

Resource Consent Application

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



**MARLBOROUGH
DISTRICT COUNCIL**

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

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

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

For Office Use

ISO 9001:2008
Document Number:
RAF0002-C11579

Lodgement Fee Paid \$

Receipt No.

Consent No.

Case Officer:

Date Received:

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

Name:

(full legal name)

Apex Marine Farm Limited

Mailing Address: C/- Mr Bruce J Hearn
(including post code) 59 Houldsworth Street
Blenheim 7201

Email Address: apexhearn@xtra.co.nz

Phone: (Daytime) 03 578 6241

Phone: (Mobile) 027 440 2049

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

Name:

Gascoigne Wicks

Mailing Address: C/- Amanda Hills and Quentin Davies
(including post code) PO Box 2
Blenheim 7240

Email Address: ahills@gwlaw.co.nz / qdavies@gwlaw.co.nz

Phone: (Daytime) 03 578 4229

Phone: (Mobile) 027 223 7261

3. Type of Resource Consent Applied For

☒ Coastal Permit ☐ Discharge Permit ☐ Land Use ☐ Subdivision ☐ Water Permit

4. Brief Description of the Activity

A new 15.73 hectare marine farm in Onapua Bay, Tory Channel, in the area outlined in the accompanying Private Plan Change Request.

To cultivate and harvest Flat Oysters (*Ostrea chilensis*); and seaweed and algae species (*Undaria pinnatifida*, *Macrocystis pyrifera*, *Ecklonia radiata*, *Gracilaria* spp, *Pterocladia* sp, *Gigartina* sp, *Grateloupia* spp, *Aeodes nitidissima*, *Callophyllis* spp, *Gelidium* sp, *Ulva* spp, *Porphyra* sp, and *Asparagopsis armata*).

Consent is also sought to disturb the seabed with anchoring devices, to take and discharge seawater and organic material at harvest, and to undertake all activities ancillary to the cultivation and harvest of the listed species.

5. Supplementary Information Provided?

☐ Yes ☒ No

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

6. Property Details

The location to which the application relates is (address): Onapua Bay, Tory Channel, as per Private Plan Change

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

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

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

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

N/A

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

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

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

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

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

8. Other Information

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

N/A

I attach any other information required to be included in the application by the relevant Resource Management Plan, Act or regulations.

☐ Yes ☐ No

9. Fees

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

10. Declaration

I (please print name)

Amanda Hills

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

Signature of applicant or authorised agent:

[Signature]

Date:

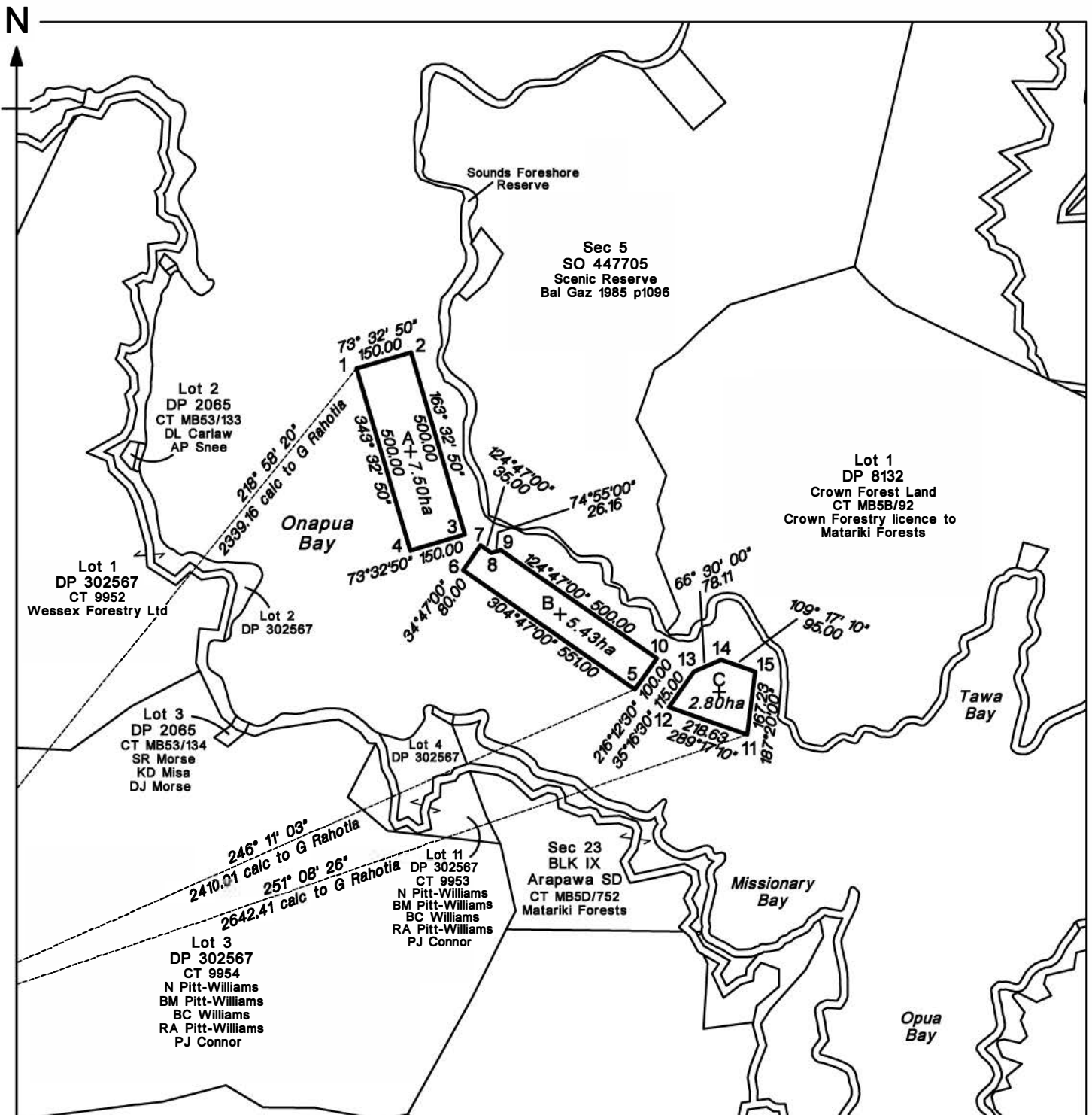
17/1/2017

Privacy Information

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

Reset Form





SCHEDULE OF COORDINATES				DATUM: NZTM2000	
Point	East	North	Point	East	North
1	1699146.41	5432015.19	11	1700175.75	5431050.77
2	1699290.27	5432057.67	12	1699969.38	5431122.99
3	1699431.89	5431578.15	13	1700035.80	5431216.87
4	1699288.03	5431535.66	14	1700107.43	5431248.01
5	1699879.98	5431169.77	15	1700197.10	5431216.64
6	1699427.45	5431484.11	Centroid A	1699289.15	5431796.67
7	1699473.09	5431549.81	Centroid B	1699682.42	5431367.88
8	1699501.83	5431529.85	Centroid C	1700102.48	5431163.08
9	1699527.09	5431536.65	G Rahotia	1697675.19	5430196.62
10	1699937.74	5431251.41			



PALMS

Proposed Coastal Permit *Onapua Bay* *Tory Channel*

SCALE 1:15,000

100 0 200 400 600 800 metres

MF_2413g
2 October 2015

PRIVATE PLAN CHANGE REQUEST
and
CONCURRENT RESOURCE CONSENT APPLICATION
By Apex Marine Farm Limited
Marlborough District Council

January 2017

**PRIVATE PLAN CHANGE REQUEST AND CONCURRENT RESOURCE CONSENT APPLICATION
SECTION 21(1), PART 2 OF THE FIRST SCHEDULE AND SECTION 165ZN
RESOURCE MANAGEMENT ACT 1991**

TO:

**Marlborough District Council
15 Seymour Street
P O Box 443
Blenheim 7240**

1. Apex Marine Farm Limited (“Apex” or “the Applicant”) requests a change to the operative Marlborough Sounds Resource Management Plan (“the Plan”), as described below. Apex makes a concurrent application for a resource consent in relation to the activity. The changes requested to the Plan are outlined below.

The Site to which the Application Relates

2. This application relates to a proposed site on the north western shores of Onapua Bay, which is an embayment on the south side of Tory Channel in the Marlborough Sounds. A map illustrating the context of the Bay in terms of Tory Channel is shown in Appendix C. A more detailed aerial of Onapua Bay itself is included at Appendix D. A locality map showing the proposed marine farm is included at Appendix E.

Overview of the Plan Change

3. Apex is requesting a change to the Plan to enable it to install and operate an oyster and algae farming site in Onapua Bay. The proposal is to rezone the specific application area as Coastal Marine Zone 2 and to make oyster spat catching and holding, and the farming of oysters, seaweed and algae discretionary activities. This change would be effective until the Marlborough District Council reviews the Plan or another plan change alters the activity status. The purpose for making this request is as follows:
 - To address biosecurity issues arising from diseases or parasites affecting oysters, in particular *Bonamia sp*, by creating enough oyster farming space to enable International Best Practice to be followed in terms of the separation of year classes and the fallowing of farms.
 - To enable lower stocking density, which is important while oyster stocks build up a level of natural resistance to *Bonamia sp*. This will also assist maintenance of natural stocks of oysters, such as in Oyster Bay and Onapua Bay.
 - To enable the enhancement of flat oyster farming in the Marlborough Sounds.
 - To recognise that the location and characteristics of Onapua Bay make it ideally suited for the farming of flat oysters.
 - To recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural wellbeing of people and communities.
 - To enable seaweed and algae to be cultivated and harvested in Onapua Bay to counter the emerging threat of ocean acidification in the local area.
 - To promote the restoration of the natural character of Onapua Bay, by encouraging natural regeneration of indigenous vegetation in the adjacent scenic reserve by assisting with the removal of Wilding pines.
 - To remove anthropogenic nitrogen from the water column.
 - To potentially reduce CH₄ emissions from farmed sheep and cattle, by using algae farmed at the site as a supplement to animal feeds.

4. Note that this purpose is also the Plan Change objective, as defined in s 32 of the Resource Management Act 1991 (“the Act”).

5. Apex requests the following changes to the operative Plan:

(a) Add new Policy 9.2.1.1.18 to read as follows:

Enable the marine farming of oysters, seaweed and algae by identifying three appropriate sites at Onapua Bay in the Plan as Coastal Marine Zone 2, where oyster, seaweed and algae farming are discretionary activities.

(b) Add new Policy 9.4.1.1.12 to read as follows:

Providing for (by way of discretionary activity status in the Coastal Marine Zone 2) the farming of oysters, seaweed and algae at three appropriate sites at Onapua Bay.

(c) Add an additional bullet point to the list under Discretionary Activity Rule 35.4, to read as follows:

Marine farms in Coastal Marine Zone Two within the oyster, seaweed and algae farming overlay in Onapua Bay complying with the standards specified in Rule 35.4.2.10.

(d) Add a new Rule 35.4.2.10 (and update the numbering of the subsequent rules), to read as follows:

35.4.2.10 Marine Farms in Coastal Marine Zone Two, Oyster, Seaweed and Algae Farming Overlay

Marine farms and marine farming in Coastal Marine Zone Two, with an oyster, seaweed and algae farming overlay, are Discretionary Activities provided they conform to the following standards and terms (notwithstanding other provisions of this Plan relating to Controlled, Limited Discretionary or Discretionary Activities).

In terms of this Rule, marine farms and marine farming shall include:

- a. All structures, activities in the coastal marine area, occupation of the common marine and coastal area, disturbance of or damage to the foreshore or seabed, and other ancillary activities and structures, associated with marine farms and marine farming;*
- b. All discharges to water or air associated with marine farms and marine farming, but excluding the discharge of human sewage;*
- c. The taking and use of coastal water associated with marine farms and marine farming.*

35.4.2.10.1 Standards

- a. Marine farming shall be limited to the farming of Flat Oysters (Ostrea chilensis), and the seaweeds Undaria pinnatifida, Gigartina spp., Pterocladia spp., Grateloupia spp., Aeodes nitidissima, Callophyllis spp, Gelidium spp., Ulva spp., Macrocystis pyrifera, Porphyra spp., Asparagopsis armata, Ecklonia radiata, and Gracilaria spp.*

35.4.2.10.2 Assessment Criteria

- a. *The Assessment Criteria shall be the same as those under 35.4.2.9.1.*

35.4.2.10.3 Term

A coastal permit in respect of the activity may be granted for a period up to but not exceeding 35 years.

- (e) Add an additional bullet point to the list under Non-Complying Activities Rule 35.5:

Marine farms within the Coastal Marine Zone 2 oyster, seaweed and algae farming overlay at Onapua Bay other than marine farming provided for under Rule 35.4.2.10.

- (f) Update Maps 6 and 65, Volume 3, to rezone the proposed site at Onapua Bay as Coastal Marine Zone 2.

Concurrent Resource Consent

6. In addition to the Plan Change request, Apex seeks a resource consent to develop a three block marine farm in Onapua Bay. In particular it seeks consent to:
- (a) Farm and harvest flat oysters (*Ostrea chilensis*) using conventional longline methods, including ancillary activities;
 - (b) Cultivate and harvest algae/seaweed using longline methods, including ancillary activities;
 - (c) Disturb the seabed with anchoring devices; and
 - (d) Take and discharge marine water and biodegradable organic matter.
7. Resource consents are sought for a period of 35 years, expiring in 2052.

Statutory and Legislative Framework

8. An application for a Plan Change is made by lodging this document under clause 21 of the First Schedule to the Act. Clause 22 requires the following documents to be provided:
- (a) A request, which explains the purpose of and reasons for the proposed Plan Change. This document, together with the Schedules and Appendices, fulfils that requirement;
 - (b) A description of the environmental effects anticipated as a result of the Plan Change. This document summarises that material, but it is more completely set out in the Assessment of Environmental Effects ("AEE") at Schedule 1; and
 - (c) An evaluation report, which addresses why the Plan Change is appropriate, considers other reasonably practicable options and assesses their efficiency and effectiveness. Again, this document summarises that assessment, which is more fully set out in the evaluation outline and table at Schedules 7 and 8.
9. A concurrent application for coastal permits to undertake aquaculture activities is lodged under s 165ZN of the Act. Clause 2 of Schedule 4 of the Act requires an application for a resource consent, which is included at Schedule 9. The necessary assessment of the activity's effects on the environment is included as part of the Plan Change AEE at Schedule 1.
10. The relevant provisions of the Act, as they apply to this request, are set out in Appendix A.

An Evaluation of the Proposed Marine Farm at Onapua Bay

11. It is a legal requirement for any application for a Plan Change to assess a proposal in two ways:
 - (a) To examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act; and
 - (b) To examine whether the provisions in the proposal are the most appropriate way to achieve the objectives of the proposal and the Plan, by identifying other reasonably practical options and assessing their efficiency and effectiveness.

The most appropriate way to achieve the purpose of the Act

12. Aquaculture, including oyster farming, enables the communities in the top of the South Island to provide for their social, economic and cultural wellbeing. The proposed Plan Change will help to secure 7.5 fulltime equivalent (“FTE”) employment positions across Apex’s existing operations. New farming space in Onapua Bay, combined with Apex’s operations in Oyster Bay and Port Underwood, would likely require an additional 30 fulltime equivalent positions. Domestic and export sales from oysters grown at Onapua Bay will likely account for an estimated NZ\$4.67 million in revenue in each three year harvest cycle.
13. Oyster farming at this site will not restrict the ability of future generations to choose how to meet their needs. If future generations decide that their needs better met by having aquaculture occur somewhere else, the structures could be removed from Onapua Bay and, within months, all trace of the farms being at the site will disappear. Oyster farming at Onapua Bay will not impact upon air, water, soil or ecosystems except to a trivial extent. This is addressed in Section 10 of the AEE at Schedule 1, and in a report by Rob Davidson of Davidson Environmental Limited, entitled *Biological Report for a Marine Farm Application Located in Onapua Bay, Tory Channel*, dated January 2016, included at Appendix HI.
14. Any adverse effects on the environment will either be avoided or mitigated. The primary impact of these farms will be on the amenity of nearby residents or property owners, and visitors to the area. Effects on amenity will be avoided as much as possible. One of the primary factors in the applicant choosing the application site was its location away from residences and recreationalists in the head of the Bay. In addition, potential effects on navigation were taken into account during decisions on farm layout. Onapua Bay was chosen in part because of other existing manmade interventions which affect the landscape and natural character of the Bay. This is further dealt with in the AEE at Schedule 1, and in a report by John Hudson of Hudson Associates Limited, entitled *Landscape Assessment for Apex Marine Farm Limited ONAPUA Bay*, dated 20 December 2016, included at Appendix M.
15. The Plan Change:
 - (a) Aims to ensure the survival of the flat oyster farming industry in Marlborough;
 - (b) Provide an opportunity for that industry to grow;
 - (c) Aims to facilitate the survival of flat oysters occurring naturally in the Marlborough Sounds, as without the farms breeding from surviving stock, it is likely that the wild population will disappear; and
 - (d) Will provide a means of addressing biosecurity concerns around the parasite *Bonamia ostreae*. There was an outbreak of this parasite in Marlborough in early 2015 and, as a result, the industry faced mass mortalities and export restrictions to two countries. The World Organisation for Animal Health suggests that establishing zones and using compartmentalisation (through geographical separation) is an effective way of managing biosecurity risks. The Plan Change proposal will enable Apex to adopt that approach by separating year classes one and two to reduce the risk of *Bonamia*. The

additional space at Onapua Bay will also enable Apex to follow International Aquaculture Best Practice by fallowing areas where disease is shown to be an issue. This is discussed in more detail in a report by Bruce Hearn, Director and Shareholder of Apex, included at Schedule 2.

16. It follows that this proposal promotes sustainable management of the resources of Onapua Bay by meeting the social, economic and cultural objectives at the same time as meeting the intergenerational and environmental interests inherent in the definition of sustainable management. On that basis, the objectives of the proposal are an appropriate way to achieve the purpose of the Act.
17. The current Plan provisions do not appropriately achieve the purpose of the Act because:
 - (a) They do not allow the creation of new oyster and algae farming space in appropriate locations which enables local communities to provide for their economic and social wellbeing (where there is minimal environmental effects) to occur in conjunction with initiatives that would mitigate existing adverse environmental effects. By contrast, the Plan Change proposal would create new oyster and algae farming space, while simultaneously facilitating:
 - (i) The restoration of the native vegetation in the scenic reserve adjacent to the application site through the removal of Wilding pine;
 - (ii) An initiative to counter the local threat of ocean acidification through the cultivation of seaweed at the marine farm; and
 - (iii) A potential opportunity to reduce CH₄ emissions from farmed sheep and cattle by using algae farmed at the site as a supplement to animal feed.
 - (b) The adverse effects of aquaculture in Onapua Bay are likely to be limited, as within months of removing the farms, any trace of the farms' presence will dissipate. In contrast, there could be significant effects or even failure of the flat oyster farming industry in Marlborough if year classes cannot be separated through use of additional space at Onapua Bay. It follows that the present Plan provisions are not as effective at meeting the definition of sustainable management in s 5 of the Act. By contrast, on current information, the objective of the Plan Change is the most appropriate way to achieve the purpose of the Act.

Assessing the efficiency and effectiveness of the provisions

18. Section 32 of the Act also requires an examination of whether the provisions in the proposal are the most appropriate way to achieve the proposal's objectives, and the objectives in the Plan.
19. There are two alternative options:
 - (a) Option 1: Continue with the status quo, by retaining the current Plan provisions. The entirety of Onapua Bay would remain zoned as Coastal Marine Zone 1, so that aquaculture could not occur in the Bay; or
 - (b) Option 2: Rezone the application area in Onapua Bay as Coastal Marine Zone 2, with oyster spat catching and holding, and oyster, seaweed and algae farming becoming discretionary activities. Other forms of marine farming will be non-complying activities.¹ This is the approach taken in the Plan Change proposal.

¹ Note that effects of growing other species have not been assessed as part of this Plan Change application, on the basis that an assessment of effects will be required for any future application for a non-complying activity at the site.

20. A detailed evaluation of these two alternatives is carried out in the evaluation report, at Schedules 7 and 8, and shown in the Tory Channel site selection map at Appendix R. Option 2, the Plan Change proposal, efficiently and effectively meets the objectives of the Plan Change, namely managing biosecurity risks and providing for the enhancement of the flat oyster farming industry in Marlborough. On the other hand, the current provisions do not.
21. Similarly, when compared against the existing objectives in the Plan, what is proposed for Onapua Bay under Option 2 more efficiently and effectively meets those objectives than what is currently in the Plan. This is for the following reasons:
- (a) Objective 9.2.1.1 in the operative Plan provides for appropriate activities to be accommodated in the coastal marine area. This includes allowing marine farming to occur in appropriate places in the waters of the Sounds (Policy 9.2.1.1.14). Zoning of the coastal marine area is a key method in implementing this objective (See 9.2.2). Areas identified as Coastal Marine Zone 1 in the Plan are supposedly areas “where marine farming will have a significant adverse effect on navigational safety, recreational opportunities, natural character, ecological systems, or cultural, residential or amenity values.” The AEE shows that the proposed farm will only have minor effects, at worst. Rezoning the application area as Coastal Marine Zone 2 is more consistent with these Objectives, Policies, and Methods of Implementation than the current zoning;
 - (b) The proposed farms are located in an area that has low or lesser environmental value and which is relatively insensitive to change. Consequently, due to appropriate siting of the farm, many of the adverse effects are avoided. Those effects which cannot be avoided, predominantly the effects of being able to see the farm, are to some extent necessary for navigational safety reasons;
 - (c) In respect of landscape and natural character, the proposal combines an activity on the surface of the water with Wilding pine clearance on the scenic reserve behind the proposed farm. This proposal provides an opportunity to remove an invasive weed species from public land. Without the proposal, the presence of Wilding pines is likely to continue to devalue the ecological and visual characteristics of the area. The proposed approach is consistent with Chapter 15 of the Plan;
 - (d) The operative Plan does not allow for the creation of new marine farming space for the purpose of managing biosecurity risks. The ability to allow fallowing or to separate year classes to manage the risk from *Bonamia ostreae* is consistent with Chapter 15 of the Plan. While that organism is not named in the Regional Pest Management Strategy, this proposal will meet objective 15.3.1 and the Anticipated Environmental Results in 15.5.
22. It follows that what is proposed is, when compared against existing Plan provisions, the most efficient and effective means of achieving the objectives in the Plan and the purpose of the Plan Change.
23. This topic is dealt with in more detail in Schedules 7 and 8.

Assessment of Environmental Effects

24. Existing research gives an indication of the likely environmental effects from oyster farming. Effects arise from the visibility of the farms, an impact on navigation and the use of public space, potential effects on the water column due to current attenuation, and potential effects on the seabed due to shell drop and pseudo faeces. In addition, vessels servicing the sites can impact on amenity. Marine farming is, of course, a significant employer in

Marlborough and a generator of significant revenue. All of these environmental effects have been assessed in detail in Schedule 1.

25. That information is summarised in the table below.

Effect	Discussion	Cross Reference
Landscape, natural features, natural character and visual amenity.	The farm will be able to be seen by people in the immediate vicinity. The greatest level of effect is experienced by landowners whose properties directly overlook the site. The applicant has, in part, chosen the application site because it minimises the effect on the majority of property owners who are based in the head of the Bay. In addition, this site was chosen because the landscape and natural character of Onapua Bay is already compromised by a number of other manmade interventions. Individually and collectively these existing interventions have a far greater impact on the Bay than the floats on an oyster or algae farm.	<ul style="list-style-type: none"> Sections 7 - 9 of the AEE, Schedule 1 Landscape Report by John Hudson in Appendix M
Amenity	There will be effects on amenity, both in terms of the houses overlooking the site, but also for people who recreate in the immediate vicinity of the farms. The applicant has, in part, chosen the application site because it minimises the effect on recreationalists and property owners, who are based predominantly in the head of the Bay. Those effects will be mitigated to the extent practical by the applicant being a party to AQNZ A+ Sustainable Management Framework.	<ul style="list-style-type: none"> Section 9 AEE, Schedule 1 Landscape Report by John Hudson in Appendix M AQNZ A+ Sustainable Management Framework, Appendix O
Benthic Assessment	Davidson Environmental Limited has undertaken an assessment of this site. The impact of oyster farming is not as well documented as the impacts from traditional mussel farming. Existing research suggests that there are effects; however, those effects tend to be restricted to the immediate vicinity of the site. On the site itself there will measurable current attenuation, and seabed deposition. Studies in Tasmania have suggested that oyster farming has a negligible impact on	<ul style="list-style-type: none"> Section 10 AEE, Schedule 1 Davidson Environmental Ecological Report, January 2016, Appendix HI

Effect	Discussion	Cross Reference
	organic enrichment, due to low stocking densities and adequate flushing. Some organic rich particulates and shell litter may be observed beneath the dropper lines. Sampling at an oyster farm in a neighbouring bay showed little impact on faunal abundance or composition.	
Navigational Safety	Mr David Walker has provided an expert Navigation Report in relation to this site. The report concludes that the farm will not pose a danger to navigation and that it will be an aid to navigation in the Bay at night. The marine farm may cause minor inconvenience, at worst, for the infrequent vessel traffic in the Bay. Recommendations as to the appropriate lighting and marking have been included in that report.	<ul style="list-style-type: none"> • Section 12 AEE, Schedule 1 • Navigation Report by David Walker, Appendix PQ.
Economic	The revenue from domestic and export sales of oysters grown from Onapua Bay is likely to be in the region of \$NZ4.67m every three years. Based on current prices received on the export market, this figure could be as high as \$6.59m every three years, although this price most likely unsustainable.	<ul style="list-style-type: none"> • Section 14 AEE, Schedule 1 • Section 32 Economic Evaluation, Schedules 7 and 8 • Report by Bruce Hearn, Schedule 2
Employment and Social	Apex currently employs 7.5 people in FTE positions across its operations. The Plan Change will assist in securing those jobs. The process of growing, harvesting and processing the oysters sourced from Onapua Bay, in addition to Apex's farms in Oyster Bay and Port Underwood, will employ approximately an additional 30 people fulltime in Marlborough. The beneficial effects for the local community stemming from the farms is outlined in detail in the AEE.	<ul style="list-style-type: none"> • Sections 15 and 16 AEE, Schedule 1 • Section 32 Economic Evaluation, Schedules 7 and 8 • Report by Bruce Hearn, Schedule 2

Consultation

Iwi

26. The applicant is aware of the Statutory Acknowledgements relating to iwi claims under the Treaty of Waitangi and acknowledged by the Crown. Consultation was initially undertaken

with Te Ātiawa o Te Waka-a-Māui representatives, where the Plan Change proposal and its purpose was outlined. Consultation will also be undertaken with representatives of the other Te Tau Ihu iwi: Ngāti Apa ki te Rā Tō, Ngāti Kōata Trust, Ngāti Rārua Iwi Trust, Te Runanga o Ngāi Tahu, Te Runanga o Ngāti Kuia, Te Runanga a Rangitane o Wairau, and Ngāti Toa Rangitira. A copy of the final version of the Plan Change will be sent to iwi after it is lodged with Council.

Community

27. Ron Sutherland has prepared a contact list of the landowners in Onapua Bay, detailed in the AEE at Schedule 1. Consultation will primarily be undertaken with landowners following lodgement of the Plan Change with Council. As the properties in the Bay are predominately holiday homes, initial contact is likely to be by phone or letter, with a request that landowners make contact to facilitate the exchange of information going forward. Ron Sutherland will keep a record of responses as he receives them.

Department of Conservation

28. The Applicant first discussed the proposal with Department of Conservation staff in early 2015. The proposal was outlined in more detail in a meeting on 22 September 2015, which was followed by a site visit by departmental staff. The Applicant received a letter from Roy Grose, the Department's Director of Operations for the northern south Island region, dated 18 November 2015. A copy is included at Appendix N.
29. The Department has indicated that there is no requirement to avoid adverse effects on the scenic reserve adjacent to the northern and middle blocks of the farm. It regards the natural values of that reserve as being towards the more modified end of the spectrum. The Department has said that it will not oppose a marine farm at this location for a 20 year term.
30. A year later, on 23 November 2016, a further letter on behalf of the applicant was sent to the Department informing it of the applicant's intention to apply for a 35 year term of consent, and of a minor change to the original proposed layout of the site. A letter from Roy Grose dated 2 December 2016 noted that the Department prefers to leave the issue of term to the Council, and reiterated that it would not support controlled activity status for re-consenting at these sites. Copies of these letters are also included at Appendix N.
31. The Applicant has agreed to provide labour in support of the Department's Wilding pine removal programme in the scenic reserve adjacent to the proposed site.

Form of Request

32. This Request has been developed in accordance with clause 22 of Part 2 of the First Schedule of the Act, and comprises:
- (a) This Private Plan Change Request outline, which explains the purpose of and reasons for the proposed Plan Change;
 - (b) An Assessment of Environmental Effects, at Schedule 1, which takes into account the factors required by clauses 6 and 7 of Schedule 4 of the Act;
 - (c) A report by Bruce Hearn, Director and Shareholder of Apex, at Schedule 2;
 - (d) Policy tables evaluating the proposal against the relevant provisions of the New Zealand Coastal Policy Statement (at Schedule 3), the Marlborough Regional Policy Statement (at Schedule 4), the Marlborough Sounds Resource Management Plan (at Schedule 5), and the proposed Marlborough Environment Plan (at Schedule 6); and

- (e) An evaluation of alternatives report (Schedule 7), and corresponding evaluation table (Schedule 8), prepared in accordance with section 32 of the Act.

33. The documentation for a resource consent application to undertake marine farming activities at the Onapua Bay site is also included with this Plan Change request (in particular at Schedules 1 and 9), pursuant to s 165ZN of the Act.

Yours faithfully

GASCOIGNE WICKS



Quentin Davies | Amanda Hills

Partner | Staff Solicitor

Email | qdavies@gwlaw.co.nz | ahills@gwlaw.co.nz

January 2017

Address for service of applicant:

Gascoigne Wicks

79 High Street

PO Box 2

Blenheim 7240

Contact person: Quentin Davies

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**PRIVATE PLAN CHANGE REQUEST AND CONCURRENT RESOURCE CONSENT APPLICATION BY APEX
MARINE FARM LIMITED**

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2	Report by Bruce Hearn on behalf of Apex Marine Farm Limited
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P	David Walker, Navigation Report (December 2016)
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