



RESOURCE MANAGEMENT ACT 1991

Decision of Marlborough District Council

RESOURCE CONSENT: U160675

APPLICANT: The New Zealand King Salmon
Company Limited and Te Ātiawa o Te
Waka-a-Māui Limited

LOCATION: West of Te Uira-Karapa Point (Clay
Point), Tory Channel

SITE NUMBER: 8407

THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:

New coastal permit (replacing MFL537, U060926, U080054 and U080726) for an existing salmon farm at marine farm site 8407 west of Te Uira-Karapa Point (Clay Point), Tory Channel, including all activities ancillary to the farm's operation.

DECISION: **Granted**

RESOURCE CONSENT ISSUED:

Coastal Permit

Certificate of Resource Consent

Consent Holder: The New Zealand King Salmon Company Limited and Te Ātiawa o Te Waka-a-Māui Limited

Consent Type: Coastal Permit

Consent Number: U160675

Marine Farm Site No.: 8407

Lapse Date: 1 May 2017

Expiry Date: 1 December 2036

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and sections 104, 104D, 105 and 107 of the Resource Management Act 1991, the Marlborough District Council **grants** a new coastal permit (replacing MFL537, U060926, U080054 and U080726) for an existing salmon farm at marine farm site 8407 west of Te Uira-Karapa Point (Clay Point), Tory Channel, including all activities ancillary to the farm's operation, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

General

1. Upon the commencement of this resource consent, existing deemed coastal permit MFL537 and coastal permits U060926, U080054 and U080726 (in as far as they relate to salmon farming at site 8407), shall be deemed to be surrendered and replaced by this consent U160675 and all of the conditions herein. Monitoring in the 2016/2017 period shall be undertaken in accordance with this consent.
2. The consent holder shall ensure that unless agreed as below, all monitoring, reporting, timing of surveys, survey methodologies, data collection, data analysis, and timing of reporting complies with the *Best Management Practice Guidelines for Salmon farms in the Marlborough Sounds: Benthic environmental quality standards and monitoring protocol* November 2014 (Best Management Practice Guidelines: Benthic) attached as **Appendix A**, or any successor document/s by agreement in writing between the consent holder and Compliance Manager, Marlborough District Council. Technical aspects of survey methodologies, data collection and data analysis may be altered by agreement in writing between the consent holder and Compliance Manager, Marlborough District Council.

3. In accordance with the provisions of sections 128 and 129 of the Resource Management Act (or any provision in substitution thereof), the Council may, at the time(s) specified in Table 1 below, review the conditions of consent by serving notice of its intention to do so for one or more of the purposes specified in Table 1:

Table 1: Purpose and Times of Potential Review of Conditions of this Consent

Purpose(s)	Time(s) of Service of Notice
To deal with any adverse effect on the environment which may arise from the commencement of the consent and which cannot be adequately avoided, remedied or mitigated by any term or condition incorporated within the consent, pursuant to the provisions of section 128(1)(a)(iii) of the Act.	On the first day of any month.
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.	On any anniversary of the granting of this consent.
To address any matter which might be incorporated or absent in the safety management plan.	Within 30 days of being provided with a safety management plan or a revised safety management plan pursuant to condition 23.
To incorporate the outcomes of the Best Management Practice Guidelines: Water Column.	Within 6 months from the Guidelines being adopted in writing by the consent holder and the Marlborough District Council.
To review or replace the water quality conditions.	Within 30 days of receiving the MEMAMP pursuant to condition 34, monitoring report pursuant to condition 37 or within 6 months from the Best Management Practice Guidelines: Water Column being adopted in writing by the consent-holder and the Marlborough District Council.
To review or replace the benthic conditions.	Within 30 days of receiving the MEMAMP pursuant to condition 34 or monitoring report pursuant to condition 37.
To address matters relating to the environment identified by information and advice and comments from iwi provided pursuant to condition 36.	Within 30 days of receiving the MEMAMP pursuant to condition 34.
To review the maximum feed able to be discharged pursuant to the consent.	Within 30 days of receiving notice pursuant to condition 26(e).

Occupancy

5. The occupancy shall be limited to the 19.6436 hectare area illustrated on the plan attached to this consent as **Appendix B** and confined to the area specified within the associated schedule of New Zealand Transverse Mercator co-ordinates.
6. As volunteered by the consent holder, the maximum area of net pen surface structures (other than temporary net pens for transferring salmon to or from the marine farm or for harvest) shall be 2.0 hectares and shall at all times be located within the 3.15 hectare Net Pen Area boundary (as shown in Appendix B).
7. The consented area may be exclusively occupied to the extent necessary to undertake the activity and ensure the safety and security of the marine farm and all its structures. In particular, the physical space occupied by all surface structures, including all net pens and barge(s), may be exclusively occupied; and all mooring lines extending from the structures to the seabed and the anchoring systems within the seabed may exclusively occupy the physical space that they occupy, but not the water space above, between and below the lines (other than as necessary to ensure the safety and security of the lines and anchoring systems).

Noise

8. All marine farming shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits when measured no closer than 250 metres from any marine farm surface structure:

0700 hours - 2200 hours Monday to Friday and 0700 hours - 1200 hours Saturday	55 dBA L_{Aeq}
On any day between 0700 hours and 2200 hours	No L_{max} limit
At all other times including any public holiday	45 dBA L_{Aeq} , and 75 dB L_{AFMax}

9. Noise shall be measured in accordance with NZS 6801:2008. Noise levels shall be assessed in accordance with NZS 6802:2008. Any construction activities must not exceed noise limits specified in Table 2 in NZS 6803:1999.
10. The following activities shall be exempt from the above noise standard:
 - a) Noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
 - b) Noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage; or
 - c) Noise ordinarily generated by the arrival and departure of vessels servicing the marine farm.
11. As volunteered by the consent holder, the use of outdoor radios or similar external speakers on the marine farm is prohibited.

Structures

12. The structures shall be limited to moorings, anchors, ropes, droppers, net pens and barges, floats and lights and other necessary navigational aids 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 consent area at all times.
13. No more than one barge may be permanently located on the site. The maximum footprint of the barge is not to exceed 280 square metres. The maximum height of a fully laden barge is not to exceed 7.5 metres above water level. The barge shall be situated and maintained in a position adjacent to any edge of the net pens. All parts of the barge (including its roof and ancillary features, including all associated parts such as the curtains, blinds or shutters) shall be finished in non-reflective material and painted in a dark colour with a reflectivity value between 5 percent to 30 percent. Curtains, blinds or shutters are to be provided for all windows.
14. Net pens and exterior above-water metal structures (other than surface walkways) are to be painted or finished in dark recessive colours. Structures in existence at the date of granting this consent are able to remain until they need replacing or refurbishment.
15. Black or similar dark colours are to be used for predator nets, grower nets and bird netting. Nets in existence at the date of granting this consent are able to remain until they need replacing.
16. The consent holder shall ensure that the submerged artificial lighting set up in each net pen will not be comprised of any more than the luminance of nine 1000 watt halide underwater lights.
17. The consent holder shall 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.
18. Any mooring system used to secure the structures shall be designed and certified by a suitably qualified Chartered Professional Engineer with appropriate expertise in marine engineering. An engineer's certificate shall be provided on request to the Marlborough District Council Compliance Manager if any significant changes are made to the design or operation of the mooring system.
19. The consent holder shall ensure that no mooring line is within 4.0 metres of the surface of the water beyond 20.0 metres distance from any part of the surface structures.
20. The type, design, functionality and placement of marine farm lighting and marking must be as 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.
21. The net pens and barge shall carry the name of the consent holder and the site number issued by the Marlborough District Council (#8407) displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10.0 metres.
22. All lights used on the farm, including underwater lighting, flood lighting and lighting of and internal to the barge shall be operated to ensure they do not materially interfere with navigational safety.

23. The consent holder shall prepare, to the satisfaction of the Harbourmaster, a safety management plan and provide it to the Compliance Manager, Marlborough District Council. The safety management plan shall include but not be limited to:
- a) As built plan for the layout and structure of the marine farm;
 - b) A maintenance plan, suitable for the moorings, navigational lighting and associated equipment (e.g. radar reflectors, reflective tape, etc), together with a record system of all maintenance undertaken. The maintenance plan is to detail the inspection frequency of the mooring mechanisms for the farm to ensure that these remain stable;
 - c) A mooring design plan for the size of the structure, and the position intended with respect to water depth, tides and currents, sea and swell conditions and seabed composition. Proof of fitness-for-purpose rests with the consent holder; and
 - d) A construction plan to manage the effects of the presence of ferries, ferry wash, any particular requirements of construction, and is to require consultation with the ferry operators prior to any planned work between the farm and the ferry tracks. The purpose of the construction plan is to take reasonable steps to avoid interference with the navigation of ferries.

The safety management plan is to be provided to the Compliance Manager, Marlborough District Council 6 months after the commencement of this consent, or prior to any planned construction work between the farm and the ferry tracks, whichever is the earlier. The consent holder may review the safety management plan from time to time. Any amended safety management plan is to be provided to the Marlborough District Council.

Note: The Marlborough District Council has the ability to review the consent conditions pursuant to section 128 once it has received the safety management plan. It may exercise that power because (among other reasons) it considers the safety management plan inadequate or it considers that a different outcome is desirable.

Discharges

24. The maximum greywater discharge shall not exceed 1.0 cubic metre per day. The consent holder shall ensure that an appropriate system is operated at the marine farm to quantify the volume of greywater discharged. It will be appropriate to measure the volume discharged by proxy (i.e. by measuring the amount of fresh potable water which is brought onto the barge(s) and assuming it is all discharged via the greywater system). The results shall be provided to the Marlborough District Council Compliance Manager on request.
25. The consent holder may discharge a maximum of **4500 tonnes** of feed per annum. That amount may be increased in accordance with condition 26 below. The consent holder shall establish and maintain a feed log, detailing monthly volumes of feed discharge and the location of the discharge. This shall be provided to the Marlborough District Council Compliance Manager on request.
26. The maximum feed able to be discharged may increase by 250 tonnes per annum where:
- a) Three years of monitoring results are available pursuant to this consent;
 - b) The consent has been operated within 300 tonnes of the maximum discharge level applicable for 3 years prior to the increase;

- c) There have been no exceedances of the WQS, BQS or industry operational goal parameters defined in the Best Management Practice Guidelines: Benthic or MEMAMP at the farm for the preceding 3 years;
- d) There are no identified ecologically significant changes in community structure and health of the identified reef complexes in the vicinity of the site attributed to the farm; and
- e) Written notice is given to the Compliance Manager, Marlborough District Council of the consent holder's intention to increase the maximum feed able to be discharged.

Note: The Marlborough District Council has the ability to review the consent conditions pursuant to section 128 once it has notice of the consent holder's intention to increase the feed cap. It may exercise that power because (among other reasons) it considers the increase inappropriate or it considers that a different outcome is desirable.

Water Quality

27. The marine farm shall be operated at all times in such a way as to achieve the following Water Quality Objectives in the water column:
- a) To not cause a change in the typical seasonal patterns of phytoplankton community structure (i.e. diatoms vs. dinoflagellates), and with no increased frequency of harmful algal blooms (HAB's);
 - b) To not cause reduction in dissolved oxygen concentrations to levels that are potentially harmful to marine biota;
 - c) To not cause elevation of nutrient concentrations outside the confines of established natural variation for the location and time of year, beyond 250 metres from the edge of the net pens;
 - d) To not cause a statistically significant shift, beyond that which is likely to occur naturally, from an oligotrophic/mesotrophic state towards a eutrophic state;
 - e) To not cause an obvious or noxious build-up of macroalgae (e.g. sea lettuce) biomass.

The water quality objectives shall be used to define the Water Quality Standards (WQS). The marine farm shall be operated at all times in such a way as to achieve the WQS.

28. If any WQS parameter exceeds the following limits, the consent holder must follow the WQS management response documented in the MEMAMP as per condition 34:
- a) Chlorophyll-a concentrations above 3.5 milligrams per cubic metre;
 - b) Total Nitrogen concentration above 300 milligrams per cubic metre.
29. If any WQS parameter is below the following limits, the consent holder must follow the WQS management response documented in the MEMAMP as per condition 34:
- a) 70% Dissolved oxygen saturation within 250 metres of the edge of any pen net;
 - b) 90% Dissolved oxygen saturation beyond 250 metres of the edge of any pen net.
30. In the event of an exceedance of the WQS the management response set out in the MEMAMP must be followed.

Benthic Standards

31. If any Copper and Zinc levels measured in the ZME exceed the Australian and New Zealand Environment and Conservation Council (ANZECC) (or any revised or replacement New Zealand standard) Interim Sediment Quality Guidelines (ISQG- High) Level for the total recoverable fraction of these metals, monitoring and operational responses identified in the decision tree in the Best Management Practice Guidelines: Benthic shall be followed.
32. The ZME shall be sampled at the edge of any net pens used in the previous 12 months and the OLE shall not exceed 600 metres from the edge of the net pens in either longshore direction.
33. In the event of the mean enrichment stage (ES) as measured in accordance with the Best Management Practice Guidelines: Benthic exceeding 5.0, management responses in accordance with the Best Management Practice Guidelines: Benthic shall be followed.

Marine Environmental Monitoring and Adaptive Management Plan

34. A Marine Environmental Monitoring and Adaptive Management Plan (MEMAMP) is to be provided to the Compliance Manager, Marlborough District Council and to the iwi who have received a statutory acknowledgement¹, not later than 15 December each year for the duration of the consent, and shall be sufficient to provide reliable data on water column and benthic effects of the farm. The water column and benthic components of the MEMAMP are to be prepared and endorsed by an independent, suitably qualified, and suitably experienced water quality scientist and marine scientist, respectively. The MEMAMP is to identify:

Water Column

- a) The water column monitoring stations;
- b) The methods (including the processes to be followed) to be used in assessing water quality;
- c) The environmental parameters to be monitored and limits, in accordance with conditions 27, 28 and 29;
- d) The management response in the event of a breach of the WQS, to not be inconsistent with the process set out in **Appendix C**;

Benthic

- e) The benthic monitoring stations;
- f) The timing of the monitoring of the ZME and OLE;
- g) The environmental parameters to be monitored in accordance with the Best Management Practice Guidelines: Benthic (attached as Appendix A), subject to any amendment pursuant to condition 2;
- h) The management responses in accordance with the Best Management Practice Guidelines: Benthic (attached as Appendix A), subject to any amendment pursuant to condition 2;

¹ s41 Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, s25 Ngāti Toa Rangatira Claims Settlement Act 2014 and s38 Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

- i) The monitoring proposed for the identified reef complexes in the vicinity of the site, consistent with previous monitoring of reef habitats in the area, including identifying any long-term and short-term changes in community structure and health;
- j) A site-specific account of any recommendations or management responses from the previous year; and
- k) Detailed sampling methods.

Note: The Marlborough District Council has the ability to review the consent conditions pursuant to section 128 once it has received the MEMAMP. It may exercise that power because (among other reasons) it considers the MEMAMP inadequate or it considers that a different outcome is desirable.

35. Nothing in the MEMAMP may be inconsistent with a condition of consent or any Best Management Practice Guidelines which are referred to in this consent.

Iwi Statutory Acknowledgements

36. In addition to addressing the water quality and benthic matters set out above, the submitted MEMAMP shall:
- a) Record the comments, advice and other information provided by iwi to the consent holder received since the monitoring report was prepared pursuant to condition 37. Information that iwi do not wish to be presented in this way need not be presented;
 - b) Record the response of the consent holder to comments, advice and other information provided by iwi;
 - c) Require the monitoring report prepared pursuant to condition 37 to:
 - i) Record the comments, advice and other information provided by iwi to the consent holder from the date of the MEMAMP until 10 working days prior to the submission of the monitoring report pursuant to condition 37 in the following year. Information that iwi do not wish to be presented in this way need not be presented;
 - ii) Record the response of the consent holder to comments, advice and other information provided by iwi; and
 - iii) Record any further monitoring arising from the comments, advice and other information provided by iwi which the consent holder chooses to undertake; and
 - d) In the first year of this consent, in addition, the MEMAMP shall detail that, no later than 15 December 2016, a letter will be sent to iwi who have received a statutory acknowledgment identifying with whom iwi should correspond and inviting iwi to make contact and arrange to discuss matters of concern to iwi relevant to the consent. The letter will invite a response within 3 months. The consent holder shall report on any specific issues raised by iwi relevant to the consent in accordance with condition 37.

Note: The Marlborough District Council has the ability to review the consent conditions pursuant to section 128 once it has received the MEMAMP. It may exercise that power because (among other reasons) it considers the MEMAMP inadequate or it considers that a different outcome is desirable.

Monitoring Report

37. An annual monitoring report shall be prepared by the consent holder for the duration of this consent. The monitoring reports shall include all results, information and methods of monitoring undertaken in accordance with the MEMAMP prepared pursuant to conditions 34, 35 and 36 above. The monitoring report shall be submitted to the Compliance Manager, Marlborough District Council by the time set in the Best Management Practice Guidelines: Benthic (attached as Appendix A) and in any event no later than 15 June following sampling that same year.
38. The monitoring report referred to in condition 37 shall be accompanied by a brief summary report providing:
- A summary of any compliances and non-compliances with consent conditions or with the applicable standards;
 - Proposed methods of resolving any non-compliances identified in clause (a) and the timeframes for achieving compliance;
 - All external certification additional to those pursuant to the Resource Management Act 1991 which the consent holder holds;
 - A list of relevant industry standards, best practice guidelines and protocols² and the consent holder's compliances and non-compliances with those standards guidelines and protocols; and
 - The outcome from monitoring effects on iwi values pursuant to the methodologies prescribed in the MEMAMP (if any).

The consent holder may report on all of their farming operations in the one document. The summary report (reporting on all farms) is intended to be between two and four pages long.

39. At the same time that the monitoring report is submitted to the Marlborough District Council pursuant to condition 37, all iwi who have received a statutory acknowledgement³, shall:
- Be provided with the summary report required by Condition 38;
 - Be provided with the full report/s required by condition 37 if requested by them; and
 - Be invited to provide any comments, advice or other information they may determine appropriate. The letter should invite comment before 15 September. The letter will indicate with whom iwi should correspond. The letter will record the steps anticipated by the consent holder leading up to the preparation of the MEMAMP in accordance with conditions 34, 35 and 36.
40. The Council may require an independent peer review of any monitoring or engineering report received from the consent holder. Such a peer review will be at the cost of the consent holder.

² Identifying and providing references to those standards, guidelines and protocols

³ s41 Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, s25 Ngāti Toa Rangatira Claims Settlement Act 2014 and s38 Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

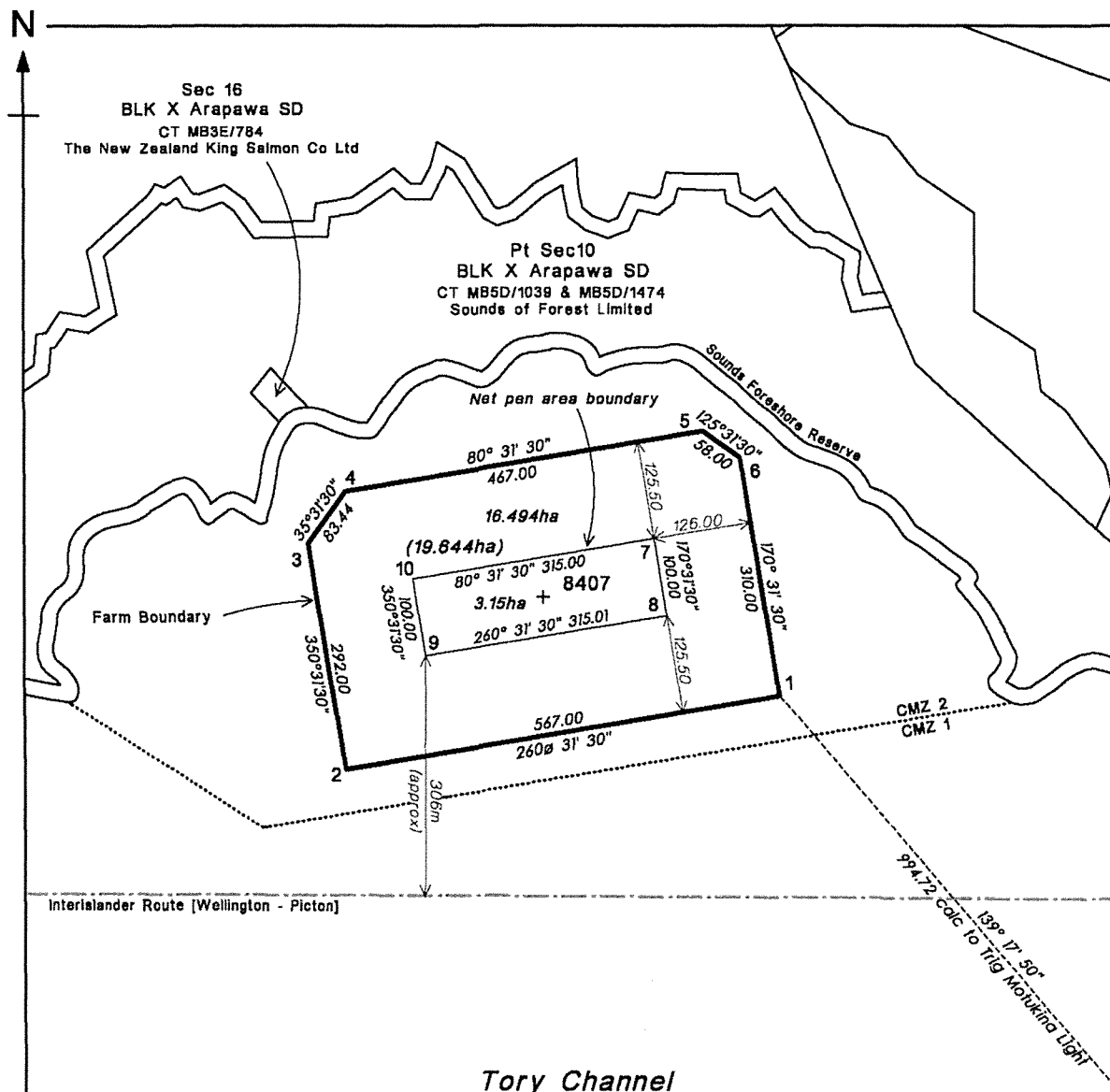
Advice Notes

1. The consent holder will in the future be required to pay coastal occupation charges if they are imposed through Council's resource management plans.
2. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent.
3. In relation to benthic, water column and reef effects the consent sets the relevant monitoring standards and methods in the MEMAMP and then monitors the impact the farm is having against those standards. The MEMAMP in certain circumstances provides the consequences of failing to meet those standards. The standards are subject to change over time. While change can occur through review of consent conditions, more refined monitoring techniques are anticipated in the near future. As a consequence provision has been made for such change while ensuring that checks and balances remain in place.
4. Upon the expiration, cancellation or surrender of the coastal permit the consent holder shall remove all structures, net pens, barges, rafts, buoys, longlines, blocks, and all associated equipment from the site, and restore the seabed as far as is practicable to its original condition. If the consent holder fails to comply with this condition Council may arrange compliance at the consent holder's expense.

U160675 – Appendix A

*Best Management Practice
Guidelines for Salmon farms in the
Marlborough Sounds: Benthic
environmental quality standards and
monitoring protocol (45 pages)*

U160675 – Appendix B

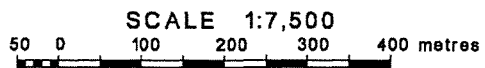


SCHEDULE OF COORDINATES
DATUM: NZTM2000

Point	East	North
1	1704501.39	5434178.51
2	1703842.11	5434083.19
3	1703894.05	5434371.20
4	1703942.53	5434439.11
5	1704403.16	5434515.98
6	1704450.36	5434482.28
7	1704339.98	5434378.20
8	1704356.45	5434279.57
9	1704045.74	5434227.72
10	1704029.28	5434326.35
Centroid	1704197.30	5434303.70
Motukina Light	1705150.08	5433422.41

Datum: NZTM2000
Marlborough District Council
The position of this application has not been surveyed
Cadastral Data from Land Information New Zealand Data

Proposed Coastal Permit Renewal of Marine Farm 8407 Clay Point, Tory Channel



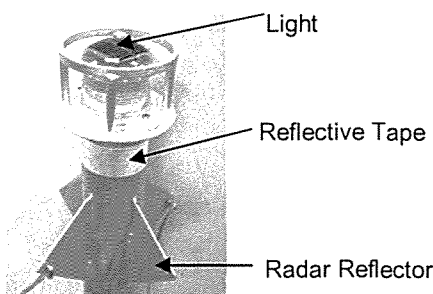
Prepared By
DRAUGHTING PLUS LTD

MF_2475C
3 November 2018

Marine Farm Lighting and Marking Plan – U060926 (Site no.8407)

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 U060926, (Site no.8407), located in Clay Point, Tory Channel, 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: F1 (5) Y (20 secs) 1m 1M.



3. That radar reflectors and a band of reflective tape 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.

Interpretation:

Light - a yellow light, group flash 5 every 20 seconds (minimum flash length not less than 0.5 seconds), height of light not less than 1 metre above the water, range at least 1 nautical mile.

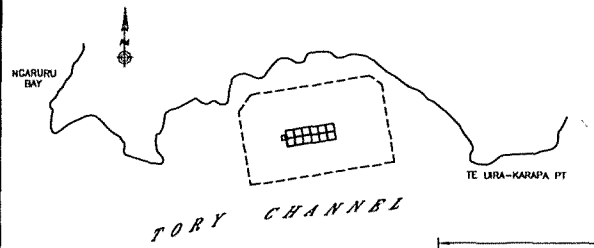
Radar reflector – to be set at not less than 1 metre above the waterline with a band of reflective tape set above this. The radar reflector should be visible on radar at a range of at least 500 metres.

Reflective tape – should be at least 50 millimetres in width and placed around the circumference of the support tube; the tape should be visible by torchlight at a range of at least 50 metres. Alternative reflectors may be substituted for reflective tape, provided that they are mounted where they are visible by torchlight from at least 50 metres all round.

5. Each end of the most landward and most seaward longlines shall carry the name of the consent holder, and the site number issued by Marlborough District Council (e.g. #8405), displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10 metres.

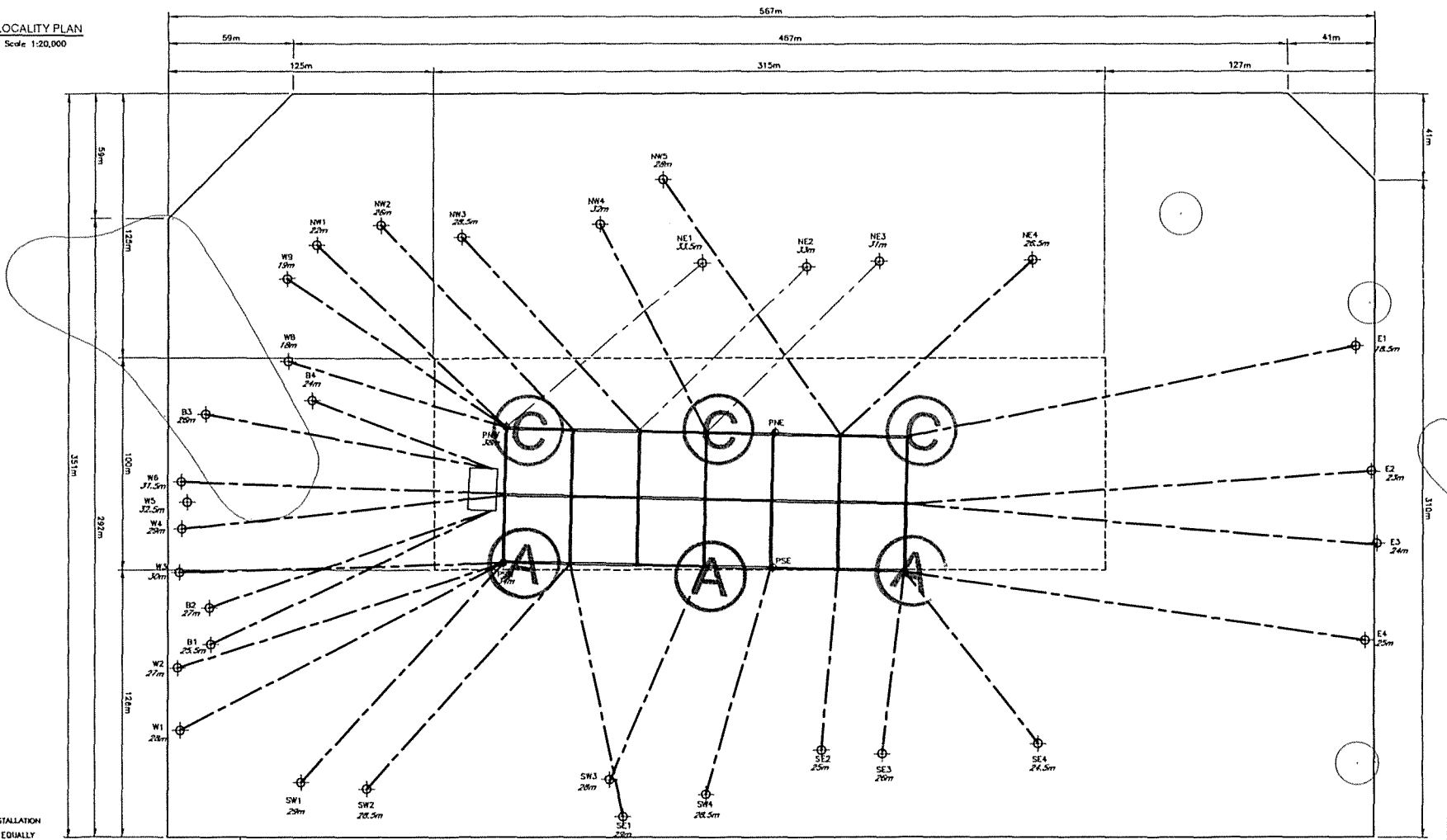
Given under my hand this 14th day of DECEMBER 2015


ALEXANDER VAN WIJNGAARDEN



SCREW ANCHOR COORDINATES TO NEW ZEALAND MAP GRID																				
CODE	EASTING	NORTHING	CODE	EASTING	NORTHING	CODE	EASTING	NORTHING	CODE	EASTING	NORTHING	CODE	EASTING	NORTHING	CODE	EASTING	NORTHING			
NW1	2613981.1	5996079.0	NE2	2614209.6	5996108.3	E4	2614197.3	5995976.4	SW2	2614046.3	5995830.7	W4	2613940.2	5995937.4	E2	2613956.0	5995902.7	PSW	2614092.2	5995945.4
NW2	2614009.1	5996094.5	NE3	2614242.7	5996116.2	SE1	2614167.5	5995837.9	SW3	2614158.5	5995852.9	W5	2613940.6	5995950.1	E3	2613942.2	5995992.7	PNW	2614083.0	5996008.9
NW3	2614047.4	5996095.4	NE4	2614313.4	5996128.7	SE2	2614254.1	5995883.8	SW4	2614204.0	5995854.7	W6	2613936.3	5995969.3	E4	2613990.8	5996000.4	PNE	2614208.1	5996027.1
NW4	2614110.6	5996112.0	E1	2614469.9	5996113.1	SE3	2614282.5	5995886.8	W1	2613953.2	5995843.4	W8	2613976.8	5996022.8				PSE	2614217.5	5995964.1
NW5	2614136.2	5996137.6	E2	2614487.3	5996055.3	SE4	2614353.7	5995903.6	W2	2613949.2	5995872.0	W9	2613969.7	5996061.3						
NE1	2614160.9	5996102.0	E3	2614495.4	5996022.1	SW1	2614015.3	5995828.8	W3	2613942.5	5995916.9	W1	2613962.6	5995885.8						

LOCALITY PLAN
Scale 1:20,000



Page 2 of 2

- LEGEND**
- WARPS PASSING OVER
 - WARPS PASSING UNDER
 - NEW HOPAS SCREW ANCHORS
 - AREAS OF SENSITIVE SEABED
 - Water Depth

- NOTE**
- ALL ANCHORS TO BE TESTED AFTER INSTALLATION
 - ALL ANCHOR WARPS TO BE TENSIONED EQUALLY

LICENCE BOUNDARY

PLAN OF U10 CONFIGURATION
Scale 1:2000

Amendments	Rev'n	Date	Drawn	Issued for	Checked	Approved	Date	06/06
WARP NW4 TIED OFF TO NE3 POSITION	T	14/02/14	RVE					
WARP W5 REMOVED	S	24/07/13	RVE					
SW1, SW2 AND SE1 TIE OFF POINTS CHANGED FROM REV M	P	21/09/12	RVE					
THE OFF POINTS OF WARPS SE1, SE4 + E1 CHANGED TO ALLOW REPAIRS OF WEST CASES	N	31/05/12	RVE					

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NZ KING SALMON CO. LTD
CLAY POINT SALMON FARM
PLAN OF PROPOSED U12 CONFIGURATION

Scale (A3)	ACAD Filename
AS SHOWN	051103/DR-051103-027
Drawing No.	Rev.
DR-051103-022	T

U160675 – Appendix C

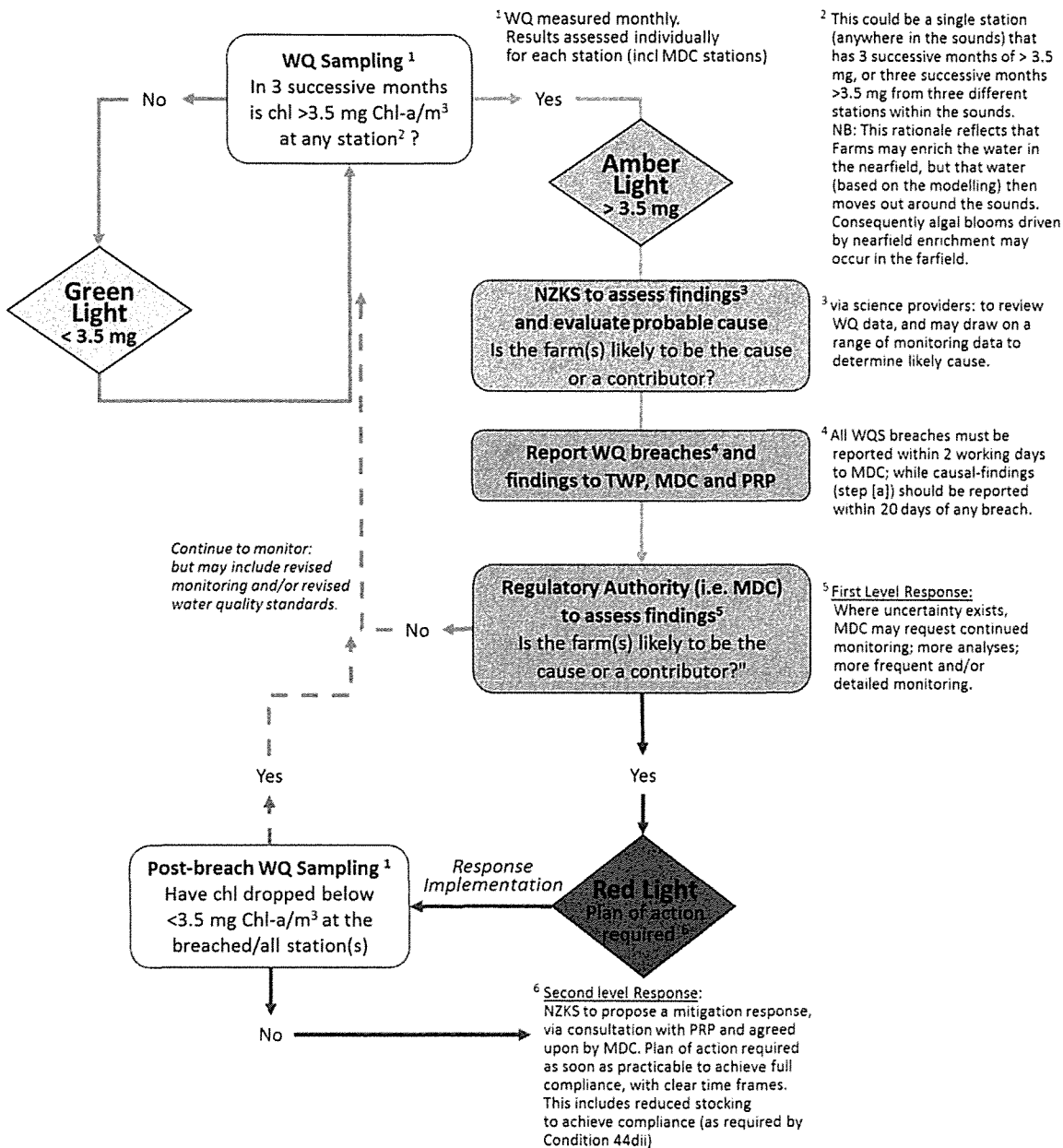


Figure 75: Flow diagram to illustrate the proposed management regime for water-quality monitoring for chlorophyll. This is proposed as a precautionary approach, to be reviewed and possibly changed after the first 12 months of monitoring to ensure a balance between false negatives (WQS not constrained enough, so farm impacts go undetected) and false positives (WQS too constrained resulting in high numbers of breach due to natural exceedances, i.e. that are not farm-induced). Conceptually equivalent regimes are proposed for other WQS variables. Other indicators of change and trophic status (DRP, taxonomic composition) may be assessed during the periodic reviews or as a part of the amber-status evaluation.

Reasons

Proposal

1. The applicant seeks replacement resource consent for an existing salmon farm (site 8407) located in Tory Channel, comprised of the following key elements:
 - a) A 19.644 hectare farm area containing the net pens and associated anchoring system;
 - b) A 2 hectare area of surface structures positioned within a 3.15 hectare subset of the overall farm area;
 - c) The rearing and harvest of **chinook salmon** (*Oncorhynchus tshawytscha*), including the discharge of 4500 tonnes of salmon feed per annum;
 - d) The discharge of natural fouling organisms and anti-fouling media to the sea associated with cleaning of farm structures;
 - e) Installation and use of underwater lights in net pens;
 - f) Permanent stationing of a barge to be used for the storage and handling of feed; the storage of ancillary farming equipment and staff accommodation, including the discharge of greywater to the sea;
 - g) The taking and discharge of coastal water associated with harvesting;
 - h) Implementation of the Best Management Practice guidelines for salmon farms in the Marlborough Sounds: Benthic environmental quality standards and monitoring protocol (November 2014) (or BMPGB in this report);
 - i) The surrender of all existing consents for the site upon the granting of the new consent; and
 - j) A consent duration of 20 years.
2. It is noted that the original application sought to shift the farm and net pen boundaries further to the south. This aspect of the application was withdrawn following the close of submissions so that the farm is proposed to remain within its existing consented location.

Background

3. The subject marine farm site 8407 benefits from deemed coastal permit MFL537 and resource consents U060926, U080054 and U080726, all of which are due to expire on 31 December 2024. Those consents allow for a virtually identical salmon farm to that now proposed. The key differences are the potential increase in salmon feed from 4000 tonnes to upwards of 4500 tonnes and the ability to modify the net pen design. The proposed monitoring and reporting regime is also enhanced compared to the existing consents for the farm.

Description of Receiving Environment

4. The application site is located on the northern coastline of Tory Channel, about 7 kilometres to the southwest of the channel entrance from Cook Strait. Resource uses in the immediate area include inter-island shipping movements, water based recreation, exotic plantation forests, mussel and salmon farming, rural land reverting to a native forest cover, and discrete pockets of residential and ancillary development along the coastal fringe. The land directly backing the application site rises in moderately steep pine-covered slopes to a high point of 300 metres above sea level.

Activity Status

5. The application site is located within the Coastal Marine 2 zone as defined in map 42 of the Marlborough Sounds Resource Management Plan (the Plan). As the proposed seaward boundary of the farm would be more than 200 metres from the line of mean low water springs, the proposal overall constitutes a non-complying activity under Rule 35.5 of the Plan.

Notification

6. The application was publicly notified on 15 September 2016. The period for submissions closed at 5 pm on 13 October 2016. Council received three submissions, being from Te Atiawa Manawhenua Ki Te Tau Ihu Trust; Kiwirail Holdings Limited; and Te Runanga O Ngati Kuia and Ngati Apa Ki Te Ra To Trust. The following key issues were raised:
 - a) The coastal permit must be consistent with and adhere to the Best Practice Guidelines for Salmon Farms as displayed on the MDC website.
 - b) Consideration of ferry movements must be provided for in management of the installation of the repositioned farm.
 - c) The mooring mechanisms for the farm must be regularly inspected and maintained to ensure the farm remains securely fastened.
 - d) Farm lights must be controlled to ensure no interference with navigational safety.
 - e) The proposal has effects on historical, cultural, economic and environmental interests of Ngati Kuia and Ngati Apa and specifically but not restricted to water quality, kaitiakitanga, use and access, navigation, Treaty of Waitangi and recognised rights, noise, light, discharges and maori values.
7. Each of the submitters withdrew their respective wish to be heard following various reductions to the scope or effects of the application and the inclusion of a number of volunteered conditions to address all of the identified concerns.

Assessment of Effects

8. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991 (the Act), the continued existence of the marine farm and all associated activities is concluded likely to have acceptable adverse effects on the ecological values, natural character, landscape values, amenity values, recreation values, cultural values, maritime safety and other users of the locality. In reaching this conclusion it is assessed that the implementation of the best practice guidelines will adequately manage the actual and potential adverse effects on the ecological values of the locality. In summary, effects on the benthic environment, water column, reefs and iwi are to be managed by the annual lodging with Council and iwi of a Marine Environment Monitoring and Adaptive Management Plan (MEMAMP). That MEMAMP:
 - a) Describes the methods to be used to monitor whether the conditions of consent including the conditions, standards or objectives set out in the consent are complied or not complied with;
 - b) Describes how the results of the monitoring should be reported; and
 - c) In some circumstances (where required by the conditions) describes the consequences of certain monitoring results.
9. An annual report on the results of the MEMAMP is to be subsequently provided to Council and iwi and will inform the following year's MEMAMP.

10. With regard to public access and maritime safety, consent conditions are imposed to ensure the structures are marked and lit to promote safe navigation past the farm, and are maintained in a secure and functioning condition.
11. With regard to visual effects, it is assessed that the farm would continue to be a locally prominent built feature and would detract from, rather than contribute to, the natural character, landscape values and visual amenities of the area. Various mitigating factors are at play, including the location of the farm within the crescent shape of the bay; the views against a rising backdrop of exotic forest; the distances from fixed viewing points; the viewing context; the use of recessive colours on buildings and structures; and the existence of other salmon farms at Te Pangu and Ngamahau bays nearby.

Relevant Statutory and Plan Provisions

12. In terms of the considerations required by section 104(1)(b) of the Act, Policies 6, 8, 11, 13, 15 and 22 of the New Zealand Coastal Policy Statement 2010; Objectives 5.3.10, 7.1.2, 7.1.9, 7.2.7 and 8.1.2 and Policies 5.3.11, 7.1.7, 7.1.10, 7.2.8, 7.2.10, 8.1.5 and 8.1.6 of the Marlborough Regional Policy Statement; Objectives 2.2.1, 4.3.1, 5.3.1, 8.3.1, 9.2.1.1, 9.4.1.1, 19.3.1 and Policies 2.2.1.2, 4.3.1.2, 8.3.1.2, 9.2.1.1.1, 9.2.1.1.2, 9.2.1.1.7, 9.4.1.1.1, 9.4.1.1.9 and 19.3.1.1 of the Plan; and Objectives 5.10, 6.2, 7.2, 8.1, 13.2 and Policies 5.10.3, 6.2.7, 7.2.4, 8.3.1 and 13.2.6 of the proposed Marlborough Environment Plan are of relevance to an evaluation of the proposal.
13. In very broad terms the relevant provisions seek the positive economic and related benefits of aquaculture while managing the adverse environmental effects to maintain indigenous biodiversity, visual values and public use of the sea. Within the particular context of the site it is concluded that the proposal, subject to conditions, is broadly consistent with the identified provisions.

Conduct of the Applicant

14. Section 165ZJ(1AA) of the Act states that the consent authority must consider all relevant information available in relation to the existing coastal permit, including any available monitoring data. Subsection 165ZJ(1) states that the consent authority must also consider the applicant's conduct in relation to compliance with the relevant regional coastal plan and compliance with resource consent conditions for current or previous aquaculture activities undertaken by the applicant.
15. With regard to these matters, Cawthron has undertaken annual seabed monitoring at the site since 2008. Since that time there have been some improvements made to what environmental parameters are measured and how they are measured. Previous monitoring reports for the Clay Point farm show there have been several instances of minor non-compliance with consent conditions. The New Zealand King Salmon Company Ltd (NZKS) currently operates nine salmon farms at various locations in the Marlborough Sounds. The farms have been established at different times over the past decade or more and consequently operate under different consent conditions. Following the NZKS board of inquiry plan change and consent process during 2011-2012, various stakeholders have worked to develop specific best practice guidelines for farming salmon in the Marlborough Sounds. NZKS is progressing towards implementing the best practice guidelines for all of its farms in the Marlborough Sounds. Overall there is nothing in the monitoring record or conduct of the applicant to indicate that resource consent should be refused for the subject farm.

Value of the Investment

16. Section 104(2A) of the Act states that the consent authority must have regard to the value of the investment of the existing consent holder. Following the reasoning in the Port Gore Marine Farms decision, the value of the consent holder's investment is the value of the crop presently growing on the farm. This issue would only have a bearing if consent were to be refused, for it would be appropriate to allow the crop to be harvested prior to removal of the farm. Even then, the farm has existing consents through to the end of 2024 and would therefore be able to manage the closure of the farm across the next seven years.

Part 2 Resource Management Act 1991

17. Having considered the matters of national importance and other matters, including subsections 6(a), 6(b), 6(d), 6(e), 7(a), 7(b), 7(c) and 7(d), along with the relevant principles of the Treaty of Waitangi as required by Part 2 of the Act, it is concluded that the sole purpose of the Act would be better achieved through a grant of resource consent, subject to the specified conditions.

Consent Duration and Lapse Date

18. Section 123A(2) of the Act requires that the consent must be for a period not less than 20 years (the term also sought by the applicant) unless "a shorter period is required to ensure that adverse effects on the environment are adequately managed". As matters presently stand, the adverse effects of the proposal are not concluded to be of a kind requiring a period shorter than 20 years.

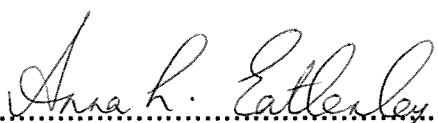
19. As the marine farm is already in place and upon commencement this consent effectively replaces MFL537, U060926, U080054 and U080726, a lapse date is superfluous. A lapse period of 6 months is therefore imposed for Council's administrative purposes only.

Recommended for approval:



.....
Peter Johnson
Resource Management Officer

Approved:



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

9th November 2016
.....
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.

Commencement of a Resource Consent

Refer to section 116 of the Resource Management Act 1991

- Where no submissions were lodged or any submissions were withdrawn, a resource consent commences, (and may be actioned) on the date of the receipt of the decision.
- Where submissions were lodged to the application, and not withdrawn, the resource consent commences once the time for lodging an appeal has passed, provided no appeals have been received, or when all appeals have been resolved or withdrawn.
- If the resource consent was for activities controlled by the district plan on reclaimed land or land in the coastal marine area, or a restricted activity; then there are specific provisions regarding the commencement of resource consent. These provisions are outlined in section 116 of the Resource Management Act 1991.

Lapsing

Refer to section 125 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).

Conditions of Resource Consent

Refer to section 108 of the Resource Management Act 1991

- If conditions are imposed these will be set out in the decision document.
- Please read your consent and ensure that you fully understand any conditions.
- If you have concerns with any condition(s), in the first instance you should discuss your concerns with Council, although an option may be to lodge an appeal or objection.
- It is a legal requirement that there be **compliance with** all conditions.
- If any conditions are contravened it may be that the Council or members of the public will initiate enforcement action (outlined in Part XII 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.

Subdivision Consents

Refer to sections 223 and 224 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to). The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.
- The consent holder has a further 3 years following the issue of the section 223 approval to obtain a section 224 certificate from Council and lodge the survey plan for deposit with Land Information New Zealand prior to the resource consent lapsing.
- Payment of any compensation due as a result of road vesting or esplanade acquisition will be made upon receipt of your invoice and evidence that the new certificates of title have issued with the esplanade strip agreement registered on them, or vesting completed.

Annotation History

Date	Reason for Amendment/Alteration