

In the Environment Court
At Christchurch

I te Kōfi Taiaio o Aotearoa
Ōtautahi

ENV-2020-CHC-

Under	the Resource Management Act 1991
In the matter of	an appeal against decisions on the Proposed Marlborough Environment Plan
Between	McGuinness Institute Appellant
And	Marlborough District Council Respondent

Notice of Appeal

8 May 2020

**To the Registrar
Environment Court
Christchurch**

1. We, the McGuinness Institute, appeal part of a decision of the Marlborough District Council on the Proposed Marlborough Environment Plan.
2. We made a submission on the Plan.
3. We are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. We received notice of the decision on 21 February 2020.
5. The decision was made by the Marlborough District Council.
6. We are appealing the decision to proceed with the Marlborough Environment Plan excluding provisions to address marine farming/aquaculture.
7. We oppose the Plan progressing without marine farming/aquaculture provisions as we consider this unlikely to deliver a considered and comprehensive plan for the area. Silo based management has not proven to be successful in the past, which is why the concept of an overarching plan became part of New Zealand's resource management framework. In our view, there has been a lack of transparency around this process, which may lead to further tensions between the community and government. Businesses and communities require durable public policy over the long term.
8. We seek that the Plan be amended to incorporate appropriate provisions to address marine farming/aquaculture in an integrated fashion. We consider this should include (without limitation):
 - 8.1 Provisions for recovering from users a financial charge commensurate with their use, e.g. a tax per metric tonne of salmon feed per annum introduced to the Marlborough Sounds;

- 8.2 Provisions to improve the reporting of all holders of water permits to the public, for example by requiring permit information to be included in a permit holder's annual financial statements;
 - 8.3 Provisions for ensuring natural landscapes, flora and/or fauna are given due consideration when planning the location and duration of salmon farming in the overall plan for the Tory Channel, the Queen Charlotte Sounds and the Pelorus Sounds. The current practice of providing a license to use an area for salmon farming is excessive given the negative impact it can have on the environment;
 - 8.4 Provisions for taking into consideration transportation and risks to navigation from the location (and potential escape) of salmon farming structures and fixtures such as badges and pens;
 - 8.5 Provisions for impacts from climate change, such as the rising of water temperatures, rising of water levels and the impact on mortalities and the removal and storage of dead salmon from waterways;
 - 8.6 Provisions requiring better reporting by the Council against the Plan.
9. We attach a copy of our submission.



For the McGuinness Institute

8 May 2020

Address for service of appellant:

McGuinness Institute
PO Box 24999

Wellington 6142

Contact: Wendy McGuinness

Telephone: 021 781 200

Email wmcg@mcguinnessinstitute.org

Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to this appeal if—

- (a) you made a submission on the matter of this appeal; and
- (b) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (c) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the relevant decision. This document may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Marlborough Resource Management Regulations 2003

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To Marlborough District Council

Organisation: McGuinness Institute

Contact person: Wendy McGuinness

Date: 1/09/2016

Address for service:

PO Box 24999
Wellington 6142

Telephone:

Mobile: 021781200

Email:

wmcg@mcguinnessinstitute.org

Submitter Number: 315

I wish to be heard in support of my submission.

Resource Management Plan

- I could not gain an advantage in trade competition through this submission.
- I am not directly affected by an effect of the subject matter of the submission that-
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition

Submission Point: 316.1

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

Volume: All

Chapter: All

Provision:

I Support in Part the specified provisions

My submission is:

To whom it may concern,

Apologies for this very brief submission. I have been very busy in both my personal and business life over the last few months.

Note: We are uncomfortable with marine farming being removed from this consultation processes as we consider this is unlikely to deliver a considered and comprehensive plan for the area. We also have concerns that any decisions made on the proposed plan may negatively shape marine farming management to the detriment of the broader community. Silo based management has not proven to be successful in the past, which is why the concept of an overarching plan become part of New Zealand's resource management framework. Further we suggest this process is not necessarily transparent and may lead to further tensions between the community and government. Businesses and communities require durable public policy over the long term.

Note: The McGuinness Institute has a report out in draft that we hope to finalize in the next few weeks. We are currently awaiting

responses to a few OIA requests. We would like to attach the final report to this submission. If this is not acceptable, we would like to attach the draft working paper: [2016/02: New Zealand King Salmon: A financial perspective](http://www.mcguinnessinstitute.org/Site/Publications/Working_Papers.aspx). The link can be found here: http://www.mcguinnessinstitute.org/Site/Publications/Working_Papers.aspx

Request: I am writing to ask if I can be heard by the committee hearing the Plan. I appreciate that marine farming is excluded from the plan, but there are areas where the resulting working paper may shape our final submission and decision request.

Request: The committee consider placing a tax, administered and collected by the MDC, on all significant inputs inserted into the water space. For example, the MDC could require a tax or charge based on Mt Tonnes of salmon feed pa into the Marlborough Sounds.

Request: Improvements in the reporting of permits to the public. We recommend the best vehicle to do this is requiring permit information to be included in the permit holders annual financial statements. Reporting conditions could include:

Request: Better reporting by the MDC against the Plan, providing more information in their annual financial statements.

We would appreciate the opportunity to discuss the above in more detail at the committee.

I seek the following decision from the local authority:

To meet with the committee.