File Ref. M135-15-16

MARLBOROUGH
DISTRICT COUNCIL

Marlborough Sounds Resource Management Plan

Plan Change 16

Submissions received by Marlborough District Council

July 2009

Table of Contents

Alphabetical index of Submitters (by surname) for Plan Change 16

Submitter No	Submitter	Address
3	Bilbrough Family Trust (Ian & Jacqui Bilbrough)	27 Roseneath Place Christchurch 8022
1	Black - Campbell	14 Kilkelly Close Tawa Wellington
15	Chaucer Bay Family Trust (Mr E J Matla)	10 Willowbrook Place Fendalton Christchurch 8052
13	Coard - Anthony John	6 Regal Gardens Kilbirnie Wellington 6022
32	Cox - Robin	5 Regent Place Blenheim 7201
10	Deep Trust (Quentin Wilson)	11 Rama Crescent Khandallah Wellington 6032
33	Dolphin Watch Ecotours (Dan Engelhaupt)	PO Box 197 Picton 7250
26	East Bay Conservation Society (Ben Wybourne)	21b Percy Street Blenheim 7201
24	East Bay Conservation Society (Mark Denize)	C/- Jean Hadley 21B Percy Street Blenheim 7201
7	Friends of Nelson Haven and Tasman Bay Inc (Gwen Struik)	PO Box 365 Nelson 7040
29	Fyvie Management Limited (Stephen Waring)	PO Box 7628 Christchurch 8240
12	Grigg - David	424 Port Underwood Road Whatamango Bay RD 1 Picton 7281
23	Guardians of the Sounds (Peter Beech)	316A Waikawa Road Waikawa Picton 7220
20	Hall - Frances	Bay of Many Coves Private Bag 411 Picton 7250
21	Hall - Glenn	Private Bag 411 Picton 7250
19	Hall - Jonathon	Bay of Many Coves Private Bag 411 Picton 7250
2	Marine Farming Association (Graeme Coates)	PO Box 86 Blenheim 7240
25	Marlborough Aquaculture Limited (David Clark)	Wisheart Macnab & Partners PO Box 138 Blenheim 7240
6	Marlborough Environment Centre Inc (Steffan Browning)	PO Box 218 Blenheim 7240
36	Meach - P	50 Hector Street Seatoun Wellington 6022
9	Minister of Conservation (Steven Wynne-Jones)	Department of Conservation PO Box 5 Nelson 7042

Submitter No	Submitter	Address
11	Ministry of Fisheries (Dan Lees)	Private Bag 14 Nelson Mail Centre Nelson 7042
28	Newman-Hall - Lynn	33 Motuhara Road Plimmerton Wellington 5026
22	P - Rene	Private Mail Bag Rai Valley D'Urville Island 7145
27	Pelorus Wildlife Sanctuaries Limited (Richard Smith)	C/- Julian Ironside Fletcher Vautier Moore PO Box 3029 Nelson 7050
17	Port Gore Group (Cliff Marchant)	PO Box 15043 Wellington 6243
35	Port Underwood Association Inc. (Eric Jorgensen)	PO Box 153 Picton 7250
16	Queen Charlotte Wilderness Park Community (Ron Marriott)	Rural Bag 363 Picton 7250
8	Robyn Vidak & Carney Soderberg	PO Box 45 Picton 7250
14	Roush - Kenneth	Ocean Bay Private Bag Blenheim
34	Royal Forest and Bird Protection Society NZ, Inc. (Andrew John)	Chair Marlborough Forest & Bird Society Ngakuta Bay RD 1 Picton 7281
4	Stroh - Annette	PO Box 38 Havelock 7150 Marlborough Sounds
30	Te Ohu Kaimoana Trustee Limited (Craig Lawson)	PO Box 3277 Wellington 6140
18	The New Zealand King Salmon Co. Ltd (Quentin Davies)	C/- Gascoigne Wicks PO Box 2 Blenheim 7240
31	Totaranui Limited (Jane du Feu)	PO Box 349 Blenheim 7240
5	Wilkins - Norman & Linda	25 Bay Street Petone Lower Hutt 5012

Numerical index of Submitters for Plan Change 16

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2	Marine Farming Association (Graeme Coates)	PO Box 86 Blenheim 7240
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Amendments	

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No: 3

Participant No: 1

File Ref: M135-15-16; W045-15-53

Date Received Stamp: 18 March 2009 email (16)

Name/Organisation	Campbell Black
Contact Name *(If different from above)*	
Address for Service:	14 Kilkelly Close Tawa Wellington
Phone Number	021 0309461
Fax Number	

I have attached 0 **pages to this submission**

Do you wish to be heard in support of your submission? YES ✓ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ✓ NO ☐

Signature: [signature] **Date:** 18/3/09

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

How To Make A Submission

Anyone is welcome to make a 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 5 of the Resource Management (Forms, Fees and Procedures) Regulations 2003]. If you run out of room here, please continue on a separate page. When preparing your submission you need to include the following:

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REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

My submission relates to ***(circle one of the following)***

Plan Change 16 *to the Marlborough Sounds Resource Management Plan*

Plan Change 53 *to the Wairau/Awatere Resource Management Plan*

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	***Details of your submission and specific changes or decisions requested***
16	I oppose Plan Change 16. The decision I seek from the Council is to reject the change at the earliest possible time.

I oppose Plan Change 16 on the basis that it may lead to additional marine farms in the Sounds. Marine farming in the Sounds is not compatible with land based activities (from a noise, visual and pollution perspective) including land development. This position on compatibility is supported by the NZ Marine Farming Association.

The decision I seek from the Council is to reject the change at the earliest possible time.

Reset form

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No: 4

Participant No: 2

File Ref: M135-15-16; W045-15-53

Date Received Stamp: Email 8/4/2009.

Name/Organisation	MARINE FARMING ASSN
Contact Name *(If different from above)*	GRAEME COATES
Address for Service:	PO Box 86 BLENHEIM 7240
Phone Number	03 578 5044
Fax Number	03 5785046

I have attached 0 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☑ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☑ NO ☐

Signature: [signature] Date: 7/4/09

Submissions Close:

15 April 2009

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Volume, Section of Plan, Page Number	Details of your submission and specific changes or decisions requested
IN TOTO	THE MFA SUPPORTS THE PROPOSED
	PLAN CHANGES 16 & 53

Submission on Plan Change 16 to the

Marlborough Sounds Resource Management Plan

and/or

Submission on Plan Change 53 to the

Wairau/Awatere Resource Management Plan

Office Use

Submission No: 5

Participant No: 3

File Ref: M135-15-16; W045-15-53

Date Received Stamp: Email 8/04/2009

Name/Organisation	BILBROUGH FAMILY TRUST
Contact Name *(if different from above)*	IAN & JACQUI BILBROUGH
Address for Service:	27 ROSENEATH PL CHRISTCHURCH 8022
Phone Number	03-3327 237
Fax Number	

I have attached ☐ **pages to this submission**

Do you wish to be heard in support of your submission? YES ☐ NO ☑

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☑ NO ☐

Signature: [signature] **Date:** 4/04/09

Submissions Close:

15 April 2009

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P O Box 443
BLENHEIM

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BULLROUGH FARMS TRUST

[redacted]

Volume 1	We oppose, change wording to include
Sctn 9.1	reference to the Marlborough Sounds,
	it's scenic waterways and sheltered
	beaches, and all the topographical
	features of this very large area!
Volume 1	
Sctn 9.1.2	We oppose, change wording "Existing
6th para	lawfully established marine farms
	are to be subjected to the same
	rigourous testing for all new AMA's,
	which means they DO NEED a plan
	change."
Volume 1	We oppose, change wording to "Existing,
Sctn 9.2.8	lawfully established marine farms
2nd para	will be included in the plan, to the
	same criteria for any AMA zone."
Volume 1	We oppose, change wording "All
Sect 9.2.8	marine farms ....." Remove
3rd para	the word "NEW"
	IN SUMMARY - OUR PROTEST IS
	BASED ON EXISTING FARMS —
	THEY WERE NOT SUBJECTED
	TO RIGOUROUS TESTING AND NOW
	THEY SHOULD BE. THERE CAN
	ONLY BE ONE SET OF RULES.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No:

Participant No: 4

File Ref: M135-15-16; W045-15-53

Date Received Stamp: Email 9/04/2009.

Name/Organisation	Annette Stroh
Contact Name *(If different from above)*	
Address for Service:	PO Box 38 Havelock 7150 Marlborough Sounds
Phone Number	03-5798260
Fax Number	

Submissions Close: 15 April 2009

I have attached 1 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☐ NO ☑

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☑

Signature: A. Stroh **Date:** 8/4/09

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***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	*Details of your submission and specific changes or decisions requested*
Volume One a) 9.4A objectives, policies and methods of implementation for the allocation of authorisations in AMA's. Volume 2 A new zone chapter (35A) for aquaculture management areas which introduces new rules regarding the allocation of authorisations in operative AMA's which arise from a private plan change.	I am making a submission concerning the proposed 'Plan Change 16 (Marlborough Sounds Resource Management Plan'. I am opposed to the proposed Plan Change 16. My reasons are based on the growing importance and recognition of the precautionary principle in decision-making and how it applies to the marine farming process in the Marlborough Sounds. The precautionary principle applies when a lack of information or poor understanding of a process, leads to uncertainty as to the consequences of a particular action. This principle has gained international and national recognition. The Precautionary Principle should be applied within the Marlborough Sounds marine farming industry because whilst the economic benefits of the marine farming industry to the Marlborough region are well known and widely promoted, the ecological impacts of marine farming are poorly understood. In particular, there is conflicting scientific evidence regarding the effects of marine farming on the sounds, river, estuary and ocean ecosystems. This gap in knowledge is relevant at a number of levels, including the ecological impacts of individual species on the marine environment, the consequences of farming a number of different species within one contained area, as well as the consequences of farming a monoculture e.g. mussels, within one area and the influence of local conditions on ecological outcomes. The lack of scientific certainty as to the ecological effects of marine farming needs to be addressed before creating new areas for aquaculture (AMA's). I am also opposed to the proposed Plan Change 16 due to the increased visual pollution this will create. After helping to ensure that North West Bay, Pelorus remained free of aquaculture back in 2005 I am dismayed to see this resurface again and in such a brief time see bays with no aquaculture development in them be put at risk again by the proposal to create new areas for aquaculture under the proposed Plan Change 16. The decision I seek from council is that existing bays in the Marlborough Sounds that are currently aquaculture free remain so under the Plan Change 16 proposal. Only bays with already existing AMA's to be affected by this proposed Plan Change 16.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No:

Participant No: 5

File Ref: M135-15-16; W045-15-53

Date Received Stamp: Email Received 13/04/2009.

Name/Organisation: Norman and Linda Wilkins

Contact Name (if different from above):

Address for Service: 25 Bay St.
Petone,
Lower Hutt 5012

Phone Number: 04 9701010

Fax Number:

I have attached ☐ pages to this submission.

Do you wish to be heard in support of your submission? YES ☐ NO ☑

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☑

Signature: N Wilkins Date: 12-4-9

Submissions Close: 15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

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Volume One a] 9.4a objectives, policies and methods of implementation for the allocation of authorisations in AMAs Volume 2 A new zone chapter [35a] for aquaculture management which introduces new rules regarding the allocation of authorisations in operative AMAs which arise from a private plan change.	We are making this submission concerning the proposed "Plan Change 16 [Marlborough Sounds Resource Management Plan]. We are opposed to the proposed Plan Change 16 Our reason is the possible conflict of use of the facilities of the Sounds. 1] Some bays in the Sounds are of particular note for their natural beauty and the presence of marine farms in these areas will detract from this. 2] Some bays in the Sounds have a large number of dwellings and are hence used by a large number of people. The presence of a marine farm will conflict with this already established use. So: 1] We seek that the Council will legislate that bays of particular natural beauty will be protected and marine farming not be allowed there. 2] We seek from the Council that legislation will ensure that bays that have a large number of dwellings and consequent development in them be also exempt from marine farming. 3] We also seek that when an area does not come into either of these two categories, that property owners living nearby be consulted and their views taken into account when the Council makes a decision.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 6

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

Date Received Stamp Email 11/04/2009.

Name/Organisation	Marlborough Environment Centre Inc
Contact Name *(If different from above)*	Steffan Browning
Address for Service:	PO Box 218, Blenheim 7240
Phone Number	021 725655
Fax Number	

I have attached ☐ **pages to this submission**

Do you wish to be heard in support of your submission? **YES** [Y] **NO** ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? **YES** [Y] **NO** ☐

Signature: Steffan Browning **Date:** April 11 2009

Submissions Close:

15 April 2009

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BLENHEIM

Attention: Environmental Policy Team

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My submission relates to (circle one of the following)

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

The Marlborough Environment Centre Inc (MEC) has been very involved in the RMA processes concerning aquaculture in this region and either the centre or its members have participated in a considerable amount of Plan formulation, resource consent applications and Environment Court appeals, mediations, negotiated settlements, Select Committee hearings, workshops and conferences, and private meetings concerning aquaculture and the management of the Marlborough Sounds both locally and nationally.

The writer has been quoted publicly that the proposed new aquaculture allocation method was fair to applicants, although acknowledged unreported that it tended to favour the big players. MEC has been persuaded however, after more discussions and looking at the proposed changes more closely, that there are serious risks to the environment and public space if these Plan Changes proceed at this time.

While it is acknowledged that Council has begun consultation concerning aquaculture and intends new plans including zoning to be notified later in 2009, the current Plan Change proposals are ahead of that.

There have been gaps in the plans, objectives, policies, rules and zoning before, with significant and 'unitended' aquaculture applications causing very large cost to the community (NGO's and individuals), Council, and the industry. In terms of total community costs ad hoc and incomplete planning had very serious consequences. There were lawyers and planners in the community involved with the original MDC RMA Plan submissions that were aware of the consequences of those (hopefully by MDC) unintended Plan deficiencies. Similar commercial imperatives are likely to take advantage of any opportunities ahead of a full plan upgrade.

The timing of allocation changes should be made carefully and not ahead of the community's input into the wider issues of Marlborough's coastal resource use and protection.

The proposed plan change by NZ King Salmon could easily be a trojan horse for another gold rush of applications anywhere in the Sounds. While it is suggested publicly by industry that that is unlikely, the timeline of consultation and further plan changes is out of sync with these proposed plan changes (16 & 53).

The Marlborough Environment Centre Inc opposes the proposed plan changes as there are currently alternative allocation methods and King Salmon's Plan Change Application has not properly evaluated alternatives as required. There are also alternatives for King Salmon in terms of available space as an option. Their most recent application in Waitata Reach is such an example, although change of species is another aspect of aquaculture that needs consideration in future plan changes.

The current Sounds Plan was created with significant outer sounds coastal space prohibited to marine farming. This plan change will encourage further applications ahead of improvement in the objectives and policies in the existing plan, and ahead of designation of Aquaculture Exclusion Areas, which were the intended natural and more effective replacement for marine farming prohibited areas.

This proposal will encourage applications in areas currently prohibited or that might be, for example in areas such as Port Gore and off the coast of d'Urville Island. These should not be dealt with through an adhoc one by one hearings basis, but following a Council initiated process that corrects plan deficiencies as shown by previous Environment Court decisions, and protects public space from inappropriate use.

Due to the recognised high costs involved with creating AMA's, the proposed Plan Changes 16 & 53 do not deal with the fair use of public resources. The intended allocation method disadvantages many in the community from having access to the resource that King Salmon wishes to take advantage of. A more appropriate method is a Council initiated Plan Change to create any required AMAs and to tender in such a way that would allow a wider community involvement in aquaculture. The Marlborough Sounds aquaculture industry began with many smaller operators. To encourage individual farmers or families in participating is a possible component of the wider social aspects that are likely to be covered in the Regional Policy Statement and RMA Plan reviews. Allocation methods are better left for that process. There is argument that smaller operations are more likely to have better environmental outcomes.

This proposed plan change is the cart before the horse. A full consultative round that allows a holistic planning approach to aquaculture and the use of public space in the Sounds is required before the need for new allocation methods of any potential AMAs is needed. The planning process for the new Regional Policy Statement and Marlborough Resource Management Plans is underway and that is the correct mechanism to address the use and allocation of areas of public space.

Alternatively, the other Council initiated plan changes (19 & 52) intended for notification later in the year and dealing with the broader aquaculture issues including zoning should absorb these allocation proposals into that process, or deal with allocation after the wider issues are dealt with.

Should Marlborough District Council be predisposed towards further development of aquaculture (as it appears to be with this, ahead of the significant aquaculture public consultation), then Council should initiate a plan change of its own and use the tendering process of allocation that was intended through the aquaculture reforms. Again however, this should also only be done after a holistic approach to the management of the Marlborough Sounds.

In the event that Council does not decline Plan Changes 16 & 53, Council must modify the changes to allow for a significant percentage of an AMA application area to be tendered by Council to allow broader community involvement, and ensure that the provisions sought by 16 & 53 cannot be implemented in any way ahead of the full aquaculture planning provisions intended through the RPS and RMA Plan reviews.

The Marlborough Environment Centre asks that the proposed Plan Changes 16 & 53 are DECLINED.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 7

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

Date Received Stamp Email 11/04/2009.

Name/Organisation	Friends of Nelson Haven and Tasman Bay Inc
Contact Name *(If different from above)*	Gwen Struik (Chairperson)
Address for Service:	P.O.Box 365, Nelson 7040
Phone Number	03 5483323 / 03 5765125 / 021 725655
Fax Number	

I have attached [ ] **pages to this submission**

Do you wish to be heard in support of your submission? **YES** [Y] **NO** [ ]

If others make a similar submission, would you be prepared to consider presenting a joint case? **YES** [Y] **NO** [ ]

Signature: Gwen Struik **Date:** April 14 2009

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

How To Make A Submission

Anyone is welcome to make a 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 5 of the Resource Management (Forms, Fees and Procedures) Regulations 2003]. If you run out of room here, please continue on a separate page. When preparing your submission you need to include the following:

"This part of my submission relates to ..." - state the name of the plan change and the part(s) of the plan change that is/are the subject of your submission.

"I support (or oppose) this part of the plan change." – state whether you support or oppose (in full or part).

"My reasons for supporting (or opposing) this part of the plan change ..." - tell us what your concerns are and the reasons why you support or oppose the provisions in the plan change.

"The decision I seek from the Council is ..." - How do you want the Council to respond to your submission? It is very important that you clearly state the decision you wish the Council to make as the Council cannot make changes which have not been specifically requested. Start by indicating if you want the provision to be retained, deleted or amended. If you want an amendment (including additional provisions) then specify what wording changes you would like to see.

REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

***My submission relates to** (circle one of the following)*

***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

1. **Plan Changes Opposed**

1.1 The Friends of Nelson Haven and Tasman Bay Incorporated ("the Friends") oppose all parts of Plan Changes 16 and 53 which relate to the Alternative Allocation Method for private plan change requests. In particular, we note the following references to the Alternative Allocation Method:

(a) *Plan Change 16 – Marlborough Sounds Resource Management Plan*

- *Volume One, Chapter 9, Coastal Marine, 9.4A – Issue - ..."The time, resources and costs involved with evaluating new AMA's and providing for them in the Plan through a Plan Change process are considerable. With a standard Private Plan change, these costs will be borne by the applicant. 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 authorisations should the Plan Change succeed. While the Act states as a default that authorisations should be allocated by public tender, the Council acknowledges that public tendering does not give the Plan Change applicant sufficient certainty that they will receive authorisations within that new AMA.*

  In order to enable effective, efficient and fair use of a standard Private Plan Change approach for the consideration of new AMAs, the Council considers that the Plan should specify an alternative method of allocating authorisations. The alternative authorisations allocation method adopted by the plan is considered to be fair and provide certainty to the Plan Change applicant."

- *Volume 1, Chapter 9, Coastal Marine , 9.4A.2 – Methods of Implementation – Authorisations* - paras 2 and 3 which begin *"An alternative method is specified in the Plan...*and end with *"...is not taken up or lapses, allocation will be by way of public tender"*

- *Volume 2 (Rules) – All of General Rule 35A.2.1 ("Alternative Allocation Method for Authorisations for Available Water Space in Aquaculture Management Areas")*

(b) *Plan Change 53 – Wairau/Awatere Resource Management Plan*

- *Volume One, Chapter 9, Coastal Marine, 9.26 – Issue – "....."The time, resources and costs involved with evaluating new AMA's and providing for them in the Plan through a Plan Change process are considerable. With a standard Private Plan change, these costs will be borne by the applicant. 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 authorisations should the Plan Change succeed. While the Act states as a default that authorisations should be allocated by public tender, the Council acknowledges that public tendering does not give the Plan Change applicant sufficient certainty that they will receive authorisations within that new AMA.*

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- *Volume 1, Chapter 9, Coastal Marine , 9.28 – Methods of Implementation – Authorisations* - delete paras 2 and 3 which begin *"An alternative method is specified in the Plan...*and end with *"...is not taken up or lapses, allocation will be by way of public tender"*

- *Volume 2 (Rules) – All of General Rule 39A.2.1 ("Alternative Allocation Method for Authorisations for Available Water Space in Aquaculture Management Areas")*

2. Reasons for Submission

2.1 The Friends is a well recognised and respected coastal 'watchdog' advocating for what it sees as the best interests of the coastal environment. The Friends' has a very widely based membership which represents various aspects of the public interest. The Friends as an organisation has no interest in marine farming. The Friends has selectively opposed some aspects of marine farming but have never done so in anything other than a rational and constructive way.

2.2 The marine farming industry occupies public space. It does so at a cost both to the environment and to the many other people that enjoy the Marlborough Sounds. Members of the Friends' live in the Marlborough Sounds or close by in Blenheim and Nelson. Their neighbours and friends who live in the Marlborough Sounds and use the Marlborough Sounds for lifestyle, transport, recreation and other business activities such as boat chartering or ecotourism ventures rely on the maintenance of certain open space and amenity values for their continued enjoyment of the Marlborough Sounds. The Marlborough District Council's Resource Management Plan for the Marlborough Sounds ("the MSRMP") promotes a central theme of balance and reasonably shared opportunities. The Friends consider that maintaining an appropriate balance of activities and ensuring that people can continue to enjoy the amenity values of the Marlborough Sounds is imperative when considering further applications by the aquaculture industry for occupation of public space.

2.3 The Friends consider that the proposed alternative allocation method in Plan Changes 16 & 53 will run counter to the MSRMP and the purpose and principles of the Resource Management Act 1991. It will also run counter to the New Zealand Coastal Policy Statement. The alternative allocation method for private plan change requests does not meet the requirements of section 165I of the RMA (Duty to Adopt Most Efficient and Effective Allocation Mechanism). In particular, the Council has not considered the alternative to the alternative allocation mechanism, which is to first undertake its own planning assessment of the appropriateness of parts of the Marlborough Sounds for AMAs. The proposed allocation method is not necessary in the circumstances of the region at this stage, nor is it the most appropriate for allocation in the circumstances. The section 165I report by New Zealand King Salmon prepared for the Council fails to consider the implications of allowing private plan change requests on an ad hoc basis, before Council has undertaken the wider integrated planning process to consider new Aquaculture Management Areas in the Marlborough Sounds. The Copeland Report considers only the economic reasons for and against adopting the proposed private plan change request. It fails to consider the reasons for and against adopting the proposed private plan change request in terms to the effects on the environment or the wider community.

2.4 The Friends submit that the proposed alternative allocation method for private plan change requests is premature, because it opens up the Marlborough Sounds to individual plan change requests for *new* aquaculture space (Aquaculture Management Areas) before Council has undertaken a planning assessment of the future of aquaculture in the Marlborough Sounds.

2.5 The current default provision under the RMA provides for a public tendering system for allocation of an AMA unless the Plan specifies an alternative allocation method (section

165E). The effect of this is to effectively limit private plan change requests for AMAs (because individuals are less likely to make specific private plan change requests for AMAs unless there is a guarantee the AMA will be allocated to them). The default provision thus avoids the "race for space" situation which occurred under the old regime, before the introduction of the Aquaculture Reform legislation.

3. The Friends submit that any alternative to the public tender allocation system for private plan change requests should only be considered *after* Council has first undergone a proper planning exercise in relation to aquaculture in the Marlborough Sounds. It is only in this way that the Council can ensure that effects on the community, environment and economy are balanced and managed in an integrated way through the Plan preparation process, before individual requests for AMAs are considered.

3.1 The proposed alternative allocation method would that any person could make a private plan change request to make *any part of the coastal marine area* within the Marlborough Sounds an Aquaculture Management Area. The Council would then be required to process the request, and make a decision whether to accept or decline it, in accordance with the First Schedule to the RMA and the statutory timeframes set out in that schedule (subject to the requirements of Schedule 1A). If the request was accepted, under the alternative allocation method, Council would be required to allocate that AMA to the person who made the private plan change request.

3.2 The current MSRMP does not contain any specific guidance, criteria, rules or considerations to be applied in determining whether or not part of the coastal marine area should become an AMA. It does not identify any areas as Aquaculture Exclusion Areas. Council would therefore be required to consider private plan change requests for AMAs in an information vacuum. Without any form of policy guidance or guidance under the MSRMP, Council will be heavily reliant upon information provided by the applicant for the private plan change request (ie the aquaculture industry) as to the appropriateness of the area as an AMA.

3.3 The Friends are very concerned that this will not allow for a balanced consideration of the appropriateness or otherwise of an area for an AMA. It raises the potential for plan change requests for AMAs to be received and granted by Council in a fragmented and ad hoc way. It will be left to individuals and community groups such as the Friends to consider each private plan change request in turn, and to decide whether or not to submit on these requests and/or provide Council with alternative information and evidence. This is exactly the situation that Friends found itself in prior to the introduction of the Aquaculture Reform legislation. It is Friends' understanding that this legislation was intended to avoid such ad hoc decision making, and to ensure that the demand for aquaculture space was managed in a controlled and fair way, rather than with Council having to process all applications on a "first come, first served" basis.

3.4 Among other things, Council needs to undertake a planning exercise, in consultation with stakeholders and the wider community, to consider how much of the Marlborough Sounds should be allocated to aquaculture, what areas would be most appropriate for aquaculture, what areas should be made Aquaculture Exclusion Zones, what will happen with existing deemed AMAs and the criteria and policy considerations to be applied when considering whether new AMAs should be established. This ensures that stakeholders will have their interests considered at the coastal plan preparation stage, and will not have to make submissions on a series of private plan change requests for AMAs. It also ensures that the development of aquaculture in the Marlborough Sounds can be considered and properly planned for in an integrated way, taking into account the cumulative effects on the Marlborough Sounds as a whole and ensuring that aquaculture is not allowed to develop in the Sounds in an uncontrolled way.

3.5 It is important also to remember that, until the appropriate planning exercise has been undertaken by Council, there remain two other ways of introducing new AMAs under the RMA – by way of a Council initiated change or Council inviting a private plan change request. Both of these methods ensure that Council can manage the introduction of the new AMAs in a sustainable way.

3.6 It is vital that the planning and consultation at the beginning is done well so that AMAs are put in the best place to balance marine farmers' needs with community, environmental and other economic needs. For all of these reasons the Friends are of the strong view that no alternative allocation method should be decided upon until Council has first undertaken the proper planning exercise in relation to AMAs in the Marlborough Sounds.

4. **Relief Sought**

4.1 The Friends seek that all references to the Alternative Allocation Method in Plan Changes 16 & 53 are deleted. In particular, the Friends seek the deletion of the following:

(a) *Plan Change 16 – Marlborough Sounds Resource Management Plan*

- *Volume One, Chapter 9, Coastal Marine, 9.4A – Issue - ..."The time, resources and costs involved with evaluating new AMA's and providing for them in the Plan through a Plan Change process are considerable. With a standard Private Plan change, these costs will be borne by the applicant. 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 authorisations should the Plan Change succeed. While the Act states as a default that authorisations should be allocated by public tender, the Council acknowledges that public tendering does not give the Plan Change applicant sufficient certainty that they will receive authorisations within that new AMA.*

  In order to enable effective, efficient and fair use of a standard Private Plan Change approach for the consideration of new AMAs, the Council considers that the Plan should specify an alternative method of allocating authorisations. The alternative authorisations allocation method adopted by the plan is considered to be fair and provide certainty to the Plan Change applicant."

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Submission on Plan Change 16 to the

Marlborough Sounds Resource Management Plan

and/or

Submission on Plan Change 53 to the

Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 8

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

Date Received Stamp emailed 14/04/09

Name/Organisation ROBYN VIDAK et CARNEY SODERBERG

Contact Name *(If different from above)* CARNEY SODERBERG

Address for Service: PO BOX 45
PICTON 7250
carneyp@xtra.co.nz.

Phone Number

Fax Number

I have attached 6 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☑ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☑

Signature: [signature] **Date:** 10.4.09

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

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REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

My submission relates to ***(circle one of the following)***

Plan Change 16 *to the Marlborough Sounds Resource Management Plan*

Plan Change 53 *to the Wairau/Awatere Resource Management Plan*

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	*Details of your submission and specific changes or decisions requested*
	SEE ATTACHED SUBMISSION :
	6 PAGES :

This part of our submission relates to.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan
and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan.

We oppose this part of the plan change.

Our reasons for opposing this part of the plan change are as detailed in the following 5 pages.

The decision we seek from Council is to adopt the proposed "Recommended Plan change procedures" as described, commencing on Page 4 attached.

Background

The New Zealand (NZ) government has passed recent policy legislation seeking to expand Aqua Culture business in NZ by ten-fold (NZ$ 200 M today to 2 Billion over the next 5 years)

New Zealand King Salmon (NZKS), a multinational private Malaysian company currently farming in Marlborough, has announced a desire to expand its operations by establishing more aquaculture (salmon) farms in the Marlborough Sounds.

NZKS views the default provisions in the new laws mandating public tender of the rights to farm new AMAs to be a massive disincentive for private investment.

Disturbing Development Observed

NZKS has proposed a change in current allocation authorisations procedures to effectively resend public tendering for new AMAs in favour of direct award to individuals that create a new AMA.

The Marlborough District Council has sought public submissions on this proposed procedure change.

As full time residents of Marlborough Sounds we are acutely interested in the potential expansion of aquaculture in these protected waters. This is especially so when we understand that the Marlborough Council is considering suspending the use of public tender as the means of awarding the rights to further commercialise and exploit the marine resource.

We believe strongly that competitive tendering has long been and continues to be the best procurement method to use to obtain fair, optimal, and appropriate results for public/private business and procurement transactions and we endorse its use here.

We further believe that by following a different development approach in expanding the aquaculture industry, that a more robust and cost effective result can be afforded to the benefit of all government stakeholders and industry players alike.

Sub Optimal Result

In our combined forty year career of working for private companies that provide products and services to governments at all levels (local, state, city, and central government) all over the world, we have never seen any procurement situations between government and private companies whereby competitive tendering has been replaced by direct award - for any reason! These include large multi-million dollar and multi year contracts.

Implementing such procurement procedure changes as removing competitive tendering creates many undesirable effects, including;

- unfair awards;
- losing control of the process;
- long term misappropriation of New Zealand resources;
- reducing competition;
- encouraging favouritism;
- increasing the potential for graft;
- misappropriation of limited resources;
- sub optimal commercial arrangements biased toward specific private organisations with less than optional allocations;
- need for difficult or costly procurement, monitoring, over sight and implementation;
- operating or financial difficulties;
- threat to new business entrants;
- disenfranchising other rate payers

The excuse for considering this radical change provided in the Council's communication that 'public tendering for farming AMAs is a massive disincentive for private investment' is both naive and short sighted.

Obviously, NZKS has convinced the Council that it is a disincentive to private participation to expect private companies to expend the rather large ($NZ 1-2 million) up front cost of setting up an AMA when there is no assuredness that the same company will secure the business – and be able to recover its setup cost.

We agree that risking the incurrence of cost without assuredness of reward is not a situation that most companies would consider attractive – and seek ways to avoid it.

We also agree with the council's view that rate payers of the council would not believe that the significant costs of funding the establishment of new AMAs should be a cost that is sheeted to them alone – and they would seek ways to avoid it.

In the same fashion, the needs of rate payers and other stakeholders with associated interests (but perhaps not commercial in nature) would want to be considered in decisions about how their life styles and the Sounds resources are affected.

The problem and the proper solution lies in framing the issue within the proper principles – which in our view is the reason why this issue has occurred.

Accordingly, we recommend that the approach selected for achieving the governments' goal of dramatically increasing the aquaculture industry in New Zealand be re-engineered to provide more effective results and eliminate the disadvantages that are associated with the current process.

Key Framing Principles

Before one considers specifics of the process, it is beneficial to the design that the following principles are recognised as instrumental:

- Aquaculture Industry Policy and the products that come from its execution are a New Zealand responsibility, and not merely a product of the Marlborough Sounds.

- The Marlborough Sounds are a New Zealand asset and the sea bed and surrounding water waterways belong to the citizens of New Zealand.

- There are a number of stakeholders and there rights should be considered in any process to commercialise a resource.

- There are a number of existing procedures and processes that affect residents and stakeholder of the Sounds and any new initiatives should be consistent with existing processes, understandings, and recognise prior actions.

- The Marlborough Council should be a party to the process as they represent the interests of the Marlborough rate payers, residents, and process precedents that have been implemented in the past and frame the regulatory environment that affect all rate payers and businesses within their constituency. As the government authority most proximate to the locals and residents, they are well positioned to play a role in representing the interests of the local residents as well as administering the procurement process itself.

- The company selected to partner with the various New Zealand government entities to commercialise a national resource on a local basis should be an organisation that provides the best value for money business proposition to meet the owners and stakeholders requirement.

Recommended Revised Procurement Process

Suggested Roles for Participants in the Re-engineered Process

- New Zealand Government – Project Owner, Initial Capital Funding Source for Procurement and Development, Oversight, Quality Control and Regulatory
- Marlborough Council – Project Manager
- Rate Payers and Stakeholders – Project Management and Steering Committee
- Aquaculture Developers – Competitive Tenders and potential business partner of the Project Owner.

Industry Development Phases

The development of the aquaculture industry would utilise a multi-phased approach to ensure that the desired outcomes and objectives of the government are most effectively achieved:

1. Assess and Quantify Industry Potential
2. Assess and Identify Strategic Farming Venues
3. Assess Overall Market Potential for Aquaculture Products and Providers
4. Assess Overall Management, Development and Regulatory Requirements
5. Summarise and Present Industry Development Strategy and Plan

At the conclusion of these phases, the project owner would have a solid base of information upon which to estimate the timing and likely resources required to achieve the development and realisation of the industry.

Industry Realisation Phases

The specific goals identified in the Industry Development phases would be achieved through progressive execution of activities at a pace consistent with the scope of interest:

1. Identification/Preliminary Development of AMA Targets – Lease Definitions
2. Identify and Assess Vendor Interests and Short List
3. Conduct Competitive Tender and Award Detailed Leases
4. Lease Detailed Development and Production
5. Provide On-Going Regulatory, Governance and Oversight

Key Process Activities and Roles that Make Significant Difference in Process

Initial Capital Funding - The New Zealand Government, and industry development role owner, would provide initial funding for the industry development and realisation phases – not the Marlborough Council, and certainly not a Potential Vendor.

Shifting this funding requirement would have the following benefits:

Improved Commercial Outcomes – New Zealand Government funding would remove the funding requirement from the Council and its rate payers and place it under the New Zealand government who initiated and should own the goal of expanding the aquaculture industry. It would also relieve the Council from having to induce participation in developing the lease by eliminating the pre-award investment required by vendors in favour of first developing the AMA prior to competitively tendering the leases to prospective vendors. This move would provide improved competition environments within which to achieve more 'value for money' vendor selections and outcomes for all the participants; government, council, rate payers, conservationists, industry players and regulators.

Removes Barriers to Entry – the shifting of the initial capital requirements away from the vendors will encourage more participation and foster the growth of a provider population that would enable a more vibrant industry market for subsequent opportunities as it reduces the barrier to entry to future players.

Full Cost Recovery Development Eliminates Long Term Tax Payer Liabilities - Another benefit of increasing the New Zealand role puts the government in the position to recapture through royalties generated through aquaculture production and operations to fund on-going regulatory and perhaps subsequent industry development activities. A complete cost recovery process over the long term of the industry activity would properly place the funding of the industry development upon the production that the new industry would produce – and with no loss of the potential for "value for money" business partnerships.

Control the Pace and Cost of Industry Development – By retaining the ownership of the process through owning the capital funding, the government would be in a position to control the development timeframe and pace of development so that it does not outpace the governments ability to oversee and manage the process, direct the effort toward consistency between other priorities and commitments – e.g. protecting the environment, conservation, recreational interests, and tourism to name a few, and to manage costs of procurement. Allowing the industry or private companies to nominate AMAs at their will without prior consideration of other needs will put all of the government entities involved in the process to be reactive and event directed which is a mode inconsistent with thoughtful development and the governance of a unique national resource – and perhaps risk the ultimate success of the entire industry development activity.

Summary

Removing the competitive tender activity from the industry development process is bad procurement, bad government, and as envisioned here would likely risk the overall long term success of the initiative. There is a better way and the benefits of adopting a different approach are significant.

We recommend you to further consider the above and decline to pursue the proposed Plan change 16 in favour of a process similar to what we suggest in our response that will result in better outcomes for all concerned.

Department of Conservation
Te Papa Atawhai

Sub:
Part: 9

SAR-04-59-11-16
DOCDM418853

09 April 2009

Tania Bray
Strategic Planner
Marlborough District Council
PO Box 443
BLENHEIM 7240

Dear Tania

MARLBOROUGH SOUNDS RESOURCE MANAGEMENT PLAN PRIVATE PLAN CHANGE 16 – CHANGE METHODS FOR ALLOCATING AUTHORISATIONS IN AQUACULTURE MANAGEMENT AREAS

Please find attached a submission from the Minister of Conservation to Plan Change 16.

To ensure that the section 165I RMA test is met it is considered important that the policy framework of the Sounds Resource Management Plan is revised to provide a more appropriate guidance for subsequent private plan changes requests to create new AMAs.

Council is requested to clarify that the proposed alternative allocation mechanism will only apply once the Council has revised the policy framework of the Sounds Resource Management Plan.

Please contact Stephen Wynne-Jones in this office if there are any matters arising from this submission.

Yours sincerely

Jo Gould
Community Relations Manager
for Conservator

Nelson/Marlborough Conservancy
Private Bag 5, Nelson 7042, New Zealand
Telephone 03-5469335, Fax 03-548 2805

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule Resource Management Act 1991

TO: Marlborough District Council

FROM: Minister of Conservation

This is a submission on the following proposed plan change:

Sounds Resource Management Plan
Plan Change No.16 – Allocation of Authorisations
Private Plan Change request from New Zealand King Salmon (the **proposal**)

The specific provisions of the proposal that my submission relates to are:

9.4A1. Objectives and Policies
35A.1 Preamble
35A.2 General Rules

My submission is:

The Sounds Resource Management Plan was prepared prior to the 2004 aquaculture legislative reforms and does not contain an adequate policy framework for considering plan change requests for new AMAs. Plan Change 16 would not meet the requirements of section 165I test until this policy framework is provided. The policy framework is required to provide appropriate guidance for subsequent private plan changes requests to create new AMAs.

It is important that the Council acknowledges the importance of amending the policy framework in the Sounds Resource Management Plan and clarifies that it is not intended to apply the alternative allocation regime proposed by the proposal until this policy framework is amended.

I seek the following decision from the local authority:

1. Amend **Rule 35A.2 General Rule** as follows
   "General Rule 35A2.1 shall not have effect until Plan Change 16 becomes operative and Plan Change 19 has statutory effect."

2. Add a new policy to **9.4A.1 Objectives and Policies** to the effect that it is not the Council's intention to approve the contents of Plan Change 16 until a further Council Plan change (Plan Change 19) to amend the policy framework for aquaculture in accordance with the new aquaculture legislation has been made operative.

3. Amend the text of **35A.1 Preamble** by adding a statement that Council does not intend to amend the default allocation regime for private plan changes until the policy framework of the Sounds Regional Coastal Plan is amended to provide

appropriate guidance for assessing subsequent private plan changes requests to create new AMAs.

4. Such further or alternative relief necessary to give effect to the matters raised in this submission.

I wish to be heard in support of my submission.

DATED AT NELSON THIS 9th DAY OF APRIL 2009.

Joanna Mary Gould
Community Relations Manager

Acting pursuant to delegated authority
on behalf of the Minister
of Conservation

Address for Service :

Stephen Wynne-Jones
Community Relations Officer,
Planning
Department of Conservation
Private Bag 5
NELSON 7042

Ph (03) 546 9335
Fax (03) 548 2805
swynnejones@doc.govt.nz

A copy of the Instrument of Delegation may be inspected at the Office of the Director-General of Conservation.

NAME: Minister of Conservation

ADDRESS: Department of Conservation
PO Box 5
NELSON 7042

Submission on Plan Change 16 to the

Marlborough Sounds Resource Management Plan

and/or

Submission on Plan Change 53 to the

Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 10

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

Late Received Stamp

RECEIVED

14 APR 2009

MARLBOROUGH DISTRICT COUNCIL

Name/Organisation Deep Trust 1211 (Deep Sea Foods Group)

Contact Name *(If different from above)* Quentin Wilson

Address for Service: 11 Rama Cres, Khandallah, Wellington

Phone Number 021 408 416

Fax Number

I have attached 1 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☐ NO ☑

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☐

Signature: [signature] **Date:** 7/4/09

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

How To Make A Submission

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My submission relates to ***(circle one of the following)***

Plan Change 16 *to the Marlborough Sounds Resource Management Plan*

Plan Change 53 *to the Wairau/Awatere Resource Management Plan*

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	***Details of your submission and specific changes or decisions requested***
	We are opposed to the creation
	of any new marine farming
	areas on the grounds that they
	remove access to large areas,
	are visually ugly and are
	a navigation hazard.
	We therefore oppose any plan change
	that makes their creation easier

Ministry of
Fisheries
Te Tautiaki i nga tini a Tangaroa

Sub:
Part: 11

118 Vickerman Street
Port Nelson
Private Bag 14
Nelson, New Zealand

Tel +64 3 548 1069
Fax +64 3 545 7799

www.fish.govt.nz
0800 4 RULES
0800 4 POACHER

9 April 2009

Tania Bray
Strategic Planner
Marlborough District Council
PO Box 443
BLENHEIM 7240

Dear Tania

SUBMISSION ON PLAN CHANGES 16 AND 53 (ALLOCATION OF AUTHORISATIONS)

Thank you for notifying the Ministry of Fisheries (MFish) of Plan Changes 16 and 53 to the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan respectively. MFish appreciates the opportunity to submit on the plan changes.

MFish's previous letter (dated 12 February 2009) has already provided comments on Plan Change 16. This submission repeats those previous comments and is relative to both Plan Changes 16 and 53. Although Plan Changes 19 and 52 (Review of Aquaculture Provisions) are also touched on, any formal comments on Plan Changes 19 and 52 will be made when those plan changes are notified.

Per the letter of 12 February 2009, MFish notes Plan Change 16 does not propose any new aquaculture management areas (AMAs) and therefore MFish has no comments to make about the effect of Plan Change 16 on fishing. Potential effects on fishing from AMA development would be dealt with (via an aquaculture decision) at a later stage if AMAs were proposed subsequent to Plan Change 16. The comments above also apply to Plan Change 53.

MFish's remaining comments are on the private plan change route for establishing AMAs. MFish appreciates that private plan changes to establish AMAs in Marlborough as a result of Plan Changes 16 and 53 could help facilitate sustainable aquaculture development in the region. However, there are potential flow-on factors from the use of private plan changes to establish AMAs that need careful consideration.

Per the letter of 12 February 2009, MFish notes the private plan change process for establishing AMAs lacks some of the benefits of the invited private plan change process (IPPC). For example, the "invitation" process enables councils to capture the needs of the aquaculture industry in one hit (ie, instead of on a site by site basis) which may lead to efficiencies for the Council and better management of cumulative effects. Also, the identification of "excluded areas" by councils gives industry more certainty about where in the coastal marine area a proposal for an AMA is more likely to succeed.

For the reasons above, MFish supports Plan Changes 19 and 52 that would set policies, objectives and rules for new aquaculture management areas. Plan Changes 19 and 52 are needed to ensure Marlborough District Council has an up to date and robust framework for considering new aquaculture development.

Per the letter of 12 February 2009, MFish also notes that use of the private plan change process to establish AMAs could potentially result in difficulties from competing plan requests. The current legislation does not provide an effective mechanism for councils to deal with competing requests for the same space in the IPPC process and an amendment is proposed in the Aquaculture Legislation Amendment Bill No. 2 to address this issue. It is likely this same concern would arise if there were competing requests for private plan changes.

MFish hopes you find the above comments helpful and would be happy to answer any questions you may have.

Yours sincerely

Dan Lees
Aquaculture Manager
Ministry of Fisheries

Sub:
Part: 12

David Grigg
424 Port Underwood Rd
Whatamango Bay
RD 1
Picton 7281
griggx2@hotmail.com

Environmental Policy Group
Marlborough District Council
PO Box 443
Blenheim
PC16&53@marlborough.govt.nz
tania.bray@marlborough.govt.nz

14th April 2009

Re Proposed Plan Changes Aquaculture Provisions 16,53,19,52 and 20

Dear Environmental Policy Group

The information sheet I was sent was broken into three sections:

(i) Plan Change 16 & 53 Allocation of Authorization
(ii) Plan Change 19 & 52 Allocation of Authorization.
(iii) Plan Change 20 Application for new AMA's.

In an AMA, a change from one species to another is possible. This change of species in an AMA can happen at any time after a resource consent has been given.

I will address each of these sections separately.

(i) Plan Change 16 & 53 Allocation of Authorization

I am only commenting on plan change 16 {I am not including section 53 in this comment)

I support plan change 16 that once an AMA has been selected by Council, a piece or all can be selected by an individual/organization to be used for aquaculture. The individual/organization that has done the research should be given first rights of refusal.

However codicils need to be added.
Codicil

(a) Any individual/organization that is planning research in an allocated AMA must put in a **closed tender*** that they will be doing so.
If more than one group states their intentions to do research in an AMA. The council can wait a specific time for both groups to complete their research and submit their application. This will not give the larger organization who have more capital and resources an unfair advantage to get their research done and application applied for before the smaller group can get their results in. This would create a level playing field for smaller and less funded groups.
(b) There must be consideration and non interferences to current fish and bird activities in the area.
(c) There must be extensive consultation by the council with those affected by the AMA.
(d) The proposed AMA must not prohibit human actives that wish to be continued proceeding in that area.

***Closed tender** the name, date and where is not to be public knowledge

(ii) Plan Change 19 & 52 Allocation of Authorization

I am only commenting on plan change 19 {I am not including section 52 in this comment)

I make no comment on this plan change but once again codicils need to be added

Codicils

(a) There must be consideration and non interference to current fish and bird activities in the area.
(b) There must be extensive council consultation with those affected by the AMA.
(c) The proposed AMA must not prohibit human actives that wish to be continued proceeding in that area.

(iii) Plan Change 20

I oppose this plan change 20 completely. (That any individual/organization can apply anywhere in the Sounds for and AMA.) This Plan Change 20 needs to be removed completely.

I and many others (Marlborough Council members were present) from the Marlborough Region were invited to attend and comment on a number of issues about the Sounds and the surrounding areas. It was held in February 2009 and was called **Outcome and Places**. All local sub-groups came together and one of its findings was "Before aquaculture went ahead three areas should be set up"

Area 1 Basically south of Tory channel. No aquaculture would ever take place.
Area 2 Tory Channel was a possible area for aquaculture AMA's.
Area 3 The rest of the Sounds, where it was possible but not very probable that a person could get an AMA.

To bring this new rule in now suggests that Council and big companies are trying to beat this zoning and go against the peoples wishes.

(iv) Change of Species

After looking through the documents the council sent. I see no mention that once an individual or organization applies for resource consent for one particular species they can at any time afterwards change to another. I have been told by many that it is there so I will address this issue as well.

I oppose the ability of an individual or organization being able to change from one species to another once resource consent has been given for one species.

Each species has different requirements. The species applied for could be visually aesthetic to those around while others will not. Some species can cope with human activities around them while others will not.

I wish to present my views at any future hearing held concerning these topics

David Grigg 

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use
Submission No:

Participant No: 13

File Ref: M135-15-16; W045-15-53

Date Received Stamp
FILE No.:
OFFICER: PHa
DATE RECV'D 16 APR 2009
MARLBOROUGH DISTRICT COUNCIL

Name/~~Organisation~~ ANTHONY JOHN COARD

Contact Name *(If different from above)*

Address for Service: 6 REGAL GARDENS
KILBIRNIE
WELLINGTON 6022

Phone Number 027-44-3-22-21

Fax Number N/A

I have attached 0 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☑ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☑ NO ☐

Signature: [signature] **Date:** 08-04-2009

Submissions Close:
15 April 2009

Return your submission to:
Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

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Plan Change 53 *to the Wairau/Awatere Resource Management Plan*

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	Details of your submission and specific changes or decisions requested
9.4A.2	ZONING, PARAGRAPH # 2
	EXISTING LAWFULLY ESTABLISHED MARINE FARMS ---
	INCLUDED ... IN A SPECIAL AMA ZONE
	I WISH MDC TO NOT PUT IN THIS BADLY
	WORDED SECTION: AS ALL MARINE FARMS
	NOT IN AMA AREAS WILL NOW BE IN A
	SPECIAL AMA2 IE. FAIREY BAY FARMS WILL BE
	IN SAME AMA2 AS DURVILLE ISLAND OR
	TORY CHANNEL ?? OR CLOUDY BAY ??
9.4A.2	MONITORING: TO BE INSERTED BY A SUBSEQUENT
	COUNCIL INITIATED PLAN CHANGE
	I WISH THE MDC WOULD DO ITS JOB
	NOW: MONITORING MARINE FARMS IS
	POOR AND ALL THOSE NON AMA FARMS
	POORLY MONITORED ARE NOW TO BE GIVEN
	A SPECIAL AMA2,
	BUT ANY NEW SITE APPLICATION FACES A
	FULL CONSENT PROCESS, VERY UNFAIR
	I ASK THAT MONITORING OF SITES AND
	INCLUSION OF NON AMA FARM SITE BE THE
	SAME PROCESS I.E. EACH OF THESE NON AMA
	FARMS EXISTING GO THROUGH A PROPER CONSENT
	PROCESS.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 14

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

Date Received Stamp

8 APR 2009

Name/Organisation	KENNETH R ROUSH
Contact Name *(If different from above)*	
Address for Service:	OCEAN BAY PRIVATE BAG BLENHEIM
Phone Number	5799474
Fax Number	

I have attached 1 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☐ NO ☒

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☐

Signature: K RR Date: 8/4/09

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

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***Plan Change 53** to the Wairau/Awatere Resource Management Plan*

***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	*Details of your submission and specific changes or decisions requested*
VOLUME 2	(THE WORDING OF THIS SECTION NEEDS TO BE CHANGED)
36A.2.1.2.4	OFFER OF AUTHORIZATION FOLLOWING CANCELLATION OR EXPIRY OF COASTAL PERMITS
	WHEN:
	i. THE TERM OF A COASTAL PERMIT FOR MARINE FARMING EXPIRES AND A NEW COASTAL PERMIT IS NOT GRANTED TO THE EXISTING PERMIT HOLDER; OR
	ii. A COASTAL PERMIT IS CANCELLED UNDER SECTION 126 OF THE ACT
	AUTHORIZATION WITHIN THAT AREA SHALL BE OFFERED BY WAY OF PUBLIC TENDERING.
OBJECTION	PART(i) STATES THAT IF A PERMIT IS NOT GRANTED TO THE EXISTING HOLDER - REGARDLESS ~~FOR~~ OF ANY REASON FOR NOT GRANTING THE PERMIT - IT WILL BE OFFERED BY TENDER.
	THERE MAY BE CONDITIONS OR NEW KNOWLEDGE THAT HAVE ARISEN SINCE THE GRANTING OF THE ORIGINAL PERMIT THAT MAKES IT INAPPROPRIATE TO REISSUE A PERMIT FOR THIS SPACE. THE WORDING OF THIS SECTION DOES NOT ALLOW THE CANCELLATION OF ~~A PERMIT~~ THE USE OF THIS SPACE WITHOUT RE-TENDERING.
	SITUATIONS CHANGE OVER TIME AND IT HAS BEEN SEEN IN THE SOUNDS THAT ACTIVITIES THAT WERE ONCE DEEMED APPROPRIATE MAY NO LONGER BE SO. THE WORDING OF THIS SECTION SHOULD BE CHANGED SO THAT IT DOES NOT REQUIRE THE PERMIT TO BE RE-OFFERED.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No: 15.

File Ref: M135-15-16; W045-15-53

Date Received Stamp: RECEIVED 15 APR 2009 MARLBOROUGH DISTRICT COUNCIL

Name/Organisation	Chaucer Bay Family Trust
Contact Name *(If different from above)*	Mr E J Matla
Address for Service:	10 Willowbrook Place Fendalton Christchurch 8052
Phone Number	03 351 4660
Fax Number	

I have attached 1 **pages to this submission**

Do you wish to be heard in support of your submission? YES ✓ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ✓ NO ☐

Signature: [signature] Date: 13 April 09

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

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Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	***Details of your submission and specific changes or decisions requested***
Plan Change No. 16 and 53 ~~Section 9.1.2~~	This submission refers to Plan Change 16 as requested by NZ King Salmon, and Plan Change 53 as to Allocation of Authorization referring to ~~Aquaculture Management, Section 9.1.2~~
	In particular we make this submission with respect to Private Plan ~~Changes (IPPC) as well as Council Initiated Plan Changes.~~
	WE OPPOSE THE PLAN CHANGES ON THE FOLLOWING GROUNDS:
	~~We hold grave concerns regarding the very wide powers conferred under~~ these proposed changes, with appear to address the impact of Plan changes on commercial and cultural grounds, and give little regard to the ~~impact on residential, tourist and recreational aspects of the Sounds.~~
	Specifically, we request at this early stage of the proposals, that the Bay of Many coves ~~BE SPECIFICALLY EXCLUDED FROM ANY FUTURE CONSIDERATION TO ESTABLISH AMA's or any other commercial~~ marine operations.
	~~We base this request on the following basic principles:~~
	1. The Bay of Many Coves represents one of the few remaining unspoiled locations in close proximity to Picton and Waikawa, popular with day ~~visitors for holiday and recreational activities.~~
	2. The primarily residential nature of the Bay, with many permanent ~~residential and holiday homes.~~
	3. The value of the Bay as a desirable destination for both local and overseas Tourists, the existence of significant Tourist Resorts of ~~International standing, and safe anchorage for recreational boating~~ activities.
	4. ~~The impact an AMA would have on the surrounding Native reserve areas, the beaches, and access to private jetties, and navigation~~ generally.
	~~The decision we seek from the Council is that the Council will exclude the Bay of Many Coves from the establishment of any AMA under these~~ proposed Plan Changes.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 16

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

Date Received Stamp

Submissions Close: 15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

Name/Organisation	Queen Charlotte Wilderness Park Community
Contact Name *(If different from above)*	Ron Marriott
Address for Service:	Rural Bag 363, Picton 7250
Phone Number	03 57 99025
Fax Number	e-mail: wilderness@truenz.co.nz

I have attached 2 **pages to this submission (3 pages in total)**

Do you wish to be heard in support of your submission? **YES** Y **NO** ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? **YES** Y **NO** ☐

Signature: R E Marriott **Date:** April 14 2009

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***My submission relates to** (circle one of the following)*

***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Plan Changes Opposed

We oppose all parts of Plan Changes 16 and 53.

Reasons for opposition

In the matter of alternative authorisations as detailed in 9.4A.2

If these changes are approved:

- Immediately after if not before Council will receive applications for new AMA's for most of the Marlborough Sounds.
- Most of these applications will be received from a small number of powerful and wealthy aquaculture players just like, say, NZ King Salmon.
- Probably, given the recent and obvious attitude of the Council to these sorts of matters, the applications will be broadly approved at Council level. The legal effort from the applicant(s) will be overwhelmingly massive because of the high stakes involved.
- If the Council does approve these applications they are unlikely to be appealed, given the new RMA changes that are going through parliament at the moment which will make it almost impossible for ordinary people to appeal a case to the environment court.
- If the Council does not approve these applications the applicant(s) will certainly appeal and that will likely be successful because the appeal is unlikely to be vigorously challenged for exactly the same reasons as given immediately above.
- And when that happens, under these proposed changes, the right to exploit these new AMA's will pass to the applicant(s) who initiated the plan changes.
- And so the certain result of all this will be that, within a very short time, most of the Marlborough Sounds is likely to be "owned" by a single, wealthy, foreign controlled monopolistic entity just like, say, NZ King Salmon. The community will have effectively for ever lost the right to exploit and use the resource for its own benefit. Instead all the community will have left is a very environmentally damaged Marlborough Sounds and a further deterioration in social conditions that come from the realities of being a supplier of cheap labour to foreign interests. While there may be some initial windfall profits to some players in the local community as the industry expands, in the end the only sustainable financial compensation for the community is likely to be the crumbs that may fall from our foreign masters table as the cake is cut to send the main portion overseas.

In the matter of existing marine farms becoming deemed to be AMA's as detailed in 9.4A.2

- In several places in the information that has been provided with this request, Council reassures that 16&53 do not create new AMA's yet this clause will do exactly that. Approval

of this clause will effectively mean that AMA's will be approved in perpetuity which is clearly not the intentions of the RMA which approves only for a term.

- We know of some existing marine farms where the environment court has expressly ordered that the question of whether the area in which they now exist is suitable for their continued existence must be the subject of further public consideration. On the face of it Council, by including this method of implementation is once again attempting to deny the authority of the Environment Court.

Summary

These changes will tend to eliminate the whole concept of considering applications for marine farms within AMA's by effectively making one thing the other. The changes, by favouring a particular sector and introducing dubious processes will disenfranchise the wider community including other independent members of the aquaculture industry and future generations.

Council's acceptance of this application and its apparent support is shameful. Approval would be unthinkable.

We ask the Council to deny 16&53 and get back to the business of accepting applications for aquaculture within an AMA that has had its existence approved after a Council led process that includes input from all sectors of the community that have a stake in the future and considers the Marlborough Sounds and its uses as a whole.

****

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No: 29

File Ref: M135-15-16; W045-15-53

Date Received Stamp

Name/Organisation	Fyvie Management Ltd
Contact Name *(If different from above)*	Stephen Waring
Address for Service:	P O Box 7628 Christchurch
Phone Number	035396303
Fax Number	

I have attached 1 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☐ NO ☑

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☑

Signature: [signature] Date: 14-4-09

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

How To Make A Submission

Anyone is welcome to make a 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 5 of the Resource Management (Forms, Fees and Procedures) Regulations 2003]. If you run out of room here, please continue on a separate page. When preparing your submission you need to include the following:

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"My reasons for supporting (or opposing) this part of the plan change ..." - tell us what your concerns are and the reasons why you support or oppose the provisions in the plan change.

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REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

***My submission relates to** (circle one of the following)*

***Plan Change 16** to the Marlborough Sounds Resource Management Plan*

***Plan Change 53** to the Wairau/Awatere Resource Management Plan*

***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	*Details of your submission and specific changes or decisions requested*
volume One a) 9,4A objectives, policies and method of implementation for the allocation of authorisation in AMA's. Volume 2 A new zone chapter (35A) for acquaculture management areas which introduces new rules regarding the allocation of authorisations in operative AMA's which arise from a private plan change.	We are making a submission concerning the proposed "Plan Change 16 (Marlborough Sounds Resource Management Plan) We are opposed to the proposed Plan Change 16 Our reasons are based on the growing importance and recognition of the precautionary Principle in decision making and how it applies to the marine farming process in the Marlborough Sounds The precautionary principle applies when a lack of information or poor understanding of a process,leads to uncertainty as to the consequences of a particular action.This principal has gained international and national recognition The Precautionary Principle should be applied within the Marlborough Sounds marine farming industry because whilst the economic benefits of the marine farming industry to the Marlborough region are well known and widely promoted ,the ecological impacts of marine farming are poorly understood.In particular there is conflicting scientific evidence regarding the effects of marine farming on the sounds,river, estuary and ocean ecosystems.This gap in knowledge us relevant at a number of levels, including the ecological impacts of individual species on the marine environment,the consequences of farming a number of different species within one contained area ,as well as the consequences of farming a monoculture e.g.mussels,within one area and the influence of local conditions on ecological outcomes The lack of scientific certainty as to the ecological effects of marine farming needs to be addressed before creating new areas for aquaculture (AMA's) We are also opposed to the proposed Plan Change 16 due to the increased visual pollution this will create After helping to ensure that North West Bay, Pelorus remained free of aquaculture back in 2005 we are dismayed to see this resurface again and in such a brief time see bays with no aquaculture development in them be put at risk again by the proposal to create new areas for aquaculture under the proposed Plan Change 16 The decision we seek from council is that the existing bays in the Marlborough Sounds that are currently aquaculture free remain so under the Plan Change 16 proposal. Only bays with already existing AMA's to be affected by this proposed Plan Change 16

Submission on Plan Change 16 to the

Marlborough Sounds Resource Management Plan

and/or

Submission on Plan Change 53 to the

Wairau/Awatere Resource Management Plan

Office Use

Submission No:

Participant No: 30

File Ref: M135-15-16; W045-15-53

Date Received Stamp:

Name/Organisation:	Te Ohu Kaimoana Trustee Limited
Contact Name *(if different from above)*:	
Address for Service:	Attn: Craig Lawson PO Box 3277 Wellington
Phone Number:	04 931 9500
Fax Number:	04 931 9518

I have attached 3 pages to this submission.

Do you wish to be heard in support of your submission? YES ✓ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ✓ NO ☐

Signature: Date:

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

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TE OHU
KAIMOANA

15 April 2009

Marlborough District Council
Private Bag
Blehiem

Submission in relation to Plan Changes Plan Changes 16 & 53 to the Marlborough Sounds Resource Management Plans and Wairau/Awatere

Tena koe

1. Introduction

Te Ohu Kai Moana Trustee Limited (Te Ohu) was established pursuant to the Māori Fisheries Act 2004 to act as corporate trustee of the Te Ohu Kai Moana Trust, the trust created to allocate and transfer fisheries settlement assets transferred to Māori as a result of the 1992 Fisheries Deed of Settlement. Te Ohu also has duties under the Maori Commercial Aquaculture Claims Settlement Act (the Settlement Act). This Act provides a full and final settlement of Māori commercial aquaculture interests since 21 September 1992 and provides for iwi to receive assets equivalent to 20% of the water space rights created in coastal waters since September 1992.

Te Ohu's role is to act as the trustee of the Māori Commercial Aquaculture Trust (the Takutai Trust), in order to:

(a) Receive settlement assets from the Crown or regional councils;

(b) Hold and maintain settlement assets on trust until they are transferred to IAOs;

(c) Allocate settlement assets to iwi on the basis of a model set out in the Settlement Act; and

(d) Facilitate steps by iwi to meet the requirements for the allocation of settlement assets .

2. Iwi interests

Through the recent process of negotiation of an early settlement of the Crown's obligations in respect of pre-commencement space in Te Wai Pounamu (and Hauraki), eight iwi – Te Atiawa, Ngāti Toa, Ngāti Rarua, Rangitane, Ngāti Kuia, Ngāti Koata, Ngāti Apa and Ngāi Tahu – signalled that they consider themselves to have interests in the Marlborough District, with Ngāi Tahu's interest being limited to the 'Marlborough Coastal' part of the district, as defined in the Settlement Act.

This submission is therefore made by Te Ohu as trustee of the interests those eight iwi, of such of them as are ultimately agreed or determined to have interests under the Settlement Act in respect of the areas which are covered by these Plan Changes.

Level 1 | Hitachi House
48 Mulgrave Street
PO Box 3277
Wellington | New Zealand

Phone: 64 4 9319 500
Fax: 64 4 9319 518
Email: tari@teohu.maori.nz
Web: www.teohu.maori.nz

3. Plan Change 16

Te Ohu supports the Plan Change on the basis that it establishes an economically efficient way of allocating authorisations in AMAs created as a result of private plan changes and provides for the development of aquaculture.

That support is, however, subject to the following minor wording change which is sought to the second to last paragraph of new section 9.1.2 of the Marlborough Sounds Resource Management Plan (MSRMP):

> "Once an AMA is created, 20%-40% of authorisations (or the right to apply for a resource consent for marine farming) are allocated by the Council to the Trustee of the Maori Commercial Aquaculture Settlement Trust under the Maori Commercial Aquaculture Claims Settlement Act 2004 for distribution to iwi~~a trustee to resolve historic Treaty claims~~..."

This minor change would accurately reflect the intent of the allocation to iwi, which does not, in fact relate to historic Treaty claims, but is intended to recognise the ongoing Treaty interest of iwi.

4. Plan Change 53

Te Ohu supports the Plan Change on the basis that it establishes an economically efficient way of allocating authorisations in AMAs created by private plan changes and provides for the development of aquaculture.

That support is, however, subject to the following minor wording change which is sought to the second to last paragraph of new section 9.1.2 of the Wairau/Awatere Resource Management Plan (WARMP):

> "Once an AMA is created, 20%-40% of authorisations (or the right to apply for a resource consent for marine farming) are allocated by the Council to the Trustee of the Maori Commercial Aquaculture Settlement Trust under the Maori Commercial Aquaculture Claims Settlement Act 2004 for distribution to iwi~~a trustee to resolve historic Treaty claims~~..."

This minor change would accurately reflect the intent of the allocation to iwi, which does not, in fact relate to historic Treaty claims, but is intended to recognise the ongoing Treaty interest of iwi.

5. Issue to be addressed in Plan Change 19

Te Ohu wishes to take the opportunity to raise a matter that it believes should be addressed, not in the current plan change, but Plan Change 19 which it foreshadows.

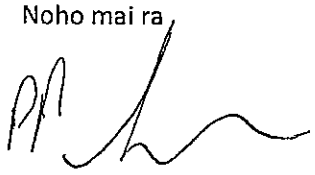
The Settlement Act provides for councils to identify the 20% of space which is "representative" of all space in the AMA for allocation to Te Ohu on behalf of iwi, with guidance on how councils are to determine representativeness provided by sections 9 and 10 of the Settlement Act. However, Te Ohu advocates that, wherever possible, identification of the 'settlement 20%' should be by agreement between iwi and applicants, with councils making the decision only as a last resort. This approach not only removes from councils an unenviable and time-consuming task, but minimises the risk of challenge and litigation of an unpopular council decision. It is noted that preliminary discussions with New Zealand King Salmon confirms that they support this approach. In this

context, therefore, Te Ohu recommends that Plan change 19 includes provisions that encourage such agreements at the earliest possible stage and, where more than one private plan change is proposed in respect of an area, preference is given to any plan change that addresses the allocation to iwi in a way that has iwi support. Te Ohu is available to assist Council staff in development plan provisions to address this issue.

6. Desire to be heard

Te Ohu would welcome an opportunity to speak to this submission.

Noho mai ra,



Craig Lawson
General Manager

TOTARANUI LTD

PO Box 349, Blenheim

15 April 2009

Sub:
Part: 31

Manager Resource Consents
Marlborough District Council
Private Bag
Blenheim

Tena koe,

Submission in relation to Plan Changes Plan Changes 16 & 53 to the Marlborough Sounds Resource Management Plans and Wairau/Awatere

Introduction

1. Totaranui Ltd is the commercial arm of Te Atiawa Manawhenua Ki Te Tau Ihu Trust.

Plan Change 16

2. Totaranui supports the Plan Change on the basis that it establishes an economically efficient way of allocating authorisations in AMAs created as a result of private plan changes and provides for the development of aquaculture.

3. That support is, however, subject to the following minor wording change which is sought to the second to last paragraph of new section 9.1.2 of the Marlborough Sounds Resource Management Plan (MSRMP):

> "Once an AMA is created, 20%-40% of authorisations (or the right to apply for a resource consent for marine farming) are allocated by the Council to the Trustee of the Maori Commercial Aquaculture Settlement Trust under the Maori Commercial Aquaculture Claims Settlement Act 2004 for distribution to iwi~~a trustee to resolve historic Treaty claims~~..."

This minor change would accurately reflect the intent of the allocation to iwi, which does not, in fact relate to historic Treaty claims, but is intended to recognise the ongoing Treaty interest of iwi.

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Te Ohu supports the Plan Change on the basis that it establishes an economically efficient way of allocating authorisations in AMAs created by private plan changes and provides for the development of aquaculture.

That support is, however, subject to the following minor wording change which is sought to the second to last paragraph of new section 9.1.2 of the Wairau/Awatere Resource Management Plan (WARMP):

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Te Ohu wishes to take the opportunity to raise a matter that it believes should be addressed, not in the current plan change, but Plan Change 19 which it foreshadows.

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6. Desire to be heard

Totaranui Ltd would welcome an opportunity to speak to this submission.

Noho mai ra

Jane defeu
Director Totaranui
Trustee Te Atiawa Manawhenua Ki Te Tau Ihu trust

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No:

Participant No: 32.

File Ref: M135-15-16; W045-15-53

~~Date Received Stamp~~
RECEIVED
15 APR 2009
MARLBOROUGH
~~DISTRICT COUNCIL~~

Name/Organisation: Robin Cox

Contact Name *(If different from above)*:

Address for Service: 5 Regent Place
Blenheim

Phone Number: 03 5794115

Work
~~Fax~~ Number: 03 5200502

I have attached ☐ **pages to this submission**

Do you wish to be heard in support of your submission? YES ☐ NO ☑

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☐

Signature: R Cox Date: 13.04.09

Submissions Close:
15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

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Plan Change 53 *to the Wairau/Awatere Resource Management Plan*

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	Details of your submission and specific changes or decisions requested
Vol 1 Sec 9.4.7	The likelihood of a private plan change is only viable if the applicant has a right to seek a coastal permit to use the AMA for economic benefit. This change is strongly supported as it provides the possibility of economic benefit both to the applicant and Marlborough, providing employment at minimal environment impact which is checked through the RMA process.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No:

Participant No: 33.

File Ref: M135-15-16; W045-15-53

Date Received Stamp:

Name/Organisation	Dolphin Watch Ecotours
Contact Name *(If different from above)*	Dan Engelhaupt
Address for Service:	P.O. Box 197 Picton
Phone Number	03-573-8040
Fax Number	03-573-7906

Submissions Close: **15 April 2009**

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

I have attached 1 **pages to this submission**

Do you wish to be heard in support of your submission? YES ✔ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ✔ NO ☐

Signature: [signature] Date: 13-4-09

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Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	Details of your submission and specific changes or decisions requested
	See Attached

Dolphin Watch Ecotours

Marlborough Sounds Ecotour Specialists

tourism INDUSTRY AWARDS NEW ZEALAND winner

Proposed Plan Changes – Aquaculture Provisions

13 April 2009

I oppose this part of the plan change and my reasons for opposing this part of the plan change is based on the following. As a ratepayer and tourism operator completely dependant on the wildlife in and around the Marlborough Sounds, we object to any changes in the resource management plan that makes it easier for both aquaculture industries like NZ King Salmon Limited and or mussel/oyster farmers to implement farms in the Queen Charlotte Sound or any of the other currently designated aquaculture exclusion areas that currently provide both sanctuary and critical foraging habitat to a variety of protected seals and dolphins (including the endangered Hector's dolphin). Additional exclusion areas should be established based on known areas of dolphin abundance in order to protect critical habitat for dolphins that reside or transit through this area.

The implementation of measures to ease the application process for future additional finfish, mussel or oyster farming in the Queen Charlotte Sound will have a direct result on numerous tourism water-based businesses like ours that heavily rely on dolphins, seals and the perception of a pristine environment within the Queen Charlotte Sound. The habitat destruction and direct threats to dolphins (one dolphin (likely an endangered Hector's dolphin) was trapped and drowned in a predator net-changing incident at the East Bay NZ King Salmon farm a few years ago) already pose catastrophic scenarios to businesses such as ours. Tourists to NZ want to see clean and green, not numerous fish farms or acres of mussel bouys littering the waterways. I realise that the aquaculture industry has high dollar goals set for itself, but it will be at the expense of the tourism industry and Sounds users.

In agreement with others, we strongly recommend and seek from the Council a full consultative approach that factors in a variety of issues and how the increasing aquaculture industry will likely negatively impact the wildlife, tourism operators, Sounds bach and homeowners and recreational users alike before making changes to the current plan.

All the best,

Dan & Amy Engelhaupt
Directors, Dolphin Watch Ecotours

Dolphin Watch Ecotours
Dan Engelhaupt, Ph.D. Amy Engelhaupt, M.Sc.
P.O. Box 197 Picton, Picton Foreshore, Phone: 03-573-8040, Fax: 03-573-7906
Website: www.naturetours.co.nz E-mail: info@naturetours.co.nz

Submission from the Royal Forest and Bird Protection Society NZ, Inc. and the Marlborough Branch

Private Plan Change Number 16 to the Marlborough Sounds Resource Management Plan

Sub:
Part: 34

To: Chief Executive Officer
Marlborough District Council
PO Box 443
Blenheim

Persons making the submission:

Royal Forest and Bird Protection Society NZ Inc and the Marlborough Branch

Contact: Andrew John
Chair Marlborough Forest & Bird Society
38 Phillips Road
Ngakuta Bay
RD 1
Pictpon 7281

Phone: 03 573 5509 **Email**: celtsh@clear.net.nz

Applicant: New Zealand King Salmon

This submission **opposes** the application

Reasons for opposing the application:

1. We are concerned that Rules (Section 9.4A.2, 35A.3, 35A.4) are not available and cannot be sure that they will effectively support Objectives and Policies in the proposed Plan Change.
2. Council-Initiated Plan Change No. 19 will not be available until later in 2009.
3. Preferential treatment in tender processes in RMA applications appears to be a significant development away from open and equitable treatment by government.
4. There may be alternative ways of ensuring that an applicant for a Standard Private Plan Change or Council- Invited Private Plan Change may not unreasonably bear the cost of making the application.
5. We support strong and effective independent environmental monitoring and urge that this be achieved directly by payments made by the applicant.

We wish to be heard in support of this submission

Signed: Andrew John (Andrew John) Date: 17th April 2009

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No:

Participant No: 35

File Ref: M135-15-16; W045-15-53

Date Received Stamp:

Name/Organisation: Port Underwood Association Inc.

Contact Name *(If different from above)*: Eric Jorgensen

Address for Service: PO Box 153, Picton 7250

Phone Number: 03 5799 288

Fax Number:

I have attached ☐ **pages to this submission**

Do you wish to be heard in support of your submission? YES ☑ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ☐ NO ☑

Signature: [signature] Date: 20-APR-2009

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

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***My submission relates to** (circle one of the following)*

***Plan Change 16** to the Marlborough Sounds Resource Management Plan*

***Plan Change 53** to the Wairau/Awatere Resource Management Plan*

***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Volume, Section of Plan, Page Number	*Details of your submission and specific changes or decisions requested*
	This submission is on behalf of the Port Underwood Association Incorporated and relates to Plan Change 16.
	We find that we need to oppose the Plan Change in its entirety for the reasons outlined below.
	Plan Change 16 is one of three Plan Changes proposed by New Zealand King Salmon. The detail of the other plan changes is not yet available.
	The Port Underwood Association advocates that this plan change should not be considered until the details of Plan Changes 19 and 20 are also available. Without the details of Plan Changes 19 and 20 the public have no ability to assess if the current process for a resource consent to farm is more appropriate than the approach proposed in Plan Change 16.
	The Marlborough District Council is currently reviewing the Regional Policy Statement (RPS) and as part of that process, the Marlborough Sounds Resource Management Plan.
	The current Marlborough Sounds Resource Management Plan provides for marine farming prohibited areas.
	The intent of the revised Plan is of course at this stage unknown.
	The Port Underwood Association is concerned that there is potential for a proliferation of new marine farm areas before the intent of the revised RPS is known. Such a situation has the potential for adhoc development which is likely to undermine the intent of the revised RPS.
	Such a situation is unfair on the communities of the Marlborough Sounds who will be burdened with responding to applications for what is the privatisation of public space at the same time as being involved in the review of the RPS which includes the designation of aquaculture exclusion areas.
	While the detail is as yet unclear, the Minister of Fisheries, Phil Heatley, has recently indicated that the government is reviewing a comprehensive report on the development of aquaculture designed to look at ways to improve the current system. The issue of tendering for the right to fish an AMA is addressed in this report. Public consultation on the report is also due to occur in the next few months.
	The Port Underwood association seeks Council to delay any consideration of New Zealand King Salmon's Plan Change 16 until
	1. All New Zealand King Salmon Plan Changes are available for review by the public.
	2. The RPS process has progressed to the stage where the community has clarity on the location and extent of aquaculture exclusion areas.

3. The review by the Government of aquaculture development legislation is able to be reviewed by the public.

If, due to legal constraints, Council is unable to delay the decision in regards Plan Change 16 then the Port Underwood Association would ask that the Marlborough District Council declines the application for Plan Change 16 in light of the seriousness of the three points raised above.

Reset form

Sub:
Part: 36

RECEIVED
17 APR 2009
MARLBOROUGH
DISTRICT COUNCIL

50 Hector St.,
Seatoun,
Wellington.
14.4.09

Environmental Policy Group,
Marlborough District Council,
Blenheim.

Dear Sirs,

re Proposed Plan Changes,
Aquaculture Provisions, Plan change 16.

In the absence of Form 5 – for reasons as described, I wish to make the following submission.

①. The process is flawed.
The proposed plan changes were NOT available at the Wellington Public Library, Victoria Street, as advised – 8.4.09.
When your officers were advised of this that day, they proposed to send me a copy – recieved today 14-4-09. The requested

Form 5 was not sent.

(2) From a cursory examination of the documents, necessary due to time constraints, they consist of arguments prepared for Mr. King Salmon, and as such are not objective.
Where is any contrary view?

(3) Much seems to be made of a need to be "fair". The question that needs to be asked is "to whom". The proposal is certainly not fair to the ratepayer.

(4) What are the estimated costs involved in the establishment of a new AMA?

(5) Why has the Council decided not to be the initiator of the establishment of new AMA's?

(6) Why are NZ King Salmon seemingly unwilling to undertake the usual "commercial risk" of any new venture.

(7) The waters of the Marlborough Sounds are a public asset, and any and all decisions made concerning them should be undertaken publically.

(8) Justice must be SEEN to be done.

Rimmer

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 17

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

Date Received Stamp

Submissions Close: 15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

Name/Organisation	Port Gore Group
Contact Name *(If different from above)*	Cliff Marchant
Address for Service:	P. O. Box 15043 Wellington 6243
Phone Number	03 5798483
Fax Number	03 5798483

I have attached 2 **pages to this submission (3 pages in total)**

Do you wish to be heard in support of your submission? **YES** Y **NO** ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? **YES** Y **NO** ☐

Signature: C E Marchant **Date:** April 14 2009

How To Make A Submission

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"This part of my submission relates to ..." - state the name of the plan change and the part(s) of the plan change that is/are the subject of your submission.

"I support (or oppose) this part of the plan change." – state whether you support or oppose (in full or part).

"My reasons for supporting (or opposing) this part of the plan change ..." - tell us what your concerns are and the reasons why you support or oppose the provisions in the plan change.

"The decision I seek from the Council is ..." - How do you want the Council to respond to your submission? It is very important that you clearly state the decision you wish the Council to make as the Council cannot make changes which have not been specifically requested. Start by indicating if you want the provision to be retained, deleted or amended. If you want an amendment (including additional provisions) then specify what wording changes you would like to see.

REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

***My submission relates to** (circle one of the following)*

***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Plan Changes Opposed

We oppose all parts of Plan Changes 16 and 53.

Reasons for opposition

- The current plan clearly specifies areas (particularly in the outer Sounds) which are prohibited areas for marine farming, a decision arrived at after detailed consultation and the consideration of hundreds of submissions from interested parties. This plan change will encourage further applications out of step with the logical process of improvement in the objectives and policies in the existing plan, and ahead of the designation of Aquaculture Exclusion Areas, the intended natural and more effective replacement for marine farming prohibited areas.

- This proposal will encourage applications in areas that are presently prohibited (or should be) for example in Port Gore and around outer D'Urville Island. These areas should be dealt with by a Council initiated process that corrects plan deficiencies as shown by previous Environment Court decisions, and protects valuable public wilderness space from inappropriate use.

- There are existing marine farm applications and appeals in process in Port Gore which have a long history and are likely to be dealt with this year. **The intent and wording of this plan change should not be used to prejudice the outcome of these proceedings.**

- There is also an AMA in Port Gore which has been banned from marine farm use by the Environment Court (with the agreement of the applicant), yet it remains an AMA. Where a coastal permit has been refused as in this case, any plan change needs to ensure that such an AMA will be removed from the plan. This proposed plan change fails to address this issue.

- Should Council be predisposed towards further development of aquaculture (as it appears to be with this, ahead of significant public consultation) then Council should initiate a more thorough plan change of its own and use the tendering process of allocation that was intended through the Aquaculture reforms. However, as the planning process for the new Regional Policy Statement and Marlborough Resource Management Plans are now well underway, we believe that these are the correct mechanism to provide an appropriately robust and in depth outcome for the use and allocation of these areas of public space.

The decision we seek from the Council is to **decline** Plan Changes 16 and 53.

****

Submission on a Variation or Plan Change

Office Use
Submission No

Participant No
18

File Ref

Date Received Stamp

Name/Organisation The NZ King Salmon Co. Ltd

Contact Name *(If different from above)* Quentin Davies

Address for Service:
C/- Gascoigne Wicks
P O Box 2
79 High Street
Blenheim

Phone Number 03 578 4229

Fax Number 03 578 4080

I have attached 1 **pages to this submission**

Do you wish to be heard in support of your submission? YES ☑ NO ☐

If others make a similar submission would you be prepared to consider presenting a joint case? YES ☐ NO ☑

Signature: [signature] **Date:** 15/4/01

Submissions Close:

Return your submission to:
Marlborough District Council
P O Box 443
BLENHEIM
Fax: (03) 578 6866
E-Mail:
submission@marlborough.govt.nz

Notes for Submittors
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For example:

Volume and Section of Plan, page number	Details of your submission and specific changes or decisions requested
Variation or Plan Change Number **Vol 1, 23.3.1, Policy 1.2**	**Details of submission** - I support (oppose) the policy to provide access along the margins of rivers because (reasons)...
Page 174	**Decision requested** – Change wording of policy to " (suggested change)"

- **Volume and Section of Plan, page number:** While general comments are appreciated, your submission will be more effective if you can refer your comments to specific points.
- **Details of submission:** This should be a brief explanation of your concerns about this point in the variation or plan change. You need to cover the following concerns in your explanation: Indicate whether you: (i) support, (ii) oppose, (iii) wish to change the point, (iv) wish to add a new point, with your reasons.
- **Decision requested:** This should state precisely the type of change and the final wording you wish to suggest.

Plan change 16 – Allocation of Authorisations

This submission relates to the entire Plan Change.

An alternative the Council may wish to consider is whether or not to allocate space without any express reference to "authorisations".

Such an approach would appear to be open to the Council by virtue of s165H .

The criteria for the allocation of space would be identical to that proposed in the Plan Change. The consequences of this change would be that there would not need to be public notice of the offer of authorisations. In the circumstances where authorisations were being granted to a clearly identifiable party that would appear to be unnecessary.

This submission is made on the basis that what is proposed may well result in a better outcome in terms of administrative efficiency. It does not detract from the material which King Salmon has already lodged. This submission is intended to be a practical suggestion as to process.

Mark Caldwell-8225

From: Jonathan Hall [jonathanglennhall@googlemail.com]
Sent: Wednesday, 15 April 2009 8:31 a.m.
To: Mark Caldwell-8225
Subject: Aquaculture plan changes submission
Attachments: Plan Change 16 & 53 submission- Jonathan Hall.doc

Dear Pere,

Please find attached my submission for plan changes 16 and 53.
Thanks,
Jonathan

File: M135-15-16

MARLBOROUGH DISTRICT COUNCIL

MARLBOROUGH SOUNDS RESOURCE MANAGEMENT PLAN

Plan Change No. 16

Allocation of the Right to Apply for Marine Farming Coastal Permits

Deleted: Authorisations

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Private Plan Change Request from The New Zealand King Salmon Co. Limited

Schedule of Changes Only

Amendments Sought through the Submission from NZ King Salmon shown as Track Changes

Notified 12 March 2009

Schedule of Changes

Where text is proposed to be added to the Marlborough Sounds Resource Management Plan (the Plan) through this plan change, it has been shown as underlined. Where text is shown as ~~struck-through~~ in this Plan Change the text is existing text and is to be deleted. All other text is either existing text from the Plan and has been included for context to assist the reader in determining where the changes occur or provides the reader with information and does not form part of the plan change.

The Marlborough Sounds Resource Management Plan is amended in accordance with the following schedule:

Volume One - Chapter 9 - Coastal Marine

9.1 Introduction

Amend the 7th paragraph as follows:

The Act contains provisions enabling the regional councils to implement a system of coastal tendering to safeguard the Crown's interest in the foreshore and seabed, as well as to secure benefits such as meeting a public expectation that coastal allocation will be fair and efficient. ~~An Order-in-Council was gazetted in July 1996, limiting the ability of Council to issue new coastal permits for marine farming applications in the Marlborough Sounds for two years while the Crown evaluated options for an appropriate coastal tendering system. It should be noted that this system will address only those issues relating to the allocation of coastal space between competing users. Environment effects will continue to be addressed through the Act processes of plan and consent administration.~~

Add the following after the 7th paragraph:

A reform of the legislation covering the management of marine farming - the Aquaculture Reform 2004 - came into effect on 1 January 2005. The aim of the reform was to create a more integrated aquaculture management regime, with a

balance between enabling economic development, looking after the environment, settling the Crown's Treaty obligations to Maori, and responding to community concerns. As a result of this reform, marine farming is now mostly covered by the Resource Management Act, with one process for planning where marine farms should go and for granting consents for them to occupy coastal space. Areas for new marine farming (Aquaculture Management Areas - AMA's) need to be identified in the Plan, and coastal permits for marine farms within AMA's are issued by the Council. The Ministry of Fisheries contributes to the Plan process by testing for any undue adverse effects on commercial, customary or recreational fisheries prior to an AMA being approved in the Plan. Space within AMA's is also to be allocated to iwi to settle Maori claims to commercial marine farming.

Add new Section

9.1.2 Aquaculture Management

The Act states that aquaculture activities (marine farming) can only take place within areas identified in the Plan as Aquaculture Management Areas (AMA's). Marine farming is prohibited outside AMA's. Council has the main role in managing marine farming in the Marlborough Sounds. Providing for marine farming within AMA's enables effects on the community, environment and economy to be managed in an integrated way through the Plan preparation processes, before individual applications for marine farms are considered. The cumulative effects of several marine farms in one area can also be considered.

The Ministry of Fisheries (MFish) continues to play a significant role in the creation of AMA's. Before starting on the public notification processes for including a new AMA in the Plan, Council must request MFish to undertake an assessment as to whether the proposed AMA would have an "undue adverse effect" on commercial, customary or recreational fishing. Areas within the proposed AMA that would unduly affect customary or recreational fishing will be removed from the proposal prior to notification. Any areas that would unduly affect commercial fishing will be identified in the Plan and anyone wanting to establish a marine farm in those parts of the AMA must first reach an agreement with the affected quota holders before they can apply for a resource consent.

Part of the Aquaculture Reform 2004 included the settlement of Treaty of Waitangi commercial aquaculture claims through the Maori Commercial Aquaculture Claims Settlement Act 2004. These provisions are intended to settle all Maori claims to commercial marine farming interests since September 1992. Iwi are provided with an allocation of area for marine farming equivalent to 20% of marine farming

spaces allocated since 1992 and 20% of new marine farming space. This is partly met through the allocation to iwi of some of the new space that comes available through the creation of AMA's. This is intended to ensure iwi have access to coastal marine space to develop their marine farming interests, and to allow the marine farming industry to develop without risks from ongoing Treaty claims.

Existing lawfully established marine farms are deemed to be AMA's, which means they do not need to be included in the Plan through a Plan Change. Marine farming permits and licences granted under previous Marine Farming and Fisheries legislation are generally deemed to be coastal permits.

When resource consents for a marine farm are about to expire, if the site is in an AMA, the existing marine farmer can make an application for a new marine farming consent for the same water space. The application from the existing marine farmer will be decided first, before any other application can be considered for that space.

Creating new AMA's requires a Plan Change. There are three different processes available to undertaken this:

- a Council-initiated Plan Change, where Council decides to undertake a plan change to establish an AMA in the coastal marine area,
- a standard Private Plan Change, where any person or organisation can request a change to the Plan to establish an AMA in the coastal marine area. and
- a Council Invited Private Plan Change (IPPC), which involves the Council inviting applications from the public to establish new AMA's. The Council may identify areas of the coastal marine area which will be excluded from applications. These Plan Changes are processed in a similar manner to Private Plan Changes.

All these processes follow the consultation and public notification processes set out in the Act.

Removal or modification of existing AMA's in the Plan, including deemed AMA's, also involves a Plan Change process.

Once an AMA is created, 20-40% of authorisations (or the right to apply for a resource consent for marine farming) are allocated by the Council to a trustee to resolve historic Treaty claims, and the remaining authorisations become publicly available.

Where AMA's have been created through a Council-initiated Plan Change, the remaining authorisations are allocated by public tender. Where an AMA has been created through the IPPC process the remaining authorisations are allocated to the person or organisation that requested the Plan Change. Where an AMA has been created through the standard Private Plan Change process the Act specifies that the authorisations are allocated by public tender unless an alternative method of allocation is used. Once the authorisations have been allocated, the holders of the authorisations then need to apply for resource consents for marine farming.

Add new Section 9.4A

9.4A Issue

Allocation of the right to apply for a coastal permit for marine farming in Aquaculture Management Areas (AMA's) in a manner that is effective, efficient and fair to all parties involved.

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As explained in Section 9.1.2 of the Plan, there are three different processes for Plan Changes to include new AMA's in the Plan. With a Council-initiated Plan Change, authorisations are allocated by public tender. Where an AMA has been created through the IPPC process, authorisations are allocated to the person or organisation that requested the Plan Change. These methods are considered to be effective, efficient and fair to the parties involved.

Under the standard Private Plan Change process, any person or organisation can request a change to the Plan to establish an AMA in any part of the coastal marine area. These Private Plan Changes are processed in terms of Schedules 1, Part 2 and 1A of the Act. The time, resources and costs involved with evaluating new AMA's and providing for them in the Plan through a Plan Change process are considerable. With a standard Private Plan Change, these costs will be borne by the applicant. 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. While the Act states as a default that authorisations should be allocated by public tender, 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.

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In order to enable effective, efficient and fair use of a standard Private Plan Change approach for the consideration of new AMA's, the Council considers that the Plan should specify an alternative method of allocating the right to apply for coastal permits for marine farming. The alternative allocation method adopted by the plan is considered to be fair and provide certainty to the Plan Change applicant.

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In addition, the public tendering process assumes multiple applications for authorisation allocations. Public notification, calling for authorisation applicants, is the default process in the Act. In circumstances where there can only be one applicant (the Private Plan Change applicant), this process of public notification for authorisations is considered unnecessarily time-consuming and costly. The Plan, therefore, adopts an alternative method which provides the right to apply for coastal permits for marine farming directly to the operative Private Plan Change applicant. This method is considered to be more efficient and avoids unnecessary delays in the process.

9.4A.1 Objectives and Policies

Objective 1	An effective, efficient and fair process for the allocation of the right to apply for coastal permits for marine farming in Aquaculture Management Areas
Policy 1.1	Allocation of authorisations by way of public tendering for coastal space in AMA's created through Council Plan Changes.
Policy 1.2	Processes for obtaining the right to apply for coastal permits in AMA's that are effective, efficient and fair, and provide sufficient certainty for marine farmers to enable proposals for new AMA's and marine farms to be put forward for evaluation through standard and Council Invited Private Plan Changes.
Policy 1.3	Allocation of new coastal space to iwi in accordance with the procedures established through the Aquaculture Reform 2004.

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9.4A.2 Methods of Implementation

Zoning	Aquaculture management areas (AMA's) will be included in the Plan as Aquaculture Management Area Zones (AMA Zones). Existing, lawfully established marine farms are deemed to be AMA's and will be included in the Plan in a special AMA Zone. All new marine farms must be established in an AMA Zone following the granting of the necessary resource consents for coastal permits. At some later date, Council may decide to propose new AMA Zones in the Plan by way of Council-initiated Plan Change or IPPC processes, as priorities and resources for Council determine. New AMA Zones may be established in the Plan by way of requests for Private Plan Changes. AMA Zones will be managed for aquaculture activities (marine farming).

Rules	To be inserted by a subsequent Council-initiated Plan Change No. 19
Rights to apply for coastal permits for marine farming	Authorisations for available space within AMA Zones, which have been included in the Plan as a result of a Council-initiated Plan Change, will be allocated by way of public tender. An alternative method is specified in the Plan for obtaining the right to apply for available space within AMA Zones which have been included in the Plan as a result of a request for a standard Private Plan Change. In these circumstances, the right to apply for available space within AMA Zones will be offered to the first person whose Private Plan Change was complete and successfully resulted in an operative AMA Zone for that area of coastal marine area Where the right to apply for available space or the resulting coastal permit for marine farming is not taken up or lapses, allocation will be by way of public tender.
Monitoring	To be inserted by a subsequent Council-initiated Plan Change No. 19

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Volume Two

Insert the following new chapter

35A.0 Aquaculture Management Area Zone

35A.1 Preamble

This section of the Plan provides for the implementation of specific and general objectives and policies for aquaculture management areas as detailed in Volume One of the Plan. It also provides for the specific requirements for aquaculture management areas and aquaculture activities as set out in Part 7A of the Act.

Aquaculture management areas are included in this Plan as Aquaculture Management Area Zones. There are three processes available to include new Aquaculture Management Areas Zones in the Plan - a Council-initiated Plan Change; a standard Private Plan Change requested by any person or organization; and a Council Invited Private Plan Change (IPPC) where the Council invites applications to establish new AMA's.

Part 7A of the Act specifies the processes that must be followed by the Council for the establishment of aquaculture activities in the coastal marine area. Responsibilities of others, such as the Chief Executive of the Minister of Fisheries, the Minister of Conservation and the Trustee under Section 9 of the Maori Commercial Aquaculture Claims Settlement Act 2004, are also set out in this part of the Act. Chapter 35A of the Plan sets out those matters which must be contained in a Plan in order for resource consent applications for aquaculture to be considered for approval.

Volume One, Section 9.1.2, Aquaculture Management, describes the methods by which the right to apply for resource consents for marine farming will be obtained.

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A cross-reference to Information Requirements for Private Plan Changes for Aquaculture Management Area Zones to be inserted by a subsequent Council-initiated Plan Change No. 19.

General Rule 35A2.1 shall not have effect until Plan Change 16 becomes operative.

35A.2.1 Alternative Allocation Method for the Right to Apply for Available Water Space in Aquaculture Management Areas

These General Rules specify the method that will be used to obtain the right to apply for coastal permits for marine farming in operative AMA Zones arising from standard Private Plan Change requests under Schedules 1, Part 2, and 1A of the Act. These General Rules do not apply to AMA Zones arising from Council Invited Private Plan Changes (IPPC).

For the avoidance of doubt, the right to apply for a coastal permit for marine farming, as specified in Rule 35A.2.1, excludes any area that has been allocated to the Trustee by virtue of the Maori Commercial Aquaculture Claims Settlement Act 2004.

35A.2.1.1 Circumstances under which the Alternative Allocation Method will apply

Rule 35A.2.1.2 shall be used to obtain the right to apply for coastal permits for marine farming in operative AMA Zones, where the AMA Zone, or the part of the AMA Zone, arose from a Private Plan Change under Schedules 1, Part 2, and 1A of the Act. Where Rule 35A.2.1.2 refers to a Private Plan Change, it is referring to the Private Plan Change which successfully resulted in the creation of the operative AMA Zone.

35A.2.1.2 Alternative Allocation Method

Under the circumstances specified in Rule 35A.2.1.1, the right to apply for coastal permits for marine farming will only be obtained by way of the following methods:

35A.2.1.2.1 One Private Plan Change Request

The right to apply for coastal permits for marine farming for an area in an AMA Zone arising from a single Private Plan Change shall be obtained by the person who requested the Private Plan Change. Subject to Rule 35A.2.1.3 (which relates to reservations for commercial fishing), this right shall be obtained on the date on which the Private Plan Change becomes operative.

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35A.2.1.2.2 More than One Private Plan Change Request for the same area

Where more than one Private Plan Change request was made to Council for the same area of an AMA Zone, the right to apply for coastal permits for marine farming for the overlapping area shall be obtained by the person whose Private Plan Change request was the first to either:

i. provide all required information, or

ii. decline to provide further or additional information requested by the Council in writing and the Council or the Environment Court determines that the requested information was not required to be provided;

and the Private Plan Change successfully resulted in the creation of an operative AMA zone for that area. Subject to Rule 35A.2.1.3 (which relates to reservations for commercial fishing), this right to apply for coastal permits for marine farming shall be obtained on the date on which the Private Plan Change becomes operative.

35A.2.1.2.3 The Right to Apply for Coastal Permit for Marine Farming not taken up

Where the right to apply for a coastal permit for marine farming has been obtained by a person under Rules 35A.2.1.2.1 or 35A.2.1.2.2, and:

i. The right to apply for a coastal permit for marine farming by that person lapses; or

ii. A coastal permit for marine farming is granted to the person that has obtained the right to apply, but it lapses;

authorisations within that area shall be offered by way of public tendering.

For the purposes of Rule 35A.2.1.2.3 i., "lapse" shall have the meaning specified in Section 165N of the Act, as if the right to apply for a coastal permit for marine farming was an authorisation.

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35A.2.1.2.4 Offer of Authorisations following Cancellation or Expiry of Coastal Permits

When:

i. the term of a coastal permit for marine farming expires and a new coastal permit is not granted to the existing permit holder; or

ii. a coastal permit is cancelled under Section 126 of the Act;

authorisations within that area shall be offered by way of public tendering.

35A.2.1.3 Reservations Relating to Commercial Fishing

When an AMA Zone becomes operative and is subject to a reservation relating to commercial fishing, Sections 165G and 165J of the Act shall apply with all necessary modifications as if the right to apply for a coastal permit for marine farming was an authorisation.

35A.2.1.4 Right to Apply for Coastal Permit does not Confer Right to Coastal Permit

The obtaining of a right to apply for a coastal permit for marine farming does not confer any right to the grant of a coastal permit in respect of the space that the right to apply relates to.

35A.2.1.5 Right to Apply for Coastal Permit Transferable

The right to apply for a coastal permit for marine farming or any part of it may be transferred by its holder to any other person, but the transfer does not take effect until written notice of it has been received by the Council. Rule 35A.2.1 applies to the person to whom the right to apply is transferred.

35A.3 Activities – Permitted, Controlled, Limited Discretionary, Discretionary, Non-Complying and Prohibited - in the Aquaculture Management Area Zone

Rules, Conditions, Standards, Assessment Criteria - to be inserted by a subsequent Council-initiated Plan Change No. 19

35A.4 Information Requirements for Private Plan Changes for Aquaculture Management Area Zones

To be inserted by a subsequent Council-initiated Plan Change No. 19

35A.5 Planning Maps – Aquaculture Management Area Zones

To be included by future Council-initiated Plan Changes or Private Plan Changes.

Note: the existing deemed Aquaculture Management Areas will be shown on future releases of the maps and may be done so without undertaking a plan change.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 19.

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

Date Received Stamp

Submissions Close: 15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

Name/Organisation	Jonathan Hall
Contact Name *(If different from above)*	
Address for Service:	Bay of Many Coves, Private Bag 411, Picton 7250
Phone Number	0272 099 569
Fax Number	E-mail: jonathanglennhall@googlemail.com

I have attached 3 **pages to this submission (4 in total)**

Do you wish to be heard in support of your submission? **YES** Y **NO** ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? **YES** ☐ **NO** Y

Signature: Jonathan Hall **Date:** 15 April 2009

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"My reasons for supporting (or opposing) this part of the plan change ..." - tell us what your concerns are and the reasons why you support or oppose the provisions in the plan change.

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REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

My submission relates to (circle one of the following)

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

Before submitting detailed points regarding plan change no. 16, I will state my position.

I oppose the alternative allocation method proposed in these plan changes, whereby authorisation to farm an AMA Zone will be automatically allocated to the person who created the new zone through the standard private plan change process. As stated at the beginning of plan change 16 (Volume 1, Chapter 9, 9.1 Introduction, page 2), there is a 'public expectation that coastal allocation will be fair and efficient'. I believe that the proposed changes are unfair, and go against the important Kiwi principle of maintaining an open playing field on which all can compete equally. This alternative allocation method is unfair for a number of reasons. Firstly, it is unfair to other businesses, and especially smaller companies, that allocation will be allotted automatically without a public tender process. This is public space, so all businesses should have the right to bid to sustainably develop aquaculture in the area. Secondly, there is also an issue of equity between businesses and locals. Local residents would be denied the right to develop their own area because all aquaculture rights may have been invested in one business.

There is a presumption of open public space built into the Resource Management Act, and this is also the public's understanding of the ownership of our coastal marine areas. Having a public tender process is a crucial enactment of this principle that coastal marine areas are public space, a principle which risks being overturned by this plan change to the unfair disadvantage of many. The default position of having a public tender to allocate authorisations is one I therefore seek to be maintained. A public tender is locally, nationally and internationally recognised as a very valuable, indeed crucial, means of ensuring the best outcomes for all (in this case, the Council, the community, and the environment) can be achieved. It is a public tender process which will ensure that authorisations are allocated in 'a manner that is effective, efficient and fair' (Plan Change 16, Vol. 1, Chapter 9, 9.4A, page 5) and which will protect the principle of public space.

Secondly, I oppose the fact that the methods for allocating authorisations are being changed before plan changes 19 and 52 (Review of Plan Provisions) have been fully drafted and consulted upon. To change authorisation allocation methods with the specific aim of increasing the development of new AMA zones without first finalising the policies, objectives, rules and zoning provisions risks unintended and unforeseen consequences, to the possible detriment of the community and the environment. Enacting plan change 16 and starting down the path of creating new AMA zones without consulting the community on where aquaculture should be located and how it should be sustainably managed is to unfairly disadvantage the community to the benefit of the aquaculture industry. Recent research has also confirmed that aquaculture, especially salmon farms, is very environmentally damaging, so plan changes 19 and 52, regarding the rules of aquaculture management, are essential and should be enacted first before any changes to the allocation method are passed.

Thus, in overview, I seek the deletion of all sections of plan change 16 (and 53) which allocate authorisation to farm an AMA Zone created through the standard private plan change process to the person which initiated that plan change. I propose that the default public tender process is instead maintained in all instances. I also seek the postponement of any changes in the allocation method until plan change 19 (and 52) has been finalised, consulted upon and enacted. A full consultative round concerning aquaculture and the use of public space is required before allocation methods are considered. The consequences of first changing the allocation method (and thereby encouraging a rush of AMA Zone applications) without enacting comprehensive regulations regarding aquaculture provisions could be very damaging to the community, Council and the environment.

Plan Change 16 Detailed Submission

Volume 1

This part of my submission relates to 9.4A.1 Objectives and Policies, Policy 1.2 (page 6). I oppose policy 1.2 because it is unfair. Firstly, it is unfair to other businesses, and especially smaller companies, that allocation will be allotted automatically without a public tender process. This is public space, so all businesses should have the right to bid to sustainably develop aquaculture in the area. Secondly, there is also an issue of equity between businesses and locals. Local residents would be denied the right to develop their own area because all aquaculture rights may have been invested in one business. There is a presumption of open public space built into the Resource Management Act, and this is also the public's understanding of the ownership of our coastal marine areas. Having a public tender process is a crucial enactment of this principle that coastal marine areas are public space, a principle which risks being overturned by this plan change to the unfair disadvantage of many. The default position of having a public tender to allocate authorisations is one I therefore seek to be maintained. A public tender is locally, nationally and internationally recognised as a very valuable, indeed crucial, means of ensuring the best outcomes for all (in this case, the Council, the community, and the environment) can be achieved. It is a public tender process which will ensure that authorisations are allocated in 'a manner that is effective, efficient and fair' (Plan Change 16, Vol. 1, Chapter 9, 9.4A, page 5) and which will protect the principle of public space. The decision I seek from Council is to delete policy 1.2 and replace it with the following: "Allocation of authorisations by way of public tendering for coastal space in AMA's created through standard private plan changes".

This part of my submission relates to 9.4A.2 methods of Implementation, sub-heading 'Zoning' (page 6). I oppose this part of the plan change which automatically deems all existing, legally established marine farms as AMA's. This is because whilst most of them might be totally appropriate as AMA sites, Council should be conducting a holistic consultation to decide where AMA's should be located. Given the fact that blue cod fishing rules are being evaluated and long-term options discussed, it seems sensible to look at other marine uses at the same time, and evaluate all existing marine farms to create a holistic plan for the Sounds, considering all marine uses in their entirety. The decision I seek from Council is that existing marine farms are not deemed to be AMA's until consultation with the community about all marine farming in the Sounds has occurred.

This part of my submission relates to 9.4A.2 Methods of Implementation, sub-heading 'Rules' (page 6). I oppose this part of the plan change because the rules should be enacted before the allocation method is changed. Leaving this change till later leaves open the possibility of unforeseen and undesired consequences as well as a rush of AMA Zone applications taking place before new rules are put in place. The decision I seek from Council is to publish draft rules and open them up to consultation before seeking to change the authorisation allocation method.

This part of my submission relates to 9.4A.2 Methods of Implementation, sub-heading 'Authorisations' (p. 6). I support the part of the plan change which states that public tender be used to allocate authorisations within AMA zones included in the Plan as a result of a Council-initiated Plan Change. My reasons for supporting this part of the plan change are that it is a fair and open method of allocation. The decision I seek from Council is to retain this method of allocation and reproduce it in the standard private plan change process. It is this method that will lead to the best aquaculture management of the Sounds.

This part of my submission relates to 9.4A.2 Methods of Implementation, sub-heading 'Authorisations' (p. 6). I oppose the second paragraph. Authorisation should not be offered automatically to "the first person whose Private Plan Change was complete and successfully resulted in an operative AMA zone for that area of coastal marine area". I oppose this for the reasons outlined above, and instead seek the default public tender process to be maintained.

This part of my submission relates to 9.4A.2 Methods of Implementation, sub-heading 'Monitoring' (p. 7). I oppose this part of the plan change, because these monitoring methods should be drafted and consulted upon before the allocation method is changed. The decision I seek from Council is to publish draft monitoring methods and open them up to consultation before seeking to change the authorisation allocation method.

Volume 2

This part of my submission relates to 35A.0 Aquaculture Management Area Zone, 35A.1 Preamble (page 8). I oppose this part of the plan change which states that a cross-reference to Information requirements for private plan changes for aquaculture management area zones will be included by a subsequent Council-

initiated plan change no. 19. I oppose this part of the plan because I think plan change 19 and the attendant consultation should happen before any move is undertaken to change the authorisation allocation method. The decision I seek from Council is to bring forward plan change 19 first.

This part of my submission relates to 35A.2 General Rules, specifically 35A.2.1.1, 35A.2.1.2, 35A.2.1.2.1 & 35A.2.1.2.2 (page 9). I oppose these plan changes in their entirety, as they are not a fair allocation method (see arguments made above). The decision I seek from Council is to delete these rules and instead apply the same rules governing authorisation allocation in AMA Zones arising from a Council-initiated Plan Change. i.e. That allocation of authorisations in AMA Zones created through the Standard Private Plan Change process be by way of public tender.

This part of my submission relates to 35A.3 and 35A.4 (p. 11). I oppose these plan changes as they postpone to a later date very important rules and requirements which need to be in place before any new AMA Zones are established. The decision I seek from Council is that they do not seek to change the authorisation allocation method until the contents of plan change 19 have been finalised, consulted upon, and brought into force.

Since plan change 53 is 'near-identical' to plan change 16, I submit the following arguments and objections to plan change 53 as well.

Yours Sincerely,

Jonathan Hall

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 20

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

Date Received Stamp

Name/Organisation Frances Hall

Contact Name *(If different from above)*

Address for Service: Bay of Many Coves,
Private Bag 411, Picton 7250

Phone Number 0272 099569

Fax Number e-mail: hsecalls1@aol.com

I have attached 2 **pages to this submission**

Do you wish to be heard in support of your submission? **YES** Y **NO**

If others make a similar submission, would you be prepared to consider presenting a joint case? **YES** Y **NO**

Signature: Frances Hall **Date:** April 15 2009

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

How To Make A Submission

Anyone is welcome to make a 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 5 of the Resource Management (Forms, Fees and Procedures) Regulations 2003]. If you run out of room here, please continue on a separate page. When preparing your submission you need to include the following:

"This part of my submission relates to ..." - state the name of the plan change and the part(s) of the plan change that is/are the subject of your submission.

"I support (or oppose) this part of the plan change." – state whether you support or oppose (in full or part).

"My reasons for supporting (or opposing) this part of the plan change ..." - tell us what your concerns are and the reasons why you support or oppose the provisions in the plan change.

"The decision I seek from the Council is ..." - How do you want the Council to respond to your submission? It is very important that you clearly state the decision you wish the Council to make as the Council cannot make changes which have not been specifically requested. Start by indicating if you want the provision to be retained, deleted or amended. If you want an amendment (including additional provisions) then specify what wording changes you would like to see.

REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

My submission relates to (circle one of the following)

Plan Changes 16 & 53 *to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

I strongly oppose both plan change 16 and plan change 53 in their entirety.

My reasons for opposing these plan changes are:

- They are deeply unfair, discriminating against the local community and small businesses in favour of the largest multinational companies with the deepest pockets.

- Public tenders are the default for a reason. They ensure a fair and transparent outcome, and give everyone a fair go. They should therefore be retained.

- They change the allocation method with the aim of increasing aquaculture farming before Council has consulted on new aquaculture management and zoning provisions. This runs an enormous risk of inviting a rash of applications from companies aiming to develop new farms before we have a well-thought through aquaculture framework in place. Aquaculture management will be outside the Council's control and there will be enormous regret that we did not have a more holistic plan as to where and how we want aquaculture to be developed in the Sounds.

The decision I seek from Council is to stop plan changes 16 & 53 and instead initiate a wider consultation and debate about where, how and how much we will develop aquaculture in the Sounds. The current changes will mean that the community loses all control over how this happens. The Council seems determined to abdicate responsibility for aquaculture development, and thereby disenfranchise every ratepayer in the region. Council should be leading a process to decide where we want marine farms, not leaving multinationals to apply wherever they want. I trust Council will think again, and I look forward to the hearing.

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use

Submission No

Participant No 21.

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

Date Received Stamp

Name/Organisation Glenn Hall

Contact Name *(If different from above)*

Address for Service: Private Bag 411, Picton

Phone Number 0272099569

Fax Number gaehall@aol.com

I have attached 2 **pages to this submission**

Do you wish to be heard in support of your submission? YES [x] NO [ ]

If others make a similar submission, would you be prepared to consider presenting a joint case? YES [x] NO [ ]

Signature: Glenn Hall **Date:** 15th April 2009

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail:
PC16&53@marlborough.govt.nz

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REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

***My submission relates to** (circle one of the following)*

***Plan Changes 16 & 53** to the Wairau/Awatere and Marlborough Sounds Resource Management Plans*

As a ratepayer, I oppose both of these plan changes.

My reasons are:

a) Changing the rules to favour the biggest players is not fair. These changes will keep out smaller, local, and even national businesses.

b) Aquaculture Management Areas and Aquaculture Exclusion Areas should be delineated first of all by a Council-led process. Then people's voices can be heard democratically in helping to delineate the areas, as would seem a much fairer way of doing it.

c) I also foresee a rush of applications once these rules have been changed. Apart from detracting from the pristine beauty, these farms might be far more polluting to the marine environment because the applications will come before the review of aquaculture provisions is finished.

I wish the Council to decide on the aquaculture provisions and zoned areas first, rather than at the whim of large, probably overseas, interests, which will not take into account any local priorities i.e. sporting and recreational use etc. These plan changes should be abandoned, and the status quo of allocation (i.e. public tender) should be maintained.

Submission on Plan change 16

Office Use
Submission No

Participant No
22

File Ref
M135-15-16.

Date Received Stamp

Name/Organisation: P Rene

Contact Name
(if different from above):

Address for Service: ~~Private Mail bag - Rai Valley~~
~~D'Urville Island~~

Phone Number: 03 5765245

Fax Number:

I have attached 1 pages to this submission

Do you wish to be heard in support of your submission? YES y NO

If others make a similar submission would you be prepared to consider presenting a joint case? YES y NO

Signature: Date 15 April 2009

Submissions Close:

Return your submission to:
Marlborough District Council
P O Box 443
BLENHEIM
Fax: (03) 578 6866
E-Mail:
submission@marlborough.govt.nz

Notes for Submittors

Anyone is welcome to make a submission, either as an individual or on behalf of an organisation. You may either use this form or prepare your own submission being careful to use the same format.

For example:

Volume and Section of Plan, page number	Details of your submission and specific changes or decisions requested
Variation or Plan Change Number Vol 1, 23.3.1, Policy 1.2	**Details of submission** - I support (oppose) the policy to provide access along the margins of rivers because (reasons)...
Page 174	**Decision requested** – Change wording of policy to " (suggested change)"

- **Volume and Section of Plan, page number:** While general comments are appreciated, your submission will be more effective if you can refer your comments to specific points.
- **Details of submission:** This should be a brief explanation of your concerns about this point in the variation or plan change. You need to cover the following concerns in your explanation: Indicate whether you: (i) support, (ii) oppose, (iii) wish to change the point, (iv) wish to add a new point, with your reasons.
- **Decision requested:** This should state precisely the type of change and the final wording you wish to suggest.

Submission on Plan Change 16

ref -as per origional page (6) Marlborough sounds Resource Management Plan. - "Plan Change No 16" - notified 12 march 2009 and as shown[in part] below

Suggested changes as submitted -**ADD NEW Interim Rule to give effect to "Rules" section**

9.4A. 1 Objectives and Policies

Policy 1.2	Processes for the allocation of authorisations for coastal space in AMA's that are effective, efficient and fair. and provide sufficient certainty for marine farmers to enable Proposals for new AMAs and marine farms to be put forward for evaluation through standard and Council Invited Private Plan Changes.
Policy 1.3	Allocation of authorisations to Iwi in accordance with the procedures established through the Aquaculture Reform 2004.

9.4A. 2 Methods of Implementation

Aquaculture managernent areas (AMA's) will be included in the Plan as Aquaculture Management Area Zones (AMA Zones).
Existing, lawfully established marine farms are deemed to be AMA's and wit(be included in the Plan in a special AMA Zone.
All new marine farms must be established in an AMA Zone following the granting of the necessary resource consents for coastal permits.
At sorne later date. Council may decide to propose new AMA Zones in the Plan by way of Council-initiated Plan change or IPPC processes as priorities and resources for Council determine.
New AMA Zones may be established In the Plan by way of requests for Private Plan change.
AMA Zones will be managed for acquaculture activities (marine farming).

Rules

To be inserted by a subsequent Council-Initiated Plan Change No. 19

[Insert interim rule Here]

Authorisations

Authorisations for available space within AMA Zones, which have been included In the Plan as a result of a Council-initiated Plan Change. will be allocated way of public tender.
An alternative method is specified in the Plan for the allocation of authorisations for available, space within AMA Zones which have been included in the Plan as a result of a request for a standard Private Plan Change. In these circumstances, authorisations for available space-within AMA zones will be offered to the first

Suggestion:
This needs to be inserted as an interim rule

[NO NEW AMA's be created in any 'coastal marine zone' area, around D'Urville Island, that has already been closed to the establishment of any new mussel farms]
OR until the completion of Plan 19[or is made operational]

Reason1:
Plan change Timing :

Plan change 16, effectively (for now) has *'NO Rules'* Yet! and is plan change that is happening now

Such rules for plan change 16, will happen at a later date via Plan change 19(consultation re AMA site establishment)

Reason 2:
Consultation re AMA site Establishment or no-go-areas

Don't want to see, the possibility of any new means for the establishment of , any new AMA's , slipping through unchallenged (or on any other technicality), into areas that have already been closed for new marine farms, around D'Urville island, as a result of no rules having been promoted in the first instance of the current plan 16 process
AND becoming operational - prior to the completion of a plan 19 [or having been made operational, to give effect to AMA rules]

Mark Caldwell-8225

Sub:
Part: 23

From: Eco Tours [info@eco-tours.co.nz]
Sent: Wednesday, 15 April 2009 2:29 p.m.
To: Mark Caldwell-8225
Subject: submission
Attachments: Submission plan change to AMA's 8.4.09.doc

Kia Ora Mark,
could you please respond to this e.mail so that I know that you are in reciept of it. try as I might I couldnt get the electronic submission form to work, I evenually got it filled out and attached to e.mail but it was a blank form.
this submission is for proposed plan changes 16 and 53, in regards to aquaculture.

This is a dual submission from Guardians of The Sounds, and the East Bay conservation society.
Pete Beech 03 5736901, 316A waikawa Rd Picton
Mark Denize 03 5799220 private Bag Stingray bay East Bay QCSound.

We would both like to speak to our submission.

Kind Regards,
Pete & Takutai Beech

8/4/09. Private Plan Change to create AMA Areas.

Sounds property owners, tourism operators, recreational users, fishermen, divers, walkers all need to be aware of the Councils current intent to have a variation to change the Sounds plan to get rid of the current Tendering process. This will enable any company applying for an AMA area can be assured they are successful in the resource consent process that they will be granted that area.

The government have instructed local government to create AMA (aquaculture marine areas.) This would be an unpopular move, council have collaborated with the aquaculture industry and told them if they get rid of the tendering process and give them surety the industry can then apply for whatever areas they want as AMA's (eg areas which are currently prohibited)

This will facilitate another gold rush of applications. I realise the current state of the economy is not conducive to growth but it will pick up. As soon as demand exceeds supply the private plan changes will flood in. At the moment rules in the current plan are not robust enough to regulate or do compliance properly.
Council know and has said later this year they will have a variation to rewrite the Aquaculture laws.

This is fundamentally wrong, they are going to get rid of the tendering process. This will allow industry to choose their own AMA areas and have surety. Knowing that the public won't be able to affect the process and later after the damage is done they will have an upgrade of the Aquaculture laws.**You say that the industry need surety the public need surety as well.**

This is the cart before the horse.

Council says it is user pays and why should the public have to fund AMA applications for the benefit of industry. That sounds reasonable, unfortunately we know what the end result of these changes will be. The establishment of AMA areas should have been a process instigated by council through a public consultation round so that the public have a chance to say if, where or not at all, with this process Industry chooses and the public have to use a very expensive process using lawyers to object.

The **Sounds will become one great big aquaculture farm.** We will be unable to stop it, at the hearings the applicants will have a couple of lawyers, RMA consultants, landscape architect, expert witnesses and if the public cannot match their line up and of course we cannot the economic argument will win every time. It will allow for privatisation of our sea bed.

Multinationals like King Salmon, Talleys, Sanfords, Sealords will be able to set their sights on bays and inlets, get their cheque books out and buy them. Council says this is rubbish! Look at the **Pelorus Sound.**

Look at **Chile** who started off with 2 salmon farms now they have 800 farms, with 2000 more applications in the pipe line. Technology exported to them by NZ King Salmon.

If council goes through with this folly, they need to somehow create a more level playing field, any applicant applying for a private plan change should be required to consult with all stakeholders and all sounds property owners to ensure that everyone is informed about the process.

For 15 yrs now the Guardians have acted as the ambulance at the bottom of the cliff, reacting to industry driven initiatives all condoned by the MDC, fast ferries, disastrous harvesting practices by unscrupulous logging companies,(no compliance)
95 logging trucks a day rumbling through our village, Pike River wanting to make Picton into a dirty coal town.
Methyl bromide! collapse of the Blue cod Fishery.

All of these issues a result of the MDCs inability to change a district plan when it is found to have loop holes or it has not been robust enough. They continually give in to industry demands and in most cases accept the economic argument and expect the natural Environment to subsidise the economy.

As you know the natural resources of the Sounds are in a state of collapse, the environmental bank is in overdraft! Yet you are still making rules that will place even more pressure on the natural resources. When are you going to learn that the Sounds is Marl boroughs Natural Capital and like any business you have to maintain your capital!

The council encourages us to share our local knowledge about culture, history and environment, to use our vision of the future to help write long term strategic plans. This we are most happy to help with. We need 500 year plans not 5 year plans. Our efforts are much better spent working on long term strategic sustainable management plans than they are in constantly reacting to environmental and social disasters.

So why is it that you wave the RPS about **AND** before its even completed you try and rush through short sighted plan changes that will have a disastrous effect on the long term sustainability of the Sounds ecosystem.

Getting rid of the tendering process to try and boost the economy and placate the aquaculture industry will be a permanent solution to a temporary economic clitch.

The economy will pick up again soon enough **but** if you allow privatisation of our seabed in the form of AMA's this will never be reversed again in our lifetimes.

Why is this council so blind that it can't learn from the mistakes of our forebears? What these rule changes are doing is allowing for the unfettered growth of aquaculture. A Mono culture!

The history of the Sounds can be described as a succession of monocultures, Commercial sealing whaling, fishing, trawling, dredging, pastoral farming, forestry and now Aquaculture.
All these monocultures were dependant on natures natural resources in one way or another. Industry and council refuse to accept that nature wasn't designed to support monocultures and when she says enough is enough, they collapse! What the hell lets make some short term cash and when it collapses the environment will clean up the mess.

The Sounds should be a National Park, it is not just nationally but internationally important. This is where council should be channeling their efforts, especially if you want to grow Marl borough's economy, tourism in the Sounds generates up to 200 million dollars a year it is this provinces biggest earner and contrary to what I'm sure the aquaculture industry will have told you it is definitely not conducive to tourism.

Most of these tourists are Eco tourists, they want to see dolphins, seals, native birds, native bush believe you me they are appalled by the sight of mussel farms and especially salmon farms that have ruined entire sheltered coastal areas of Europe, UK, Canada and the USA. These people can't understand why the Sounds are not a National Park.

The numbers of recreational boaties now using the Sounds all summer long is staggering, every sheltered anchorage has cruising boats jockeying for mooring space, and the Port Company want to put in new marinas to accommodate another 600 boats!

They say you wouldn't put salmon Farms in Milford Sound so why would you allow them in this wonderful recreational area?

In this instance council have allowed a minority stakeholder to convince them to change the rules to accommodate them, by getting rid of the tendering process.

Council should not have the right to give away our seabed **(public common)** to a company with the biggest cheque book! **without first having a tendering process which gives transparency and accountability.** In effect the council will be giving a company a monopoly.

It is imperative that you the MDC use long term vision and preserve the Queen Charlotte sounds for recreation and tourism. It is regarded by all Sounds users as Public Common I implore you please don't let it become the domain of the wealthy Multinational companies and don't be so naïve to think that it wont happen. It's happened with fin fish quota, crayfish, paua quota, the mussel industry started out being pioneered by mum and dad pastoral farmers look at it now most are owned by multinational companies.

King salmon is Malaysian owned. Sure they are putting money into development but in future the profits will go off shore, they employ over 350 people only 50 odd are employed in Marlborough. The other factories are in Nelson, they pollute our Sounds and the benefits go to the Nelson region.

Salmon farms whether you believe it or not are the biggest polluters in the Sounds, King Salmon don't deny this they just expect you will allow them to expand and ignore the pollution because of the perceived benefits to Marl boroughs economy.

They dump over 12200 tons of feed into our ecosystem every year, which results in thousands of tons of methane gas, ammonia gas, phosphate, and huge amounts of nitrogen that is absorbed into the water column and dispersed all around the Sounds by tidal flow

.

In Tory channel the kelp from one end to the other is covered with a layer of silt which we suspect is the talcum powder like faeces from the farms.

In the last 5 years council have ignored the Sounds people's plea's and allowed extensions and new Salmon farms now you want to change the district plans to allow for the unfettered growth of aquaculture.

We have only ever done it once before, but on this issue Guardians are asking the Parliamentary Commissioner of the environment to peer review council processes we believe that you have put the cart before the horse you have collaborated with industry but had no consultation with Sounds people or the tourism industry which will be drastically effected by these plan changes.

What makes councils attitude with these short sighted changes so hard to accept is the fact that over the last 10 yrs Marlborough people have taken ownership of the Sounds. Every year as the native vegetation recovers the sounds is becoming more and more beautiful.

Look at DOC's initiatives, the million dollar upgrade of Ship Cove, new wharf at Motuara, the establishment of new Island bird sanctuaries, Kaipupu point being a community lead project, the Wilding Pine eradication project being under taken by a local trust with support of Council and DOC, a Sustainable Management plan to restore the Sounds blue cod fishery. These are all wonderful long term strategic, sustainable management plans for a healthy future for our beautiful sounds.

Why would you want to stuff it all up by putting rules in place that will allow it to become one great big aquaculture farm.

DOC strategy says that there should be no aquaculture around islands, remember that? , and remember also that Arapawa is an island!

There is a place for Aquaculture , the open sea where they can have huge farms and their waste will be distributed and diluted by the ocean.

This plan change saddens me because I have witnessed the effect that the short sighted plan change had on the East bay community which has resulted in a 10 year struggle between Aquaculture industry, Council and community you need to learn from this. The

Sounds community will not be bullied, if you push ahead with this plan change you will be creating a culture of discontent, frustration and anger that will fester in the hearts and minds of Sounds people because it is an injustice.
No matter how wealthy the multinationals are we will not sit idly by, while you sell our seabed and our heritage.

Think long and hard about this because you are creating a law which will disenfranchise your great grandchildren.

Pete Beech, Guardians of the Sounds.
Mark Denise, East Bay Conservation Society

Mark Caldwell-8225

Sub:
Part: 24.

From: Eco Tours [info@eco-tours.co.nz]
Sent: Wednesday, 15 April 2009 2:29 p.m.
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Attachments: Submission plan change to AMA's 8.4.09.doc

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Pete & Takutai Beech

8/4/09. Private Plan Change to create AMA Areas.

Sounds property owners, tourism operators, recreational users, fishermen, divers, walkers all need to be aware of the Councils current intent to have a variation to change the Sounds plan to get rid of the current Tendering process. This will enable any company applying for an AMA area can be assured they are successful in the resource consent process that they will be granted that area.

The government have instructed local government to create AMA (aquaculture marine areas.) This would be an unpopular move, council have collaborated with the aquaculture industry and told them if they get rid of the tendering process and give them surety the industry can then apply for whatever areas they want as AMA's (eg areas which are currently prohibited)

This will facilitate another gold rush of applications. I realise the current state of the economy is not conducive to growth but it will pick up. As soon as demand exceeds supply the private plan changes will flood in. At the moment rules in the current plan are not robust enough to regulate or do compliance properly.
Council know and has said later this year they will have a variation to rewrite the Aquaculture laws.

This is fundamentally wrong, they are going to get rid of the tendering process. This will allow industry to choose their own AMA areas and have surety. Knowing that the public won't be able to affect the process and later after the damage is done they will have an upgrade of the Aquaculture laws.**You say that the industry need surety the public need surety as well.**

This is the cart before the horse.

Council says it is user pays and why should the public have to fund AMA applications for the benefit of industry. That sounds reasonable, unfortunately we know what the end result of these changes will be. The establishment of AMA areas should have been a process instigated by council through a public consultation round so that the public have a chance to say if, where or not at all, with this process Industry chooses and the public have to use a very expensive process using lawyers to object.

The **Sounds will become one great big aquaculture farm.** We will be unable to stop it, at the hearings the applicants will have a couple of lawyers, RMA consultants, landscape architect, expert witnesses and if the public cannot match their line up and of course we cannot the economic argument will win every time. It will allow for privatisation of our sea bed.

Multinationals like King Salmon, Talleys, Sanfords, Sealords will be able to set their sights on bays and inlets, get their cheque books out and buy them. Council says this is rubbish! Look at the **Pelorus Sound.**

Look at **Chile** who started off with 2 salmon farms now they have 800 farms, with 2000 more applications in the pipe line. Technology exported to them by NZ King Salmon.

If council goes through with this folly, they need to somehow create a more level playing field, any applicant applying for a private plan change should be required to consult with all stakeholders and all sounds property owners to ensure that everyone is informed about the process.

For 15 yrs now the Guardians have acted as the ambulance at the bottom of the cliff, reacting to industry driven initiatives all condoned by the MDC, fast ferries, disastrous harvesting practices by unscrupulous logging companies,(no compliance)
95 logging trucks a day rumbling through our village, Pike River wanting to make Picton into a dirty coal town.
Methyl bromide! collapse of the Blue cod Fishery.

All of these issues a result of the MDCs inability to change a district plan when it is found to have loop holes or it has not been robust enough. They continually give in to industry demands and in most cases accept the economic argument and expect the natural Environment to subsidise the economy.

As you know the natural resources of the Sounds are in a state of collapse, the environmental bank is in overdraft! Yet you are still making rules that will place even more pressure on the natural resources. When are you going to learn that the Sounds is Marl boroughs Natural Capital and like any business you have to maintain your capital!

The council encourages us to share our local knowledge about culture, history and environment, to use our vision of the future to help write long term strategic plans. This we are most happy to help with. We need 500 year plans not 5 year plans. Our efforts are much better spent working on long term strategic sustainable management plans than they are in constantly reacting to environmental and social disasters.

So why is it that you wave the RPS about **AND** before its even completed you try and rush through short sighted plan changes that will have a disastrous effect on the long term sustainability of the Sounds ecosystem.

Getting rid of the tendering process to try and boost the economy and placate the aquaculture industry will be a permanent solution to a temporary economic clitch.

The economy will pick up again soon enough **but** if you allow privatisation of our seabed in the form of AMA's this will never be reversed again in our lifetimes.

Why is this council so blind that it can't learn from the mistakes of our forebears? What these rule changes are doing is allowing for the unfettered growth of aquaculture. A Mono culture!

The history of the Sounds can be described as a succession of monocultures, Commercial sealing whaling, fishing, trawling, dredging, pastoral farming, forestry and now Aquaculture.
All these monocultures were dependant on natures natural resources in one way or another. Industry and council refuse to accept that nature wasn't designed to support monocultures and when she says enough is enough, they collapse! What the hell lets make some short term cash and when it collapses the environment will clean up the mess.

The Sounds should be a National Park, it is not just nationally but internationally important. This is where council should be channeling their efforts, especially if you want to grow Marl borough's economy, tourism in the Sounds generates up to 200 million dollars a year it is this provinces biggest earner and contrary to what I'm sure the aquaculture industry will have told you it is definitely not conducive to tourism.

Most of these tourists are Eco tourists, they want to see dolphins, seals, native birds, native bush believe you me they are appalled by the sight of mussel farms and especially salmon farms that have ruined entire sheltered coastal areas of Europe, UK, Canada and the USA. These people can't understand why the Sounds are not a National Park.

The numbers of recreational boaties now using the Sounds all summer long is staggering, every sheltered anchorage has cruising boats jockeying for mooring space, and the Port Company want to put in new marinas to accommodate another 600 boats!

They say you wouldn't put salmon Farms in Milford Sound so why would you allow them in this wonderful recreational area?

In this instance council have allowed a minority stakeholder to convince them to change the rules to accommodate them, by getting rid of the tendering process.

Council should not have the right to give away our seabed **(public common)** to a company with the biggest cheque book! **without first having a tendering process which gives transparency and accountability.** In effect the council will be giving a company a monopoly.

It is imperative that you the MDC use long term vision and preserve the Queen Charlotte sounds for recreation and tourism. It is regarded by all Sounds users as Public Common I implore you please don't let it become the domain of the wealthy Multinational companies and don't be so naïve to think that it wont happen. It's happened with fin fish quota, crayfish, paua quota, the mussel industry started out being pioneered by mum and dad pastoral farmers look at it now most are owned by multinational companies.

King salmon is Malaysian owned. Sure they are putting money into development but in future the profits will go off shore, they employ over 350 people only 50 odd are employed in Marlborough. The other factories are in Nelson, they pollute our Sounds and the benefits go to the Nelson region.

Salmon farms whether you believe it or not are the biggest polluters in the Sounds, King Salmon don't deny this they just expect you will allow them to expand and ignore the pollution because of the perceived benefits to Marl boroughs economy.

They dump over 12200 tons of feed into our ecosystem every year, which results in thousands of tons of methane gas, ammonia gas, phosphate, and huge amounts of nitrogen that is absorbed into the water column and dispersed all around the Sounds by tidal flow

In Tory channel the kelp from one end to the other is covered with a layer of silt which we suspect is the talcum powder like faeces from the farms.

In the last 5 years council have ignored the Sounds people's plea's and allowed extensions and new Salmon farms now you want to change the district plans to allow for the unfettered growth of aquaculture.

We have only ever done it once before, but on this issue Guardians are asking the Parliamentary Commissioner of the environment to peer review council processes we believe that you have put the cart before the horse you have collaborated with industry but had no consultation with Sounds people or the tourism industry which will be drastically effected by these plan changes.

What makes councils attitude with these short sighted changes so hard to accept is the fact that over the last 10 yrs Marlborough people have taken ownership of the Sounds. Every year as the native vegetation recovers the sounds is becoming more and more beautiful.

Look at DOC's initiatives, the million dollar upgrade of Ship Cove, new wharf at Motuara, the establishment of new Island bird sanctuaries, Kaipupu point being a community lead project, the Wilding Pine eradication project being under taken by a local trust with support of Council and DOC, a Sustainable Management plan to restore the Sounds blue cod fishery. These are all wonderful long term strategic, sustainable management plans for a healthy future for our beautiful sounds.

Why would you want to stuff it all up by putting rules in place that will allow it to become one great big aquaculture farm.

DOC strategy says that there should be no aquaculture around islands, remember that? , and remember also that Arapawa is an island!

There is a place for Aquaculture , the open sea where they can have huge farms and their waste will be distributed and diluted by the ocean.

This plan change saddens me because I have witnessed the effect that the short sighted plan change had on the East bay community which has resulted in a 10 year struggle between Aquaculture industry, Council and community you need to learn from this. The

Sounds community will not be bullied, if you push ahead with this plan change you will be creating a culture of discontent, frustration and anger that will fester in the hearts and minds of Sounds people because it is an injustice.
No matter how wealthy the multinationals are we will not sit idly by, while you sell our seabed and our heritage.

Think long and hard about this because you are creating a law which will disenfranchise your great grandchildren.

Pete Beech, Guardians of the Sounds.
Mark Denise, East Bay Conservation Society

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use
Submission No:

Participant No: 25

File Ref: M135-15-16; W045-15-53

Date Received Stamp:

Name/Organisation:	Marlborough Aquaculture Limited
Contact Name (if different from above):	
Address for Service:	David Clark Wisheart Macnab & Partners PO Box 138 Blenheim
Phone Number:	03 578 7269
Fax Number:	03 578 0173

I have attached 1 pages to this submission

Do you wish to be heard in support of your submission? YES ✓ NO ☐

If others make a similar submission, would you be prepared to consider presenting a joint case? YES ✓ NO ☐

Signature: [signature] Date: 15-4-09

Submissions Close:

15 April 2009

Return your submission to:

Marlborough District Council
P O Box 443
BLENHEIM

Attention: Environmental Policy Team

Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

How To Make A Submission

Anyone is welcome to make a 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 5 of the Resource Management (Forms, Fees and Procedures) Regulations 2003]. If you run out of room here, please continue on a separate page. When preparing your submission you need to include the following:

"This part of my submission relates to ..." - state the name of the plan change and the part(s) of the plan change that is/are the subject of your submission.

"I support (or oppose) this part of the plan change." – state whether you support or oppose (in full or part).

"My reasons for supporting (or opposing) this part of the plan change ..." - tell us what your concerns are and the reasons why you support or oppose the provisions in the plan change.

"The decision I seek from the Council is ..." - How do you want the Council to respond to your submission? It is very important that you clearly state the decision you wish the Council to make as the Council cannot make changes which have not been specifically requested. Start by indicating if you want the provision to be retained, deleted or amended. If you want an amendment (including additional provisions) then specify what wording changes you would like to see.

REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

My submission relates to (circle one of the following)

Plan Change 16 to the Marlborough Sounds Resource Management Plan

Plan Change 53 to the Wairau/Awatere Resource Management Plan

Plan Changes 16 & 53 to the Wairau/Awatere and Marlborough Sounds Resource Management Plans

Volume, Section of Plan, Page Number	Details of your submission and specific changes or decisions requested
Whole Plan Change 16	Support
Whole Plan Change 53	Support

Sub:
Part: 26

East Bay Conservation Society Inc.
21b Percy St
Blenheim
Tel: 03 578 2998

15 April 2009

Marlborough District Council
P.O. Box 443
Blenheim

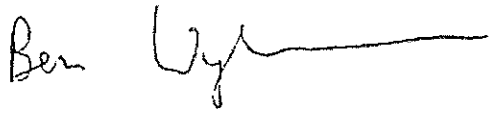
Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

The East Bay Conservation Society was formed following the creation of the Coastal Marine Zone 2 (marine farming discretionary) zone in East Bay in the mid 1990's. This zone was promoted by a handful of marine farmers, without any consultation with the local residents in the bay and without any consideration of ecological impacts whatsoever. Most residents knew nothing about the zone until months or years after its creation. In fact East Bay contains unique and remarkable soft-sediment benthic communities that are sensitive to marine farm impacts, and East Bay should not have been considered for a marine farming zone. The zoning rules also encouraged marine farms to be placed along the inshore margin of the bay, which is the most ecologically sensitive and diverse area of the bay.

Following the creation of the zone, a flood of marine farm applications was received for East Bay. Each had to be individually assessed at great cost to the applicants, MDC and to EBCS and its members. Because the marine farming zone was fundamentally at odds with the nature of East Bay, the vast majority of applications were unsuccessful and should never have been applied for in the first place. EBCS is concerned that the proposed AMA rules do not lead to a repeat of this type of situation, or allow marine farming zones to be created without proper consultation and consideration of marine ecological values.

We would like to be heard in support of our submission and do not oppose being heard jointly with similar submitters.

Sincerely



Ben Wybourne
Committee Member, EBCS

Submission on Plan Change 16 to the Marlborough Sounds Resource Management Plan and/or Submission on Plan Change 53 to the Wairau/Awatere Resource Management Plan

Office Use
Submission No:

Participant No: 27.

File Ref: M135-15-16; W045-15-53

Date Received Stamp:

Name/Organisation:	Pelorus Wildlife Sanctuaries Limited
Contact Name (if different from above):	Richard Smith (Project Manager)
Address for Service:	c/o Julian Ironside, Fletcher Vautier Moore, Lawyers PO Box 3029, Richmond, Nelson Email: jironside@fvm.co.nz
Phone Number:	(03) 544 8666
Fax Number:	(03) 544 4036

I have attached 7 pages to this submission.

Pelorus Wildlife Sanctuaries Limited does wish to be heard in support of its submission.

If others make a similar submission, Pelorus Wildlife Sanctuaries Limited is not prepared to consider presenting a joint case.

Signature: [signature] Date: 15 April 2009

Submissions Close:
15 April 2009

Return your submission to:
Marlborough District Council
P O Box 443
BLENHEIM
Attention: Environmental Policy Team
Fax: (03) 520-7400
E-Mail: PC16&53@marlborough.govt.nz

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REMEMBER - the clearer you can be, the easier it will be for the Council to understand your concerns and take them into account.

My submission relates to (circle one of the following) ***Plan Change 16*** *to the Marlborough Sounds Resource Management Plan*	
Volume, Section of Plan, Page Number	*Specific changes or decisions requested*
Volumes 1 & 2	All parts of Plan Change 16 which relate to the Alternative Allocation Method for Authorisations for Available Water Space in Aquaculture Management Areas, in particular those provisions noted below.
Volume 1, 9.4A – Issue The alternative allocation of authorisations for marine farming in Aquaculture Management Areas (AMA's) created under a Private Plan Change Process	Pelorus Wildlife Sanctuaries Limited is **opposed** to this part of the propose Plan change which relates to the Alternative Allocation Method for Authorisations for Available Water Space in Aquaculture Management Areas. **Change Sought: Delete** all of the text beginning on the second paragraph of this section as follows: *"...The time, resources and costs involved with evaluating new AMA's and providing for them in the Plan through a Plan Change process are considerable. With a standard Private Plan change, these costs will be borne by the applicant. 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 authorisations should the Plan Change succeed. While the Act states as a default that authorisations should be allocated by public tender, the Council acknowledges that public tendering does not give the Plan Change applicant sufficient certainty that they will receive authorisations within that new AMA.* *In order to enable effective, efficient and fair use of a standard Private Plan Change approach for the consideration of new AMAs, the Council considers that the Plan should specify an alternative method of allocating authorisations. The alternative authorisations allocation method adopted by the plan is considered to be fair and provide certainty to the Plan Change applicant."* **Reasons:** For this requested change are detailed in the attached pages.
Volume 1, 9.4A.2 – Methods of Implementation, Authorisations This provides the methods that Council will use to offer authorisations in operative AMA zones	Pelorus Wildlife Sanctuaries Limited is **opposed** to these Methods which relate to the Alternative Allocation Method for Authorisations for Available Water Space in Aquaculture Management Areas. **Change Sought: Delete** all of paragraphs 2 and 3 which provide as follows: *"An alternative method is specified in the Plan for the allocation of authorisations for available space within AMA Zones which have been included in the Plan as a result of a request for a standard Private Plan Change. In these circumstances, authorisations for available space within AMA Zones will be offered to the first person whose Private Plan Change was complete and successfully resulted in an operative AMA Zone for that area of the coastal marine area.*

My submission relates to ***(circle one of the following)*** ***Plan Change 16*** *to the Marlborough Sounds Resource Management Plan*	
Volume, Section of Plan, Page Number	***Specific changes or decisions requested***
arising from standard Private Plan Change requests.	*Where the authorisation for available space or the resulting coastal permit for marine farming is not taken up or lapses, allocation will be by way of public tender."* **Reasons:** For this requested change are detailed in the attached pages
Volume 2 – General Rule 35A.2.1	Pelorus Wildlife Sanctuaries Limited is **opposed** to this Rule which relates to the Alternative Allocation Method for Authorisations for Available Water Space in Aquaculture Management Areas. **Change Sought: Delete** all of Rule 35A.2.1 (including sub-parts 35A.2.1.1, 35A.2.1.2, 35A.2.1.2.1, 35A.2.1.2.2, 35A.2.1.2.3, 35A.2.1.2.4) **Reasons:** For this requested change are detailed in the attached pages
Volume 2, Rule 35A.5 – Planning Maps – Aquaculture Management Area Zones	Pelorus Wildlife Sanctuaries Limited is **opposed** to the wording of the Note to this Rule. **Change Sought: Delete** the Note to Rule 35A.5: **Reason:** Pelorus Wildlife considers that the proposed Note at 35A.5 that existing deemed Aquaculture Management Areas will be shown on future releases of the maps (and may be done so without undertaking a plan change) may be misleading and contrary to Schedule 1 and 1A to the Act. If deemed aquaculture management areas are to be included in planning maps, they must undergo a Schedule 1 and 1A process. At the very least there should be a notation stating: "Deemed aquaculture management area under 2004 Aquaculture Reform Legislation until 31 December 2024."

Reasons For Opposition To Parts Of Proposed Plan Change 16 Relating To The Alternative Alternative Allocation Method For Private Plan Change Requests:

Summary

Pelorus Wildlife Sanctuaries Limited opposes the Alternative Allocation Method for Private Plan Change requests in Proposed Plan Change 16 ("Alternative Allocation Method") on the basis that it is premature. It considers that no Alternative Allocation Method should be decided upon until the Marlborough District Council has undergone a proper planning exercise to determine its policy and to insert appropriate planning provisions into its Plan in relation to Aquaculture Management Areas in the Marlborough Sounds. Until then, the default method for allocating AMAs specified under the Resource Management Act 1991 (public tender for authorisations) should remain.

Pelorus Wildlife Sanctuaries

This submission is made on behalf of Pelorus Wildlife Sanctuaries Limited ("Pelorus Wildlife"). Pelorus Wildlife is a company specifically established to conserve and restore indigenous biodiversity within the framework of nature-based businesses. Pelorus Wildlife is developing a large wildlife sanctuary and associated nature tourism businesses in the outer Pelorus Sound (the 'Te Kopi Biodiversity Project').

The Te Kopi Biodiversity Project is situated over a large area of land (and seascape), covering some 1800 hectares of coastal land. The various properties that make up the Project have a combined coastline of approximately 50kms. This is due to the nature of the landform which contains numerous peninsulas and headlands.

Pelorus Wildlife has an interest in indigenous biodiversity, aesthetic integrity and economic development of the Marlborough Sounds and in particular, the outer Pelorus Sound. There are several important wildlife sanctuaries near to the Te Kopi Biodiversity Project, as well as many private landowners in the area, that actively pursue and/or encourage native species recovery.

Over the last decade Pelorus Wildlife has made numerous submissions to Council encouraging a comprehensive review of aquaculture management in the Marlborough Sounds. We believe a strategy can be adopted which positively enhances the interests of stakeholders like Pelorus Wildlife and the wider Sounds community, whilst not prejudicing the ability of the aquaculture industry to operate successfully in the Marlborough Sounds. The proposed Alternative Allocation Method runs counter to this approach.

Alternative Allocation Method – Reasons for Opposition

1. The Marlborough Sounds in general, and the outer Pelorus Sound in particular, have a beautiful and treasured marine environment which should be nurtured and protected. While aquaculture is regarded as an important industry for the Marlborough economy, its ongoing activity and potential expansion should be considered in light of competing interests for the use of this resource, and most importantly, it should not be to the detriment of the marine environment of the Marlborough Sounds. In particular, we believe tourism is also an important industry for the Marlborough economy and the potential economic benefits to the region of a growth in nature tourism in the Sounds is worthy of considerable weight during Council's deliberations on these matters.

2. Pelorus Wildlife has generally supported a well managed mussel farming industry in the Marlborough Sounds. However, we have also raised concerns with Council about the cumulative effects of the vast number of mussel farms in the outer Pelorus Sound and Admiralty Bay areas. There appears to have been little investigation into, or information about, the long term effects the farms are having on the health of the marine environment. Given the current concern over the decline in the blue cod fishery in the Sounds, we believe a thorough examination of this issue is important before any decision is made as to the merits of expanding the industry.

3. If there is to be any growth in the aquaculture industry in the Marlborough Sounds, it is vital that Council first develops a comprehensive and acceptable long term aquaculture strategy. All stakeholders, the aquaculture industry, iwi and the wider community need to be included in this process. While new AMAs may become established, the aquaculture industry needs to accept that some existing AMAs may no longer be appropriate and that farms in those areas need to be removed when their coastal permits expire.

4. The 50 kilometres of coastline adjacent to Pelorus Wildlife property is intensively farmed at present. Council and the aquaculture industry need to be sympathetic to a changing landscape in areas like this that have been traditionally deemed acceptable as AMAs. There are locations along this coastline where the simple removal of one or two marine farms and the identification of Aquaculture Exclusion Areas would greatly enhance and protect the natural beauty and environment of a bay, a beach or a particularly outstanding example of native bush. This would greatly assist Pelorus Wildlife's nature tourism business. A strategy that could achieve such an outcome for stakeholders like us would be truly welcomed.

5. Pelorus Wildlife is concerned that, if adopted and implemented, the Alternative Allocation Method would not allow for proper aquaculture planning or a workable long term aquaculture strategy in the Marlborough Sounds.

6. Currently in the Marlborough Sounds, where a new private plan change request is made for an AMA, if the request is granted then section 165E of the RMA provides a default public tendering system for allocation. This gives a form of protection for the coastal marine environment, because it retains the control for allocation of AMAs firmly with the Council and limits the number of private plan change requests that are likely to be received for AMAs. Pelorus Wildlife submits that Council must not change its Plan to alter the default mechanism under the RMA until it has proper planning mechanisms in place to ensure that private plan change requests to establish new AMAs are processed and allocated in a way that is planned for and subject to clear criteria.

7. If the Alternative Allocation Method is implemented at this stage, then any person could potentially apply (by way of a private plan change request) to the Council for an AMA and be allocated that AMA within any part of the coastal marine area in the Marlborough Sounds and certainly within any part of the CMZ 2 Zone. The likelihood is that this will result in numerous fragmented applications for privately initiated AMAs. Council will then be required to process and consider those applications within the statutory timeframe. In doing so, Council will not have the planning framework in place to undertake that assessment.

8. By way of explanation the Marlborough Sounds Resource Management Plan does not contain any provisions in relation to new AMAs. Prior to embarking on such a wide-ranging private plan change process that could involve requests within any part

of the Marlborough Sounds, and certainly within the CMZ 2 Zone, the following assessment needs to be undertaken:

(a) The extent to which aquaculture should take place within the Marlborough Sounds

(b) The size of AMAs that should be granted

(c) What areas in the Marlborough Sounds would be more appropriate for AMAs

(d) Where AMAs should be excluded

(e) How applications for new AMAs will relate to existing deemed AMAs, and the cumulative effect of existing and proposed new development.

(f) How the current plan provisions and rules for marine farms need to be amended

(g) Matters to be considered when determining whether or not new areas should become established as AMAs.

9. It is vital that the planning and consultation at the beginning is done well so that AMAs are put in the best place to balance marine farmers' needs with community, environmental and other economic needs.

10. Pelorus Wildlife submits that before Council can consider a change in its Plan from the default method specified under the RMA, the following steps need to be undertaken:

(a) An examination of current deemed AMAs under the Aquaculture Reform Act

(b) Determination of which of those AMAs are no longer appropriate to continue past 2024

(c) Identification of new areas which might be appropriate as AMAs

(d) Identification of areas where AMAs should be excluded

(e) Consultation with the community, industry, iwi and landowners

(f) Adoption of a policy framework to implement community expectations so that statutory procedures for establishment of new aquaculture management areas are considered in the context of that policy framework

(g) Determination of the economic and environmental cost of establishing and administering aquaculture management areas is to be met

11. Pelorus Wildlife considers that if the Alternative Allocation Method is adopted before Council has undertaken a proper planning exercise, it will result in exactly the mischief that the Aquaculture Reform legislation was trying to avoid - i.e. ad hoc decision making in relation to the development of new areas for aquaculture in the Marlborough Sounds. It will potentially mean a return to the 'first come, first served' basis for allocating coastal space to aquaculture.

12. In the introduction to the Aquaculture Reform Bill, the (then) Minister of Fisheries, David Benson-Pope stated that, *"... Prior to the aquaculture moratorium, people could apply for space in almost any part of the coastal marine area, and there was no limit on the amount of space that they could apply for. In the late 1990s, demand for space increased fivefold. That placed enormous pressure on councils and communities to cope with the volume of applications. The bill will enable councils to look at all the sustainability issues related to aquaculture, and therefore they will be better able to deal with all of its effects on the environment and to assist the aquaculture industry to develop in a sustainable way."*

13. Similarly, the report by the Primary Production Select Committee on the Aquaculture Reform Bill dated 6 December 2004 makes the following comments:

"The need for reform became apparent because of planning bottlenecks, including long-standing local moratoria and an overload of marine farm applications. Councils and their communities were placed under pressure by increased demand for aquaculture space and the lack of adequate planning tools to deal with applications (Page 2)

A footnote (1) to this comment states that, "1 Permit applications are currently required to be processed on a first-come first-served basis, regardless of the size, type or number of applications received. In some areas this has led to a "gold rush" of marine farm applications as developers seek to maximise their share of the available water space. This has led to conflict between coastal communities, fishers and marine farmers as each new marine farm application is contested on a site-by-site basis, because of the absence of integrated management by central and local government at the start of the coastal planning process." (page 2)...[and]

"...Aquaculture takes place in public space and therefore requires a more prescriptive planning approach to ensure that occupation of coastal space is properly and fairly controlled. 4 The creation of aquaculture management areas ensures certainty of outcome for the many (sometimes competing) users of coastal space and will decrease the stresses being felt by the community, including disenchantment with the planning process, and the transaction costs involved in considering applications case by case. ***Stakeholders will have their interests considered at the coastal plan preparation stage and will not need to make submissions on a series of applications****" (page 5)* (emphasis added).

14. It is clear from both the supporting documentation and from the Aquaculture Reform legislation, that Parliament intended that new aquaculture take place only in aquaculture management areas, which regional councils *implement* through their coastal plans. The impetus and mechanisms for this implementation should not be left to the aquaculture industry to determine on its own. The Council has a duty under the RMA to ensure that the community and stakeholders are involved in a planning process to effectively plan for the future of aquaculture in the Marlborough Sounds. This is particularly important because establishing an area as an AMA effectively privatises that part of the public coastal marine area on a long-term basis, potentially indefinitely. It is also vital that the Council considers in the context of the Marlborough Sounds as a whole the extent to which the coastal marine environment can sustain current levels of marine farming, or an expansion of the industry. It is only in this way that the Council can manage the demand for space for aquaculture in a controlled and sustainable way.

15. Until that planning process has been gone through it is premature to consider whether an alternative allocation method to tendering is appropriate.

16. ***Resource Management Act 1991 and Statutory Documents***

16.1 The Alternative Allocation Method cannot be shown at this point in time to meet the purpose and principles of the Resource Management Act 1991, and in particular fails to comply with the following:

(a) Because no planning exercise has been undertaken to determine (among other things) where new AMAs should be allocated in the Marlborough Sounds, where they should be excluded, and criteria to be applied in assessing AMA requests, the Alternative Method will not satisfy the requirements of the following sections:

(i) Under section 6(a) of the RMA, it will not preserve the natural character of the coastal marine area in the Sounds from inappropriate use and development.

(ii) Under section 6(b) of the RMA, it will not protect the outstanding natural features and landscapes of the Marlborough Sounds from inappropriate subdivision, use, and development

(iii) Under section 6(c) of the RMA, it will not protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna.

(iv) Under section 6(d) of the RMA, it will not provide for the maintenance and enhancement of public access to and along the coastal marine area of the Marlborough Sounds

(v) Under section 7(b) it will not allow for the efficient use and development of the coastal marine area in the Marlborough Sounds.

(vi) Under section 7(c) it will not allow for the maintenance and enhancement of amenity values of the Marlborough Sounds.

(vii) Under section 7(d) it will have potential adverse effects on the intrinsic values of ecosystems.

(viii) Under section 7(f) it will not maintain and enhance the quality of the environment.

(b) Under section 5 of the RMA, it will not promote the sustainable management of the coastal marine area of the Marlborough Sounds in general, and the outer Pelorus Sound in particular.

16.2 The proposed Alternative Allocation Method is also contrary to the objectives, principles and policies of the New Zealand Coastal Policy Statement 1994 and in particular:

(a) The general principles to be had regard to in the special context of the coastal environment

(b) Policy 1.1.1 (National Priority to Preserve the Natural Character of the Coastal Environment, in particular as set out at sub-parts (a) - (c)).

(c) Policy 1.1.2 (National Priority to Preserve the Natural Character of the Coastal Environment to Protect Areas of Significant Native Vegetation and Significant Habitats of Indigenous Fauna in that Environment as set out at sub-parts (a) – (d)).

(d) Policy 1.1.3 (National Priority to Protect the Following Features, which by themselves or in combination, are essential or important elements of the natural character of the coastal environment, in particular as set out at sub-part (a)).

(e) Policy 1.1.4 (National Priority for the Preservation of the Natural Character of the Coastal Environment to Protect the Integrity, Functioning and Resilience of the Coastal Environment in terms of the matters set out at sub-parts (a) – (f))

(f) Policy 1.1.5 (National Priority to Restore and Rehabilitate the Natural Character of the Coastal Environment where possible).

(g) Policies 2.1.1, 2.1.2 and 2.1.3 Protection of the characteristics of the coastal environment of special value to tangata whenua.

(h) Part 3.1 (Maintenance and Enhancement of Amenity Values, in particular Policies 3.1.1. 3.1.2, and 3.1.3).

(i) Part 3.2 (Providing for the Appropriate Subdivision, Use and Development of the Coastal Environment, in particular Policies 3.2.1, 3.2.2, 3.2.4, 3.2.5, 3.2.8).

(j) Part 3.3 (Adoption of a Precautionary Approach to activities with unknown but potentially significant effects)

(k) Part 3.5 (Maintenance and Enhancement of Public Access To and Along the Coastal Marine Area)

(l) Part 4.2 (Taking into account the principles of the Treaty of Waitangi in land of the Crown in the Coastal Marine Area).

16.3 The proposal is contrary to the relevant objectives and policies of the MSRMP and the Marlborough Regional Policy Statement which both emphasise the need to balance different needs and requirements in the Coastal Marine Area, and for Council to *manage* these competing considerations in a sustainable way through its Plan.

17. ***Section 165I***

17.1 Pelorus Wildlife considers that the private plan change request does not satisfy the requirements of section 165I of the RMA. In particular, Pelorus Wildlife does not

consider that the proposed plan change for the Alternative Allocation Method is necessary at this stage, nor is it an appropriate method at this point in time

17.2 Pelorus Wildlife does not consider that the section 165I report prepared for Council by New Zealand King Salmon is adequate. It does not consider the alternative of Council first undertaking a proper planning process in relation to new AMAs before making any change to the allocation method under the RMA. It also focuses on the economic and regional benefits of marine farming in a way that does not balance those effects with other important considerations such as environmental effects, and effects on other users and stakeholders in the Marlborough Sounds.

Sub:
Part: 28

Submission on plan changes 16 & 53

From:
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Submission is 2 pages. I wish to be heard in support and would consider joining others to present my case.

Aquaculture management areas – private plan changes

I am making this submission on behalf of myself, my family and our family trust. We own property on Arapawa Island in the Queen Charlotte Sound.

We are very concerned at the proposal to grant preferential or exclusive rights to private parties in regards to any new AMAs created through the normal process for a private plan change.

Contestability is vital

We consider the proposal contrary to the intention of the new laws governing the creation of AMAs through private plan changes. These laws quite clearly provide for contestability in the event a private party initiates a private plan change proposal.

We consider that access to any new AMA area created should always be fully contestable, with the submission most beneficial to the community chosen, regardless of who initially proposed (or funded) the private plan change.

To give preference to a party that funds an application simply gives preference to those with the most financial backing. In most cases we can expect this to be large, probably international, companies rather than smaller/local businesses.

It will also have the effect of reducing competition for our most precious resources, and is unlikely to lead to our achieving the best possible outcome for the community.

Better outcomes for our community

If the successful company has to compete to provide the best terms for its operations and the best outcomes for the local community we are likely to achieve a better overall result in terms of the environment, employment, community development and local investment.

In our view large and/or international companies are unlikely to offer their best terms without a compelling incentive to do so. Adopting a 'pay for preference' approach will not provide a compelling incentive – competition from all interested parties will.

We appreciate this means a company that wants to initiate a private plan change carries the risk of losing money it invests in an application – but surely that makes their incentive to provide better outcomes even more compelling? And quite simply the financial risk is a normal part of doing business.

Giving small business a chance
By saying those that can afford to pay to get through the system have preference we are effectively cutting out smaller, often local businesses. We believe it to be extremely important for our community and region that all local businesses (including smaller operations who may not be able to afford to initiate a private plan change) be given opportunity to apply for an allocation within any new AMA created – regardless of the process by which that AMA was created.

Drag on community resources
We are also concerned that offering some sort of guarantee of allocation, if the plan change is successful, will encourage monopoly operations to invest in multiple applications for as much prime water resource as possible. We can expect applications to use precious Sounds water resources for marine farming will be hotly debated. The process had potential to create a drag on both council and community time and resources.

Put protections in place first
We are also seriously concerned at the proposal to introduce these changes in advance of plan changes 19 &52 which will establish aquaculture zones and prohibited areas. We do not consider it wise to effectively encourage private plan change submissions before future aquaculture zones are defined and agreed by the community. Companies may seek to pre-empt possible prohibited areas by applying under earlier planning provisions.

Our resources are of immense value
We believe our resources are of such immense importance and value that we oppose any suggestion that money can buy extra advantage when it comes to their allocation. While we certainly want sensible business growth, we also want the best outcomes for our community – especially in the current economic environment. The proposed plan change potentially favours self selection based on money. If new AMAs were open to competition they are likely to be hotly contested. The measures should be things like number of new jobs created, care for the environment, profits reinvested in the area, local ownership etc – not simply having the money to fund a private plan change.

We oppose the proposed plan changes
Our concerns relate primarily to plan change 16, and marine farming in the Marlborough Sounds. However we also believe the same arguments apply to other areas – the process of allowing 'paying for preferential allocation' to be an intrinsically flawed approach to resource management and against the intent of the law.

We therefore oppose the proposed plan change 16 & 53