removed as the frequency of dolphins is as episodic as it is most of the rest of the Marlborough Sounds or the MEP should expressly recognise that marine farms do not have any adverse effect on dolphins in this area. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**
243. The New Zealand King Salmon Company [997.030] Oppose the Map. They submit that there is insufficient evidence that Area 4.17 extending into East Bay is significant for dolphins, either on a national or regional basis. They request that Map 18 Site 4.17 be amended so that it does not extend into East Bay. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in East Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**
244. Shane Gerard McCarthy [1118.003, 1126.003 and 1118.006] Opposes the Map. He submits that Map 18 shows dolphin habitat in Admiralty Bay however he believes the effects of marine farms on dolphins are no more than minor. He is *opposed [inferred]* to the mapping of site 2.17 as it affects Marine Farm 8002. He requests that the Plan should be modified to recognise the presence of aquaculture in the area and that there is no impact of the farms on Dolphins. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**
245. Sanford Limited [1140.089] Oppose the Map. They submit that the mapped sites (dolphin) should not be equated with Policy 11(a) sites, because the significant sites work did not adopt the NZCPS Policy 11(a) criteria and the assessment of whether the 2011 significant sites fall within Policy 11(a) or 11(b) criteria in the NZCPS is yet to be undertaken. They request that the dolphin map should be redrafted to be consistent with the text of the Davidson 2011 Significant Marine Sites report and all marine mammal dolphin sites deleted from the plan and at a later stage develop and apply a national significant threshold test. The submission is supported by Red Sky Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is



made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**

246. Sanford Limited [1140.116] Oppose the Map. They submit that the 2011 Davidson significant sites work is a regional assessment, and was not intended to mirror the approach in Policy 11 of the NZCPS and it is also unclear whether the mapped sites are intended to meet 11(a) or 11(b) of the NZCPS. They state that overall, the MEP mapping lacks consistency with the subsequent policies in the plan, and the intended outcome is unclear. They request that the Marine Mammal map should be deleted from Port Underwood, Onauku Bay and Admiralty Bay. The submission is supported by Red Sky Trust. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**
247. St George Limited [1160.012] Oppose the Map. They submit that the mapping of marine mammal site 2.17 in Admiralty Bay, because they believe that the experts disagree over the extent of this area (expert Bernd Wursig of Texas A&M University disagrees with the mapping in the Davidson 2011 Significant Sites report, which maps the significant dolphin habitat as extending into Current Basin). They request that the map be deleted due to lack of certainty. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**
248. Tui Rosalie Elkington and Shane Gerard McCarthy [1164.003] Opposes the Map. They submit that Map 18 shows dolphin habitat in Admiralty Bay however they believe the effects of marine farms on dolphins are no more than minor. They are opposed [inferred] to the mapping of site 2.17 as it affects Marine Farm 8002. They request that the Plan should be modified to recognise the presence of aquaculture in the area and that there is no impact of the farms on Dolphins. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**
249. Talleys Group Limited [1184.001 and 1184.003] Oppose the Map. They submit that there is no evidence to show existing farms in Port Underwood have had any adverse effect on Dolphins. They request that the plans are modified to reflect the presence of aquaculture as marine farms are present in the area and have had no adverse effect on the Dolphins. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Port Underwood does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**
250. Talleys Group Limited [1184.009] Oppose the Map. They submit that there is no evidence to show existing farms in Admiralty Bay have had any adverse effect on Dolphins. They request that the plans

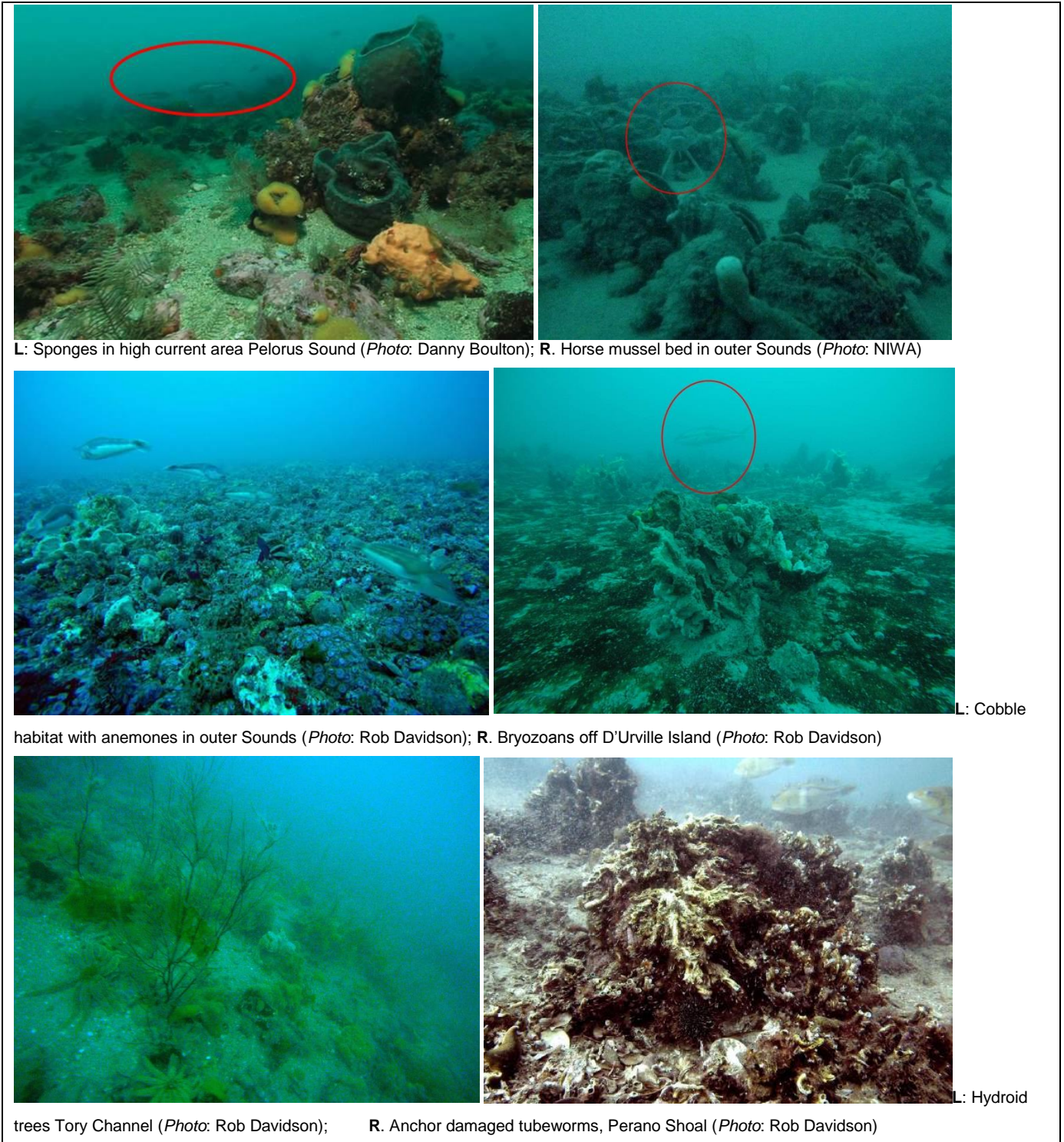
are modified to reflect the presence of aquaculture as marine farms are present in the area and have had no adverse effect on the Dolphins. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**

251. United Fisheries Holdings Limited [1204.007] Oppose the Map. They submit that the Marine Mammal (Dolphin) map is based on the Davidson 2011 Significant Sites report and the authors of that report were asked to identify regionally, rather than nationally significant sites. They believe that the 2011 report does not mirror the approach taken in Policy 11 of the NZCPS and therefore they oppose the approach implemented in the MEP in respect of Admiralty Bay site 2.17. They request that the MEP should be amended so that strict avoidance approach is not adopted in respect of the mapped area in Admiralty Bay, consistent with the proposed changes to the policies in Chapter 8, as set out in the MFA submission. The matter of policies associated with the mapped sites is in the separate s42A report of Andrew MacLennan and therefore no assessment is made in this report. The submitter has not provided evidence or information to demonstrate that the area in Admiralty Bay does not meet the criteria of significance as set out in policy 8.1.1 and Appendix 3. No specific changes to the maps are requested and **therefore no changes are recommended.**

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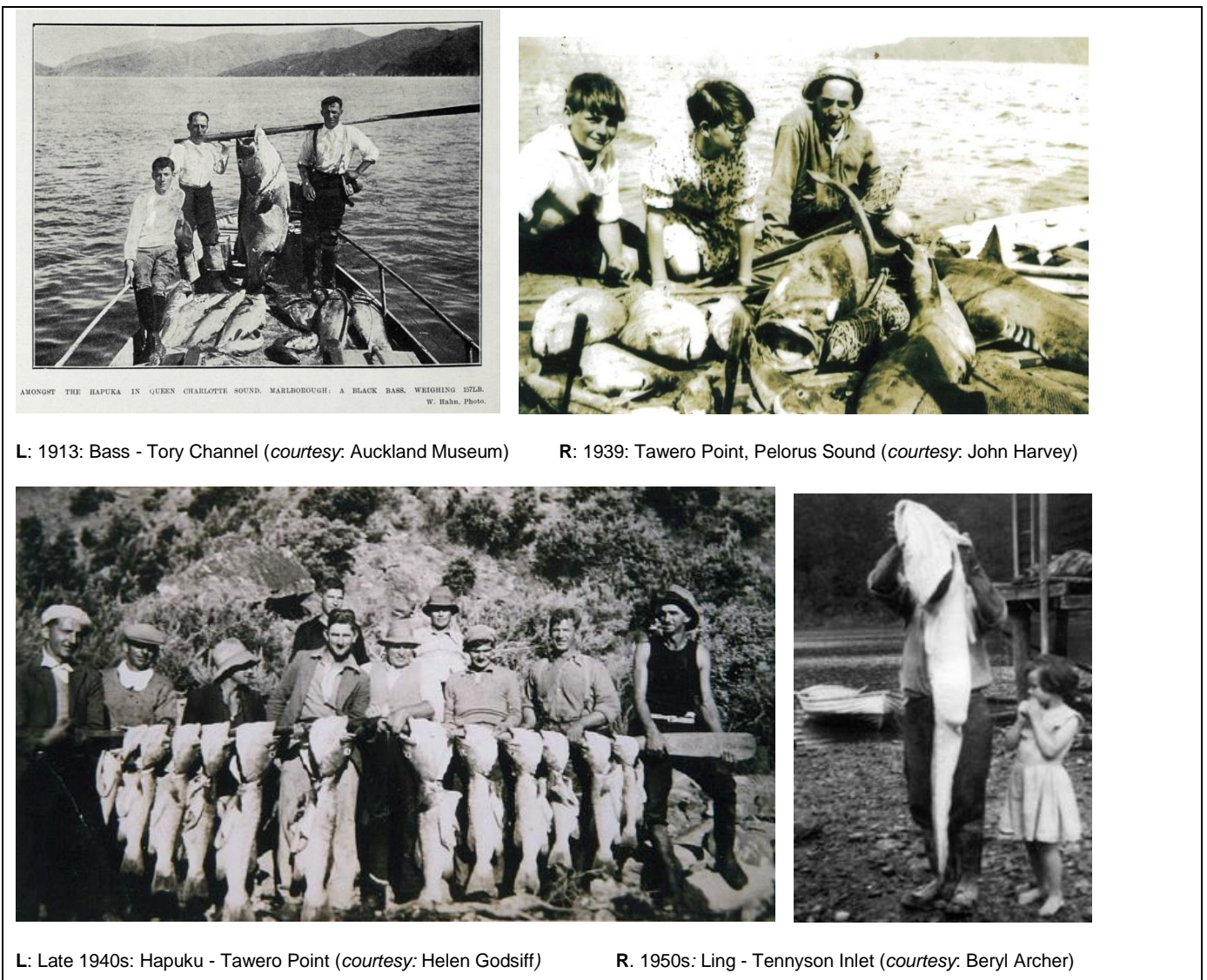
# Appendix 1 The need to maintain biodiversity in Marlborough's CMA

1. Council has chosen to prohibit seabed disturbance at identified ecologically significant sites as a consequence of research and monitoring done on the state of marine biodiversity since 2011. From 2012 Council has been monitoring different estuaries, and from 2015 Council and DoC have been progressively monitoring and surveying significant subtidal sites comprising biogenic habitats. These are formed by living organisms such as horse mussels, tubeworms, and bryozoans (Figure 1).



**Figure 1:** Examples of subtidal biogenic habitats in Marlborough. Fish are circled in red where indistinct. Boat anchor damage to tubeworm mounds is in bottom right, recorded in 2015 (Davidson et al. 2015, reference e).

2. The overall findings of this monitoring are that several large subtidal habitats have been significantly reduced in size, most likely as a result of seabed disturbance caused by dredging or bottom-trawling. These are on soft sediment substratum, in areas where seabed disturbance is known to occur. The habitats are vulnerable to physical contact, and are slow to recover if they can at all, given repeated disturbance. Smothering of estuaries by fine silt as a consequence of land activities is also occurring.
3. Council has also documented a significant loss of marine biodiversity through its historic ecosystem change project: <http://www.marlborough.govt.nz/environment/coastal/historical-ecosystem-change>. Fish and shellfish species diversity, abundance, and distribution have declined over the last 100 years, and this situation can be characterised as an ecosystem change from a place of great abundance to one of relative scarcity (Figure 2). There is solid evidence that the destruction of seabed habitats has occurred on a massive scale from physical impacts of dredging and bottom-trawling, and by smothering from sedimentation caused by disturbance of the seabed and land activities. These impacts were highlighted as early as the 1930s in the Marlborough Sounds, and are documented in the reviews of historical literature undertaken for Council by NIWA (illustrated in Figure 2).



**Figure 2:** Illustrative historical photos showing abundant or unusual catches from the Marlborough Sounds. The species shown are now either in much reduced abundance in the inner Sounds such as hāpuku (groper) or are likely to be no longer present or exceedingly rare (bass and ling).

## Appendix 1: Recommended decisions on decisions requested

Submission Number	Submission Point	Submitter	Chapter	Provision	Recommendation*
149	70	PF Olsen Ltd	Appendix 3 Biodiversity Criteria for Significance		No recommendation
401	246	Aquaculture New Zealand	Appendix 3 Biodiversity Criteria for Significance		Accept in part
401	247	Aquaculture New Zealand	Appendix 3 Biodiversity Criteria for Significance		Reject
425	769	Federated Farmers of New Zealand	Appendix 3 Biodiversity Criteria for Significance		Reject
426	242	Marine Farming Association Incorporated	Appendix 3 Biodiversity Criteria for Significance		Accept in part
479	270	Department of Conservation	Appendix 3 Biodiversity Criteria for Significance		
578	51	Pinder Family Trust	Overlay Maps		Accept in part
629	4	Clifford Bay Marine Farms Limited	Appendix 3 Biodiversity Criteria for Significance		Reject
648	48	D C Hemphill	Appendix 3 Biodiversity Criteria for Significance		
698	109	Environmental Defence Society Incorporated	Appendix 3 Biodiversity Criteria for Significance		
716	212	Friends of Nelson Haven and Tasman Bay Incorporated	Appendix 3 Biodiversity Criteria for Significance		
752	52	Guardians of the Sounds	Overlay Maps		Accept in part
1042	24	Port Underwood Association	Overlay Maps		Reject
1146	52	Sea Shepherd New Zealand	Overlay Maps		Accept in part
1193	44	The Marlborough Environment Centre Incorporated	Overlay Maps		Accept in part
91	98	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 1	Accept
401	266	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 1	No recommendation
426	257	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 1	No recommendation
479	278	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 1	Accept
997	13	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 1	No recommendation
401	275	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 10	No recommendation

426	266	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 10	No recommendation
479	283	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 10	Accept
997	22	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 10	No recommendation
1186	9	Te Atiawa o Te Waka-a-Maui	Overlay Maps	Ecologically Significant Marine Sites 10	No recommendation
401	276	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 11	No recommendation
426	267	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 11	No recommendation
479	288	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 11	Accept in Part
997	23	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 11	No recommendation
1186	10	Te Atiawa o Te Waka-a-Maui	Overlay Maps	Ecologically Significant Marine Sites 11	No recommendation
401	277	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 12	No recommendation
401	289	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 12	Accept
426	268	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 12	No recommendation
426	280	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 12	Accept
433	214	Port Marlborough New Zealand Limited	Overlay Maps	Ecologically Significant Marine Sites 12	Accept
479	289	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 12	Accept in Part
997	24	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 12	No recommendation
1186	11	Te Atiawa o Te Waka-a-Maui	Overlay Maps	Ecologically Significant Marine Sites 12	No recommendation
401	278	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 13	No recommendation

426	269	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 13	No recommendation
433	213	Port Marlborough New Zealand Limited	Overlay Maps	Ecologically Significant Marine Sites 13	Reject
479	290	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 13	Accept in Part
997	25	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 13	No recommendation
1186	12	Te Atiawa o Te Waka-a-Maui	Overlay Maps	Ecologically Significant Marine Sites 13	No recommendation
325	1	Dianne Elizabeth & Kenneth George Gullery	Overlay Maps	Ecologically Significant Marine Sites 14	Reject
401	290	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 14	No recommendation
426	270	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 14	No recommendation
426	281	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 14	No recommendation
465	1	Ray Thomas	Overlay Maps	Ecologically Significant Marine Sites 14	Reject
479	291	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 14	Accept in Part
544	17	Apex Marine Farm Limited	Overlay Maps	Ecologically Significant Marine Sites 14	Accept in Part
890	17	Lloyd Sampson David	Overlay Maps	Ecologically Significant Marine Sites 14	Accept in Part
997	26	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 14	No recommendation
1140	88	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 14	Reject
1186	13	Te Atiawa o Te Waka-a-Maui	Overlay Maps	Ecologically Significant Marine Sites 14	No recommendation
401	279	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 15	No recommendation
401	280	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 15	No recommendation

426	271	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 15	No recommendation
479	292	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 15	Accept in Part
997	27	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 15	No recommendation
1186	14	Te Atiawa o Te Waka-a-Maui	Overlay Maps	Ecologically Significant Marine Sites 15	No recommendation
401	281	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 16	No recommendation
426	272	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 16	No recommendation
454	127	Kevin Francis Loe	Overlay Maps	Ecologically Significant Marine Sites 16	Accept
479	293	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 16	Accept
544	18	Apex Marine Farm Limited	Overlay Maps	Ecologically Significant Marine Sites 16	Reject
712	102	Flaxbourne Settlers Association	Overlay Maps	Ecologically Significant Marine Sites 16	Accept
890	18	Lloyd Sampson David	Overlay Maps	Ecologically Significant Marine Sites 16	Reject
997	28	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 16	No recommendation
1051	1	Cape Campbell Farm	Overlay Maps	Ecologically Significant Marine Sites 16	No recommendation
261	3	Lynette and Kevin Oldham	Overlay Maps	Ecologically Significant Marine Sites 17	Reject
401	282	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 17	Reject
426	273	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 17	Reject
479	294	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 17	Accept
544	19	Apex Marine Farm Limited	Overlay Maps	Ecologically Significant Marine Sites 17	Reject



615	3	Clearwater Mussels Limited and Knight-Somerville Partnership	Overlay Maps	Ecologically Significant Marine Sites 17	No recommendation
679	4	David Walker	Overlay Maps	Ecologically Significant Marine Sites 17	Reject
716	197	Friends of Nelson Haven and Tasman Bay Incorporated	Overlay Maps	Ecologically Significant Marine Sites 17	No recommendation
890	19	Lloyd Sampson David	Overlay Maps	Ecologically Significant Marine Sites 17	Reject
997	29	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 17	Reject
1140	115	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 17	No recommendation
1184	2	Talleys Group Limited	Overlay Maps	Ecologically Significant Marine Sites 17	No recommendation
218	8	Salvador Delgado Oro Laprida	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
261	4	Lynette and Kevin Oldham	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
401	283	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
426	274	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
479	295	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 18	Accept
514	20	A J King Family Trust and S A King Family Trust	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
544	20	Apex Marine Farm Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
615	4	Clearwater Mussels Limited and Knight-Somerville Partnership	Overlay Maps	Ecologically Significant Marine Sites 18	No recommendation
629	3	Clifford Bay Marine Farms Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
716	198	Friends of Nelson Haven and Tasman Bay Incorporated	Overlay Maps	Ecologically Significant Marine Sites 18	No recommendation
874	19	KPF Investments Limited and United Fisheries Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject

890	20	Lloyd Sampson David	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
997	30	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1118	3	Shane Gerard Thomas McCarthy	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1118	6	Shane Gerard Thomas McCarthy	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1126	3	Shane Gerard Thomas McCarthy	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1140	89	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 18	No recommendation
1140	116	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1160	12	St George Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1164	3	Tui Rosalie Elkington and Shane Gerard Thomas McCarthy	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1184	1	Talleys Group Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1184	3	Talleys Group Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1184	9	Talleys Group Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
1204	7	United Fisheries Holdings Limited	Overlay Maps	Ecologically Significant Marine Sites 18	Reject
91	91	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 2	Accept
401	267	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 2	No recommendation
426	258	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 2	No recommendation
479	279	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 2	Accept
997	14	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 2	No recommendation

401	268	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 3	No recommendation
401	284	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 3	No recommendation
426	259	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 3	No recommendation
426	275	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 3	No recommendation
764	7	HARO Partnership	Overlay Maps	Ecologically Significant Marine Sites 3	No recommendation
842	14	Just Mussels Limited and Tawhitinui Greenshell Limited	Overlay Maps	Ecologically Significant Marine Sites 3	No recommendation
997	15	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 3	No recommendation
1140	84	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 3	Reject
91	90	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 4	Accept
91	92	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 4	Accept
91	93	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 4	Accept
91	97	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 4	Accept
401	269	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
401	285	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
426	260	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
426	276	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
479	280	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 4	Accept
479	284	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 4	Reject

514	22	A J King Family Trust and S A King Family Trust	Overlay Maps	Ecologically Significant Marine Sites 4	Reject
764	8	HARO Partnership	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
842	15	Just Mussels Limited and Tawhitinui Greenshell Limited	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
997	16	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
1140	85	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 4	Reject
1140	112	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 4	No recommendation
91	94	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 5	Accept
91	99	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 5	Accept
91	100	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 5	Accept
401	270	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 5	No recommendation
426	261	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 5	No recommendation
479	281	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 5	Accept
544	14	Apex Marine Farm Limited	Overlay Maps	Ecologically Significant Marine Sites 5	Accept
874	17	KPF Investments Limited and United Fisheries Limited	Overlay Maps	Ecologically Significant Marine Sites 5	No recommendation
890	14	Lloyd Sampson David	Overlay Maps	Ecologically Significant Marine Sites 5	Accept
997	17	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 5	No recommendation
401	271	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 6	No recommendation
426	262	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 6	No recommendation

479	285	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 6	Accept in Part
997	18	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 6	No recommendation
1186	8	Te Atiawa o Te Waka-a-Maui	Overlay Maps	Ecologically Significant Marine Sites 6	No recommendation
91	88	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 7	Accept
91	89	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 7	Accept
91	96	Marlborough District Council	Overlay Maps	Ecologically Significant Marine Sites 7	Accept
401	272	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 7	No recommendation
426	263	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 7	No recommendation
479	282	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 7	Accept in Part
964	16	Marlborough Oysters Limited	Overlay Maps	Ecologically Significant Marine Sites 7	Accept
997	19	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 7	No recommendation
401	273	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
401	286	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
426	264	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
426	277	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
479	286	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 8	Accept in Part
480	3	Tennyson Inlet Boat Club Inc	Overlay Maps	Ecologically Significant Marine Sites 8	Reject
482	5	Worlds End Enterprises Limited	Overlay Maps	Ecologically Significant Marine Sites 8	Reject

514	14	A J King Family Trust and S A King Family Trust	Overlay Maps	Ecologically Significant Marine Sites 8	Reject
544	15	Apex Marine Farm Limited	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
764	9	HARO Partnership	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
842	16	Just Mussels Limited and Tawhitinui Greenshell Limited	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
890	15	Lloyd Sampson David	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
997	20	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
1140	86	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
1140	113	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 8	No recommendation
401	274	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
401	287	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
401	288	Aquaculture New Zealand	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
424	194	Michael and Kristen Gerard	Overlay Maps	Ecologically Significant Marine Sites 9	Accept in Part
424	195	Michael and Kristen Gerard	Overlay Maps	Ecologically Significant Marine Sites 9	Accept in Part
426	265	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
426	278	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
426	279	Marine Farming Association Incorporated	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
479	287	Department of Conservation	Overlay Maps	Ecologically Significant Marine Sites 9	Accept in Part
514	18	A J King Family Trust and S A King Family Trust	Overlay Maps	Ecologically Significant Marine Sites 9	Reject

544	16	Apex Marine Farm Limited	Overlay Maps	Ecologically Significant Marine Sites 9	Accept
842	13	Just Mussels Limited and Tawhitinui Greenshell Limited	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
874	18	KPF Investments Limited and United Fisheries Limited	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
890	16	Lloyd Sampson David	Overlay Maps	Ecologically Significant Marine Sites 9	Accept
997	21	The New Zealand King Salmon Company Limited	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
1140	87	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
1140	114	Sanford Limited	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
1160	11	St George Limited	Overlay Maps	Ecologically Significant Marine Sites 9	No recommendation
42	1	Edward Ross Beech	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
364	19	Ian Balfour Mitchell	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
401	90	Aquaculture New Zealand	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
425	123	Federated Farmers of New Zealand	8 Indigenous Biodiversity	Policy 8.1.1	Reject
426	94	Marine Farming Association Incorporated	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
479	71	Department of Conservation	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
501	30	Te Runanga O Ngati Kuia	8 Indigenous Biodiversity	Policy 8.1.1	
504	30	Queen Charlotte Sound Residents Association	8 Indigenous Biodiversity	Policy 8.1.1	Reject
509	123	Nelson Marlborough Fish and Game	8 Indigenous Biodiversity	Policy 8.1.1	Reject
688	74	Judy and John Hellstrom	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
693	2	Edward Ross Beech	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
698	62	Environmental Defence Society Incorporated	8 Indigenous Biodiversity	Policy 8.1.1	
715	173	Royal Forest and Bird Protection Society NZ (Forest and Bird)	8 Indigenous Biodiversity	Policy 8.1.1	Reject
716	96	Friends of Nelson Haven and Tasman Bay Incorporated	8 Indigenous Biodiversity	Policy 8.1.1	

873	20	KiwiRail Holdings Limited	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
962	66	Marlborough Forest Industry Association Incorporated	8 Indigenous Biodiversity	Policy 8.1.1	Reject
990	198	Nelson Forests Limited	8 Indigenous Biodiversity	Policy 8.1.1	Reject
1002	34	New Zealand Transport Agency	8 Indigenous Biodiversity	Policy 8.1.1	No recommendation
1140	29	Sanford Limited	8 Indigenous Biodiversity	Policy 8.1.1	Reject
1190	35	The Bay of Many Coves Residents and Ratepayers Association Incorporated	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part
1201	84	Trustpower Limited	8 Indigenous Biodiversity	Policy 8.1.1	Accept in Part

\* Where there is a blank cell under the recommendation column, there is a diverging view between the two authors.