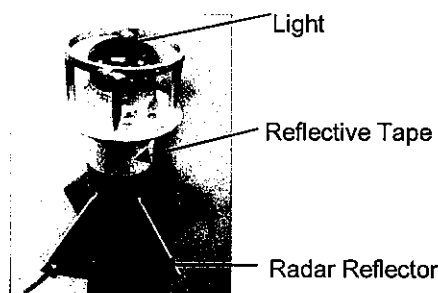


Marine Farm Lighting and Marking Plan – U040412 and MFL239 (Site no.8110)

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 U040412 and MFL239 (Site no.8110), located in Forsyth Bay, Outer Pelorus 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 16th day of OCTOBER 2014

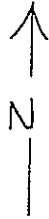


ALEXANDER VAN WIJNGAARDEN

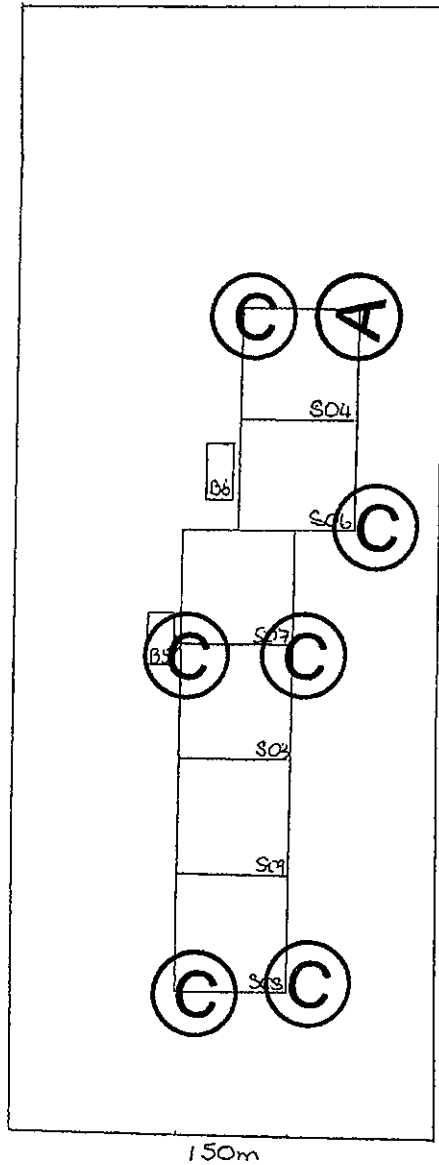
Structures and lighting plan:

MARINE FARM LICENCE 239 (LMFL239)

COASTAL PERMIT U94032



RECEIVED
29 APR 1998
MARLBOROUGH DISTRICT COUNCIL



KEY
S03 - S08 : CAGES
B5, B6 : BARGES

(APPROX. SCALE)

SALMON FARM LAYOUT (MFL 239) (MOKI BAY) FORSYTH B

ED

16/10/14

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

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

File Reference: MFL239

Consent Holder: The New Zealand King Salmon Company Limited

MFL 239 is a Deemed Coastal Permit to: Occupy space in the coastal marine area

Location: Forsyth Bay, Outer Pelorus

Site No: 8110

Proposal: To vary, add or delete conditions of deemed Coastal Permit No 239 for the purpose of farming **green mussels** (*Perna canaliculus*), **paua** (*Haliotis iris*, *Haliotis australis*, *Haliotis virginea*) and **salmon** (*Oncorhynchus tshawytscha*) in accordance with the provisions of the Act.

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

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

Conditions now state:

Coastal Permit - Occupancy and Activity

1. That this permit shall expire on 31 December 2024.
2. That without restricting the consent holder from reasonably undertaking the activities authorised by this resource consent, the consent holder shall not undertake the activities in such a way that would effectively exclude the public from the permit area.
3. That any feed artificially introduced into the marine farm shall comply with the terms of discharge consent U040412 and any subsequent approval thereafter.
4. That the occupancy be limited to the area illustrated on the plan attached to this consent, and confined to the area specified within the grid co-ordinates (Marlborough circuit).

Coastal Permit - Structures

5. That the structures be limited to anchors, ropes, droppers, floats, cages, racks, 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 at all times. The number of lines shall be at the discretion of the consent holder, but shall not exceed the total allowed, the separation distances between lines shall be no less than allowed, and lines shall be oriented as shown on the attached plan.
6. Where there are more than two blocks of longlines an accessway of no less than 50 metres in width, free of surface structures, be provided between blocks.
7. That 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 is required prior to structures being established on the site.
8. That each end of each of the landwardmost and seawardmost longlines carry the name of the consent holder, and the site number issued by Marlborough District Council (#8110), displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10 metres.
9. That the consent holder 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.
10. That each buoy within the approved area be permanently branded so as to clearly identify its ownership.
11. That upon the expiration, determination, forfeiture or surrender of the coastal permit the consent holder shall remove all structures, rafts, buoys, longlines, blocks, and all associated equipment from the site, and restore the area as far as is practicable to its original condition, and to the reasonable satisfaction of Council. If the consent holder fails to comply with this clause Council may arrange compliance on their behalf and at the consent holder's expense.
12. That in accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent for the purpose of ensuring that any actual or potential effects on the environment arising from the exercise of this consent are avoided, remedied or mitigated.

Reasons for Decision

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

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

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

Other Matters

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

Appeal Information

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

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

E. Davidson
.....
Marlborough District Council Commissioner

Dated this *10th* day of *May* 2007

\\bbu...O:\Resourceconsent\MFL\MFL239-NZ King Salmon-Deemed Coastal Permit-Decision Document.doc Saved 20/02/2007 16:49:00

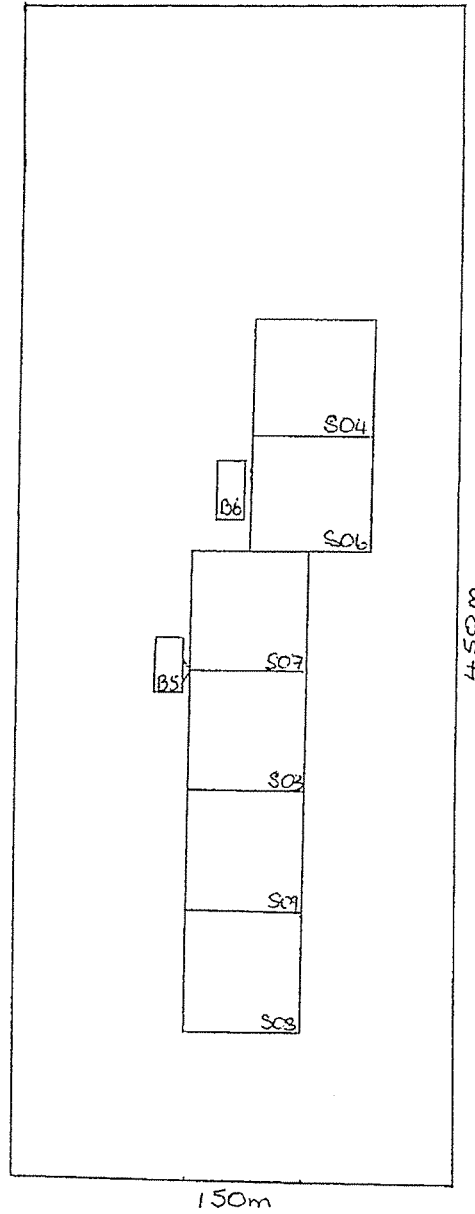
Structures and lighting plan:

MARINE FARM LICENCE 239 (MFL239)

COASTAL PERMIT U94032



RECEIVED
29 APR 1998
MARLBOROUGH
DISTRICT COUNCIL



KEY
S03 - S08 : CAGES
B5, B6 : BARGES

(APPROX. SCALE)

SALMON FARM LAYOUT (MFL 239) (MOKI BAY) FORSYTH B

ED

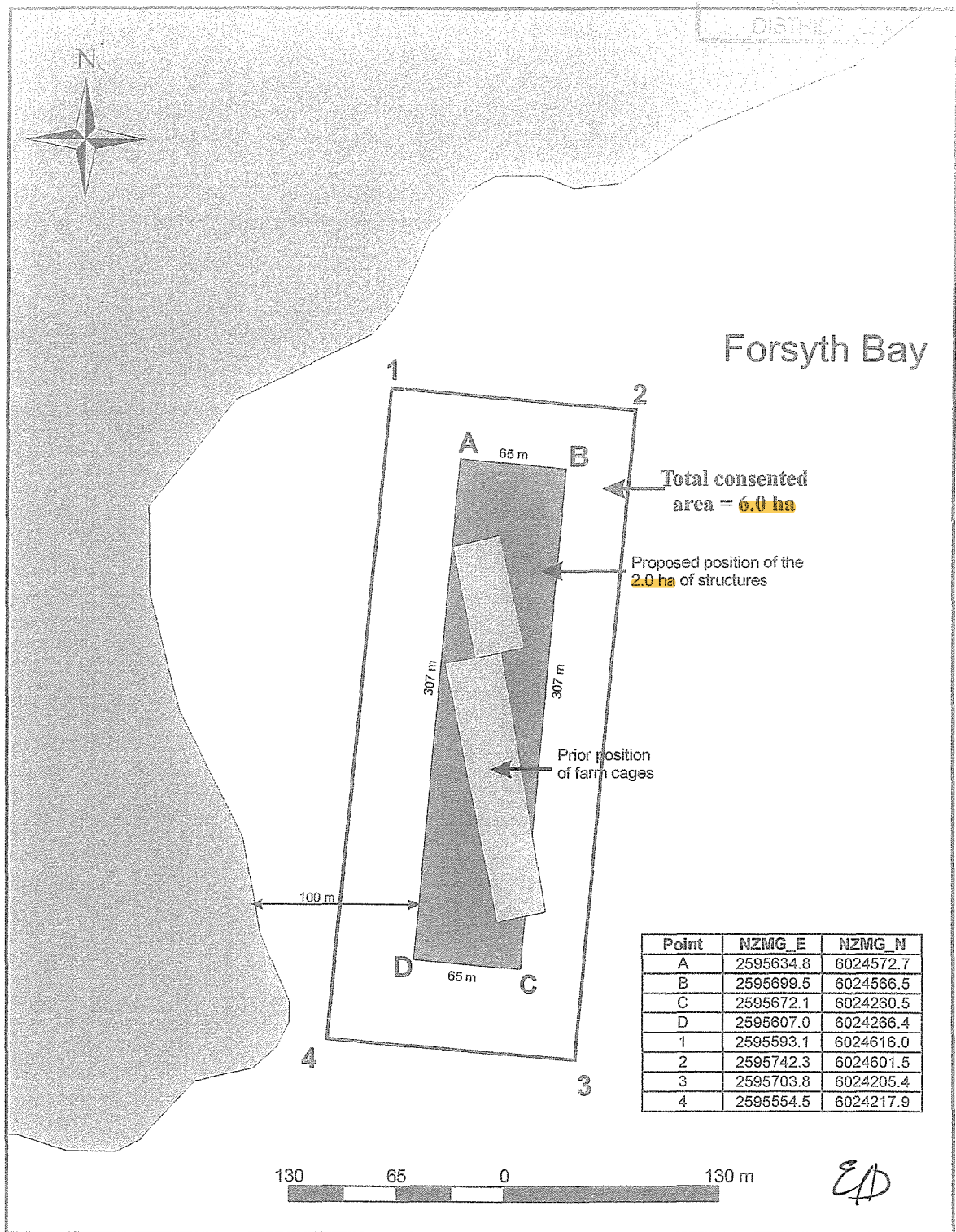
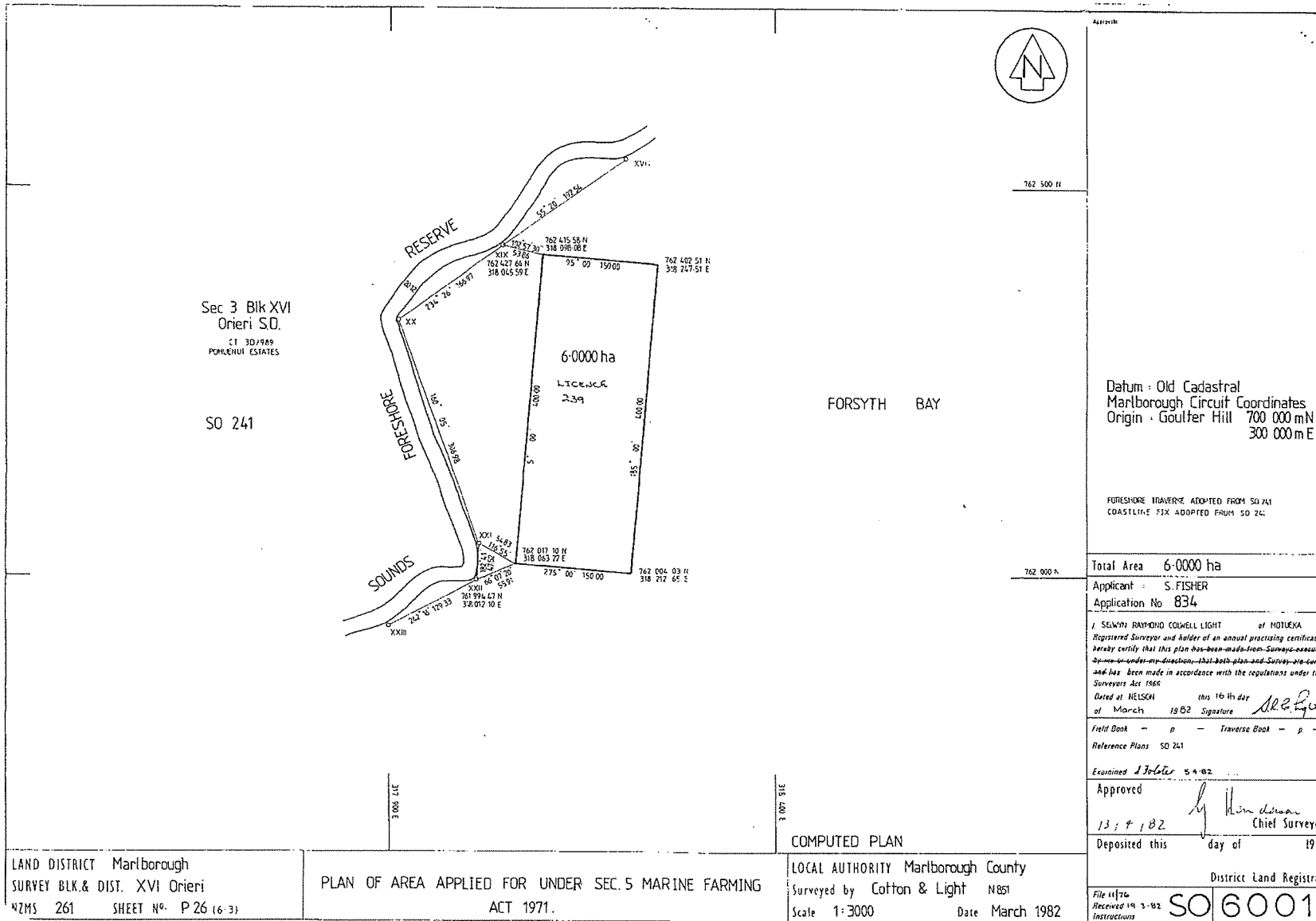


Figure 2: Proposed layout of the Forsyth Bay salmon farm (2.0), showing the historical position of the farm.



Sec 3 Blk XVI
Orieti S.D.
C1 30/989
FORESHORE ESTATES

SO 241

FORSYTH BAY

Datum : Old Cadastral
Marlborough Circuit Coordinates
Origin : Goulter Hill 700 000 mN
300 000 m E

FORESHORE TRAVERSE ADOPED FROM SO 241
COASTLINE FIX ADOPED FROM SO 261

Total Area 6.0000 ha

Applicant : S. FISHER
Application No 834

I, SELWYN RAYMOND COWELL LIGHT of MOTUEKA
Registered Surveyor and holder of an annual practicing certificate
hereby certify that this plan has been made from a survey conducted
by me or under my direction, that both plan and survey are true
and has been made in accordance with the regulations under the
Surveyors Act 1966
Dated at NELSON this 16th day
of March 1982 Signature *SLC*

Field Book - p - Traverse Book - p -
Reference Plans SO 241

Examined 13/3/82

Approved *[Signature]*
13 / 3 / 82 Chief Surveyor

Deposited this day of 19

District Land Registrar

File 1176
Received 19 3-82
Instructions SO 6001

LAND DISTRICT Marlborough
SURVEY BLK. & DIST. XVI Orieti
NZMS 261 SHEET No. P 26 (6-3)

PLAN OF AREA APPLIED FOR UNDER SEC. 5 MARINE FARMING
ACT 1971.

COMPUTED PLAN
LOCAL AUTHORITY Marlborough County
Surveyed by Cotton & Light N851
Scale 1:3000 Date March 1982

ED


Certified Copy

For Chief Executive
Ministry of Fisheries

SUZETTE FISHER

Change of name by Certificate of
incorporation to Southern Mussel
Farms limited registered on 17
January 1990 at 0800 hours

- with -


for Director-General.

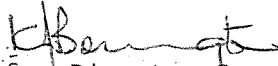
HER MAJESTY THE QUEEN

Assignment to Southern Ocean Seafoods
Limited registered on 14 March 1994
at 1145 hours



for Director-General

MARINE FARM LICENCE NO. 239
(Under the Marine Farming Act 1971)

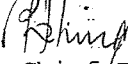
Variation to include paua (*Haliotis*
iris, *Haliotis australis*, *Haliotis*
virginea) and salmon (*Oncorhynchus*
tshawytscha) registered on 4 August
1994 at 1045 hours.


for Director-General.

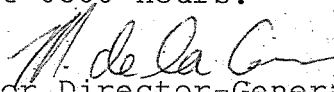
Registered in Marine Farming Register
of Leases/Licences on 1-10-82




Extension of term to expire on
30 September 2010. Registered on
22 March 1996 at 0945 hours.


for Chief Executive


Certified copy issued in replacement
of issued copy on 29 October 1987
at 0800 hours.


for Director-General

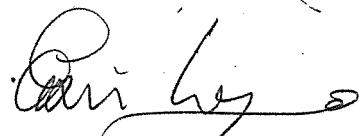
Change of name by Certificate of
Incorporation to The New Zealand
King Salmon Company Limited .
Registered on 10 September 2002
at 0800 hours.


for Chief Executive

Assignment to New Zealand Far East
Limited registered on 29 October
1987 at 0805 hours.


for Director-General

Assignment to South Georgia Peaks
Limited registered on 20 December
1989 At 1300 hours


for Director-General.

LICENCE UNDER THE MARINE FARMING ACT 1971

Licensor

The Minister of Agriculture and Fisheries (hereinafter referred to as "the Licensor") is the controlling authority under the Marine Farming Act 1971 (hereinafter referred to as "the Act") of the area described in the schedule hereto (hereinafter referred to as "the area").

Licensee

SUZETTE FISHER (together with executors, administrators, successors and permitted assigns hereinafter called "the Licensee").

Licence

The Licensor upon the execution of this instrument subject to the terms and conditions set out below has agreed to grant to the Licensee a Licence of the area for a term of fourteen years beginning on the FIRST day of *October* 1982 at an annual licence fee of SIXTY dollars (\$60.00) payable in advance on the FIRST day of *October* each calendar year, for the use of the area as a marine farm pursuant to the provisions of the Marine Farming Act 1971.

Conditions

1. THE LICENSEE HEREBY COVENANTS with the Licensor as follows:

- (a) The Licensee will at all times comply with the provisions of the Act and Regulations thereunder.
- (b) The Licensee shall pay the annual licence fee as and when described above to the Director-General of Agriculture

D.F.

and Fisheries (in this instrument called the "Director-General") at the Head Office of the Ministry of Agriculture and Fisheries in Wellington.

(c) If the Licensee is at any time in arrears with payment of the annual licence fee he shall not remove from the area any fish, shellfish or marine vegetation farmed in that area except with the written consent of the Director-General.

(d) The licensee shall utilize and cultivate in a proper manner the area for the purpose of farming MUSSELS and shall comply at all times with the Act and any regulations, notices and requirements made or issued pursuant to the Act.

(e) The Licensee shall not erect, place, moor or keep in the area any structure, raft, buoy or buoyed longline which is not first approved by the Ministry of Transport at Wellington and provided with such functioning beacons, lights, buoys, fog signals and other equipment as the Ministry of Transport may lawfully require.

(f) The Licensee shall on the expiration, determination, forfeiture or surrender of the licence, remove all structures, rafts, buoys, buoyed longlines and other plant from the area, and restore the area as far as is practicable to its original condition to the reasonable satisfaction of the Licensor.

(g) If the Licensee fails to comply with clause (f) of this licence the Licensor may at the expense of the Licensee, take such steps as are necessary to fulfil the Licensee's obligations under that clause.

(h) The Licensee shall take steps to ensure that the fish, shellfish or marine vegetation farmed in the area are not

rendered unfit for human consumption by disease, infection by marine pests, or contamination by sewage.

(i) The Licensee will maintain in good order and repair all structures, rafts, buoys, buoyed longlines, beacons, noticeboards and other plant in the area and will not permit such to deteriorate through want of repair so as to be, become, or cause, in the opinion of the Licensor a hazard or potential hazard to navigation.

(j) The Licensee will permit and facilitate free access to, over and from any raft, structure, buoy or buoyed longline to any fisheries officer or any officer in the employment of the Crown authorised by the Director-General who may from time to time wish to enter and inspect the area to ensure that the provisions of the Act or of this licence are being complied with or not contravened.

(k) The Licensee shall not assign, sublet or part with the possession of the whole or any part of the area without the prior consent in writing of the Licensor.

2. THE LICENSOR HEREBY COVENANTS WITH the Licensee as follows:

The Licensor or any fisheries officer or officer of the Crown who under the terms of this licence or the Act enters and inspects the area shall cause little interference as is reasonably possible with the use of the area or with any raft, structure, buoy, buoyed longline, mooring arrangements, mooring or navigational marks, or fish or marine vegetation of the species authorised to be farmed in terms of this licence.

Provisos

3. PROVIDED ALWAYS and it is hereby agreed and declared by and between the Licensor and Licensee that:

D.F.

(a) The licence shall be liable to forfeiture without payment of compensation if the Licensee:

- (i) Cannot be found, or has abandoned the area, or has died and no personal representative has claimed the area within 12 months after his death; or
- (ii) Has not within a period of two years from the commencement of the licence, or within such further period as the Licensor may specify by notice in writing to the Licensee, begun to develop to the satisfaction of the licensor the area as a marine farm for the farming of the species specified in this licence; or
- (iii) Defaults in or is in breach of any term or condition of this licence;

(b) If after a period of seven years from the commencement of this licence the Licensee has not developed the whole of the area as a marine farm, such part of the area as shall then remain undeveloped shall be liable to forfeiture.

(c) If the licence, or part of the area, is liable to forfeiture and the Licensee has failed after notice has been given to him to remedy the default or breach, the Licensor may forfeit the licence without action and may thereupon re-enter and recover possession.

SCHEDULE

All that area containing 6.0000 hectares, more or less, in front of Sounds Foreshore Reserve and Section 3, Block XVI, Orieri Survey District, bounded by a line commencing at a point in Forsyth Bay being 53.86 metres distant along a bearing of

D.F.

102°57'30" from peg XIX on S.O. Plan 241 in Block XVI, Orieri Survey District; thence along a bearing of 95°00' for a distance of 150 metres to the northeastern corner; thence along a bearing of 185°00' for a distance of 400 metres to the south eastern corner; thence along a bearing of 275°00' for a distance of 150 metres to the south western corner; thence along a bearing of 5°00' for a distance of 400 metres to the north western corner, the point of commencement.

The above area is more particularly shown on S.O. Plan 6001.

Signed by the Licensee,
in the presence of

P. Feather
.....

Witness *[Signature]*
Address *29 Mason Ave. Stoke Nelson*
Occupation *Fisherman*

The Common Seal of
was hereunto affixed in the presence of

Director
Director

Signed by the Minister of
Agriculture and Fisheries for and on
behalf of Her Majesty the Queen, in
the presence of

Rex Ansdhi
.....

Parliamentary Under-Secretary
for the Minister of Fisheries

Witness *[Signature]*
Address *149 Wallace St. Wellington*
Occupation *Public Servant*

Dated this *30th* day of *June* 19*82*.

MEMORANDUM OF VARIATION OF LICENCE

Issued under the Marine Farming Act 1971

An Agreement made this

day of

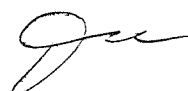
19

PARTIES to this Agreement

1. The Minister of Fisheries (hereinafter referred to as "the Licensor").
2. SOUTHERN OCEAN SEAFOODS LIMITED (together with executors, administrators, successors and permitted assigns, hereinafter referred to as "the Licensee").

WHEREAS

3. The Licensor, as the controlling authority under the Marine Farming Act 1971 (hereinafter referred to as "the Act"), has issued Marine Farming Licence Number 239 to which this Memorandum of Variation is attached.
4. The Licensor and the Licensee have, pursuant to Section 13 of the Act, agreed to vary the conditions, covenants and agreements in the said licence in the following manner:
 - A. The addition of PAUA (*Haliotis iris*, *Haliotis australis*, *Haliotis virginea*) as a species permitted to be farmed under the licence.
 - B. The licence is now permitted to farm only MUSSEL (*Perna canaliculus*) and PAUA (*Haliotis iris*, *Haliotis australis*, *Haliotis virginea*).
 - C. In accordance with Section 49 of the Marine Farming Act 1971 the licensee may take spat and juveniles of a species specified in this licence which are caught within the bounds of the licensed area.



- D. All stock and crop not obtained in accordance with Condition 4C and which is to be held on the farm must come from a source authorised under the Fisheries Act 1983 or from other marine farms licensed to take stock under the Marine Farming Act 1971 provided it is in accordance with the Ministry's policies on transfer of stock between farms.
- E. The Licensee shall not transfer any live farm stock or crop from the area to any other waters (not being a marine farm) without prior approval in writing of the Regional Manager, MAF Fisheries Central, Private Bag 14, Nelson.
- F. The Licensee shall not transfer any diseased farm stock or crop to another farm or release into any waters any diseased farm stock or crop kept at any licensed area.
- G. Any authorised officer may from time to time, by notice in writing to the Licensee:
- (i) require the Licensee to carry out such action for the prevention of disease among the stock or crop on the farm as is specified in the notice;
 - (ii) where the officer believes on reasonable grounds that any farmed stock or crop on the marine farm is diseased, require the Licensee to carry out such action for the treatment of the disease and the decontamination of any nets, buoys or other structures as is required in the notice.
- H. No compensation shall be payable in respect of any stock or crop required to be destroyed by an authorised officer pursuant to Condition 4(G) of this licence.



I. Recordkeeping requirements -

- (i) For the farming of MUSSEL (*Perna canaliculus*) the Licensee shall comply with the conditions contained in Schedule A.
- (ii) For the farming of PAUA (*Haliotis iris*, *Haliotis australis*, *Haliotis virginea*) the Licensee shall comply with the conditions contained in Schedule B.

THEREFORE, from the date of this agreement, the Marine Farm Licence Number 239 shall be varied to the extent outlined in Clauses 4(A) to 4(I) above and apart from the agreed variation, the present conditions, covenants and agreements shall continue to apply.



SCHEDULE A

MARINE FARMING LICENCE - RECORDKEEPING REQUIREMENTS

1. Manner and form in which records kept :
 - (a) Be kept in such manner and format that they can be readily retrieved and made available for examination
 - (b) Be held at either
 - (i) The place of business of the licensee, or
 - (ii) Any other premises that are appropriate having regard to where the records are initially prepared
 - (c) Be retained for a period of not less than 7 years after completion of the transactions or period to which they relate.

2. Retention of Records:

All records produced and/or available to the licensee that contribute to the audit trail of species farmed shall be retained.

3. Failure to keep Records:

Where the Director General considers that the licensee is or has not been completing or retaining the records in an appropriate manner -

- (a) The Director General may, by notice in writing, direct the licensee as to the manner in which the records are to be completed or retained; and
- (b) The licensee shall thereafter ensure that records completed or retained comply with that direction.

Failure to comply with such direction may be treated as a wilful breach of conditions of the licence.

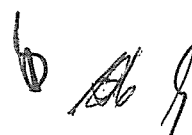


4. Inspection of Records

Any person who is required to keep or who has control of any records required to be kept shall, on request at any reasonable time by the Director-General , forthwith (and without charge) produce the records requested and make them available for inspection.

5. Additional Requirements

Where the Director-General considers it necessary, and after consultation with the licensee, the Director-General may require the licensee to keep such additional records as are appropriate.



SCHEDULE B

MARINE FARMING LICENCE - RECORDKEEPING and REPORTING REQUIREMENTS

1. Manner and form in which records kept :
 - (a) All transactions which involve a third party a minimum of two documents (ie in duplicate) shall be generated, and each party to the transaction shall obtain and keep one copy.
 - (b) Be kept in such manner and format that they can be readily retrieved and made available for examination
 - (c) Be held at either
 - (i) The place of business of the licensee, or
 - (ii) Any other premises that are appropriate having regard to where the records are initially prepared
 - (d) Be retained for a period of not less than 7 years after completion of the transactions or period to which they relate.

2. Inter-related farming activities

In those instances where the licensee operates several inter-related activities, ie hatchery, nursery, farming (to economic sale size) an adequate audit trail relating to each of the operations should be maintained.

3. Acquisition, disposal and transfer of stock

A record by way of source documentation shall be kept of all stock acquired, disposed of or transferred to another premise not part of the licensee's current farming operation (whether for consideration or otherwise), which shall include the following information:

- (i) MAF client number (of both purchaser and seller where applicable)
- (ii) Date acquired, disposed of (or transferred)
- (iii) Name and address of both purchaser and seller
- (iv) Quantity (by specific unit)



- (iv) Description of stock
 - Scientific name and common name
 - Age/growth class
 - Any other details relevant to identifying the stock
- (v) \$price (if applicable)

4. Losses

A record of all losses (eg mortality, unexplained loss, destruction, etc), which record shall be in sufficient detail to allow the time period and circumstances of loss to be identified.

5. Retention of Records

All records produced and/or available to the licensee (whether specifically identified or not) that contribute to the audit trail of species farmed shall be retained.

6. Failure to keep Records

Where the Director General considers that the licensee is or has not been completing or keeping the records in an appropriate manner -

- (a) The Director General may, by notice in writing, direct the licensee as to the manner in which the records are to be completed or kept; and
- (b) The licensee shall thereafter ensure that records completed or kept comply with that direction

Failure to comply with such direction may be treated as a wilful breach of conditions of licence.

7. Annual Inventory Return to be furnished

- (a) The licensee shall, at least once during each fishing year (being a year commencing on the 1st day of October), furnish to the Director-General an annual inventory return of stock owned and/or held, such annual inventory return to include the following information:
 - (i) Date on which inventory return relates
 - (ii) Species
 - (iii) State and/or age/growth class
 - (iv) Weight and/or number

Ju

b *AS* *8*

- (v) Any other details required to adequately identify the type and quantity of stock held
- (b) A nil return shall be furnished in the case of a nil inventory.
- (c) Every annual inventory return shall -
 - (i) Certify that the return does not contain false or misleading information, and is a true representation of all stock owned and/or held by the licensee as at inventory date; and
 - (ii) Be signed by the licensee or by a person authorised to act on behalf of the licensee.

8. Variation from strict requirements in certain cases-

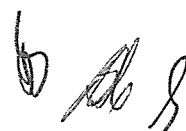
- (1) Where the Director General is satisfied that in respect of any licensee or class of licensee
 - (a) compliance with any recordkeeping requirement would cause undue hardship or would be impracticable; or
 - (b) the purpose behind any recordkeeping requirement could be equally well achieved by any other mode or system of records, -

the Director General may exempt the licensee from the need to comply with that requirement

- (2) Any such exemption, -
 - (a) May be subject to such conditions, or be for such limited period, as the Director General may specify.
 - (b) May be withdrawn by the Director General at any time.

9. Inspection of records

Any person who is required to keep or who has control of any records required to be kept shall, on request at any reasonable time by the Director-General, forthwith (and without charge) produce the records requested and make them available for inspection.

Signed by the Licensee
in the presence of

Witness

Address

Occupation

The Common Seal of SOUTHERN OCEAN SEAFOODS LIMITED
was hereunto affixed in the presence of

Director *[Signature]*

SECRETARY
Director *[Signature]*



Signed by Douglas Lorimer Kidd, Minister
of Fisheries, pursuant to Section 7 of
the Constitution Act 1986, for and on
behalf of Her Majesty the Queen, in
the presence of

..... *[Signature]*

Witness *Erin Wynne*

Address *Parliament Buildings, Wellington*

Occupation *Fisheries Private Secretary*

DATED this *26th* day of *July* 19*94*

_____ being the Mortgagee of Marine Farm Licence Number __, by
mortgage registered on _____, hereby consent to the above
variation.

[Handwritten initials]

**MEMORANDUM OF VARIATION OF LICENCE
PURSUANT TO THE MARINE FARMING ACT 1971**

BETWEEN The Minister of Fisheries (hereinafter referred to as "the Licensor")

AND SOUTHERN OCEAN SEAFOODS LIMITED (hereinafter referred to as "the Licensee")

WHEREAS

1. The Licensor, as the Controlling Authority under the Marine Farming Act 1971 (hereinafter referred to as "the Act") has issued Marine Farm Licence No. 239.

2. The Licensor and the Licensee agree to vary the said licence to permit the Licensee to farm CHINOOK SALMON (*Oncorhynchus tshawytscha*).

3. **THE PARTIES THEREFORE AGREE** to vary the conditions, covenants and agreements in the said licence, pursuant to Section 13 of the Act, in the following manner:
 - A. All stock which is to be held on the farm must come from a source authorised under the Fisheries Act 1983 or the Marine Farming Act 1971.





- B. The Licensee shall not transfer any live farm stock from the licensed area to any other waters without prior approval in writing of the Licensor, if previously notified of such a requirement.
- C. The Licensee shall not transfer any diseased farm stock to any farm or release into any waters any diseased farm stock kept at the licensed area.
- D. If the Licensee knows or suspects that any fish kept pursuant to this licence is or may be affected by any Category A disease specified as such from time to time by the Director-General by notice published pursuant to the Freshwater Fish Farming Regulations 1983 in the Gazette, or knows or suspects that any fish kept pursuant to this licence is or may be affected by any disease or condition the Licensee cannot identify, the Licensee shall, within 24 hours after the time when the Licensee discovers or first suspects the fish to be diseased, advise the Director-General or veterinarian or fish pathologist at the Ministry of Agriculture and Fisheries, and shall keep the fish diseased or suspected to be diseased from coming in contact with other fish.
- E. If the Licensee knows or suspects that any fish kept pursuant to this licence is or may be affected by any Category B disease specified as such from time to time by the Director-General by notice published pursuant to the Freshwater Fish Farming Regulations 1983 in the Gazette, and the fish do not respond to treatment within 14 days, advise the Director-General or veterinarian or fish bacteriologist at the



Ministry of Agriculture and Fisheries, and shall keep the fish diseased or suspected to be diseased from coming in contact with other fish.

F. Any Licensor may from time to time, by notice in writing to the Licensee:

- (i) require the Licensee to carry out such action for the prevention of disease among the stock on the farm as is specified in the notice;
- (ii) where the Licensor believes on reasonable grounds that any farmed stock on the marine farm is diseased, require the Licensee to carry out such action for the treatment of the disease and the decontamination of any nets, buoys or other structures as is required in the notice.

G. Where the Licensor believes on reasonable grounds that:

- (i) the fish is affected by any disease specified in a Category A notice; or
- (ii) the fish is affected by any disease specified in a Category B notice which cannot be treated effectively on the farm; or



- (iii) the fish is affected by any other disease of such a nature as to require his urgent action -

destroy any fish stocks affected, and may take steps as he considers necessary to decontaminate any nets, buoys, buoyed sea cages or other structures, or may, by notice in writing to the Licensee, require him to destroy those fish stocks and take such steps as are specified in the notice to decontaminate those structures.

- H. No compensation shall be payable in respect of any fish required to be destroyed by the Licensor pursuant to conditions (F) or (G) of this licence or pursuant to a notice given by the Licensor under conditions (F) or (G) of this licence.
- I. The Licensee shall not use any feed other than that occurring naturally in the area without prior approval in writing of the Licensor.
- J. The Licensee shall not use tributyl tin as an antifoulant agent on any equipment used or brought onto the licence site.
- K. Recordkeeping requirements.



For the farming of CHINOOK SALMON (*Oncorhynchus tshawytscha*)
the licensee shall comply with conditions contained in Schedule A.

THEREFORE, from the date of this agreement, the Marine Farm Licence Number
239 shall be varied to the extent outlined in Clauses 3(A) to 3(K) above and apart
from the agreed variation, the present conditions, covenants and agreements shall
continue to apply.



SCHEDULE A

MARINE FARMING LICENCE - RECORDKEEPING REQUIREMENTS

1. Manner and form in which records kept :
 - (a) Be kept in such manner and format that they can be readily retrieved and made available for examination
 - (b) Be held at either
 - (i) The place of business of the licensee, or
 - (ii) Any other premises that are appropriate having regard to where the records are initially prepared
 - (c) Be retained for a period of not less than 7 years after completion of the transactions or period to which they relate.

2. Retention of Records:

All records produced and/or available to the licensee that contribute to the audit trail of species farmed shall be retained.

3. Failure to keep Records:

Where the Director General considers that the licensee is or has not been completing or retaining the records in an appropriate manner -

- (a) The Director General may, by notice in writing, direct the licensee as to the manner in which the records are to be completed or retained; and
- (b) The licensee shall thereafter ensure that records completed or retained comply with that direction.

Failure to comply with such direction may be treated as a wilful breach of conditions of the licence.



4. Inspection of Records

Any person who is required to keep or who has control of any records required to be kept shall, on request at any reasonable time by the Director-General , forthwith (and without charge) produce the records requested and make them available for inspection.

5. Additional Requirements

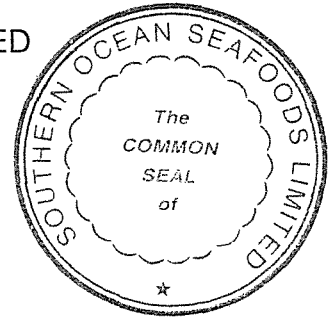
Where the Director-General considers it necessary, and after consultation with the licensee, the Director-General may require the licensee to keep such additional records as are appropriate.



Signed by the Licensee
in the presence of

Witness
Address
Occupation

The Common Seal of SOUTHERN OCEAN SEAFOODS LIMITED
was hereunto affixed, in the presence of



Director *H. Dume*
~~Director~~ *SECRETARY* *[Signature]*

Signed by Douglas Lorimer Kidd, *[Signature]*
Minister of Fisheries, pursuant to
section 7 of the Constitution Act 1986,
for and on behalf of Her Majesty the Queen,
in the presence of

Witness *Erin Wynne*
Address *Parliament Buildings, Wellington*
Occupation *Fisheries Private Secretary*

DATED this *26th* day of *July* 19*94*

_____ being the Mortgagee of Marine Farm Licence Number __, by
mortgage registered on _____, hereby consent to the above
variation.

[Handwritten initials]

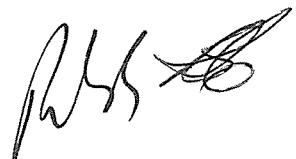
MEMORANDUM OF VARIATION OF LICENCE
(ISSUED UNDER THE MARINE FARMING ACT 1971)

PARTIES to this Agreement

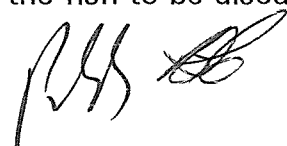
1. HER MAJESTY THE QUEEN in right of the Government of New Zealand acting by and through the Minister of Fisheries (in this instrument called "the Licensor").
2. SOUTHERN OCEAN SEAFOODS LIMITED (in this instrument together with executors, administrators, successors and permitted assigns called "the Licensee").

WHEREAS

3. The Licensor is the Controlling Authority in terms of the Marine Farming Act 1971 (in this instrument called "the Act") of the area described in the Schedule attached to Licence Number 239 to which this Memorandum of Variation is attached (in this instrument called "the licensed area").
4. The Licensee has applied for a variation to Licence Number 239 by way of extension to the term of the licence.
5. The Licensor is empowered under Section 13 of the Act to extend the term of the licence provided that the concurrence of the Minister of Conservation and the Minister of Transport has been obtained.
6. The concurrence of the Minister of Conservation and the Minister of Transport has been obtained for the extension of the term of Licence Number 239 to be extended for a period of 14 years from the expiry of the original term.

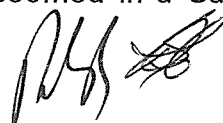


7. The Licensor and the Licensee have, pursuant to Section 13 of the Act, agreed to vary the conditions, covenants and agreements in the said licence in the following manner:
- A. In accordance with Section 49 of the Marine Farming Act 1971 the licensee may take spat and juveniles of a species specified in this licence which are caught within the bounds of the licensed area.
 - B. All stock and crop not obtained in accordance with Condition 7A and which is to be held on the farm must come from a source authorised under the Fisheries Act 1983 or from other marine farms licensed to take stock under the Marine Farming Act 1971 provided it is in accordance with the Ministry's policies on transfer of stock between farms.
 - C. The Licensee shall not transfer any live farm stock or crop from the area to any other waters (not being a marine farm) without prior approval in writing from the Ministry of Fisheries, Private Bag 14, Nelson.
 - D. The Licensee shall not transfer any diseased farm stock or crop to another farm or release into any waters any diseased farm stock or crop kept at any licensed area.
 - E. If the Licensee knows or suspects that any fish kept pursuant to this Licence is or may be affected by any Category A disease specified as such from time to time by the Chief Executive by notice published pursuant to the Freshwater Fish Farming Regulations 1983 in the Gazette, or knows or suspects that any fish kept pursuant to this Licence is or may be affected by any disease or condition the licensee cannot identify, the licensee shall, within 24 hours after the time when the licensee discovers or first suspects the fish to be diseased,



advise the Chief Executive or officer in charge of salmon diseases at the Ministry of Fisheries, and shall keep the fish diseased or suspected to be diseased from coming in contact with other fish.

- F. If the Licensee knows or suspects that any fish kept pursuant to this Licence is or may be affected by any Category B disease specified as such from time to time by the Chief Executive by notice published pursuant to the Freshwater Fish Farming Regulations 1983 in the Gazette, and the fish do not respond to treatment within 14 days, advise the Chief Executive or the officer in charge of salmon diseases at the Ministry of Fisheries, and shall keep the fish diseased or suspected to be diseased from coming in contact with other fish.
- G. Any authorised officer may from time to time, by notice in writing to the licensee:
- (a) Require the licensee to carry out such action for the prevention of disease among the stock or crop on the farm as is specified in the notice.
 - (b) Where the officer believes on reasonable grounds that any farm stock or crop on the marine farm is diseased, require the licensee to carry out such action for the treatment of the disease and the decontamination of any nets, buoys, buoyed sea cages or other structures as is required in the notice.
- H. Where an authorised officer believes on reasonable grounds that:
- (a) The fish is affected by any disease specified in a Category A notice; or
 - (b) The fish is affected by any disease specified in a Category B

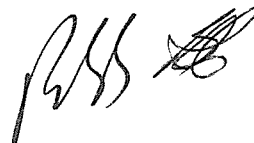


notice which cannot be treated effectively on the farm; or

- (c) The fish is affected by any other disease of such a nature as to require the authorised officer's urgent action, -

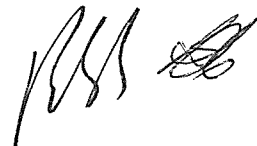
the authorised officer may destroy any fish stocks affected, and may take steps as the authorised officer considers necessary to decontaminate any nets, buoys, buoyed sea cages or other structures, or may, by notice in writing to the licensee, require the licensee to destroy those fish stocks and take such steps as are specified in the notice to decontaminate those structures.

- I. No compensation shall be payable in respect of any fish destroyed by an authorised officer pursuant to conditions 7G or 7H of this licence or pursuant to a notice given by an authorised officer under conditions 7G or 7H of this licence.
- J. Only dry pelleted feed is to be used for feeding salmon. The use of alternative food must be approved in writing by the Ministry of Fisheries, Private Bag 14, Nelson.
- K. The Licensee shall not use tributyl tin as an antifoulant agent on any equipment used or brought onto the licence site.
- L. The Licensee shall not use polystyrene or other similar material for floatation purposes unless it is encased so as to prevent the material breaking up.
- M. The Licensee shall not deposit dead salmon, salmon offal or blood water within the farm area or in the sea but shall dispose of said dead salmon, salmon offal or blood water in a manner and location approved in writing by the local Council.



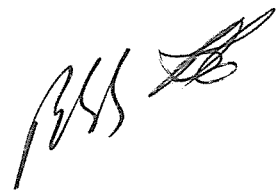
- N. The Licensee may be required by notice in writing from the Ministry of Fisheries, Private Bag 14, Nelson, to inspect or have inspected the sea bed of the farm area and/or the area in the vicinity in accordance with the inspection procedures and sampling programme described in the notice.
- O. The Licensee may be required by notice in writing from the Ministry of Fisheries, Private Bag 14, Nelson, to remove waste deposits from the licence area at the licensee's own expense.
- P. The Licensee or farm operator shall keep a record of all disinfectants, antibiotics, antifoulants or any other chemicals used in the licence area which must show the following information for each application:
- (a) Chemical name
 - (b) Quantity
 - (c) Date
 - (d) Reason for use
- Q. (i) For the farming of MUSSEL (*Perna canaliculus*) and SALMON (*Oncorhynchus tshawytscha*) the licensee shall comply with conditions contained in Schedule A.
- (ii) For the farming of PAUA (*Haliotis iris*, *Haliotis australis*, *Haliotis virginea*) the licensee shall comply with conditions contained in Schedule B.

THEREFORE, from the date of this agreement, the Marine Farm Licence Number 239 shall be varied to the extent outlined in Clauses 7(A) to 7(Q) above and apart from the agreed variation, the present conditions, covenants and agreements shall continue to apply.



NOW THEREFORE this Instrument witnesses that in pursuance of the Act and by Agreement between the parties the Licensor hereby extends the term of Licence Number 239 for a period of 14 years beginning on the 1ST day of OCTOBER 1996 and expiry on the 30TH day of SEPTEMBER 2010. The Licensee hereby agrees to this extension of term and all terms and conditions contained herein and contained in Licence Number 239.

DATED this _____ day of _____ 19

A handwritten signature in black ink, appearing to be 'BSS' followed by a flourish.

SCHEDULE A

MARINE FARMING LICENCE - RECORDKEEPING REQUIREMENTS

1. Manner and form in which records kept:

- (a) Be kept in such manner and format that they can be readily retrieved and made available for examination
- (b) Be held at either
 - (i) The place of business of the licensee, or
 - (ii) Any other premises that are appropriate having regard to where the records are initially prepared
- (c) Be retained for a period of not less than 7 years after completion of the transactions or period to which they relate.

2. Retention of Records:

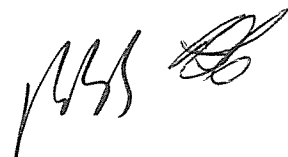
All records produced and/or available to the licensee that contribute to the audit trail of species farmed shall be retained.

3. Failure to keep Records:

Where the Chief Executive considers that the licensee is or has not been completing or retaining the records in an appropriate manner -

- (a) The Chief Executive may, by notice in writing, direct the licensee as to the manner in which the records are to be completed or retained; and
- (b) The licensee shall thereafter ensure that records completed or retained comply with that direction.

Failure to comply with such direction may be treated as a wilful breach of conditions of the licence.



4. Inspection of Records

Any person who is required to keep or who has control of any records required to be kept shall, on request at any reasonable time by the Chief Executive, forthwith (and without charge) produce the records requested and make them available for inspection.

5. Additional Requirements

Where the Chief Executive considers it necessary, and after consultation with the licensee, the Chief Executive may require the licensee to keep such additional records as are appropriate.

A handwritten signature in black ink, appearing to be 'RSH' followed by a stylized flourish.

SCHEDULE B

MARINE FARMING LICENCE - RECORDKEEPING and REPORTING REQUIREMENTS

1. Manner and form in which records kept :

- (a) All transactions which involve a third party a minimum of two documents (ie in duplicate) shall be generated, and each party to the transaction shall obtain and keep one copy.
- (b) Be kept in such manner and format that they can be readily retrieved and made available for examination
- (c) Be held at either
 - (i) The place of business of the licensee, or
 - (ii) Any other premises that are appropriate having regard to where the records are initially prepared
- (d) Be retained for a period of not less than 7 years after completion of the transactions or period to which they relate.

2. Inter-related farming activities

In those instances where the licensee operates several inter-related activities, ie hatchery, nursery, farming (to economic sale size) an adequate audit trail relating to each of the operations should be maintained.

3. Acquisition, disposal and transfer of stock

A record by way of source documentation shall be kept of all stock acquired, disposed of or transferred to another premise not part of the licensee's current farming operation (whether for consideration or otherwise), which shall include the following information:

- (i) Ministry of Fisheries client number (of both purchaser and seller where applicable)
- (ii) Date acquired, disposed of (or transferred)
- (iii) Name and address of both purchaser and seller
- (iv) Quantity (by specific unit)



- (iv) Description of stock
 - Scientific name and common name
 - Age/growth class
 - Any other details relevant to identifying the stock
- (v) \$price (if applicable)

4. Losses

A record of all losses (eg mortality, unexplained loss, destruction, etc), which record shall be in sufficient detail to allow the time period and circumstances of loss to be identified.

5. Retention of Records

All records produced and/or available to the licensee (whether specifically identified or not) that contribute to the audit trail of species farmed shall be retained.

6. Failure to keep Records

Where the Chief Executive considers that the licensee is or has not been completing or keeping the records in an appropriate manner -

- (a) The Chief Executive may, by notice in writing, direct the licensee as to the manner in which the records are to be completed or kept; and
- (b) The licensee shall thereafter ensure that records completed or kept comply with that direction

Failure to comply with such direction may be treated as a wilful breach of conditions of licence.

7. Annual Inventory Return to be furnished

- (a) The licensee shall, at least once during each fishing year (being a year commencing on the 1st day of October), furnish to the Chief Executive an annual inventory return of stock owned and/or held, such annual inventory return to include the following information:

- (i) Date on which inventory return relates
- (ii) Species
- (iii) State and/or age/growth class
- (iv) Weight and/or number



- (v) Any other details required to adequately identify the type and quantity of stock held
- (b) A nil return shall be furnished in the case of a nil inventory.
- (c) Every annual inventory return shall -
 - (i) Certify that the return does not contain false or misleading information, and is a true representation of all stock owned and/or held by the licensee as at inventory date; and
 - (ii) Be signed by the licensee or by a person authorised to act on behalf of the licensee.

8. Variation from strict requirements in certain cases-

- (1) Where the Chief Executive is satisfied that in respect of any licensee or class of licensee
 - (a) compliance with any recordkeeping requirement would cause undue hardship or would be impracticable; or
 - (b) the purpose behind any recordkeeping requirement could be equally well achieved by any other mode or system of records,-

the Chief Executive may exempt the licensee from the need to comply with that requirement

- (2) Any such exemption, -
 - (a) May be subject to such conditions, or be for such limited period, as the Chief Executive may specify.
 - (b) May be withdrawn by the Chief Executive at any time.

9. Inspection of records

Any person who is required to keep or who has control of any records required to be kept shall, on request at any reasonable time by the Chief Executive, forthwith (and without charge) produce the records requested and make them available for inspection.

Handwritten signature

Signed by the Licensee

.....

in the presence of

Witness

Address

Occupation

The Common Seal of *Southern Ocean Seafoods Ltd*
was hereunto affixed in the presence of

Director *Robert J. Suttell*

SECRETARY
Director *[Signature]*



Signed for and on behalf of the Minister
of Fisheries by P R Todd acting pursuant to
delegated authority,

P.R. Todd

in the presence of

Witness *[Signature]*

Address *28 Montrose Drive, Nelson*

Occupation *Admin. Mngr*

DATED this day of 19

_____ being the Mortgagee of Marine Farm Licence Number __, by
mortgage registered on _____, hereby consent to the above
variation.

EXTENSION OF TERM

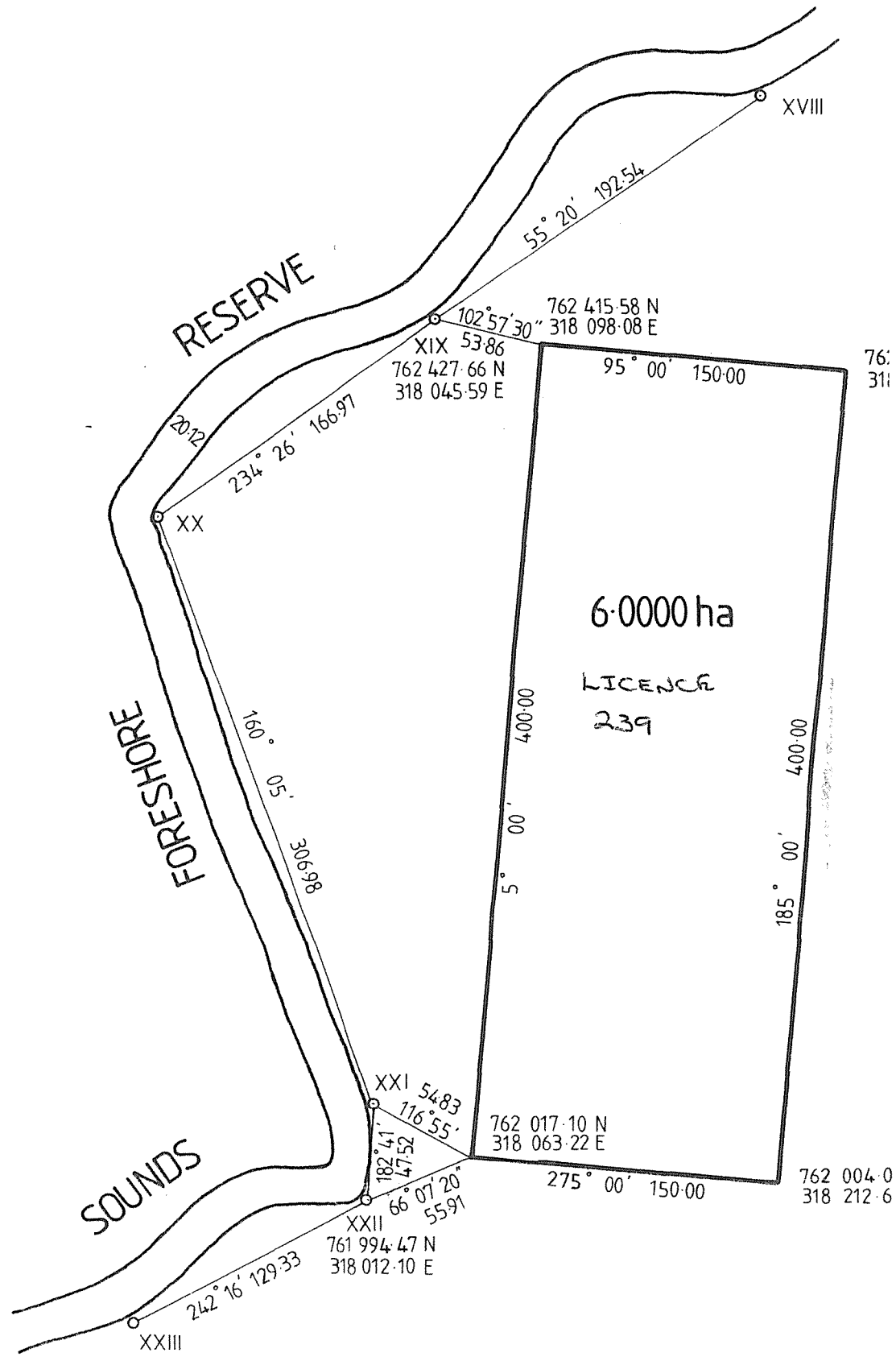
Registered in Marine Farming Register
of Leases, Licences, on 22.3.96

Phing

Sec 3 Blk XVI
Oriari S.D.

CT 3D/989
POHUENUI ESTATES

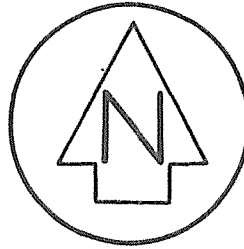
SO 241



LAND DISTRICT Marlborough
SURVEY BLK.& DIST. XVI Oriari
NZMS 261 SHEET NO. P 26 (6.3)

PLAN OF AREA APPLIED FOR UNDER SEC. 5 MARI
ACT 1971.

Approvals.



762 500 N

762 402.51 N
318 247.51 E

FORSYTH BAY

Datum : Old Cadastral
Marlborough Circuit Coordinates
Origin : Goulter Hill 700 000 mN
300 000 m E

FORESHORE TRAVERSE ADOPTED FROM SO 241
COASTLINE FIX ADOPTED FROM SO 241

762 000 N

Total Area 6.0000 ha

Applicant : S. FISHER
Application No. 834

I, SELWYN RAYMOND COLWELL LIGHT of MOTUEKA
Registered Surveyor and holder of an annual practising certificate
hereby certify that this plan ~~has been made from surveys executed~~
~~by me or under my direction, that both plan and survey are correct~~
~~and has been made in accordance with the regulations under the~~
Surveyors Act 1966

Dated at NELSON this 16th day
of March 1982 Signature *S.R. Light*

Field Book - p. - Traverse Book - p. -

Reference Plans SO 241

Examined *J. Folster* 5.4.82

Approved

13 / 4 / 82

G. Henderson
Chief Surveyor

Deposited this day of 19

District Land Registrar

File 11/76
Received 19.3.82
Instructions

SO 6001

318 400 E

COMPUTED PLAN

LOCAL AUTHORITY Marlborough County

Surveyed by Cotton & Light N.851

Scale 1:3000

Date March 1982

URINE FARMING