

Schedule C – Consultation Record

Marlborough Sounds Aquaculture Project – Fast-track Approvals Act 2024

1. Introduction

This Consultation Summary Record is provided in support of the Marlborough Sounds Aquaculture Project Substantive Application. The Applicants' agents have undertaken significant consultation and engagement with local authorities, government agencies, Te Taihū Iwi and stakeholders in the process of preparing this application

This record provides a summary of all relevant consultation undertaken to date (including at the referral stage) and resulting amendments to the application from this consultation. This record is organised as follows:

- i. Marlborough District Council (Council)
- ii. Te Taihū Iwi
- iii. Department of Conservation (DoC)
- iv. Ministry for Primary Industries, Biosecurity New Zealand and Fisheries New Zealand
- v. Aquaculture New Zealand
- vi. Maritime New Zealand
- vii. Ministry for Cities, Environment, Regions and Transport
- viii. Fishing Interests

This consultation record only relates to substantive korero had directly with applicants and their agents.

Attached to this record are:

- a. The applicants' responses to written comments provided to EPA during the referral application process (**Table A**);
- b. The applicants' responses to comments received from Council and DoC before lodgement of the referral application (**Tables B1 and B2**). That includes information on how feedback informed the application. Tables B1 and B2 were lodged with the referral application and have not been amended.

2. Marlborough District Council

The Applicants' agents undertook meetings ahead of lodging the referral application to discuss the draft consent conditions. Since lodging the referral application, correspondence with Marlborough District Council has been centrally around conditions and management plans.

The consultation can be summarised as follows:

Referral Application

1. Initial meeting at Council¹, 3 April 2025. Purpose to socialise the intended application with senior leadership team. Discussed general timeframe, approach to a joint application and logistics.
2. Follow up discussion with Gina Ferguson and Peter Johnson at Gascoigne Wicks Lawyers, 5 September 2025 (Ned Wells also in attendance). Discussed potential for an agreed set of consent conditions in due course.
3. Meeting with Mayor Nadine Taylor, Gina Ferguson and Pere Hawes at Council, Friday 19 September 2025. Farmer representatives, Ned Wells and Rebecca Clarkson, Gascoigne Wicks also attended.
 - a. Presented PowerPoint overview, discussed limiting spat nurseries via conditions, and overall objective to get agreement on a set of conditions.
 - b. Mayor asked about why we were using the fast-track process and was concerned about not undermining the Marlborough Environment Plan (MEP). Explained background to MEP was to provide for existing industry. Explained how crucial bottleneck is spat nursery space. Specific site characteristics needed etc. Explained urgency and how this is for the existing industry but also provides growth potential.
 - c. Mayor also wanted to understand potential cumulative effects/carrying capacity issues. Had a discussion about the recent science / impact of land-based activities and derived sediment – that is impacting juvenile mussels, not mussel farms impacting the environment – so it's the other way around.
 - d. Actions were for GW and Aquaculture Direct Limited (ADL) to send a draft application to Council ASAP. Mayor needed to liaise with her councillors and consider information from us.
4. Sent Gina Ferguson and Peter Johnson the draft referral application and supporting documents on 6 October 2025.
5. Initial comments regarding potential conditions from Peter Johnson on 21 October 2025.
6. Written comments on draft referral application received on 5 November 2025.

Substantive Application

7. Meeting with Peter Johnson and Gina Ferguson re draft conditions – 18 February 2026.
8. Meeting with Peter Johnson discussing draft conditions. Following correspondence dated 3 March 2026 enclosed conditions with those amendments which were then requested to be sent to the Department of Conservation to review regarding marine mammals.
9. Correspondence with Peter Johnson dated 23 June 2026 updating on the applications progress and responded to comments provided on the referral application.
10. Correspondence with Peter Johnson and Joanna Pitts on 2 July 2026, confirming the additional technical information being obtained by the applicants since the referral decision.

¹ Attendance of Pere Hawes, Gina Ferguson, Hans Versteegh, and Kim Lawson.

11. Letter to Peter Johnson and Gina Ferguson on 19 August 2026, enclosing draft conditions and updating on timing for lodgement. This letter also sought a notice be prepared under s 30 of the FTAA for this application.
12. Letter sent to Peter Johnson and Gina Ferguson on 27 August 2026 enclosing updated draft conditions and management plans, and seeking meeting to discuss.
13. Section 30 Notice provided by MDC to applicants on 2 September 2026.
14. Meeting between Peter Johnson, Gina Ferguson, Rebecca Clarkson, Quentin Davies, Emma Deason and Emma Cornhill on 16 September 2026. Purpose of the meeting was for the applicant to update Council on timing of lodgement of the substantive application, and to discuss conditions and management plans, and next steps. Council did not raise any issues with the conditions. They were yet to review the management plans.
15. Updated draft Marine Mammal Management Plan was sent to Peter Johnson and Gina Ferguson on 23 September 2026. Reiterated that the applicants are happy to receive any feedback on the draft management plans and conditions.
16. The Marlborough Harbourmaster (Jake Oliver) has been provided with the site plans on 23 September 2026.² On 24 September 2026 Mr Oliver noted³ that he was unable to provide much comment until he saw the application. He did add that he “would encourage [the applicants to think] about lighting and marking.” He also stated that: “I would also advocate for following the ribbon principle established with other marine farms in Marlborough.”

Changes made to the application as the result of consultation

Council asked for changes to conditions to keep the sites proposed as spat nurseries constrained at such as well as the end use of spat. This has been implemented into the proposed conditions at **Schedule F**.

Peter Johnson proposed a beach clean-up condition. This has been included in the proposed conditions for all sites (**Schedule F**).

Council suggested distance from King Shag sites (originally proposed as 300m) be amended to 200m, to be consistent with some other aquaculture consents in Marlborough. This has been changed accordingly. Likewise, Council suggested listing roosting sites in advice notes. This has been done.

Council asked how enforcement of the Mauri Framework conditions would occur, noting they are placeholder conditions. Can be made as a s 128 review ground, but the condition is a placeholder for now.

More detail has been added to the AOI regarding lighting and marking requirements and explaining how the farms do or do not align with the MEP 100m – 300m “ribbon”, in response to the Harbourmaster’s initial comment.

Other changes have been implemented earlier in the process. Refer to Tables A, B1 and B2 at the end of this document.

² As a follow up to emails and phone calls from Mike Mandeno earlier in September.

³ Email from Jake Oliver to Mike Mandeno (MFA General Manager)

3. Te Taihu Iwi

The Applicants' agents have consulted all relevant iwi authorities in Te Taihu iwi regarding this application. In conjunction with Jen Bennett from Thirdspace Projects Aotearoa⁴, correspondence has been had with different arms and entities of Te Taihu iwi, as well as site specific and individual iwi consultation. These discussions have been summarised below.

Referral Application

1. Initial hui with Hemi Toia (Maara Moana) on 16 April 2025, at MFA offices, Blenheim, with Ned Wells, Quentin Davies and Emma Deason. Discussed high level proposed project, and applicants' desire to involve iwi, with Richmond Bay as a concept for discussion.
2. Letter sent by applicants to Hemi Toia on 24 April 2025. Outlined the sites proposed, including Richmond Bay.
3. Further hui with Hemi Toia, and Toni Grant, on 28 May 2025, on Teams, with Ned Wells, Quentin Davies and Emma Deason:
 - a. Discussed progress with the proposal.
 - b. Discussed timeframes.
 - c. Discussed how to formally join iwi into the process / Maara Moana's role, etc.
 - d. Action point was to prepare documents for Maara Moana's consideration and prepare a consultation plan.
4. Further hui with Toni Grant, 27 June 2025, with Rebecca Clarkson and Gascoigne Wicks team:
 - a. Discussed actions underway / timeframes / documents that had been drafted so far.
 - b. Discussed a proposed consultation strategy.
 - c. Discussed commissioning a cultural impact assessment.
5. Further hui with Hemi Toia, Toni Grant and Jen Bennett, 11 August 2025, with Rebecca Clarkson and Gascoigne Wicks team:
 - a. Introductions with group and Jen Bennett, a consultant recommended by Hemi Toia.
 - b. Discussed overview of project, involvement of iwi, consultation strategy etc.
 - c. Discussed engagement to date and how Jen could assist.
6. On 18 August 2025, the applicants formally engaged Jen Bennett. Correspondence with Jen Bennett throughout.
7. On 6 October 2025 there was a further hui with Jen Bennett, ADL and Gascoigne Wicks, on consultation feedback to date and next steps, such as potential direct meeting(s) with applicants and potential site visit(s).

⁴ Refer to her reports in **Schedule B**.

8. Sent Jen Bennett draft referral application on 6 October 2025 to assist consultation with iwi.
9. Report from Jen Bennett dated 12 November 2025. Includes recommended next steps for continuing engagement, including a hui to be scheduled in due course. Appendix 1 reissued on 19 November 2025, to account for further information from iwi.
10. November 2025 – attempts to engage with Te Taihu Fisheries Forum. Emails between Ned Wells and Jen Bennett re hui to be held on 9 December 2025. Ned to present on behalf of the applicants. Attendance at the hui did not occur as the date and time was not confirmed by the organisers. We are unsure if the hui took place or if it was cancelled.
11. Referral application lodged 1 December 2026. The action was for the Applicants to re-engage with iwi directly in early 2026 to organise a hui.

Substantive Application

Refer to Report of Thirdspace Projects Aotearoa dated 12 August 2026 summarising Te Taihu iwi Pou Taiao engagement.

1. Day long hui at Te Hora Marae, Canvastown, on 18 March 2026. Each applicant presented on their proposal and was supplemented by overview presentations by Aquaculture Direct Limited and Gascoigne Wicks Lawyers.⁵ Questions were asked by iwi to the relevant speaker and regarding the application generally.
2. Follow up letter from the Te Hora Marae Hui dated 26 March 2026 and additional information package provided to attendees on 14 April 2026.
3. Online hui between Maara Moana (Tony Healey), Quentin Davies and Ned Wells on 11 May 2026, to discuss progress with application.
4. Correspondence between Bruce Hearn and Kristie Pakipaki dated 18 May 2026 regarding site specific engagement with Apex Marine Farm Limited for the Onapua Bay application. Included an invite for hui and organising a site visit.
5. Meeting between Ned Wells and Tony Healey (Maara Moana) on 3 June 2026 discussing the Richmond Bay aspect of the application.
6. Hui with Te Atiawa representatives 9 June 2026. Bruce Hearn, Nick Hearn, Quentin Davies, Kristie Pakipaki, Justin Carter and Lesley Udy. Letter answering questions dated 22 June 2026 to attendees providing a chronology of engagement with Maara Moana and Richmond Bay arrangements.
7. Letter to Lesley Udy dated 2 July 2026 in response to her email dated 24 June 2026. Providing update on the lodgement date and matters relating to that timeframe

⁵ Attendances were: Neil Deans, Caroline Landon-Lane, Ella Jaspers, Matt Hippolite, Casey Anderson, Eugene Whakahoehoe, Raymond Smith, Dayveen Stephens, Sally Neal, Kristie Pakipaki, Emma Dewhirst, Lee Mason, Jen Bennett, Quentin Davies, Emma Deason, Emma Cornhill, Ned Wells, Rebecca Clarkson, Bruce Hearn, Nick Hearn, Chris Redwood, Trish Redwood, Chris Whitty, Mike Mandeno, Jono Large and Sam Godsiff.

8. Meeting with Maara Moana on 24 June 2026. Attendees were Hori Elkington, Hemi Toia, Lesley Udy, William Udy, Calvin Hart, Anthony (Butch) Little, Joseph Walker and Tony Healey, Ned Wells and Quentin Davies. Meeting covered:
 - a. Presentation provided on project, but the main focus was on Richmond bay.
 - b. Invitation was provided to meet with the Chairs of Te Tau Ihu Iwi.
 - c. Generally positive meeting but emphasis that individual iwi will provide their opinion on the proposals.
9. Correspondence with Matt Hippolitte (Ngāti Toa) across 11 – 26 June 2026 regarding the agreed process for engagement moving forward and continued engagement of Jen Bennett.
10. Online hui with Iwi Chairs on 22 July 2026. Attendees were: Tania Alesana, Caroline Palmer, Andrew (Anaru) Luke, Hemi Toia, Lesley Udy, Janis de Thierry, Corey Hebbard, Anthony (Butch) Little, Dave Taylor, Ned Wells and Quentin Davies. Purpose was to present on the Richmond Bay proposal and questions were answered regarding the practicalities of the consents.
11. Letter to Quintin Hapuku (Ngāti Koata Trust) dated 3 August outlining the reason for the application, its current status and Marine and Coastal Area (Takutai Moana) Act 2011 as well as providing information on past consultation and a further request to meet. A schedule was attached outlining answers to questions, with the appropriate references where applicable.
12. Letter to Neil Deans (Ngāti Koata Trust) dated 12 August enclosing draft consent conditions. This correspondence outlined what was to be discussed at the meeting the following day in relation to the Mauri Management Framework condition and the proposed research proposal for the Hapuku Rock site.
13. 12 August 2026: Jen Bennett sends her report to applicants. This report is in the application at **Schedule B**.
14. Hui with Neil Deans, Quentin Davies and Rebecca Clarkson on 13 August 2026. Discussions were centred around the Hapūkū Rock and Okuri Bay applications, whether the Mauri Management Framework was fit for purpose and brief discussions were had about the Richmond Bay proposal.
15. Email correspondence with Tony Healey and Anthony (Butch) Little on 18 August 2026 enclosing the draft Kapaua / Richmond Bay Agreement for review.
16. Letter to Jen Bennett dated 19 August 2026 reporting on the letter with Ngāti Koata and requesting her to organise a hui with pou taiao representatives of all Te Taihu Iwi. Response received on 26 August 2026 with a hui to be scheduled in due course.
17. Hui with iwi⁶ and applicant representatives facilitated by Jen Bennett on 2 September 2026. The purpose of the hui was to discuss the inclusion of the Mauri Management Framework conditions.

⁶ Kristie Pakipaki ((Te Ātiawa, Pou taiao), Justin Carter (GM/CE, Te Ātiawa), Neil Deans (Ngāti Koata, Pou Taiao)

18. Email sent on 2 September 2026 to pou taiao representatives of all Te Taihu Iwi providing the finalised Robertson Environmental Ecological Impact Assessment (EclA).
19. Letter sent to Justin Carter (GM/CE Te Ātiawa) on 3 September 2026 about the heads of agreement with Apex Marine Farm Limited.
20. Letter sent to Raymond Smith (Pou Taiao of Ngāti Kuia) on 4 September 2026 providing information on cumulative effects concerns.
21. Letter from Maara Moana to Ned Wells dated 29 September 2026.

Changes made to the application as the result of consultation

The Mauri Management Framework conditions are still subject to consideration. It has been agreed that the condition would remain as a placeholder and it is hoped that a final condition will be agreed to before the panel is appointed.

4. Department of Conservation

Extensive consultation has been undertaken with DOC representatives prior to lodging both the substantive and referral applications. This consultation is summarised below.

Referral Application

1. Initial meeting with Murray Brass on 2 October 2025, 2pm, via Microsoft Teams, with Rebecca Clarkson and Gascoigne Wicks team.
2. Sent Murray Brass draft referral application on 6 October 2025.
3. Meeting to discuss draft application on 20 October 2025. Attendees were: Murray Brass, Matt Pemberton, Lionel Solly, Dave Hayes, Chloe Corne, Rebecca Clarkson, Ned Wells, Quentin Davies, Emma Deason, Emma Cornhill. Provided overview of each site and what is sought, and answered questions from DoC team. A series of actions resulted, including amendments to application to include more context for some of the sites, as well as some points to address in consent conditions.
4. Sent DoC further information after meeting on 20 October 2025.
5. Written comments on draft referral application received on 7 November 2025.

Substantive Application

6. Correspondence with Murray Brass dated 3 – 4 March 2026 enclosing draft consent conditions with Marlborough District Councils comments.
7. Letter sent to Murray Brass dated 24 March 2026 in response to a without prejudice email regarding draft conditions and marine mammals issues. Resulting correspondence in relation to marine mammals and costs for the next stages of engagement.
8. Correspondence across 15 June – 22 July 2026 enclosing a letter to Murray Brass, Matt Pemberton and Chloe Corne about the limitations of monitoring and proposal to instead

progress the research proposal for Hapuku Rock. There were also queries about the DOC marine mammal incident database.

9. Meeting with Murray Brass, Matt Pemberton, Chloe Corne, Rebecca Clarkson, Ned Wells, Quentin Davies, Emma Cornhill and Emma Deason on 28 July 2026 and correspondence of that same date. Focus of discussion was on proposal for Hapuku Rock/outer Admiralty Bay marine mammals research proposal.
10. Email correspondence with Murray Brass and Chloe Corne across 28 July – 13 August 2026 regarding potential options for the research proposal. Potential templates for agreements and conditions were circulated, such as the MFA King Shag Research Agreement and research requirement conditions from the Haldon Solar Farm decision.
11. Letter sent to Matt Pemberton, Murray Brass and Chloe Corne on 19 August 2026, updating on timing for lodgement.
12. Letter sent to Matt Pemberton, Murray Brass and Chloe Corne on 27 August 2026, enclosing Hapuku marine mammals study proposal, draft conditions and management plans for comment.
13. Updated draft conditions sent to Matt Pemberton, Murray Brass and Chloe Corne on 16 September 2026. Murray Brass responded to say they would have a discussion with Council on conditions.
14. Updated draft Marine Mammal Management Plan was sent to Murray Brass, Matt Pemberton and Chloe Corne on 23 September 2026. Reiterated that the applicants are happy to receive any feedback on the draft management plans and conditions.
15. Comments from Murray Brass on draft Marine Mammal Management Plan (MMMP) received via email of 23 September 2026. Most of those comments have resulted in amendments to the draft MMMP. Refer to the letter from Helen McConnell in **Schedule D13**. The amended MMMP is provided in **Schedule E** to the application. DoC has raised a legal question regarding the application of the Marine Mammals Protection Act 1978 and the Marine Mammals Protection Regulations 1992. This is responded to at the end of this document.
16. DoC has not provided any comments on the draft conditions at this stage. Of the Hapuku Rock study proposal, Mr Brass noted: “Regarding the dusky dolphin research proposal as included in the updated conditions, we remain open to that as an option but on the basis as previously stated that it does not alter our more fundamental concerns about the proposal.”

The applicants will continue to engage with DoC on the MMMP and conditions after lodgement.

Changes made to the application as the result of consultation

Worked with DoC on Hapuku marine mammals study proposal and prepared conditions on basis of that. The applicants are awaiting DoC’s formal comments on this proposal, but DoC have said they are open to considering this.

Request to add more information in the AEE for the Referral Application about the Richmond Bay environment. That has been added.

Wanted further information added to application regarding dolphins in other areas than just Hapuku Rock. This has been done and Helen McConnell has assessed all sites (refer Schedule D reports).
Wanted more information regarding how space will be gifted to iwi. That is subject to an agreement the applicants have with iwi.
Papatua surrounding environment and consenting history added to the AOI at the request of DoC.
Proposed condition: Marlborough District Council recommended good practice measures such as separation from colonies. The Marlborough Environment Plan requires 100m, so 200m in the draft conditions at Schedule F is a conservative figure.
DoC requested a condition regarding management of debris, which has been included in the conditions. See Schedule F .
Changes made to draft Marine Mammals Management Plan (MMMP) as noted in Helen McConnell's letter in Schedule D13 .
Other changes have been implemented earlier in the process. Refer to Tables A, B1 and B2 at the end of this document.

5. Ministry for Primary Industries, Biosecurity NZ and Fisheries New Zealand

Consultation with Ministry for Primary industries (including Fisheries NZ) and Biosecurity NZ has been focused on the Onapua Bay proposal and the provision of biosecurity management plans, as provided for in the Notice of Decision on referral.

Referral Application

1. Meeting over Microsoft Teams, Monday 22 September 2025. Attendees were: Sarah Cumming and Christine Bowden, Ned Wells and Rebecca Clarkson, Emma Deason, Quentin Davies and Emma Cornhill. Presented PowerPoint overview of proposal.
 - a. Sarah and Christine mentioned only substantive comment was biosecurity status of flat oysters in Onapua proposal. We explained that they would need separate approval from Biosecurity NZ. Sarah recommended we present to them as well. Sarah and Christine offered to review a draft application.
 - b. Actions were: GW to schedule meeting with Biosecurity NZ (Dr Phil Heath and Cassie Callard), and GW and Aquaculture Direct Ltd (ADL) to send draft application to Sarah and Christine in due course for their review.
2. Sent MPI and Biosecurity NZ team (BioNZ)⁷ draft referral application on 6 October 2025.

⁷ Sarah Cumming, Christine Bowden, John Walsh, Gavin Miller, Justyna Paplinska, Rissa Williams, Philip Heath, Fran Timmins.

3. Meeting over Microsoft Teams, Tuesday 7 October 2025.⁸ A summary of the application was presented. The history of discussions around flat oysters being trialled in the Sounds was covered. MPI/BioNZ will provide written initial comments on the proposal and draft application within the next two weeks. The key matter of discussion was the Onapua proposal. MPI noted that the Controlled Activity Notice (CAN) was being reviewed.
4. Written comments on draft referral application received from Biosecurity NZ on 14 November 2025 (only on Onapua Bay proposal). No comments provided before lodgement by MPI - refer to emails dated 14 November 2025 from Christine Bowden and Sarah Cumming. See comments on the referral application at the end of this document.

Substantive Application

1. Letter sent to John Walsh, Catherine Duthie and Gavin Miller on 19 August 2026, updating on timing for lodgement and enclosing draft Biosecurity Management Plans for their review.
2. Email correspondence between Bruce Hearn and John Walsh, Catherine Duthie, Jamie McKenzie and the Bonamia Liaison from December 2025 – August 2026 pertaining to the future of the existing Controlled Activity Notice (CAN) in Marlborough.
3. Draft biosecurity management plans sent to Biosecurity New Zealand on 8 July 2026 and again on 19 August 2026.
4. Letter sent to Christine Bowden and Summer Norgate on 19 August 2026, updating on timing for lodgement and offering to answer any questions. Christine Bowden confirmed on 20 August 2026 that they do not have any questions or require any further information at this stage.
5. Draft conditions sent to Biosecurity New Zealand/MPI on 2 September 2026 for review. Response received 15 September 2026 – biosecurity management plans have been referred to experts for consideration. They reiterated that they will participate in the substantive process when invited to do so. Comments were also made about their position on the Onapua Site within the CAN zone.
6. Letter sent by Gascoigne Wicks to Catherine Duthie on 21 September 2026 seeking any further comments and clarification on Biosecurity NZ's position on the CAN but also their position on other species/the proposed new farms.
7. Response from Catherine Duthie received 25 September 2026.
8. Further response sent from applicants on 28 September 2026.

Changes made to the application as the result of consultation

Updated application regarding letter from Biosecurity NZ dated 14 November 2025, on process for its review of the CAN.

⁸ Attendees were: Sarah Cumming, John Walsh, Phil Health, Justyna Papinska, Fran Timmins, Rissa Williams, Gavin Miller, Ned Wells, Rebecca Clarkson, Bruce Hearn, Emma Cornhill, Quentin Davies and Emma Deason.

6. Aquaculture New Zealand

Aquaculture New Zealand was made aware of the application through briefings to the wider industry. Specific consultation is confined to the letter sent to Teena Hale Pennington and Steph Hopkins on 19 August 2026, updating on timing for lodgement and offering to answer any questions. That letter was acknowledged by Steph Hopkins.

7. Maritime New Zealand

Correspondence with Maritime New Zealand has been confined to notice and updates on timing for the application.

In regard to the referral application, a consultation letter and supporting information was sent on 16 October 2025, with a response received on 29 October 2025, noting that EPA will process the application and marks and lighting of the farms are approved by the Marlborough Harbourmaster.

Before lodging the substantive application, a letter was sent to Guy Taylor-Smith on 19 August 2026, updating on timing for lodgement and offering to answer any questions. No response was received.

The applicants have responded to MNZ's written comments on the referral application in the application at the end of this document.

8. Ministry for Cities, Environment, Regions and Transport (formerly MFE)

Consultation letter and supporting information sent on 16 October 2025 prior to lodging the referral application. Two follow up emails were sent on 4 and 12 November 2025, respectively. No response was received.

No further correspondence has been had. Consultation with this entity is not required under the FTAA for the substantive phase.

9. Fishing Interests

Noting the comments on the referral application⁹, the applicants sent letters to the below persons to update them on the lodgement of the substantive application and to offer to address any questions they have in the meantime, on 24 September 2026:

- Letter to Kylie Grigg, CEO of Te Ohu Kaimoana. Mereana Latimer (Oceans Manager) acknowledged receipt of the letter and noted they would reach out with any pātai.
- Letter to Tiffany Bock (GM of Seafood New Zealand - Inshore Council) and Doug Saunders-Loder (Southern Inshore Ltd & Challenger Scallop Enhancement Ltd). No response received.

⁹ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/26216/Marlborough-Sounds-Aquaculture-combined-comments.pdf

RESPONSE TO DOC'S COMMENTS ON DRAFT MMMP – REGARDING MARINE MAMMALS PROTECTION ACT 1978 AND MARINE MAMMALS PROTECTION REGULATIONS 1992

In their comments on the draft MMMP provided 23 September 2026, DoC included the below comments:

1. *Note that if there is intent for personnel to handle marine mammals directly, a Marine Mammal Permit may be required.*
2. *Include a note stating that all Marine Mammal Protection Regulations (MMPR) apply. This appendix is intended as an infographic summary only and does not replace the full regulatory requirements.*

Aquaculture and the Marine Mammal Protection Act 1978

1. The Marine Mammal Protection Act (MMPA) is legislation that makes provision for the protection, conservation and management of marine mammals within New Zealand Fisheries Waters.
2. In terms of the definitions in that Act¹⁰ aquaculture is a type of fishing.
“fishing—
 - (a) means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and
 - (b) includes—
 - (i) any activity that may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed; and
 - (ii) any operation in support of or in preparation for any activities described in this definition.”

aquatic life means any species of plant or animal life which, at any time in the life history of the species, must inhabit water; and includes seabirds (whether or not in an aquatic environment)
3. Mussels and oysters would also be considered “fish”. That is not defined in the MMPA. In the Fisheries Act 1996 it is defined as:
fish includes all species of finfish and shellfish, at any stage of their life history
4. It is notable that that definition of “fishing” also includes the transit of vessels to and from a marine farm.
5. The same definition of “fishing” is given in the Fisheries Act 1996 s 2, as in s 2 of the MMPA above.¹¹

¹⁰ Section 2.

¹¹ That is, s 2(1) of the Fisheries Act 1996 provides: “**fishing**— (a) means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and
(b) includes—
(i) any activity that may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed; and

6. Persons engaged in fishing have separate reporting requirements from other persons.¹²
7. Where a person in the course of fishing pursuant to any licence¹³ accidentally or incidentally kills or injures a marine mammal he shall:
 - (a) If fishing from a vessel, record the event in the vessel's log and report the event in writing to an officer or a fishery officer (as defined in section 2(1) of the Fisheries Act 1996) not later than 48 hours after the arrival of the vessel in port; and
 - (b) In any other case, report the event in writing to an officer or a fishery officer (as defined in section 2(1) of the Fisheries Act 1996) as soon as practicable.
8. Each report shall include:
 - (a) The location of the area where the event took place; and
 - (b) The species (if known) of the marine mammal killed or injured, or a general description of the mammal; and
 - (c) A description of conditions and the circumstances of the event.
9. In addition to providing the particulars required by subsection (1) or subsection (2), a person required to report an event to which that subsection applies shall provide to the Director-General such other particulars relating to the event as the Director-General may require for the purposes of this Act.
10. It is a defence to accidentally or incidentally killing or injuring a marine mammal where the requirements of section 16 are complied with.¹⁴
11. It follows that no marine mammal permit is required in the circumstances provided for in Section 16. No permit is required under the MMPA to operate a marine farm. Ms McConnell has added a note to the Marine Mammals Management Plan noting that the s 16 MMPA requirements are met.
12. The same issue arises in the context of the Marine Mammal Protection Regulations 1992. Regulation 3(2) provides that nothing in these regulations applies in respect of any fishing vessel while the vessel is engaged in commercial fishing.¹⁵

commercial fishing means taking fish for sale within New Zealand or New Zealand fisheries waters.¹⁶
13. The regulations may apply where marine farmers are transiting to and from the marine farm. They may also apply where the marine farmer is undertaking maintenance or other activities not directly relating to taking shellfish.
14. For completeness, the definitions in the Fisheries Act 1983 are as below:

(ii) any operation in support of or in preparation for any activities described in this definition"

¹² Section 16(1).

¹³ Marine farmers must be registered on the Fish Farm Register. A person must not undertake fish farming except in accordance with the person's registration as a fish farmer or an exemption granted (Fisheries Act 1996, Section 186P).

¹⁴ Section 26(4).

¹⁵ Which in turn is defined in Section 2 of the Fisheries Act 1983.

¹⁶ Note that the regulations will apply where a vessel deviates to observe the marine mammals or is also transporting people for the purposes of viewing marine mammals.

commercial fishing means taking fish for sale within New Zealand or New Zealand fisheries waters

fish includes all species of finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes, and all shellfish, at all stages of the life history of such finfish and shellfish; and includes any part thereof

taking means fishing; and **to take** has a corresponding meaning

fishing means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and includes any other activity which may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed; and also includes any operation in support of or in preparation for any activities described in this definition

15. Marine farming is either:
 - a. harvesting fish (as defined); or
 - b. operations in support of (eventual) harvesting of fish.
16. Taking means fishing. Therefore, marine farming is commercial fishing.

Conclusion

17. The Marine Mammal Protection Act 1978 and the Marine Mammal Protection Regulations 1992 may apply to aquaculture, but only in certain circumstances. The Marine Mammal Management Plan contains provisions that highlight the obligations of marine farmers under the Act and the Regulations. Certainly, the provisions in the consent conditions or the Marine Mammal Management Plan should not contradict those in the Act or Regulations.

Table A

Referral Application Comments – Applicants’ Responses¹⁷

Section 18 Report

Comment	Response & Actions
<i>Kaitiaki plan</i> 52. Sections 154-156 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 provide for Te Ātiawa o Te Waka-a-Māui Trust (PSGE) to prepare a kaitiaki plan in relation to the coastal marine area of Queen Charlotte Sound/Tōtaranui, and lodge it with Marlborough District Council. In relation to that area, the plan must specify: a. the values of Te Ātiawa o Te Waka-a-Māui; b. the resource management issues of importance to Te Ātiawa o Te Waka-a-Māui; and c. a statement of kaitiakitanga for fisheries management.	Should a kaitiaki plan be lodged with the Council, then the plan would be taken into account as part of the substantive application. Application includes assessment of relevant iwi management plans and a customary fishing assessment. A customary fishing assessment is contained in the Assessment of Impacts (AOI) at 6.17 and for individual sites, 7.6, 8.7, 9.8, 10.7, 11.7 and 12.9. Assessments of relevant iwi management plans are contained in AOI at section 5 and Schedule G, respectively.

¹⁷ Note that excerpts of written comments have been responded to. Comments the applicant agrees with and/or comments that do not require a response are not included in this document. The written comments should be read in full for context: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/26216/Marlborough-Sounds-Aquaculture-combined-comments.pdf

Comment	Response & Actions
<i>Poutiaki plan</i> 56. Sections 145-148 of the Ngāti Toa Rangatira Claims Settlement Act 2014 provide for redress in relation to the poutiaki area, which includes Cook Strait, Porirua Harbour, Port Underwood and Pelorus Sound. Much like the kaitiaki plan outlined above, Ngāti Toa may prepare and lodge a poutiaki plan with relevant councils, setting out: a. their values and principles in relation to the poutiaki coastal marine area; b. resource management issues of significance to Ngāti Toa in relation to the poutiaki coastal marine area; and c. a statement of kaitiakitanga for fisheries management in relation to the poutiaki area.	As above.
d. the iwi-owned commercial fishing enterprise Moana New Zealand has also noted broader concerns regarding the overall state of marine biodiversity within the Marlborough Sounds and the increasing number of marine farms, which may contribute to cumulative pressures on the marine environment;	Acknowledge but contest. Information about cumulative effects can be found in AOI at section 6.8 and 6.15 as well as site specific assessments in Parts 7 to 12, and Schedule D21 Marlborough Sounds Aquaculture Project Coastal Ecological Impact Assessment (EcIA) at page 34.
g. Te Ohu Kaimoana note that the application does not assess the potential impacts of the six proposed projects on customary fishing within the Te Tau Ihu o Te Waka a Māui rohe moana, and that there is no record of formal engagement undertaken directly with the tangata kaitiaki who hold statutory authority for the rohe moana; and h. Te Ohu Kaimoana encourage the applicants to work closely with iwi and hapū, including iwi aquaculture organisations and tangata kaitiaki, so they may develop a deeper understanding to the application and its potential effects.	The Fisheries (Notification for Area/Rohe Moana of Te Tau Ihu o Te Waka a Māui) Notice 2025 (Notice No. MPI 1919) identifies the eight Te Tauihu iwi as representatives of the customary food gathering rohe moana. The applicants have engaged with the eight Te Tauihu iwi. An assessment of effects on customary fishing is included in the AOI at Section 6.17 and for individual sites, Sections 7.6, 8.7, 9.8, 10.7, 11.7 and 12.9.

Comment	Response & Actions
We further acknowledge that some of our Iwi Aquaculture Organisations (IAOs), continue to hold concerns about the potential environmental and cumulative effects of the application, particularly in regard to biosecurity and the cumulative impacts of further expansion in an already highly developed area. As such, we hold that the applicants must ensure that any potential impacts on the ocean are carefully clarified, assessed and managed in consultation with iwi and hapū.	As above. See Schedule D21 Marlborough Sounds Aquaculture Project Coastal Ecological Impact Assessment (ECiA) at page 34.
We acknowledge that IAOs in the Marlborough region have expressed a range of views regarding the appropriateness of any new proposed aquaculture ventures to date. We are aware of the concerns raised by IAOs relating to the potential impacts of any new aquaculture proposals in their moana and in particular on Te Hoiere (Richmond Bay). We respect the rangatiratanga of iwi and hapū of Te Tau Ihu and the Marlborough region to determine their own positions on this application and strongly encourage the applicants to prioritise ongoing engagement with iwi as the application progresses. It is important that these discussions are afforded sufficient time and space to ensure that iwi and hapū aspirations for their moana, and for their aquaculture interests, are properly recognised and provided for.	Acknowledged. The applicants have undertaken substantial consultation with iwi. That is detailed in the Thirdspace Projects Aotearoa report in Schedule B and Section 3 of the Consultation Record (Schedule C).

Marlborough District Council

Comment	Response & Actions
The information provided to support the referral application was often compiled as part of past processes such as resource consent applications, plan change requests or the Variation 1 process. For this reason, some of the information provided with the referral application is historic. Council is aware how quickly environmental change can occur through its experience with the state of the environment monitoring activities it undertakes, including monitoring within the coastal marine area. There is therefore a risk that the information provided to date may not reflect the current circumstances or conditions at or near the site. It is important that decisions are based on accurate environmental data and information and Council would encourage the use of up-to-date information in this process.	This substantive application contains significant updated information. In addition to site specific reports, the application includes an overarching ecological assessment (Robertson, B. Marlborough Sounds Aquaculture Project, Coastal Ecological Impact Assessment 2026) in Schedule D21 . In addition, the applicants have commissioned a report on the benthic environment of Papatua to supplement the 2011 ecological report. That is provided in Schedule D1 .

Comment	Response & Actions
	The applicants note that the coastal marine environment does change, but the information provided is thorough and has been reviewed by Dr Ben Robertson in 2026. The applicants have also provided specific assessments on seabirds and marine mammals. Those are in Schedule D.
Implications for relocation The AMA sought in Okuri Bay was to provide for replacement space for farms potentially found to be inappropriate at other locations. The two sites sought via referral, although consistent with those sought via plan change request, vary from those sought by way of submission/appeal. Notwithstanding this, there is significant overlap between the two western sites sought via referral and Variation 1. The space sought via referral is for new marine farming space, as opposed to replacement space. The outcome sought by the applicant could therefore have implications for the ability of Council to relocate inappropriate marine farms from other locations.	At the time the Council's comment was written, Talley's Limited had one final farm that was in an "inappropriate location" under the MEP, and consequently unable to be re-consented. That farm is in Port Hardy. The hearing for the Port Hardy appeal occurred between 3 and 6 August 2026. On 6 August 2026 the Environment Court gave a preliminary indication to the parties that marine farm 8013 would be provided an AMA to remain where it is currently consented. As a consequence, neither Talley's nor Clearwater Mussels Ltd have any marine farms for which AMAs have not been provided. It follows that, on the assumption that the Environment Court confirms its decision, the issue of replacement space is now moot. The position of the Marlborough District Council in respect of Okuri Bay was that the Council lacked scope to grant the relief sought in Okuri Bay in the MEP submissions process. This application does not change the AMA allocations contained in the MEP, nor does it impact on the live

Comment	Response & Actions
	appeal to the plan regarding AMAs. They are separate matters. The FTAA envisages situations where consents will be granted for activities that essentially sit outside of the plan.¹⁸ As explained in the AOI at Schedule G, the prohibited status is used as an allocation tool in the MEP. It does not indicate that any activity will have significant effects.

¹⁸ FTAA s 21(7).

Comment				Response & Actions
The following table records the existence of overlays relative to the referral sites.				The applicants note the overlays with areas of landscape and natural character. The application includes landscape and natural character assessments for all sites in Schedule D. The one exception is Kapaua/Richmond Bay, as (noted by MDC) there are no mapped landscape or natural character areas where the farms are proposed. Nonetheless, the applicants have undertaken a planning assessment in the AOI at Section 11.6. The applicants note that the landscape assessments find level of effects ranging from low to moderate. In RMA language that is minor to more than minor. The applicants also make the point that those reports have assessed the proposals against the schedules of values for the landscape and natural character areas, found in the MEP, Volume 3, Appendices 1 and 2 respectively. In terms of purely visual effects, the applicants consider that reasonable minds can differ. How the farms are received will depend on the attitude of viewer towards marine farming and their associations with the place etc.
Site	Landscape	Natural character	Ecologically Significant Marine Site	
Okuri Bay		Very high natural character	Potential Ecologically Significant Marine Sites in close proximity identified as part of plan change request site investigations.	
Hapuku Rock	Outstanding natural feature and landscape		Potential Ecologically Significant Marine Sites in close proximity identified through past consenting process.	
Richmond Bay				
Guards Bay	Outstanding natural feature and landscape			
Pig Bay	Outstanding natural feature and landscape	High natural character. Outstanding natural character for part of the proposed site.	ESMS 2.33A in close proximity	
Onapua Bay		High natural character		

Comment	Response & Actions
	Dr Ben Robertson confirms that none of the proposed farms overlap with Ecologically Significant Marine Sites (ESMS).¹⁹ In addition, each farm has a benthic report which includes consideration of any nearby ESMS. Dr Robertson also summarises in his EclA report that benthic effects of longline marine farms are limited spatially to the seabed beneath and adjacent to farm structures.²⁰ That is an accepted point. For example, the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES-MA) defines the “area of interest” for applications to reconsent existing marine farms as “the footprint of the surface structures of a marine farm, and in addition— (b) 20 metres from the boundary of the consented area of a sub-tidal marine farm”.²¹ That 20m distance was adopted in the Marlborough Environment Plan.²² The applicants acknowledge the overlaps with landscape and natural character but also note they have provided landscape and natural character assessments prepared

¹⁹ Refer **Schedule D21**: Robertson Environmental, Marlborough Sounds Aquaculture Project, Coastal Ecological Impact Assessment (EclA), September 2026, at Figure 3 – 1, pg 48, and section 3.2.1, from pg 12.

²⁰ EclA at Section 5.3, Table 5-2 and Table C-3.

²¹ NES-MA reg 3.

²² For example, refer MEP Volume 1, Policy 14.21.5(d) and (e). Those require AMAs to be generally located 20m from reefs (including cobble habitat) and any ESMS of other ecological sites of significance identified. Dr Robertson has included in his EclA reference to 20m distances (for example on page 27).

Comment	Response & Actions
Aquaculture Settlement The sites proposed in Richmond Bay are promoted as a means of the Crown meeting its obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004. There are alternatives that exist in this regard should the Fast Track applications be successful, particularly the gazettal of Aquaculture Settlement Areas. The provisions of Variation 1 already contemplate Aquaculture Settlement Areas and recent legislative changes streamline the process of including those areas in regional coastal plans.	by Josh Hunt and Brad Coombs, in Schedule D. Those reports include assessment against the MEP schedules of values for those landscape and natural character areas. This is incorrect. The Kapaua/Richmond Bay space is being sought as part of the application to be consented by the Applicants and subsequently given as a gift to Te Tau Ihu iwi. The obligations under the Māori Commercial Aquaculture Claims Settlement Act are a separate Crown obligation on top of anything consented. This is explained in the application in the AOI at Section 6.2. Further, this consenting process sits outside of the plan. The applicants are not promoting Aquaculture Settlement Areas.

Hon Nicola Willis

Comment	Response & Actions
Two applications for Greenshell mussel production farms: ○ Clearwater Mussels Limited and Talley's Limited for 27.89 hectares of mussel farming space in the Outer Sounds location of Okuri Bay. ○ Maara Moana HC Limited for 42.2 hectares of mussel farming space in Richmond Bay in Outer Pelorus Sound/Te Hoiere.	The applicant for the Kapaua/Richmond Bay space is not Maara Moana HC Ltd. The applicant for this site is all of the five the applicants for the Marlborough Aquaculture Project as bare trustees, who will then transfer the consent to Te Tauihu Iwi. The applicants have a separate agreement with iwi in this regard. This is explained in the application Assessment of Impacts at Section 6.2.

Hon Shane Jones

Comment	Response & Actions
10. I do not have enough information to fully assess the production volume of mussels that could be supported by this project but consider that it would support the Government's export goals. I am advised that although flat oysters have been commercially farmed, they have not previously been exported at commercial scale. I am also advised that farmed seaweed products have not been exported from New Zealand at commercial scale. Therefore, I do not have enough data to comment on the potential export value of New Zealand farmed flat oysters or seaweed.	Information relating to production can be found in the AOI at Part 1 (for example) and the NZIER economics report at Schedule D²³.
<i>Hapū and iwi interests</i> 15. I am advised that the applicants are providing resources to support consenting of space within Richmond Bay to enable South Island iwi to share in the development through Maara Moana Limited. Should this referral application be progressed, I also recommend that the applicant engages further with tangata whenua.	As above, the applicant for the Kapaua/Richmond Bay space is not Maara Moana Ltd. The applicant for this site is instead the five applicants for the Marlborough Aquaculture Project as bare trustees, who will then transfer the consent to Te Taihu Iwi. This is explained in the application Assessment of Impacts at section 3.2. Detailed consultation with tangata whenua has occurred and will continue to occur as this application progresses through the substantive stage. This is explained in the Consultation Report in Schedule C, the Thirdspace Projects Aotearoa Report in Schedule B, and in the application AOI at section 3.6.

²³ Kaye-Blake, B., Hamill, D., Cloutman, A., Clough, P., NZIER, Economics Assessment of the Marlborough Sounds Aquaculture Fast-track Proposal, 2026. Refer page I of key points section, as well as Table 2.

Comment	Response & Actions
19. Given the separate nature of the proposals, you may wish to consider whether they all meet the threshold for referral individually. The estimates provided indicate that the economic impacts of the non-nursery proposals are significantly less than the estimated upper range for the spat nursery proposals.	This has been considered in the NZIER Economics report at Section 1.2 and 6 (Schedule D). It is also addressed in the AOI at 3.1.1. The application is a step change for the aquaculture industry and aims to address the current bottleneck in the phases of production.

MPI

Comment	Response & Actions
<i>s22(2)(b) – any other matters the Minister considers relevant.</i> The part of the project which proposes to farm flat oysters is not supported because it is considered to pose an uncontrollable biosecurity risk. For other proposed farmed species there are no biosecurity concerns provided good biosecurity practices are in place and relevant permissions under the Biosecurity Act 1993 are sought and followed relevant to Controlled Area Notices and <i>Undaria pinnatifida</i> and <i>Bonamia ostreae</i>; and	Draft Biosecurity Management Plans are provided in Schedule E. These have been shared with Biosecurity New Zealand and Marlborough District Council (and DoC and iwi).²⁴ No changes have been suggested. The removal of flat oysters to outside the area specified in the controlled area notice (or 'CAN') will require permission under the Biosecurity Act, as noted by MPI. That is a separate process to obtaining resource consents and an aquaculture decision. The site can be used for mussels and/or seaweed in the meantime in any case. See more detail in the application AOI at 12.6.

²⁴ Refer to the Consultation Record at Sections I and IV (**Schedule C**).

Comment	Response & Actions
MPI does not have enough information to fully assess the production volume of mussels that could be supported by this project but consider that it would support the Government's export goals. Although flat oysters have been commercially farmed, they have not previously been exported at commercial scale. Farmed seaweed products have also not been exported from New Zealand at commercial scale. Therefore, MPI does not have enough data to comment on the potential export value of New Zealand farmed flat oysters or seaweed.	More information is provided in the NZIER Economics Report page I of Key points section, as well as Table 2 (in Schedule D). Also see the AOI at 3.1.1.
Given that the flat oyster parasite <i>B. ostreae</i> has been found at several locations within the Marlborough Sounds MPI considers flat oyster farming in the Marlborough Sounds <i>B. ostreae</i> Controlled Area to pose a biosecurity risk and therefore does not support the proposal for flat oyster farming in Onapuna Bay, Okuri Bay or Richmond Bay at this time. Onapua Bay, Okuri Bay and Richmond Bays are all within the <i>Bonamia ostreae</i> Upper South Contained Zone, BNZ notes that the <i>Report of the Technical Advisory Group 2019 on a Return to Flat Oyster Farming</i> (2019 TAG Report) is a central document to base any return to flat oyster farming in Controlled Areas. Work is currently underway to provide guidance for farming flat oysters, which would be administered under a permit system.	The fact that MPI are working on flat oyster farming policy reinforces that there is a farming opportunity. As above, Flat oysters won't be relocated without biosecurity approval. The only site in which approval for flat oysters is sought is for Onapua Bay. That is as a species in addition to other species the site could be used for. See AOI at Part 12.
<i>Hapū and iwi interests</i> MPI notes that the applicants are providing resources to support consenting of space within Richmond Bay to enable South Island iwi to share in the development through Maara Moana Limited.	This is correct, though noting how that consent will be transferred to iwi, as explained above.

Department of Conservation

Comment	Response & Actions
1.5 We also understand that the applicant intends to continue engagement with DOC if the application is referred, in particular on the matter of consent conditions. DOC is open to such continued engagement but we note that consent conditions in themselves would be unable to address some matters raised below - including the relationship between aspects of the proposal and the proposed Marlborough Environment Plan (pMEP), and site-specific concerns particularly in relation to Pig Bay and Hapuku Rock. 3.3 The proposed aquaculture developments would exceed that existing capacity by 292 ha (approximately 9% of the total area of mussel aquaculture in the Marlborough Sounds) and would have impacts on most or all of the values that were the basis for setting that capacity as a limit.	Site concerns by DoC later in their comments are in relation to both Papatua and Guards Bay together. These areas are not within the Marine Mammal Distribution overlay in the MEP. There are specific concerns in relation to existing habitat displacement of dusky dolphins wanting comprehensive research to be undertaken (pg. 33). The applicants have engaged marine mammals expert Helen McConnell to review all of the proposed sites. Her report (in Schedule D11) proposes bespoke conditions for the Hapuku Rock site²⁵ and a Marine Mammals Management Plan (MMMP) (Schedule E), and for all other sites (her report is in Schedule D20) a MMMP (Schedule E). She does not find a particular concern with Papatua and Guards Bay.²⁶ In terms of DoC at 3.3, the Applicants note that Council did not express these kinds of concerns regarding the MEP in their written comments. The MEP contemplates new aquaculture space being made available through future plan changes. The prohibited activity status in the plan was used as an allocation tool not an assessment of environmental effects. The evidence before this panel is different to that before

²⁵ Noting the adaption into a wider Hapuku Study proposed by the applicants as explained in the AOI. Conditions have been adopted into the proposed conditions for Hapuku Rock, **Schedule F**.

²⁶ For example, McConnell, H., Marine Mammal Technical Advice Memorandum, **Schedule D20** at pg 4.

Comment			Response & Actions
21(5)(c)	Would the project have significant adverse effects on the environment	DOC considers that the project would potentially have significant adverse effects on the environment. In particular, the proposed developments would significantly exceed the capacity of the Marlborough Sounds to absorb aquaculture as set in the pMEP, and there could be significant risks to marine mammals. These matters are addressed in more detail below.	the Court. The current stated knowledge as to the needs of the industry is also different to that as it was understood in 2020 when Variation 1 was notified. The Applicants will continue engagement with DoC on the basis of developing a study for Hapuku Rock, the MMMPs and to address conditions unrelated to marine mammals. Dr Ben Robertson has assessed the proposed sites in terms of all kinds of potential ecological effects, including 'carrying capacity'. He finds: "Given the Low existing ecological value of this domain at all six sites and the modest scale of the Project relative to this existing baseline, operational effects on pelagic habitat are assessed as Negligible to Low at all six sites."²⁷ He also concludes: "Taking account of the degraded soft sediment receiving environment, the retention of substantial unfarmed habitat, the absence of identified interacting large scale pressures, the site-specific design and buffers, and the potential for long-line farming to provide generative ecosystem services, the Project's cumulative ecological effects are assessed as negligible in magnitude and Very Low overall."²⁸ The MEP does not seek to define a carrying capacity for the Sounds. Rather, as the section 32 report noted "the Council does not have enough robust evidence to prove

²⁷ EclA at page 34, **Schedule D21**.

²⁸ EclA at page 35, **Schedule D21**.

Comment	Response & Actions
	either that the marine environment has the capacity to absorb more aquaculture, or that the adverse effects require their level of farming to be reduced”. ²⁹ Dr Robertson considers the most recent evidence, including from 2025. ³⁰
• The Marine Mammal Monitoring Programme proposed by the applicant, whilst essential for gathering updated baseline data, will not mitigate the effects of potential habitat displacement or other impacts, though may help inform appropriate actions. There is a lack of detail regarding mitigation options, other than the potential seasonal removal of spat lines during peak foraging seasons. Should this application go ahead, mitigation actions need to be explicit and incorporated into consent conditions via a Marine Mammal Management Plan.	The Applicants propose a broader dusky dolphin research programme for Admiralty Bay similar to the King shag programme ³¹ , to be undertaken in conjunction with Clearwater Mussels Ltd, the wider industry, DoC, MDC and pou Taiao, in place of a discreet monitoring programme which would be unlikely to add real value to an understanding of the species in that area. This is discussed in detail in the AOI at 9.6.6.

²⁹ Section 32 Evaluation proposed Variation 1 : Marine Farming for the proposed Marlborough Environment Plan (pMEP), prepared for the Marlborough District Council by Perception Planning, November 2020, page 28. The report goes on to note that the Council did have enough information to support a growth of marine farming in Onapua Bay (page 29) at least at that time.

³⁰ Refer EclA at pg 34, in **Schedule D21.**

³¹ Explained in **AOI at 5.4.3.1.**

Comment			Response & Actions
21(5)(a)	Is the project inconsistent with: • a Treaty settlement; • Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019; • Marine and Coastal Area (Takutai Moana) Act 2011.	DOC has not identified any inconsistency with any relevant settlement or other obligation, subject to any comments from Treaty partners under s 17(1)(d). The application states that one of the proposed aquaculture sites (Richmond Bay) is intended to provide benefits to Māori, but the details of this arrangement are not confirmed. DOC is therefore unable to comment on whether the arrangement would be inconsistent with any Treaty settlement or the Marine and Coastal Area (Takutai Moana) Act 2011.	As above, the Applicants are seeking consent for the new farms at Kapaua/Richmond Bay as bare trustees, to be gifted to Te Taihū iwi. The requirement for the applicants to transfer the consents if granted is subject to a separate agreement. As is the preferential access to 17.7% of spat lines at Papatua (refer AOI at Part 7). The applicants have undertaken thorough consultation with Te Taihū iwi. This is discussed in the AOI at 3.6, Schedule B and elsewhere in this Schedule C.
21(5)(b)	Would it be more appropriate to deal with the proposed approvals under another Act(s)	In DOC's view it would be more appropriate to deal with the proposed approvals under the RMA, given that a number of the sites are subject to current appeals on Variation 1 to the pMEP which are tentatively scheduled for the middle of this year. However, DOC recognises that, subject to the outcome of those appeals, some or all of the sites may not be able to get consent under the RMA due to prohibited activity status and conflict with plan provisions.	The only proposal sought as part of the Fast-Track application before the Environment Court is Okuri Bay. The Council's position is that the relief sought is out of scope of the MEP appeal. The Fast-Track process would seem to be the more efficient and effective way of resolving these issues. The MEP uses prohibited activity status as an allocation method. However, that allocation method makes it impossible to seek additional water space under the Act without a plan change (which itself is likely to be rejected if it is sought within two years of the plan becoming operative). DoC's suggestion is not attractive.

Comment			Response & Actions
22(2)(a)(ix)	Will this project address significant environmental issues?	The application's Assessment of Impacts states that the project will address significant environmental issues, on the basis that "recent declines in spat availability and retention are considered to be a result of changing environmental conditions, including increasing temperatures and potentially pollutants". DOC considers that the project may respond to those environmental issues, but does not address them – while it will provide spat for the aquaculture industry, it will not address marine temperatures or pollutants.	If DoC's proposed approach was followed, a private plan change would take several years, which does not assist in addressing an industry bottleneck and mitigating the effects of climate change. The AOI notes that this application seeks to address a key bottleneck in the industry (refer AOI at 3.1.4). The availability and retention of spat are being affected by changing environmental conditions, including but not limited to rising ocean temperatures and increased pollutants.³² In a very small way aquaculture does address marine temperatures. It is a very carbon efficient mode of growing protein, comparable to that of plant-based protein such as tofu.³³ If mussels substitute for other forms of protein production, there will be climate change benefits. Similarly, and in a small way mussels, as filter feeders, can reduce the amount of pollutants produced from other sources. That is why mussel producers need to operate a strict phyto sanitation programme to ensure their food is safe to eat.

³² See **AOI at Part 1 Project Summary and Part 3.**

³³ Refer **AOI at pg 26.**

Comment	Response & Actions
4.1 Marine mammals have been recorded in or near all of the proposed sites, including Threatened species (under the New Zealand Threat Classification System or the IUCN). In addition, four of the proposed sites overlap with Important Marine Mammal Areas (IMMA), which encompass nationally and internationally important sites for a diversity of species. Current data for the wider Marlborough Sounds are largely opportunistic and representative of limited survey effort, so are insufficient to support conclusions of negligible impact. Therefore, site-specific monitoring will be essential. 4.2 There is some evidence to suggest that mussel aquaculture has caused habitat displacement for some species, both nationally and internationally. Assessment of marine mammal impacts needs to be undertaken across all proposed sites, not limited to areas with existing data such as Admiralty Bay. Focusing mitigation solely on Threatened species and/or well-studied locations risks overlooking impacts on data deficient and migratory species, as well as their habitats. 4.3 Further information is provided in the attached technical review of the proposal. 4.4 The application makes a number of references to previous comments by a DOC staff member, Andrew Baxter. We note that Mr Baxter has since retired so is not available. We have some concerns that the attributed comments may be outdated or taken out of context, so should be given only limited weight. 4.4 DOC has particular concerns about the proposal for further development at Hapuku Rock in Admiralty Bay. Based on the currently available information, further development in Admiralty Bay would almost certainly result in further habitat displacement for dusky dolphins.	The views of the Department and the views of the Applicants on this point strongly differ. Potential effects on marine mammals are comprehensively addressed in the application at Schedules D11, D20 and D21, and in the AOI at 6.7 (for example).

Comment	Response & Actions
	Cases such as Clifford Bay³⁴ suggest that even where marine mammals are threatened and even where there is a substantial population of dolphins in and around the area of a proposed marine farm, even under the Resource Management Act that is not determinative of the application. The marine mammals in Admiralty Bay are not identified as threatened. The Clifford Bay cases occurred 20 years ago. We have 20 years of additional data, including data which demonstrates that dolphins appear to forage immediate adjacent to marine farms in preference to other parts of their habitat. Marine farming has occurred across Aotearoa for decades with very few reported incidents. Helen McConnell explains these in her report³⁵: “Entanglement rates have remained low despite the overall growth in the aquaculture sector through time (Table 3). Indeed, when the area of marine farms in New Zealand is considered alongside the contrasting low number of marine mammal entanglement incidents it is clear that the overall risk of entanglement of marine mammals in mussel farms is low.”³⁶ In terms of habitat displacement, McConnell notes: “However,

³⁴ *Clifford Bay Marine Farms Ltd v Marlborough District Council* [2003] ELHNZ 398. Unsuccessful appeal by Director-General of Conservation of the decision of Marlborough District council to grant consent to CBMF to establish a 460ha farm off the coast of Clifford Bay. The principal issue was the effect of the marine farm on Hector’s dolphins. Judge Jackson held that there was no ‘one size fits all’ principle for determining risk to Hector’s dolphins and standard of proof, where each potential effect raised in evidence should be assessed in light of the RMA principles and relevant statutory instruments.

³⁵ McConnell, H., Marine Mammal Technical Advice Memorandum, **Schedule D20**.

³⁶ McConnell, H., Marine Mammal Technical Advice Memorandum, **Schedule D20**.at pg 7.

Comment	Response & Actions
	while specific assessments are lacking, predictions about potential marine mammal displacement from the remaining sites is still possible on the basis that the marine mammals of Marlborough Sounds are relatively well studied, and reasonable assumptions can be made regarding potential marine mammal habitat use from this wealth of information.”³⁷ And: “There is, however, no evidence to suggest that the presence of farms alone specifically causes displacement on a broader scale (i.e. wider scale displacement is typically the result of multiple factors that interact in a complex manner, e.g. Srinivasan et al., 2012). Indeed there is emerging evidence that some species preferentially use habitat adjacent to mussel farms. For example, and in regard of Admiralty Bay, Piwetz et al. (2024) states that “habitat patches in proximity of mussel farms appeared to be an attractant for foraging dusky dolphins”, and Pearson (2008) states that “dusky dolphins appeared to be using areas near, but not in, mussel farms for foraging”. Given the large home ranges of marine mammals, it therefore seems unlikely that localised displacement from any discrete area occupied by shellfish farms would result in population levels effects for any species with an identified potential presence.”³⁸ The applicants have engaged Helen McConnell and Dr Ben Robertson to review and assess the proposed sites

³⁷ McConnell, H., Marine Mammal Technical Advice Memorandum, **Schedule D20** at pg 3.

³⁸ McConnell, H., Marine Mammal Technical Advice Memorandum, **Schedule D20** at pp 6-7.

Comment	Response & Actions
	against potential effects on marine mammals. The applicants have adopted recommended conditions and MMMPs.
At least sixteen marine mammal species have been recorded in or near all the proposed sites, including Threatened species (under the New Zealand Threat Classification System or the IUCN). Four of the proposed sites overlap with Important Marine Mammal Areas (IMMA), which are internationally recognised by the IUCN as supporting key life functions for a wide diversity of species. IMMAs do not carry legal or regulatory authority. Current marine mammal data for the wider Marlborough Sounds are largely opportunistic and representative of limited survey effort, and thus are unlikely to be fully representative of species occurrence, distribution or critical habitats. The available data (with the exception of Admiralty Bay) are insufficient to support conclusions of negligible impact.	The IMMA map covers almost all of the outer Sounds area (as well as Tasman and Golden Bay) in which existing aquaculture has been occurring for decades. As Dr Robertson notes, “The Marlborough Sounds and Cook Strait Important Marine Mammal Area (IMMA) is an advisory, non-statutory designation rather than a Marine Protected Area or a scheduled MEP protection.”³⁹ Those existing sites do not have MMMPs as this is not provided for in the RMA consenting framework, nor have recorded incidents with marine mammals in the past. The Director-General of Conservation did not require the imposition of Marine Mammal Management Plans in respect of the existing industry in Marlborough as part of the MEP submissions or appeals process. Proposed farms occupy similar habitats to existing farms. It is unclear why there is a change in approach. Nonetheless, the applicants have had MMMPs prepared (Schedule E1) and include requirements for such in the draft consent conditions at Schedule F.

³⁹ EclA at pg 34, **Schedule D21**.

Comment	Response & Actions
• There is evidence that mussel aquaculture has caused habitat displacement for some species. There are national and international examples available in the scientific literature. Habitat displacement of dusky dolphins in Admiralty Bay is already evident with the existing level of mussel farms; multiple studies have shown that dolphins spend significantly less time inside the farms. • The effects of aquaculture on marine mammals include habitat displacement, entanglement, vessel strike, underwater noise, marine debris and cumulative effects. Disruption of biologically important behaviours such as foraging and resting have energetic costs for the animal (i.e., it is forced to move elsewhere) with potential for long-term consequences.	Helen McConnell has assessed this in her reports at Schedule D11 and D20. Other literature is addressed in both Helen McConnell and Dr Ben Robertson's reports.
• Assessment of marine mammal impacts needs to be undertaken across all proposed sites, not limited to areas with existing research data such as Admiralty Bay. Focusing mitigation solely on Threatened species and/or well-studied locations risks overlooking impacts on data deficient and migratory species, as well as their habitats. In general, we recommend multi-year marine mammal monitoring at each site and its surrounds (as marine mammals can have large home ranges) to support assessments of effects, rather than assuming there will be no impact based on the limited opportunistic data available.	A MMMP is proposed for the sites, with a more targeted approach considered for Hapuku Rock, on advice of Helen McConnell. These MMMPs are included in Schedule E1. See above for the research programme as an alternative for narrow monitoring at Hapuku Rock. Draft MMMPs are included in the application at Schedule E1. That includes management of entanglement risks, amongst other things. It also includes a documented procedure regarding any incidents.

Comment	Response & Actions
• Marine Mammal Management Plans are needed to manage impacts at each site, particularly mitigation of entanglement risks. A documented procedure and/or a Marine Mammal Permit may be required to address potential disentanglement events. These events are rare but can occur.	The applicants have considered DoC's feedback on the draft Marine Mammals Management Plan, and the version in Schedule E has incorporated that feedback. Refer to the letter from Helen McConnell in Schedule D13.
○ Researchers have observed coordinated prey ball foraging bouts (an important feeding strategy for dusky dolphins) ending when the prey entered mussel farms, presumably because of the physical obstacles presented by long lines in the water. Observations of bait-ball foraging were less frequent in the more recent studies; further research is needed to determine whether changes in dusky dolphin foraging ecology are due to marine farms, environmental change, or a combination of factors. However, even in the absence of further research we do know that the presence of farms affects the fine-scale distribution of dusky dolphins and have affected foraging bouts.	As above. The Hapuku Study proposal is considered to be more likely to result in meaningful data to understand how dolphins use the Admiralty Bay area, in light of other activities occurring and factors beyond marine farming.

Comment	Response & Actions
Okuri Bay This site is within South Taranaki Bight IMMA, which is considered important habitat for multiple species. Okuri Bay is part of the wider Admiralty Bay-Current Basin Complex and several marine mammal species have been sighted nearby, including baleen whales (for which there is a documented entanglement risk) and Data Deficient beaked whales. Some level of presence expected at this site.	Okuri Bay is not within the Marine Mammal Distribution overlay in the MEP. The IMMA map covers almost all of the outer Marlborough Sounds area (as well as Tasman and Golden Bay) in which existing aquaculture has been occurring in for decades. Those existing sites do not have MMMPs as this is not provided for in the RMA consenting framework, nor have there been recorded incidents with marine mammals in the past. As above regarding comments on draft MMMPs provided with this application.
Onapua Bay Habitat is likely used by Hector's, bottlenose, and Dusky dolphins. Despite limited records, some presence is expected given sightings of these species in similar habitats elsewhere (e.g., Fiordland). We note that surveys in Queen Charlotte Sound (a PhD project in 2019) largely did not survey Onapua Bay beyond the entrance to the arm. Inferring a lack of marine mammal presence from those data is therefore an assumption and needs to be confirmed.	Onapua Bay is not within the Marine Mammal Distribution overlay in the MEP. The closest overlay is 4.17⁴⁰ which covers the outer part of Queen Charlotte Sound, for Queen Charlotte Sound Hector's Distribution. What we do know from the Cross PhD is that the marine mammal population of Tory Channel is low. As the only way to get to Onapua Bay is via Tory Channel, it is appropriate to infer that the distribution of marine mammals in Onapua Bay is similar to that of the adjoining waters. Furthermore, the observations on which the Cross PhD is based were made on board Beachcomber and Dolphin Watch vessels. At least in terms of the latter if there was a resident population of

⁴⁰ Refer "Marine Mammal Distribution" overlay: <https://smartmaps.marlborough.govt.nz/smapviewer/?map=4f01102c6f934418a54a0b23ceddcb1f>

Comment	Response & Actions
	dolphins in Onapua Bay one might expect Dolphin Watch Tour to travel to Onapua Bay. Helen McConnell has assessed the site in her report⁴¹. Her recommendations have been adopted in the draft consent conditions and MMMPs.

Maritime NZ

Comment	Response & Actions
We do note that the applicant has referred to various statutory requirements as mitigation through their application and linked standards such as the AQNZ A+ Sustainable Management Framework and would expect the statutory requirements to be met to support navigation safety for both commercial and recreational vessels. The key element is the requirement for approval under the Maritime Transport Act and appropriate charting of the operators approach to aids to navigation on the farms.	These have been adopted in the draft consent conditions for all sites. ⁴²
We would encourage the applicant to engage with the local harbourmaster as part of formulating a substantive application and/or before deciding on their final approach to addresses navigation safety through aids to navigation.	In each of the coastal permits sought there is a condition requiring each site's lighting/markings to comply with the requirements set by the Harbour Master.⁴³ The applicants sought to discuss the proposed sites with the Marlborough Harbourmaster, Jake Oliver. Mr Oliver provided an initial comment which is addressed in Schedule C and in the AOI. The applicants will seek

⁴¹ Marine Mammal Technical Advice Memorandum, **Schedule D20**.

⁴² See C22 (Papatua), C20 (Guards Bay), C19 (Okuri Bay), C23 (Hapuku Rock), C19 (Richmond Bay), C18 (Onapua Bay) **Schedule F**.

⁴³ See above, as well as C10 and 12 (Papatua), C9 and 11 (Guards Bay), C8 and 10 (Okuri Bay), C9 and 11 (Hapuku Rock), C8 and 10 (Richmond Bay) and C8 and 10 (Onapua Bay) **Schedule F**.

Comment	Response & Actions
	to discuss this with Mr Oliver after lodging the application.
While there is always a risk of a maritime structure breaking its moorings and drifting into shipping channels, we consider this to be relatively low with mussel farms compared to other more solid sided maritime structures and an issue that would be addressed through consent conditions requiring appropriate engineering reviews. We would also encourage there being a condition relating to relevant plans to ensure the operators can respond if their infrastructure did move and pose a risk to navigation.	This has been taken into account in the draft conditions for each coastal permit. In particular, there is a condition requiring the farm structures be maintained to ensure that they are secure and restrained in the permit areas.⁴⁴ There is also a condition providing that the consent holder must take reasonable steps to avoid debris being lost from the farm and take steps to retrieve any lost debris.⁴⁵

⁴⁴ See C13 (Papatua), C12 (Guards Bay), C11 (Okuri Bay), C12 (Hapuku Rock), C11 (Richmond Bay), C11 (Onapua Bay) **Schedule F**.

⁴⁵ See C15 (Papatua), C13 (Guards Bay), C12 (Okuri Bay), C13 and 17 (Hapuku Rock), C12 (Richmond Bay), C12 (Onapua Bay) **Schedule F**.

Table B1

RESPONSES OF APPLICANTS TO WRITTEN FEEDBACK ON PROPOSED REFERRAL APPLICATION Marlborough Aquaculture Project – Fit for a Changing World

COMMENTER	COMMENT/TOPIC	RESPONSE FROM APPLICANTS	HOW THIS HAS INFORMED THE PROJECT
Marlborough District Council	<u>“Appropriateness of sites</u> Council notes that the sites contained in the draft application have either been subject to consideration previously through Variation 1 or are near sites considered through Variation 1. For Hapuku Rock, Guards Bay, Pig Bay and Onapua Bay, the draft application does not acknowledge that the determinations of MARWG, Council or the Hearing Panel with respect to adverse effects on ONFL, natural character and/or amenity and therefore the suitability of the site for marine farming. Those determinations, which conflict with the position recorded in the AEE, were based on submissions and the hearing of expert evidence, both of which were tested through a hearings process. To illustrate the point, a table is attached to this response to contrast the findings on adverse effects. It is acknowledged that the Variation 1 sites are subject to active appeals by marine farming interests, as are sites in Okuri Bay. However, it would be difficult for staff to recommend supporting the proposed sites given the outcome of Variation 1 as it currently stands. It is also recommended that the draft application at least reference the relevant part of the Variation 1 decision for each site so that the Minister has full information on which to base a decision.”	We agree with this comment. We note that the Variation 1 process was a plan variation to the proposed Marlborough Environment Plan (MEP), made under the Resource Management Act 1991. Applicants under the Fast-track Approvals Act 2024 are not made under the Resource Management Act. Nor does the application need to comply with the MEP.	We have provided an assessment against the Variation 1 policies in the Planning Assessment at Schedule F. We have also assessed the application against the MEP provisions more widely. The applicants have commissioned updated landscape and natural character assessments to accompany the substantive application.
	<u>“Information provided</u> Within the draft application provided, Schedules B and D are missing, and the referencing throughout is	We note that Council did not receive every document that will make up the referral application as reports	N/A

	inconsistent and difficult to follow. Several quoted passages are attributed only to entire documents without specific citations, and many technical references are either difficult or impossible to locate.” <u>“Ecological information requirements</u> The ecological information provided about each site should be compiled by a suitably qualified and experienced person(s) and address the following key matters: • Compile existing information and assess whether it is sufficient to inform decision makers. • When existing information is considered insufficient (such as more than 10 years’ old), collect and provide new information/data to enable an ecological description of the benthic attributes of the survey area. • Identify and confirm the presence and location of any important ecological features within the Area of Interest (i.e. the consent area and out to at least 20 metre distance). • When important ecological features cannot be avoided by the farm, increase sampling intensity to enable mapping and description of the features. • Provide advice on ecologically based management recommendations such as implementing Structure Exclusion Areas (SEA) or modifications to consent boundaries. • Provide general comment on the potential ecological effects of the proposed activity in the survey area.	were still being finalised. We will provide the full suite of supporting technical reports to Council before we lodge the referral application. This is acknowledged. The Applicants have obtained ecological information that complies with this.	The Applicants have obtained ecological information that complies with this. In addition, a report summarising the ecological effects of longline farming in the Marlborough Sounds has been commissioned to accompany the substantive application.
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	Present data and findings in a report, which includes accurate maps of the areas and features within the survey area.”		
	<u>“Undaria Pinnatifida</u> Council does not support the deliberate farming of <i>Undaria pinnatifida</i> in the Marlborough District, but does not oppose its harvesting where it is found growing wild on existing farm structures.”	This is noted though we are unsure of the reasons for this position. Species able to be farmed is a matter for consent conditions.	This is noted.
	Site specific comments – see table at the end of this document.	Refer to the table at the end of this document.	Refer to the table at the end of this document.
Department of Conservation	Notes that the application is ‘RMA-only’.	We note that the application also required a determination under the Fisheries Act that the farms would not have an undue adverse effect on fishing. This is able to be obtained under the Fast-track Approvals Act 2024, and is addressed in the referral application.	N/A
	Notes Te Taihū iwi with statutory acknowledgments. “We encourage the Applicant to engage directly with relevant Māori groups as required by section 29 of the Act. We understand that the Applicant is consulting directly with relevant iwi, but have not seen any outcomes of this.”	The applicants have undertaken substantial pre-application consultation, as noted in the application documents and summarised above as well as in the Iwi Engagement Outcomes Report provided by Thirdspace Aotearoa included as Schedule E .	Please refer to the consultation record above, as well as in the Iwi Engagement Outcomes Report provided by Thirdspace Aotearoa in Schedule E. Comments from Te Taihū iwi have and continue to inform the application. Engagement is also ongoing.
	“In the time available, and as this application is RMA-only, DOC has not carried out a process to identify Treaty settlement obligations specifically relevant to this site but notes for the Applicant that this will form part of the section 18 report prepared by MFE. We understand that the Applicant is consulting directly	As above.	As above.

	with relevant iwi, but have not seen any outcomes of this.”		
	“Description of proposal We note that there are inconsistencies in the description of the proposal between the draft Referral Application (reference ELD-133073-17-1305-V2) and the Project Supporting Information provided separately (reference ECO-133073-17-355-V4), with the former showing mussel production at four sites. We understand that the draft Referral Application is the current version, but this will need to be confirmed. We also question why, with the removal of mussel production at two sites, the draft Referral Application shows significantly higher projections of export revenue and job creation.”	The Applicants have, in response to feedback from Marlborough District Council, limited the scope of relevant sites to mussel nursery only. The technical reports obtained assessed full production mussel farms on a conservative basis. Effects will be even less for mussel nurseries. By providing optimal nursery conditions, the proposed sites enable higher conversion of spat to viable seed for existing farms leading to greater overall production from current farm space, supporting higher export volumes and associated employment, even though the area of new space applied for is largely nursery rather than crop production space.	We have made it clear what is being sought in the Assessment of Impacts Document, particularly in the Benefits Assessment in Schedule B and elsewhere in this referral application
	“Conflict with proposed Marlborough Environment Plan (MEP) and Variation 1 In total, the proposal would entail about 280 hectares of new marine farms, representing an approximate 9% increase in the total area of mussel farms in the enclosed waters of the Marlborough Sounds. This increase in farmed area would directly conflict with decisions on Variation 1 to the MEP, which took the approach of maintaining the same level of aquaculture within the enclosed waters.	As noted above in terms of a similar point made by Marlborough District Council, the Applicants note that Variation 1 does not enable these applications to be made in the normal way. That is precisely why the Fast-track process is sought to be used.	We have provided an assessment against the MEP, including Variation 1 provisions, in the Planning Assessment at Schedule F.

	DOC understands that the proposal is largely intended to address changing needs for the industry. However, the approach proposed means that the ultimate outcome would be an expansion of the industry footprint, not just an adaption. This has significant implications in terms of the capacity of the Sounds to accommodate marine farming, and for cumulative effects. It also directly conflicts with the outcome of a substantial public plan process that was informed by many years of consultation and technical input. We note that the increase in marine farm space will create a Settlement liability for the Crown, which increases in proportion to the net increase in footprint. Also, a number of the proposed locations are within Outstanding Natural Landscape and Outstanding or Very High Natural Character overlays in the MEP. This would normally be a barrier to consenting new marine farms at those locations, and we understand that part of the reason for seeking referral to the FTAA is that consents could still be granted despite those provisions of the MEP. Although the draft referral application does recognise these matters, we consider that further detail is required, and the application should directly address the proposed justification for conflicting with the local planning framework. DOC would therefore encourage the Applicant, before finalising the referral application, to review the overall package with a view to minimising the increase in footprint and the overlap with landscape and natural character overlays. We realise there will be some ability to do this prior to finalising the substantive application, but after that it will become more difficult.	The Applicants agree with the comment that the proposal is largely intended to address changing needs for the industry. Variation 1 covers existing marine farms. It does not, without a corresponding plan change application, enable consenting these new marine farms. The Applicants are obtaining landscape and natural character assessments, which will be lodged with the substantive application under Fast-track, should this referral application be successful. The sites are chosen for their particular characteristics, to meet the adaptation needs of the industry. Unfortunately there are some corresponding overlaps with	The applicants have commissioned updated landscape and natural character assessments to accompany the substantive application.
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	It will also become increasingly difficult to manage interactions with RMA consents and MEP appeals, as the FTAA is separate legislation with its own fixed process and timeframes.”	landscape and natural character overlays. As above, the Applicants are seeking landscape and natural character assessments.	
	“General comments on effects In terms of King shags, although effects are unlikely to be a major concern, there will be a need to ensure that good practice measures are reflected in the conditions of any consents granted (separation from colonies, management of debris and waste etc). At the meeting we also discussed impacts on benthic values, and we understand that the intention is to avoid any sensitive benthic sites such as reefs and biogenic habitats. We support that, and will be interested to review the new and updated benthic reports for the application to confirm this.”	The work the marine farming industry has front-footed on King shag research is summarised in the Assessment of Impacts Document at 3.4.1 and Schedules B (Benefits Assessment), C (Effects Assessment) and G (Technical Reports). The sites avoid sensitive benthic sites as noted in the respective ecological reports provided in Schedule G.	We will work with DOC on an appropriate condition of consent.
	“Marine mammals Marine mammals have been recorded in or near all of the proposed sites, including Threatened species (under the New Zealand Threat Classification System or the IUCN). In addition, four of the proposed sites overlap with Important Marine Mammal Areas (IMMA), which encompass nationally and internationally important sites for a diversity of species. Current data for the wider Marlborough Sounds are largely opportunistic and representative of limited survey effort; so are insufficient to support conclusions of negligible impact. Therefore, site-specific monitoring is essential. There is some evidence to suggest that mussel aquaculture has caused habitat displacement for some	All of the sites have ecological reports provided in Schedule G of the Assessment of Impacts Document. That includes marine mammals. The Hapuku Rock proposal also includes a specific Marine Mammals report. That report provides some recommendations which can be addressed in consent conditions. The Hapuku Rock farm is located within a Marine Mammal Distribution overlay (but not within	The Applicants are commissioning an overarching ecological report which will be lodged with the substantive application. We will work with DOC on consent conditions. More information is provided in the Effects Assessment and Technical Reports at Schedules C and G.

	species, both nationally and internationally. Assessment of marine mammal impacts needs to be undertaken across all proposed sites, not limited to areas with existing data such as Admiralty Bay. Focusing mitigation solely on Threatened species and/or well-studied locations risks overlooking impacts on data deficient and migratory species, as well as their habitats. DOC considers that marine mammal monitoring, and management plans, will be needed to manage impacts, particularly mitigation of entanglement risks. A documented procedure and/or a Marine Mammal Permit may be required to address potential disentanglement events. These events are rare but can occur.”	any Ecologically Significant Marine Site) in the MEP. That distribution overlay (as the name suggests) denotes sightings/presence but does not mean the area is significant habitat. The other sites are not located within any such area in the MEP. Despite the long history of longline marine farming across Aotearoa, very few incidences with marine mammals have been reported. Entanglement risk is reduced by, for example, weighted lead-core dropper ropes being used. The Applicants are members of the Marine Farming Association Inc’s Environment Programme as well as complying with the Aquaculture New Zealand A+ Programme. They are all experienced marine farm operators.	
	“Potential consent conditions We consider that consent conditions proffered with the proposal should restrict use of the spat nursery sites to just nursery operations, given that the industry-wide need for spat nurseries is the basis for justifying both referral and substantive approval.”	This is noted.	We are working on proposed consent conditions and before lodging the substantive Fast-track application, should this referral application be successful, we will work with DOC (and Marlborough District Council) on a set of conditions.

	“Richmond Bay DOC is keen to understand what interest iwi have in this proposal to provide them with mussel farming space. Previous proposals to establish Aquaculture Management Areas in Richmond Bay have been unsuccessful due to a lack of information on environmental effects, particularly due to the absence of benthic surveys for the proposed AMAs. The substantive application will need to address those information deficiencies before it can be confirmed whether or not this is a suitable location for mussel farming. For marine mammals, there has been limited sighting effort in this area to date, so the frequency with which marine mammals use the area is unknown. However, some level of presence is expected.”	Consultation with Te Tauihu iwi is ongoing. This is noted. The application provides information that was not available when Richmond Bay AMAs were proposed by Marlborough District Council in 2021. These concerns were not raised by DOC in its evidence for the Marlborough Environment Plan hearings on submissions. Specifically in relation to Richmond Bay, former DOC ecologist, Andrew Baxter, stated in his 22 August 2021 brief¹⁰⁴ at [50]: <i>I do not have any concerns regarding the other proposed AMAs within Richmond Bay. They are most likely to be sited over muddy habitat typical of offshore areas within side bays of Pelorus Sound (and noting the offshore parts of Richmond</i>	Refer to the consultation record above and the Iwi Engagement Outcomes Report at Schedule E.
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¹⁰⁴ <https://eservices.marlborough.govt.nz/download/files/dTNUIMXbvmbHLjSXRhBR0gPFcCjGpU0RFXEftw9FcdTN>

		<i>Bay have also been historically dredged).</i> The new sites are not within any Ecologically Significant Marine Site or Marine Mammals Distribution overlay in the MEP. The Applicants have obtained an ecological report – refer to the Assessment of Impacts Document at Schedule G.	
	“Pig Bay The proposal for a very large mussel nursery operation here is of significant concern to DOC, and the draft referral application does not adequately reflect either the history or the values of the bay. As the Applicant will be aware, DOC and other parties have opposed previous consents for mussel farms in this bay, primarily in terms of landscape and natural character impacts on both Pig Bay and on the Cape Lambert Scenic Reserve, and two marine farms have been relocated out of the Bay after being declined consent. DOC’s acceptance in 2022 of consent being granted for the one remaining mussel farm in the bay was on the basis that it was a short-term consent just to allow time for relocation, so the fact that there is still a farm there reflects the legislative consent extension rather than the appropriateness of the site. We consider that the referral application should better reflect this history.	The Applicants note that a previous process existed for a salmon farm at this location. That was for a different activity and was made under the RMA. The Applicants note there is an existing mussel farm in Pig Bay and that previous farms have been removed. Again, those were/are under the RMA. The proposal is for a mussel spat nursery farm. Pig Bay is a proven successful spat location. The site has the ideal characteristics for this activity. It is unfortunate that it corresponds with landscape and natural character overlays. The Applicants are obtaining landscape	We have provided more information in the Assessment of Impacts Document including in the Effects Assessment and Technical Reports at Schedules C and G. The applicants have commissioned updated landscape and natural character assessments to accompany the substantive application.

	This site is within the Marlborough Sounds and Cook Strait IMMA, which is considered important habitat for multiple species. There has been limited sighting effort in this area to date, so the frequency with which marine mammals use the area is unknown. Seasonal presence of resting migratory southern right and humpback whales is expected given the proximity of the site to the Cook Strait migratory corridor. There is documented entanglement risk for some baleen whale species in mussel farms; we would expect the risk to be higher around lightly weighted mussel spat lines.”	and natural character assessments which will be provided with the substantive application, should this referral application be successful. There is existing ecological information on this area. In addition, the Applicants are commissioning an overarching ecological report which will be lodged with the substantive application. The new sites are not within any Ecologically Significant Marine Site or Marine Mammals Distribution overlay in the MEP. Mussel spat lines are weighted with a lead core, so that they remain taut. They are not ‘lightly weighted’. As above, we consider there are very few reported incidents with marine farms and marine mammals. Risks are managed by appropriate consent conditions, for example.	
	“Guards Bay We recommend that the Applicant further checks the reasons for earlier consent declines in this bay, which we understand to relate to conflict with recreational	We have reviewed the information available regarding previous applications in the Bay, but note they are in a different location to	We have added additional information into the Effects Assessment in Schedule C.

	use and landscape values. The application will need to provide information on those values including any changes in context that might make previous decisions less relevant. Like Pig Bay, this site is within the Marlborough Sounds and Cook Strait IMMA, and the same comments apply.”	the proposed new farm. Those applications were made in the 1990s. A lot more information is now known about the effects of marine farming. The new sites are not within any Ecologically Significant Marine Site or Marine Mammals Distribution overlay in the MEP.	The applicants have commissioned updated landscape assessments to accompany the substantive application.
	“Hapuku Rock The draft referral application states that this site “may be subject to a marine mammal monitoring programme which includes provision for staged development” but provides no information on what a staged development would entail. It is also unclear what options the Applicant would propose if monitoring showed that adverse effects on marine mammals were occurring. Admiralty Bay is inside the IMMA, and hosts multiple protected marine mammal species, including Threatened and Data Deficient species such as bottlenose dolphins, orca, Hector’s dolphins and beaked whales; the importance of the area to these species is unknown. There is clear evidence that the bay constitutes an important foraging habitat for some dusky dolphins and possibly common dolphins. Seasonal presence of resting migratory Threatened southern right and humpback whales is expected given the proximity of these sites to the Cook Strait migratory corridor. There is documented entanglement risk for baleen whale species in mussel farms; we	The proposal is not sought to be staged, per se. We have received advice from a marine mammal expert who recommends a monitoring programme which includes obtaining baseline data. The application wording will be amended to make this clearer. There is an existing marine farm adjacent to the proposed new farms. That site has operated since 1995. There have been no incidents with marine farms. Further, there is a ribbon of existing marine farms (including mussel production sites) in Admiralty Bay and there have been no known incidents with marine mammals. Mussel spat lines are weighted with a lead core so they hang taut in the water column.	We have added additional information into the Effects Assessment at Schedule C. The Applicants are commissioning an overarching ecological report which will be lodged with the substantive application. Further information would be provided in the substantive application.

would expect the risk to be higher around lightly weighted mussel spat lines. The Marine Mammal Report provides a thorough review of the current literature and data available and does a good job at outlining potential risks and knowledge gaps. The report highlights evidence that the presence and abundance of dusky dolphins in the bay is decreasing, and that foraging behaviour of this species has changed. However, we disagree that the reason for these changes is unknown. We agree that there is some uncertainty around how all of the variables interact (e.g., prey presence, sea surface temperature, presence of mussel farms). However, there is clear evidence of foraging bouts of coordinated prey ball feeding ending when the prey entered mussel farms, presumably because of the long lines in the water, and of dusky dolphins spending significantly less time inside mussel farms. Varying levels of apparent habitat displacement from mussel or oyster farms have also been recorded elsewhere e.g., Hector’s dolphins in Banks Peninsula, Chilean dolphins and Indo-Pacific bottlenose dolphins in Australia. We believe that the assessment of the impact of further space displacement on other species may be more than negligible, as there is limited current data for this area. Based on the current available information, the level of existing habitat displacement in Admiralty Bay for dusky dolphins, and the uncertainty around the	The marine mammals advice the Applicant has received provides that the potential effects can be managed by consent conditions. Whilst it regulates existing marine farms, Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES-MA) only requires consideration of effects on marine mammals to the extent of “management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality”¹⁰⁵. For completeness, we note that these concerns were not made by DOC throughout the Marlborough Environment Plan appeals process. Indeed, Andrew Baxter (a former	
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¹⁰⁵ The NES-MA consenting guide (<https://www.mpi.govt.nz/dmsdocument/44626-Resource-Management-National-Environmental-Standards-for-Marine-Aquaculture-Regulations-2020>) notes: “Maintenance and operational procedures for farms to minimise risk – including for example: management and maintenance of lines and nets; avoiding loose and floating ropes”, which again emphasizes that it is about management/conditions, not something going to declining consent.

	impacts of further development on the species that are found in the area, a precautionary approach is warranted. We consider that more comprehensive marine mammal research in the Admiralty Bay-Current Basin Complex to fill data gaps and address uncertainty is necessary prior to any further consideration of aquaculture development at this site.”	ecologist for DOC) stated in his 22 August 2021 brief¹⁰⁶ at [23]: <i>For seabirds and marine mammals, examples [of effects of aquaculture] include attraction (e.g., bottlenose dolphins feeding along mussel longlines, and birds using mussel floats for roosting) and displacement (e.g., displacement of dusky dolphin bait-ball foraging from within mussel longlines). Arguably, some of the attraction effects may be considered benign or neutral.</i>	
	“Okuri Bay This site is within South Taranaki Bight IMMA, which is considered important habitat for multiple species. Okuri Bay is part of the wider Admiralty Bay-Current Basin Complex and several marine mammal species have been sighted nearby, including baleen whales (for which there is a documented entanglement risk) and Data Deficient beaked whales. Some level of presence is expected at this site. We also note the interaction between this proposal and the current private plan change proposal, consent application and MEP Variation 1 all relating to the same location.”	The new sites are not within any Ecologically Significant Marine Site or Marine Mammals Distribution overlay in the MEP. The private plan change application will fall away when the MEP becomes operative, as that is a plan change to the former resource management plan in Marlborough. It is lodged by the same applicant. This is discussed in the Assessment of Impacts Document at Part 1 and 3.7 of Part 3.	The Applicants are commissioning an overarching ecological report which will be lodged with the substantive application.

¹⁰⁶ <https://eservices.marlborough.govt.nz/download/files/dTNUIMXbvmbHLjSXRhBR0gPFcCiGpU0RFXEftw9FcdTN>

	“Onapua Bay This habitat is likely used by Hector’s, bottlenose, and Dusky dolphins. Despite limited records, presence is expected given sightings of these species in similar habitats elsewhere (e.g., Fiordland). We also note the interaction between this proposal and the current consent application and MEP Variation 1 all relating to the same location. This includes current work to assess natural character and landscape values. We note that the draft referral application provides some comments from DOC that were made before the more detailed assessment of natural character and landscape values that has occurred for Variation 1 (and associated appeals), and the referral application could be more explicit that the significance of and effects on these values is still disputed.	The new sites are not within any Ecologically Significant Marine Site or Marine Mammals Distribution overlay in the MEP. As alluded to in this response, DOC has previously provided a view on the new sites. That is included in the Effects Assessments at Schedule C. That noted that DOC did not oppose marine farms at this location. No concerns about marine mammals were raised. In terms of landscape and natural character, the Applicant is obtaining assessment which would be lodged with the substantive application. The Applicant for this site, Apex Marine Farm Limited, has a live appeal on the MEP natural character overlay which seeks to remove areas of natural character on the basis of more recent ecological information. It is correct that the overlay is still disputed.	Further information is provided in the Effects Assessment and Technical Reports at Schedules C and G. The Applicants are commissioning an overarching ecological report which will be lodged with the substantive application.
	“DOC expects that, if the proposal is referred, prior to lodging the substantive application further consultation with DOC and other parties will be required on:	The Applicants agree and will continue to consult with DOC, including on consent conditions.	N/A – consultation is to continue.

	- the specifics of the application, including effects as identified above, - the role and support of iwi; and - interactions with related consent and plan processes.”		
	“While DOC will assist applicants as much as we can when they engage in pre-lodgement consultation, it is the applicants’ responsibility to comply with the FTAA and to ensure they have applied for all permissions they need.”	This is noted.	The application will seek the required permissions needed for the activities to occur.
Biosecurity New Zealand	See letter of 14 November 2025 attached.	The Applicants acknowledge the comments in the letter.	N/A – the referral application notes that approval of Biosecurity New Zealand is required if flat oysters are to be farmed and if the CAN is not removed, but the farm would also be consented to farm other species that do not require any separate approval.
Ministry for Primary Industries	Consultation is noted in Schedule D of the Assessment of Impacts Document . Emails were sent on 14 November 2025 confirming that the Ministry did not have any written comments to make on the application. Those emails are attached.	N/A	N/A – The Applicant does not understand the Ministry to have any concerns on the proposal.

Table B2

Marlborough District Council – Site Specific Comments with Applicants' Responses

Site	Was an AMA notified in Variation 1?	Was an AMA sought in Variation 1?	Was an AMA provided by the Panel?	Reason for decision	Does the applicant seek the same site?	Does the application seek a site adjoining/in the vicinity of a disputed AMA?	Is there an outstanding MEP and/or V1 appeal	Position in application	Additional comments	Applicant's response and how this Has informed the project
Onapua Bay	No	Yes	No	Natural character, landscape, amenity and navigation: <i>"The Panel finds that overall, the three proposed marine farms will have significant adverse effects on the existing natural character, landscape and amenity values of Onapua Bay."</i> <i>"The Panel accept the evidence of Mr Grogan that the proposal will have significant adverse impacts on the experience of navigation by restricting navigation to the south side of the bay, reducing vessel speeds to 5 knots within most of the bay, and loss of access to the small, sheltered embayment on the north side of the bay. 60."</i> <i>"The Panel accepts the evidence of Mr Greenway that the proposal will have more than a minor adverse effect on the existing recreation amenity."</i>	Yes	No	MEP (NC overlay) V1	<i>'In relation to the aspects of natural character, natural features and landscapes, and visual amenity which are within my area of expertise, it is my opinion that the oyster and seaweed farm proposed by Apex Marine Farm Limited at this site will be appropriate and a fit with the existing context, and will not result in adverse effects that compromise the existing values of the area'.</i> <i>Two of the three proposed farms are adjacent to the Katoa Point scenic reserve administered by the Department of Conservation(DOC). The third farm is next to a small embayment immediately to the south-east of the reserve.</i> <i>DOC has commented that 'the natural values of the reserve are towards the more modified end of the spectrum and that avoidance of adverse effects on it is not required in our opinion. Also, the sites are away from significant boating routes (through Tory Channel) and therefore less prominent than they would be if they were proposed to be located further north, closer to the entrance of the Bay. From Tory Channel itself, the proposed marine farms would be viewed</i>		We agree with the factual statements made here. There is a live appeal on the natural character mapping in Onapua Bay, seeking a reduction in such mapping, based on recent ecological information.

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								<i>against a backdrop which includes substantial areas of private land, mostly managed for plantation forestry'.</i>		
Pig Bay	No	Yes	No	ONFL: <i>"The Panel accepts that the conclusions of the Boffa Miskell 2018 report that this site is located in an inappropriate area due to adverse effects on outstanding landscape values."</i>	No	Adjoining	V1	<i>Change [to seabed] is unlikely to be adverse and may in some respects be positive. The project site is within a mapped outstanding natural landscape and area of the norther corner is within outstanding natural character in the MEP. The site is also within a High Natural Character overlay. There will be adverse visual effects on the values of those mapped areas. However, those effects will be contained due to the low lying and recessive colour of the surface structures (typically black buoys, with the exception of orange floats required for maritime safety purposes). Service vessels will only be at the site intermittently. There would be minor adverse amenity effects for residents in Port Gore, and for some of the people who pass the site in a vessel or fly over in aircraft (depending on their personal view of marine farms). Those effects would mainly be visual in nature, and diminish with distance from the farm. There would be no odour associated with the farm.</i>	EPA decision granting a salmon farm at this site was overturned by Supreme Court in 2014. V1 – additional space not associated with existing farm situated inshore of this site.	We agree that there was a previous proposal for a salmon farm at this location. That was a proposal for a different activity. It was also made under the RMA. The Applicants are obtaining landscape assessment which would be included with the substantive application. Further information is provided in the Effects Assessment and Technical Reports at Schedules C and G.
Guards Bay	No	Yes, including an enlarged	No	ONFL <i>"The Panel agrees with Mr Bentley that the existing marine farm detracts from the</i>	Yes	Yes	V1	<i>Change [to seabed] is unlikely to be adverse and</i>		The Applicants are obtaining a landscape assessment. Further information is provided in the

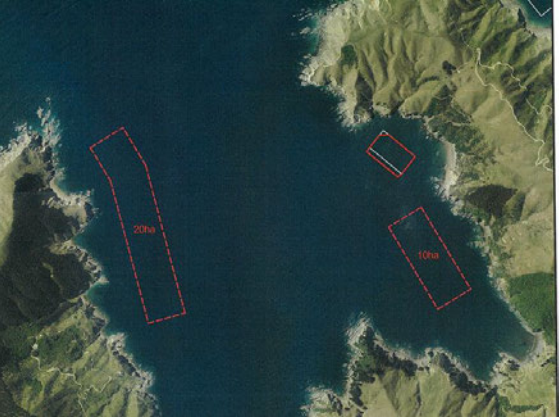
Site	Was an AMA notified in Variation 1?	Was an AMA sought in Variation 1?	Was an AMA provided by the Panel?	Reason for decision	Does the applicant seek the same site?	Does the application seek a site adjoining/in the vicinity of a disputed AMA?	Is there an outstanding MEP and/or V1 appeal	Position in application	Additional comments	Applicant's response and how this Has informed the project
		area (to enable doubling of existing farm)		<i>biophysical, sensory and associative values, including the high level of perceived naturalness and the rugged and remote seascape values. The Panel also agrees with Mr Bentley that there is a lack of containment in this part of Guards Bay."</i>				<i>may in some respects be positive. The landscape effects arising from the continuation and expansion of submerged marine farming activities in Guards Bay are appropriate and acceptable.</i>		Effects Assessment and Technical Reports at Schedules C and G.
Admiralty Bay/Hapuku Rock	No	Yes	No	ONFL: <i>The Panel disagrees with Mr Hunt's view that the proposed new AMAs are contained by the surrounding landform and do not detract from the area's natural character and landscape values.</i> <i>On the basis of the Panel's site visit and the conclusions of the Boffa Miskell Report 2018, the Panel finds that the proposed new AMAs are located in an inappropriate area for aquaculture due to adverse effects on natural character and ONFL values.</i>	No	Yes	MEP (ONFL overlay) V1	<i>The overall effect on other marine mammals ranges from negligible to very low. Due to an absence of evidence, the overall effect on dusky dolphin was assessed as medium. A monitoring programme is recommended.</i> <i>The applicant proposes to develop a marine mammal monitoring and management plan in consultation with an expert.</i> <i>While it may appear as a large marine farm, this proposal is in addition to an already heavily modified environment and any adverse cumulative effects in relation to natural character, landscape or visual amenity value will be no more than minor.</i>	Area declined under application U950349	It is correct that a previous application was declined. That application sought a larger area that the new proposal. It also sought a full mussel production farm. It was declined in the 1990s. More information is known about the effects of marine farming. The reasons for decline were: - [...] This stretch is the last remaining reasonably large stretch of coastline within Admiralty Bay which is not substantially developed with marine farms. The submissions to this application indicated that this area is a popular area for recreation (including recreational fishing). In this respect, the proposed marine farm was considered to be contrary to Policies 1.1 and 1.5 (Volume 1, Part 9.3) of the proposed Marlborough Sounds Resource Management Plan in that it would unreasonably alienate a public space that is utilized by recreationalists [...] - Given the relative lack of marine farms within this stretch as compared to the remainder of Admiralty Bay, the Committee considered that the

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										proposed marine farm was contrary to Policy 1.1.1 of the New Zealand Coastal Policy Statement and would constitute sprawling development - This area of Admiralty Bay is presently relatively free of marine farms, therefore the Committee considered that to grant the application would have the adverse cumulative effect of encouraging marine farming in an area which should remain relatively free of coastal marine development. - The proposed marine farm was undesirable from a navigational point of view in that it was situated well beyond 200 metres from mean low water mark. The Committee also noted that in this respect the proposal was deemed a prohibited activity by the proposed Marlborough Sounds Resource Management Plan. That was an application made under the old resource management plan and under the RMA. The new 'ribbon' for marine farms in the MEP is generally 100 to 300m from mean low water mark. Marine farms in AMAs in that ribbon are controlled activities. Some values have changed since the 1990s. The Applicants are obtaining a landscape assessment. Further information is provided in the Effects Assessment and Technical Reports at Schedules C and G.

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Okuri Bay	No	Yes	No	Scope issue with AMA sought	No – it seeks the same site as the PC which does not align with the V1 submission	Yes	V1	<i>Some organic rich particulates and shell litter may be observed beneath the dropper lines.</i> <i>There will be low adverse effects on landscape character for the broader context and low-moderate effects for the localised area.</i> <i>There will be low-moderate effects on natural character at the broader context and moderate effects on the localised area.</i> <i>Cumulative effects will be low-moderate to moderate.</i> <i>The proposed farm is consistent with the relevant statutory provisions, and, from a landscape and natural character perspective, it is considered an appropriate development in an appropriate location.</i>		As noted, the Variation 1 panel did not think the relief sought in that process (AMAs for the new farms sought in this referral application) was within scope of its submission. Council has provided images at the end of this document.
Richmond Bay	Yes	Some submitters sought replacement space within Richmond Bay	No (i.e., notified AMA was removed)	Insufficient information: <i>"The Panel agrees that new AMAs for the relocation of existing marine farms should be assessed under Policy 13.21.3 (as amended by this decision) and finds there is insufficient information available at this time to enable such an assessment within the scope of this Variation."</i>	Sort of – they are close to the 3 sites notified under V1 that have not been already occupied through V1 appeals.	Sort of - they are close to the 3 sites notified under V1 that have not been already occupied through V1 appeals.	No	<i>Robertson Environmental area currently undertaking an ecological assessment of the site and this section will be updated on its completion.</i> <i>Richmond Bay is large enough to support some further development, however that new development will need to be carefully located.</i>	Applicants F/T: The five other applicants on behalf of Maara Moana Limited.	As noted, the Council notified AMAs in generally the locations of the proposed new farms in this referral application, in the MEP. They were ultimately not upheld as AMAs by the Hearings Panel because not enough information had been proffered for them. Council has provided images at the end of this document.

Mapping Provided by Marlborough District Council

Okuri Bay
Submission



V1 Hearing – Legal supplementary



Plan Change



Richmond Bay
Notified



Existing farms



Fast track

