

**Deemed Coastal Permit - Review of Conditions
under Sections 20(3) or 21(3) of the Aquaculture Reform
(Repeals and Transitional Provisions) Act 2004**

**In the Matter of an Application to Vary, Add or Delete Conditions of
Coastal Permit**

File Reference: MPE763

Consent Holder: The New Zealand King Salmon Company Limited

MPE763 is a Deemed Coastal Permit to: Undertake the activity of marine farming in the coastal marine area as defined under the Fisheries Act 1983.

Location: Otanerau Bay, outer Queen Charlotte Sound

Site No: 8396

Proposal: To vary, add or delete conditions of deemed coastal permit No 763 for the purpose of farming Chinook salmon (*Oncorhynchus tshawytscha*) in accordance with the provisions of the Act.

**Decision on
Application to Vary, Add or Delete Conditions of Coastal Permit**

Pursuant to Sections 20(3) or 21(3) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 the following decision has been made by the Marlborough District Council:

Conditions now state:

Coastal Permit (Activity)

1. That this permit shall expire on 31 December 2024, being the expiry date of resource consent U040217.
2. That without restricting the consent holder from reasonably undertaking the activities authorised by this resource consent, the consent holder shall not undertake the activities in such a way that would effectively exclude the public from the permit area.
3. That there shall be no feed artificially introduced into the marine farm unless a specific coastal permit for discharge is firstly obtained. The current discharge permit is U040217. Only extruded pellets or similar shall be fed at the marine farm.

4. That the occupancy be limited to the 7.55 hectare area (marked 'U040217') illustrated on the plan attached to this consent, and confined to the area specified within the schedule of New Zealand Map Grid co-ordinates.
5. That the structures be limited to anchors, ropes, droppers, cages, racks, floats and lights associated with the farming of the approved species within the boundaries of the consent area. All structures shall be situated and secured so as to remain within the boundaries of the 2.0 hectare area approved for placing of structures. The number of structures shall be at the discretion of the consent holder, but shall not exceed the area shown on the attached plan (maximum 2.0 hectares).
6. That the placement of marine farm lighting and marking shall be approved by the Harbourmaster under his Maritime Delegation from the Director of Maritime New Zealand pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994. The approved lighting plan is attached.
7. That each corner of the combined cage structure carries the name of the consent holder, and the site number issued by Marlborough District Council (#8396), displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10 metres.
8. That the consent holder maintain all structures to ensure that they are restrained, secure and in working order at all times so as not to create a navigational hazard and take whatever steps are reasonably necessary to retrieve any non-biodegradable debris lost in or from the permit area.
9. That upon the expiration, determination, forfeiture or surrender of the coastal permit the consent holder shall remove all structures, rafts, buoys, longlines, blocks, and all associated equipment from the site, and restore the area as far as is practicable to its original condition, and to the reasonable satisfaction of Council. If the consent holder fails to comply with this clause Council may arrange compliance on their behalf and at the consent holder's expense.
10. That in accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent at any time for the purpose of ensuring that any actual or potential effects on the environment arising from the exercise of this consent are avoided, remedied or mitigated. See also condition 33 below.

Reasons for Decision

The grounds for approving these changes are that the majority of the existing conditions in the original permit are already provided for by the RMA (e.g. access), by the changes to Fisheries regulations (i.e. registration), or are no longer required (e.g. general provisions). The new conditions are consistent with the RMA and with those in current use.

As the review of conditions relates to existing structures and operations it will not adversely affect other users or values of the area, and will align all marine farms to consistent conditions and processes.

The proposal will not have any adverse effect on the environment.

Other Matters

1. Unless otherwise specified, this is the full text of the decision.

Appeal Information

2. If intending to object to this decision, the objection must be lodged with the Marlborough District Council within 15 working days of the receipt of this decision.

Authorised under the Marlborough District Council's Instrument of Delegation by:


.....
Marlborough District Council Commissioner

Dated this 26th day of November 2007

Important Notes

1. This permit shall be void and of no effect if the relevant resource consent expires, is surrendered, or is otherwise terminated. The permit holders shall comply with the provisions of any such resource consent.
2. That the conditions of this deemed coastal permit be read in conjunction with the conditions of the associated deemed coastal permit, MFL446.
3. Site following: 'fallowing' forms part of fin fish farming activities and that this consent shall not lapse pursuant to Section 125 of the Resource Management Act 1991 if the site is vacated of structures for the purposes of fallowing the seabed.
4. That this permit shall be subject to the same conditions as apply to resource consent U041217, and to any amendments and alterations thereto.

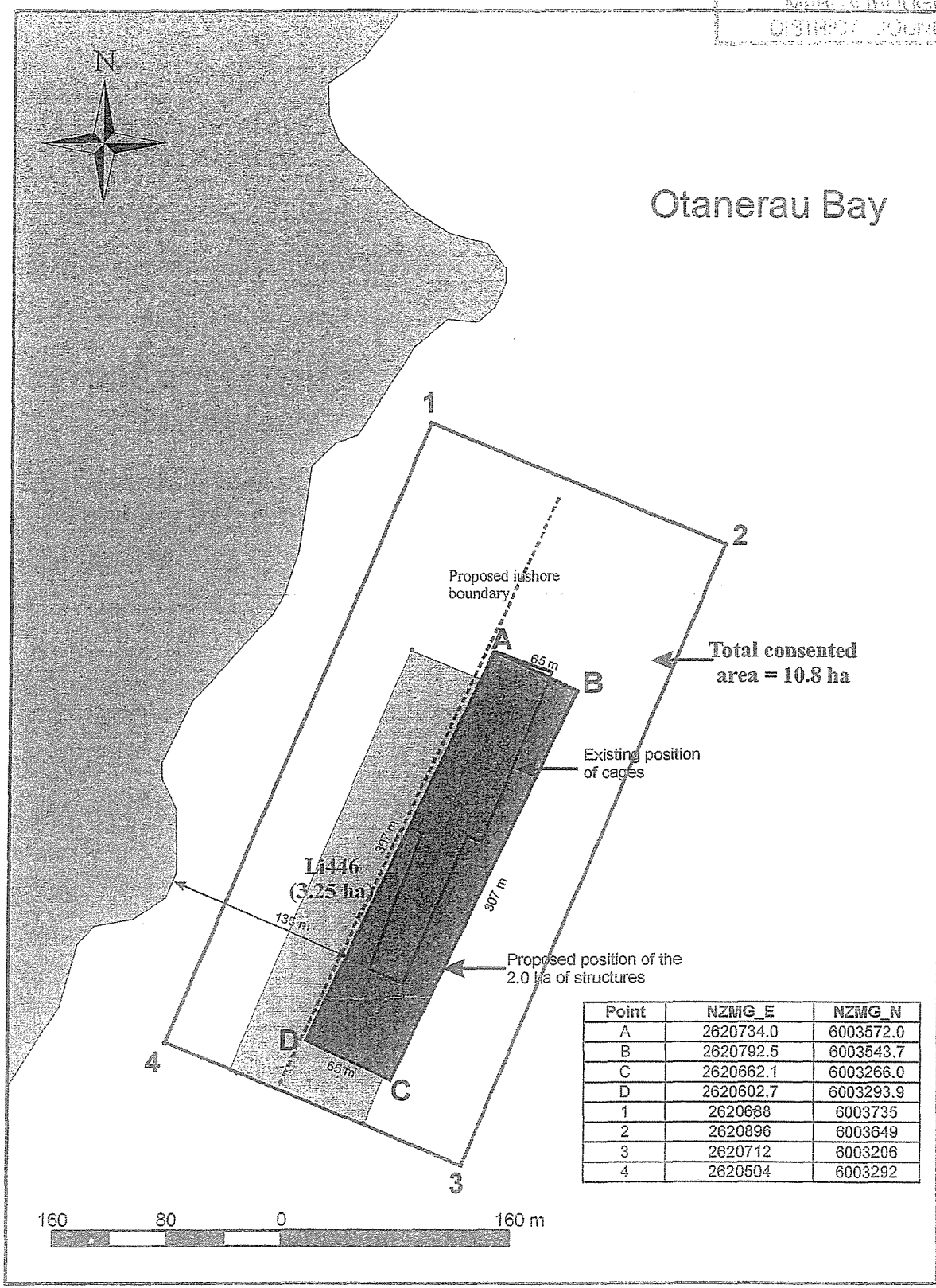


Figure 1: Proposed layout of the Otanerau Bay salmon farm (2.0), showing the present position of the farm.

ED

Structures and lighting plan:

RECEIVED
 21 FEB 2005
 MARLBOROUGH
 DISTRICT COUNCIL

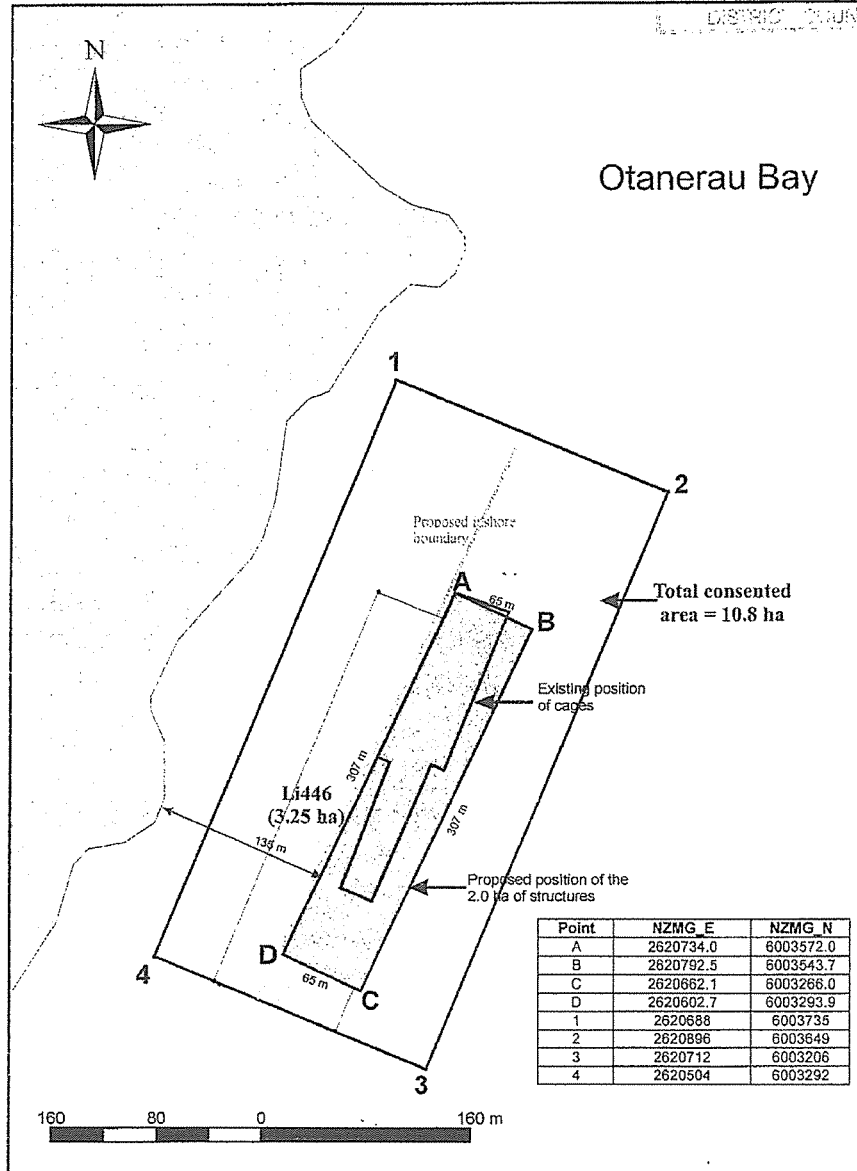


Figure 1: Proposed layout of the Otanerau Bay salmon farm (2.0), showing the present position of the farm.

EA

**Marine Farm Lighting and Marking Plan –
MPE763, MFL446, U040217 (Site no.8396)**

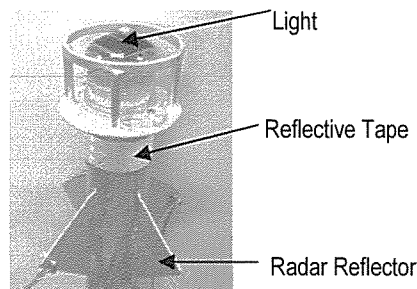
I, Alexander van Wijngaarden, Harbourmaster of Marlborough District Council, hereby approve, under Maritime Delegation from the Director of Maritime New Zealand pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994, the lighting and marking associated with coastal permit MPE763, MFL446, U040217 (Site no.8396), located in Otanerau Bay, outer Queen Charlotte Sound as follows:

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

Flash: Flashing (5) every 20 seconds. Length of flashes no less than 1 second. Interval between flashes, no less than 1 second.

Range: At least 1 nautical mile.

Height: Greater than 1.0 metre above the surface of the water.



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

Given under my hand this 21ST day of NOVEMBER 2007


ALEXANDER VAN WIJNGAARDEN

Structures and lighting plan:

RECEIVED
 21 FEB 2007
 DISTRICT COUNCIL

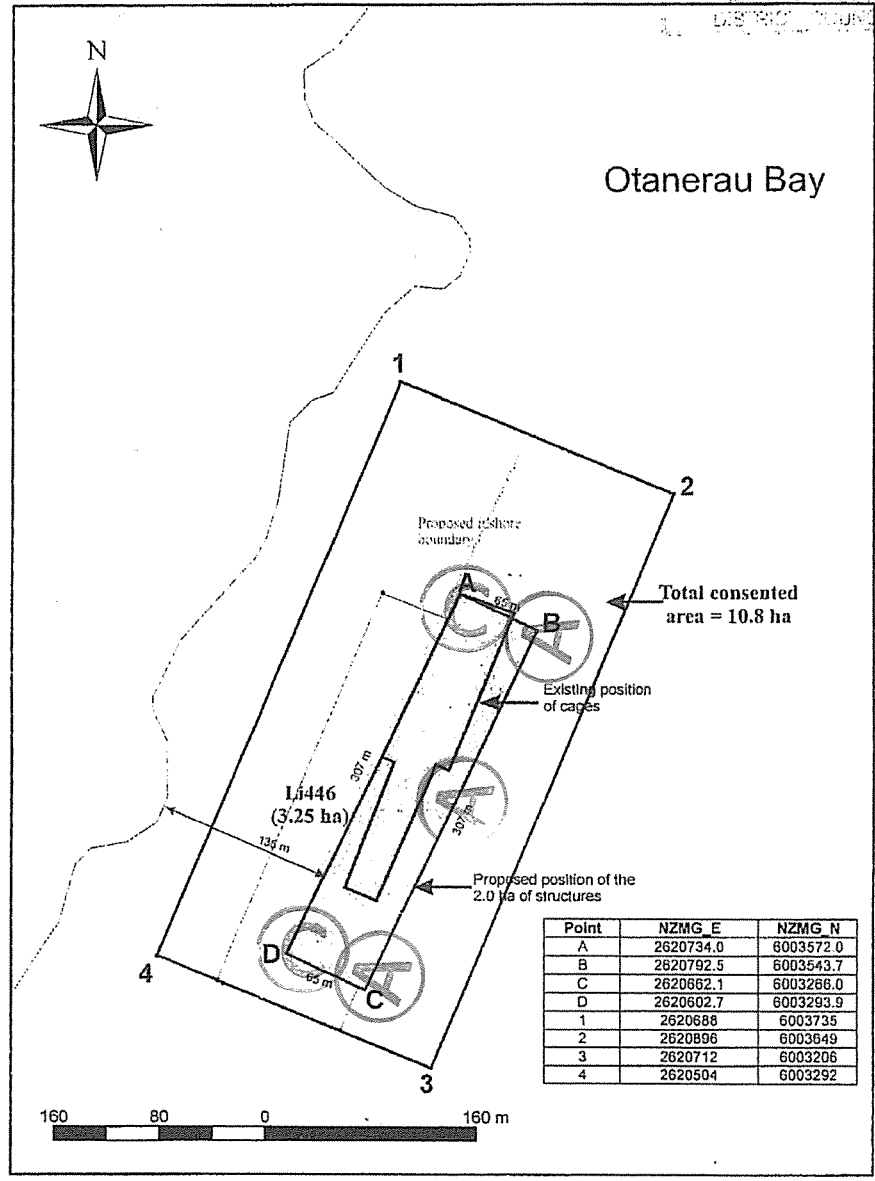


Figure 1: Proposed layout of the Otanerau Bay salmon farm (2.0), showing the present position of the farm.

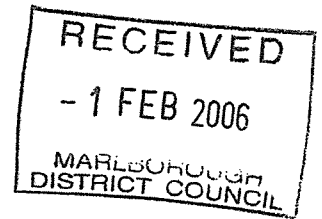
[Handwritten signature]
 21/11/07



118 Vickerman Street, Port Nelson,
Private Bag 14, Nelson, New Zealand.
Phone (03) 548-1069, Fax (03) 545-7799.

MINISTRY OF FISHERIES
Te Tautiaki i nga tini a Tangaroa

31 January 2006



Attention Christine Leslie
The General Manager
Marlborough District Council
P O Box 443
BLLENHEIM

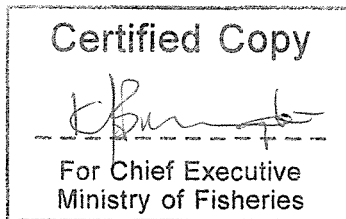
I advise that the Ministry of Fisheries has issued marine farming permits as per the attached documents.

Please note under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 marine farming permits issued from 1 January 2005 are deemed resource consents and are managed by the regional councils.

Yours sincerely

Katrina Bonnington
Fisheries Advisor
Ministry of Fisheries

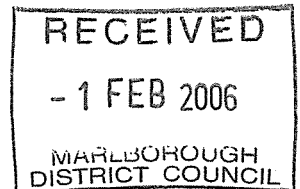
Encl



MF/763

MARINE FARMING PERMIT

Pursuant to section 67J of the Fisheries Act 1983,



The New Zealand King Salmon Company Limited

(hereinafter called "the permit holder/s") is/are hereby permitted to undertake the activity of marine farming (as defined under the Fisheries Act 1983) of the species listed in the attached Schedule A (referred to in this permit as "stock").

The marine farming is only to take place within the area described in the attached Schedule B (the permitted area) and located as shown on the site map annexed to Schedule B, and is subject to the following conditions:

1 Duration of Permit

This permit commences on the date of signature and expires on 31 December 2024, being the expiry date of resource consent U040217.

2 Transfer of Stock

The permit holder/s will obtain prior written authorization from the Chief Executive before bringing any fish, aquatic life or seaweed onto the permitted area. Such authorizations may be general, or specific to one or more such transactions for each species that permit holder/s is/are permitted to farm. Any such authorization shall be deemed to be part of the permit.

Notwithstanding the Fisheries (Recordkeeping) Amendment Regulations 2005, and subject to any other regulations governing the transfer of any species, the permit holder/s shall not transfer any stock from the permitted area to any other waters without prior written approval, if previously notified by the Chief Executive of such a requirement.

3 Disease Prevention

The Chief Executive may, by notice in writing to the permit holder/s:

- a) Require the permit holder/s to carry out such action for the prevention of

- b) Where the Chief Executive believes that any stock on the permitted area is diseased, require the permit holder/s to carry out such action for the treatment of the disease and the decontamination of any nets, buoys or structures as is required in the notice.

No compensation shall be payable in respect of any stock required to be destroyed pursuant to this condition.

4 Record keeping

The permit holder/s shall comply with the Fisheries (Recordingkeeping) Amendment Regulations 2005.

5 Marine Mammal Management Plan

The permit holder/s shall comply with all the conditions in the marine farm management plan contained in schedule C annexed to this permit.

6 Compliance with other Schedules

The permit holder/s shall comply with all conditions in schedules A (species permitted to be farm) and B (definition of area) annexed to this permit.

Dated this 9th day of January 2006



A handwritten signature in black ink that reads "Daniel Lees". The signature is written in a cursive style and is positioned above a horizontal line.

Daniel Lees
Aquaculture Manager
Ministry of Fisheries

In exercise of powers delegated to me pursuant to the State Sector Act 1988

SCHEDULE A

SPECIES PERMITTED TO BE FARMED

Chinook salmon (*Oncorhynchus tshawytscha*)



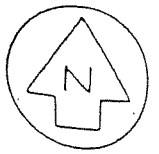
SCHEDULE B

DEFINITION OF AREA AND SITE PLAN

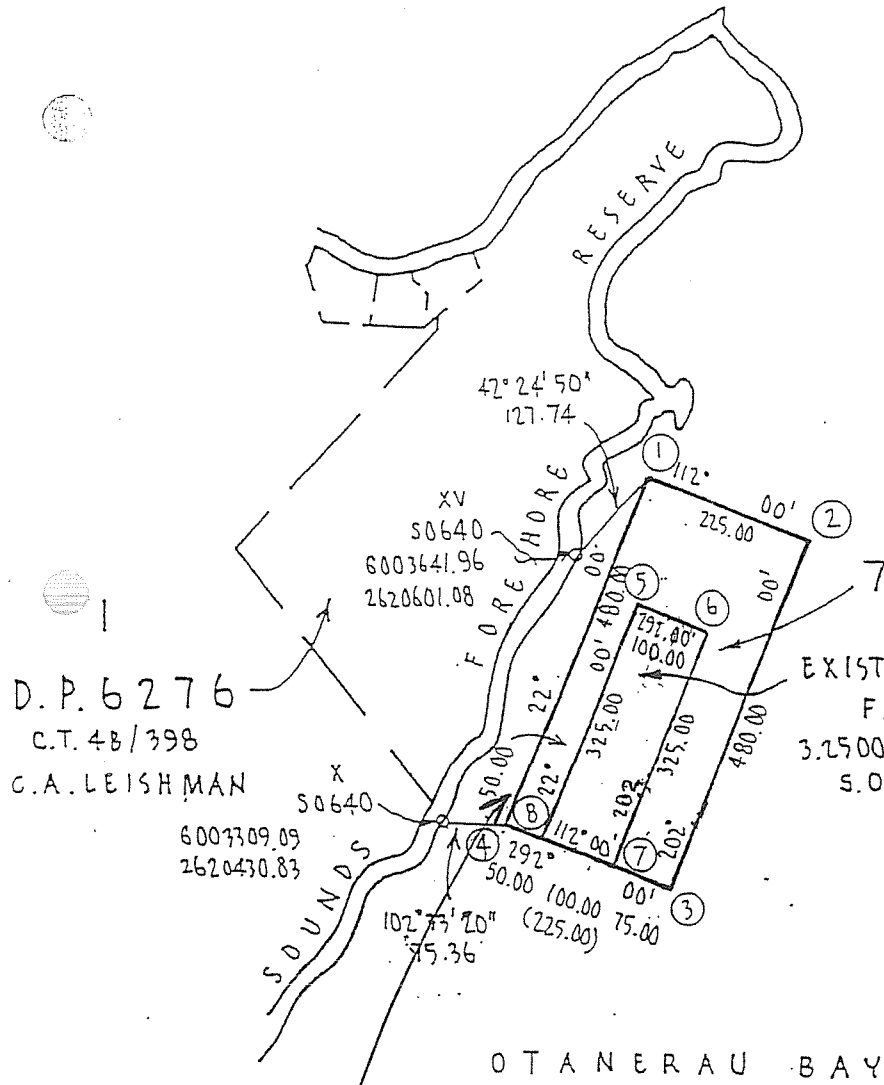
Description

This permit applies to an area of 7.55 hectares (surrounding marine farming licence 446) situated in Otanerau Bay, East Bay, Arapawa Island, Queen Charlotte Sound authorised for marine farming pursuant to Resource Consent Number U040217.

Site plan/map attached.



MI note 20230623:
MPE763 contains a proposed site plan (dated June 1995, highlighted below) building on the MFL446 consent, granted in 11 July 1990. The proposed site plan is for the creation of a 7.55ha mooring area around the salmon cages. U950635 was granted on 19 February 1996 and expired in 2004. This led to a new application and resource consent called U040217 which is active today.



SCHEDULE OF COORDINATES
Datum: NEW ZEALAND MAP GRID (NZMG)

	mN	mE
①	6003735.36	2620688.09
②	6003649.18	2620895.90
③	6003205.85	2620712.04
④	6003292.04	2620504.23
⑤	6003573.05	2620674.90
⑥	6003534.74	2620767.26
⑦	6003234.57	2620642.77
⑧	6003272.88	2620550.41

NOTE: MOORING AREA AT LEAST 50 METRES FROM SHORE

PLAN OF PROPOSED MOORING ZONE

- REGAL SALMON LIMITED -

SCALE 1:10,000

JUNE 1995

PREPARED BY GILBERT, HAYMES & ASSOCIATES, REGISTERED SURVEYOR

P.O. BOX 380 BLENHEIM. PH: (03) 5787984 FAX: (03) 5787709

SCHEDULE C
MARINE MAMMAL MANAGEMENT PLAN

**Change Outs Removal –
Remove nets**

Pre-dive administration

1. Dive Supervisor to consider whether an overhead environment exists (see overhead environment);
2. Assemble SSBA or SCUBA gear based on whether there is an overhead environment or not.
3. Supervisor to consider Minimum Manning levels and depths (Refer to: FDT-1.2 Minimum Manning Requirement);
4. Assemble appropriate staff and equipment (See list below);
5. Supervisor is to define the cutting plan for the farm;
6. Brief all staff on their specific responsibilities and whether the diver will cut through the cable ties or the net bars beside;
7. Dive Supervisor to ensure all equipment is available prior to commencing task;
8. Refer to: FDT-1.1 General Overview for Field Diving.

Task instruction (Net removal)

1. Arrange for barge to come alongside;
2. Undo lightermans hitch and pass strop to crane operator on Barge;
3. When tension starts to come on strop starting at one end cut away breakaways;
4. Collect all cut breakaways and dispose of in rubbish container;
5. If net gets hooked up on some item or has not been fully cut away contact supervisor & conduct dive as per base or side seam cut;
6. Disposal and placement of net is barge operator's responsibility.

Task instruction (Predator net removal)

1. Remove top fence;
2. Remove Predator Net weights;
3. Lift Predator Net base to a shallower depth;
4. Cut base and cutting seams;
- * 5. Remove blunt ends (for wildlife)
6. Cut side seams;
7. Fit lifting strops;
8. Remove shackles;
9. Remove nets;

Change Outs Removal – Remove nets

10. Remove wire ropes and debris.

Equipment

1. Lifting strops, knife.
2. Hand held radios

Surface manning requirement

1. 1x

Overhead environment

1. Working under Hi-ab, wear hard hat.

Post-dive administration

1. Barge operator to collect weights using line hauler;
2. Disassemble and clean all dive gear and return all borrowed equipment to the farm;
3. Debrief all staff;
4. Store all equipment;
5. Complete paper work;
6. Refer to: FDT-1.1 General Overview for Field Diving.