

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

Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

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

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

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

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

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

a. All of the submissions

4. The reasons for that opposition are:

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

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

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

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

Date: 19th August 2009

Address for service of person making further submission:

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

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person: Quentin Alexander Muir Davies

Note to person making further submission

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

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

To: Marlborough District Council

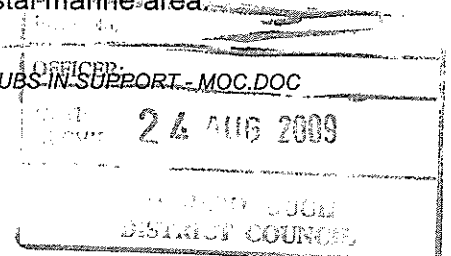
Name of person making further submission: The New Zealand King Salmon Co. Limited.

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


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

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

3. The particular parts of the submissions the New Zealand King Salmon Co Limited supports are:
 - a. The decision sought from the local authority.
4. The reasons for the submission are:
 - a. Decisions sought confirm the intention that Plan Change 16 has no effect until it becomes operative and Plan Change 19 has statutory effect.
 - b. The wording might be improved by specifying in the new rule what Plan Change 19 is. This is on the basis that Plan Change 19 is an administrative name given to a Plan Change which will encompass objectives, policies and rules for new aquaculture space.
 - c. The New Zealand King Salmon Co. Limited is quite happy to delay the implementation of Plan Change 16. However, before significant effort is spent on Plan Change 19 and the Plan Changes that follow, it wants to know that the work in that regard is not likely to be in vain.
 - d. Section 1651 concerns a test to be considered before adopting a rule in relation to the method of allocation of space in a coastal marine area.



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



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

Date: 19th August 2009

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. Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

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

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

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

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

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

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

a. The codicil to the comments on Plan Change 16

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

c. The comments relating to change of species.

4. The reasons for that opposition are:

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

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

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

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

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

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

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

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

.....

Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

Address for service of person making further submission:

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Clause 8 of First Schedule, Resource Management Act 1991

To: Marlborough District Council

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

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

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

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

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

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MARLBOROUGH DISTRICT COUNCIL	

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



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

Date: *10th* August 2009

Address for service of person making further submission:

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

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To: Marlborough District Council

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

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

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

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

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

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Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

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 - a. Marlborough Sounds Resource Management Plan (Plan Change 16).
 - b. Wairau/Awatere Resource Management Plan (Plan Change 53)
2. The New Zealand King Salmon Co. Limited supports the submission of:

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

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

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

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

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

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

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

a. All of the submission.

4. The reasons for that opposition are:

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

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

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

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

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

.....

Quentin Alexander Muir Davies
Solicitor for person making further submission

Date: 19th August 2009

OFFICER:
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 - a. Wairau/Awatere Resource Management Plan (Plan Change 53)
 - b. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited opposes the submission of:

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

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

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

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MARLBOROUGH DISTRICT COUNCIL

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

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

Date: 10th August 2009

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 - b. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited supports the submission of:

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

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

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

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

Date: 19th August 2009

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 - a. Marlborough Sounds Resource Management Plan (Plan Change 16).
2. The New Zealand King Salmon Co. Limited opposes the submission of:

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

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

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

Date: *jet* August 2009

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