



**RESOURCE MANAGEMENT ACT 1991**

**Decision of Marlborough District Council  
Change/Cancellation of Resource Consent Conditions**

**RESOURCE CONSENT:** U090660 and U090634

**APPLICANT:** The New Zealand King Salmon  
Company Limited

**LOCATION:** Crail Bay, Central Pelorus Sound

**THIS IS THE DECISION ON THE APPLICATION TO CHANGE OR CANCEL  
CONSENT CONDITIONS:**

**CHANGE CONDITION 27 OF U090660 AND CONDITION 26 OF U090634**

**DECISION:** **Granted**

## Decision

Pursuant to section 127 and after having regard to section 104 matters of the Resource Management Act 1991, the Marlborough District Council **grants** consent to change condition 27 of resource consent U090660 and condition 26 of U090634.

- **Condition 27 of U090660 as originally granted is changed.**
- **Condition 27 now reads:**

**“Unless provided elsewhere in this consent, a monitoring report is to be prepared at least annually, and must include:**

- (v) presentation of monitoring results;**
- (w) a comprehensive and integrated report on the effects of the development and operation of the farm to date, including maximum biomass of fish and feed volumes discharged over the previous 12 months;**
- (x) an assessment as to whether or not the farm is having a significant adverse effect on the environment or not;**
- (y) recommendations as to how any adverse effects on the environment can be avoided, remedied or mitigated;**
- (z) the adequacy of the monitoring programme. Note: The monitoring programme shall be a matter of public record; and**
- (aa) the state of the seabed before and after fallowing.**

**The consent holder shall not be required to undertake any monitoring, analysis or reporting required by these consent conditions if, for the entirety of the preceding 12 months, the site has not be used for the farming of salmon and the most recent monitoring report shows that the farm is in compliance with the conditions of consent. Where a previous monitoring report identifies that a site has not been in compliance with the conditions of consent, the Marlborough District Council shall request that the site continue to be monitored until results demonstrate compliance.”**

- **Condition 26 of U090634 as originally granted is changed.**
- **Condition 26 now reads:**

**“Unless provided elsewhere in this consent, a monitoring report is to be prepared at least annually, and must include:**

- (v) presentation of monitoring results;**
- (w) a comprehensive and integrated report on the effects of the development and operation of the farm to date, including maximum biomass of fish and feed volumes discharged over the previous 12 months;**
- (x) an assessment as to whether or not the farm is having a significant adverse effect on the environment or not;**
- (y) recommendations as to how any adverse effects on the environment can be avoided, remedied or mitigated;**
- (z) the adequacy of the monitoring programme. Note: The monitoring programme shall be a matter of public record; and**
- (aa) the state of the seabed before and after fallowing.**

The consent holder shall not be required to undertake any monitoring, analysis or reporting required by these consent conditions if, for the entirety of the preceding 12 months, the site has not be used for the farming of salmon and the most recent monitoring report shows that the farm is in compliance with the conditions of consent. Where a previous monitoring report identifies that a site has not been in compliance with the conditions of consent, the Marlborough District Council shall request that the site continue to be monitored until results demonstrate compliance.”

### Advice Note

This decision is to be read in conjunction with the original decisions as listed below:

U090660	Original Decision	9 July 2010	09170396
U090660	S127 Decision	4 April 2014	1493827
U090660	Consent Order	1 August 2014	14168751
U090634	Original Decision	9 July 2010	1298220

## Reasons

**U090634 is a Resource Consent to:** Coastal permits for the farming of **Pacific King Salmon** (*Oncoshynchus tshawytscha*) **within MFL032** including the placement of up to 9 circular fish cages, the disturbance of the seabed with anchoring devices, and the discharge of up to **1440 tonnes** of fish feed to water and associated discharge of fouling and waste from fish, nets and other structures. (marine farm site 8515).

**Proposal:** To change condition 26.

**Condition 26 Presently States:** A monitoring report is to be prepared at least annually, and will include:

- (a) presentation of monitoring results;
- (b) a comprehensive and integrated report on the effects of the development and operation of the farm to date, including maximum biomass of fish and feed volumes discharged over that year;
- (c) an assessment as to whether or not the farm is having a significant adverse effect on the environment or not;
- (d) recommendations as to how any adverse effects on the environment can be avoided, remedied or mitigated;

- (e) the adequacy of the monitoring programme.  
Note: The monitoring programme shall be public record; and
- (f) the state of the seabed before and after following.

**U090660 is a Resource Consent to:** Coastal permits for the farming of **Pacific King Salmon** (*Oncoshynchus tshawytscha*) **within marine farm license MFL048** including the placement of up to 9 circular fish cages, the disturbance of the seabed with anchoring devices, and the discharge of up to **1770 tonnes** of fish feed to water and associated discharge of fouling and waste from fish, nets and other structures. (marine farm site 8513).

**Proposal:** To change condition 27.

**Condition 27 Presently States:** A monitoring report is to be prepared at least annually, and will include:

- (v) presentation of monitoring results;
- (w) a comprehensive and integrated report on the effects of the development and operation of the farm to date, including maximum biomass of fish and feed volumes discharged over that year;
- (x) an assessment as to whether or not the farm is having a significant adverse effect on the environment or not;
- (y) recommendations as to how any adverse effects on the environment can be avoided, remedied or mitigated;
- (z) the adequacy of the monitoring programme.  
Note: The monitoring programme shall be public record; and
- (aa) the state of the seabed before and after following.

**Purpose of Variation:** To remove requirement for the monitoring of the site(s) when the site has been fallowed for more than 12 months and the previous results have shown that the state of the environment is within consent parameters.

## Background

1. The aquaculture activities at the sites have been authorised by previous coastal permits U060934 and U090660 which were both originally granted on 9 Jul 2010. These consents assessed matters of occupation of coastal space, navigation, and ecology, and concluded that there would be no adverse effects on the environment that were more than minor.

2. The original consents also addressed the Resource Management Act 1991, the New Zealand Coastal Policy Statement, the Regional Policy Statement and the Marlborough Sounds Resource Management Plan, concluding that the establishment and operation of a marine farm at these sites would not compromise the relevant sections of those documents.
3. The conditions of both these consents required an annual monitoring and reporting program being undertaken at the sites by a suitably qualified person or organisation, attesting to the 'state' of the environment (at prescribed distances from the cages). These reports were then to be provided to Council for compliance analysis.
4. The application states that the suitability of the sites for salmon farming is limited due to tidal flows and water temperatures during some parts of the year. As a result the two sites are fallow and are not actively used for salmon farming. However, the existing conditions of consent require a full battery of ecological and environmental monitoring to be undertaken annually regardless if the site has been used or not.
5. The application states that the cost of undertaking such work is expensive and seeks permission to modify the conditions of consent. The modification sought reduces the requirement for monitoring to only periods when the site is/has been used for fish farming activities and clearly shows that the 'state' of the environment complies with the parameters identified in the existing conditions of consent (i.e. Condition 22 of U090634 and condition 23 of U090660).

### **Planning Provisions**

6. Section 127 of the Resource Management Act 1991 requires any application for variation to be assessed as a discretionary activity.

### **Notification and Affected Parties**

7. In considering the scope of the original application, those parties that made a submission on the original application, and every person that may be affected by the change in the relevant conditions, the application was processed without public or limited notification. This decision was informed by the applicant providing the affected party approvals from all parties considered to be adversely affected by the proposal.

### **Assessment of Effects**

8. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, the proposed modification in conditions would not create any adverse effects on the environment. It is logical to assume that if the site is not being actively used for finfish farming, then the state of enrichment of or around the site will not change. If it has been established (by previously provided monitoring assessments and reports) that the site complies with the prescribed parameters, the requirement to undertake continual monitoring (when the site is not being farmed) achieves no purpose other than placing unnecessary expense on the consent holder.


### **Relevant Statutory and Plan Provisions**

9. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, the proposed modification in conditions would not trigger or compromise any provision of any statutory document already considered through the various consenting processes that has preceded this application.

## Consideration of Applications

10. Section 104 of the Resource Management Act 1991 requires all decision makers to have regard to the effects of the proposal, the Marlborough Sounds Resource Management Plan, and any other relevant matter, subject to Part 2. The effect of Part 2 is to make an overall broad judgment, incorporating all matters relevant (in terms of section 104(1)(a)-(c)) and viewing them in the light of the statutory requirements of sections 5-8, as to whether a grant of the requested modification would better achieve the purpose of the Resource Management Act 1991 than would its refusal.
11. I am satisfied that the proposed modification to the condition of the respective consents will not compromise the sustainable management of natural and physical resources, and will not compromise the existing assessment and decisions made by the Council on the consents to allow finfish farming at the two sites in Crail Bay. I therefore determine that the sole purpose of the Resource Management Act 1991 would be better achieved through a **grant** of the requested change to consents U090634 and U090660.

Recommended for approval:

  
.....  
Bruno Brosnan  
Resource Management Officer

Approved:

  
.....  
Anna Eatherley  
Marlborough District Council Manager Resource Consents

23rd January 2015  
Date

## **Additional Important Information for Resource Consent Holders**

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

### **Change or Cancellation of Conditions of Resource Consent**

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

### **Monitoring Fees**

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

### **Objections**

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

### **Appeals**

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision.
- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

**Before lodging an objection or an appeal it is recommended that you seek professional advice.**

**RESOURCE MANAGEMENT  
ACT 1991**



**Decision on Application for  
Resource Consent**

**RESOURCE CONSENT No: U090634 &  
U090660**

**APPLICANT: Pacifica Salmon Limited**

**This document contains a record of  
decision(s) on the following application  
for resource consent(s):**

COASTAL PERMIT  
COASTAL PERMIT (DISCHARGE TO SEA)

**DECISION DATE:**

**9 July 2010**





## **Important Information**

A resource consent is comprised of:

- A decision document (subject to the outcome of any appeals/objections), and;
- The application for resource consent, except where modified by conditions.

An information sheet is attached which sets out the provisions of the Resource Management Act 1991.

It is important that you keep this document in a safe place; together with any future amendments that may be made to conditions of the resource consent.

IN THE MATTER

of the Resource Management Act 1991

AND

An application for Resource Consent – Coastal Permit (Structures & Activity) – Coastal Permit (Discharge to Seawater)

**U090634** – Coastal permits for the farming of Pacific King Salmon (*Oncoshynchus tshawytscha*) within marine farm license MFL032 including the placement of up to 9 circular fish cages, the disturbance of the seabed with anchoring devices, and the discharge of up to 1,440 tonnes of fish feed to water and associated discharge of fouling and waste from fish, nets and other structures. (marine farm site 8515)

**U090660** – Coastal permits for the farming of Pacific King Salmon (*Oncoshynchus tshawytscha*) within marine farm license MFL048 including the placement of up to 9 circular fish cages, the disturbance of the seabed with anchoring devices, and the discharge of up to 1,770 tonnes of fish feed to water and associated discharge of fouling and waste from fish, nets and other structures. (marine farm site 8513)

APPLICANT

**PACIFICA SALMON LIMITED (U090634 & U090660)**

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**DECISION BY COMMISSIONER M J HUNT APPOINTED BY  
THE MARLBOROUGH DISTRICT COUNCIL**

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## PRELIMINARY

1. These applications came before me for hearing on 9 April 2010. I have dealt with both applications together. They were presented in that way and I considered the issues raised to be indistinguishable in any material aspect between the two. No evidence or submission was addressed to me to suggest that an approach was incorrect
2. The sequence of events since the hearing date has resulted in some delays and necessitates some explanation.
3. At the conclusion of the hearing I did not close the hearing but adjourned as I wished to have further information from the Applicant regarding further information on the "brood year" distinction as opposed to the "calendar year" distinction. This was relevant to the question of the volumes of feed and how they were to be measured / monitored.
4. Council received that information on 11 May 2010 from the Applicant which was outside the time frame but I then directed that there be an opportunity to respond to this. This was in the form of a "feed to brood report" which did indicate that it would be possible to monitor monthly totals of feed but did not really address how different brood stages or duration would be managed to ensure clear limits on feed quantities. I was conscious of trying to expedite the finalising the determination but also of all parties having access to the information.
5. Subsequent to that I ascertained that revised Conditions were being prepared. However these were not available to be circulated until the 4 June 2010. I appreciated the time frames were tight but was conscious of the time that had passed and asked for response by 11 June 2010. However, the Applicant's Agent was unavailable until 22 June 2010 and so at the Applicant's request the time frame for the Applicants response was extended to 25 June 2010. The hearing therefore has been formally closed as at 25 June 2010. I did receive comment from DoC and appreciate the fact that they dealt with the matter in a timely way.
6. The reason for a desire to confirm that parties had seen and considered the draft Conditions was that the contest in this matter did not in my view appear to relate to whether or not consent was granted but in fact to the Conditions which



would attach to the consent [noting however that sometimes a contest on conditions does become a contest over whether consent is granted]. It was important for all parties to have a reasonable opportunity to see the draft Conditions. I have been mindful of the general emphasis within the Act and the processes under the Act upon the timely delivery of decision making and also the desirability of granting consents that are workable but reflect a considered evaluation of all of the respective positions of the parties to this process.

7. It is of course with some regret that the time frames by reason of matters not entirely within my control became distorted and to the extent that some complaint is made about that by the Department of Conservation in their response I acknowledge that this hearing and determination has followed a slightly unusual course and appreciate their cooperation in that.
8. The hearing therefore in terms of the final exchanges concluded on 25 June 2010.

#### **PRELIMINARY ISSUE – CONFLICT**

9. In accepting this appointment I indicated to the Consent Authority that I had had extensive involvement with the Marine Farming Industry [as Counsel for various applicants and submitters].
10. At the commencement of the hearing I again raised this matter to ascertain that there were no concerns regarding my appointment as Commissioner to determine this matter or my ability to act independently and be seen to do so in the knowledge of that background.
11. Mr Browning for the Friends of Nelson Haven was not present at the commencement of the hearing but on his arrival I again ascertained that if there was any concern regarding the issues which I referred to above and was assured there was not.
12. Subsequently Mr Browning wished to raise the issue again in terms of his presentation after the evidence of the Applicant and others had been given. When pressed he did not pursue it. In the end result it is not an issue but is mentioned for completeness. Given the way the hearing proceeded and the issues I consider there was no basis for my concern.



## **APPLICATION**

13. The applications are in respect of two sites situated at Crail Bay. The sites are adjoining and the proposals are as follows;

### **U090634**

14. A variation to existing Coastal Permits are sought for the farming of Pacific King Salmon within Marine Farm Licence MF032 (site 8515) including the placement of 9 circular fish cages, the disturbance of the seabed with anchoring devices and the discharge of 1,440 tonnes of fish feed to water and associated discharging of fouling and waste from fish nets and the other structures at this farm site 8515.
15. The site I was told had been utilised on a trial basis by Pacifica Salmon using 4 cages to determine the most appropriate method to grow managed Salmon [license variations in October 1984 and 1996 allowed this]. It is now proposed to use 9 "polar circle" fish cages to grow Salmon. Those cages will be anchored to the seabed in groups of 3 comprising in each group, 2 large cages of 25.5m<sup>2</sup> in diameter in an area of 509m<sup>2</sup> each, a smaller cage of 21.1m<sup>2</sup> in diameter and area 286m<sup>2</sup> in an area from which juveniles will be transferred to the main grow out cages (Mr Turner referred to 60 and 80 metre diameter cages but the Applicants proposal clearly referred to cages of 60 and 80 metre circumference).
16. The discharge of feed will be graduated commencing at 1,000 tonnes per brood year, increasing to 1,440 tonnes. The area covered by each pod is 1,304m<sup>2</sup>, the balance areas are to continue to be used for marine farming in addition to the proposal.
17. I will return to the volume and the issue of "brood year" as a measure of time and its relationship to volume later.

### **U090660**

18. A variation to existing Coastal Permits (which permits mussel farming only) for the farming of Pacific King Salmon within Marine Farm Licence MFL048 including the placement of 9 polar circle fish cages the disturbance of the seabed with anchoring devices and the discharge of up to 1,770 tonnes of fish feed to water and associated discharge of fouling and waste from fish nets and other structures.



19. At this site the area occupied will be approximately 4.5 hectares but the configuration of cages is the same as in respect of the other site. Discharge of feed commences at a maximum of 1,000 tonnes per brood year increasing to a maximum of 1,770 tonnes due to a greater depth of water and deeper cages.
20. At both sites “fallowing” is proposed so that the cages will rotate around the sites with a movement of the cages to “adjacent 2 lines zones” shoreward (for U090660) or seaward (U090634) as required.

### **THE APPLICANT'S CASE**

21. Mr Turner Counsel for the Applicant introduced the Applicant's case. He called as witnesses;
  - (i) Mr Mervyn Whipp of Blenheim, the General Manager of Pacific Salmon;
  - (ii) Mr Nigel Keely a Research Scientist and Environmental Consultant of Cawthron Institute;
  - (iii) Mr Ron Sutherland a Resource Management Consultant.
22. I add for completeness that the application included a Landscape Assessment by Mr Rory Langbridge who is noted as an expert in Landscape Assessment and a Comprehensive Assessment of Effects compiled by Cawthron. I do note that landscape was not raised as a serious issue by any party. It was referred to by Mr Browning but no evidence was called on the point.
23. However Mr Langbridge asserts that there would be “no additional structures (i.e. feed barges, accommodation barges etc) associated with these farms” (page 151 Council paper – letter 18 August 2009 ex Langbridge). However it became clear that one of 2 large work vessels would be permanently on site or on an adjacent mooring as accommodation for workers. This aspect should have been assessed even if only to address it in the context of permitted levels of boating activity within the Bay. I do consider the almost permanent presence of a service vessel a feature of the marine farm and a point of difference to my understanding conventional marine farming practises. However it does not seem to have been regarded by anyone as anything more than minor in the context of the Bay which I accept is a “working” Bay with clear and long established evidence on the water of marine farm activity and likely consistent presence [if not permanent] of service vessels for those in the Bay.



24. Mr Turner accepted for the Applicant that the proper assessment of the applications was as a non complying activity. I accept his analysis as I do that of Mr Heather the section 42A Report. That is applying the principle that all of the related activities are to be treated as a composite whole and so requiring that the application be assessed against section 104(D) of the Resource Management Act ("RMA").
25. I accept also Mr Turner's analysis of section 104(D) which records the requirement of the section as a threshold or gateway test and then a further assessment under section 104(1) of the RMA. The Applicant's position understandably is that the application meets those requirements. No contest emerged to the extent that fish farming as a form of aquaculture is not contrary to the Objectives and Policies of the Plan and that aquaculture is acknowledged and provided for in the Marlborough Sounds Plan.
26. While changes of this kind are not complying in terms of activity status they are not contrary to the Policies and Objectives of the Plan in a general sense or specifically in this case. The concern in this case really lies in managing the effects on the environment some of which are acknowledged to have the potential to be more than minor.
27. In summarising the Applicant's case I mean no disrespect to the evidence which was called but the key points to emerge in my view were;
- (i) That Pacific Salmon provides significant investment and employment from its Salmon processing operation. The demand for the product is strong and significant Regional benefits will accrue if consent is granted. This will assist to achieve the continued consolidation and expansion of the company's activities.
  - (ii) That the proposal for development of these sites for Salmon farming draws on established technology, the latest improvements and know how and would follow established and refined methods used by the Company.
  - (iii) The effects of the proposal can be managed in such a way that the adverse effects are remedied, avoided or mitigated. It was acknowledged that not all effects can be avoided but careful management and monitoring of the site and the fish farm would ensure that any adverse effects were known and able to be mitigated.

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## **SUBMITTERS**

### **DoC**

28. I heard submissions from the Department of Conservation ("DoC") and note that the DoC's view is that the consent can, subject to matters of agreement referred to in correspondence of Mr Keely (25 November 2009 attached to DoC submission) for the Applicant be granted. Concerns expressed by the DoC related to the discharge volumes and the time frame for measurement.
29. DoC helpfully summarised its concerns regarding draft Conditions in the letter of 20 June 2010. Those as I understand them are:
- (i) That the volume of feed to be discharged is calculated on a per annum basis with the tonnage adjusted for reasons which were specified but including;
    - a. That the limits are clearly and simpler to understand and calculated on a per annum basis particularly if brood years can be variable and more than one brood year might be in place at any one time;
    - b. That the Conditions of Consent require the supply of monthly records from which annual feed inputs can be calculated;
    - c. That the comparison with the deposition models is more straight forward if there are annual amounts of the discharge;
    - d. That the monitoring required is at fixed term and not linked to brood years and that the limits on a per annum basis be consistent with conditions imposed on discharge consents for all other Salmon farms in the Sounds;
30. On the matter of the staging of the discharge volumes DoC noted that Mr Keely's recommendation was that there should be at least 3 years between stages unless monitoring shows the impacts had stabilised.
31. DoC noted that there were some issues with respect to cross referencing of conditions which I have noted and tried to remedy.





## **GILLARD / KING SALMON**

32. Mr Gillard from King Salmon submitted that the proposal granted should be dealt with on the same basis as other applications but was not opposed to a grant of consent.
33. The key issues raised by Mr Gillard, was the need to reflect updated conditions in the proposal including a bio security code of practice. Mr Gillard also provided conditions of consent as granted for an alternative site as a template for the grant of consent if considered in this instance.
34. I agree that there should be consistency in a general sense but there will be variability in sites and proposals that must be reflected in conditions. This is a site with low flows which will be a factor in the potential effects of the feed.

## **FRIENDS OF NELSON HAVEN**

35. I heard from Mr Browning and endeavoured to make notes of all of the matters that he expressed concern about. In summary I understood he was concerned regarding the following matters;
  - a. The potential for a substantial increase in fin fish farming and the broader issues of cumulative effects of such an increase are of concern.
  - b. That he viewed the use of calendar years as more appropriate than that of brood years for simplicity of monitoring.
  - c. That he was concerned that the water quality was not managed appropriately and nitrogen and phosphorous which were of particular concern were appropriately monitored.
  - d. He was concerned that no weight be attached to the potential for the facility to be a tourist attraction (this did not seem to me to be advanced with any force by the Applicant).
  - e. That the landscape values should have reflected the permanent fixture associated with a vessel.
  - f. That in general it was a dirty industry in his judgment which justified care in granting consent and vigilance enforcing conditions.
  - g. That the following was unacceptable and the farm should operate at one site and monitor the effects of that rather than move from site to site.



## **SUBMITTERS**

36. Submissions were also filed on behalf of Sanfords, Ministry of Fisheries, Mr L and Mrs G C Neal. I have had regard to each of those written submissions in considering the evidence of the Applicant and the matters at issue in this hearing. I do note that none expressed strong opposition and the Neals modified their position to support the proposal (letter dated 23 November 2009 page 179 materials).

## **S42A REPORT WRITER**

37. Mr Heather (Marlborough District Council Planner) spoke to his Report and confirmed that subject to some minor numerical changes to the draft Conditions he regarded his Report as adequately covering all matters.
38. Mr Heather was instrumental in preparing a further set of draft Conditions which were circulated. As I have noted comments were received from DoC in response to those.

## **ISSUES**

39. The issues as I see them and have determined them are as follows;

### ***Brood year / Calendar year***

- (i) The Applicant's position is that the limitation on volume of feed should be by reference to brood year. I was told that this was a more appropriate method of managing volumes. A brood year is the period between the introduction of the fingerling Salmon into the cages until harvest. This can be between 18 and 26 months and results from Company Policy to stagger introduction of the Salmon into the cages so as to avoid all of the Salmon reaching maturity at the same time. In fact sometimes matters beyond the Company's control which determines how long it takes for Salmon to reach harvest size (Mr Whipp paragraph 8.5). Each brood year is given specific designation and each designation is carefully managed over the brood period.
- (ii) The strongest submission in response to this was that of DoC. Their concern was as I have summarised earlier but in particular that the variability in brood years and where multiple broods were in place meant



some uncertainty as to the volumes of feed being introduced over a fixed time period.

- (iii) The relationship between the amount of feed and the impacts is important. Variability in the duration and therefore the volume over time does have the potential to distort the results or create uncertainty as to their significance. The assessment model prepared by Cawthron was based on feed per annum and the deposition of models were calculated accordingly (reference letter 25 November 2009 page 2).
- (iv) While I acknowledge the Applicant's preference in my view it is important that there be clear understanding of the way in which the conditions are to apply and importantly a clear understanding of the relationship between in this case the food introduced and the effects. Give the variability in brood years and the possibility that more than 1 brood year stock may be on site at any one time I have come to the view that a calendar period quantum is the appropriate measure. This will require care by an Applicant in the management of stocking rates and brood years. However, I have fixed the time period at 18 months rather than annually for the calculation of volumes. That should allow for certainty in terms of enforcement and monitoring but does tie in with a "typical" brood year period.

#### ***Rotation / Fallowing***

- (v) The Applicant sought approval to rotate the cages within the site. I should also note that the Applicant sought deferral of the relocation of cages in licence 32 for up to 24 months. On licence 32 the cages are to be relocated to licences 5, 6 and 7 within that farm within 24 months of the commencement of consent. The reasons expressed by DoC are compelling and I am concerned regarding the implications of fallowing on the sites.
- (vi) This may be something that can be developed over time but I take on board and accept the concern expressed by DoC that the implications of fallowing would be the potential for broader contamination of the whole site. The Cawthron Report does note that the effectiveness of the fallowing strategy is limited by the fact that rates of impact are quick and rates of recovery slow. One of the challenges in the management of the fish farms is to manage the Benthic Environment given the introduction of



feed. I consider the movement of the cages to a new location would justify an Application variation of consent (or a new consent) to evaluate how effective management has been of the existing site and the potential impacts [including cumulative impacts across the site]. I have had regard to Mr Keely's evidence that notes the need to match the feed loading to the assimilative capacity of the environment. The nature of the site as a low flow site means there is "limited environmental capacity" for fin fish farming (paragraph 8.1 Keely). In my view the precautionary approach requires that movement of the cages or fallowing should be dealt with as a variation to allow for a comprehensive review without the constraints of section 128 of the Resource Management Act.

- (vii) I note also Mr Heather recommends at paragraph 76 that fallowing not be permitted and for the reasons expressed by DoC I agree. This decision therefore does not allow for or approve of the rotation of the structures within the site. I have considered whether there are to be a limited exception to address a rotation where the health of the marine farm requires some movement to avoid significant problems for the farmer. I consider a provision of that kind would be reasonable but subject to notice to the Marlborough District Council and on a temporary / interim basis only.
- (viii) In the event that regular / routine rotation of the sites proves necessary for the reasons outlined in Mr Whipp's evidence (reference paragraph 8.4) then in my view closer examination of how the effects requiring rotation have occurred is necessary. The build up of hydrogen sulphide is symptomatic of broader issues than merely the health of the fish farm and would in my view require closer examination of farm practise rather than simply locating to an alternate site and thereby avoiding the issue.

### ***Staging***

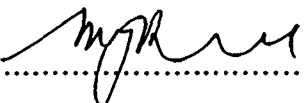
- (ix) The proposal of the Applicant is that the development be staged and this seems to me to be an appropriate response to the general principle of proceeding with caution and to the particular effects that may be associated with this development. The initial conditions contemplated that there would be development of a second stage after 1 brood year. This will now be 18 months.



- (x) I have again noted the point made by DoC in their supplementary reply that Mr Keely's assessment was that there would be 3 years between stages (refer paragraph 7.1.3 Keely statement of evidence).
- (xi) It is noted (paragraph 7.1.3 Keely) that the 3 year period may be reduced if monitoring was to be conducted more frequently and impacts were to stabilise. While caution is required the Benthic Environment is to be intensively monitored over the period of occupation. I have come to the view that a minimum period of 18 months is adequate. The monitoring and reporting in combination with the limit on fallowing / rotation should ensure that the step to stage II does not occur without an adequate understanding of the effects. Conditions will also ensure that the level of increase is capped at no more than 500 tonne per period if the maximum tonnage is not achieved in the preceding period.

**CONDITIONS**

- 40. The conditions imposed reflect the findings and determinations set out in this decision. They represent an effort on my part to balance the wishes of the Applicant with the view that I have that this site and this proposal do need to be approached with caution.
- 41. The state of knowledge that will develop will assist future decision making. While adaptive management does provide for a process of progressive development of consent activities in this case the scientific caution and the limited information at hand leave me with a clear preference for the course of action I have adopted.
- 42. Consent is granted on the conditions **attached**.

  
.....

M HUNT  
COMMISSIONER

Dated this day 9 of July 2010

Record No: 10185927

## CONDITIONS OF CONSENT - U090634

### Coastal Permit

1. This consent shall expire on 31 December 2024 (being the expiry of MFL032).

### Occupancy and Activity

2. The occupancy shall be limited to the area illustrated on the plan attached to this consent, and confined to the area specified within the schedule of New Zealand map grid coordinates.

MI Note 20230622:  
See p. 30 for the attached plan

### Structures

3. The structures shall be limited to anchors, ropes, cages and barges, floats, lights and other necessary navigational aids associated with the marine farming of the approved species. All structures shall be situated and secured so as to remain within the boundaries of the consent area and approved site at all times. The maximum number of cages shall be 9 being 6 x 509m<sup>2</sup> and 3 x 286m<sup>2</sup>.
4. The cages will be contained wholly within the boundaries of permit MFL032 and shall be identified on a survey plan specifying coordinates of each corner of the farm area in NZ Map Grid and shall be supplied to Council within 1 month of the date of this consent.
5. The placement of marine farm lighting and marking shall be approved by the Harbourmaster under his Maritime Delegation from the Director of Maritime Safety pursuant to sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994. An approved lighting plan will be provided by Council.
6. The anchoring system to be used shall be designed and supervised by an accredited marine engineer. A plan of the approved mooring system shall be provided to Council.
7. The consent holder shall maintain all structures to ensure that they are restrained, secure and in working order at all times so as to not create a navigational hazard and take whatever steps are reasonably necessary to retrieve any non-biodegradable debris lost in or from the permit area. The anchoring systems shall be installed and maintained in accordance with the anchoring plan and an approved maintenance schedule to be prepared.
8. The consent holder shall notify the Chief Hydrographer/Topographer of Land Information New Zealand and the Marlborough District Council within 3 months of the establishment of the approved structures.
9. Within 24 months of the date of this permit the existing approved structures on site shall be moved into the centre of MFL032 as set out in the application.

MI Note  
20230621:  
6 x 509 = 3054  
3 x 286 = 858  
3054 + 858 =  
3912  
3912/10000 =  
0.3912 ha

### Coastal Permit (Discharge to Seawater)

1. This consent shall expire on 31 December 2024.
2. Only extruded pellets or similar shall be at the site provided that the consent holder shall provide on request at any time particulars of all aquaculture feed used on site and shall ensure that the feed utilised is of a standard consistent with the particulars set out in the letter dated 14 December 2009 from Skretting Australia held on Council file U090634.

3. The permit holder shall provide Council with a monthly record of the volumes of feed discharged at each cage on each site. The report shall be in the format attached hereto as Appendix A.

### ***Staging of Discharge Volumes***

#### ***Stage 1***

4. The first stage of the consent shall be for a period of not less than 18 months from commencement of the operation of this consent. The maximum volume of feed to be discharged during stage 1 shall be 1,000 metric tonnes per 18 month period.
5. Within 6 months of commencement of the consent, the consent holder shall monitor the sea floor in accordance with the environmental monitoring programme to be agreed, as specified under conditions 23 to 26.
6. A full report detailing the state of the sea floor shall be submitted to the Council within 2 months of the monitoring set out in condition 5 being completed.
7. On receipt of the monitoring report, the Council shall if necessary, within 1 month, initiate a review of the conditions of this consent, including the maximum volumes to be discharged, in accordance with sections 128 and 129 of the Resource Management Act 1991, and as further specified under condition 29.
8. Within 1 year after commencing the discharge set out in condition 4, the consent holder shall monitor the sea floor in accordance with the environmental monitoring programme to be agreed.
9. A report detailing the state of the sea floor shall be submitted to the Manager, Resource Consents, Marlborough District Council, within 2 months of the monitoring required in condition 8 being completed.
10. On receipt of any of the monitoring reports provided for in this consent, the Council shall if necessary, within 1 month of receipt of the same, initiate a review of the conditions of this consent, including the maximum volumes of feed to be discharged, in accordance with sections 128 and 129 of the Resource Management Act 1991, and as further specified under condition 29.

#### **NOTE:**

- (a) It is expected that no review will be required if any additional adverse effects between the monitoring show that such effects are no more than minor.
- (b) The consent holder is expected to give effect to this consent as soon as practicable.
- (c) It is accepted that some variation of about 15% of the 1,000 metric tonnes per annum discharge within each 12 month period will not be significant in assessing any change in effects between the two monitoring events in conditions 5 and 8.



## **STAGE 2**

11. 18 months after the commencement of consent and subject to receipt by Council of the monitoring reports specified under conditions 7 and 9 above and further subject to any review of conditions of this consent specified in condition 10, the consent holder may in any 18 month period discharge up to a maximum of 1,440 metric tonnes.
12. 6 months after commencing discharge at the 1,440 metric tonnes per 18 month maximum specified above, (or such lesser maximum as per condition 17) the consent holder shall monitor the sea floor in accordance with the environmental monitoring programme to be agreed, as specified under conditions 23 to 26.
13. A full report detailing the state of the sea floor and the water column shall be submitted to the Council within 2 months of the monitoring being completed.
14. On receipt of any monitoring report provided for in this consent, the Council shall if necessary, within 1 month, initiate a review of the conditions of this consent, including the maximum volumes to be discharged, in accordance with sections 128 and 129 of the Resource Management Act 1991, and as further specified under condition 29.
15. 12 months and annually thereafter after commencing discharge at the 1,440 metric tonnes maximum specified above (or such lesser maximum as per condition 18), the consent holder shall monitor the sea floor and water column in accordance with the environmental monitoring programme to be agreed. A full report detailing the state of the sea floor and water column shall be submitted to the Manager, Resource Consents, Marlborough District Council, within 2 months of the monitoring being completed.

### ***Following / Site Rotation***

16. This consent is specific in approving the activity at the location set out in the application and does not approve rotation of the cages within the marine farm provided that;
  - (a) If there are events or circumstances that give rise to the need to move the marine farm activities the consent holder shall advise the Council of those circumstances and the need to move the cages. Particulars shall include the event, effects, likely duration and proposed remedial steps.
  - (b) The Council may give approval to move the cages to an alternative location within the farm for a period of not more than 6 months in total on such conditions as it thinks fit.
  - (c) More than one application may be made during the term of this consent but each shall be for no more than 6 months in total and no application shall have the effect that the cages are left on an alternate site for a period of more than 6 months. For the avoidance of doubt successive applications without reinstatement to the original site shall not be permitted.
  - (d) At the conclusion of any term specified by Council for any approval under this condition the cages shall be reinstated to their original location. (NOTE: This does not preclude a variation to this consent or this provision.)





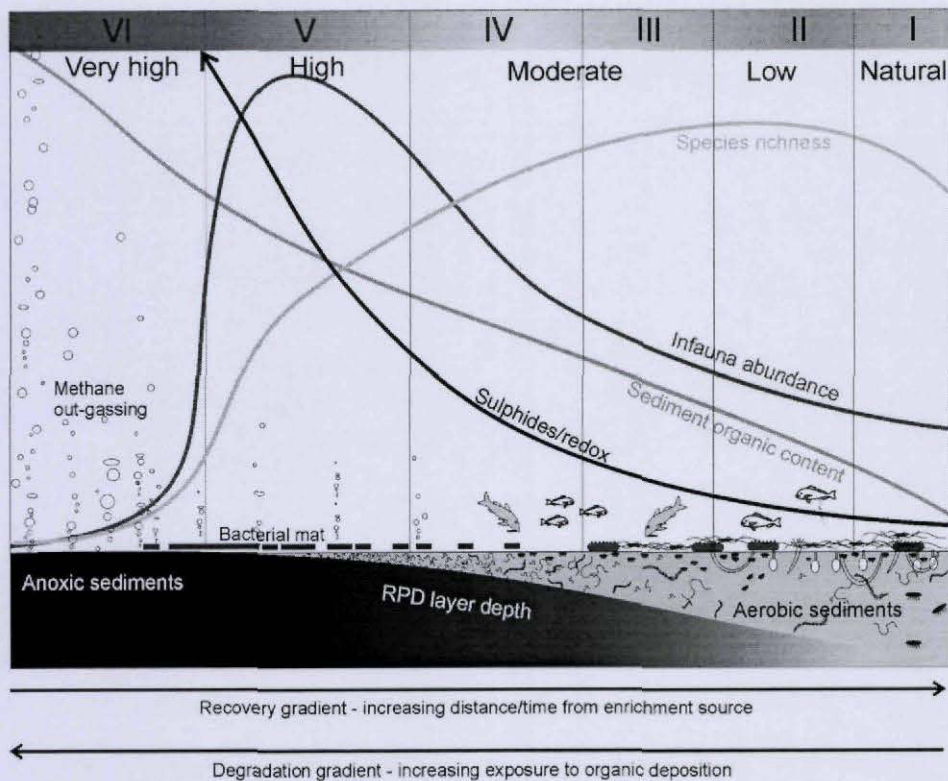
### ***Implementation of Stages and Discharge Volumes***

17. For the avoidance of doubt in interpreting the above conditions, there shall be a review of conditions prior to each of the above stages. The consent holder shall not increase the discharge of feed until the Council confirms they are satisfied that the subject stages are individually and cumulatively compliant with Environmental Quality Standards in conditions 19 to 22.
18. Should the consent holder not discharge feed to the maximum volume permitted under Stage 1, then the increase in feed permitted within the next stage shall be no more than 500 metric tonnes above the maximum feed volume discharged under the previous stage. The 500 metric tonne increment shall apply at 18 month intervals i.e. 500 metric tonnes increase each 18 months until the maximum applicable to Stage 2 is achieved.

### ***Environmental Quality Standards***

19. The Environmental Quality Standards (EQS) that shall be applied for seabed effects follow the model as presented in the application, i.e. seabed effects are 'zoned' around the cages to allow for a mixing or transition zone. Outside this zone no adverse effect on the seabed is allowed. Three 'zones' under and around the marine farm shall be established as follows:
    - (a) Referred to as 'Zone 2' - Beneath the cages and out to 50 metres from the cages.
    - (b) Referred to as 'Zone 3' - From 50 metres to 150 metres from the outside edge of the cages.
    - (c) Referred to as 'Zone 4' - Beyond 150 metres from the outside edge of the cages.
  20. The zones shall be distorted to allow for the action of tidal currents such that the total area of each zone remains the same as if concentric zones were around the marine farm.
  21. In this instance the zones shall be distorted as shown in the application document. The extent to which the zone boundaries can deform will be specified in the consent holders' environmental monitoring plan based on the shape of the predicted depositional footprint (i.e. Length:Width).
  22. The EQS in each zone will be managed with reference to permitted 'impact stages', as depicted and defined in Figure 1. In relation to Figure 1, the effects within the zones specified in condition 19 will not exceed (i.e. be higher than) the following impact stages:
    - Zone 2 shall not be more than the transition between Stages IV and V.
    - Zone 3 shall not be more than the transition between Stages III and IV.
    - Zone 4 shall not be more than the transition between Stages I and II.
- Note: These zones may be further refined once the monitoring programmes required by conditions 23 to 25 are completed.





**Figure 1. Stylised diagram indicating how environmental variables change over an enrichment gradient in relation to impact stages I-VI.**

#### **Environmental Monitoring and Reporting**

23. Prior to exercising the consent, the consent holder shall prepare an environmental monitoring programme to show compliance with the Environmental Quality Standards set out in conditions 19 to 22 of this consent.
24. This monitoring programme shall be submitted to the Council for approval and shall address, but not be limited to, the following effects within the boundary of the marine farm and in the immediate vicinity beyond the boundary of the marine farm:
  - (a) effects on water quality (including nitrogen and phosphorus);
  - (b) seabed deposition (sedimentation and crop loss) and oxygen depletion;
  - (c) effects on benthic community composition and abundance;
  - (d) effects of heavy metals - copper and zinc; and
  - (e) the appropriateness of and need for following.
25. The survey/monitoring programme shall describe:
  - (a) the surveys, baseline and/or ongoing, to be undertaken;
  - (b) location and extent of any environmental features within the vicinity and potential impacts on these features;
  - (c) the environmental performance indicators that are to be used to assess effects;

*M*

- (d) methods, location and frequency of sampling, including reference sites;
  - (e) a definition of species diversity and what comprises the transitional zone;  
and
  - (f) recording and reporting requirements.
26. A monitoring report is to be prepared at least annually, and will include:
- (a) presentation of monitoring results;
  - (b) a comprehensive and integrated report on the effects of the development and operation of the farm to date, including maximum biomass of fish and feed volumes discharged over that year;
  - (c) an assessment as to whether or not the farm is having a significant adverse effect on the environment or not;
  - (d) recommendations as to how any adverse effects on the environment can be avoided, remedied or mitigated;
  - (e) the adequacy of the monitoring programme. Note: The monitoring programme shall be public record; and
  - (f) the state of the seabed before and after fallowing.
27. The consent holder shall commission an independent person (or persons) with appropriate expertise in environmental monitoring to undertake the monitoring and reporting work required by the conditions of this consent.
28. The Marlborough District Council may require an independent peer review of the surveys, monitoring and reporting required by this consent. Such a peer review will be at the cost of the consent holder.
29. That in accordance with sections 128 and 129 of the Resource Management Act 1991, the consent authority may review the conditions of this consent by serving notice of its intention to do so for one or more of the following purposes:



PURPOSE(S)	TIME(S) OF SERVICE OF NOTICE
To modify the monitoring programme.	Within 1 month of receipt of any monitoring report as required by the conditions of this consent.
To deal with any adverse effects that may become apparent as a result of the exercise of this resource consent.	<p>Within 1 month of receipt of the monitoring report required by conditions 6 and 9 of this consent (Stage 1).</p> <p>Within 1 month of receipt of the monitoring report required by conditions 13 and 15 of this consent (Stage 2).</p> <p>Within 6 months of receipt of any other monitoring report required under the conditions of this consent.</p>
To require the consent holder to adopt the best practicable option to avoid, remedy or mitigate any adverse effect on the environment relating to the activity.	<p>Within 1 month of receipt of the monitoring report required by conditions 6 and 9 of this consent (Stage 1).</p> <p>Within 1 month of receipt of the monitoring report required by conditions 13 and 15 of this consent (Stage 2).</p> <p>Within 6 months of receipt of any other monitoring report required under the conditions of this consent.</p>

30. In the event of non-compliance with the Environmental Quality Standards set out in conditions 19 to 22, the consent holder shall work with the consent authority to ensure the full compliance is re-established within 24 months.
31. Pursuant to section 36 of the Resource Management Act 1991 and Marlborough District Council's Schedule of Fees, the consent holder shall pay all actual and reasonable costs associated with any review of this resource consent.
32. Inspection and monitoring by Marlborough District Council's Regulatory Department in respect of the conditions of this consent may take place annually or more frequently in the event that a previous inspection or complaint indicates the need for more frequent inspection and monitoring.
33. The costs of these inspections and any formal monitoring programme established in consultation with the consent holder will be charged to the consent holder in accordance with Council's Schedule of Fees approved pursuant to section 36 of Resource Management Act 1991.

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**FEED TO BROOD REPORT**

SITE 8515 Crail Bay

Month March 2010

08 Brood opening total feed to date  
560,260 kgs

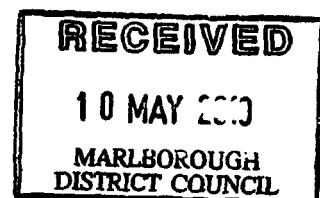
08 Brood	Cages	Current month feedout kgs
08B01	3A and 3B	15,700
08B02	2A and 2B	23,000
08B03	1A	17,350
Totals		56,050

08 Brood closing total feed to end March  
616,310 kgs

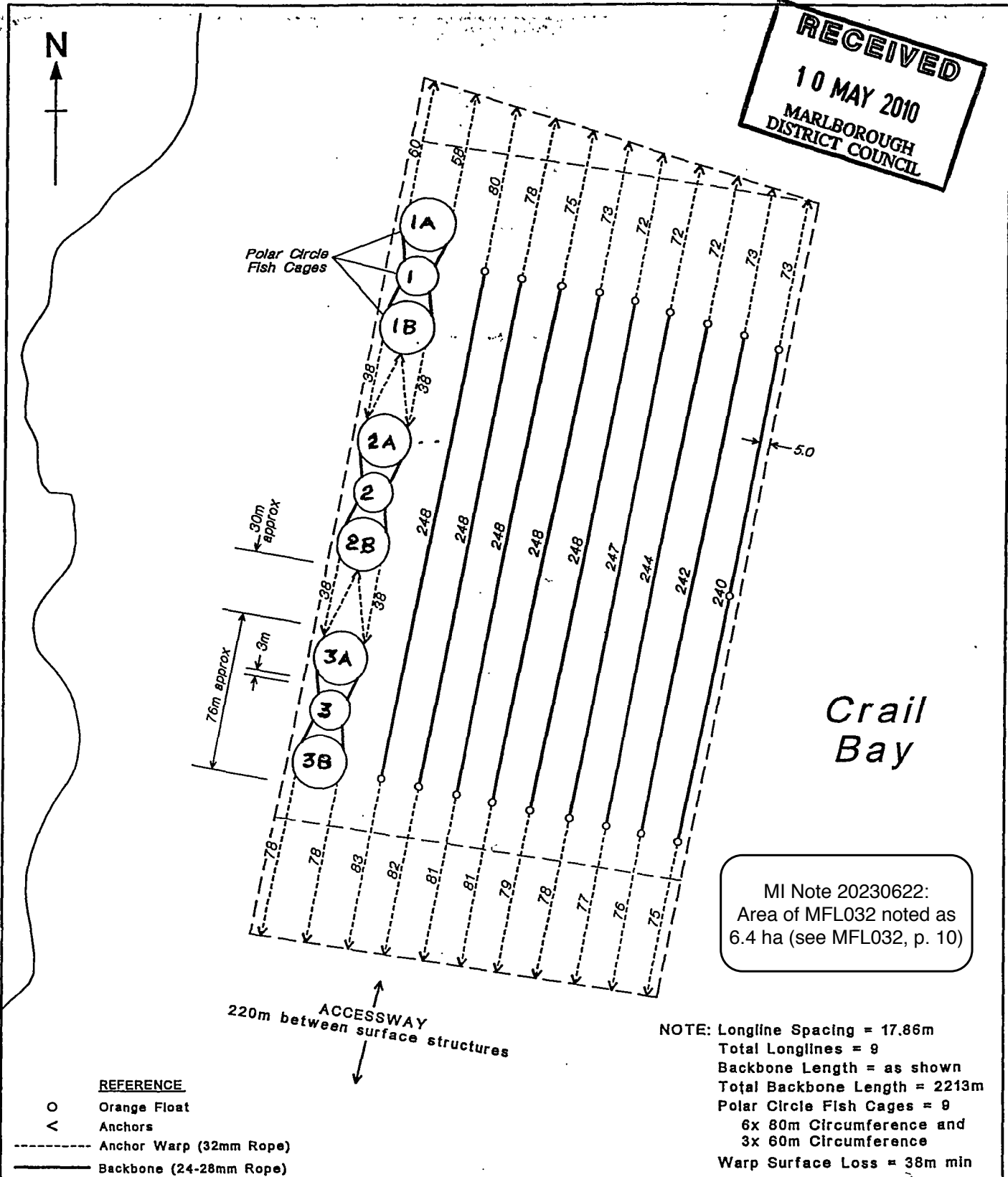
09 Brood opening total feed to date

16,408 kgs

09 Brood	Cages	Current month feedout kgs
09B01	1A	6,625
09B02		
09B03		
Totals		6,625

09 Brood closing total feed to end March  
23,033 kgs

**RECEIVED**  
10 MAY 2010  
MARLBOROUGH  
DISTRICT COUNCIL



Crail Bay

MI Note 20230622:  
Area of MFL032 noted as  
6.4 ha (see MFL032, p. 10)



PALMS

22 July 2009

# Variation of Structures

## Marine Farm Site 8515

**MFL 032 & MPE 839**

SCALE 1:2,500



**RECEIVED**  
28 APR 2009  
MARLBOROUGH  
DISTRICT COUNCIL

MF\_1946

## CONDITIONS OF CONSENT - U090660

### Coastal Permit

1. This consent shall expire on 31 December 2024 (being the expiry of MFL048).

#### **Occupancy and Activity**

2. The occupancy shall be limited to the area illustrated on the plan attached to this consent, and confined to the area specified within the schedule of New Zealand Map Grid co-ordinates.

#### **Structures**

3. The structures shall be limited to anchors, ropes, cages and barges, floats, lights and other necessary navigational aids associated with the marine farming of the approved species. All structures shall be situated and secured so as to remain within the boundaries of the consent area and approved site at all times. The maximum number of cages shall be 9 being 6 x 509m<sup>2</sup> and 3 x 286m<sup>2</sup>.
4. The cages will be contained wholly within the boundaries of permit MFL048 and shall be identified on a survey plan specifying co-ordinates of each corner of the farm area in NZ Map Grid and shall be supplied to Council within 1 month of the date of this consent.
5. The placement of marine farm lighting and marking shall be approved by the Harbourmaster under his Maritime Delegation from the Director of Maritime Safety pursuant to sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994. An approved lighting plan will be provided by Council.
6. The anchoring system to be used shall be designed and supervised by an accredited marine engineer. A plan of the approved mooring system shall be provided to Council.
7. The consent holder shall maintain all structures to ensure that they are restrained, secure and in working order at all times so as to not create a navigational hazard and take whatever steps are reasonably necessary to retrieve any non-biodegradable debris lost in or from the permit area. The anchoring systems shall be installed and maintained in accordance with the anchoring plan and an approved maintenance schedule to be prepared.
8. The consent holder shall notify the Chief Hydrographer/Topographer of Land Information New Zealand and the Marlborough District Council within 3 months of the establishment of the approved structures.

### Coastal Permit (Discharge to Seawater)

1. This consent shall expire on 31 December 2024.
2. Only extruded pellets or similar shall be at the site provided that the consent holder shall provide on request at any time particulars of all aquaculture feed used on site and shall ensure that the feed utilised is of a standard consistent with the particulars set out in the letter dated 14 December 2009 from Skretting Australia held on Council file U090660.

MI Note  
20230621:  
6 x 509 = 3054  
3 x 286 = 858  
3054 + 858 =  
3912  
3912/10000 =  
0.3912 ha

3. The permit holder shall provide Council with a monthly record of the volumes of feed discharged at each cage on each site. The report shall be in the format attached hereto as Appendix A.

### ***Staging of Discharge Volumes***

#### ***Stage 1***

4. The first stage of the consent shall be for a period of not less than 18 months from commencement of the operation of this consent. The maximum volume of feed to be discharged during stage 1 shall be 1,000 metric tonnes per 18 month period.
5. Within 6 months of commencement of the consent, the consent holder shall monitor the sea floor in accordance with the environmental monitoring programme to be agreed, as specified under conditions 23 to 26.
6. A full report detailing the state of the sea floor shall be submitted to the Council within 2 months of the monitoring set out in condition 5 being completed.
7. On receipt of the monitoring report, the Council shall if necessary, within 1 month, initiate a review of the conditions of this consent, including the maximum volumes to be discharged, in accordance with sections 128 and 129 of the Resource Management Act 1991, and as further specified under condition 29.
8. Within 1 year after commencing the discharge set out in condition 4, the consent holder shall monitor the sea floor in accordance with the environmental monitoring programme to be agreed.
9. A report detailing the state of the sea floor shall be submitted to the Manager, Resource Consents, Marlborough District Council, within 2 months of the monitoring required in condition 8 being completed.
10. On receipt of any of the monitoring reports provided for in this consent, the Council shall if necessary, within 1 month of receipt of the same, initiate a review of the conditions of this consent, including the maximum volumes of feed to be discharged, in accordance with sections 128 and 129 of the Resource Management Act 1991, and as further specified under condition 29.

#### **NOTE:**

- (a) It is expected that no review will be required if any additional adverse effects between the monitoring show that such effects are no more than minor.
- (b) The consent holder is expected to give effect to this consent as soon as practicable.
- (c) It is accepted that some variation of about 15% of the 1,000 metric tonnes per annum discharge within each 12 month period will not be significant in assessing any change in effects between the two monitoring events in conditions 5 and 8.





## **STAGE 2**

11. 18 months after the commencement of consent and subject to receipt by Council of the monitoring reports specified under conditions 6 and 9 above and further subject to any review of conditions of this consent specified in condition 10, the consent holder may in any 18 month period discharge up to a maximum of 1,770 metric tonnes.
12. 6 months after commencing discharge at the 1,770 metric tonnes per 18 month maximum specified above, (or such lesser maximum as per condition 17) the consent holder shall monitor the sea floor and water column in accordance with the environmental monitoring programme to be agreed, as specified under conditions 23 to 26.
13. A full report detailing the state of the sea floor and water column shall be submitted to the Council within 2 months of the monitoring being completed.
14. On receipt of any monitoring report provided for in this consent, the Council shall if necessary, within 1 month, initiate a review of the conditions of this consent, including the maximum volumes to be discharged, in accordance with sections 128 and 129 of the Resource Management Act 1991, and as further specified under condition 29.
15. 12 months and annually thereafter after commencing discharge at the 1,770 metric tonnes maximum specified above (or such lesser maximum as per condition 18), the consent holder shall monitor the sea floor and water column in accordance with the environmental monitoring programme to be agreed. A full report detailing the state of the sea floor and water column shall be submitted to the Manager, Resource Consents, Marlborough District Council, within 2 months of the monitoring being completed.

### ***Fallowing / Site Rotation***

16. This consent is specific in approving the activity at the location set out in the application and does not approve rotation of the cages within the marine farm provided that;
  - (a) If there are events or circumstances that give rise to the need to move the marine farm activities the consent holder shall advise the Council of those circumstances and the need to move the cages. Particulars shall include the event, effects, likely duration and proposed remedial steps.
  - (b) The Council may give approval to move the cages to an alternative location within the farm for a period of not more than 6 months in total on such conditions as it thinks fit.
  - (c) More than one application may be made during the term of this consent but each shall be for no more than 6 months in total and no application shall have the effect that the cages are left on an alternate site for a period of more than 6 months. For the avoidance of doubt successive applications without reinstatement to the original site shall not be permitted.
  - (d) At the conclusion of any term specified by Council for any approval under this condition the cages shall be reinstated to their original location. (NOTE: This does not preclude a variation to this consent or this provision.)



### ***Implementation of Stages and Discharge Volumes***

17. For the avoidance of doubt in interpreting the above conditions, there shall be a review of conditions prior to each of the above stages. The consent holder shall not increase the discharge of feed until the Council confirms they are satisfied that the subject stages are individually and cumulatively compliant with Environmental Quality Standards in conditions 19 to 22.
18. Should the consent holder not discharge feed to the maximum volume permitted under Stage 1, then the increase in feed permitted within the next stage shall be no more than 500 metric tonnes above the maximum feed volume discharged under the previous stage. The 500 metric tonne increment shall apply at 18 month intervals i.e. 500 metric tonnes increase each 18 months until the maximum applicable to Stage 2 is achieved.

### ***Environmental Quality Standards***

19. The Environmental Quality Standards (EQS) that shall be applied for seabed effects follow the model as presented in the application, i.e. seabed effects are 'zoned' around the cages to allow for a mixing or transition zone. Outside this zone no adverse effect on the seabed is allowed. Three 'zones' under and around the marine farm shall be established as follows:
  - (a) Referred to as 'Zone 2' - Beneath the cages and out to 50 metres from the cages.
  - (b) Referred to as 'Zone 3' - From 50 metres to 150 metres from the outside edge of the cages.
  - (c) Referred to as 'Zone 4' - Beyond 150 metres from the outside edge of the cages.
20. The zones shall be distorted to allow for the action of tidal currents such that the total area of each zone remains the same as if concentric zones were around the marine farm.
21. In this instance the zones shall be distorted as shown in the application document. The extent to which the zone boundaries can deform will be specified in the consent holders' environmental monitoring plan based on the shape of the predicted depositional footprint (i.e. Length:Width).
22. The EQS in each zone will be managed with reference to permitted 'impact stages', as depicted and defined in Figure 1. In relation to Figure 1, the effects within the zones specified in condition 19 will not exceed (i.e. be higher than) the following impact stages:

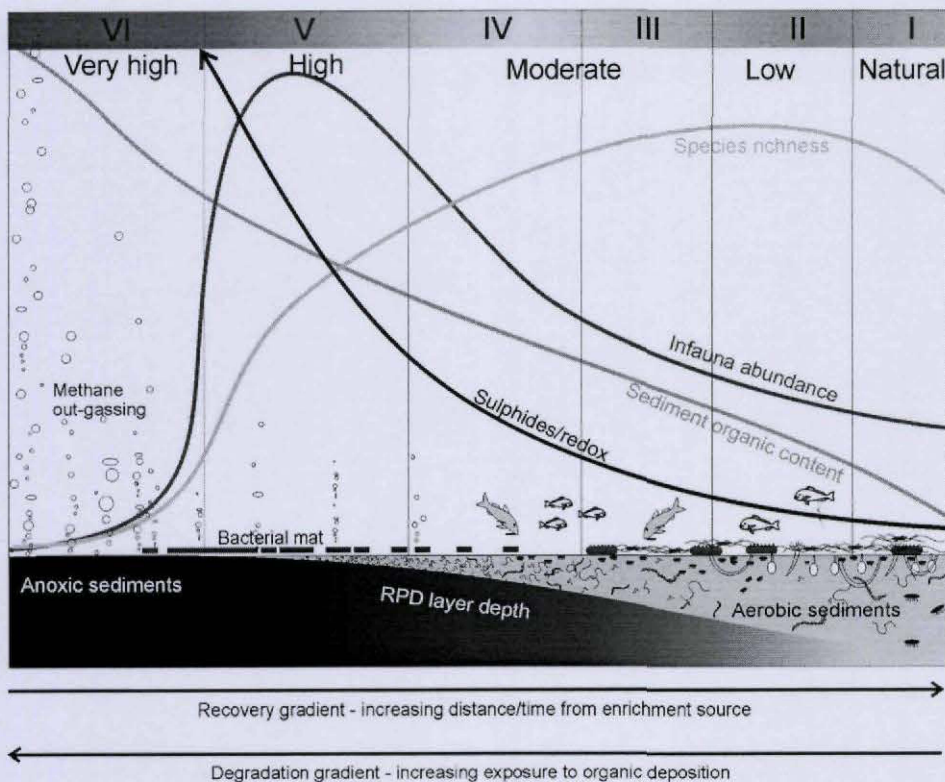
Zone 2 shall not be more than the transition between Stages IV and V.

Zone 3 shall not be more than the transition between Stages III and IV.

Zone 4 shall not be more than the transition between Stages I and II.

Note: These zones may be further refined once the monitoring programmes required by conditions 23 to 25 are completed.





**Figure 1. Stylised diagram indicating how environmental variables change over an enrichment gradient in relation to impact stages I-VI.**

### **Environmental Monitoring and Reporting**

23. Prior to exercising the consent, the consent holder shall prepare an environmental monitoring programme to show compliance with the Environmental Quality Standards set out in conditions 19 to 22 of this consent.
24. This monitoring programme shall be submitted to the Council for approval and shall address, but not be limited to, the following effects within the boundary of the marine farm and in the immediate vicinity beyond the boundary of the marine farm:
  - (a) effects on water quality (including nitrogen and phosphorus);
  - (b) seabed deposition (sedimentation and crop loss) and oxygen depletion;
  - (c) effects on benthic community composition and abundance;
  - (d) effects of heavy metals - copper and zinc; and
  - (e) the appropriateness of and need for fallowing.
25. The survey/monitoring programme shall describe:
  - (a) the surveys, baseline and/or ongoing, to be undertaken;
  - (b) location and extent of any environmental features within the vicinity and potential impacts on these features;
  - (c) the environmental performance indicators that are to be used to assess effects;

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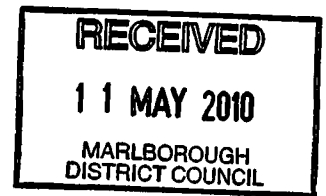
- (d) methods, location and frequency of sampling, including reference sites;
  - (e) a definition of species diversity and what comprises the transitional zone;  
and
  - (f) recording and reporting requirements.
26. A monitoring report is to be prepared at least annually, and will include:
- (a) presentation of monitoring results;
  - (b) a comprehensive and integrated report on the effects of the development and operation of the farm to date, including maximum biomass of fish and feed volumes discharged over that year;
  - (c) an assessment as to whether or not the farm is having a significant adverse effect on the environment or not;
  - (d) recommendations as to how any adverse effects on the environment can be avoided, remedied or mitigated;
  - (e) the adequacy of the monitoring programme. Note: The monitoring programme shall be public record; and
  - (f) the state of the seabed before and after fallowing.
27. The consent holder shall commission an independent person (or persons) with appropriate expertise in environmental monitoring to undertake the monitoring and reporting work required by the conditions of this consent.
28. The Marlborough District Council may require an independent peer review of the surveys, monitoring and reporting required by this consent. Such a peer review will be at the cost of the consent holder.
29. That in accordance with sections 128 and 129 of the Resource Management Act 1991, the consent authority may review the conditions of this consent by serving notice of its intention to do so for one or more of the following purposes:



PURPOSE(S)	TIME(S) OF SERVICE OF NOTICE
To modify the monitoring programme.	Within 1 month of receipt of any monitoring report as required by the conditions of this consent.
To deal with any adverse effects that may become apparent as a result of the exercise of this resource consent.	<p>Within 1 month of receipt of the monitoring report required by conditions 5, 7 and 9 of this consent (Stage 1).</p> <p>Within 1 month of receipt of the monitoring report required by conditions 13 and 15 of this consent (Stage 2).</p> <p>Within 6 months of receipt of any other monitoring report required under the conditions of this consent.</p>
To require the consent holder to adopt the best practicable option to avoid, remedy or mitigate any adverse effect on the environment relating to the activity.	<p>Within 1 month of receipt of the monitoring report required by conditions 5, 7 and 9 of this consent (Stage 1).</p> <p>Within 1 month of receipt of the monitoring report required by conditions 13 and 15 of this consent (Stage 2).</p> <p>Within 6 months of receipt of any other monitoring report required under the conditions of this consent.</p>

30. In the event of non-compliance with the Environmental Quality Standards set out in conditions 19 to 22, the consent holder shall work with the consent authority to ensure the full compliance is re-established within 24 months.
31. Pursuant to section 36 of the Resource Management Act 1991 and Marlborough District Council's Schedule of Fees, the consent holder shall pay all actual and reasonable costs associated with any review of this resource consent.
32. Inspection and monitoring by Marlborough District Council's Regulatory Department in respect of the conditions of this consent may take place annually or more frequently in the event that a previous inspection or complaint indicates the need for more frequent inspection and monitoring.
33. The costs of these inspections and any formal monitoring programme established in consultation with the consent holder will be charged to the consent holder in accordance with Council's Schedule of Fees approved pursuant to section 36 of Resource Management Act 1991.





**FEEED TO BROOD REPORT**

**SITE 8513/L48 Crail Bay**

**Month October 2010**

**10 Brood opening total feed to date  
Kgs**

<b>10 Brood</b>	<b>Cages</b>	<b>Current month feedout kgs</b>
10B01	1	
10B02	2	
10B03	3	

**Totals**

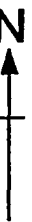
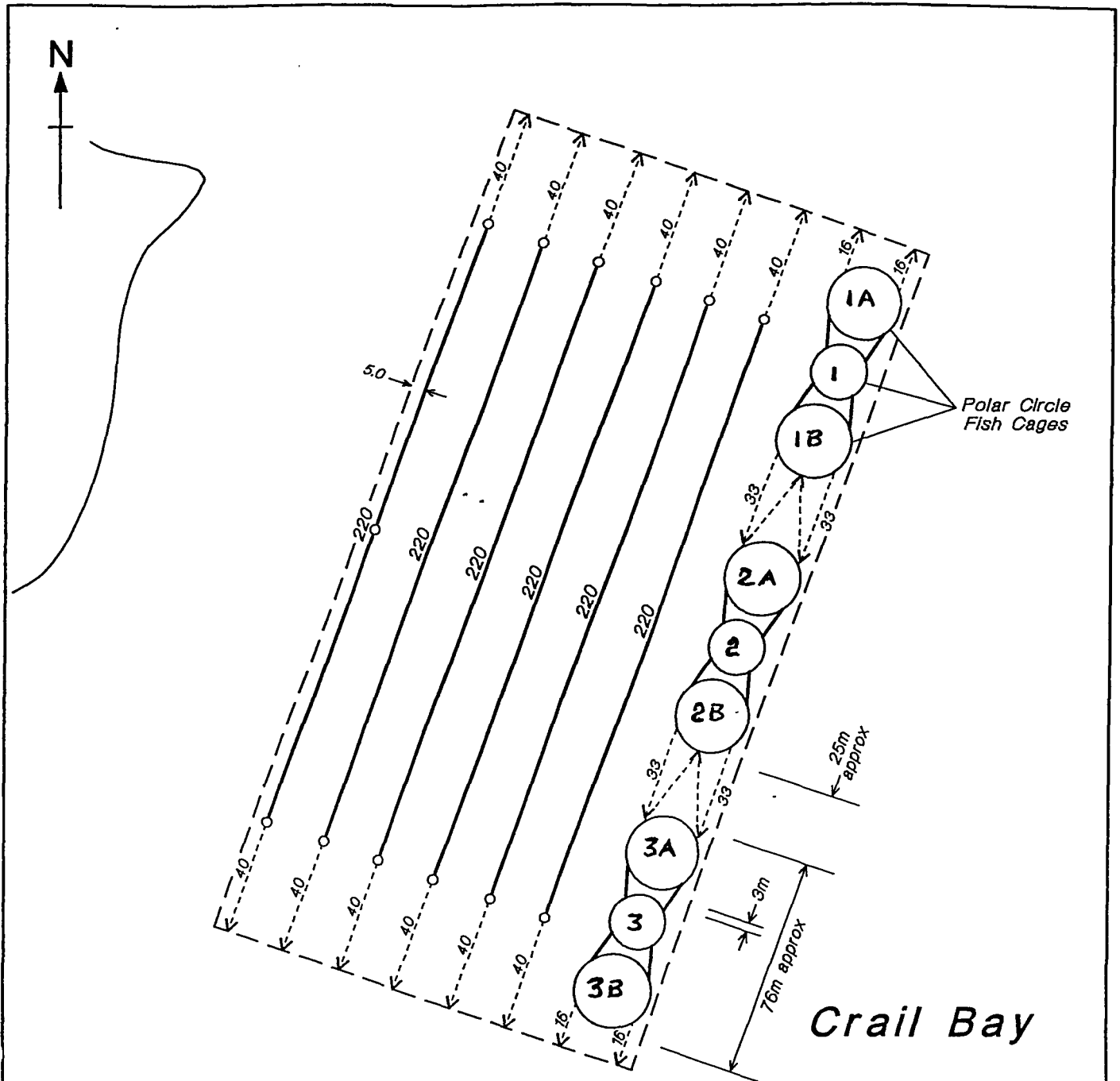
**10 Brood closing total feed to end October  
Kgs**

**11 Brood opening total feed to date  
Kgs**

<b>11 Brood</b>	<b>Cages</b>	<b>Current month feedout kgs</b>
11B01	1	
11B02	2	
11B03	3	

**Totals**

**11 Brood closing total feed to end October  
Kgs**



- REFERENCE**
- Orange Float
  - △ Anchors
  - - - - Anchor Warp (32mm Rope)
  - Backbone (24-28mm Rope)

**RECEIVED**  
 - 7 SEP 2009  
 MARLBOROUGH  
 DISTRICT COUNCIL

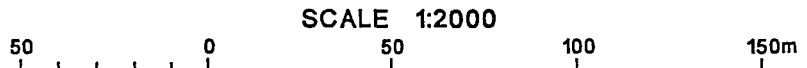
NOTE: Longline Spacing = 20m  
 Total Longlines = 6  
 Total Backbone Length = 1320m  
 Warp Lengths = 50m (surface loss)



## Variation of Structures

### MFL 048 (Site 8513)

### Marlborough Mussel Co Ltd



PALMS

11 August 2009

MF\_1913a

## ANNOTATION HISTORY

Date	Reason for Amendment/Alteration
09/07/2010	Commissioner Hearing Decision Document
11/07/2011	Transfer – Change of name <b>from</b> Pacifica Salmon Limited <b>to</b> The New Zealand King Salmon Co Limited.
04/04/2014	Section 127 Decision by Commissioners (i) to vary the conditions of existing resource consent U090660; (ii) s88 to permit a moored service barge on an existing salmon farm in Crail Bay
01/08/2014	Consent Notice Issued dated 30/07/2014.
26/01/2015	Section 127 Variation - to change condition 27 of resource consent U090660 granted 23/01/2015

Record No Hearing Decision Document: 10206685

Record No Annotation History: 11111586