

Introduction

The Marlborough Salmon Farm Relocation Advisory Panel (the **Panel**) has asked for advice on some legal comments put to the Panel. Written comments are at this [link](#). The questions the Panel would like advice on are set out below.

Environmental Defence Society (EDS) (No 592)

- 1 Is the proposed use of sections 360A and B to relocate salmon farms in the Marlborough Sounds an improper or unlawful use of s 360A because:
 - It is a concurrent plan/coastal permit application dressed up as a plan making exercise
 - It is not appropriate for MPI to undertake the role and cost of a private plan change/consent process
 - It is inefficient for MPI to amend a plan mid review as it undermines a strategic and integrated approach to aquaculture management as alleged by EDS? [See especially paragraph 17 of the EDS written comments].
- 2 Is the non-provision of a s 32 report at this stage of the process unlawful? [See Paragraphs 18-19 of the EDS written comments]

Royal Forest and Bird Protection Society of New Zealand Inc (No 0587)

- 3 Is the use of s 360A to provide for salmon farms in currently prohibited locations beyond the power of the provision? [Paragraph 4(a) of RFBPS written comments]
- 4 Section 360(1) RMA allows regulations to be made amending provisions in regional coastal plans that relate to the management of aquaculture activities in the CMA. Does this mean that this power cannot be used to provide for occupation of the CMA? [Paragraph 6 of RFBPS written comments]

Friends of Nelson Haven and Tasman Bay (No 0598)

- 5 Section 360B(2)(c) sets out various requirements that the Minister must be satisfied of before he recommends to the Governor-General the making of regulations. Is the fact that he has not yet done so wrong in law? [Paragraphs 3-4 of Friends written comments]
- 6 Is the regulation making power in s 360A narrowed or circumscribed in the manner suggested in paragraphs 14-17 of the Friends written comments?

Tony Black (No 0124)

- 7 **See Tony Black written comments on “management of aquaculture activities”** referred to in Question 4.