



**MARLBOROUGH
DISTRICT COUNCIL**

RESOURCE CONSENT APPLICATION

U150785

KPF Investments Limited

Crail Bay, Central Pelorus East

Submissions Close

5.00 pm Friday 16 October 2015



AQUACULTURE DIRECT LTD
PO Box 213
Blenheim 7240
New Zealand

M +64 (0)21 451 284
E. info@aquaculturedirect.co.nz
www.aquaculturedirect.co.nz

28 August 2015

Anna L Eatherley
Manager Resource Consents
Marlborough District Council
15 Seymour Street
PO Box 443,
Blenheim 7240

Dear Anna

Application for an extension to marine farm 8533 in Crail Bay

Please find attached a renewal application for the above resource consent. Included with this application are the following documents;

1. Resource Consent Application
2. Locality Map
3. Site Plan
4. Structure Plan
5. Assessment of Environmental Effects (AEE)
6. Ecological report

Please contact me if you have any questions, bruce@aquaculturedirect.co.nz or 021 451 284.

Yours sincerely

Bruce Cardwell
Aquaculture Direct Limited

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Resource Consent Application

This application is made under Section 88 of the Resource Management Act 1991



For Office Use

ISO 9001:2008
Document Number:
RAF0002-CI1579

Lodgement Fee Paid \$

Receipt No.

Consent No.

Case Officer:

Date Received:

Please read and complete this form thoroughly and provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal, the words used in this form or the application process with Council staff, who are here to help.

This application will be checked before formal acceptance. If further information is required, you will be notified accordingly. When this information is supplied, the application will be formally received and processed further.

You may apply for more than one consent that is needed to cover several aspects of the activity on this form.

1. Applicant Details (If a trust, list full names of all trustees.)

Name:
(full legal name)

Mailing Address:
(including post code)

Email Address:

Phone: (Daytime) Phone: (Mobile)

2. Agent Details (If your agent is dealing with the application, all communication regarding the application will be sent to the agent.)

Name:

Mailing Address:
(including post code)

Email Address:

Phone: (Daytime) Phone: (Mobile)

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3. **Type of Resource Consent Applied For**

Coastal Permit Discharge Permit Land Use Subdivision Water Permit

4. **Brief Description of the Activity**

To apply for a 1.29ha extension to an existing marine farm 8533 in Crail Bay and bring together the original permit and existing extension and proposed extension under one consent expiring 21 February 2031

5. **Supplementary Information Provided?**

Yes No

Council has supplementary forms for some activities, such as moorings, water permits, domestic wastewater, discharge permits, to assist applicants with providing the required information.

6. **Property Details**

The location to which the application relates is (address): Marine farm 8533

Legal description (i.e. Lot 1 DP 1234): N/A

(Attach a sketch of the locality and activity points. Describe the location in a manner which will allow it to be readily identified, e.g. house number and street address, Grid Reference, the name of any relevant stream, river, or other water body to which application may relate, proximity to any well known landmark, DP number, Valuation Number, Property Number.)

Please attach a copy of the Certificate of Title that is less than 3 months old (except for coastal or water permits).

The names and addresses of the owner and occupier of the land (other than the applicant):

N/A

Please attach the written approval of affected parties/adjoining property owners and occupiers.

Note: As a matter of good practice and courtesy you should consult your neighbours about your proposal. If you have not consulted your neighbours, please give brief reasons on a separate sheet why you have not.

7. **Assessment of Effects on the Environment (AEE)** *(Attach separate sheet detailing AEE.)*

I attach, in accordance with Schedule Four of the Resource Management Act 1991, an assessment of environmental effects in a level of detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment. Applications also have to include consideration of the provisions of the Resource Management Act 1991 and other relevant planning documents.

Note: Failure to submit an AEE will result in return of this application.

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8. Other Information

Are additional resource consents required in relation to this proposal? If so, please list and indicate if they have been obtained or applied for.

N/A

I attach any other information required to be included in the application by the relevant Resource Management Plan, Act or regulations. Yes No

9. Fees

1. The applicable lodgement (base) fee is to be paid at the time of lodging this application. If payment is made into Council's bank account 02-0600-0202861-02, please put Applicant Name and either U-number, property number or consent type as a reference. If you require a GST receipt for a bank payment, please tick
2. The final cost of processing the application will be based on actual time and costs in accordance with Council's charging policy. If actual costs exceed the lodgement fee an invoice will be issued (if actual costs are less, a refund will be made). Invoices are due for payment on the 20th of the month following invoice date. Council may stop processing an application until an overdue invoice is paid in full. Council charges interest on overdue invoices at 15% per annum from the date of issue to the date of payment. In the event of non-payment, legal and other costs of recovery will also be charged.
3. Please make invoice out to: Applicant Agent
(if neither is ticked the invoice will be made out to Applicant)

10. Declaration

I (please print name) _____

confirm that the information provided in this application and the attachments to it are accurate.

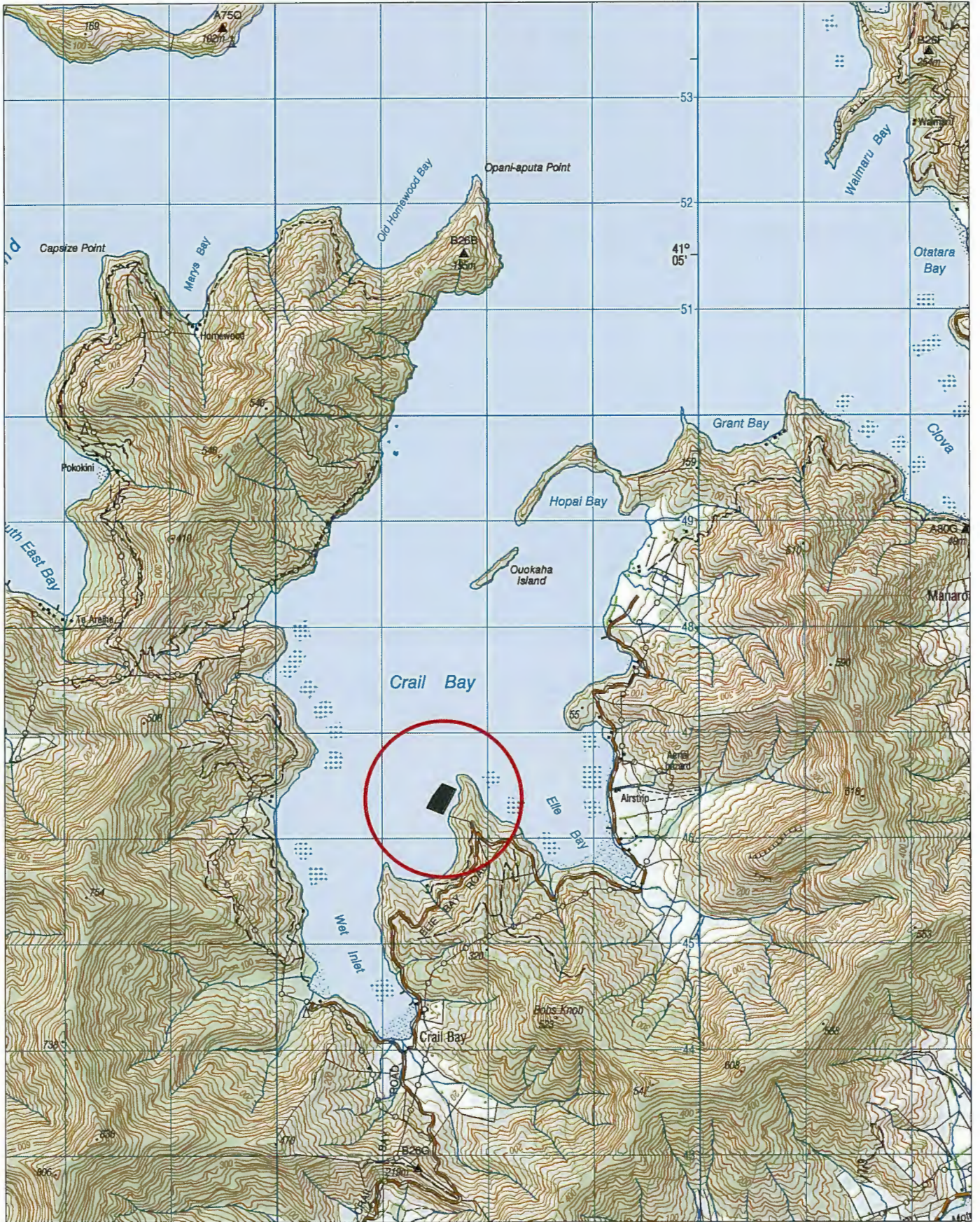
Signature of applicant or authorised agent:

Date:

Privacy Information

The information you have provided on this 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.

Reset Form



Topomap 50 Sheet: BP28

Base Topographical Data sourced from Land Information New Zealand Data. Crown Copyright Reserved.

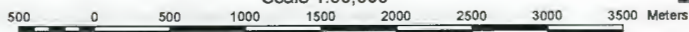


Prepared
24 August 2015

Locality Map

Marine Farm 8533
Crail Bay - Pelorus Sound

Scale 1:50,000



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MF_2408d

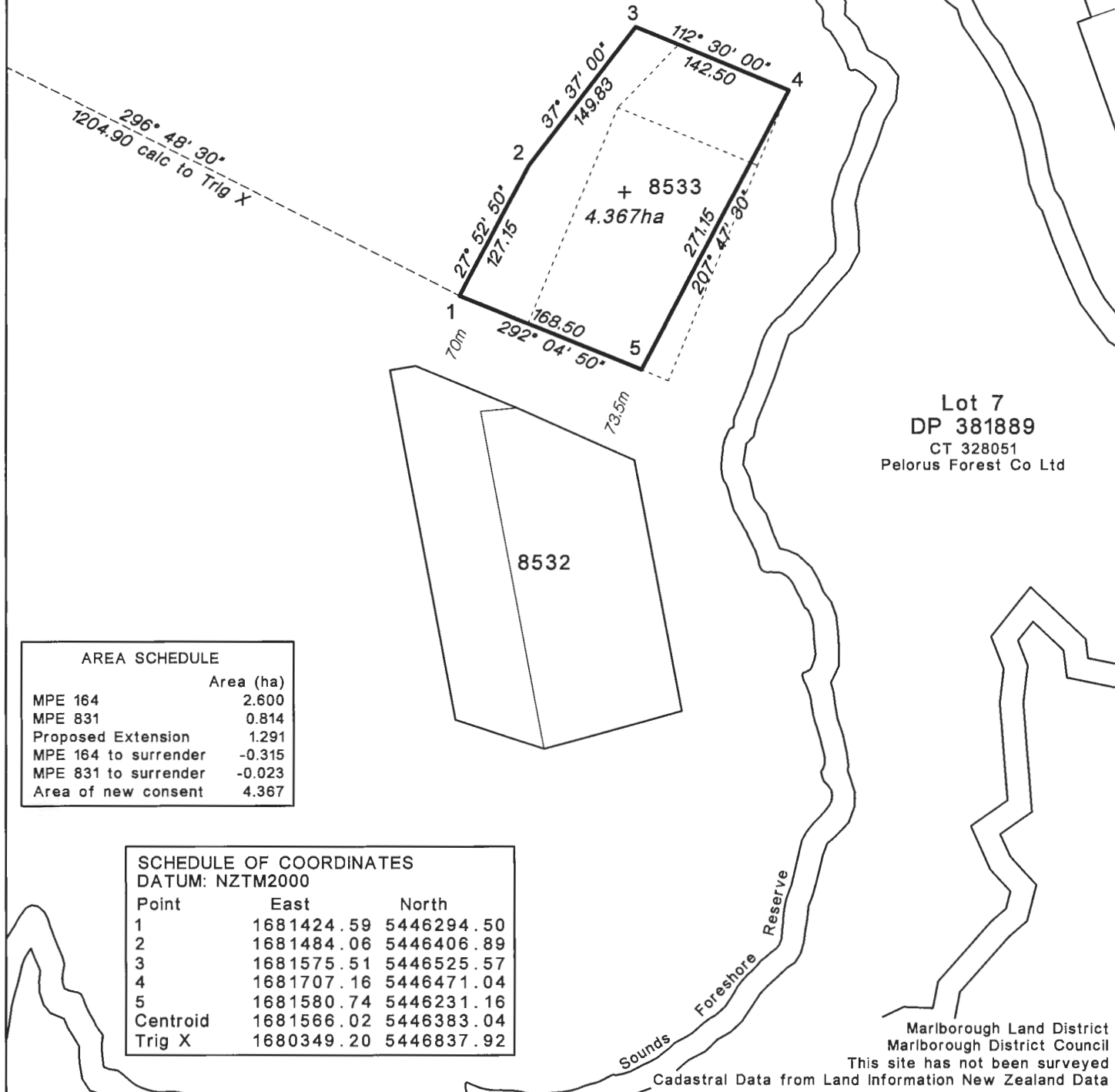


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Crail Bay



AREA SCHEDULE	
	Area (ha)
MPE 164	2.600
MPE 831	0.814
Proposed Extension	1.291
MPE 164 to surrender	-0.315
MPE 831 to surrender	-0.023
Area of new consent	4.367

SCHEDULE OF COORDINATES		
DATUM: NZTM2000		
Point	East	North
1	1681424.59	5446294.50
2	1681484.06	5446406.89
3	1681575.51	5446525.57
4	1681707.16	5446471.04
5	1681580.74	5446231.16
Centroid	1681566.02	5446383.04
Trig X	1680349.20	5446837.92

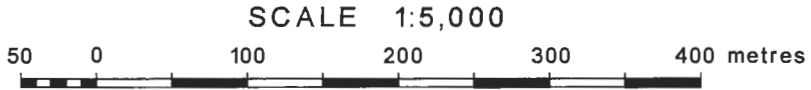
Lot 7
 DP 381889
 CT 328051
 Pelorus Forest Co Ltd

Marlborough Land District
 Marlborough District Council
 This site has not been surveyed
 Cadastral Data from Land Information New Zealand Data

Proposed Coastal Permit Extension to Marine Farm 8533 Crail Bay - Pelorus Sound

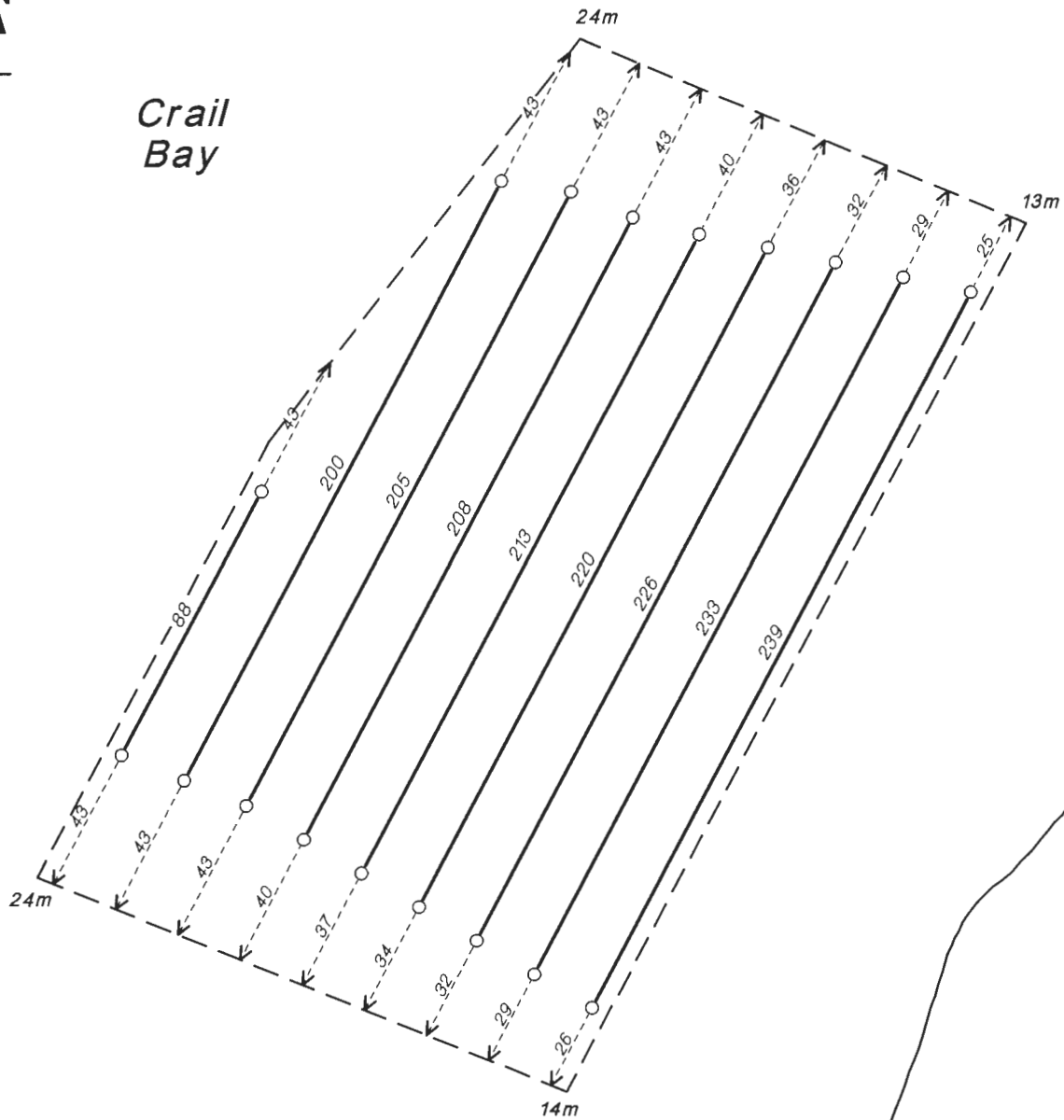


Date: 25 August 2015
 Drawing Ref: MF_2408d





Crail Bay



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REFERENCE

- Orange Float
- < Anchor
- Backbone
- - - Anchor Warp

NOTE

- Total Longlines = 9
- Total Backbone Length = 1832m
- Longline Spacing = 19.7m
- Warp Surface Loss = as shown



Date: 24 August 2015
Drawing Ref: MF_2408d

Structure Layout

Marine Farm Site 8533

Crail Bay - Pelorus Sound

SCALE 1:2,000





Crail Bay






8532

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council.

The accompanying material has been released by Council from its information repositories as they exist as at May 2015. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy.

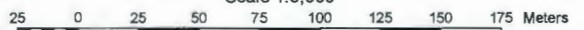
REFERENCE

-  Existing Marine Farm
-  Proposed Coastal Permit
-  Proposed Surface Structures



Marine Farm 8533
Crail Bay - Pelorus Sound
Proposed Coastal Permit
& Surface Structures

Scale 1:3,000



Aerial imagery from MDC GIS. Photos flown 2011/2012

Date: 24 August 2015

**ASSESSMENT OF ENVIRONMENTAL EFFECTS
FOR A COASTAL PERMIT
OCCUPANCY AND DISTURBANCE OF THE SEABED**

**APPLICATION BY KPF INVESTMENTS LIMITED (KPF)
FOR AN EXTENSION OF MARINE FARM SITE 8533
CRAIL BAY, PELORUS SOUND, MARLBOROUGH**

1.0 Introduction

KPF INVESTMENTS LIMITED (KPF) has applied for an extension (1.291ha) on the existing deemed resource consent (original licence number MPE164) for marine farm site 8533 (3.414ha) for the purpose of farming Greenshell mussels, (*Perna canaliculus*) blue mussels (*mytilus galloprovincialis*), pacific oysters (*Crassostrea gigas*), Dredge oysters (*Tiostrea chilensis*) and NZ scallop (*Pecten novaezelandiae*) using conventional structures. (See attached layout diagrams illustrating the site).

Resource consent U941320 for a 2.6ha site was issued to the original consent holder in February 1995; the associated marine farming permit MPE164 was issued under the Fisheries Act 1983 in December 1995. In February 2001 Council granted U991133 for a 0.814ha extension to the north-east; the associated MPE831 was issued in September 2006.

The application is for an extension to the site, the existing site is 3.414ha and it is proposed to extend this site by 1.291ha, creating a combined farm size of 4.705ha. If the extension is granted in full as applied for the applicant will surrender the inshore portion. The inshore portion as outlined in the site plan as .338ha. Therefore the total site will be 4.367 ha

U941320/MPE164 is for a term of 35 years, to 21 February 2030. U991133/MPE831 are for a 20 year term, to 14 February 2021. This application seeks to combine the existing approved extension (MPE831), the proposed seaward extension and the existing original farm (MPE164) into one consent that aligns with the original granted farm permit's expiry date of 21 February 2030.

The proposed farm layout has been redesigned to optimise the growing conditions on the site, adds two more backbones and moves the inshore farm seaward to align with the shoreline and deeper water. The applicant has farmed the site for many years and the inside line has been less productive than the other lines on the farm. The repositioning of the farm moves the line away from the more sensitive benthic in shore areas.

KPF is an Investment Company that makes its assets available to United Fisheries Limited (UFL) on a commercial basis. Both KPF and UFL are seafood companies which are family owned and have their base in Christchurch. UFL has been involved in aquaculture since 1987 and currently owns 30 marine farms in the Marlborough Sounds. The Christchurch factory is used for both fish and mussel processing.

Bob Nicolle as Aquaculture Manager of UFL has had a long involvement with the mussel industry (35 years). Bob is an Executive Committee member of the Marine Farming Association (MFA) and a past committee member of the Marlborough Shellfish Quality Programme (MSQP).

The applicant adheres to the 'Greenshell Mussel Industry Environmental Code of Practice' and its successor the Environment Management Framework and is an active participant of the Marine Farming Association's Environmental Programme. This programme covers the activities of marine farmers' "on water" activities. This Programme includes being an active participant in beach clean ups and adhering to the following Codes of practice:

- 'Marine Farming Operating Standards Marlborough Sounds, Tasman and Golden Bays'
- 'Code of Practice to avoid, remedy or mitigate noise from marine farming activities in the Marlborough Sounds, Golden Bay and Tasman Bay on other users and residents'
- 'Reducing Pollution and Emissions from Marine Farming 'On Water' Activities'
- 'Reducing Waste taken to Landfill from Marine Farming 'On water' Activities'

As this is a 'like for like' application by an existing permit holder, the application should be processed under s 165ZH. The applicant's adherence to the codes of practice mentioned above, and its commitment to environmental programmes and activities, along with its compliance with the conditions of the existing consent, are conduct in the applicant's favour in terms of s 165ZJ(1).

2.0 Introduction – the application

2.1 Size: The existing site is 3.414ha and it is proposed to extend this site by 1.291ha, creating a combined farm size of 4.705 ha or 4.367ha if the inshore portion is surrendered, refer point 1.0.

2.2 Structures: The site dimensions will be: inshore boundary 271m long, outer boundary 276m, northern boundary 142m long and southern boundary 168m long.

There will be a total of 9 longlines (see attached layout diagram).

2.3 Species: It is proposed to farm and harvest Greenshell mussels, (*Perna canaliculus*) blue mussels (*mytilus galloprovincialis*), pacific oysters (*Crassostrea gigas*), Dredge oysters (*Tiostrea chilensis*) and NZ scallop (*Pecten novaezelandiae*) using conventional long line methods.

The application is for a continuation of the activities currently consented at the site. No changes to the activities are proposed.

3.0 Permitted Activities

Consent is also sought to allow the existing seabed anchoring devices to remain (and be replaced and installed as required), to harvest marine farming product from the marine farm (including the taking and discharging of coastal seawater and discharge of biodegradable and organic waste matter) and all other activities that are ancillary to the operation on site 8533.

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The movement of vessels is a permitted activity: s27 Marine and Coastal Area (Takutai Moana) Act 2011. This right includes anything reasonably incidental to vessel movement (s27(2)).

4.0 Terms of Consent

U941320/MPE164 is for a term of 35 years, to 21 February 2030. U991133/MPE831 is for a 20 year term, to 14 February 2021. This application seeks to combine the existing approved extension (MPE831), the proposed seaward extension and the existing original farm (MPE164) into one consent that aligns with the original granted farm permit's expiry date of 21 February 2030.

5.0 The Site - Location

The site is located along the western shoreline of an un-named bay located between Wet Inlet and Elie Bay, in Crail Bay. Crail Bay is a large bay complex in Pelorus Sound and includes Elie Bay, Hopai Bay and Wet Inlet. Crail Bay has a coastline length of approximately 26 km (from Opani-aputa Point to the western headland of Grant Bay, coastline length does not include Ouokaha Island) and covers an area of sea of approximately 1570 ha. Crail Bay is approximately 2900 m wide across the entrance (between Opani-aputa Point and the western headland of Grant Bay).

A number of existing consented marine farms are located west and north of the present farm.

The nearest marine farm is 8532 to the south.

The farm is within the area of the Pelorus Sound generally accepted as being appropriate for mussel farming.

The adjacent land is regenerating bush and is zoned Sounds Residential but there has been no subdivision. On the northern end of the farm the adjacent land is zoned Rural 1.

The site is bounded by marine farm 8532 to the South. See attached locality map.

6.0 The Site - Dimensions

The site dimensions have been described above are as per the layout plans attached. The depth of the water at each of the corners of the site is 24.8m (NW), 12.6m (NE), 13.7m (SE), and 24.7m (SW).

Currently the site has 7 longlines and the proposed design includes 9 long lines which range from 88m to 239metres long.

The site layout is attached to the application. The long lines will be no more than 19.7m apart.

The warp lengths are approximately 25m-43m from each end of the backbone (see line layout diagram for individual longline lengths). The warp ratio is 2:1.

The farm is onsite.

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7.1 The Marine Environment

In August 2015 Mr RJ Davidson, of Davidson Environmental Ltd, undertook a biological study of the ecology of the marine area of site 8533. The report provides an overview of the bay and site specific information for the marine farm. The report is attached as part of this application. The aim of that study was to provide a report on the habitats and the impact zone associated with the current activities at site 8533 and also to identify any potential threats to any ecological, scientific or conservation values posed by the activities sought in the application.

The Report indicates that the impact of the existing activity is similar to other mussel farming activities in the Pelorus Sound. In particular the report states the following;

“5.0 Summary and conclusions

5.1 Substratum and biological values

All of the proposed extension area was characterised by soft substratum composed primarily of silt and clay (mud) with a very small component of natural shell. Silt and clay and silt and clay with shell are widespread and common in the Marlborough Sounds. Mud (silt and clay) has been traditionally targeted by marine farming activities. No biological communities of particular interest such as red algae or horse mussels were recorded from the proposed extension area.

No hard substratum was located within the proposed extension. No known species or habitats considered ecologically significant were observed from within the application area (see Davidson et al. 2011 for significant areas in Marlborough).

Silt, fine sand and shell hash habitats were recorded inshore of the parent farm. Sonar detected bobbles well inshore of the parent farm. The parent farm areas (south and north) were dominated by silt and clay substrata. Inshore areas had a component of natural shell.

5.2 Impact

The applicant proposes to farm a variety of shellfish and the likely species farmed will be mussels. The impact of a mussel farm in the Marlborough Sounds has been well documented (see Keeley et al. 2009 for review) and it is probable that the present extensions, if established, will conform to the known range of impacts for this activity.

Based on existing studies on the impact of mussel farms in the Marlborough Sounds and around New Zealand, it is unlikely that impacts would be detectable beyond 10-20 m from the droppers. Based on the existing knowledge base on mussel farms impacts, it is unlikely the reef located >90 distance north of the parent farm and extension would be impacted.

5.3 Boundary modifications and monitoring

Based on ecological data collected during the present study, no adjustments to the proposed extension boundaries or the parent farm are suggested. Further, based on substratum and habitats found in the proposed extension area, no monitoring or staging is suggested.”

The report also indicates that the impact of the current activities is in line with expectations of the environmental impacts of mussel farming. In addition, the current study supports the

Ministry of Fisheries assessment which was used to assess the sustainability of the farm and its impact on fishing and fishery resources.

7.2 The Land Environment

The site lies near other marine farms in Crail Bay. The site is bounded by a marine farm to the south 8532. See attached locality map.

The adjacent land is regenerating bush and is zoned Sounds Residential but there has been no subdivision. On the northern end of the farm the adjacent land is zoned Rural 1.

The coastline adjacent consists of steep hill slopes with short to moderately high coastal cliffs.

The beach is dominated by hard rock and boulders, although small beaches have formed along the coastline in this area.

8.0 NAVIGATION MATTERS

8.1 The Shoreline

The distance from the shoreline according to the original Cadastral mapping holds with the conventions established in the Marlborough Sounds Resource Management Plan. That is, the inshore boundary of the farm is beyond 50m from the mean low water mark.

8.2 Headlands

There is a headland immediately adjacent to the site.

8.3 Navigational Routes (Formal/Informal)

The shoreline in which the farm sits is not on a normal navigation route. Most approaches are made from the north of Crail Bay to the wharf in Wet Inlet.

The headland immediately to the north and adjacent to the existing farm includes a rocky submerged outcrop which is a hazard to vessels. The applicant examined the site and identified the safe passage for vessels rounding the point from Elie Bay prior to developing the plans for the extension. A line was drawn from the safe passage from the rocky outcrop extension at the headland to an approach into Wet Inlet. The proposed extension does not interfere with the safe passage and would assist navigation by providing guidance on a clear route to Wet Inlet.

The farm does not impede vessel movements along the coastline.

8.4 Anchorages or Mooring Areas (Formal/Informal)

There are no registered moorings in the immediate vicinity of the site.

The New Zealand Cruising Guide Central book states that the nearby Wet Inlet is extremely shallow and none of the area provides shelter in bad conditions. There are no safe anchorages shown in the bay where the farm is situated.

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8.5 Indirect Effects-Servicing vessels at site

The applicant estimates their farming and harvesting vessels will visit the extended area on an average of 6-8 days a year for periods of 0.5 to 5 hrs to undertake farm maintenance, seeding and harvesting on the proposed extension. The total amount of hours spent on these activities is estimated to be 18-20 hrs annually.

8.6 Water Ski Lanes

There are no formal water ski lanes in the vicinity.

8.7 Sub-Marine Cables

There are no sub-marine cables in the immediate vicinity of the farm.

9.0 AESTHETIC

9.1 Land Zoned for Residential Use or Proximity to Residences

There is a residence near the site approximately 700metres to the south. The land immediately north and west of the farm is zoned Sounds Residential but there has been no subdivision. On the northern end of the farm the adjacent land is zoned Rural 1.

9.2 Scenic Value

The area has not been identified within the Marlborough Sounds Resource Management Plan as being an area of outstanding natural landscape value.

The foreshore and the hinterland is regenerating bush.

The effect of the marine farm on the adjacent area will not have any effect on the flora and fauna of this area.

10.0 ECOLOGICAL VALUE

There is no ecological value identified in the Marlborough Sounds Resource Management Plan for Crail Bay. There is an area 800metres to the south where a small site of localised ecological value is situated. This area is well away from this farm.

The marine farm will have no effect on the adjacent land including flora and fauna.

11.0 RECREATIONAL VALUE

In terms of recreational use, there is no road access to the area.

The visual impact of the marine farm will not change. Access to the coast for recreationalists is maintained.

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12.0 HISTORICAL, TRADITIONAL AND CULTURAL VALUES

No sites of archaeological, historical or traditional value are known by the applicant to be present in the area.

In preparing this application, the applicant has had regard to the Te Tau Ihu Statutory Acknowledgments and has reviewed the statements of association for each iwi. The applicant understands that this application will be notified to iwi with statutory acknowledgements in the area and will discuss the application further with iwi representatives.

13.0 COMMERCIAL AND RECREATIONAL FISHING

Matters impacting on commercial and recreational fishing are controlled by the Ministry of Primary Industry's (MPI) Undue Adverse Effects test (UAE).

13.1 Commercial Fishing

Commercial fishing is not known to occur in Crail Bay, but may occur offshore. The farm will not interfere with commercial fishing operations. No artificial feed or attractants are added.

13.2 Recreational Fishing

It is the applicant's view that the marine farm at the site enhances opportunities for recreational fishing, as marine farms generally tend to create an ecosystem which is conducive to the presence of reef fish and other fish species.

14.0 VISUAL EFFECTS OF THE FARM

Visual effects change will only be minor and includes an addition of two further longlines.

The total farm structures consist of 9 long lines of 200 metre average metres in length containing black mussel buoys ranging between approximately 4 and 60 per line. There will be approximately 240 floats on the farm although each line will have different numbers of floats depending on stage of the growth cycle. On average there will be one float to 8 metres backbone. At the end of each longline an orange buoy will be displayed and an orange buoy will be displayed in the middle of each of the seaward most and landward most longlines.

A yellow light, radar reflector and a band of reflective tape will be displayed on the seaward corners and radar reflectors and a band of reflective tape will be displayed on the landward corners or as requested on the lighting plan provided by the Harbour Master.

15.0 EFFECTS ON WATER QUALITY AND ECOLOGY

Water quality of the area is high, both in relation to productivity and suitability for harvesting for human consumption, and suitability for mussel farming. The site relies on this high water quality to enable the process of mussel farming to flourish.

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The effect on the ecology of the site from the existing activity is attached in the Davidson Environmental Limited report 823.

No specific sites of marine ecological significance have been identified in Crail Bay in the 'Ecological Significant Marine Sites in Marlborough New Zealand' published by Rob Davidson and others in 2011.

16.0 EFFECTS ON PRODUCTIVITY

Water quality is unlikely to be a problem for mussel farming in Crail Bay. The continuing activity itself is unlikely to create any significant detrimental effects on water quality.

17.0 THE BENTHIC ENVIRONMENT

In terms of the benthic environment, the ecology of this area has been documented in Davidson Environmental Ltd report 823 (refer to 7.1 above).

No changes to the proposed site boundaries or the layout are necessary to mitigate any adverse impacts on the seabed.

18.0 ALIENATION OF PUBLIC SPACE

The general area of this part of the Pelorus Sound has been utilised by marine farmers in excess of 35 years. Recreation and commercial boat owners are aware of marine farms in this area and all vessels have the opportunity to use the site and transit through it. The spacing between the long lines provides opportunity for access by vessels wanting to transit the site.

19.0 HARVESTING

As part of this application, the applicant seeks to continue harvesting mussel crops. The right to navigate to and from the farm, and to anchor, moor and load crop is preserved by s27 of the Marine and Coastal Area (Takutai Moana) Act 2011. However, consent is required for the amount of organic waste matter which is discharged during the harvesting process and for the take and use of coastal water. No significant historical adverse effects have been recorded or are anticipated and any visual evidence of harvesting quickly dissipates in the coastal environment.

Vessels will be required to service the farm on an irregular basis (refer to 8.5).

20.0 ON SHORE FACILITIES

The applicant already has onshore marine farm facilities based in Havelock on land leased from Port Marlborough Limited. Farm work is undertaken by the applicant's staff and contractors based out of Havelock. The direct number of staff employed by the applicant, based in Havelock, is 4 FTE and 3 casual employees.

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UFL use contractors for their harvesting operations, anchor installations and engineering support. The mussels are transported to Christchurch where they provide a critical part of the production to maintain processing to the factory which employees 45 FTE.

21.0 VALUE OF INVESTMENT

As part of this application to extend site 8533, the applicant is seeking to align all existing Permits into a single unit and surrender the existing consents when the application is granted until 21 February 2030. As a result, this is an application to which s 165ZH(1)(c) applies and the Council must, when considering the application, have regard to the value of the investment of the existing consent holder under s 104(2A).

The extension to the farm is estimated to produce approximately 60 tonnes per annum (\$950/ Green Weight Tonne (GWT)) and after processing the final ½ shell product would be sold on the export market at approximately \$175,000. Approximately 95% of United Fisheries mussel products are exported. All lines are restocked after harvest to achieve 60 GWT/per annum harvest. The applicant leases berthage and land in Havelock from Port Marlborough Ltd and engages local transport companies to transport the bulk mussels.

The mussels are transported to Christchurch where they provide a critical part of the production to maintain processing to the factory which employees 45 Full-time Equivalents (FTE).

22.0 PART II RESOURCE MANAGEMENT ACT ISSUES

22.1 Section 5

Section 5 of the Resource Management Act 1991 is given effect through the New Zealand Coastal Policy Statement, Marlborough Regional Policy Statement and Marlborough Sounds Resource Management Plan.

In terms of the enabling provisions in Section 5 of the Resource Management Act, the marine farm industry has been, and will continue to be, a source of substantial revenue generation and job creation in the Sounds and in the Nelson/Marlborough region.

The majority of mussels produced from the site will be exported, therefore generating foreign exchange earnings for the country. Applications such as this enable the sustainable use of the marine environment.

22.2 Section 6

Matters of national importance have been assessed under the requirements of the Marlborough Sounds Resource Management Plan.

The Proposal recognises:

- 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:*

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Section 6(a) is given effect through Policy 13 of the New Zealand Coastal Policy Statement and is considered further below.

- b. The protection of outstanding natural features and landscapes from inappropriate Subdivision, use, and development:*

The area of the application is not identified as an area of outstanding landscape value in the current Plan.

- c. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

The adjacent vegetation next to the farm is regenerating bush. This application will not alter the current regeneration of that vegetation.

- d. The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

Public access is maintained with good separation from the coast and main navigational routes.

- e. The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

The site is not known to be of importance to Maori. The applicant is unaware of any new historical sites on land nearby identified since the last application. This will be confirmed through consultation with Iwi.

22.3 Section 7

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (a) Kaitiakitanga:*
- (b) The efficient use and development of natural and physical resources:*
- (c) The maintenance and enhancement of amenity values:*
- (d) Intrinsic values of ecosystems:*
- (e) Recognition and protection of the heritage values of the sites, buildings, place, or areas:*
- (f) Maintenance and enhancement of quality of the environment:*
- (g) Any finite characteristics of natural and physical resources:*
- (h) The protection of the habitat of trout and salmon.*

Matters under Section 7 (a-g) have been considered earlier in the original proposal. This application is not anticipated to have any additional effects over and above what already exists. Section (h) is not relevant to this application.

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23.0 NEW ZEALAND COASTAL POLICY STATEMENT 2010 (NZCPS)

The New Zealand Coastal Policy Statement 2010 is of general relevance to this application and all policies have been considered in the development of the proposal. Policies of specific relevance are considered below.

23.1 Policy 2

Policy 2 sets out a number of matters which are relevant to the taking into account of the principles of the Treaty of Waitangi and kaitiakitanga, in relation to the coastal environment.

The applicant recognises that Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui and Ngati Toa Rangatira have statutory acknowledgments in the area of the application site. Those acknowledgements have been considered during the preparation of this application, as outlined above.

The iwi management plans of Ngāti Kōata and Te Ātiawa o Te Waka-a-Māui have been reviewed. No areas of conflict have been identified.

There are no taiāpure or mahinga mātaimai 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 applicant will discuss the proposal further with relevant iwi representatives if this is requested.

23.2 Policy 6

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.

The farm is part of the existing built environment, so is in accordance with subpart 1(f), as the continuation of the farm would not result in a change in the present character of Crail Bay. As noted above, the visual impact of the farm has been considered, in line with subpart 1(h), and this did not exclude the area from being considered an outstanding natural landscape. No areas of indigenous biodiversity or historic heritage value have been identified in relation to the site, so the farm complies with subpart 1(j).

Subpart 2 of Policy 6 is particularly relevant. Mussel farming clearly has a functional need to be located in the coastal marine area. The farm directly contributes to the social and economic wellbeing of people and communities, in accordance with subpart 2(a). This is discussed in relation to Policy 8 below.

23.3 Policy 8

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 by:

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- (a) *including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include:*
- i. The need for high quality water for aquaculture activities; and*
 - ii. The need for land-based facilities associated with marine farming.*
- (b) *Taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and*
- (c) *Ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose.*

The 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 the requirement of Policy 8.

23.4 Policy 11

Policy 11 relates to protecting the indigenous biological diversity of the coastal environment.

The farm is located over mud habitat and avoids any reef areas or any other areas of significant biodiversity. There will be no adverse modified effects on indigenous biodiversity.

23.5 Policy 13

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.

The area of the application site is not recognised as an area of outstanding natural character in the most recent comprehensive natural character study “Natural Character of the Marlborough Coast” (June 2014).

23.6 Policy 15

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.

This application is not within an area of outstanding landscape value under the Marlborough Sounds Resource Management Plan. There will be no further impact on the landscape than those already occurring under the current consent. The effects of the application on the landscape will be minor and the effects are not likely to impact on the values which contribute to the landscape.

23.7 Policy 18

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.

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As noted above, the only means of access to this area is by boat. The visual impact of the marine farm will not change. Access to the coast for recreationalists is maintained.

There are no registered moorings in the immediate vicinity of the site, and no formal water ski lanes. Opportunities for recreational fishing may be enhanced by the presence of the marine farm.

23.8 Policy 22

Policy 22 requires an assessment of sedimentation levels, and that use will not result in a significant increase in those levels. Davidson's biological report, discussed above, stated that while shell and fine sediment would be deposited under and in proximity to droppers, the farm structures are located over habitat considered suitable for this type of activity. No monitoring appeared to be necessary.

23.9 Policy 23

Subpart 1 of Policy 23, which relates to managing discharges to water in the coastal environment, is relevant to this application. Silts and organic matter released at harvest are readily assimilated into the water column and seabed. The effects of harvesting mussels are only transitory, and quickly become indistinguishable from background sedimentation.

CONCLUSION

This application is not within an area of outstanding landscape value under the Marlborough Sounds Resource Management Plan. The effects of the additional lines on the landscape will be no more than minor.

24.0 REGIONAL POLICY STATEMENT/MARLBOROUGH SOUNDS RESOURCE MANAGEMENT PLAN

Certain provisions of the Marlborough Regional Policy Statement have relevance to this application and are considered in Appendix A.

The Marlborough Sounds Resource Management Plan contains a number of provisions that are relevant this application. An assessment of the application against the requirements of the plan is contained in Appendix B.

CONCLUSION

Taken overall, the application is consistent with the relevant objectives and policies of the Regional Policy Statement and Marlborough Sounds Resource Management Plan.

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25.0 CONSULTATION

An initial letter has been sent to all Iwi listed below identifying the site prior to the application being submitted.

A meeting has been held with Ngāti Kuia.

Company	Name	Address 1	Address 2
Ngati Koata Trust	Matthew Hippolite	PO Box 1659	Nelson 7040
Te Runanga a Rangitane o Wairau	Paia Riwaka-Herbert	PO Box 883	Blenheim 7240
Te Runanga O Ngati Kuia	Raymond Smith	PO Box 1046	Blenheim 7240
Ngāti Apa ki te Rā Tō	Butch Bradley	PO Box 708	Blenheim 7240
Te Atiawa Manawhenua Ki Te Tau Ihu Trust	Catherine Hammond & Ian Shapcott	PO Box 340	Picton 7250
Ngati Toarangatira Manawhenua Ki Te Tau Ihu Trust	Tracey Williams & Jennie Smeaton	PO Box 5061	Blenheim 7240
Ngati Rarua Trust	Hemi Toia	PO Box 1026	Blenheim 7240

26.0 CONCLUSION

The applicant considers that the renewal of site 8533 is appropriate, thereby allowing the continued farming of greenshell mussels and other species at the site.

Crail Bay is a location where aquaculture has long been present and has no more than a minor impact on other values in the area.

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Appendix A: Marlborough Regional Policy Statement – Policy Analysis

Objective	Policy	Assessment
5.3.2: That water quality in the coastal marine area be maintained at a level which provides for the sustainable management of the marine ecosystem	5.3.5: Avoid, remedy or mitigate the reduction of coastal water quality by contaminants arising from activities occurring within the coastal marine area.	No artificial feed or attractants are added. No Chemicals, antibiotics or other therapeutants added Any discharges of organic matter associated with harvesting will be transitory.
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.	Any disruption associated with the existing mooring of the farm is minor in scale and transitory. The seabed is already in a modified state due to terrestrial run off.
7.1.9: To enable present and future generations to provide for their wellbeing by allowing use, development and protection of resources provided any adverse effects of activities are avoided, remedied or mitigated.	7.1.10: To enable appropriate type, scale and location of activities by: <ul style="list-style-type: none"> • clustering activities with similar effects; • ensuring activities reflect the character and facilities available in the communities in which they are located; • promoting the creation and maintenance of buffer zones (such as stream banks or 'greenbelts'); • locating activities with noxious elements in areas where adverse environmental effects can be avoided, remedied or mitigated. 	The marine farm is consistent with the current Policy and the designated consented area is within a bay well established for marine farming.
	7.1.12: To ensure that no undue barriers are placed on the establishment of new activities (including new primary production species) provided the life supporting capacity of air, water, soil and ecosystems is safeguarded and any adverse environmental effects are avoided, remedied or mitigated.	The marine farm is located within the consented area which is approved for marine farming. The proposed extension will have no more than a minor effect on the environment.

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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 marine farm is within a bay well established for marine farming. The marine farm's activity is biologically sustainable.
	7.2.10(a) - (d)	The marine farm is located within the consented area which is approved for marine farming.
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 sites of cultural or heritage significance have been identified on the area of the application site
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 site is not within an area of outstanding natural landscape and the proposed extension will have no more than a minor impact on the landscape. The farm is well managed and complies with the Greenshell Mussel Environmental Code of Practice.
	8.1.5: Promote enhancement of the nature and character of indigenous, working, and built landscapes by all activities which use land and water.	The proposed extension will have no more than a minor additional impact on the landscape.
	8.1.6: Preserve the natural character of the coastal environment.	The proposed extension will have no more than a minor additional impact on the natural character of the coastal environment.

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Appendix B: Marlborough Sounds Resource Management Plan – Policy Analysis

Objective	Policy	Assessment
<p>Ch 2, 2.2, Obj 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.</p>	<p>Policy 1.1: Avoid the adverse effects of subdivision, use or development within those areas of the coastal environment and freshwater bodies which are predominantly in their natural state and have natural character which has not been compromised.</p>	<p>This application is set in an area which is regenerating bush. The marine farm is within a bay well established for marine farming for over 20 years.</p>
	<p>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.</p>	<p>Refer above.</p>
	<p>Policy 1.3: To consider the effects on those qualities, elements and features which contribute to natural character, including:</p> <ul style="list-style-type: none"> a) Coastal and freshwater landforms; b) Indigenous flora and fauna, and their habitats; c) Water and water quality; d) Scenic or landscape values; e) Cultural heritage values, including historic places, sites of early settlement and sites of significance to iwi; and f) Habitat of trout. 	<p>These matters have been considered in the assessment of environmental effects.</p>
	<p>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.</p>	<p>The proposed extension will have no more than a minor additional impact on the components of these policies which impact natural character values.</p>

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	Policy 1.6: In assessing the appropriateness of subdivision, use or development in coastal and freshwater environments regard shall be had to the ability to restore or rehabilitate natural character in the area subject to the proposal.	Any residual impact on natural character will naturally rehabilitate on removal of the farm.
	Policy 1.7: To adopt a precautionary approach in making decisions where the effects on the natural character of the coastal environment, wetlands, makes and rivers (and their margins) are unknown.	The effects of this application are not unknown and are discussed elsewhere in the assessment of environmental effects. A precautionary approach is not justified.
Ch 4, 4.3, Obj 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.	The farm is not sited over an area of significant ecological value.
Ch 5, 5.3, Obj 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 site is not within an area of outstanding landscape value identified in the plan. The effects of the proposed extension will be no more than minor on the landscape.
Ch 6, 6.1.2, Obj 1: Recognition and provision for the relationship of Marlborough's Maori to their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.	Policies 1.1-1.5 RECEIVED 29 AUG 2015 MARLBOROUGH DISTRICT COUNCIL	In preparing this application, the applicant has had regard to the Statutory Acknowledgments and has reviewed the statements of association for each iwi. No areas of conflict have been identified by the applicant. An initial letter has been sent to all Iwi identifying the site prior to the application being submitted. An initial meeting has been held with Ngati Kuia. The applicant understands there are no known wahi tapu, taiapure, mataitai or other areas of significance to Maori in the vicinity of the application.

Ch 8, 8.3, Obj 1: That public access <i>to and along</i> the coastal marine area, lakes and rivers be maintained and enhanced.	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. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.	There are no additional adverse effects on public access caused by the marine farm.
	Policy 1.3: To prevent the erection of structures and marine farms that restrict public access in the coastal marine area where it is subjected to high public usage.	There are no additional adverse effects on public access caused by the marine farm.
	Policy 1.8: Public access to and along the coastal marine area should be maintained and enhanced except where it is necessary to [circumstances do not apply].	There are no additional adverse effects on public access caused by the marine farm.
Ch 9, 9.2.1, Obj 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: <ul style="list-style-type: none"> a) Conservation and ecological values; b) Cultural and iwi values; c) Heritage and amenity values; d) Landscape, seascape and aesthetic values; e) Marine habitats and sustainability; f) Natural character of the coastal environment; g) Navigational safety; h) Other activities, including those on land; i) Public access to and along the coast; j) Public health and safety; k) Recreation values; and l) Water quality. 	The way in which adverse effects on the stated values will be avoided, remedied and mitigated is addressed elsewhere in the assessment of environmental effects. Overall, the proposal is consistent with this policy.

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	<p>Policy 1.2: Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.</p>	<p>The marine farm is within a bay well established for marine farming. There will no more than minor additional adverse effects on the coastal environment from this proposed extension. The navigational lighting requirements may change from the existing consent.</p>
	<p>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.</p>	<p>Consistent with other marine farms in the Marlborough Sounds, exclusive occupation of the consent area is not sought, other than for the area physically occupied by the lines and anchoring devices.</p>
	<p>Policy 1.6: Ensure recreational interests retain a dominant status over commercial activities that require occupation of coastal space and which preclude recreational use in Queen Charlotte Sound, including Tory Channel, but excluding Port and Marina Zones.</p>	<p>Not applicable</p>
	<p>Policy 1.7: Avoid adverse effects from the occupation of coastal space in or around recognised casual mooring areas.</p>	<p>Exclusive occupation of the consent area is not sought. The bay is not recognised for casual moorings.</p>
	<p>Policy 1.12: To enable a range of activities in appropriate places in the waters of the Sounds including marine farming, tourism and recreation.</p>	<p>Policy 1.12 enables marine farming in appropriate places. Site 8533 is consented for marine farming,.</p> <p>The area around the farm is zoned CM22 where aquaculture is permitted.</p>
	<p>Policy 1.13: Enable the renewal as controlled activities of marine farms authorised by applications made prior to 1 August 1996 as controlled activities, apart from exceptions in Appendix D2 in the Plan.</p>	
<p>Ch 9, 9.3.2, Obj 1: Management of the effects of activities so that water quality in the coastal marine</p>	<p>Policies 1.1 to 1.11</p>	<p>This application is not anticipated to have any impact on shellfish quality.</p>

area is at a level which enables the gathering or cultivating of shellfish for human consumption (Class SG).		
Ch 9, 9.4.1, Obj 1:	Policy 1.1: Avoid, remedy or mitigate the adverse effects of activities that disturb or alter the foreshore and/or seabed on any of the following: [criteria specified in Plan].	There will be no more than minor additional disturbances of the seabed with the proposed extension. There are regular beach clean ups in Crail Bay.
Ch 9, 9.4A.1, Obj 1:	n/a	These policies are no longer relevant due to abolition of AMAs through legislation.
Ch 19, 19.3, Obj 1: Safe, efficient and sustainably managed water transport systems in a manner that avoids, remedies and mitigates adverse effects.	Policy 1.1: Avoid, remedy or mitigate the adverse effects of activities and structures on navigation and safety, within the coastal marine area.	There have been no reported navigational incidences in the bay. There may be changes to the existing consent conditions regarding the navigational aids placed on the farm.
Ch 22, 22.3, Obj 1: To avoid, remedy and mitigate the adverse effects of unreasonable noise, while allowing for reasonable noise associated with port activities.	Policy 1.1: Avoid, remedy and mitigate community disturbance, disruption or interference by noise within coastal, rural, and urban areas.	The farm is positioned approximately 700 metres away from the closest residence in the area. The applicant's servicing vessel is estimated to spend approximately 18-20 hours per annum maintaining and harvesting the additional two lines per year. The applicant complies with the 'Code of Practice to avoid, remedy or mitigate noise from marine farming activities in the Marlborough Sounds, Golden Bay and Tasman Bay on other users and residents'

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To: Marlborough District Council
PO Box 443
Blenheim 7240

SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT

1. Submitter Details

Name of Submitter(s) in full _____

Address for Service *(include post code)* _____

Email _____

Telephone *(day)* _____ Mobile _____ Facsimile _____

Contact Person *(name and designation, if applicable)* _____

2. Application Details

Application Number _____ U _____

Name of Applicant *(state full name)* _____

Application Site Address _____

Description of Proposal _____

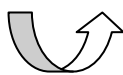
3. Submission Details *(please tick one)*

I/we support all or part of the application

I/we oppose all or part of the application

I/we are neutral to all or part of the application

The specific parts of the application that my/our submission relates to are *(give details, using additional pages if required)*



The reasons for my/our submission are *(use additional pages if required)*

The decision I/we would like the Council to make is *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required)*

4. Submission at the Hearing

I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

OPTIONAL: Pursuant to section 100A of the Resource Management Act 1991 I/we request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

5. Signature

Signature

Date

Signature

Date

6. Important Information

- Council must receive this completed submission before the closing date and time for submission for this application. The completed submission may be emailed to mdc@marlborough.govt.nz
- You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
- Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the hearing report.

7. Privacy Information

The information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public file held by Council. The details may also be available to the public on Council's website. If you wish to request access to, or correction of, your details, please contact Council.