(MDC, 2012: 2–3)

2009 20 APR

Submitter Name: Marlborough District Council

Submitter Position

As at date of publication Nov 2012 (Archive)

Please tick (✓) the relevant box(s) below to show whether you su
the applications in full or in part, or are neutral. Please note that y
applications in full; however you may be neutral to part of the app
applications in part.

☐ I / We support the applications in full	☐ I / We support the applications in part
☒ I / We oppose the applications in full	☐ I / We oppose the applications in part
☐ I / We are neutral on all aspects of the applications	☐ I / We are neutral in part

The matters are listed below. Please tick the boxes on the following pages to identify whether you are making a submission on all of the matters being applied for or just some of them.

☒ I/we make my/our submission concerning all Proposed Plan Changes and Resource Consent Applications below OR

☐ My/our submission only concerns the Proposed Plan Changes and Resource Consent Applications that I/we have ticked below (✓):

	Support	Support in Part	Oppose	Oppose in Part	Neutral	Neutral in Part
Applicant: The New Zealand King Salmon Co. Limited						
Proposed Plan Changes to the Marlborough Sounds Resource Management Plan (MSRMP) (as prepared by Marlborough District Council)						
NSP 11/03. 001: The Proposed Main Plan Change proposes the introduction of a salmon farming zone to the MSRMP and the re-zoning of eight specific areas for salmon farming, together with other changes to the MSRMP to enable salmon farms in those locations (as a controlled activity).	☐	☐	☐	☐	☐	☐
NSP 11/03. 002: The Proposed Ancillary Plan Change addresses the method of allocation of the right to apply for coastal space for marine farming in the Marlborough Sounds.	☐	☐	☐	☐	☐	☐

3rd

Submitter Name: Marlborough District Council

Concurrent Resource Consent Applications

Concurrent applications for resource consent(s) (coastal permits) to construct and operate salmon farms and undertake salmon farming at the eight sites that the Proposed Main Plan Change relates to. The consent applications have their own unique numbers, and are listed below.

	Support	Support in Part	Oppose	Oppose in Part	Neutral	Neutral in Part
NSP 11/03. 003: The Waitata site in Pelorus Sound (Site 1)	☐	☐	☐	☐	☐	☐
NSP 11/03. 004: The Kaitira site in Pelorus Sound (Site 2)	☐	☐	☐	☐	☐	☐
NSP 11/03. 005: The Tapipi site in Pelorus Sound (Site 3)	☐	☐	☐	☐	☐	☐
NSP 11/03. 006: The Richmond site in Pelorus Sound (Site 4)	☐	☐	☐	☐	☐	☐
NSP 11/03. 007: The Papatua site in Port Gore (Site 5)	☐	☐	☐	☐	☐	☐
NSP 11/03. 008: The Kaitapeha site in Queen Charlotte Sound (Site 6)	☐	☐	☐	☐	☐	☐
NSP 11/03. 009: The Ruaomoko site in Queen Charlotte Sound (Site 7)	☐	☐	☐	☐	☐	☐
NSP 11/03. 010: The Ngamahau site in Tory Channel (Site 8)	☐	☐	☐	☐	☐	☐

White Horse Rock Resource Consent Application

	Support	Support in Part	Oppose	Oppose in Part	Neutral	Neutral in Part
NSP 11/03. 011: An application for resource consent(s) (coastal permit(s)) to construct and operate a salmon farm and undertake salmon farming at a site at White Horse Rock, Pelorus Sound, on a site that is zoned Coastal Marine Zone 2. *Note: this consent application does not require a plan change in order for resource consent to be applied for. The site currently has an existing but unimplemented resource consent for a mussel farm.*	☐	☐	☐	☐	☐	☐

Submitter Name: Marlborough District Council

Reasons for Submission

If you are making a submission only on parts of the Proposed Plan Changes and/or Resource Consent Applications, please note which part when specifying the reasons for your submission.

The reasons for my / our submission are:

These are set out in the attached submission.

I / we seek the following decision from the NZ King Salmon Board of Inquiry (specify precise details, including the general nature of any conditions or changes sought):

That the proposal be declined in its entirety.

Please use additional pages if required.

Wish to be Heard

Please indicate below whether you would like to speak at a hearing for the NZ King Salmon Proposal. Use a clear tick in the appropriate box below (✓)

☐ I / we **do not wish** to be heard and hereby make my / our submission in writing only *(This means that you will not be advised of the date of the hearing and cannot speak at the hearing)*

☒ I / we **wish** to be heard in respect of my / our submission (to speak at the public hearing) *(This means you can speak at the hearing. If at a later date you decide you no longer wish to speak at the hearing you can withdraw from being heard)*

☐ If others make a similar submission, I / we will consider presenting a joint case with them at the hearing *(This is only for parties wanting to be heard)*

☒ I / we intend to call expert witness(es). Please indicate the disciplines of expected expert witnesses *(If you do not tick this box, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Board of Inquiry might make)*

The disciplines of my expected witness(es) are:

Planner

Landscape architect

Harbour Master

Navigation Expert

Economics Expert

The Council may also call lay evidence to represent residents, recreational users and/or iwi.

Signature **Date** **Signature** **Date**

(Signature of submitter, or person authorised to sign on their behalf is required. Note signature is not required for electronic (email) submissions. If this is a joint submission by two or more individuals, each individual's signature is required.)

Additional Important Information

Information Updates

Correspondence from the EPA to submitters will be sent by email, or hard copy, as noted on the second page of this submission form. Information will also be available on the EPA's NZ King Salmon Proposal website: http://www.epa.govt.nz/Resource-management/King-Salmon

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0102

MARLBOROUGH DISTRICT COUNCIL

SUBMISSION ON NEW ZEALAND KING SALMON'S PROPOSAL

TO:

ENVIRONMENTAL PROTECTION AUTHORITY
Private Bag 63002
Waterloo Quay
WELLINGTON 6140

EMAIL: kingsalmon@epa.govt.nz

AND TO:

NEW ZEALAND KING SALMON
c/- Russell McVeagh
Attention: James Gardner-Hopkins
PO Box 10-214
WELLINGTON 6143

EMAIL: james.gardner-hopkins@russellmcveagh.com

SUBMITTER DETAILS:

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C/- Andrew Besley
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Marlborough District Council
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BLENHEIM 7240

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THE MARLBOROUGH DISTRICT COUNCIL (**Council**) makes this submission on the proposal dated 3 October 2011 lodged with the Environmental Protection Authority (**EPA**) by The New Zealand King Salmon Co. Limited (**Applicant**) for two plan changes to the Marlborough Sounds Resource Management Plan (**MSRMP**) and nine resource consents for salmon farms and salmon farming at nine sites in the Marlborough Sounds (**the proposal**).

The Council welcomes this opportunity to comment on the proposal by the Applicant. The Council has carefully considered the content of the proposal and supporting Assessment of Effects on the Environment (**AEE**). The lodgement of the proposal with the EPA, and the subsequent direction from the Minister that the matter be referred to a Board of Inquiry for decision, means that the Council does not have the usual regulatory role in considering and making decisions on the plan changes and resource consent applications. The Council finds itself in the unusual role of being a submitter on the proposal, and will appear at the forthcoming hearing in that capacity. However, the Council remains open to receiving further information and engaging in discussions and expert caucusing on the areas of concern as noted below.

1 THE SPECIFIC PARTS OF THE PROPOSAL THAT THE COUNCIL'S SUBMISSION RELATES TO ARE:

1.1 The submission relates to the Applicant's proposal in its entirety.

2 THE COUNCIL'S SUBMISSION IS AS FOLLOWS:

2.1 The Council opposes the Applicant's proposal in full on the grounds stated below, and seeks that all aspects of the proposal be declined.

2.2 The Council expressly reserves the right to respond to any further matters arising from a review of the Applicant's evidence and any further documents lodged by the Applicant prior to, and during, the hearing.

Overview of Council's Concerns

2.3 The Applicant's proposal is contrary to Part 2 of the Resource Management Act 1991 (**RMA**) as:

2.3.1 It does not promote the sustainable management of resources;

2.3.2 It does not enable people and their communities to provide for their social and cultural wellbeing;

2.3.3 It does not maintain or enhance amenity values or the quality of the environment; and

2.3.4 It does not avoid, remedy or mitigate adverse effects on the environment.

2.4 The Council is concerned that the Applicant's proposal will have significant adverse effects on the environment, including adverse cumulative effects.

2.5 The Council has particular concerns regarding:

2.5.1 The appropriateness of the proposed creation of a new Coastal Marine Zone to enable the Applicant's proposed activities, and its integration into the balance of the MSRMP.

2.5.2 The appropriateness of the activity classification proposed by the Applicant in respect of its proposed activities.

2.5.3 The Applicant's assessment of the potential impacts of the proposed activities on landscape values and competing uses and precedent effect of this application.

2.5.4 The Applicant's assessment of the potential impacts of the proposed activities on the benthic flora and fauna as well as those that inhabit the water column.

2.5.5 Potential navigation impacts of the proposal have not been properly assessed.

2.5.6 The adequacy of the consultation undertaken by the Applicant in respect of the proposal. In particular, the Council has concerns regarding the notification of the Applicant's proposed plan changes.

2.5.7 The necessity for the Applicant's proposed plan changes, given that marine farms (including those owned by the Applicant) have been able to be established under the existing MSRMP.

2.5.8 The potential need for coastal occupancy charges is not addressed by the proposal.

2.5.9 The absence of any certain economic benefit to Marlborough from the proposal.

2.6 Without derogating from the generality of the above, the Council further states that:

New Coastal Marine Zone

2.7 The Council is concerned that the Applicant's proposal to create a new Coastal Marine Zone is inconsistent with, and contrary to, the community based planning processes that resulted in the current MSRMP. The full history of the development of those provisions, extent of community input and balancing of competing uses and processes to establish the current provisions must be taken into account.

2.8 In particular, the Applicant's proposal does not provide the public with an opportunity to undertake a holistic review of marine farming in the Marlborough Sounds. Rather, the Applicant's proposal seeks to amend the MSRMP in an ad hoc and very limited manner that is solely for the Applicant's benefit.

2.9 The appropriate approach for any plan review process of this nature would include wider community involvement. It would not simply promote an

outcome where the 'best' sites that are currently prohibited for marine farming are reserved solely to the Applicant.

Integration of Applicant's proposals into the MSRMP

2.10 The proposal provides for an amendment to the MSRMP. As noted above, the MSRMP was developed by the Council working through the various statutory processes and the historical development of marine farming. The integration of the proposal that seeks to provide solely for the Applicant's interests into the broader format and workability of the MSRMP as a whole document is an important issue. The proposal provides various inconsistencies in this regard. The proposed policies are also very specific. The Council's view is that the proposal represents an unbalanced focus towards the interests of specific salmon farming, above any other type of marine farming or competing use of the public resource.

Proposed activity classification

2.11 The Council is concerned that the Applicant's proposal to amend the MSRMP (in particular, so that the Applicant's proposed marine farms and farming activities will be classified as controlled activities) unduly restricts the matters that should be properly addressed.

2.12 Only certain matters can be appropriately addressed or mitigated by lawful conditions imposed on a controlled activity consent. The activity is currently prohibited for sound resource management reasons. A change from prohibited to controlled status is a substantial step, which is not justified on a principled basis. If there is appropriate policy-based justification to uplift the prohibited status in certain areas, then the plan change should have provided for those activities on a discretionary basis so that all site-specific effects can be assessed, and applications declined in necessary circumstances. The decision made by the Applicant to seek a controlled activity status means that it should be declined.

Landscape issues

2.13 The Council is concerned that the Applicant's proposal will have significant adverse effects on the landscapes surrounding the proposed marine farms.

2.14 While the applicant's AEE includes an assessment of the potential effects of the proposed marine farms on the adjacent landscapes, the Council is concerned that the Applicant's assessment is deficient. The assessment fails to address the wider context of each site. A broader approach to the landscaping assessment is required. It is necessary to assess potential significant natural areas affected by the proposal and a more detailed assessment in terms of section 6(b) of the Resource Management Act 1991.

Benthic and water column impacts

2.15 The Applicant's AEE acknowledges the potential adverse effects of the proposed marine farms on the benthic flora and fauna, as well as those that inhabit the water column. The Council is concerned that these potential adverse effects outweigh the benefits of the proposed marine farms.

2.16 In particular, the Council is concerned that the lag between the adverse effects occurring and their identification through monitoring may mean that adaptive management responses will not remedy the effects in a timely manner (if at all).

Other users, notification and precedent effects

2.17 The Council is concerned that the Applicant's proposal seeks to amend the MSRMP for the benefit of the Applicant alone. The Applicant's proposal does not propose to change the objectives and policies of the MSRMP for the benefit of the wider community (including other marine farm operators). The plan change would accordingly provide an inappropriate balance within the MSRMP.

2.18 There has been no prior consultation with other users or interests, no draft proposal available for comment and no opportunity for wider debate and input, as would be the normal process for any plan change initiated by the Council. Furthermore, the Council is of the view that notification of the Applicant's proposed plan changes was inadequate. When a proposed plan change is administered by the Council, the Council ensures that every rate payer within the Marlborough District is notified. In this regard, the Applicant's lack of consultation has been exacerbated by inadequate notification of the Applicant's proposed plan changes.

2.19 The Council is concerned that the Applicant's proposal will set a precedent for other similar private plan change applications that seek to further compromise the prohibited activity status by ad hoc changes that are designed solely for the benefit of particular applicants. That represents an inefficient and inappropriate approach to any review of the balancing of competing interests. Particularly, given that the existing MSRMP provides a framework that has enabled numerous marine farms to establish without the need for 'salmon specific' provisions:

2.19.1 the existing provisions of the MSRMP relating to marine farms already can accommodate additional salmon farms in suitable parts of the Marlborough Sounds;

2.19.2 there is space still available for salmon farms in the areas set aside for aquaculture activities in the Marlborough Sounds; and

2.19.3 resource consent applications have been received to convert existing mussel farms into salmon farms, which is an alternative option already open to the Applicant that does not require a plan change.

2.20 The Applicant's proposal does not assess the potential impact of the settlement of iwi claims on the particular areas affected by this plan change and application for resource consents. The settlement of iwi claims has resulted in the proposed gazetting of a number of sites, some in the prohibited areas. This may provide a precedent for other claims, which has not been addressed in this proposal.

Trevor Hook
Councillor
Marlborough District Council