

**From:** RCInbox  
**Sent:** Sunday, 28 April 2019 6:33 PM  
**To:** RCInbox  
**Subject:** An Application has been submitted



## New resource consent application received

An application for a new resource consent has been received by Council on 28/04/2019

**Applicant(s):** Red Sky Trust

**Consent(s) applied for:** Coastal Permit - Occupancy, Coastal Permit - Structure

[Download](#) and review the application.

[View the application online.](#)

Version 0

# Application for Resource Consent

## Applicant details

### Application for Resource Consent

Sections 88 and 145, Resource Management Act 1991

### To

Marlborough District Council

## Applicant

I,

Red Sky Trust

148 Para Road  
Koromiko  
Picton 7273

The Trust does not have a number.

Lynette Raywin Anne Oldham

148 Para Road  
Koromiko  
Picton 7273

0212255001  
[lynette.oldham@gmail.com](mailto:lynette.oldham@gmail.com)

Kevin Charles David Oldham

148 Para Road  
Koromiko  
Picton 7273

0212255001  
[kevin.oldham@gmail.com](mailto:kevin.oldham@gmail.com)

### Apply for the following type(s) of resource consent

Coastal

## Main contact

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**Name**

Lynette Raywin Anne Oldham

148 Para Road  
Koromiko  
Picton 7273

**Contact phone number**

0212255001

**Contact email address**

lynette.oldham@navigatusconsulting.com

# Property details

## Site and location details

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The site at which the proposed activity is to occur is as follows:

**Site address**

Marine Farm Site 8402  
Onauku Bay  
East Bay  
Queen Charlotte Sound

**Legal description**

-

Is there locale information in regards to the site?

Yes - there is locale information in regards to the site

## Locale

**Bay name**

Onauku Bay, East Bay, Queen Charlotte Sound

**River name**

-

**Road name**

-

Proximity to any well-known landmarks

-

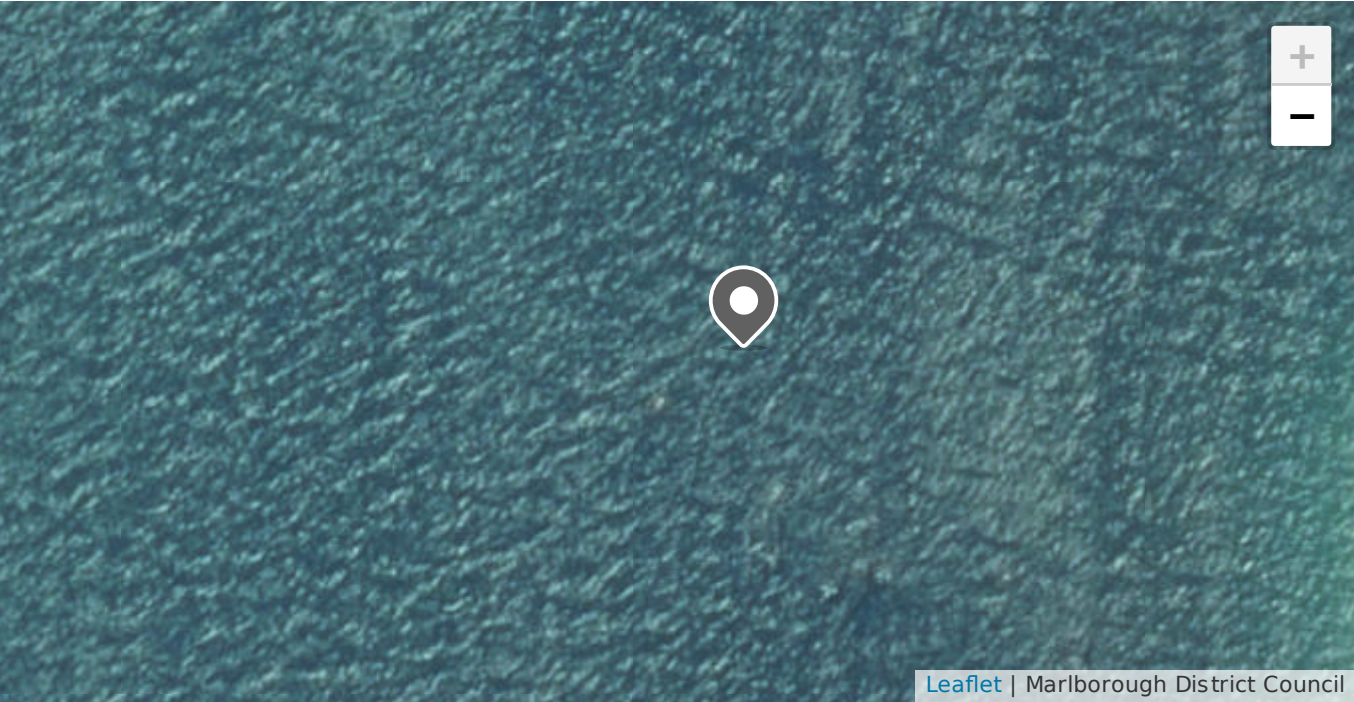
Grid reference

Easting

1714243.1

Northing

5443442.1



Site description

Description of the site at which the activity is to occur

Existing mussel farm at site 8402.

Owners and occupiers of the application site

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Applicant is the only owner and occupier?

Yes - the applicant is the only owner and occupier

Proposed activity

## Description of the activity

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**The activity to which the application relates (the proposed activity) is as follows:**

This application is for a 10 metre extension to the bed area along the southern boundary of the site to legalise the as-built locations of screw anchors installed in 2007. No changes to the locations or extend of consented surface structures is proposed.

## Other activities that are part of the proposal to which the application relates

**Are there permissions needed which do not relate to the Resource Management Act 1991?**

No - there are no permissions needed which do not relate to the Resource Management Act 1991

**Are there permitted activities that are part of this application?**

Yes - there are permitted activities that are part of this application

**Permitted activities that are part of this application:**

Harvesting of marine farm produce is a permitted activity under MSRMP Rule 35.1.

## Additional resource consents

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**Are any additional resource consents needed for the proposal to which this application relates?**

Yes - the following additional resource consents are needed for the proposal to which this application relates and have/have not been applied for

## Description of any other resource consents required for the proposal to which the application relates

### Details

The site currently has three consents:  
MFL 462 - expires 31 Dec 2024  
U110210 - expires 5 Sept 2031  
U180568 - expires 1 Nov 2038 (lapse date 1 Nov 2021)

U180568 will supersede the first two consents listed above when it is implemented.

**Application reference number**

Not yet applied for.

## Consent summary

I apply for the following resource consents.

# Consent information

## Consent type

Coastal

## Subcategory type

Structure

## Description of consent being applied for

Consent to extend bed area of marine farm to legalise 8 screw anchors which were installed just outside the boundary of the farm in 2007 for a previous owner.

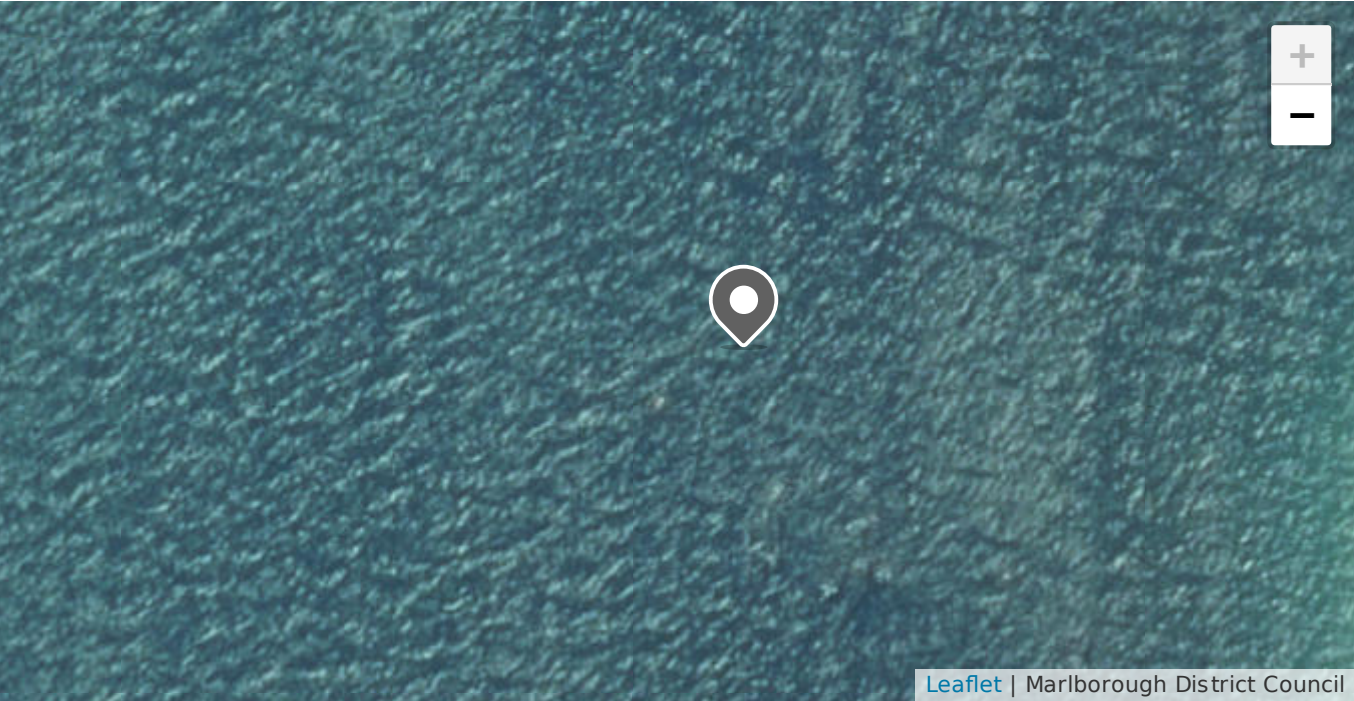
## Location of the consent

### Easting

1714243.1

### Northing

5443442.1



## Triggering rules

### Rules which trigger the consent

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I include an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

The assessment under this section must include an assessment of the activity against

- (a) Rules in a document; and
- (b) Any relevant requirements, conditions, or permission in any rules in a document; and
- (c) Any other relevant requirements in a document (for example, in a national environmental standard or other regulations))

#### Triggering rules assessment

Please refer to *Resource Consent Application Marlborough District Council - Extension of Bed Area Marine Farm Site 8402 East Bay, Marlborough Sounds*, April 2018.

## Assessment of Effects on the Environment (AEE)

### Clause 6 - Information required in assessment of environmental effects

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#### 6.1 An assessment of the activity's effect on the environment must include the following information:

**6.1(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity**

Provision not relevant

**6.1(b) an assessment of the actual and potential effect on the environment of the activity**

The effects are positive as it avoids the need to disturb the seabed and remove existing anchors. Please refer AEE.

**6.1(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use**

Provision not relevant

**6.1(d)(i) if the activity includes the discharge of any contaminant, a description of the nature of the discharge and the sensitivity of the receiving environment to adverse effects**

The proposal makes no change to the scale or intensity of marine farming at the site.

**6.1(d)(ii) if the activity includes the discharge of any contaminant, a description of any possible alternative methods of discharge, including discharge into any other receiving environment**

Provision not relevant

**6.1(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Provision not relevant

**6.1(f) identification of the persons affected by the activity,**

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No persons are affected by the proposal. The screw anchors have been in place for 10 years. There will be no change to the consented surface structures.

**6.1(f cont.) any consultation undertaken,**

Provision not relevant

**6.1(f cont.) and any response to the views of any person consulted**

Provision not relevant

**6.1(f cont.) and any iwi consultation undertaken**

Provision not relevant

**6.1(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.**

Monitoring is required under existing consent U180568. No additional monitoring is proposed.

**6.1(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

Provision not relevant

## **Clause 7 - Matters that must be addressed by assessment of environmental effects**

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### **7.1 An assessment of the activity's effects on the environment must address the following matters:**

**7.1(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects**

There are no negative effects on those in the neighbourhood and the wider community. The proposal has a positive economic effect by avoiding the need to replace 8 existing screw anchors which will cost around \$20,000 incl GST. The proposal also has a positive effect through avoiding the noise and other disturbance that would arise from mobilising a rig to site to install and remove screw anchors.

**7.1(b) any physical effect on the locality, including any landscape and visual effects**

Positive effect as it avoids disturbance to seabed in 166 locations (8 removal locations and 8 new anchor install locations). In addition grant of this consent will avoid visual impact of rig activity on site and subsequent barge operations to make good lines for approx 0.5 to 1 day each on 2 or 3 occasions (4 to 6 occasions in total).

**7.1(c) any effect on ecosystems, including effects on plants or animals and any physical disturbances of habitats in the vicinity**

Positive effect as it avoids disturbance to seabed in 16 locations (8 removal locations and 8 new anchor install locations). Also avoids disturbance to other marine life during the removal and installation activities. For alternative of Rig activity on site and subsequent barge operations to make good lines for approx 0.5 to 1 day each on 2 or 3 occasions (4 to 6 occasions in total).



**7.1(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations**

No impacts on aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations as the proposal makes no change to the consented surface structures.

Positive effect for Lynette's historical relationship with the land and waters of her ancestral home island of Arapoa where her hapu have maintain ahi kaa to this day and have practiced an unbroken succession of commercial fishing activity since before the Treaty of Waitangi. Also positive for Te Atiawa o te Waka a Maui to have iwi members marine farming in Tōtaranui/QCS where Te Atiawa is formally recognised as having kaitiaki status.

**7.1(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants**

Positive effect as it avoids disturbance to seabed in 16 locations (8 removal locations and 8 new anchor install locations). Also avoids noise disturbance during the removal and installation activities. Grant of this consent will avoid rig activity on site and subsequent and separate barge operations to make good lines for approx 0.5 to 1 day each on 2 or 3 occasions (4 to 6 occasions in total).

**7.1(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations**

No hazardous installations. Positive effect as it avoids the need to mobilise equipment to site for screw anchor removal and installation which has attendant spill risks (e.g hydraulic system burst).

**Applicant's proposed conditions for this activity**

Considitions of consent for U180568 to remain unchanged except for:

- replace site map showing bed area with Figure 4 from the accompanying AEE
- replace structures layout with Figure 5 from the accompanying AEE
- amend bed area to 6.874 ha

## Consent information

**Consent type**

Coastal

**Subcategory type**

Occupancy

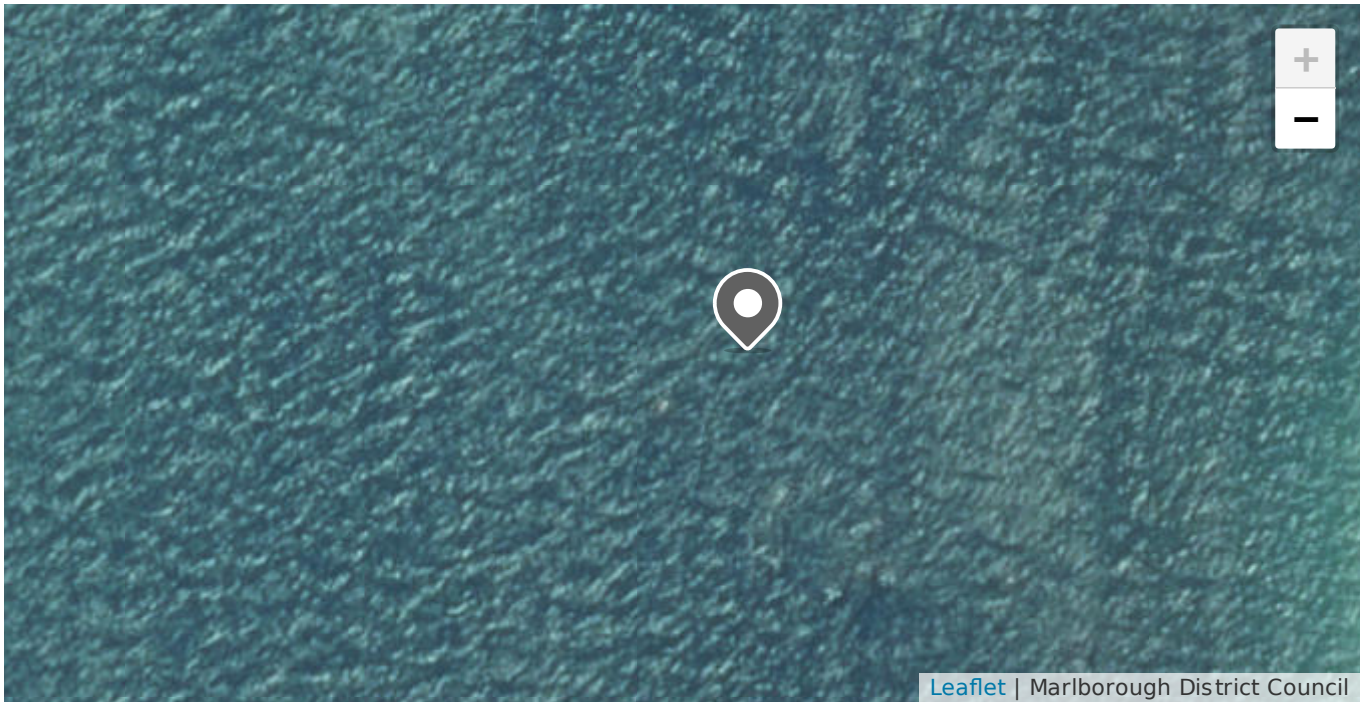
**Description of consent being applied for**

For the increase in bed area. Please refer to the assessment for the structures in all respects.

## Location of the consent

**Easting**

1714243.1



## Triggering rules

### Rules which trigger the consent

---

I include an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

The assessment under this section must include an assessment of the activity against

- (a) Rules in a document; and
- (b) Any relevant requirements, conditions, or permission in any rules in a document; and
- (c) Any other relevant requirements in a document (for example, in a national environmental standard or other regulations))

#### Triggering rules assessment

Please refer AEE and assessment for structure.

## Assessment of Effects on the Environment (AEE)

### Clause 6 - Information required in assessment of environmental effects

---

**6.1 An assessment of the activity's effect on the environment must include the following information:**

**6.1(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity**

Provision not relevant

**6.1(b) an assessment of the actual and potential effect on the environment of the activity**

Please refer AEE and assessment for structure.

**6.1(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use**

Provision not relevant

**6.1(d)(i) if the activity includes the discharge of any contaminant, a description of the nature of the discharge and the sensitivity of the receiving environment to adverse effects**

Please refer AEE and assessment for structure.

**6.1(d)(ii) if the activity includes the discharge of any contaminant, a description of any possible alternative methods of discharge, including discharge into any other receiving environment**

Please refer AEE and assessment for structure.

**6.1(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.**

Provision not relevant

**6.1(f) identification of the persons affected by the activity,**

Please refer AEE and assessment for structure.

**6.1(f cont.) any consultation undertaken,**

Provision not relevant

**6.1(f cont.) and any response to the views of any person consulted**

Provision not relevant

**6.1(f cont.) and any iwi consultation undertaken**

Provision not relevant

**6.1(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.**

Monitoring as required under existing consent U180568. No additional monitoring is proposed.

**6.1(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

No effects on Protected Customary Rights. Please refer to AEE section 4.7.

## Clause 7 - Matters that must be addressed by assessment of environmental effects

---

### 7.1 An assessment of the activity's effects on the environment must address the following matters:

**7.1(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects**

Please refer AEE and assessment for structures.

**7.1(b) any physical effect on the locality, including any landscape and visual effects**

Please refer AEE and assessment for structures.

**7.1(c) any effect on ecosystems, including effects on plants or animals and any physical disturbances of habitats in the vicinity**

Please refer AEE and assessment for structures.

**7.1(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations**

Please refer AEE and assessment for structures.

**7.1(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants**

Please refer AEE and assessment for structures.

**7.1(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations**

Please refer AEE and assessment for structures.

#### **Applicant's proposed conditions for this activity**

Consitions of consent U180568 will apply. No additional monitoring is proposed.

## Part 2 RMA

### Matters of national importance (Section 6 Resource Management Act 1991)

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#### **1. Assess your application against the following matters of national importance:**

**6.1 (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:**

The proposal involves no change to surface structures, or to the scale or intensity of marine farming activities at the site.

The effects of approving this consent application will be positive as the negative effects of removing and replacing existing screw anchors will be avoided.

**6.1 (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:**

The proposal involves no change to surface structures, or to the scale or intensity of marine farming activities at the site.

The effects of approving this consent application will be positive as the negative effects of removing and replacing existing screw anchors will be avoided.

**6.1 (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:**

The proposal involves no change to surface structures, or to the scale or intensity of marine farming activities at the site.

The effects of approving this consent application will be positive as the negative effects of removing and replacing existing screw anchors will be avoided.

**6.1 (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:**

There will be no effect on public access.

**6.1 (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:**

The proposal is positive for the relationship of Maori to their ancestral lands. Lynette Oldham is of Te Atiawa descent and has strong and continuing relationships with her hapu's ancestral home island of Arapaoa. Please refer AEE sects 1.3 and 4.7.

**6.1 (f) the protection of historic heritage from inappropriate subdivision, use, and development:**

There are no historic sites marine waters in the vicinity of the site. Please refer AEE sect 4.7.

**6.1 (g) the protection of protected customary rights.**

No effect. Please refer AEE sect 4.7.

**6.1 (h) the management of significant risks from natural hazards.**

No effect on significant risks from natural hazards.

## **Other matters (Section 7 Resource Management Act 1991)**

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### **1. Assess your application against the following matters:**

**7.1 (a) kaitiakitanga:**

Positive as it assists a Te Atiawa marine farmer to efficiently continue sustainable marine farming in the Te Atiawa rohe of Totaranui/QCS where Te Atiawa o te Waka a Maui has statutory recognition as kaitiaki.

The alternative of removing and replacing screw anchors would not be consistent with kaitiakitanga because it is a worse outcome ecologically, culturally and economically.

**7.1 (aa) the ethic of stewardship:**

Positive as the alternative of removing and replacing screw anchors would not be consistent with stewardship because it is a worse outcome ecologically, culturally and economically.

**7.1 (b) the efficient use and development of natural and physical resources:**

Positive as the alternative of removing and replacing screw anchors would not be consistent with stewardship because it is a worse outcome ecologically, culturally and economically.

**7.1 (ba) the efficiency of the end use of energy:**

Positive as the alternative of removing and replacing screw anchors would use fossil fuel resources to provide a worse outcome ecologically, culturally and economically.

**7.1 (c) the maintenance and enhancement of amenity values:**

Positive as it avoids the alternative of removing and replacing screw anchors which would create a temporary effect on amenity values.

**7.1 (d) intrinsic values of ecosystems:**

Positive as the alternative of removing and replacing screw anchors would disturb ecosystems for no benefit.

**7.1 (f) maintenance and enhancement of the quality of the environment:**

Positive as the alternative of removing and replacing screw anchors would temporarily detract from the quality of the environment.

**7.1 (g) any finite characteristics of natural and physical resources:**

Provision not relevant

**7.1 (h) the protection of the habitat of trout and salmon:**

Provision not relevant

**7.1 (i) the effects of climate change:**

Provision not relevant

**7.1 (j) the benefits to be derived from the use and development of renewable energy**

Provision not relevant

## **Treaty of Waitangi (Section 8 Resource Management Act 1991)**

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## Assess your application against the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)

Positive as it assists a Te Atiawa marine farmer to efficiently continue sustainable marine farming in the Te Atiawa rohe of Totaranui/QCS where Te Atiawa o te Waka a Maui has statutory recognition as kaitiaki. This is consistent with the Treaty which protects the ongoing use of the signatory's forests, fisheries and taonga. Lynette's hapu maintain ahi kaa on Arapaoa to this day and have continued an unbroken succession of native customary use of the waters around Arapaoa for commercial fishing purposes since before the Treaty.

## Statutory instruments

I include an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1) (b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

The assessment under this section must include an assessment of the activity against –

- (a) Any relevant objectives, or policies in a document; and
- (b) Any relevant requirements, conditions, or permission in any rules in a document; and
- (c) Any other relevant requirements in a document (for example, in a national environmental standard or other regulations)

## Statutes that are relevant to your proposed activity

### Assessment under the Resource Management Act 1991

Please refer to attached AEE.

### Assessment under the New Zealand Coastal Policy Statement

For assessment please refer to Appendix B of the attached AEE.

### Assessment under the Marlborough Regional Policy Statement

For assessment please refer to Appendix C of the attached AEE.

### Assessment under the Marlborough Sounds Resource Management Plan

For assessment please refer to Appendix D of the attached AEE.

### Assessment under the Proposed Marlborough Environment Plan

For assessment please refer to Appendix E of the attached AEE.

## Additional information

## Applications affected by Section 124 or 165ZH(1)(c) of the Resource Management Act 1991

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Does this application relate to an existing consent held by the applicant which is due to expire, and the applicant is to continue the activity?



Yes - this application relates to the following existing consent

#### Consent number

Consents MFL462 and U110210 plus U180568 (not yet implemented)

#### The value of investment of the existing consent holder is

\$1.3 million. Note however that we already have a replacement consent being U180568.

## Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011

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Is the proposed activity to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011?

Yes - the proposed activity occurs in such an area

#### Name of the customary marine title group planning document

Please refer to Sect 4.7 of the accompanying AEE.

#### Customary marine title group assessment

Please refer to Sect 4.7 of the accompanying AEE.

## Additional information required for subdivision consent

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Does your application include one or more consents for subdivision?

No

## Additional information required for application for reclamation

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Does your application include one or more consents for reclamation?

No

## Plans and technical reports

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Report type	Report title	Author	External reference	Keywords	Document
Site Plan	Resource Consent Application	Red Sky Trust	Please refer AEE Figure 4 for site	Red Sky Trust, marine farm 8402	

Marlborough  
District Council  
Extension of Bed  
Area Marine Farm  
Site 8402 East  
Bay, Marlborough  
Sounds

plan

[RST 8402 2019  
Bed Area  
Extension Rev  
0.pdf \(3 MB\)](#)

## Affected person approvals

Have you obtained affected person(s) approvals?

No - I have not obtained affected person(s) approvals

## Iwi

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Have you obtained approvals from iwi?

No - I have not obtained approvals from iwi

## Public notification (Section 95A(2)(b)) of the Resource Management Act 1991

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Is public notification of the application requested by the applicant?

No - public notification of application is not requested

## Lodgement fee

Please see [Marlborough District Council's fees page](#) for more information.

Payment ID Code

0065LR

Do you require a GST receipt for a bank payment?

Yes - I do require a GST receipt for a bank payment

If further charges are incurred, please invoice

Applicant

Fee comments

-

## Declaration

**I confirm that the information provided in this application and the attachments are accurate.**

Yes

**Authorised by (your full name)**

Kevin Charles David Oldham

**Authorising person is:**

Applicant applying for Resource Consent

## **Note to applicant**

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. If you lodge the application with the Environment Protection Authority, you must also lodge a notice in form 16A at the same time.

You must pay the charge payable to the consent authority for a resource consent application under the Resource Management Act 1991 (if any).

If your application is to the Environment Protection Authority, you may be required to pay actual and reasonable costs incurred in dealing with this matter (see section 149ZD of the Resource Management Act 1991).

## **Privacy information**

The information you have provided on this electronic form is required so that your application can be processed and so that statistics can be collected by Council. The information will be stored on a public register and held by Council. Details may be made available to the public about consents that have been applied for and issued by Council. If you would like access to or make corrections to your details, please contact Council.

**Resource Consent Application  
Marlborough District Council**

**Extension of Bed Area  
Marine Farm Site 8402  
East Bay, Marlborough Sounds**

***Tahunui-a-rangi*  
*Red Sky Trust***

*April 2019*

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# **ASSESSMENT OF ENVIRONMENTAL EFFECTS**

## **FOR A COASTAL PERMIT OCCUPANCY AND DISTURBANCE OF THE SEABED**

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## MDC Section 88 Checklist (Completed by Applicant)

	Complete			
<b>Complete Basic Requirements under Sec 88 RMA</b>	<b>Y</b>	<b>N</b>	<b>N/A</b>	<b>Comment</b>
1. Fee to cover fixed charge, or application lodgement fee. (S 36(7) RMA)	<b>X</b>			
2. Fee to cover registration of Consent Notice changes if Applicant requests Council undertake registration. (Sec 36(7) RMA)			<b>X</b>	
3. Completed resource consent application form including:				
- the Applicant's full name and postal address, phone number and email details.	<b>X</b>			See Application Form
- the name and contact details of all owners other than the Applicant.			<b>X</b>	
- a full and accurate description of the activity	<b>X</b>			Refer AEE Sect 1.1
- the location of the activity, including correct street address and legal description.	<b>X</b>			AEE Figs 1, 2 and 4
- the type of consent(s) sought and other resource consents required, and whether they have been applied for.	<b>X</b>			Coastal permit.
4. Site plan, elevations, cross-sections and any other plans required by Council.	<b>X</b>			AEE Figs 2, 4 and 5
5. An up-to-date Certificate of Title for the site.			<b>X</b>	NA
6. Signature and date of the Applicant or whoever is acting on the Applicant's behalf.	<b>X</b>			Application Form

<b>Requirements under 4th Schedule RMA 1991 (effective from 3 March 2015).</b> Complete (or delete clauses not applicable) as required.	<b>Y</b>	<b>N</b>	<b>N/A</b>	<b>Comment</b>
<b>Clause 1 - Information must be specified in sufficient detail</b>				
Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.	<b>X</b>			Noted.
<b>Clause 2 - Information required in all applications</b>				
1. An application for a resource consent for an activity (the activity) must include the following:				

(a) a description of the activity:	X			AEE Sect 1.
(b) a description of the site at which the activity is to occur:	X			AEE Sect 1.
(c) the full name and address of each owner or occupier of the site:			X	Application Form
(d) a description of any other activities that are part of the proposal to which the application relates:			X	2018 AEE for site 8402.
(e) a description of any other resource consents required for the proposal to which the application relates:			X	Consent U180568.
(f) an assessment of the activity against the matters set out in Part 2:	X			AEE Sect 5.
(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b): i.e.				
- national environmental standard (NES)			X	
- other regulations			X	
- national policy statement (NPS)			X	
- New Zealand Coastal Policy Statement	X			AEE Appendix B.
- regional policy statement or proposed RPS	X			AEE Appendix C
- plan or proposed plan.	X			Appendix D & E.
2. The assessment under subclause (1)(g) must include an assessment of the activity against—				
a) any relevant objectives, policies, or rules in a document;	X			Appendix B, Appendix C, Appendix D, Appendix E
(b) any relevant requirements, conditions, or permissions in any rules in a document;	X			
(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).			X	
3. An application must also include an assessment of the activity's effects on the environment that—				
(a) includes the information required by clause 6;	X			AEE Sect 5.
(b) addresses the matters specified in clause 7;	X			AEE Sect 5.
(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.	X			AEE Sect 4.
<b>Clause 3 - Additional information required in some applications.</b>				
1. An application must also include any of the following that apply:				

(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):	X			Harvesting under MSRMP Rule 35.1.
(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):			X	AEE Sect 5.4
(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).			X	AEE Sect 4.7
<b>Clause 6 - Information required in assessment of environmental effects</b>				
1. An assessment of the activity's effects on the environment must include the following information:				
(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:			X	AEE Sect 5.4.
(b) an assessment of the actual or potential effect on the environment of the activity:	X			AEE Sect 4
(c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:			X	None.
(d) if the activity includes the discharge of any contaminant, a description of—				
- the nature of the discharge and the sensitivity of the receiving environment to adverse effects;			X	AEE Sect 2
- any possible alternative methods of discharge, including discharge into any other receiving environment:			X	AEE Sect 5.4
(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:			X	None required.
(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:			X	No persons affected.
(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:			X	No change to consent U180568.
(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).			X	AEE Sect 4.7.

2 A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.			<b>X</b>	
To avoid doubt, subclause (1)(f) obliges an Applicant to report as to the persons identified as being affected by the proposal, but does not—				
(a) - oblige the Applicant to consult any person;			<b>X</b>	Noted.
(b) - create any ground for expecting that the Applicant will consult any person.			<b>X</b>	Noted.
<b>Clause 7 - Matters that must be addressed by assessment of environmental effects</b>				
1 An assessment of the activity's effects on the environment must address the following matters:				
(a) any effect on those in the neighbourhood and, where relevant, the wider community, incl. social, economic, or cultural effects:			<b>X</b>	None.
(b) any physical effect on the locality, including any landscape and visual effects:	<b>X</b>			AEE Sect 4.
(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:	<b>X</b>			AEE Sect 4.
(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:	<b>X</b>			AEE Sect 4.
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:	<b>X</b>			AEE Sect 4.
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.			<b>X</b>	None.

## 1 The Application

### 1.1 The Application

Following a notified application process, in November 2018 Marlborough District Council granted consent U180568 to Red Sky Trust for the continued operation of a marine farm at site 8402 in Onauku Bay, East Bay (Figure 1). The former consents were due to expire in 2024 and remain active.

Condition 7 of consent U180568 requires:

*Within two years of implementation of this consent, the consent holder must provide documentary evidence to the Compliance Manager, Marlborough District Council, demonstrating that all of the marine farm structures are physically positioned within the consented boundaries identified in Appendix A.*

This application arises because investigations by Red Sky Trust in preparation for implementation of consent U180568 have found that some screw anchors installed in 2007 for a previous owner are slightly outside of the current farm boundary. In total 8 screw anchors along the southern farm boundary are between 2 and 9 metres outside of the boundary (Figure 2). This application seeks to extend the southern boundary of the marine farm bed area by 10 metres to legalise the as-built installed positions of the screw anchors.

This proposed extension will increase the bed area of the marine farm by 1,500 square metres (0.15 ha). No change to the locations or extent of approved surface structures is proposed.

The area of the farm has been inconsistently reported in consents over the last decade. Consent U180568 originally reported the area of the farm as 6.97 ha. The currently consented farm area is 6.72 ha as identified in the current (amended) consent. This application, if granted, will increase the farm area at the seabed to 6.87 ha, which is less than the area originally identified in the current marine farm consent.

### 1.2 The Site

The marine farm is located on the south eastern flank of Onauku Bay, which forms the inner part of East Bay (Figure 1). East Bay is a large (>2,000ha) bay in outer Tōtaranui/Queen Charlotte Sound, being one of several parts of Queen Charlotte Sound where aquaculture takes place. East Bay is traditionally considered to be somewhat remote, being 32km by water from Picton. There are 11 mussel farms and one salmon farm in Easy Bay.<sup>1</sup>

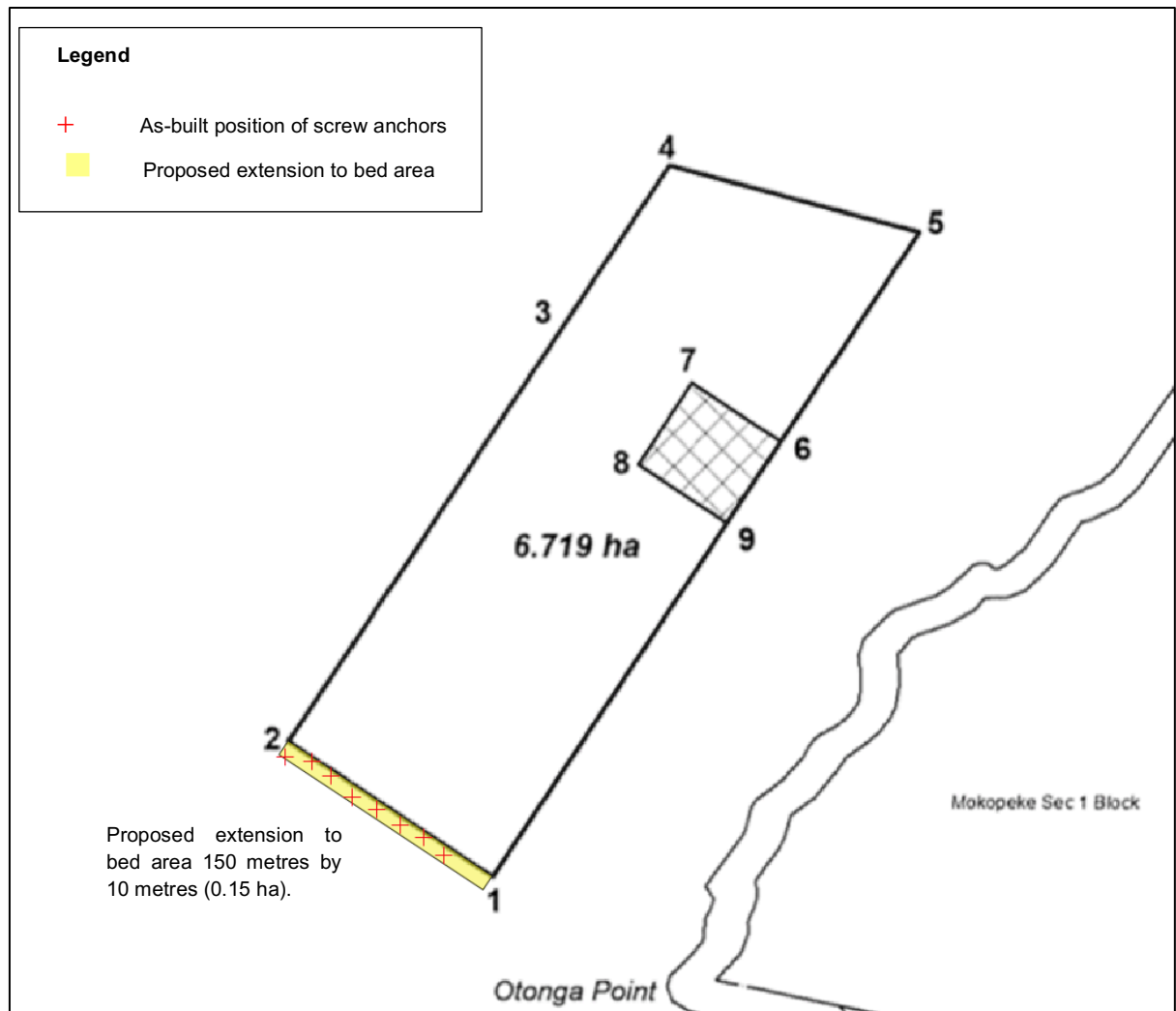
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<sup>1</sup> As defined by site numbers shown on the MDC SmartMaps. A single marine farming site may comprise several consents.

Figure 1 - Location Plan



Figure 2 - Proposed Extension to Marine Farm Site 8402 bed area



### 1.3 The Applicants

Lynette and Kevin Oldham are Applicants in their capacity as trustees of Red Sky Trust, a family owned mussel farming business. Lynette is of Te Ātiawa and Ngāi Tahu descent. She was born and raised in Picton and comes from a Marlborough hapū and whānau with a long association with Arapaoa Island as whalers and commercial fishermen, since before the Treaty of Waitangi.

Kevin is on the Executive of the Marine Farming Association (MFA) and chairs the MFA Research, Technology and Development Committee. He has helped the MFA improve policies for health and safety and for tsunami response.

### 1.4 History of Farm Development

The farm is sited alongside a block of Māori land. The land is part-owned by Rita Hall, who is of Te Ātiawa descent and married to one of the original 1979 applicants, Dick Hall (Table 1).



**Table 1 – Marine Farm 8402 Licence History**

Jul 1979	Application by R.A Hall and others for several marine farms alongside Maori land in Onauku Bay, including this site by Mokoapeke Māori land block CT 1 PR 8/101.
Apr 1992	Marine Farming Licence 462 for 4.8 ha marine farm issued.
Apr 1992	Coastal permit approval MLB 920255 from Nelson Marlborough Regional Council for structures (two blocks of 10 lines, 13.6m spacing in 4.8 ha).
Sep 1999	Transfer of marine farming permits to B. Lock interests (East Bay Holdings Ltd).
Aug 2001	2.17 ha northern extension (consent U990928) granted by MDC.
Aug 2006	Environment Court Consent Order issued, settling appeals to U990928.
Sep 2006	Resource consent conditions reviewed by MDC under RMA Sect 127.
Sep 2007	Consents issued for offsite location of MFL462 and MPE881 (U990928) giving effect to Environment Court Consent Order. <sup>2</sup> Expiry 31 Dec 2024.
Nov 2007	Minor amendment to structures layout of MFL462 & U990928 approved by MDC.
Oct 2011	Renewal of resource consent U990928 approved by MDC as coastal permit U110210. Expiry 5 Sept 2031.
May 2016	Transfer of coastal permits to Lynette and Kevin Oldham as RST trustees.
Nov 2018	Following a notified application in which no submissions in opposition were received, MDC grants renewal of consent U180568.

In summary, the farm layout and position have been reviewed under the Resource Management Act, including at the Environment Court, and has recently been reconsented following a publicly notified process. No submissions in opposition were received to the 2018 consent.

## 1.5 Operation of Marine Farm

The current site plan and approved structures plan are provided in Appendix A. The structures consist of two blocks of nine line each (18 lines in total). On-water operations are undertaken by Kono Seafoods (Kono), the marine farming subsidiary of the Māori-owned Wakatū Corporation. Kono services the farm from their existing facilities, operating out of both Picton and Havelock. The mussels are generally processed at the Kono mussel processing plant at Riverlands, near Blenheim.

The Applicant requires that on-water operations comply with the Marine Farming Association (MFA) *Greenshell Mussel Industry Environmental Code of Practice* and its successor, the *Environment Management Framework*. This includes being an active participant in beach clean ups and adhering to the MFA codes of practice on environmental standards of operation.

## 1.6 Consents Sought

Figure 3 and Figure 4 on following pages show a revised site plans and structures layout plan which are proposed to be replace the equivalent plans in existing consent U180568.

Figure 3 - Proposed Revised Site Plan

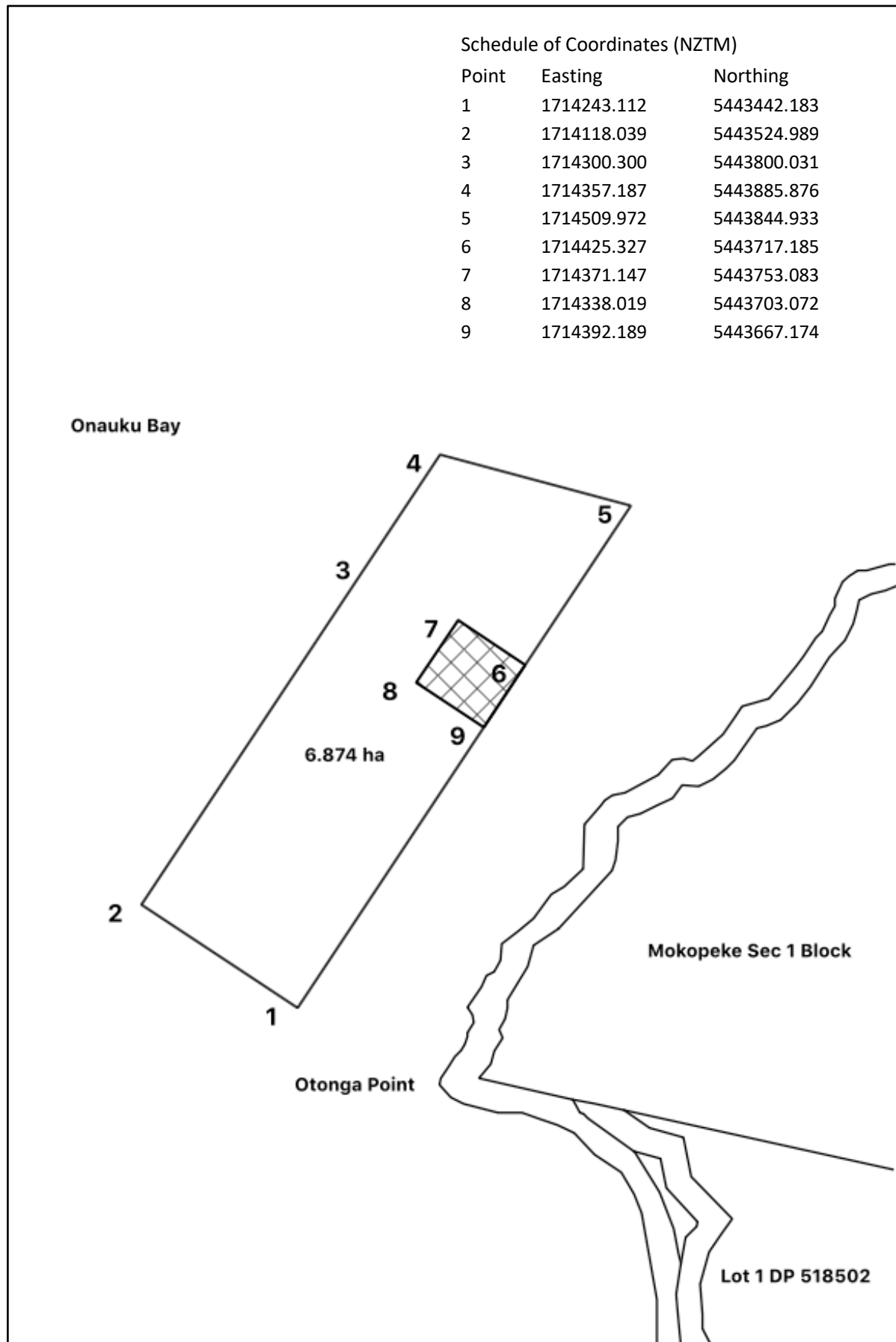
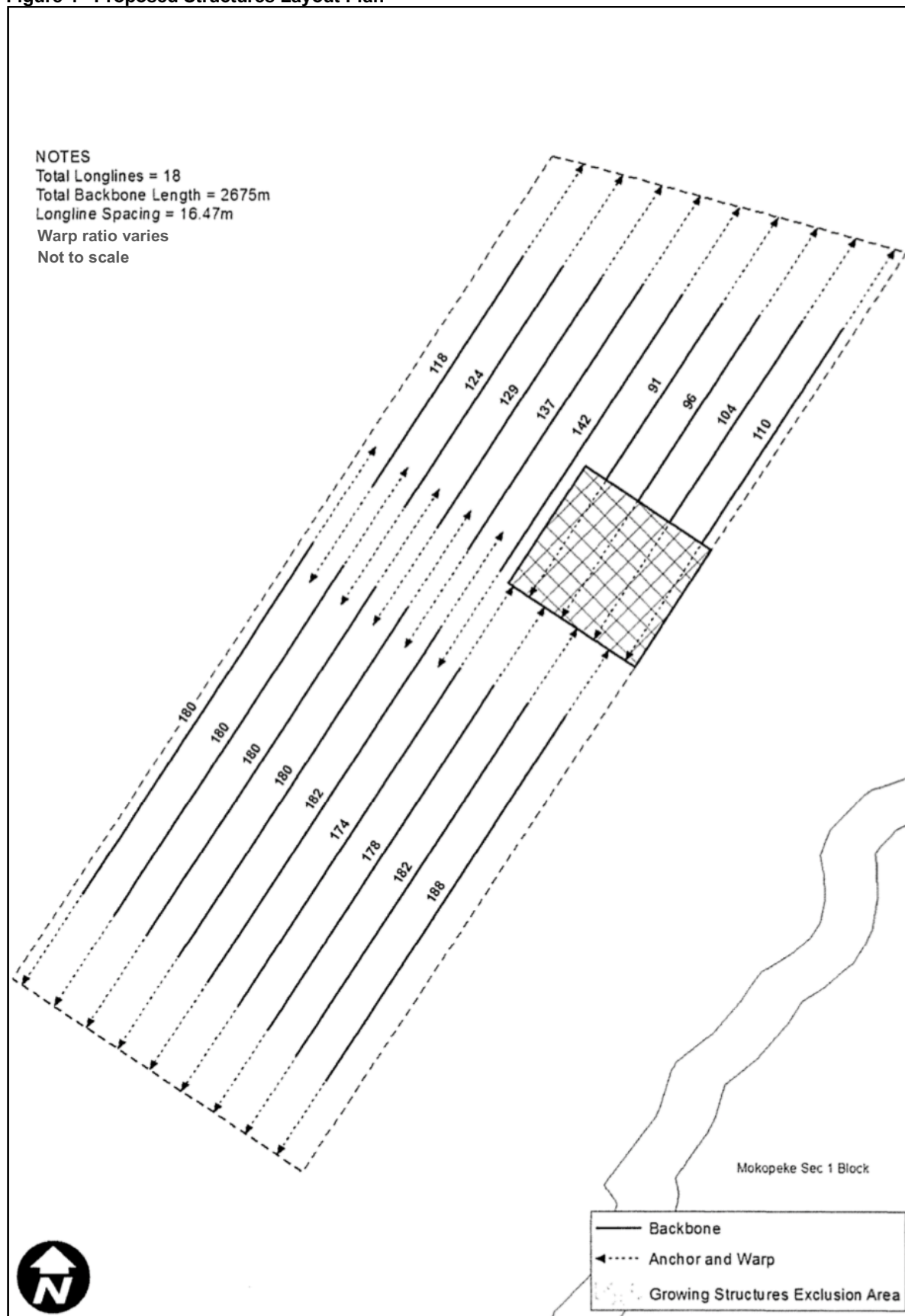


Figure 4 - Proposed Structures Layout Plan



In summary the changes sought are:

- a. replace the approved site plan in Appendix A of consent U180568 with the plan in Figure 3, providing for a 10m extension of the bed area to the south-west.
- b. change the area of the site in the accompanying description of the site in the opening description section of the resource consent from 6.719 ha to 6.874 ha.<sup>3</sup>
- c. change the structures plan in consent U180568 to the plan in Figure 4. No changes are proposed to the position or extent of surface structures. The only changes to this plan from the currently approved structures plan are:
  - add note that the warp ratio varies, and
  - add note that the plan is not to scale.

## **1.7 Proposed Conditions of Consent**

Consent conditions for the consent U180568 are set out in Appendix A. No changes to the conditions of consent U180568 are proposed.

## **2 Existing Environment**

### **2.1 Benthic Conditions at the Site**

The marine environment at this site has been assessed in many studies over the years:

1. *Biological report for proposed marine farm extension located in East Bay, Queen Charlotte Sound* (Report 260), prepared by Davidson Environmental in 1999, (Rob J. Davidson, 1999).
2. *Biological report on three marine farm extension areas located in north-eastern Onauku Bay, East Bay* (Report 464), prepared by Davidson Environmental in 2004, (Rob J. Davidson, 2004).
3. *Biological report on Moki Reef in relation to Marine Farm (Li462) located in East Bay* (Report 479), prepared by Davidson Environmental in 2005, (Rob J. Davidson, 2005).
4. *Fisheries Resource Impact Assessments (FRIAs) for Three Proposed Marine Farm Extensions in East Bay, Queen Charlotte Sound*, (Cawthron Report 1025), prepared by Cawthron Institute in 2006, (Hopkins, Butcher, & Clarke, 2006).
5. *Ecological report for the proposed renewal of marine farm site 8402 located at Moki Reef East Bay* (Report 681), prepared by Davidson Environmental 2011. (R.J. Davidson & Richards, 2011)
6. *East Bay Seafloor Habitat Maps: A2 Folio Series*, prepared by NIWA and Discovery Marine Limited in 2017, (Neil, 2017).
7. *Summary of biological information in relation to the reconsenting of marine farm 8402, East Bay*, (R.J. Davidson & Rayes, 2018).

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<sup>3</sup> Earlier versions of the resource consent erroneously stated the area as 6.97ha.

The 2018 Davidson report summarises benthic conditions at the site as:

*The existing (i.e. adjusted offshore) marine farm overlies a deep gradually sloping seabed characterised by mud. Silt and clay substratum is widespread in sheltered areas of the Marlborough Sounds.*

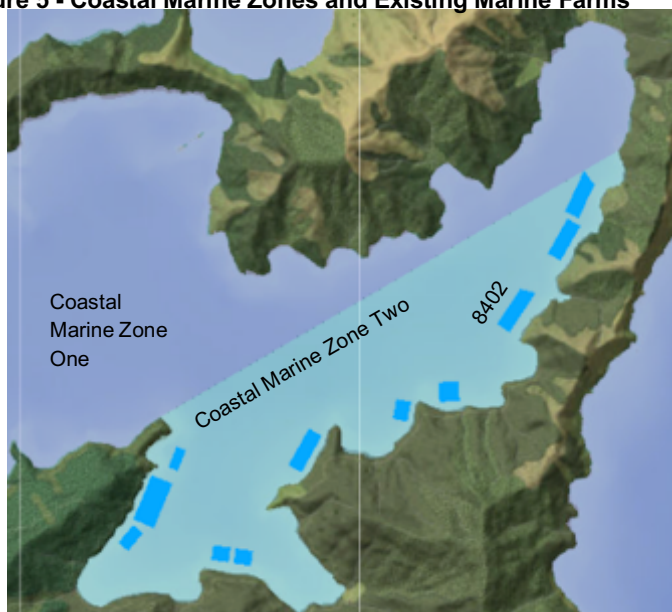
This is consistent with the previous reports and with the habitat maps produced by NIWA for MDC from the multibeam sonar survey (Neil, 2017). Further information on benthic conditions at the site can be found in the July 2018 Assessment of Environmental effects submitted by Red Sky Trust (Oldham, 2018).

### 3 Regulatory Environment

#### 3.1 Operative Marlborough Sounds Resource Management Plan (MSRMP)

Figure 5 below, shows the location of the marine farm in relation to the Coastal Marine Zones. This map also illustrates marine farms in East Bay (darker blue shapes). The site lies within Coastal Marine Zone 2 (CMZ2).

Figure 5 - Coastal Marine Zones and Existing Marine Farms



#### 3.2 Proposed Marlborough Environment Plan

MDC has proposed a new plan, known as the Marlborough Environment Plan (MEP). Hearings have been held at which a range of relevant MEP provisions have been contested. No decisions of the Hearing Panel have been released and the aquaculture section has yet to be notified.

## **4 Effects on Marine Environment**

### **4.1 Effects on Benthic Environment**

The proposed extension will have a positive effect on the benthic environment as the following seabed disturbance activities will be avoided:

- installation of 8 new screw anchors, and
- removal of 8 existing screw anchors

### **4.2 Effects on other Marine Life**

The proposal extension may have a minor positive effect on other (non benthic) marine life by avoiding the disturbance and noise associated with the screw anchor installation and removal that would otherwise be required.

### **4.3 Effects on Commercial, Recreational and Customary Fishing**

The proposed consent will have no impact on commercial, recreational or customary fishing as the anchors already exist in their current positions. If the consent is granted there will be no change to the anchor positions.

### **4.4 Effects on Navigation**

The proposed consent will have no effect on navigation, anchorages or mooring areas as no changes are proposed to the existing surface structures. The closest consented mooring, #3680 in Otonga Bay<sup>4</sup>, is over 300m south of the marine farm. There are no water ski access lanes or submarine cables in the vicinity.

### **4.5 Effects on Landscape, Visual and Natural Character**

As no changes to the consent surface structures or subsurface structures are proposed there will be no effects on landscape values, amenity, visual effects or natural character.

### **4.6 Effects on Public Space and Recreational Values**

There will be no effects on public access and recreational values. The occupation is not exclusive. Public access is guaranteed by Section 27 of the Takutai Moana Act. The spacing between the longlines provides for transit through the site.

### **4.7 Effects on Historical, Traditional and Cultural Values**

The Applicant is of Māori descent (Ngāi Tahu and Te Ātiawa) and recognises that Ngāti Kōata, Ngāti Kuia, Ngāti Apa ki te Rā Tō, Rangitāne o Wairau, Ngāti Rārua, Ngāti Tama

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<sup>4</sup> The bay is un-named on the Topo 50 maps and chart, but is sometimes known locally as "Otonga Bay".

ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui and Ngāti Toa Rangatira have Coastal Statutory Acknowledgments in the area of the application site. Those acknowledgements have been considered during the preparation of this application.

The two available iwi management plans, of Ngāti Kōata and Te Ātiawa o Te Waka-a-Māui, have also been reviewed. The 2012 Deed of Settlement with the Crown recognises the traditional kaitiaki role of Te Ātiawa o Te Waka-a-Māui over Queen Charlotte Sound (Te Ātiawa o Te Waka-a-Māui & Crown, 2012).<sup>5</sup>

Te Ātiawa o Te Waka-a-Māui, Ngāti Rārua, and Ngāti Toa Rangatira have applied to the Ministry of Justice under the Marine and Coastal Areas Act to register Coastal Marine Title (CMT) and Protected Customary Rights (PCR) for areas of the Marlborough Sounds and surrounding regions including East Bay.<sup>6</sup> In addition a number of more specific applications have been made by others including Sharon Gemmell and the Barcello and Love whānau in Anatholia Bay. These applications have yet to be resolved.<sup>7</sup>

The site is located out from the shore. There are no taiāpure or mahinga mātaihai in the area of the application. There are also no established areas of protected customary rights or customary marine title within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011. The proposal seeks the legalisation of 8 existing screw anchor positions for an established marine farm. Accordingly there will be no new effects on iwi or any other cultural matters.

The marine farm is located alongside Māori land that is part owned by Rita Hall, a member of the Te Ātiawa iwi. This is one of the few remaining remnants of Māori land following the colonial practice of alienation of Māori from their lands, latterly in the name of scenic reserve purposes.

Ownership of this farm at site 8402 passed through several hands before being bought in 2016 by Lynette Oldham, in her capacity as a trustee of Red Sky Trust.

This marine farm represents a continuation of Māori enterprise which was very strong before the colonial land dispossession of the mid to late 1800's. Marine commercial enterprise has been continued by Lynette's ancestors in the waters of Arapaoa Island in an unbroken chain of native customary practice since before the signing of the Treaty of Waitangi to the present day. RST is contracted to supply mussels to another Māori-owned enterprise, Kono Seafoods (refer Box 1 below).

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<sup>5</sup> Notwithstanding the kaitiaki status of Te Ātiawa, the Applicant recognises and acknowledges that other iwi have interests in Tōtaranui/Queen Charlotte Sound.

<sup>6</sup> From claims maps recorded on Ministry of Justice website (Ministry of Justice, n.d.-a).

<sup>7</sup> The Minister has declined to engage with a number of applicants. Where the Minister declines to engage with an applicant group there is no longer a need for those applying for resource consent, permit or approvals in the common marine and coastal area to notify and seek the views of that group for that application (Ministry of Justice, n.d.-b).



**Box 1 - Kono Seafoods**

*Kono Seafoods is a subsidiary of Wakatū Incorporation which is owned by Ngāti Koata, Ngāti Rarua, Ngāti Tama and Te Ātiawa descendants of the original owners of the Nelson “tenths”.*

*Originally intended as a means of recompense for land illegally purchased, the tenths came to be used as a colonial instrument for disenfranchising Māori landowners from fertile lands.*

## **5 Regulatory Analysis**

### **5.1 Regional Policies and Plans**

#### **5.1.1 Operative Regional Policy Statement**

Provisions of the Marlborough Regional Policy Statement that have relevance to this application are considered in Appendix C. The proposed minor extension of marine farm bed area in this location is consistent with the relevant provisions of the operative RPS.

#### **5.1.2 Operative Marlborough Sounds Resource Management Plan**

Under MSRMP Rule 35.5 marine farms beyond 200 metres from shore are deemed to be non-complying activities. No standards or criteria are given in the MSRMP for non-complying activities. RMA s.104D applies.

An assessment of the application against the requirements of the Marlborough Sounds Resource Management Plan is provided in Appendix D. Extending the bed area of this marine farm by 10 metres is consistent with the relevant provisions of the operative plan.

#### **5.1.3 Proposed Marlborough Environment Plan**

An assessment of the application against the Marlborough Environment Plan (MEP) is provided in Appendix E. It is the Applicant's view that little weight can be given to the MEP at this time as:

- many aspects of the MEP relevant to this application are under challenge by various parties on both factual and procedural grounds, and
- no decisions have been issued by the Hearing Panel at this time, and
- the aquaculture section has not been publicly notified.

### **5.2 New Zealand Coastal Policy Statement 2010 (NZCPS).**

An assessment of the application against the requirements of the New Zealand Coastal Policy Statement 2010 is provided in Appendix B.

### **5.3 Resource Management Act**

#### **5.3.1 Section 104**

This proposal to extend the bed area of marine farm 8402 by 10m has been compared with the relevant objectives and policies of the NZ Coastal Policy Statement, the Regional Policy Statement, the Marlborough Sounds Resource Management Plan and the proposed Marlborough Environment Plan. Renewal of consent for this marine farm is not contrary to the relevant policies.

#### **5.3.2 Section 104D Considerations**

It is the Applicant's view that:

- there are positive effects to grant the consent arising from avoidance of further seabed disturbance
- any adverse affects are not more than minor

#### **5.3.3 RMA Part 2 Matters**

##### **5.3.3.1 Section 5 – Purpose**

This marine farm gives effect to the purpose of the RMA through generating sustainable revenue and employment in Marlborough. The majority of mussels produced are exported, generating foreign exchange earnings, which are essential for the well-being of New Zealand as a society. That this arises from the sustainable culture of an endemic New Zealand mollusc is a Marlborough success story.

##### **5.3.3.2 Section 6 - Matters of National Importance**

Effects of the proposal on matters of national importance in s.6 of the RMA are summarised in Table 2 below.

**Table 2 - Section 6 Matters**

<b>Matter</b>	<b>Comment</b>
Natural Character	The proposal involves no change to surface structures, or to the scale or intensity of marine farming activities at the site. The effects of approving this consent application will be positive as the negative effects of removing and replacing existing screw anchors will be avoided.
Outstanding landscapes	
Significant indigenous fauna and flora	
Public access	There will be no effect on public access.
Relationship of Maori to the ancestral lands	The proposal is positive for the relationship of Maori to their ancestral lands. Lynette Oldham is of Te Atiawa descent and has strong and continuing relationships with her hapu's ancestral home island of Arapaoa.

### **5.3.3.3 RMA Part 2 Section 7 – Other Matters**

Part 7 matters have previously been considered when consent U180568 was issued. This Application has no additional effects over and above the approved baseline.

## **5.4 Alternative Option**

An alternative option is to remove and replace the 8 anchors which are currently placed outside of the consented marine farm boundaries. Total cost of replacement is estimated to be approximately \$18,900 excl GST comprising:

- supply and install 8 new screw anchors at \$1800 ea = \$14,400, plus
- cost of removing the existing anchors and making good the existing lines – 8 hours of barge time at \$500 per hour = \$4,000,
- transport and disposal charges for the removed screw anchors - \$500

This alternative option would disturb the seafloor where the new screw anchors are installed and where the old anchors are removed.

## **6 Conclusion**

The Applicant considers that the application for a 10m extension to the southern boundary of site 8402 is the most appropriate remedy for the misplaced screw anchors as it avoids the seabed disturbance and expense of relocating screw anchors.

The site is in a working area where aquaculture has long been present and is one of the very few areas in Tōtaranui /Queen Charlotte Sound where members of the Te Ātiawa iwi can practice marine farming in their rohe<sup>8</sup>. The site has always had coastal permits for

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<sup>8</sup> The Applicant recognises and acknowledges that other iwi also have associations with Tōtaranui.

structures and the farm layout and position has been adjusted over the years to minimise benthic effects.

Grant of this consent change will have no adverse impact on values in the area.

## **7 Bibliography**

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**RESOURCE MANAGEMENT ACT 1991**

**Decision of Marlborough District Council**

**RESOURCE CONSENT:** U180568

**APPLICANT:** Lynette Raywin Anne Oldham and Kevin Charles David Oldham as trustees of the Red Sky Trust

**LOCATION:** Onauku Bay, East Bay, Queen Charlotte Sound/Tōtaranui

**THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:**

New coastal permit (replacing MFL462 and U110210) for the continuation of an existing 6.719 hectare marine farm (site 8402) in Onauku Bay, using conventional surface longline techniques.

**DECISION:** **Granted**

**RESOURCE CONSENT ISSUED:**

Coastal Permit

## Certificate of Resource Consent

**Consent Holder:** Lynette Raywin Anne Oldham and Kevin Charles David Oldham  
as trustees of the Red Sky Trust

**Consent Type:** Coastal Permit

**Consent Number:** U180568

**Marine Farm Site No.:** 8402

**Lapse Date:** 1 November 2021

**Expiry Date:** 1 November 2038

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and sections 104 and 104D of the Resource Management Act 1991, the Marlborough District Council **grants** the application for a new coastal permit (replacing MFL462 and U110210) for the continuation of an existing 6.719 hectare marine farm (site 8402) in Onauku Bay, using conventional surface longline techniques, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

### Conditions

1. This resource consent must not be implemented concurrently with consents MFL462 and/or U110210. In the event that this consent U180568 is implemented, the consent holder must within one month thereafter provide written notice of such implementation to the Compliance Manager, Marlborough District Council. [Note: Any surrender of consents MFL462 and/or U110210 must accord with section 138 of the Resource Management Act 1991.]
2. Only any one or more of the following species may be farmed at the site:
  - a) Greenshell mussel (*Perna canaliculus*)
  - b) Blue mussel (*Mytilus galloprovincialis*)
  - c) Scallop (*Pecten novaezelandiae*)
  - d) Dredge Oyster (*Ostrea chilensis*)and/or the following seaweeds:
  - e) *Macrocystis pyrifera*
  - f) *Ecklonia radiata*
  - g) *Gracilaria spp*
  - h) *Pterocladia lucida*
3. Without restricting the consent holder from reasonably undertaking the activities authorised by this resource consent, the consent holder shall not undertake the activities in such a way that would effectively exclude the public from the permit area.
4. There shall be no feed artificially introduced into the marine farm unless a specific coastal permit for discharge is firstly obtained.

5. The structures authorised by this consent must be wholly within the 6.719 hectare area identified in **Appendix A** to this consent and must be laid out in a manner that conforms with **Appendix B** to this consent.
6. The structures shall be limited to the anchors, ropes, droppers, cages, racks, floats and lights associated with the farming of the approved species within the boundaries of the consent area. The number of lines shall be at the discretion of the consent holder but shall not exceed the number and length shown in **Appendix B**, the separation distances between lines must be no less than as shown, other distances must be as shown and lines must be oriented as shown. No crop lines/growing lines/droppers, or anchor blocks or anchoring mechanisms, or anchor warps may be placed within the growing structures exclusion area identified with cross-hatch in Appendices A and B, except that the anchor blocks for the four inshore longlines of the northern block may be placed between points '8' and '9' on the location plan in Appendix A, and the warps led across the growing structures exclusion area. The anchors and warps for the southern block of longlines must not intrude into the growing structures exclusion area.
7. Within two years of the implementation of this consent, the consent holder must provide documentary evidence to the Compliance Manager, Marlborough District Council, demonstrating that all of the marine farm structures are physically positioned within the consented boundaries identified in Appendix A.
8. The type, design, functionality and placement of marine farm lighting and marking shall be as approved by the Harbour Master under his or her Maritime Delegation from the Director of Maritime New Zealand pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994.
9. Each end of the most landward and most seaward longlines must carry the name of the consent holder and the marine farm site number and be displayed in bold, clear letters in such a manner that they can be clearly read from a distance of at least 10 metres.
10. Except as required by the Harbour Master in the lighting and marking plan, all buoys used on the farm must be black in colour.
11. All farm structures must be designed, constructed, installed and maintained in a manner which ensures that they are restrained, secure and in working order at all times.
12. Upon the expiration, forfeiture or surrender of the coastal permit the consent holder must remove all structures including buoys, longlines, blocks and all associated equipment from the site, and restore the area as far as is practicable to its original condition to the reasonable satisfaction of Council. If the consent holder fails to do this Council may arrange compliance on the consent holder's behalf and expense.
13. In accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may, during the months of January to December (inclusive) in any year for the duration of this consent, serve notice of its intention to review the conditions of this consent for any of the following purposes:
  - a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - b) To modify the lighting and marking plan; or
  - c) To modify the type, number and extent of structures, longlines and backbones; or

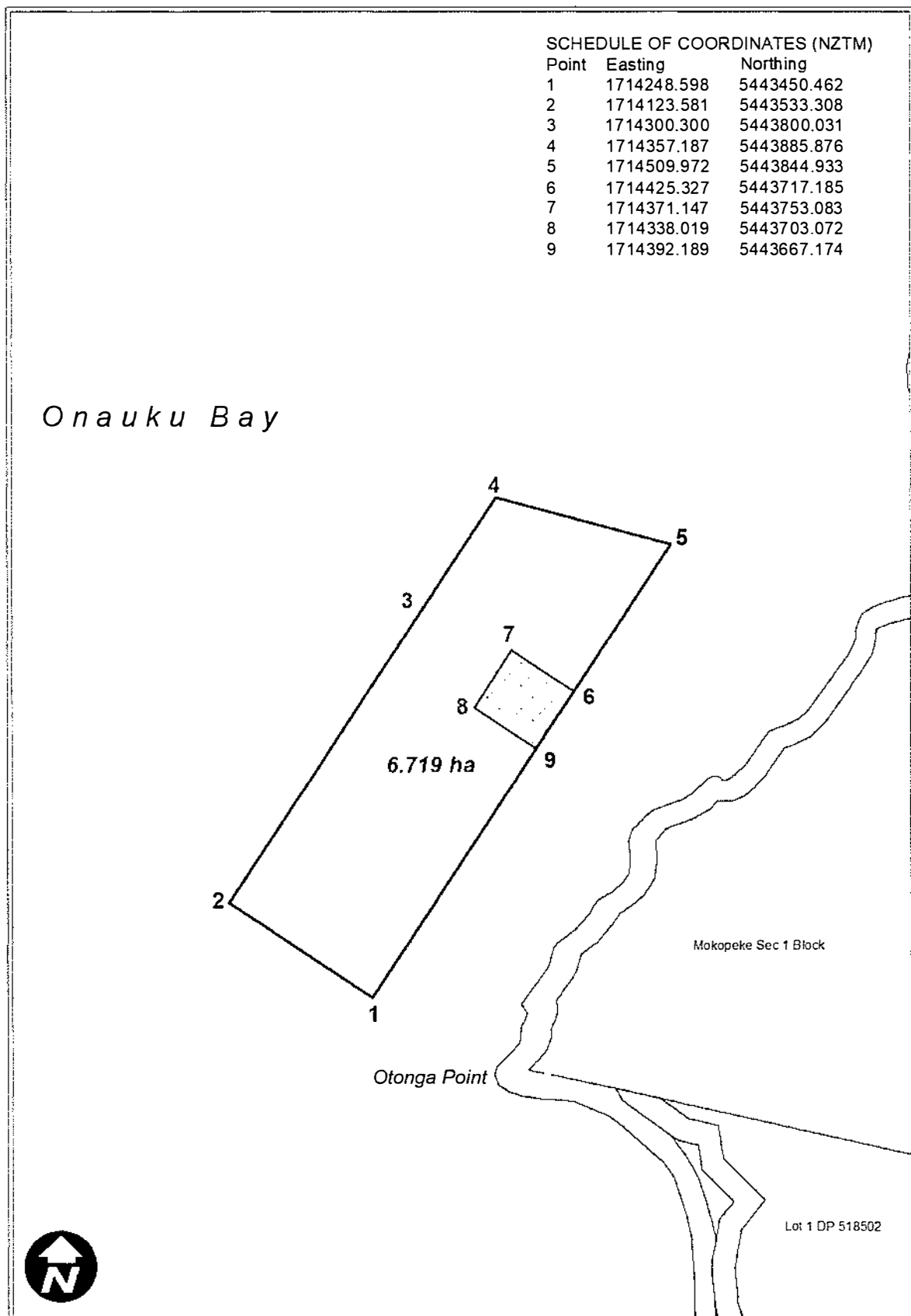
- d) To ensure that adverse effects on ecological values, maritime safety, public access and amenity values are adequately avoided, remedied or mitigated; or
- e) To incorporate best management practice guidelines developed to address the cumulative effects of marine farming.

### **Advice Notes**

1. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent.
2. The consent holder will in the future be required to pay coastal occupation charges if they are imposed through Council's resource management plans.



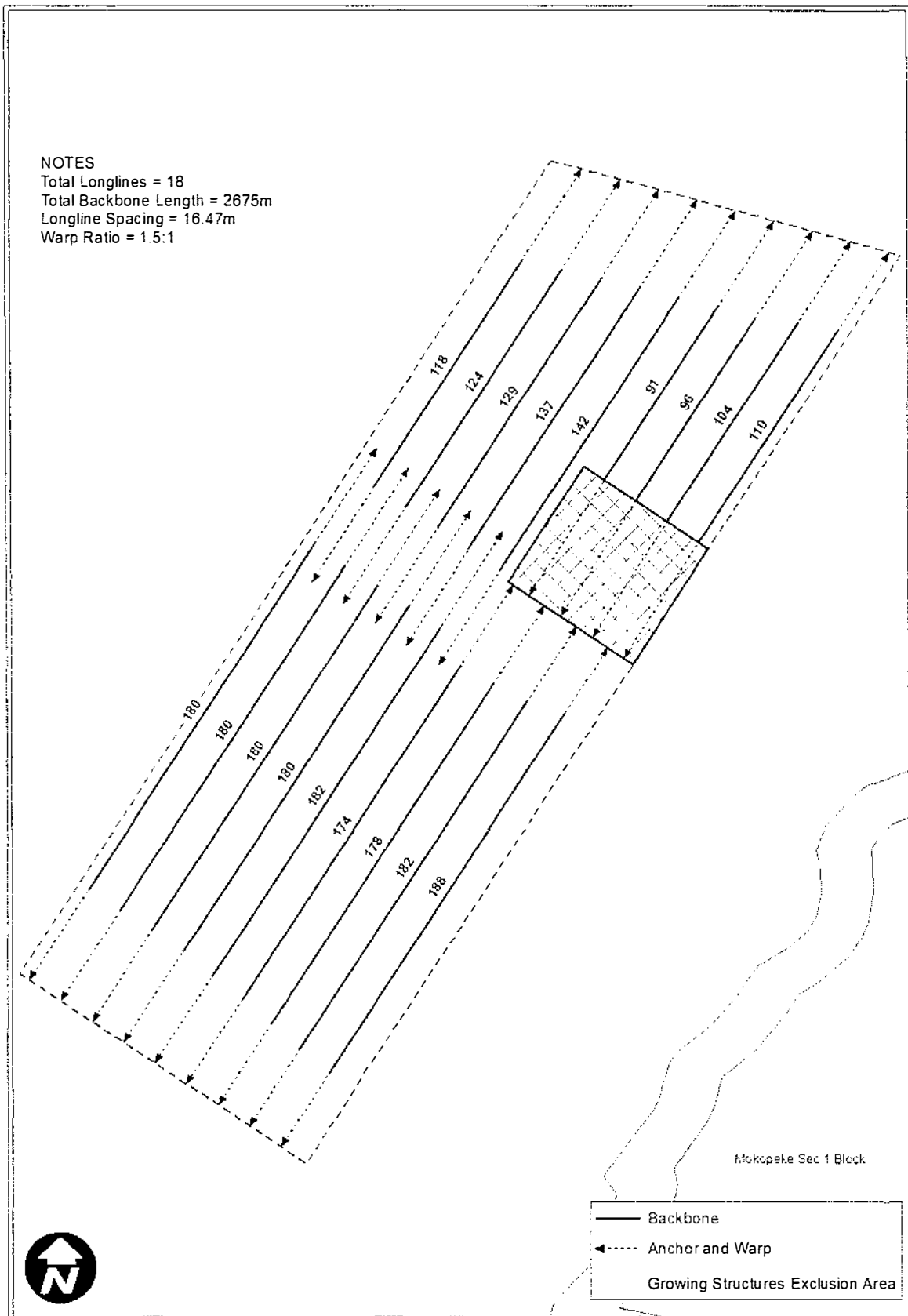
## U180568 – Appendix A



# U180568 · Appendix B

## NOTES

Total Longlines = 18  
 Total Backbone Length = 2675m  
 Longline Spacing = 16.47m  
 Warp Ratio = 1.5:1

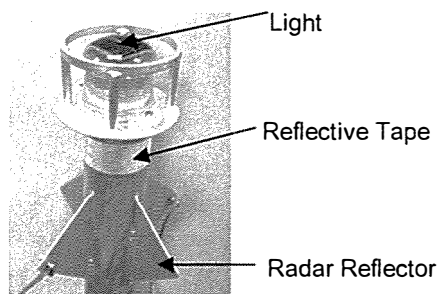


## **Marine Farm Lighting and Marking Plan – U180568 (Site no.8402)**

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I, Luke Grogan, Harbourmaster of Marlborough District Council, hereby approve, under Maritime Delegation from the Director of Maritime New Zealand pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994, the lighting and marking associated with coastal permit U180568, (Site no.8402), located in Onauku Bay, East Bay, Queen Charlotte Sound/Totaranui as follows:

1. That each end of each longline display an orange buoy, as shall the middle of each of the seawardmost and landwardmost longlines.
2. That a yellow light, radar reflector and a band of reflective tape 50 millimetres in width be displayed in the positions marked 'A' on the attached structures plan. The lights shall be solar powered and shall have the following characteristics: F1 (5) Y (20 secs) 1m 1M.



3. That radar reflectors and a band of reflective tape be displayed in the positions marked 'B' on the attached structures plan.
4. That a band of reflective tape 50 millimetres in width be displayed in the positions marked 'C' on the attached structures plan.

### ***Interpretation:***

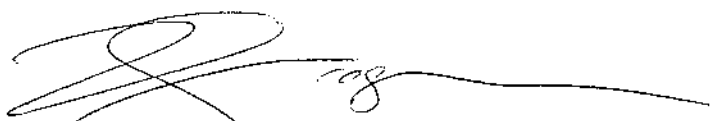
**Light** - a yellow light, group flash 5 every 20 seconds (minimum flash length not less than 0.5 seconds), height of light not less than 1 metre above the water, range at least 1 nautical mile.

**Radar reflector** – to be set at not less than 1 metre above the waterline with a band of reflective tape set above this. The radar reflector should be visible on radar at a range of at least 500 metres.

**Reflective tape** – should be at least 50 millimetres in width and placed around the circumference of the support tube; the tape should be visible by torchlight at a range of at least 50 metres. Alternative reflectors may be substituted for reflective tape, provided that they are mounted where they are visible by torchlight from at least 50 metres all round.

5. Each end of the most landward and most seaward longlines shall carry the name of the consent holder, and the site number issued by Marlborough District Council (e.g. #8405), displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10 metres.

Given under my hand this 22 day of NOVEMBER 2018

  
**LUKE GROGAN**

U180568

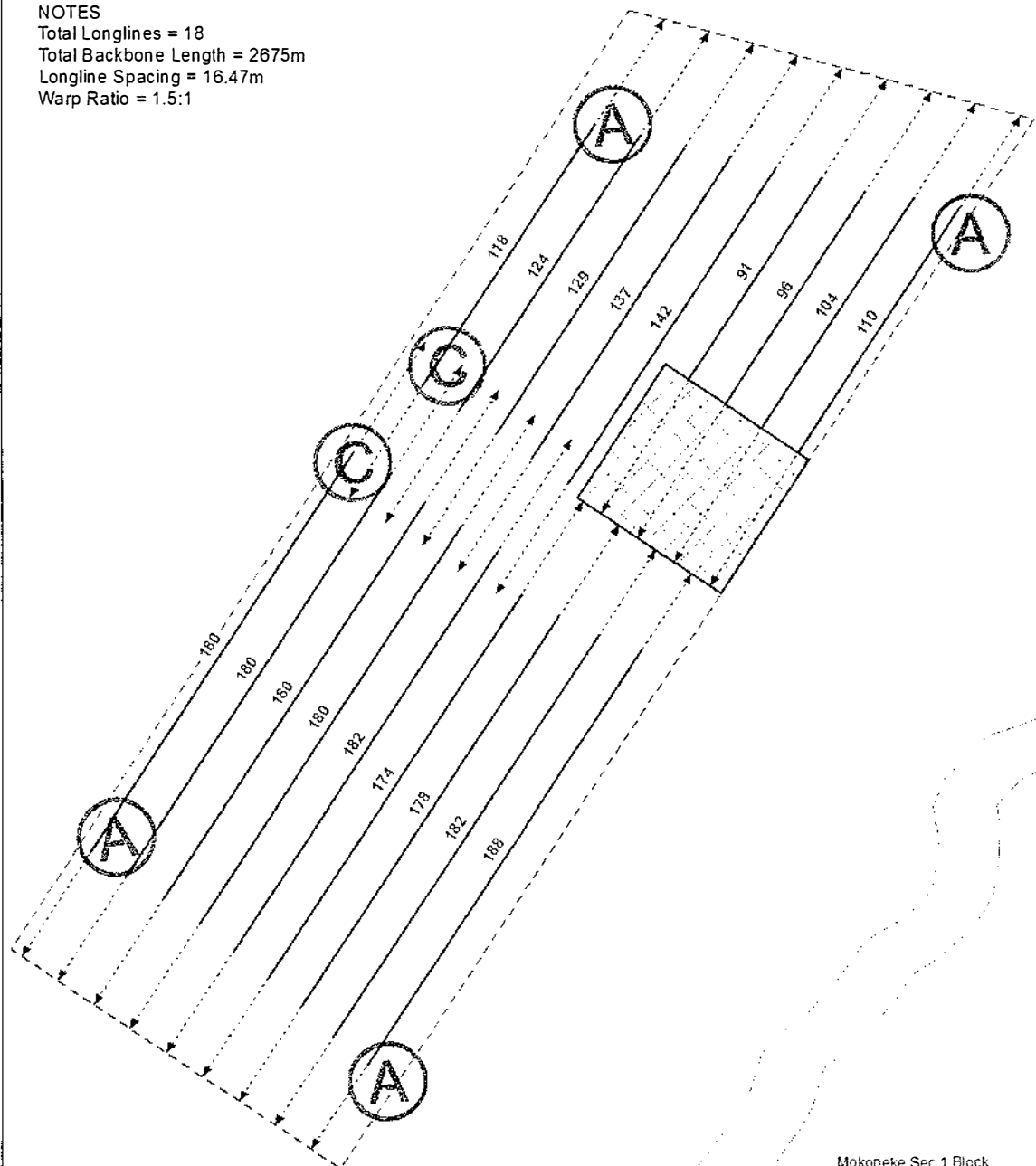
NOTES

Total Longlines = 18

Total Backbone Length = 2675m

Longline Spacing = 16.47m

Warp Ratio = 1.5:1



Mokoape Sec 1 Block



22.11.18

- Backbone
- Anchor and Warp
- Growing Structures Exclusion Area

## Appendix B. Analysis of Proposal Against New Zealand Coastal Policy Statement

NZCPS Objective/Policy	Comment
<b>Policy 2:</b> Sets matters which are to be considered when taking into account of the principles of the Treaty of Waitangi and kaitiakitanga in relation to the coastal environment.	<p>The Applicant is of Māori descent and recognises that Ngāti Kōata, Ngāti Kuia, Ngāti Apa ki te Rā Tō, Rangitāne o Wairau, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui and Ngāti Toa Rangatira have statutory acknowledgments in the area of the application site. Those acknowledgements have been considered during the preparation of this application.</p> <p>The iwi management plans of Ngāti Kōata and Te Ātiawa o Te Waka-a-Māui have been reviewed. There are no taiāpure or mahinga mātaihai in the area of the application. There are also no established areas of protected customary rights or customary marine title within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011.</p>
<b>Policy 3:</b> Precautionary approach for activities whose effects are uncertain, unknown, or little understood.	<p>The potential effects of marine farms have been characterised in depth by many parties over the last 35 years and are well known. This marine farm site has been developed in stages over the last 25 years and effects have been monitored by multiple independent parties including the Cawthron Institute and Davidson Environmental. In the past, when potential effects have been identified, the farm boundaries have been adjusted, moving it offshore, and onto mud habitat. Mud substratum supports a biological community that is also common in the sheltered waters of the Sounds. The biota that lives on deep mud dominated areas are usually tolerant of a turbid environment.</p>
<b>Policy 6:</b> Policy 6 of the NZCPS is in two parts; the first dealing with activities in the coastal environment more broadly, and the second with those in the coastal marine area more specifically.	<p>The farm is part of the existing built environment, so is in accordance with subpart 1(f), as continuation of the farm would not result in a change in the present character of East Bay.</p> <p>The whole of Arapaoa Island is of historic importance to both the Applicant and to others. Onauku Bay has historic land features landward of MHWS. No areas of historic heritage value have been identified in relation to the sea floor or to this site. Effects on the marine environment are assessed as not more than minor.</p> <p>Mussel farming has a functional need to be located in the coastal marine area. The farm contributes to the social and economic wellbeing of people and communities of Marlborough, through growing a New Zealand native species and selling it overseas, thereby providing employment and securing valuable export income. This is in accordance with subpart 2(a).</p>

NZCPS Objective/Policy	Comment
<b>Policy 8:</b> Policy 8 of the NZCPS provides for the recognition of the significant existing and potential contribution of aquaculture to the social, economic and cultural wellbeing of people and communities.	Approval of this application will enable the continuation of production from the site, contributing to the social and economic benefits of aquaculture to the community. No changes to the impact on water quality are anticipated. This Application satisfies Policy 8.
<b>Policy 11:</b> Policy 11 relates to protecting the indigenous biological diversity of the coastal environment.	The farm is generally located over mud habitat which is common in the Sounds. The structures have been configured to avoid placing backbones and culture ropes over rock outcrops in as endorsed by a Consent Order the Environment Court. There will be no adverse modified effects on indigenous biodiversity.
<b>Policy 13:</b> Policy 13 provides for the avoidance of significant adverse effects on areas of the coastal environment with outstanding natural character and the avoidance, remediation and mitigation of other adverse effects on natural character.	Marine farming, including the subject farm, has been taking place in this area for over a quarter of a century. The adjacent area has high absorptive capacity.
<b>Policy 15:</b> Policy 15(a) provides for the avoidance of adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment.  Policy 15(b) provides for the avoidance of significant adverse effects and the avoidance, remediation, and mitigation of other adverse effects of activities on other natural features and natural landscapes in the coastal environment	There will be no further impact on the landscape than those already occurring under the current consent. The landscape has high absorptive capacity. There will be no change to the consented surface structures so there will be no impact on the values which contribute to the landscape.
<b>Policy 18:</b> Policy 18 recognises the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation.	The visual impact of the marine farm will not change.  The area is little used for recreational purposes. There are four registered moorings in the general vicinity, all located several hundred metres from the site. There are no formal water ski lanes.
<b>NZCPS Conclusion</b>	The effects of renewing consent will result in no change to the existing status quo and will continue to be no more than minor. Renewal of consent for this farm in this location is consistent with the relevant provisions of the NZCPS.

## Appendix C. Marlborough Regional Policy Statement – Policy Analysis

Operative RPS Objective	Operative RPS Policy	Assessment
5.3.10: The natural species diversity and integrity of marine habitats be maintained or enhanced.	5.3.11: Avoid, remedy or mitigate habitat disruption arising from activities occurring within the coastal marine area.	This proposal has a positive effect by avoiding the installation of 8 new screw anchors and removal of 8 existing screw anchors.
7.2.7 The subdivision use and development, of the coastal environment, in a sustainable way.	7.2.8 Ensure the appropriate subdivision use and development, of the coastal environment.	The proposal enhances sustainability by avoiding the need to install 8 new anchors and remove 8 existing anchors ones because some anchors were installed just outside the marine farm boundary in 2007. As there is no change to surface structures this proposal has only positive effects through avoidance of benthic disturbance.
	7.2.10(a) - (d)	The marine farm is located within Coastal Marine Zone 2 where marine farming is permissible.
7.3.2: Buildings, sites, trees and locations identified as having significant cultural or heritage value are retained for the continued benefit of the community.	7.3.3: Protect identified significant cultural and heritage features.	No specific sites of cultural or heritage significance are known to exist seaward of the shoreline.
8.1.2: The maintenance and enhancement of the visual character of indigenous, working and built landscapes.	8.1.3: Avoid, remedy or mitigate the damage of identified outstanding landscape features arising from the effects of excavation, disturbance of vegetation, or erection of structures.	The proposal will have no effect on visual character as it involves no changes to the extent and position of consented surface structures.
	8.1.5: Promote enhancement of the nature and character of indigenous, working, and built landscapes by all activities which use land and water.	
	8.1.6: Preserve the natural character of the coastal environment.	

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## Appendix D. Marlborough Sounds Resource Management Plan – Policy Analysis

MSRMP Objectives	MSRMP Policies	Evaluation
Chapter 2, 2.2, Objective 1: The preservation of the natural character of the coastal environment, wetlands, lakes, and rivers and their margins and the protection of them from inappropriate subdivision, use and development.	Policy 1.2: Appropriate use and development will be encouraged in areas where the natural character of the coastal environment has already been compromised, and where the adverse effects of such activities can be avoided, remedied or mitigated.	The area concerned has been inadvertently compromised by the installation of 8 screw anchors from the adjacent mussel farm.
	Policy 1.4: In assessing the actual or potential effects of subdivision, use or development on natural character of the coastal and freshwater environments, particular regard shall be had to the policies in Chapters, 3, 4, 5, 6, 12, 13 and Sections 9.2.1, 9.3.2 and 9.4.1 in recognition of the components of natural character.	The application makes no change to the consented locations of surface structures nor to the installed location of screw anchors. Accordingly it will not have any additional impact on natural character values.
Chapter 4, 4.3, Objective 1: The protection of significant indigenous flora and fauna (including trout and salmon) and their habitats from the adverse effects of use and development.	Policy 1.2: Avoid, remedy or mitigate the adverse effects of land and water use on areas of significant ecological value.	Six benthic surveys of the application area have identified no significant indigenous fauna or flora. The application will have a positive effect by avoiding the benthic disturbance associated with installed 8 new screw anchors and removal of 8 existing screw anchors.
Chapter 5, 5.3, Objective 1: Management of the visual quality of the Sounds and protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.	Policy 1.1: Avoid, remedy and mitigate adverse effects of subdivision, use and development, including activities and structures, on the visual quality of outstanding natural features and landscapes, identified according to criteria in Appendix One.	The application will have no effect as there is no change to the position or extent of consented surface structures.
Chapter 6, 6.1.2, Objective 1: Recognition and provision for the relationship of Marlborough's Māori to their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.	Policies 1.1-1.5.	The Applicant is a member of Te Ātiawa who have statutory recognition as kaitiaki for Tōtaranui/QCS. As a member of a whānau with a very strong association with their ancestral home island of Arapaoa, the Applicant has respect for taonga in all forms and for all Māori who have relationships with

MSRMP Objectives	MSRMP Policies	Evaluation
		<p>this ancestral island. The Applicant knows of no waahi tapu seaward of the shoreline in this area and no taiāpure or mataitai in the vicinity.</p> <p>The Applicant has prepared the application in a manner that takes into account the spiritual and cultural values of tangata whenua iwi. In preparing this application, the Applicant has reviewed the Statutory Acknowledgments and statements of association for each iwi.</p>
Chapter 8, 8.3 Objective 1: public access to and along the coastal marine area ... be maintained and enhanced.	Policy 1.8: Public access to and along the coastal marine area should be maintained and enhanced ...	Public access will be unchanged.
Chapter 9, 9.2.1, Objective 1: The accommodation of appropriate activities in the coastal marine area whilst avoiding, remedying or mitigating the adverse effects of those activities.	Policy 1.1: Avoid, remedy and mitigate the adverse effects of use and development of resources in the coastal marine area on any of the following: .... (twelve values listed ranging from conservation and ecological values through to water quality).	<p>The proposal has no negative effects on these values.</p> <p>The proposal has positive effects through avoiding the disturbance of the seabed through installing new screw anchors and removing the existing screw anchors. It also avoids the temporary visual and noise impacts of mobilising equipment to site to install and remove screw anchors.</p>
	Policy 1.2: Adverse effects on public access caused by the erection of structures, marine farms, works or activities in or along the coastal marine area should as far as practicable be avoided.	This proposal has no effect on public access.
	Policy 1.3: Exclusive occupation of the coastal marine area or occupation which effectively excludes the public will only be allowed to the extent reasonably necessary to carry out the activity.	Exclusive occupation of the consent area is not sought, other than for the specific locations that are physically occupied by the lines and anchoring devices already installed on the seabed.
Chapter 9, 9.4.1, Objective 1:	Policy 1.1: Avoid, remedy or mitigate the adverse effects of activities that disturb or alter the foreshore and/or seabed.	The proposal avoids additional disturbance of the seabed, so is consistent with this Objective and Policy.

## Appendix E. Proposed Marlborough Environment Plan (Volume 1) - Analysis

MEP Objectives and Policies	Evaluation
Objective 3.2 – Natural and physical resources are managed in a manner that takes into account the spiritual and cultural values of Marlborough’s tangata whenua iwi and respects and accommodates tikanga Māori. [RPS]	The Applicant is of Māori descent and has prepared the application in a manner that takes into account the spiritual and cultural values of tangata whenua iwi.
Objective 3.3 – The cultural and traditional relationship of Marlborough’s tangata whenua iwi with their ancestral lands, water, air, coastal environment, waahi tapu and other sites and taonga are recognised and provided for. [RPS]	The Applicant is a member of the Te Ātiawa iwi who have statutory recognition as kaitiaki for Tōtaranui/QCS. As a member of a whānau with a very strong association with their home island of Arapaoa, the Applicant has respect for taonga in all forms and for all Māori who have relationships with this ancestral land.
Objective 3.5 – Resource management decision making processes that give particular consideration to the cultural and spiritual values of Marlborough’s tangata whenua iwi. [RPS]	The Applicant knows of no waahi tapu seaward of the shoreline in this area and no taiāpure or mataitai in the vicinity.
<p>Policy 3.1.1 – Management of natural and physical resources in Marlborough will be carried out in a manner that:</p> <p>(a) takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi, including kāwanatanga, rangatiratanga, partnership, active protection of natural resources and spiritual recognition.</p> <p>(b) recognises that the way in which the principles of the Treaty of Waitangi/Te Tiriti o Waitangi will be applied will continue to evolve;</p> <p>(c) promotes awareness and understanding of the Marlborough District Council’s obligations under the Resource Management Act 1991 regarding the principles of the Treaty of Waitangi/Te Tiriti o Waitangi among Council decision makers, staff and the community;</p> <p>(d) recognises that tangata whenua have rights protected by the Treaty of Waitangi/Te Tiriti o Waitangi and that consequently the Resource Management Act 1991 accords iwi a status distinct from that of interest groups and members of the public; and</p> <p>(e) recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Resource Management Act 1991. [RPS]</p>	In preparing this application, the Applicant has reviewed the Statutory Acknowledgments and statements of association for each iwi.
Policy 3.1.5 – Ensure iwi management plans are taken into account in resource management decision making processes. [RPS]	The Applicant has reviewed the Iwi management plans of Ngāti Kōata and Te Ātiawa o Te Waka-a-Māui.

MEP Objectives and Policies	Evaluation
Objective 4.1 – Marlborough’s primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources. [RPS]	This application contributes to a successful primary production sector through avoiding the cost and complexity of installing new screw anchors and removing existing screw anchors due to an historical and minor discrepancy in the as-built anchor locations which were installed for a previous owner in 2007.
Policy 4.1.2 – Enable sustainable use of natural resources in the Marlborough environment. [RPS]	
Objective 4.3 – The maintenance and enhancement of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds. [RPS]	The ecological character of the site will be maintained by avoiding the benthic disturbance that will otherwise be required to install new screw anchors and remove existing screw anchors.
Policy 4.3.3 – Provide direction on the appropriateness of resource use activities in the Marlborough Sounds environment. [RPS]	The aquaculture provisions of the MEP have yet to be notified. The proposed site is zoned CMZ2 under the operative MSRMP, which indicates that aquaculture is appropriate in the area.
Objective 5.10 – Equitable and sustainable allocation of public space within Marlborough’s coastal marine area. [RPS, C]	This proposal has no effect on public access. Right of public access are guaranteed by Section 27 of the Marine and Coastal Area (Takutai Moana) Act 2011. Public access through the farm is provided by the wide spacing between the lines.
Policy 5.10.3 – Where a right to occupy the coastal marine area is sought, the area of exclusive occupation should be minimised to that necessary and reasonable to undertake the activity, having regard to the public interest. [RPS, C]	Complies: This proposal has no effect on public access. The farm is located out from shore, ensuring good access to the shoreline. Public access is physically provided by wide spacing between the lines and by accessways.
Objective 6.2 – Preserve the natural character of the coastal environment, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development. [RPS, R, C, D]	Complies: There will be no effects on natural character as no changes to surface structures are proposed.
Policy 6.2.1 to 6.2.4 – Avoid the adverse effects of subdivision, use or development on areas of the coastal environment with outstanding natural character values... [RPS, R, C, D]	Complies: The waters of Onauku Bay where the marine farm is sited are not identified in the notified MEP as having outstanding natural character values.
Policy 6.2.5 – Recognise that development in parts of the coastal environment and in those rivers and lakes and their margins that have already been modified by past and present resource use activities is less likely to result in adverse effects on natural character. [RPS, R, C, D]	The proposal will have no adverse effect on natural character, as the anchors are already installed. Being located at depths of 30 to 40 metres the anchors are not visible from the water surface.
Policy 6.2.7 – In assessing the cumulative effects of activities on the natural character of the coastal environment, or in or near lakes or rivers, consideration shall be given to:	No change is proposed to the extent, scale or intensity of marine farming at site 8402.

MEP Objectives and Policies	Evaluation
<p>(a) the effect of allowing more of the same or similar activity;</p> <p>(b) the result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect; and</p> <p>(c) the combined effects from all activities in the coastal or freshwater environment in the locality. [RPS, R, C, D]</p>	
Objective 7.2 – Protect outstanding natural features and landscapes from inappropriate subdivision, use and development and maintain and enhance landscapes with high amenity value. (Also Policies 7.2.1 to 7.2.9. [R, C, D])	This application involves no change to surface structures and so has no effect on natural features, landscapes or amenity values.
<p>Policy 8.3.2 – Where subdivision, use or development requires resource consent, the adverse effects on areas, habitats or ecosystems with indigenous biodiversity value shall be:</p> <p>(a) avoided where it is a significant site in the context of Policy 8.1.1; and</p> <p>(b) avoided, remedied or mitigated where indigenous biodiversity values have not been assessed as being significant in terms of Policy 8.1.1.</p>	The proposal avoids adverse effects on the benthos by avoiding the need to install 8 new screw anchors and remove 8 existing screw anchors.
Policy 9.1.5 – Acknowledge the importance New Zealander's place on the ability to have free and generally unrestricted access to the coast. [RPS, C, D]	The application involves no change to public access.
Objective 10.1 – Retain and protect heritage resources that contribute to the character of Marlborough. [RPS]	There are no heritage resources in the vicinity of the site.
Policy 10.1.3 – Identify and provide appropriate protection to Marlborough's heritage resources, including ..... [RPS, C, D]	
Chapter 13.	Not applicable. Chapter 13 states that it “does not contain provisions managing marine farming.”
Chapter 15. Discharges.	There will be no changes to discharges arising from this application.

