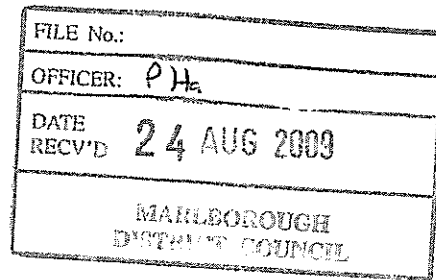


Marlborough District Council
P O Box 443
Blenheim 7240



- URGENT
- For your information
- For your comment
- Please sign and return
- Please return
- Kindly forward cheque
- For your approval
- For your records
- For your signature
- As requested
- Please action
- Please telephone
- By way of service

From: Quentin A M Davies

Date: 21 August 2009

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN**

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co. Limited

1. This is a further submission in opposition to a submission on a proposed change to the following plan:
 - a. Wairau/Awatere Resource Management Plan (Plan Change 53)
 - b. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited opposes the submission of:

Plan Change 53		
Name	Submitter No.	Submission Point
Deep Trust (Quentin Wilson)	7	10
Dolphin Watch Ecotours (Dan Engelhaupt)	26	47
East Bay Conservation Society (Ben Wybourne)	21	38
East Bay Conservation Society (Mark Denzie)	19	36
Frances Hall	17	34
Friends of Nelson Haven and Tasman Bay Inc (Gwen Struik)	4	4, 63, 65
Glenn Hall	16	33
Guardians of the Sounds (Peter Beech)	18	35
Jonathon Hall	15	19 - 32
Lynn Newman-Hall	23	44
Marlborough Environment Centre Inc (Steffan Browning)	2	3
Pelorus Wildlife Sanctuaries Limited (Richard Smith)	22	39 - 43
Port Gore Group (Cliff Marchant)	14	18
Queen Charlotte Wilderness Park Community (Ron Marriott)	13	15
Robyn Vidak & Carney Soderberg (03 5799398)	5	5
Royal Forest and Bird Protection Society New Zealand Inc (Andrew John)	27	48

FILE No.:
OFFICER:
DATE RECEIVED: 24 AUG 2009
TIME: 12:12

Plan Change 16		
Name	Submitter No.	Submission Point
Annette Stroh	4	8
Bilbrough Family Trust (Ian & Jacqui Bilbrough)	3	12
Campbell Black	1	3
Deep Trust (Quentin Wilson)	10	22
Dolphin Watch Ecotours (Dan Engelhaupt)	33	66
East Bay Conservation Society (Ben Wybourne)	26	54
East Bay Conservation Society (Mark Denzie)	24	52
Frances Hall	20	48
Friends of Nelson Haven and Tasman Bay Inc (Gwen Struik)	7	13 - 16
Fyvie Management Limited	29	61, 62
Glenn Hall	21	49
Guardians of the Sounds (Peter Beech)	23	51
Jonathon Hall	19	34 - 47
Lynn Newman-Hall	28	60
Marlborough Environment Centre Inc (Steffan Browning)	6	10
Norman & Linda Wilkins	5	9
P Meach	36	69
Pelorus Wildlife Sanctuaries Limited (Richard Smith)	27	55-59
Port Gore Group (Cliff Marchant)	17	33
Port Underwood Assoc Inc (Eric Jorgensen)	35	68
Queen Charlotte Wilderness Park Community (Ron Marriott)	16	30-32
Robyn Vidak & Carney Soderberg (03 5799398)	8	17
Royal Forest and Bird Protection Society New Zealand Inc (Andrew John)	34	67

3. The particular parts of the submission The New Zealand King Salmon Co. Limited opposes are:

a. All of the submissions

4. The reasons for that opposition are:

a. The submitters have overlooked the preamble to the general rules 35A.2 which is designed to delay the implementation of the Plan Change until new

rules have been put in place to govern new space plan change requests. Other submitters (most notably the Department of Conservation) have suggested ways to improve the preamble to rule 35A.2.

- b. The Plan Change request does nothing more than allocate new space between competing marine farming interests. It does not create any new space and accordingly has no environmental effects.
 - c. The Plan Change does not give anybody the right to make an application for a plan change for new space greater than that which exists at present. The most that can be said is that it makes such an application feasible from a practical perspective. It is an unattractive submission to suggest that rule should be imposed to regulate an activity which has the impact of making it uneconomic.
 - d. The submission overlooks the fact that a Plan Change application is significantly more complicated (and costly) than a resource consent application. These barriers will prevent the 'gold rush' situation from occurring.
 - e. The submission that the Plan Change will promote the interests of large industry players over the interests of other interested parties is misconceived:
 - i. All people are able to make a Plan Change request.
 - ii. If tendering is the allocation mechanism, the process favours the person with the greatest ability to pay. This Plan Change request seeks to avoid the outcome whereby marine farming space is given to the person who is able to pay the most. Rather, it is to be allocated to the person who provides the necessary environmental information to Council. Where there are two such people, the opportunity goes to the first in time.
 - iii. The costs of the Plan Change process directly relate to the amount of environmental research and analysis which is required for a successful Plan Change request.
5. The New Zealand King Salmon Co. Limited seeks that the whole of the submissions be disallowed.
6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this submission.

.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person: Quentin Alexander Muir Davies

Note to person making further submission

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

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN**

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

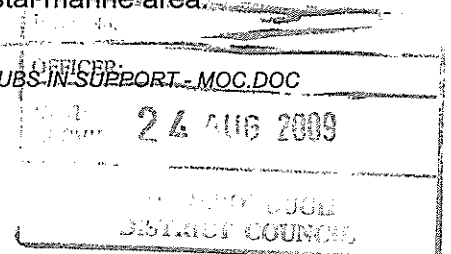
Name of person making further submission: The New Zealand King Salmon Co. Limited.

1. This is a further submission in partial support of a submission on a proposed change to the following plan:
 - a. Wairau/Awatere Resource Management Plan (Plan Change 53)
 - b. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited partially supports the submission of:


Plan Change 53		
Name	Submitter No.	Submission Point
Minister of Conservation (Steven Wynne-Jones)	6	9

Plan Change 16		
Name	Submitter No.	Submission Point
Minister of Conservation (Steven Wynne-Jones)	9	19, 21

3. The particular parts of the submissions the New Zealand King Salmon Co Limited supports are:
 - a. The decision sought from the local authority.
4. The reasons for the submission are:
 - a. Decisions sought confirm the intention that Plan Change 16 has no effect until it becomes operative and Plan Change 19 has statutory effect.
 - b. The wording might be improved by specifying in the new rule what Plan Change 19 is. This is on the basis that Plan Change 19 is an administrative name given to a Plan Change which will encompass objectives, policies and rules for new aquaculture space.
 - c. The New Zealand King Salmon Co. Limited is quite happy to delay the implementation of Plan Change 16. However, before significant effort is spent on Plan Change 19 and the Plan Changes that follow, it wants to know that the work in that regard is not likely to be in vain.
 - d. Section 165I concerns a test to be considered before adopting a rule in relation to the method of allocation of space in a coastal-marine area.



- e. Section 165I does not involve any consideration of the environmental consequences of occupying space in a coastal marine area.
 - f. Section 165I pre-supposes that space is to be occupied and requires a decision-maker to consider the proposed mode of allocation compared with other methods.
- 5. The New Zealand King Salmon Co. Limited seeks that particular parts of the submission which it supports be granted.
 - 6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this further submissions.


.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

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**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN**

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co. Limited

1. This is a further submission in partial opposition to a submission on a proposed change to the following plan:

a. Marlborough Sounds Resource Management Plan (Plan Change 16).

2. The New Zealand King Salmon Co. Limited in part opposes the submission of:

Plan Change 16		
Name	Submitter No.	Submission Point
David Grigg	12	24

3. The particular parts of the submissions The New Zealand King Salmon Co. Limited oppose are:

a. The codicil to the comments on Plan Change 16

b. The comments on Plan Change 19 and 20; and

c. The comments relating to change of species.

4. The reasons for that opposition are:

a. The closed tender approach suggested by Mr Grigg would still duplicate research activity which is inefficient.

b. Mr Grigg seems to suggest that the reason for the cost of undertaking the work is the timeframe within which that work needs to be undertaken. While timeframe has an impact on cost, the main driver of cost is the volume of work which needs to be done.

c. The inefficiencies in the process are not solved by forcing all parties who submit a tender to duplicate the scientific work.

d. Given the small size of New Zealand, the research and resource management communities, it would be difficult to duplicate research anonymously.

e. If the identity of the tenderers was released either by accident or deliberately, or revealed by deduction, this would encourage gaming behaviour by parties who have the intention of extracting concessions from genuine participants.

f. The submissions relating to the environmental effects of marine farming are not relevant to this Plan Change.

g. This Plan Change is not Plan Change 19 or Plan Change 20 and does not address change of species.

5. The New Zealand King Salmon Co. Limited seeks that the particular parts of the submissions identified in paragraph 3 be disallowed.
6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this further submission.

.....

Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person: Quentin Alexander Muir Davies

Note to person making further submission

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

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN**

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co. Limited

1. This is a further submission in opposition to a submission on a proposed change to the following plan:
 - a. Wairau/Awatere Resource Management Plan (Plan Change 53)
 - b. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited opposes the submission of:


Plan Change 53		
Name	Submitter No.	Submission Point
Chaucer Bay Family Trust (Mr E J Matla)	12	14

Plan Change 16		
Name	Submitter No.	Submission Point
Chaucer Bay Family Trust (Mr E J Matla)	15	28

3. The particular parts of the submission The New Zealand King Salmon Co. Limited opposes are:
 - a. All of the submission.
4. The reasons for that opposition are:
 - a. The purpose of this plan change application is the allocation of space to competing future Plan Change requests.
 - b. The submission is premature. Where new marine farming space is to be situated is to be guided by the objectives, policies and rules to be determined in Plan Change 19.
 - c. If an AMA is proposed for the Bay of Many Coves, the submitter will have plenty of opportunity to object at a future stage.
5. The New Zealand King Salmon Co. Limited seeks that the whole of this submission be disallowed.

FILE No.:
OFFICER:
DATE REC'D 24 AUG 2009
SUBS-GHAUCER BAY.DOC
MARLBOROUGH DISTRICT COUNCIL

6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this further submission.



.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: *1st* August 2009

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person: Quentin Alexander Muir Davies

Note to person making further submission

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

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN**

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co Limited.

1. This is a further submission in support of a submission on a proposed change to the following plan:
 - a. Marlborough Sounds Resource Management Plan (Plan Change 16).
 - b. Wairau/Awatere Resource Management Plan (Plan Change 53)
2. The New Zealand King Salmon Co. Limited supports the submission of:

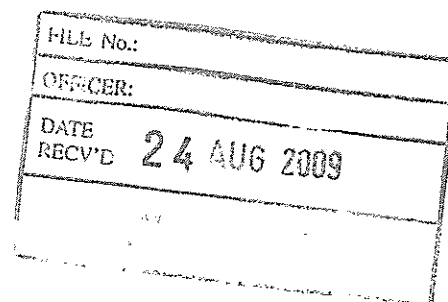
Plan Change 16		
Name	Submitter No.	Submission Point
Totaranui Limited (Jane du Feu)	31	64

Plan Change 53		
Name	Submitter No.	Submission Point
Totaranui Limited (Jane du Feu)	25	46

3. The particular parts of the submissions The New Zealand King Salmon Co Limited supports are:
 - a. All of the submission.
4. The reasons for that support are set out in the submissions themselves.
5. The New Zealand King Salmon Co. Limited seeks that the whole of the submissions be allowed.
6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this further submission.

.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009



Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person: Quentin Alexander Muir Davies

Note to person making further submission

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Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co Limited.

1. This is a further submission in support of a submission on a proposed change to the following plan:
 - a. Marlborough Sounds Resource Management Plan (Plan Change 16).
 - b. Wairau/Awatere Resource Management Plan (Plan Change 53)
2. The New Zealand King Salmon Co. Limited supports the submission of:

Plan Change 16		
Name	Submitter No.	Submission Point
Te Ohu Kaimoana Trustees Limited (Craig Lawson)	30	63

Plan Change 53		
Name	Submitter No.	Submission Point
Te Ohu Kaimoana Trustees Limited (Craig Lawson)	24	45

3. The particular parts of the submissions The New Zealand King Salmon Co Limited supports are:
 - a. All of the submission.
4. The reasons for that support are set out in the submissions themselves.
5. The New Zealand King Salmon Co. Limited seeks that the whole of the submissions be allowed.
6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this further submission.

.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

FILE No.:	
OFFICER:	
DATE RECV'D	24 AUG 2009
MARLBOROUGH DISTRICT COUNCIL	

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person: Quentin Alexander Muir Davies

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**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
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Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co. Limited

1. This is a further submission in opposition to a submission on a proposed change to the following plan:

a. Marlborough Sounds Resource Management Plan (Plan Change 16).

2. The New Zealand King Salmon Co. Limited opposes the submission of:

Plan Change 16		
Name	Submitter No.	Submission Point
P Rene	22	50

3. The particular parts of the submission The New Zealand King Salmon Co. Limited partially opposes are:

a. All of the submission.

4. The reasons for that opposition are:

a. Plan Change 16 allocates new aquaculture space between competing marine farm applications.

b. It is not intended that Plan Change 16 come into force while Plan Change 19 has no legal effect.

c. Site specific issues are beyond the scope of this Plan Change.

5. The New Zealand King Salmon Co. Limited seeks that the submission be disallowed.

6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this further submission.

.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

OFFICER:
DATE RECV'D 24 AUG 2009
MARLBOROUGH DISTRICT COUNCIL

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229

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Contact person: Quentin Alexander Muir Davies

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**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN**

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co. Limited

1. This is a further submission in opposition to a submission on a proposed change to the following plan:
 - a. Wairau/Awatere Resource Management Plan (Plan Change 53)
 - b. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited opposes the submission of:

Plan Change 53		
Name	Submitter No.	Submission Point
Kenneth Roush	11	13

Plan Change 16		
Name	Submitter No.	Submission Point
Kenneth Roush	14	27

3. The particular parts of the submission The New Zealand King Salmon Co. Limited opposes are:
 - a. All of the submission.
4. The reasons for that opposition are:
 - a. The purpose of this rule is to ensure there is some mechanism to allocate space if the person who is initially allocated that space decides not to proceed with the marine farm.
 - b. If new information comes to light such as the submitter suggests, the correct way of removing an AMA is to change the Plan.
 - c. It is anticipated that this rule will rarely be used.
 - d. It will be even more rare for the site to both become vacant and new information comes to light which suggests that the space should not be re-offered.
5. The New Zealand King Salmon Co. Limited seeks that the whole of the submission be disallowed.

FILE No.:
OFFICER:
DATE 24 AUG 2009
SUBS OPP - K ROUSH.DOC 7/08/09
MARLBOROUGH DISTRICT COUNCIL

6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this submission.

.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229
Fax: 03 578 4080

Contact person: Quentin Alexander Muir Davies

Note to person making further submission

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**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN**

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co Limited.

1. This is a further submission in support of a submission on a proposed change to the following plan:
 - a. Wairau/Awatere Resource Management Plan (Plan Change 53)
 - b. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited supports the submission of:

Plan Change 53		
Name	Submitter No.	Submission Point
Marine Farming Association (Graeme Coates)	1	2
Marlborough Aquaculture Limited (David Clark)	20	37

Plan Change 16		
Name	Submitter No.	Submission Point
Marine Farming Association (Graeme Coates)	2	4
Marlborough Aquaculture Limited (David Clark)	25	53

3. The particular parts of the submissions The New Zealand King Salmon Co Limited supports are:
 - a. All of the submissions.
4. For the reasons given in the submissions.
5. The New Zealand King Salmon Co. Limited seeks that the whole of the submissions be allowed.
6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this further submission.

.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

OFFICER:
DATE REC'D 24 AUG 2009

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

Telephone: 03 578 4229

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Contact person: Quentin Alexander Muir Davies

Note to person making further submission

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Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

Name of person making further submission: The New Zealand King Salmon Co. Limited

1. This is a further submission in opposition to a submission on a proposed change to the following plan:
 - a. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited opposes the submission of:

Plan Change 16		
Name	Submitter No.	Submission Point
Bilbrough Family Trust (Ian & Jacqui Bilbrough)	12	5, 6, 11

3. The particular parts of the submission The New Zealand King Salmon Co. Limited opposes are:
 - a. All of the submission.
4. The reasons for that opposition are set out in the request for Plan Change 16.
5. The New Zealand King Salmon Co. Limited seeks that the whole of this submission be disallowed.
6. The New Zealand King Salmon Co. Limited wishes to be heard in support of this submission.

.....
Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: *ja* August 2009

Address for service of person making further submission:

Gascoigne Wicks
79 High Street, **Blenheim 7201**
PO Box 2, **Blenheim 7240**

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FILE NO.	
OFFICER	
DATE RECV'D	24 AUG 2009
MARLBOROUGH DISTRICT COUNCIL	

**Further Submission in Opposition
to a Submission on
Plan Change 16 to the Marlborough Sounds Resource
Management Plan**

Office Use
Participant No

Submission Point No

File Ref
W045-15-53 & M135-15-16

Date Received Stan **RECEIVED**
21 AUG 2009
MARLBOROUGH
DISTRICT COUNCIL

Submissions Close:

Return your submission to:
Marlborough District Council
PO Box 443
Blenheim 7240
Attention: Tania Bray
Fax: (03) 520 7496
E-Mail:
PG16253@marlborough.govt.nz

Name/Organisation: Pelorus Wildlife Sanctuaries Limited

Contact Name (if different from above): Richard Smith (Project Manager)

Address for Service: Fletcher Vautier Moore
PO Box 3029
Richmond, Nelson (Julian Ironside/Kate Mitchell)


Phone Number: (03) 543 8301

Fax/Email: (03) 543 8302/ Email: jironside@fvn.co.nz

I have attached 5 pages to this submission

Do you wish to be heard in support of your submission? **YES**

If you wish to be heard & others make a similar submission, would you be prepared to consider presenting a joint case? **NO**

Signature:  Date: 31-8-09

PLEASE USE A SEPARATE FORM FOR EACH ORIGINAL SUBMISSION YOU SUPPORT OR OPPOSE

Submission Number Opposed: 18

Do you Support or Oppose this original submission? **OPPOSE**

Name of Original Submitter to which the further submission relates:
New Zealand King Salmon Company Limited

Address of Original Submitter to which this further submission relates: (at back of Summary of Submissions)
C/O Gascoigne Wicks, PO Box 2, 79 High Street, Blenheim

How To Make A Further Submission: Anyone is welcome to make a further submission, either as an individual or on behalf of an organisation. You may use this form or prepare your own submission so long as you are careful to provide all of the information identified on this form. [These information requirements are per Form 6 of the Resource Management (Forms, Fees and Procedures) Regulations 2003]. If you run out of room, please continue on a separate page. When preparing your further submission you need to include the following:

The particular parts of the submission I oppose are: **THE WHOLE OF THE SUBMISSION**

The reasons for my opposition are: **SET OUT BELOW**

I seek that the whole of the submission be disallowed

RECEIVED

21 AUG 2009

MARLBOROUGH
DISTRICT COUNCIL

My submission relates to (circle one of the following)

Plan Change 16 to the Marlborough Sounds Resource Management Plan

Any submission received by the Council is considered to be public information.

Opposed Section
e.g. General

Details of your further submission including reasons for opposing and whether you seek that whole or part of the submission be allowed (or disallowed).

e.g. I support the proposed change ~~xx~~ because ... and seek all be allowed.

All of the amendments sought by NZKS to the whole of Plan Change 16

1. This further submission by Pelorus Wildlife Sanctuaries is made in opposition to the submission by New Zealand King Salmon "NZKS". Pelorus Wildlife seeks that the whole of the submission by NZKS be disallowed.
2. The NZKS submission seeks that the Council allocate space in the Coastal Marine Area for Aquaculture Management Areas without any express reference to "authorisations". Instead, NZKS seeks to change references throughout proposed Plan Change 16 from "authorisations" to the "right to apply for marine farming permits".
3. The NZKS submission states that the consequences of this change would be that there would not need to be public notice of the offer of authorisations, on the grounds that in circumstances where authorisations were being granted to a clearly identifiable party that would appear to be "unnecessary". There is no further detail provided with the submission justifying the proposed change, or the need for it.
4. The NZKS submission goes on to state that the proposed change is made on the basis that what is proposed may well result in a better outcome in terms of "administrative efficiency" and is intended to be "a practical suggestion as to process". We consider that these statements by NZKS are misleading. The changes sought are fundamental in nature and would remove a number of statutory controls and powers granted to (and required of) Council when granting an authorisation for an aquaculture management area under the Resource Management Act 1991. They also remove the important requirements as to public notice, which are necessary and important to keep the public informed where applicants are attempting to occupy areas of the public seabed (or foreshore) and utilise those areas for aquaculture activities.
5. The changes sought in the NZKS submission would have the effect of avoiding the need to obtain an authorisation for an Aquaculture Management Area under the RMA before applying for a coastal permit. Thus, once an applicant had successfully created an Aquaculture Management Area by way of a private plan change request, they would immediately (once the plan change was operative) be able to apply for a coastal permit. If granted, these changes sought in the NZKS submission would substantially reduce the requirements under the RMA on applicants (such as NZKS) seeking to utilise new parts of the coastal marine area in the Marlborough Sounds for aquaculture activities. They would further limit Council's control over such applications. Such an approach is entirely contrary to the processes set out at part 7A of the RMA.
6. The original submission by Pelorus Wildlife Sanctuaries discussed in some detail the "gold rush" situation that would arise, and the lack of adequate planning and policy guidance in the MSRMP upon which to assess private plan change requests for AMAs (and applications for coastal permits), if Plan Change 16 were allowed. This situation will only be worsened if the

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change sought by NZKS in its submission is granted, because it takes one step (the allocation of authorisations) out of the process.

7. The submission by NZKS is made on the basis that once a private plan change request to create an AMA has been successful, the person who made that request has an automatic right to immediately apply for a coastal permit for marine farming (once the Plan Change making the AMA is operative). The NZKS submission proposes that the title of the Plan Change 16 be changed from "Allocation of Authorisations" to "Allocation of the Right to Apply for Marine Farming Coastal Permits." This is reflected in the following requested changes of wording throughout the amended Plan Change 16 provided with the NZKS submission. For instance, the submission proposes that part 9.4A (Issue) of Proposed Plan Change 16 be amended to provide (deleting the reference to "authorisations" and replacing them with "the right to apply for a coastal permit for marine farming"):

"...The Council recognises that people or organisations are not likely to make requests for new areas, unless they have some certainty that they will receive the right to apply for a coastal permit for marine farming should the Plan change succeed..."

"...the Council acknowledges that public tendering does not give the Plan Change applicant sufficient certainty that they will receive the right to apply for a coastal permit for marine farming within that new AMA..." (emphasis added)

8. The proposed changes go further in relation to the general rules at 35A.2. Under the proposed changes, the right to apply for coastal permits for marine farming will only be obtained by the person who requested the Private Plan Change (see the changes proposed to Rule 35A.2.1.2). Under Rule 35A.2.1.2.1 as it would be amended by the NZKS submission, the right to apply for the coastal permit shall be obtained on the date on which the Private Plan Change becomes operative.
9. Effectively, then, the proposed changes to Plan Change 16 contained in the NZKS submission would remove entirely the requirement to obtain an authorisation for an AMA under the RMA. This approach is, quite simply, not allowed for under the RMA. The Council does not have the power to "allocate a right to apply for a marine farming coastal permit". It only has the power to allocate authorisations, in accordance with the specific procedure under Part 7A.
10. Section 165E(1) of the RMA provides that if a regional plan provides for an aquaculture management area, the Regional Council may by public notice offer authorisations for available space for 1 or more aquaculture activities for which the area may be occupied (a) by public tender, or (b) by another method, if the plan provides for allocation by another method.

21 AUG 2009

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11. The first step, then, is for a plan change to be made to provide for an aquaculture management area. Once this is done, the second step is for the Regional Council by public notice to offer authorisations for that area.
12. In the present case, the Council is proposing to introduce Plan Change 16 to provide "allocation of authorisations by another method" under section 165E(1)(b). This is the second step. Only once an authorisation has been granted can the third step be undertaken, and a coastal permit applied for. The definition of "authorisation" at section 165A "means the right to apply for a coastal permit to occupy space in the coastal marine area."
13. There are thus three separate and distinct stages under the RMA, with different requirements and obligations. The submission by NZKS confuses these stages. If granted, the changes sought under the NZKS submission would avoid the second step in the RMA that relates to the offer of an authorisation and proceed directly to the third step being the right to apply for a coastal permit.
14. The matters that must be set out in the Public Notice of an Offer of Authorisations (under section 165E) are set out at section 165P. They include as follows:
- (a) specify the range of activities that the authorisation will apply to after it is issued; and
 - (b) describe the space in the coastal marine area that the authorisation will apply to after it is issued, including the size, shape, and location of the space; and
 - (c) specify the maximum term of the coastal permit; and
 - (d) note whether or not the space is subject to a reservation relating to commercial fishing and, if so, the details of the reservation; and
 - (e) if the space is subject to a reservation relating to commercial fishing, note that only a person who holds a registered aquaculture agreement as specified in a notice given by the chief executive under section 186ZK of the Fisheries Act 1996 may be granted the authorisation; and
 - (i) specify the manner in which offers must be submitted; and
 - (j) specify any charge payable under section 36(ca); and
 - (k) specify any other matter that the regional council considers appropriate in the circumstances.

14.1 There are thus a number of significant and important matters that are to be

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addressed in the Public Notice.

- 14.2 The offer for an authorisation under section 165Q is also required to specify the activity or range of activities in respect of which authorisation is sought and the site it relates to.
- 14.3 Under section 165S, after considering an offer for an authorisation in accordance with the criteria set out in section 165P (relating to public notice), the Council may accept any offer, reject any offer, reject any offer and call for new ones, or negotiate with any person who made an offer with a view to reaching agreement. The Council is then required to give written notice of its decision to the person to whom the offer was made.
- 14.4 Under section 165T, it is only once an offer is accepted, or an agreement is reached, that the Regional Council is required to make the authorisation.
- 14.5 These provisions give greater control to Council in relation to the allocation of authorisations for AMAs, and provide greater certainty for applicants, members of the public, and Council, about the nature of the authorisation. Importantly, they may also place limits on the nature of or activities within an Aquaculture Management Area before any coastal permit is applied for.
15. Under section 165N an authorisation lapses after 2 years (except in certain circumstances). NZKS propose a change at rule 35A.2.1.2.3 that provides that "*lapse*" shall have the meaning specified in section 165N of the Act, as if the right to apply for a coastal permit was an authorisation." This demonstrates the artificial nature of what NZKS are proposing. The right to apply for a coastal permit is *not* an authorisation – it is a separate process under the RMA. The proposed approach is confusing and illogical.
16. NZKS submits that the approach proposed in its submission "... would appear to be open to the Council by virtue of section 165H". We do not accept that this is correct. Section 165H provides that, "a regional coastal plan may provide for a rule in relation to a method of allocating space vested in the Crown or a regional council in a coastal marine area". Section 165H follows on from section 165E and relates to a method of allocating space under section 165E. Section 165E clearly provides that an offer of authorisation for available space must be made by public notice, regardless of whether it is by public tender or, (as is proposed under Plan Change 16), another method. Section 165H cannot be used to avoid the requirement that the offer of an authorisation be made by way of public notice. A rule under section 165H can only relate to a method for allocating an *authorisation* for available space in aquaculture management areas – not a right to apply for a coastal permit.
17. It should also be noted that the amendments NZKS request would mean that private plan change requests for Aquaculture Management Areas would be treated differently to a Council initiated Plan Change or a Council Invited Private Plan Change. Both the Council initiated Plan Change and

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Council Invited Plan Change would result in the allocation of authorisations by different methods. In comparison, NZKS are proposing that a Private Plan Change request would not result in an allocation of authorisations, but rather (once the change becomes operative) would immediately give the applicant the sole right to apply for a coastal permit.

18. It is also significant to note that under section 165ZF of the RMA, a Council Invited Plan Change results in an *authorisation* being made to the person who made the private plan change request, and that authorisation is also required to be publicly notified.