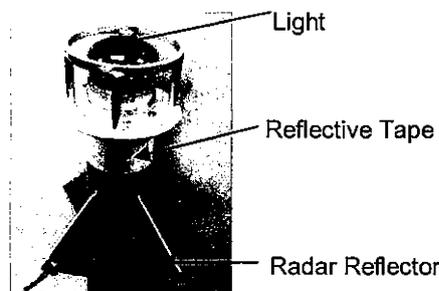


Marine Farm Lighting and Marking Plan – MFL456 (Site no.8085)

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 MFL456 (Site no.8085), located in Waihinau 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.

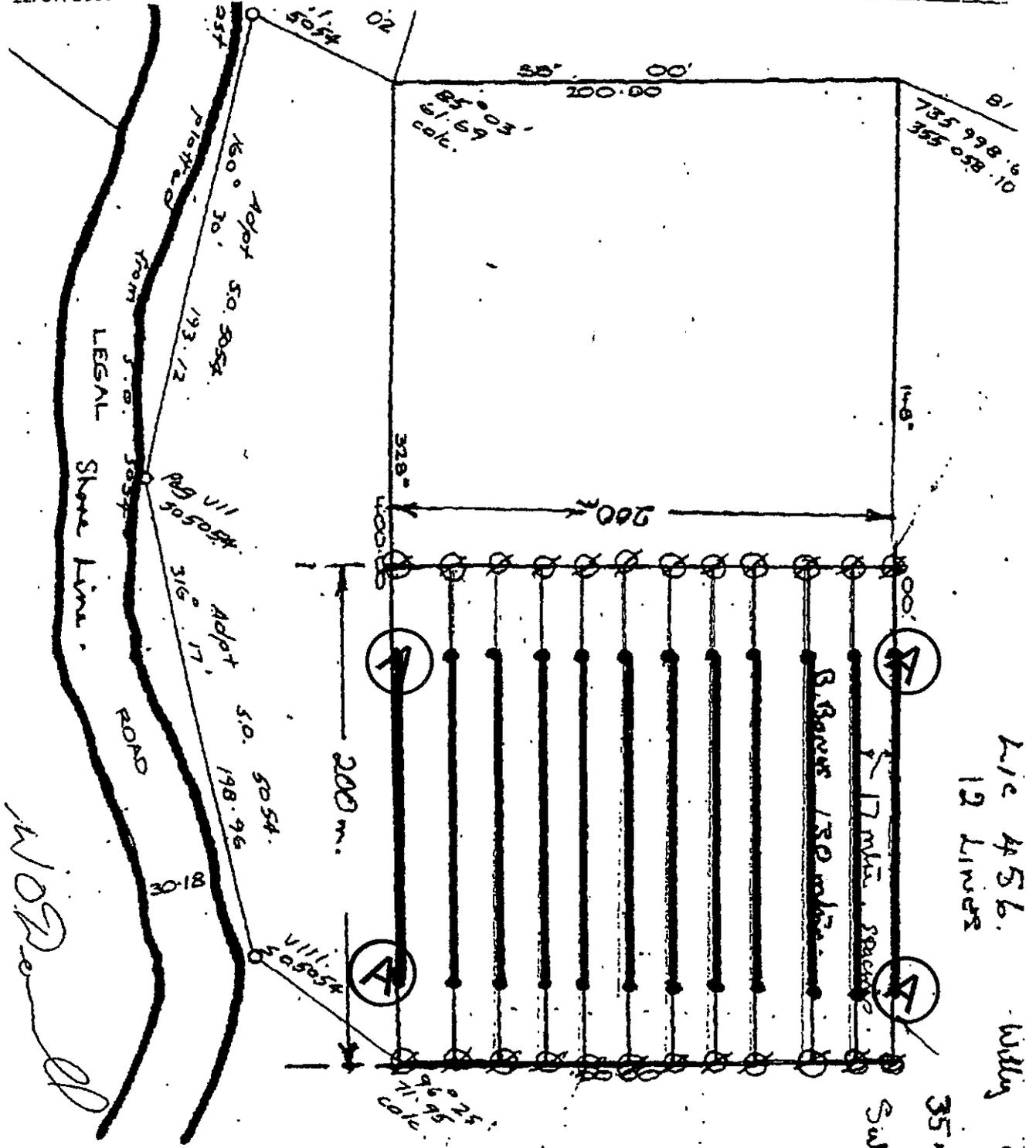
Reflective tape – should be at least 50 millimetres in width and placed around the circumference of the support tube; the tape should be visible by torchlight at a range of at least 50 metres. Alternative reflectors may be substituted for reflective tape, provided that they are mounted where they are 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 13th day of NOVEMBER 2014



ALEXANDER VAN WIJNGAARDEN



L1c 456.
 12 Lines
 17 masts
 35 masts
 Subject to Survey
 W/O De

APPLIED FOR UNDE
 RMING ACT 19

002/00.
 TERTSON, S.

SANFORD HAYLOCK

18/07/99 17:08 FAX 64 3 5742811

Handwritten signature and date: 11/11/99

**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: MFL456

Consent Holder: The New Zealand King Salmon Company Limited

MFL 456 is a Deemed Coastal Permit to: occupy space in the coastal marine area.

Location: Waihinau Bay, Outer Pelorus

Site No: 8085

Proposal: To vary, add or delete conditions of deemed Coastal Permit No 456 for the purpose of farming **green mussels** (*Perna canaliculus*), **Chinook salmon** (*Oncorhynchus tshawytscha*), **scallops** (*Pecten novaezelandiae*) and **snapper** (*Chrysophrys auratus*) 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 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 (Nelson circuit).

Coastal Permit - Structures

4. 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.
5. If farming mussels the following shall apply:
 - (a) 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.
 - (b) 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 (#8085) displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10 metres.
 - (c) That each buoy within the approved area be permanently branded so as to clearly identify its ownership.

If farming salmon the following shall apply:

That the area of surface structures shall be limited to the area illustrated on the plan attached to this consent, reference: The New Zealand King Salmon Company - Waihinau Bay Salmon Farm, MFL 456. The configuration of structures within this defined area shall be at the discretion of the consent holder.

6. That the placement of marine farm lighting and marking shall be approved by the Harbourmaster under his Maritime Delegation from the Director of Maritime Safety pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994. The approved lighting plan is attached.
7. 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.
8. 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.
9. 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.


Initial

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 *12th* **day of** *October* **2006**

\\bbu...O:\Resourceconsent\MFL\MFL456-NZ King Salmon-Deemed Coastal Permit-Decision Document.doc Saved 22/08/2006 16:13:00



APPROVED *H. King* 28.12.1990
 Ministry of Agriculture & Fisheries

DATUM: GEODETIC 1949
 NELSON CIRCUIT COORDINATES
 ORIGIN: BOTANICAL HILL 700 000 mN
 300 000 mE
 Origin Trig D.P. Danger Point
 736 214.47 356 421.13

Total Area 8.0000ha
 Comprised in Application F.65/365
 Marlborough Salmon Co. Ltd.

I, *Travisia Patricia McCreath*
 Registered Surveyor and holder of an annual practicing certificate for
 who may act as a registered surveyor pursuant to section 25 of the
 Survey Act 1981 hereby certify that this plan has been made from
 surveys executed by me or under my directions, that both plan and
 surveys are correct and have been made in accordance with the Survey
 Regulations 1972 or any regulations made in substitution thereof.
 Dated at *Blenheim* this *28th* day of *December* 1990
 Signature *[Signature]*

Field Book p. Traverse Book p.
 Reference Plans S.O. 13310, 8384
 Examined *[Signature]* Correct

Approved as to Survey Under Sec.5 Marine
 Farming Act 1971. *[Signature]*
 Chief Surveyor
 28.12.90

Deposited this day of 19

Certified Correct
[Signature]
 Chief Surveyor
 28.12.90

COMPUTED PLAN.

LAND DISTRICT NELSON
 SURVEY BLK. & DIST. VI. FRENCH PASS
 20007
 NZMS 261 SHT .P.26..... RECORD MAP No 20-00,2100

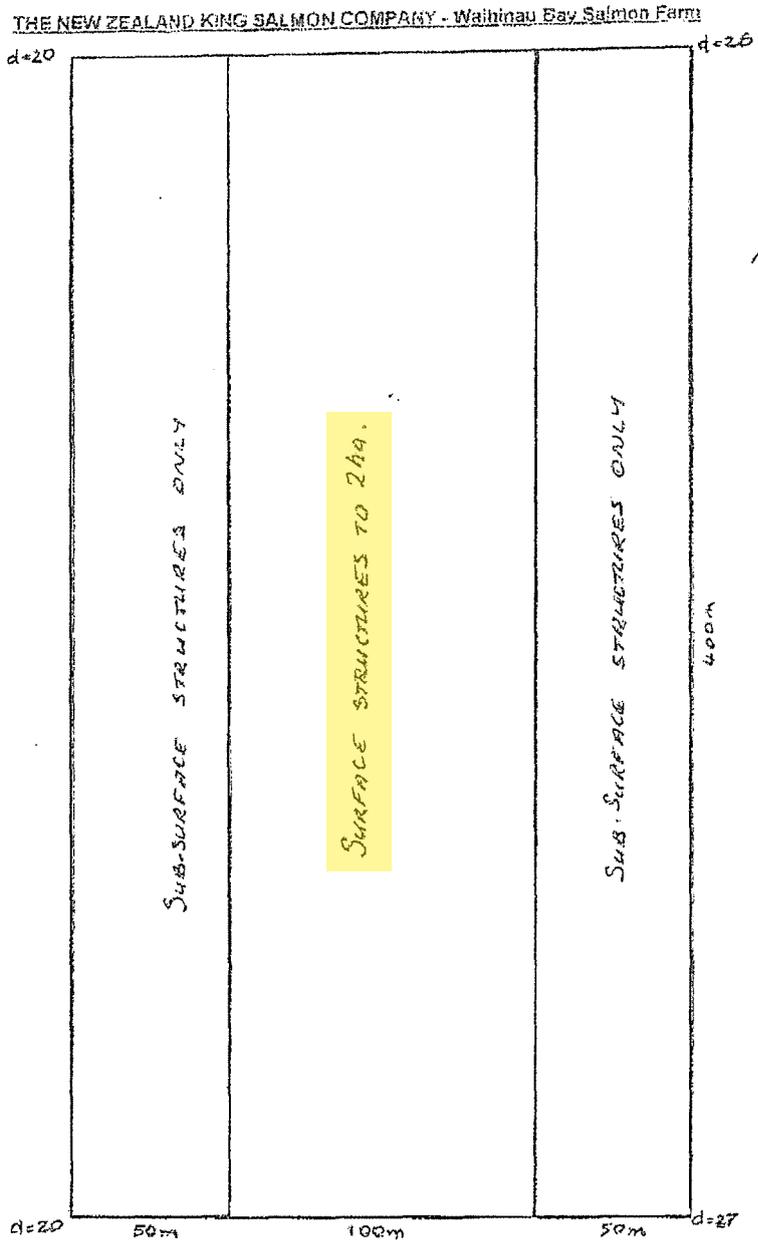
PLAN SHOWING AREA APPLIED FOR UNDER SEC 5
 MARINE FARMING ACT 1971

TERRITORIAL AUTHORITY MARLBOROUGH DISTRICT
 Surveyed by DAVIDSON AYSON
 Scale 1:2000 Date O.C.T. 1990

7067
 File 11 / 37 / 3
 Received 10 - 10 - 90
 Inspector

District Land Registrar
 SO 14638

Structures and lighting plan:



MFL-456

U1000956

MI note 20230622:
 $100 \times 400 = 40000$
 $40000 / 10000 = 4 \text{ ha}$

811

Marine Farm Lighting and Marking Plan – MFL456

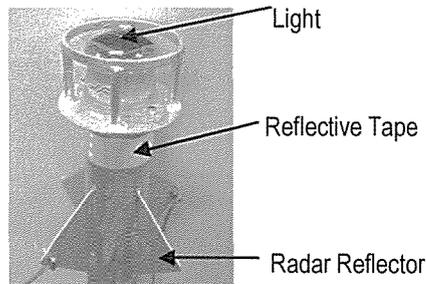
I, Alexander van Wijngaarden, Harbourmaster of Marlborough District Council, hereby approve, under Maritime Delegation from the Director of Maritime Safety pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994, the lighting and marking associated with coastal permit MFL456, located in Waihinau Bay, Outer Pelorus as follows:

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

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

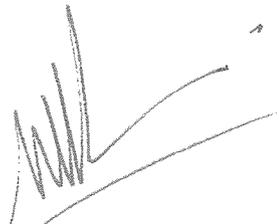
Range: At least 1 nautical mile.

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

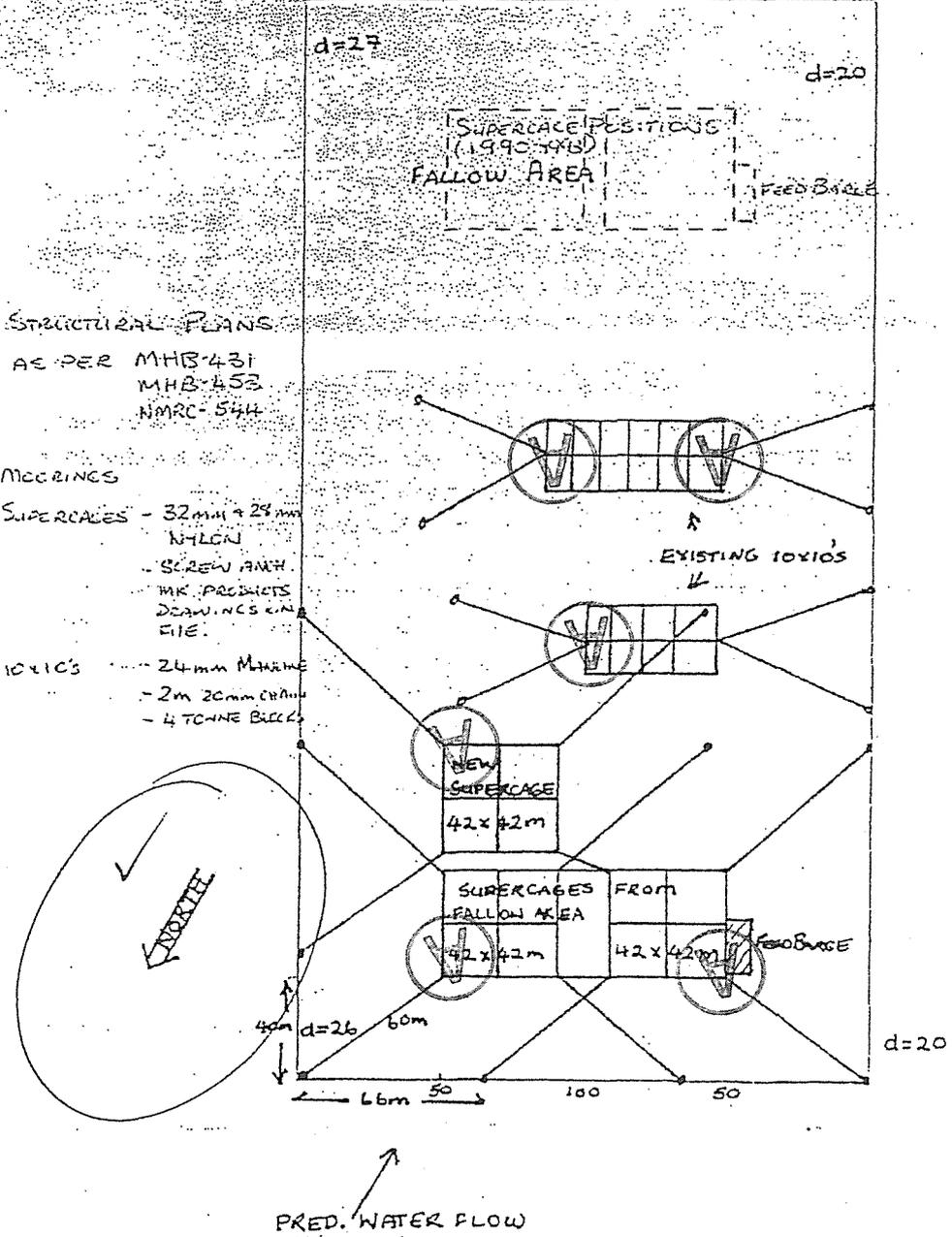


3. That radar reflectors and a band of reflective tape 50 millimetres in width be displayed in the positions marked 'B' on the attached structures plan.

Given under my hand this 11th day of October 2006


ALEXANDER VAN WIJNGAARDEN

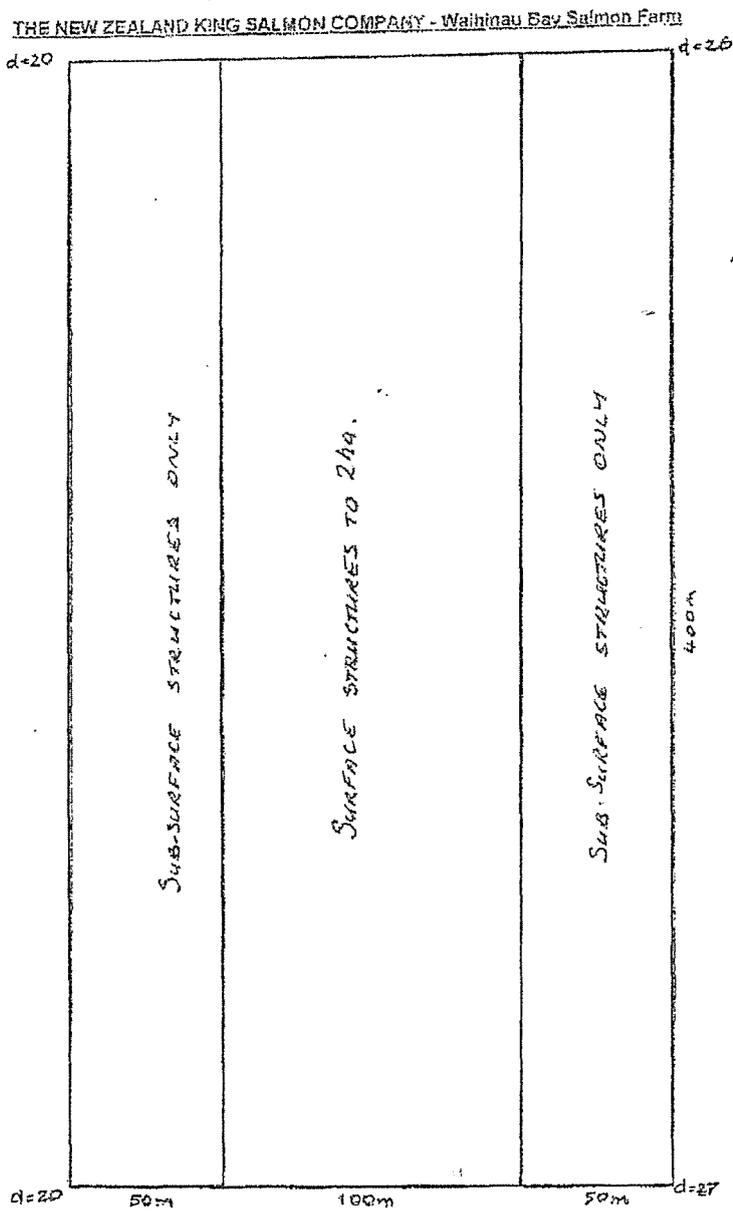
SOUTHERN OCEAN SEAFOODS LTD - WAIHINAU BAY (MFL456)
 NEW LAYOUT - 1993



EXISTING CONSENT
 U930433

11/10/06

Structures and lighting plan:



MFL-456

U000956

[Signature] 1/10/06

Certified Copy

For Chief Executive
Ministry of Fisheries

Variation to include Scallops
(Pecten novaezelandiae) registered on
1 July 1992 at 0800 hours

P Aldridge

for Director General.

MARLBOROUGH SALMON
COMPANY LIMITED

Variation to include Snapper
(Chrysophrys auratus) registered on
24 March 1994 at 0900 hours

[Signature]
for Director-General.

- with -

HER MAJESTY THE QUEEN

Sublicence of 50% of licence to
W & R O'Donnell Marine Farm Limited
registered on 20 September 1999 at
1530 hours.

[Signature]
for Chief Executive

~~Change of name by Certificate of
Incorporation to The New King Salmon
Co Limited. Registered on 26 October
2001 at 1045 hours.~~

~~for Chief Executive~~

Marine Farm Licence No. 456
(Under the Marine Farming
Act 1971)

Change of name by Certificate of
Incorporation to The New Zealand
King Salmon Co Limited. Registered
on 26 October 2001 at 1045 hours.

[Signature]
for Chief Executive

Registered in Marine Farming Register
of Leases/Licences on 1 MAY 1991

[Signature]

Extension of term to expire on
30 April 2019. Registered on
22 September 2004 at 0845 hours.

[Signature]
for Chief Executive

Change of name be certificate
of incorporation to Southern Ocean
Seafoods Ltd, registered on 21
March 1991 at 1300 hours

[Signature]
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

MARLBOROUGH SALMON COMPANY LIMITED (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 14 years beginning on the FIRST day of *MAY* 19*91* at an annual licence fee to be determined from time to time and payable in advance on the FIRST day of *MAY* each calendar year, for the use of the area as a marine farm pursuant to the provisions of the Act.

Conditions

- 1 THE LICENSEE HEREBY COVENANTS with the Licensor as follows:
 - (1) The licensee will at all times comply with the provisions of the Act and Regulations, notices and requirements made or issued pursuant to the Act.
 - (2) The Licensee shall pay the annual licence fee to the Director-General of Agriculture and Fisheries (in this instrument called the "Director-General") at the NELSON Office of the Ministry of Agriculture and Fisheries.

(3) 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.

(4) The licensee shall utilize and cultivate in a proper manner the area for the purpose of farming CHINOOK SALMON (*Oncorhynchus tshawytscha*) AND MUSSELS.

(5) The Licensee shall not erect, place, moor or keep in the area any structure, raft, buoy or buoyed sea cage 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.

(6) The Licensee shall not transfer any live salmon from the area to any other waters (not being a marine farm) without prior approval in writing of the Manager, Freshwater Fisheries Centre of MAF Fisheries.

(7) Only dry pelleted feed is to be used. The use of alternative food must be approved in writing by the Regional Manager, MAF Fisheries, NELSON.

(8) 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 he cannot identify, he shall, within 24 hours after the time when he discovers or first suspects the fish to be diseased, advise the Director-General or officer in charge of salmon diseases at the Ministry of Agriculture and Fisheries Freshwater Fisheries Centre, Kyle Street, Christchurch, and shall keep the fish diseased or suspected to be diseased from coming in contact with other fish.

Handwritten signature and initials in the bottom left corner of the page.

(9) 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 the officer in charge of salmon diseases at the Ministry of Agriculture and Fisheries Freshwater Fisheries Centre, Kyle Street, Christchurch, and shall keep the fish diseased or suspected to be diseased from coming in contact with other fish.

(10) The Licensee shall not transfer any diseased fish to another farm or release into any waters any diseased fish kept at any licensed area.

(11) 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 fish on the farm as is specified in the notice.
- (b) Where the officer believes on reasonable grounds that any fish on the fish 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.

(12) 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

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[Signature]

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

he may 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.

(13) No compensation shall be payable in respect of any fish destroyed by an authorised officer pursuant to conditions (11) or (12) of this licence or pursuant to a notice given by an authorised officer under conditions (11) or (12) of this licence.

(14) The Licensee shall not use tri-n-butyltin as an antifoulant agent on any equipment used or brought onto the licence site.

(15) The Licensee shall not use polystyrene or other similar material as floatation unless it is encased so as to prevent the material breaking up.

(16) 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 NELSON-MARLBOROUGH Regional Council.

(17) The Licensee may be required by notice in writing from the Regional Manager, MAF Fisheries, NELSON, to inspect or have inspected the sea bed of the farm area and/or the area in the vicinity. The inspection procedures and sampling programme to be described in the notice.

J. M.

J. M.

(18) The Licensee may be required by notice in writing from the Regional Manager, MAF Fisheries, NELSON, to remove waste deposits from the licence area at their own expense.

(19) The Licensee or operator shall maintain a written record of all salmon sold or transferred which must show the following details of each transaction:

Quantity

Weight

Date of transfer or sale

Name and address of processor or dealer to whom consigned

Such a record is to be available for inspection at any reasonable time by an officer of the Ministry of Agriculture and Fisheries.

(20) The Licensee shall provide annually, not later than the last date of June each year:

(a) A production log showing the monthly harvest of fish by weight (broken down by age for the previous year);

(b) Any other such information not specified above but which may be specified in writing to the Licensee by the Regional Manager, MAF Fisheries, NELSON.

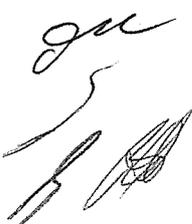
(21) The Licensee or farm operator shall keep a record of all disinfectants, antibiotics, antifoulants or any other chemicals used in the licence area which must show the following information for each application:

(a) Chemical name

(b) Quantity

(c) Date

(d) Reason for use

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

(23) If the Licensee fails to comply with clause (22) 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.

(24) 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, contamination by sewage or by any other cause.

(25) The Licensee will maintain in good order and repair all structures, rafts, buoys, buoyed sea cages, beacons, notice boards 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.

(26) The Licensee will permit and facilitate free access to, over and from any raft, structure, buoy or buoyed sea cage to 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 Licence and the Act, or any regulations, notices or requirements made or issued pursuant to the Act, are being complied with or not contravened.

(27) 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.

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2 THE LICENSOR HEREBY COVENANTS WITH THE LICENSEE AS FOLLOWS:

The Licensor or any Officer of the Crown who under the terms of this licence or the Act enters and inspects the area shall not reasonably interfere with the use of the area or with any raft, structure, buoy, buoyed sea cage, mooring arrangements, mooring or navigational marks, or fish or marine vegetation of the species authorized 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:

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

- (a) 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
- (b) 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
- (c) Defaults in or is in breach of any term or condition of this licence;

(2) 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.

Dec
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(3) 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.

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BP

SCHEDULE

"ALL THAT AREA OF WAIHINAU BAY, CONTAINING 8.0000 HECTARES, MORE OR LESS, SITUATED IN BLOCK VI, FRENCH PASS SURVEY DISTRICT, SHOWN MARKED "A" ON SO PLAN 14638".

Signed by the Licensee
in the presence of

..... 

Witness 
Address *Te Towaka RD3 Rai Valley*
Occupation *Farmer*

The Common Seal of MARLBOROUGH SALMON COMPANY LIMITED
was hereunto affixed, in the presence of

Director 



~~SECRETARY~~
Director 

Signed by Douglas Lorimar 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

..... 

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

DATED this *24th* day of *April* 1991



**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 Number 456.

2. The Licensor and the Licensee agree to vary the said licence to permit the Licensee to farm SNAPPER (*Chrysophrys auratus*).

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. The 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 the Licensor's urgent action -

The Licensor may destroy any fish stocks affected, and may take steps as is considered 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.

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.

- (i) Manner and form in which records are to be kept:

Any records required to be kept shall -

- (a) Unless otherwise specified in these conditions, in respect of all transactions which involve a third party, a minimum of two documents (i.e., 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 in 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 seven years after completion of the transactions or period to which they relate.

- (ii) Inter-related farming activities

In those instances where the licensee operates several inter-related activities i.e., hatchery, nursery, farming (to economic sale size) there must be a distinct audit trail between each of the operations.



(iii) Prescribed records to be kept:

(a) All invoices and other documentation relating to all stock purchased or otherwise acquired by the licensee, shall include the following information:

- (i) MAF client number (of both purchaser and seller where applicable)
- (ii) Date acquired
- (iii) Name and address of both purchaser and seller
- (iv) Description of stock
 - scientific name
 - age or growth class
 - number per size/grade
 - any other details relevant to identifying the stock
- (v) \$ price per size/grade.

(b) A stock transfer document shall be kept where the licensee transfers stock from the licensed area or premises to any other licensed area or premises (whether owned or operated by the licensee or any other person).

The stock transfer document shall be completed in duplicate at the time of the despatch of the stock (one copy to be held at the premises from which the stock is transferred, and one copy to accompany and be held at the premises of destination) and shall include the following information:



- (i) MAF client number
 - (ii) Date on which stock transferred
 - (iii) The premises from which the stock is transferred, and the premises to which the stock is being transferred
 - (iv) The name of the person transporting fish to its destination
 - (v) Description of stock
 - scientific name
 - age or growth class
 - number per size/grade
 - any other details relevant to identifying the stock.
- (c) A sales invoice shall be kept where the licensee sells, supplied or otherwise disposes stock to any person; and such sales invoice shall be prepared at the time the stock is transferred from the licensee's premises, or custody, possession, or control.

A sales invoice shall include the following information:

- (i) MAF client number (of both purchaser and seller where applicable)
- (ii) date disposed of
- (iii) name and address of both purchaser and seller
- (iv) description of stock
 - scientific name
 - age or growth class
 - state (e.g., in shell, shucked)
 - number per size/grade/state
 - any other details relevant to identification of the stock



- (v) \$ price per size/grade
 - (vi) total net weight (kgs)
- (d) Licensee to keep and complete regular stock holding records which shall include the following information:
- (i) Date to which record relates
 - (ii) Age/growth class per container
 - (iii) Number of containers for each age/growth class
 - (iv) Number of stock per container
- (e) A record of all losses (e.g., mortality, unexplained loss, destruction, etc), which record shall be in sufficient detail to allow the time period and circumstances of loss to be identified.
- (iv) Retention of non-prescribed records:

All other records produced and/or available to the licensee that contribute to the audit trail of species farmed which shall include all invoices, receipts, payments, notes, memoranda or other documents that may be generated but are not required to be kept by the minimum requirements.

- (v) 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 and attract the appropriate penalty.

(vi) 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) Age/growth class per container
- (iii) Number of containers for each age/growth class
- (iv) Number of stock per container.

- (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.

(vii) 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 requirements 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.

(viii) Inspection of records, etc

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.



THEREFORE, from the date of this agreement, the Marine Farm Licence Number 456 shall be varied to the extent outlined in Clauses 3(a) to (K) above and apart from the agreed variation, the present conditions, covenants and agreements shall continue to apply.

The bottom right corner of the page contains three handwritten signatures in black ink. The first signature is a cursive 'Jm'. The second signature is a stylized 'AS' with a vertical line through it. The third signature is a cursive 'AB'.

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. C. aume*

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 *Karen Jayne*

Address WELLINGTON

Occupation PRIVATE SECRETARY

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

Operation of Species

Registered in Marine Farming Register
of Leases, Licences on 24.3.94

[Handwritten signature]

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 Agriculture and 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 No. 456 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 SCALLOPS (*Pecten novaezelandiae*) as a species permitted to be farmed under the licence.
 - (b) The licence is permitted to farm only MUSSELS (*Perna canaliculus*), CHINOOK SALMON (*Oncorhynchus tshawytscha*) and SCALLOPS (*Pecten novaezelandiae*).

Two handwritten signatures in black ink, one above the other, located in the bottom right corner of the page.

(c) Record Keeping conditions - The Licensee shall keep the following records for a period of seven (7) years:

(1) A record of all stock or crop purchased or otherwise acquired by the Licensee, which record shall be in sufficient detail to allow the stock or crop and the person from whom the stock or crop was acquired to be identified;

(2) Invoices relating to all stock or crop purchased or otherwise acquired by the Licensee, which invoices shall include the following information:

(i) the date of the transaction under which the stock or crop was acquired;

(ii) the name and address of the person supplying the stock or crop;

(iii) the species, processed state, net weight in kilograms, and unit price (if any) of the stock or crop;

(3) A record of all stock or crop held by the Licensee on behalf of any person (if applicable), which record shall be in sufficient detail to allow the stock or crop and the circumstances in which the stock or crop are held to be identified, and shall include the following information:

(i) the times at which possession of the stock or crop was taken and handed back, and the dates on which the stock or crop was held;

(ii) the manner of disposal of the stock or crop;



- (iii) the species, processed state, and weight in kilograms of the stock or crop;
- (4) A record of all stock or crop sold or otherwise disposed of by the Licensee, which record shall include the following information:
 - (i) the date on which the stock or crop was disposed of;
 - (ii) the species, processed state, weight in kilograms and price of the stock or crop;
 - (iii) the person to whom the stock or crop was sold or otherwise disposed of;
- (5) Statements of stock or crop inventory held at the end of each financial year of the Licensee and all records of stock-takings from which any such statement has been or is to be prepared, which statements and records shall include the following information:
 - (i) The date on which the inventory was made and the date on which any stock-taking occurred;
 - (ii) the species, processed state, and weight in kilograms of stock or crop held at the time of the inventory and the time of any stock-taking.
- (d) Only dry pelleted feed is to be used if applicable. The use of alternative food must be approved in writing by the Regional Manager, MAF Fisheries Central, Private Bag, Nelson.
- (e) That all stock and crop on the farm be obtained from a source approved by the Regional Manager, MAF Fisheries Central, Private Bag, Nelson, in



writing.

- (f) 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, Nelson.
- (g) 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.
- (h) 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.
- (i) No compensation shall be payable in respect of any stock or crop required to be destroyed by an authorised officer pursuant to Condition (h) of this licence.
- (j) 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:



- (i) chemical name;
 - (ii) quantity;
 - (iii) date;
 - (iv) reason for use.
- (k) Any SCALLOP which is removed from within the boundaries of the marine farm must be enclosed within labelled containers. The label should contain the following details:
- (i) date of removal;
 - (ii) name of consignor (i.e. marine farm);
 - (iii) name of consignee (e.g. licensed fish packing house);
 - (iv) description of contents (e.g. *Pecten novaezelandiae*);
 - (v) numbers of shellfish or net weight;
 - (vi) signature of consignee or authorised agent.
- (l) Any farmed scallop, flat oyster or paua must be packaged separately from those caught in the wild.

THEREFORE, from the date of this agreement, the Marine Farm Licence Number 456 shall be varied to the extent outlined in Clauses 4(a) to (l) above and apart from the agreed variation, the present conditions, covenants and agreements shall continue to apply.



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 



SECRETARY

Director 

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

..... 

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

DATED this *29th* day of *June* 19*92*

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

VARIATION

Registered in Marine Farming Register
of Leases/Licences on 1.7.92
P. A. Caldwell

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. THE NEW ZEALAND KING SALMON COMPANY 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 456 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 456 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 456 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 All stock and crop 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.
- B Notwithstanding (A) above but subject to any other regulations governing the transfer of any species, the licensee shall not transfer any stock from the area to any other waters without prior written approval from the Ministry of Fisheries, Private Bag 14, Nelson if previously notified by this Ministry of such a requirement.
- C 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.
- D 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.
- E No compensation shall be payable in respect of any stock or crop required to be destroyed by an authorised officer pursuant to Condition 7(D) of this licence.

F. Recordkeeping requirements.

(i) For the farming of:

MUSSEL (*Perna canaliculus*)

CHINOOK SALMON (*Oncorhynchus tshawytscha*)

the licensee shall comply with conditions contained in Schedule A; and

(ii) For the farming of:

SCALLOP (*Pecten novaezelandiae*)

SNAPPER (*Chrysophrys auratus*)

the licensee shall comply with conditions contained in Schedule B.

THEREFORE, from the date of this agreement, the Marine Farm Licence Number 456 shall be varied to the extent outlined in Clauses 7(A) to 7(F) 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 456 for a period of 14 years beginning on the 1ST day of MAY 2005 and expiring on the 30TH day of APRIL 2019. The Licensee hereby agrees to this extension of term and all terms and conditions contained herein and contained in Licence Number 456.

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.

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)
 - (v) Description of stock
- 

- Scientific name and common name
 - Age/growth class
 - Any other details relevant to identifying the stock
- (vi) \$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.

(a) Signed by the Licensee

in the presence of:

Witness

Address

Occupation

(b) Signed on behalf of THE NEW ZEALAND KING SALMON COMPANY LIMITED

Director / authorised person / attorney

Director / authorised person / attorney

Witness 

Address KOWHATU RD2 WAKEFIELD

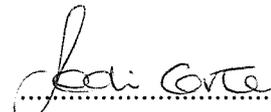
Occupation MANAGER

Signed for and on behalf of the Minister

of Fisheries by Daniel Lees acting

pursuant to delegated authority,

in the presence of:

Witness 

Address Fernin Road, Tasman

Occupation Fisheries Analyst

DATED this 21 day of September 2004

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

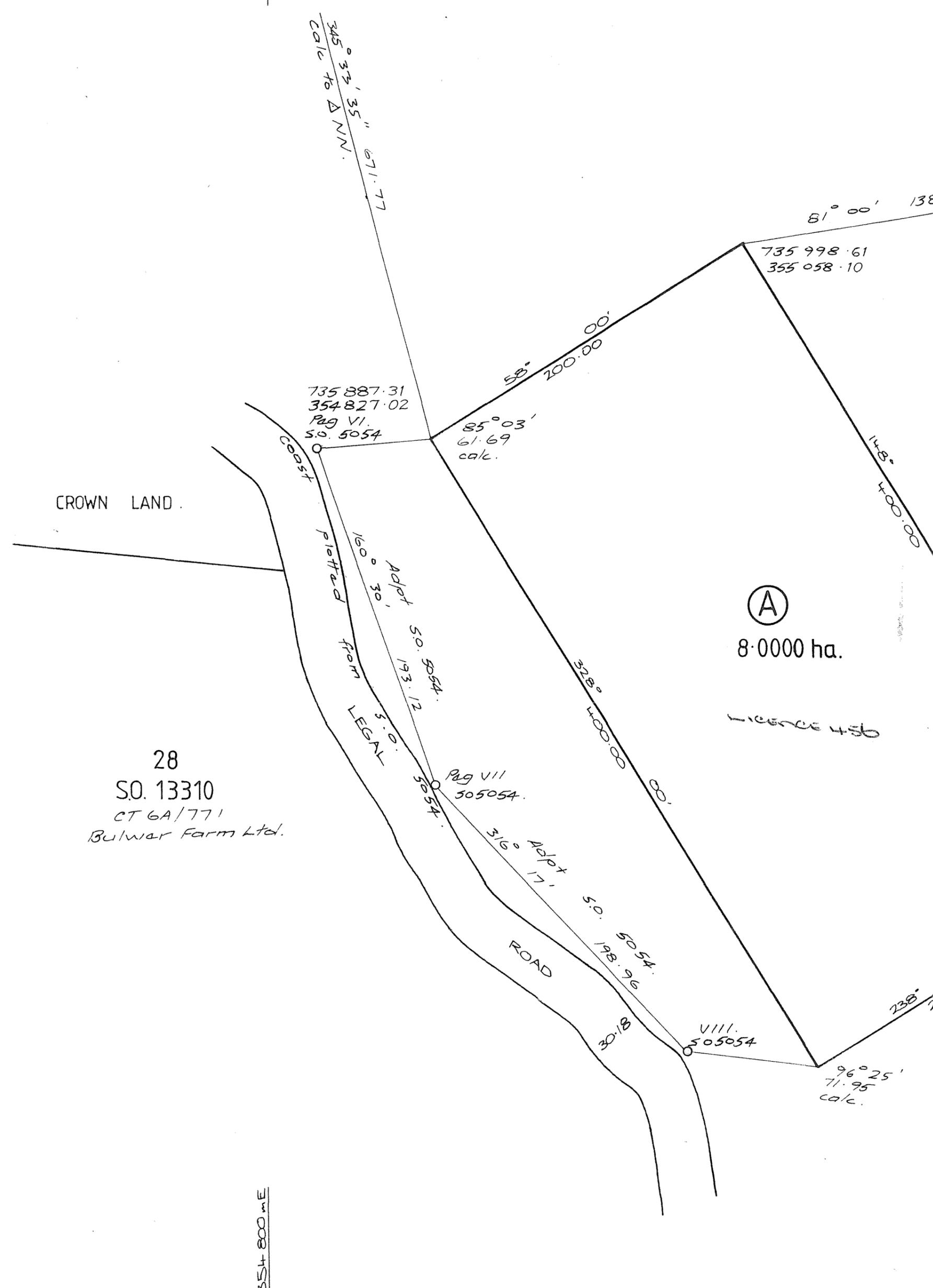
Extension of Term

Registered in Marine Farming Register
of Leases, licences on 22.9.2004

[Handwritten signature]

736 000 mN

735 600 mN

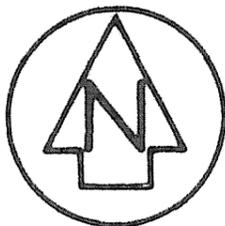


LAND DISTRICT NELSON

SURVEY BLK. & DIST. VI FRENCH PASS

NZMS 261 SHT .. P. 26 RECORD MAP No 2000/ 20-08, 21-08

PLAN SHOWING AREA APPLIED FOR UNDER S
MARINE FARMING ACT 1971



rovals

Plating 3-10-1990

APPROVED Ministry of Agriculture & Fisheries

1380.00 calc to ΔDP.

WAIHINAU BAY.

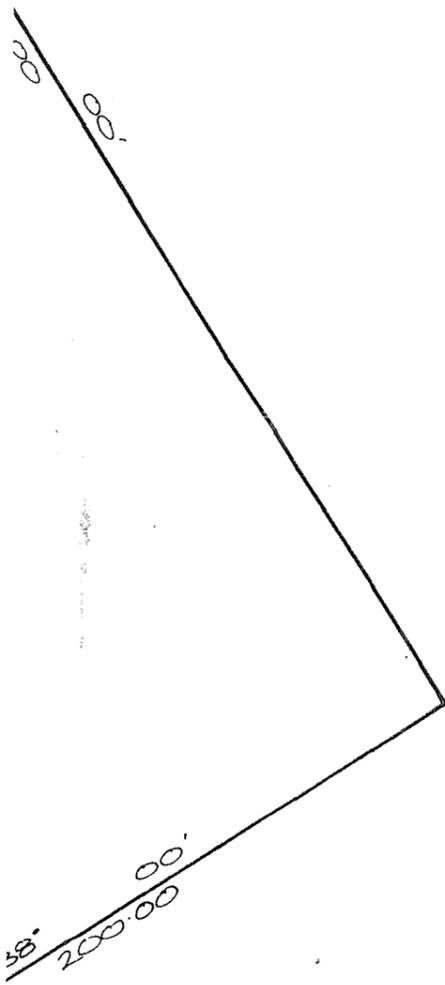
DATUM: GEODETIC 1949

NELSON CIRCUIT COORDINATES

ORIGIN: BOTANICAL HILL 700 000 mN
300 000 mE

Origin Trig D.P. Danger Point

736 214.47 356 421.13



Total Area 8.0000ha

Comprised in Application F65/365
..... Marlborough Salmon Co. Ltd.

I, Terence Patrick McGrail
Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.
Dated at Blenheim this 28th day of September 1990 Signature T.P. McGrail

Field Book p. Traverse Book p.
Reference Plans S.O. 13310, 5054

Examined SAH Correct

Approved as to Survey Under Sec.5 Marine Farming Act 1971.
..... 3. / .12 / 90. SAH Chief Surveyor

Deposited this day of 19

7061 District Land Registrar

File 11 / 37 / 3
Received 18 - 10 - 90
Instructions

SO 14638

Certified Correct

SAH
Chief Surveyor
4 / 12 / 90

COMPUTED PLAN.

355 200 mE

R SEC 5

TERRITORIAL AUTHORITY MARLBOROUGH DISTRICT

Surveyed by DAVIDSON AYSON

Scale 1:2000 Date OCT 1990