

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2023] NZEnvC 203

IN THE MATTER of the Resource Management Act 1991

AND appeals under s120 of the Act

BETWEEN DIRECTOR-GENERAL OF
CONSERVATION

(ENV-2022-CHC-67)

AND MCGUINNESS INSTITUTE
LIMITED

(ENV-2022-CHC-68)

Appellants

AND MARLBOROUGH DISTRICT
COUNCIL

AND THE NEW ZEALAND KING
SALMON CO LIMITED

Respondents

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 19 September 2023

CONSENT ORDER



Director-General of Conservation & McGuinness Institute Limited v MDC & The New Zealand King Salmon Co Limited – Consent Order

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

- (1) the appeal is allowed and the conditions of resource consent U190438.1 are amended as set out in Annexures 1 and 2, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns two appeals filed by the Director-General of Conservation and McGuinness Institute Limited against the grant of resource consent U190438 to The New Zealand King Salmon Co Limited ('NZKS') to establish two salmon farms known as 'Blue Endeavour'. The decision to grant resource consent was made on behalf of Marlborough District Council by an Independent Hearing Panel acting under delegated authority. The coastal permit authorises NZKS to establish and operate two salmon farms within a 1,000ha site north of Te Uku/Cape Lambert, Northern Marlborough.

[2] I have read and considered the consent memorandum of the parties dated 2 June 2023 which explains the parties, having participated in court-facilitated mediation, have agreed to a set of amended conditions. The agreement reached resolves the appeals.

Other relevant matters

[3] Minister for Oceans and Fisheries, Friends of Nelson Haven and Tasman Bay Incorporated and Guardians of the Sounds Incorporated each gave notice of

¹ Resource Management Act 1991.

an intention to become a party to the appeals under s274 RMA, and have signed the memorandum setting out the relief sought.

[4] No party seeks costs, all parties agreeing that costs should lie where they fall.

Outcome

[5] The court makes this order under s279(1) RMA, such order being by consent rather than representing a decision or determination on the merits pursuant to s297. The court understands for the present purposes that:

- (a) all parties to the proceeding have executed the memorandum requesting this orders;
- (b) all parties are satisfied that all matters for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA, including in particular, pt 2.



J J M Hassan
Environment Judge



Annexure 1

Agreed conditions of resource consent U190438.1
(amendments shown in underline, and ~~strike through~~ text)

Certificate of Resource Consent

Consent Holder:	The New Zealand King Salmon Company Limited
Consent Type:	Coastal Permit
Consent Number:	U190438.1
Lapse Date:	This consent will lapse on 10 December 2032 unless given effect to prior to that date.
Expiry Date:	If this consent is given effect to, the consent will expire on 10 December 2057.
Part 3, Section	S12(1)(b), (c), (d); 12(2)(a),12(3)

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and sections 104D and 104 of the Resource Management Act 1991, the Marlborough District Council **grants** a coastal permit to establish and operate two new salmon farms (the north farm and the south farm) located approximately 5 kilometres to the north of Te Uku/Cape Lambert, in northern Marlborough as detailed on OCEL drawing SK-051103-521, Rev 5, dated 3 August 2021 (attached) subject to conditions imposed under section 108 of the Resource Management Act 1991 below.

Conditions

General

1. The consent holder shall always and only undertake the activity provided for by this resource consent in accordance with:
 - a) The conditions of this resource consent; and
 - b) A certified version of each Management Plan, [Monitoring Plan, or Wild Fish Monitoring Method](#), required by the conditions of this resource consent.

In the event that there is an irreconcilable conflict between the conditions of this resource consent and a [Management Plan](#) or [Method specified in \(b\)](#), the conditions shall prevail. In the event of an inconsistency between [Management Plans](#) and [Methods specified in \(b\)](#), the more stringent requirement will prevail.

2. There shall be no use of Organohalogenated Contaminants (OHC's), therapeutics or antibiotics at either Salmon Farm.
3. No separate predator nets are to be installed as part of this consent.

Lapsing

4. This resource consent shall have been given effect to (in terms of section 125 RMA) once any Salmon Farm structure has been installed pursuant to this resource consent.

Cultural Matters

5. The consent holder shall assist Ngāti Kuia to develop a Mauri Framework (which may include a cultural health index) for monitoring the mauri of Titi Island, Pouataikino/Alligator Head and Te Mete Mahinga/McManaway Rock.
6. The Mauri Framework will specify:
 - a) Baseline monitoring to be undertaken for a period of 12 months beginning within one month of a date agreed between Ngāti Kuia and the consent holder;
 - b) Cultural health indicators for monitoring mauri;
 - c) Tikanga based responses for managing adverse effects on mauri; and
 - d) Time periods for reporting on monitoring under the Mauri Framework.
7. The consent holder shall engage Ngāti Kuia or a Cultural Advisor(s) to undertake monitoring required by the Mauri Framework, and to prepare a report on the outcomes of monitoring under the Mauri Framework including any recommended tikanga based responses, in accordance with the time periods specified in the Mauri Framework. The report is to be provided to the Compliance Manager within 15 working days of completion.
8. Should the report prepared in accordance with condition 7 of this resource consent determine adverse effects on mauri as a result of the operation of the Salmon Farm and the report recommend any tikanga based responses, the consent holder shall:
 - a) Review the report, with Ngāti Kuia or any Cultural Advisor(s) to ensure understanding;
 - b) Identify which recommended tikanga responses it will adopt and which it will not adopt and advise Ngāti Kuia of this decision in writing, providing reasons for its decision on each recommended tikanga responses; and
 - c) Implement adopted tikanga based responses.
9. The consent holder shall review the Mauri Framework's use and application with Ngāti Kuia on an annual basis.
10. Any document required to be sent to Ngāti Kuia shall be sent in a manner prescribed by Ngāti Kuia.

Advice note: For clarity, we have referred to the “consent holder” in these conditions. This is intended to address the direct relationship between the New Zealand King Salmon Company Ltd (NZ King Salmon) and Ngāti Kuia, including any successor consent holder to NZ King Salmon over the term of this consent.

Occupancy

11. The consent holder may exclusively occupy:
 - a) The physical space occupied by all surface and sub-surface structures (as they exist from time to time), including all the space within the Salmon Pens, within the barges and within the feedpipes; and
 - b) All other areas necessary to ensure the safety and security of personnel, members of the public, the salmon and the Salmon Farms (including the cardinal marks, monitoring equipment, lines, feedpipes and mooring systems).

Structures

12. Each Salmon Farm shall be located and secured so as to remain in general accordance with Plan SK-051103-521-Revision 6 at all times, other than during construction, or when being moved during or for maintenance, or when being taken to and from the Salmon Farm(s).
13. The maximum surface area of the Salmon Pens at each Salmon Farm shall not exceed six hectares in area.
14. The internal circumference of each Salmon Pen installed at the Salmon Farms shall not exceed 168 metres in length.
15. One permanently moored barge may be moored at each Salmon Farm. The length of the barge (as defined under Maritime Rule Part 40C) shall not exceed 70 metres. The beam overall shall not exceed 15 metres in width (measured at its widest point). The air draught (overall height above the waterline) shall not exceed 14 metres (excluding aerials or similar) under any design load condition.
16. After the installation of Salmon Pens, the consent holder is to position special marks as directed by the Harbourmaster in accordance with condition 40. Those special marks, when connected by imaginary lines, will form an imaginary quadrilateral. The consent holder shall ensure that, when measured under calm conditions, no pen mooring line:
 - a) Is to be within five metres of the surface of the water between one metre and 100 metres outward from that imaginary quadrilateral;
 - b) Is to be within 10 metres of the surface of the water between 100 metres and 400 metres outward from that imaginary quadrilateral; and
 - c) Is to be within 20 metres of the surface of the water beyond 400 metres outward from that imaginary quadrilateral.

Visual Appearance

17. Except as specifically required by the Harbourmaster or as provided for in the Safety Case, MMSMP or SBMP (whose requirements shall prevail over this condition):
 - a) The upper works of each barge above the gunwales shall be painted in a nautical colour scheme (such as white and blue);
 - b) The hull of each barge shall be a dark colour(s) (such as black);
 - c) All other surface structures at each Salmon Farm shall:
 - i. Be painted or finished in dark or recessive colour(s); or
 - ii. Be the natural colour of the materials if these are recessive (such as galvanised carbon steel); and
 - d) Where reasonably practicable, structures of the same type shall be painted or finished in such a way to allow the whole of each floating part to be discernible and contiguous (such as by using consistent and coherent colours).

Lighting

18. The luminance resulting from the submerged artificial lighting used in each Salmon Pen may not exceed 23 x 600W LED underwater lights (or equivalent luminance) and shall be deployed at least five metres below the surface of the water.
19. The consent holder shall minimise light spill from the barge(s) by ensuring that:

- a) Curtains, blinds or shutters which are effective at preventing light spill at night are provided for all windows on the barges resident at the Salmon Farm;
 - b) The curtains, blinds and shutters installed in accordance with condition 19a are closed to prevent light spill at night;
 - c) Only external lighting that is required for navigation, deck and boat handling work, or health and safety purposes is installed at the Salmon Farms;
 - d) Lights for deck and boat handling work shall only be used while that work is being undertaken; and
 - e) All external lights are angled downwards, except where they are required to be angled upwards for navigation or health and safety purposes.
20. Where vessels operate at the Salmon Farm(s) at night, floodlights may only be used to:
- a) Ensure the safety of staff;
 - b) Prevent harm to salmon; or
 - c) Protect each Salmon Farm, or ancillary infrastructure, from damage or failure.

Engineering and Design

21. The consent holder shall engage a Recognised Organisation to:
- a) Assign class to each permanent feed barge; and
 - b) Assign class to each assembly of farming structures, comprising anchors, moorings, and salmon pens.
22. Design criteria for class shall include:
- a) A tsunami with a current of 3.2 knots and wave height of 2.5 metres; and
 - b) NS9415:2021 or any successor standard accepted by the Recognised Organisation.³²⁷
23. The consent holder shall provide Ngāti Kuia, the Compliance Manager and Maritime New Zealand with a copy of the certificate of class from a Recognised Organisation not more than five working days after obtaining that certificate of class and before salmon are brought to the Salmon Farm(s).
24. The consent holder shall engage a Recognised Organisation to maintain in class each permanent feed barge and each assembly of farm structures, comprising anchors, moorings, and salmon pens.
25. The consent holder shall maintain the structures so that they are in good order, and in accordance with any endorsements of the certificate of class including in respect of periodic surveys, and any conditions of class of the Recognised Organisation.
26. The consent holder shall provide Ngāti Kuia, the Compliance Manager and Maritime New Zealand with evidence of maintenance of class from a Recognised Organisation annually within three months of the certificate of class being given.
27. The consent holder shall authorise the Recognised Organisation to provide the following notices directly to Ngāti Kuia, the Compliance Manager and Maritime New Zealand:

³²⁷ Recognised Organisation means a classification society authorised as a recognised organisation by Maritime New Zealand in terms of the definition in Part 21 Maritime Rules rule 21.5.

- a) Any notice of suspension of class; and
- b) Any notice of withdrawal of class; and

shall provide any such notice to the Compliance Manager and Maritime New Zealand within one working day of receiving notice from the Recognised Organisation.

Carbon Reporting Climate-related disclosures

- 28. The consent holder shall comply with ~~the Financial Markets Conduct Act 2013 and the Financial Reporting Act 2013 (and any successor legislation) as they relate to carbon reporting climate-related disclosures as required by law.~~

Feed discharge, Density and Biomass

- 29. The consent holder shall not discharge more than 10,000 tonnes per annum per Salmon Farm.
- 30. The consent holder shall keep a record of the amount of feed discharged at each salmon pen and at each Salmon Farm in each month. Records of the amount of feed discharged at each salmon pen are to be made available to Ngāti Kuia and the Compliance Manager on request. Records of the amount of feed discharged at each Salmon Farm each month shall be provided to Ngāti Kuia and the Compliance Manager.
- 31. The consent holder shall operate the Salmon Farm so that the density of salmon does not exceed 25 kg/m³ at each Salmon Farm. The consent holder shall supply evidence that it is complying with this condition on the request of the Compliance Manager.
- 32. The consent holder shall operate the Salmon Farm so that the biomass of salmon does not exceed 18,000 tonnes in total at each Salmon Farm. The consent holder will supply evidence that it is complying with this condition on the request of the Compliance Manager.
- 33. Prior to each Monitoring Year, the consent holder shall provide, to the Suitably Qualified and Experienced Person referred to in condition 64 the Anticipated Annual Feed for the following Monitoring Year. Owing to its commercial sensitivity, that statement may be provided to the Compliance Manager on the provision of an undertaking to keep the information confidential, except where disclosure of that information is required by law.

Safety Case

- 34. A Safety Case shall be prepared as part of the design and development process for the Salmon Farms and to form the basis of, or inform all procedures, the conduct of which may affect maritime safety. The purpose of the Safety Case is to form a flexible and dynamic safety framework that ensures and demonstrates that the Salmon Farms' development is designed, constructed, operated and maintained in a safe manner, meets legislative requirements and can incorporate lessons learnt post installation. The Safety Case shall document the inherent significant safety hazards and demonstrate the engineered barriers and a Safety Management System that shall be designed and applied to prevent the hazards from becoming a significant risk to maritime and personnel safety.
- 35. The consent holder shall engage a Suitably Qualified and Experienced Person(s) to lead the preparation of the Safety Case. This Safety Case shall be prepared in consultation with the consent holder and the Harbourmaster. A copy of the exposition (as described in condition 36(a)) of the first fully developed version of the Safety Case shall be submitted for information, to Ngāti Kuia and the Compliance Manager no later than one month prior to the installation of the structures.
- 36. The Safety Case shall include / address all of the following matters:

- a) An exposition setting out how the various components of the Safety Case and Safety Management System are structured and meet all legislative and regulatory requirements;
 - b) A maritime safety risk register, a means of assessing identified risks and a description of the risk profile;
 - c) Detail the Salmon Farm(s) design requirements and ongoing measures to mitigate the risks associated with collision, allision and grounding of vessels;
 - d) Establish and maintain a Safety Management System;
 - e) The schedule for reviewing the risk profile in (b) above;
 - f) Require the use of automated means to monitor the position of each Salmon Farm to alert the consent holder and, if outside pre-defined positional parameters, the Harbourmaster. In addition, the system will enable live-tracking of a Salmon Farm if it should break free of its moorings;
 - g) Establish the Emergency Response Procedures to be included in the Safety Case and require periodic training to ensure that those working at the Salmon Farms are familiar with the actions that are to be undertaken in the event of an emergency. The Emergency Response Procedures are to include the actions that will be undertaken if a Salmon Farm and/or one of its component parts is detected to be outside of its correct location, as set out in Plan SK-051103-521-Revision 6.
37. The Safety Case shall include a requirement that, in addition to the official national requirements such as Notices to Mariners, or charting and listing of lights, the consent holder is to engage with the Harbourmaster regarding advising local mariners of the general nature of the Salmon Farm(s) including sub-surface structures, associated navigational aids, activities that may be occurring at the Salmon Farms, and from time to time any material changes to the activities.
38. The Safety Case is to be maintained to ensure the standards of the activities, operations, structures and other factors are effective in maintaining maritime safety. Copies of the extant Safety Case exposition is to be subsequently made available to Ngāti Kuia and the Compliance Manger from time to time on request throughout the life of this resource consent.
39. The consent holder shall engage a Suitably Qualified and Experienced Person(s) to lead the review of the Safety Case on a three yearly basis. The review is to be completed by the third anniversary of the previous review. The review is to be undertaken in consultation with the consent holder and the Harbourmaster.

Navigation

40. The consent holder shall, at least three months prior to the navigation marks being installed to mark the Salmon Farms, notify Ngāti Kuia of their planned installation and seek formal Maritime New Zealand approval via the Harbourmaster, through the established process for the marks to be approved, laid, notified and charted and lights listed.
41. The consent holder shall, at least five working days prior to each major works programme or changes that may influence the safety of maritime traffic notify Ngāti Kuia and the Harbourmaster of the programme of change. The purpose of notification is to indicate the area and nature of the works or changes and the anticipated period of the associated activity.
42. The consent holder shall, at least five working days prior to the planned placement of the cardinal marks and the first structure forming part of the Salmon Farm(s), notify Ngāti Kuia of their planned installation and request, via the Harbourmaster, that an announcement alerting mariners to the presence and location of the buoys or new structures is broadcast on a marine radio channel as advised by the Harbourmaster. This notice shall be broadcast on each day the structure(s) or group of connected structures are being installed, and for one week after the installation is complete.

43. As built plans showing the structures forming part of the Salmon Farm(s) and marine farm lighting and marking are to be provided to the Compliance Manager 20 working days after:
 - a) Initial installation is complete; and
 - b) The addition of salmon pen(s) or barge(s) is completed.
44. The type, design, functionality, and placement of marine farm lighting and marking shall be in accordance with International Association of Marine Aids to Navigation and Lighthouse Authority Guidelines and shall be installed in accordance with the approval provided by the Harbourmaster under his or her Maritime Delegation from the Director of Maritime New Zealand pursuant to sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994.
45. Subject to the approval of Maritime New Zealand, Automatic Identification System signals or similar technology shall be used for the purpose of indicating the extent of the Salmon Farms to vessels navigating in the vicinity of the structures.
46. Each Salmon Farm shall be fitted with at least one radio beacon and one 'out of location' electronic location monitoring system for the purpose of:
 - a) Sending an alert if the structures' position is outside of specified parameters; and
 - b) Monitoring the location of a structure if it were to break away.
47. The electronic location devices required by condition 46 shall monitor the location of each Salmon Farm every 15 minutes. The transmissions from each device are to be monitored by the consent holder. Any indication that a Salmon Farm has deviated from its expected location will trigger the responses set out in the Safety Case.
48. The consent holder shall maintain all structures and parts authorised by this resource consent to ensure that they are restrained, secure and in working order at all times so as to not create a navigational hazard, and take all practicable actions necessary to ensure that the structural integrity of each Salmon Farm is maintained at all times.
49. Should any item or part associated with the structures or operation of the Salmon Farms be lost into the environment, it shall, to the greatest extent practicable, be recovered by the consent holder.
50. In the case of the loss into the environment of any item or part associated with the structures or operation of the Salmon Farm(s) that may represent a hazard to mariners, the consent holder shall notify the Harbourmaster and Ngāti Kūia of the loss and details of that item or part as soon as practicable after becoming aware of the lost item or part.

Noise

51. The Salmon Farms shall be operated so as to ensure that any noise emissions from them do not exceed the following noise limits when measured no closer than 250 metres from the outer edge of the area defined by Points 5 to 8 and 9 to 12 on Plan SK-051103-521-Revision 6:

At All Times	70 dBA L_{Aeq}
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The following activities are exempt from having to comply with that noise limit:

- a) Noise generated by navigational aids, safety signals, warning devices or the operation of emergency pressure relief valves;
 - b) Noise generated by emergency work arising from the need to respond to an immediate health and safety risk or prevent loss or serious damage to property or minimise or prevent environmental effects; and
 - c) Noise ordinarily generated by the arrival and departure of vessels servicing the Salmon Farms.
52. At the Compliance Manager's request, the consent holder shall commission a report from a Suitably Qualified and Experienced Person(s) to monitor the noise emitted from the operation of the Salmon Farms. Noise is to be assessed in accordance with NZS 6802:2008. The results of the monitoring, together with a report from the consent holder that assesses compliance with the noise limit set in condition 51, shall be provided to the Compliance Manager within one month of monitoring being completed.
53. The noise emitted from the construction activities associated with installation and/or maintenance of the Salmon Farms' structures shall not exceed the noise limits specified in Table 2 of New Zealand NZS 6803:1999 (Acoustics – Construction Noise).

Benthic

Compliance Limits

54. The following benthic habitat compliance limits shall apply outside the 2,286 (t/block/month) modelled footprint as shown in Appendix 1 to these conditions, to all discharges to the seabed from the salmon farm(s). The discharges shall not cause:
- a) In non-biogenic habitat, any organic enrichment-related adverse effects;
 - b) In biogenic habitat, adverse effects;
 - c) Adverse effects on Te Mete Mahinga/McManaway Rock ESMS.

Initial Benthic Monitoring Plan

55. Prior to undertaking the baseline survey in accordance with condition 56, an initial Benthic Monitoring Plan (iBMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification no later than 12 months before feed is discharged at either salmon farm. The iBMP shall:
- a) Describe the methods to be used to undertake the baseline survey;
 - b) Specify the coordinates of the monitoring stations referred to in condition 56;
 - c) Identify and use draft Benthic Quality Standards (BQS). The purpose of the BQS is to assess to be used to assess compliance with the benthic habitat compliance limits. The BQS must be supported by analysis from a suitably qualified and experienced person(s) that demonstrates they are fit for purpose (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states for both non-biogenic and biogenic habitats in a timely and cost effective way);
 - d) Specify key taxa as potential candidate indicators of farm-related effects, or those that have a high ecological importance within the habitat(s), and which may include brachiopods and horse mussels. The suitability of the candidate indicators are to ~~(to be assessed through baseline monitoring)~~;
 - e) Require-Specify environmental parameters to be recorded (e.g. tides, currents, sediment movement, water clarity);
 - f) Be consistent with prepared having regard to the Ministry for Primary Industries Benthic and

Water Quality Monitoring Open Ocean Aquaculture Best Practice Guidelines 2021 or replacement Guidelines except where:

- i. That is inconsistent with the conditions of consent; or
 - ii. A suitably qualified and experienced person states with reasons that the Best Practice Guidelines do not accord with best practice; or
 - iii. A suitably qualified and experienced person states with reasons that the Best Practice Guidelines are not applicable in the specific context of these Salmon Farms;
- g) Use best practice scientific methodologies and analyses that are effective, practical and fit for purpose (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states for both non-biogenic and biogenic habitats in a timely and cost effective way) for monitoring the effects of the Salmon Farms and for assessing compliance with the benthic habitat compliance limits specified in condition 54.

Baseline Monitoring

56. At least 6 months prior to the first discharge of feed at either Salmon Farm baseline monitoring is to be undertaken at the direction of a Suitably Qualified and Experienced Person(s) (in biogenic (epifaunal) ecology and non-biogenic (infaunal)) in accordance with the certified iBMP at monitoring stations shown in Figure 1, and Figure 2 and Te Mehe Mahinga/ McManaway Rocky Reef (all stations) for all the monitoring parameters shown in Table 1.

Figure 1 - Non Biogenic Habitat Monitoring Stations

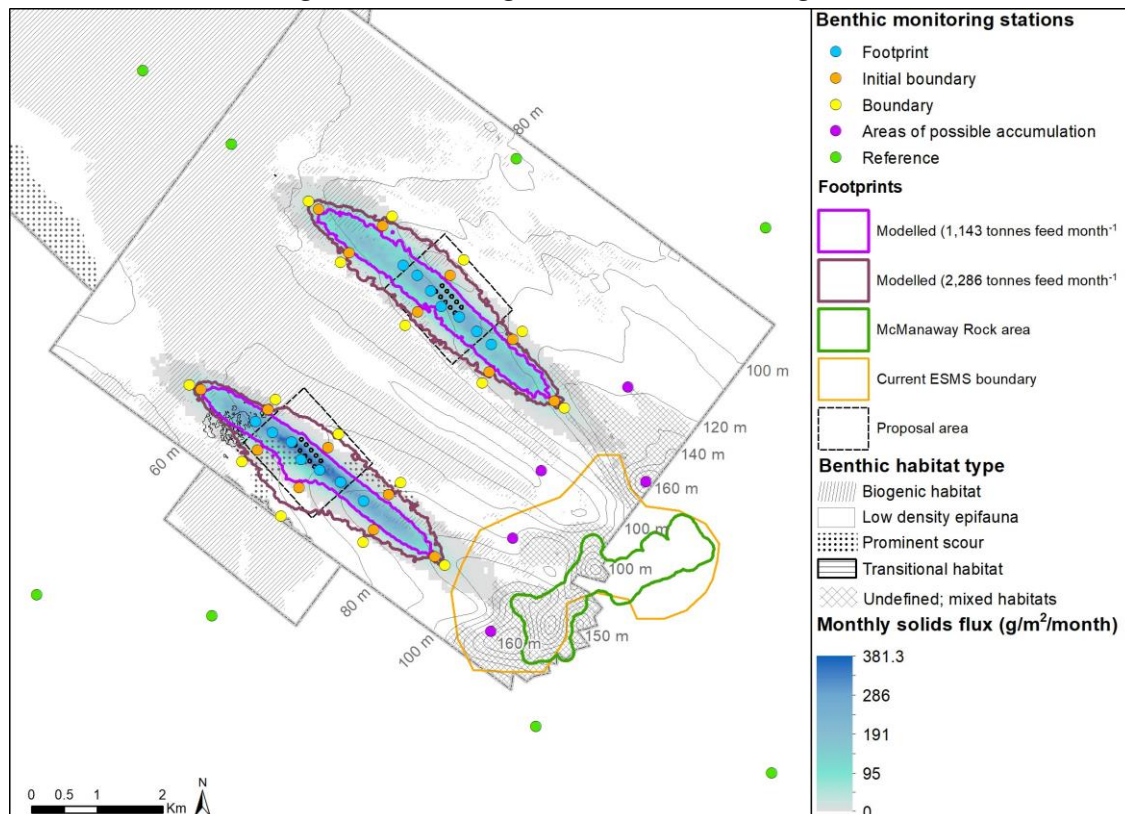


Figure 2 – Biogenic Habitat Monitoring Stations

Biogenic monitoring stations

Target

- CR
- PR
- HMBB

Modelled Footprints

- 2286 modelled footprint
- 1143 modelled footprint
- Soft sediment response uncertainty

Habitat Type

- Biogenic Clump reef
- Biogenic Patch Reef
- Biogenic Horse Mussel Brachiopod bed
- Biogenic Mixed Habitat
- Low density epifauna
- Low density epifauna - scour
- Outcrop
- Transitional habitat
- Undefined; mixed habitats

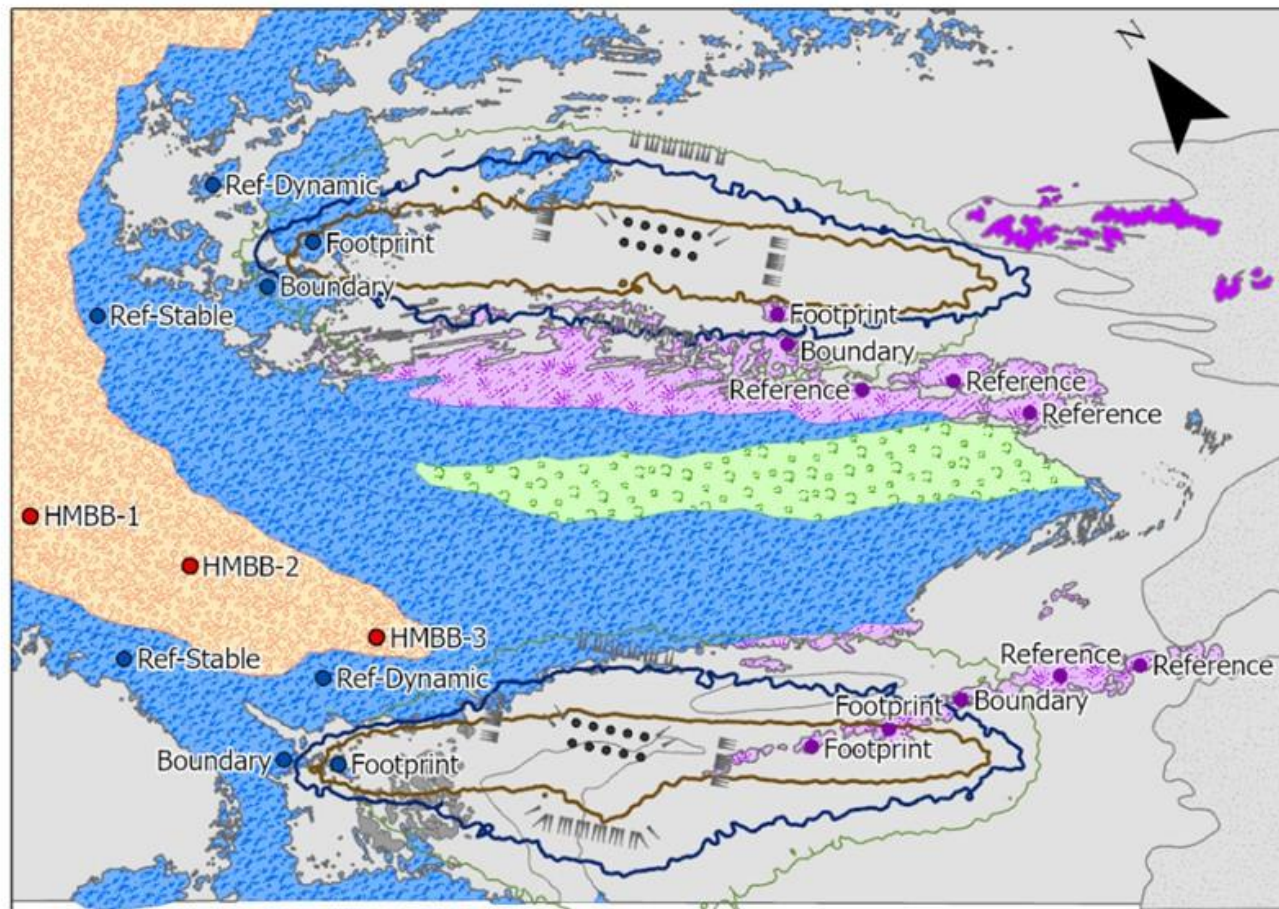


Table 1 – Baseline Survey Monitoring Parameters

Habitat Type	Monitoring Parameters							Copper and Zinc
Non-Biogenic Habitat	S ² _(ISE or UV)	b-MBI	%S	AMBI	M-AMBI	BQI	d	
Biogenic Habitat	Qualitative assessment including sediment influence (if any)			Quantitative assessment Densities of Key Taxa		Quantitative Assessment - Taxonomic richness		
Te Mete Mahinga/McManaway Rocky Reef (two representative monitoring sites located on the western facing slopes of the reef closest to the axis of deposition of the Blue Endeavour site/Salmon Farms)	Qualitative assessment including sediment influence (if any)			Quantitative assessment Densities of Key Taxa		Quantitative Assessment - Taxonomic richness		

%S = percent species richness (infauna) of comparable reference, AMBI = AZTI Marine Biotic Index, M-AMBI = Multivariate AMBI, BQI = Benthic Quality Index, d = Margalef's richness.

[Te Mete Mahinga / McManaway Rocky Reef monitoring stations are not shown on figure 2](#)

Baseline Monitoring Report

57. Within three months of completion of the baseline monitoring required by condition 56, the consent holder shall provide a Baseline Monitoring Report to Ngāti Kuia and the Compliance Manager. The Report shall include:
- a) A description of the monitoring undertaken;
 - b) An assessment of the results of baseline monitoring;
 - c) Details of the existing environment (environmental parameters, benthic habitats) at the time of monitoring based on the monitoring results;
 - d) Recommendations for changes to monitoring stations and parameters (if any);
 - e) An assessment of the suitability of the draft BQS and recommendations for final BQS to be used to assess compliance with the benthic habitat compliance limits; ~~and~~
 - f) A critique of the suitability of the monitoring methods and recommendations for future monitoring including monitoring frequency; ~~and~~
 - f)g) An evaluation of candidate indicators identified and monitored pursuant to condition 55(d) and recommendations for taxa to be monitored as part of the ongoing Benthic Monitoring Plan.

Benthic Monitoring Plan – Post Baseline Survey

58. Three months prior to discharging any feed to either Salmon Farm, the consent holder shall submit a Benthic Monitoring Plan (BMP) prepared by a Suitably Qualified and Experienced Person(s) to the Compliance Manager for Certification. The BMP shall:
- a) Identify and use Benthic Quality Standards. The purpose of the BQS is to assess compliance with the benthic habitat compliance limits specified in condition 54. The BQS must be supported by analysis from a suitably qualified and experienced person(s) that demonstrates they are ~~that~~ ~~are scientifically robust and fit for purpose~~ (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states in a timely and cost effective way); ~~for BQS to be used to assessing compliance with the benthic habitat compliance limits specified in condition 54;~~
 - b) Enable identification of adverse effects on the environment which may arise following commencement of the consent, including adverse effects on biogenic and non-biogenic habitat;
 - c) Identify the ~~updated~~ monitoring stations (including coordinates) and parameters to be monitored, and how recommendations made in the Baseline Monitoring Report have been taken into account. If Figure 1 or Figure 2 or Table 1 or recommendations made in the Baseline Monitoring Report ~~have not been adopted, the BMP shall explain/justify the reason(s) for not adopting them;~~
 - d) Specify the frequency of monitoring noting that a benthic monitoring report is required to be submitted annually;
 - e) Describe the monitoring methods;
 - f) Require environmental parameters to be recorded (e.g. tides, currents, sediment movement, water clarity);
 - g) Be consistent with ~~prepared having regard to~~ the Ministry for Primary Industries Benthic and Water Quality Monitoring Open Ocean Aquaculture Best Practice Guidelines 2021 or replacement Guidelines ~~except where:~~
 - i. That is inconsistent with the conditions of consent; or-
 - ii. A suitably qualified and experienced person states with reasons that the Best Practice Guidelines do not accord with best practice; or

iii. A suitably qualified and experienced person states with reasons that the Best Practice Guidelines are not applicable in the specific context of these Salmon Farms;:

g)h)Use best practice scientific methodologies, monitoring locations and parameters, and analyses that are effective, practical and fit for purpose (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states for both non-biogenic and biogenic habitats in a timely and cost effective way) for monitoring the effects of the Salmon Farms and for assessing compliance with the benthic habitat compliance limits specified in condition 54.

Provision of Monitoring Results

59. The consent holder shall submit the results of the monitoring undertaken in accordance with BMP to Ngāti Kuia and the Compliance Manager no later than the fifth working day after the results become available.

Annual Benthic Monitoring Report

60. The consent holder shall submit an Annual Benthic Monitoring Report prepared by a Suitably Qualified and Experienced Person(s) to Ngāti Kuia and the Compliance Manager no later than sixty working days after the monitoring year. The Annual Benthic Monitoring Report~~BMP~~ shall:

- a) Provide an overview of relevant farm operations including salmon feeding data;
- b) Provide an overview of the monitoring undertaken, including the location, frequency, method and parameters recorded;
- c) Outline relevant environmental conditions associated with each monitoring event (e.g. tides, currents, sediment movement, water clarity);
- d) Include the results of the benthic monitoring during the monitoring year;
- e) Evaluate compliance with the benthic habitat compliance limits;
- f) Identify any adverse effects on the benthic environment arising from farm operations, including adverse effects on biogenic and non-biogenic habitat;
- g) Identify recommendations for management practices to address compliance matters or adverse effects on the benthic environment arising from farm operations;
- h) Outline recommendations or considerations for future review of the BMP.

Advice Note: Monitoring Year means the 12 month period from 1 October in any one year until 30 September in the next year.

60A. Within three months of receiving any recommendations made pursuant to condition 60(g), the consent holder shall provide a document to the Compliance Manager and Ngāti Kuia which demonstrates what changes to management practices were made or are proposed to be made as a consequence of the recommendations.

Review of Benthic Monitoring Plan

61. The consent holder shall review the BMP as required to achieve compliance with the conditions of consent and to address recommendations or considerations identified pursuant to condition 60 (h), and at least every two years. The review shall be prepared by a Suitably Qualified and Experienced Person(s). The results of the review shall be provided to Ngāti Kuia and the Compliance Manager. Any changes to the BMP arising as a result of the review shall be prepared by a Suitably Qualified and Experienced Person(s) and provided to the Compliance Manager for Certification.

Advice Note: A change of consent conditions, such as a change to the monitoring regime or compliance limits will generally occur in accordance with s127 or s128 of the RMA.

Water Quality

Receiving Water Compliance Limits

62. The following water quality compliance limits shall apply, after reasonable mixing, to all discharges to water in the coastal marine area from the salmon farm(s). The discharges shall not cause:
- Dissolved oxygen concentrations to fall below a mean of 80% saturation for two successive months within any five metre depth bin, disregarding any depth bin below 10 metres of the bottom of any salmon pen in the Salmon Farms;
 - Undesirable biological growths in the receiving water.

The reasonable mixing zone for the discharges from the Salmon Farms shall be within the area defined by Points 5 to 8 and 9 to 12 on Plan SK051103-521-Revision 6. Effects beyond the reasonable mixing zone are measured at Boundary NE, NW, SE and SW as shown on Figure 3.

Advice Note: As provided for by Schedule 3 of the RMA 1991, the compliance limits disregard the effect of any natural perturbations that may affect the water body

Water Quality Monitoring

Table 2: Specification of intensive and long-term minimum monthly water column monitoring at the Salmon Farms, at locations specified in Figure 1. Parameter abbreviations are: TN = Total Nitrogen, Chl-a = chlorophyll-a, TAN = Total Ammoniacal Nitrogen, DO= Dissolved Oxygen, Phyto counts = full phytoplankton counts (to a feasible taxonomic resolution).

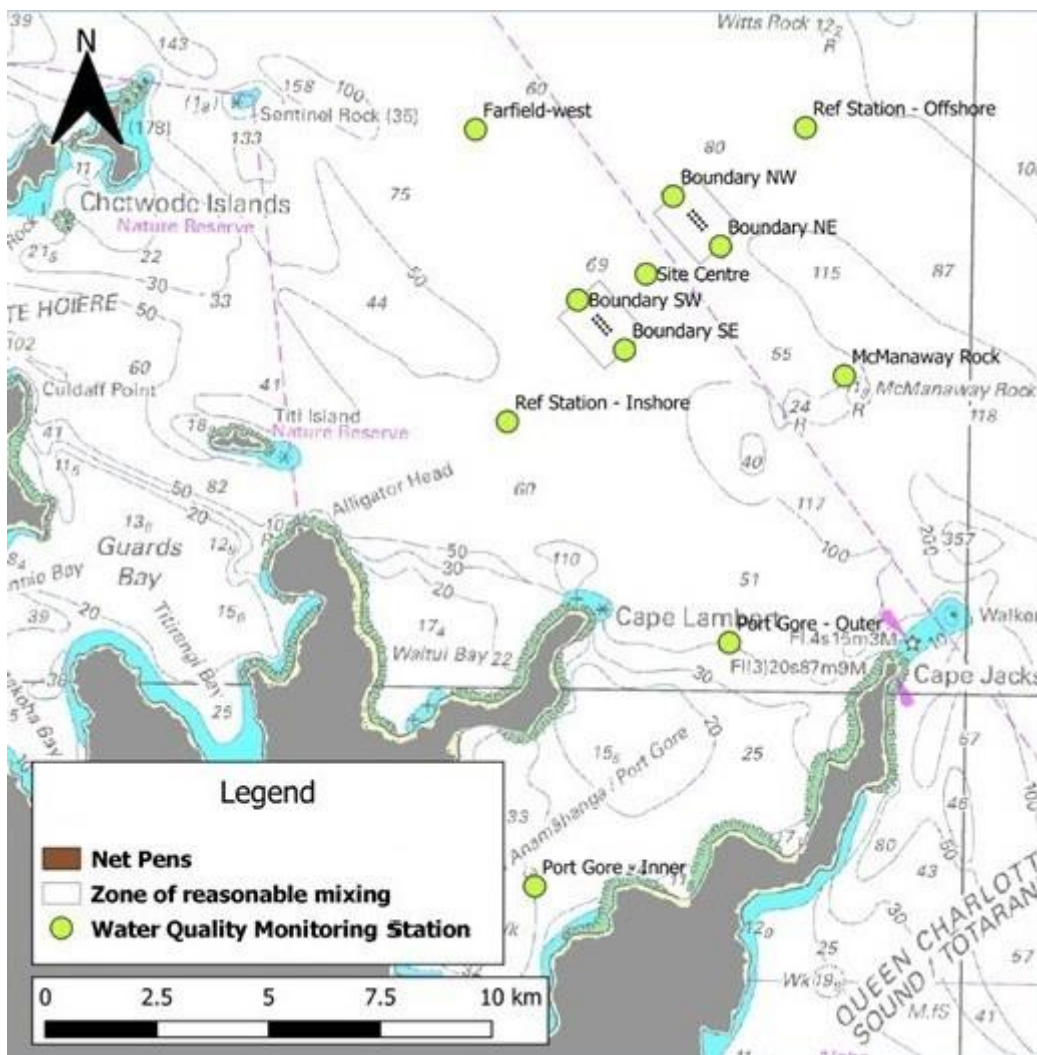
Type	Monitoring Station (as showing in Figure 1)	Monitored Parameter				
		TN	Chl-a*	TAN	DO	Phyto counts
Intensive (Up to 8 years of monthly monitoring, targeted at 3 x 24-month periods)	Boundary sites (Between 1 and 5 hours after the turn of a tide NW & NE and SW & SE)†	X		X	X	
	Site Centre	X	X			X
	Far-field west	X	X			
	McManaway Rock	X	X	X	X	
	Te Anamāhanga / Port Gore (Outer)*	X	X		X	X
	Te Anamāhanga / Port Gore (Inner)*	X	X		X	X
	Ref Station-Inshore*	X	X		X	X
	Ref Station -Offshore*	X	X		X	
Long-term (ongoing monthly monitoring)	Boundary sites (Between 1 and 5 hours after the turn of a tide NW & NE and SW & SE) †				X	
	Site Centre		X			X
	Far-field west					
	McManaway Rock	X	X	X	X	
	Te Anamāhanga / Port Gore (Outer)					
	Te Anamāhanga / Port Gore (Inner)		X			

Ref Station-Inshore		X			X
Ref Station -Offshore		X			

* Chlorophyll-a* for long-term monitoring may consist of surface chlorophyll-a satellite derived monitoring where, after receiving advice from a Suitably Qualified and Experienced Person(s), the Compliance Manager has agreed in writing that such monitoring is suitably accurate for the selected long-term station.

† Where feed has only been discharged at one Salmon Farm in the preceding month, only that Salmon Farm shall be sampled

Figure 3: Water quality monitoring stations and reference (Ref) for monthly monitoring of parameters specified in Table 2.



Baseline Data Reporting and Monitoring Station Coordinates

- 63. Three months prior to the first feed discharge at either Salmon Farm, the consent holder shall provide the following data to the Compliance Manager:
 - a) Total Nitrogen;
 - b) Chlorophyll-a (lab analysed from filtered samples not exceeding a nominal pore size of 1.2µm, i.e. a GF-C filter);
 - c) Phytoplankton counts of the dominant species and genera (where speciation is not feasible) that are able to be feasibly identified through standard light microscopy techniques;

- d) Depth profile data, including salinity, temperature and dissolved oxygen; and
- e) The monitoring station coordinates.

Water samples shall be collected at the surface, 15 metre depth and an integrated 15 metre sample (i.e. covering the depths from 15m to the surface). Sampling should be undertaken monthly within Points 1 to 4 and 5 to 8 on Plan SK051103-521-Revision 6, with data provided for at least two months of every season (i.e. at least 8 months in total and which may occur in different years).

Advice Note: The sampling may have occurred prior to this resource consent commencing.

Intensive and Long Term Monitoring

64. Where feed has been discharged at the Salmon Farms in the preceding month, monthly water column monitoring and associated laboratory work shall be undertaken at the direction of a Suitably Qualified and Experienced Person(s) and shall occur:

- a) As specified as “intensive” in Table 2:
 - i. For two Monitoring Years following the first feed being discharged at the Salmon Farm;
 - ii. For two years beginning in the Monitoring Year when the Anticipated Annual Feed is greater than 7,000 tonnes per annum and the Actual Annual Feed for both Monitoring Years is greater than 5,600 tonnes at either Salmon Farm;
 - iii. For two years beginning in the Monitoring Year when the Anticipated Annual Feed is greater than 14,000 tonnes per annum and the Actual Annual Feed for both Monitoring Years is greater than 11,200 tonnes at both Salmon Farms;
 - iv. For at least two years beginning in the Monitoring Year when the Anticipated Annual Feed is greater than 18,000 tonnes per annum and the Actual Annual Feed for all Monitoring Years is greater than 14,400 tonnes at both Salmon Farms.

Where there has been less than four Monitoring Years of “intensive” monitoring, monitoring shall continue until there has been four Monitoring Years of “intensive” monitoring; and

- b) At other times, as specified as “long-term” in Table 2.

Advice Note: Monitoring Year means the 12-month period from 1 October in any one year until 30 September in the next year. Monitoring specified in (iii) and (iv) address cumulative effects of both farms operating.

Monthly Reporting

65. The results of the monitoring in accordance with Table 2 shall be reported on in respect of compliance with the WQS in condition 62 by a Suitably Qualified and Experienced Person(s) and submitted to Ngāti Kuia and the Compliance Manager no later than the fifth working day after the end of each month after the results become available from the laboratory.

Water Quality Monitoring and Compliance Review

66. After an aggregate of 50,000 tonnes of feed has been discharged at any given Salmon Farm and that Salmon Farm has been operating for at least five years (whichever happens last) and after each five year period subsequent (the “Review Date”), the consent holder shall commission a Water Quality Monitoring and Compliance review utilising the data collected in accordance with condition 64 of this resource consent, as well as any other data available, such as state of the environment monitoring or satellite data, by a Suitably Qualified and Experienced Person(s). The results of the review(s) shall be reported and submitted to Ngāti Kuia and the Compliance Manager no later than five months after each Review Date. That review shall detail:

- a) A summary of the extent to which the monitoring results have been consistent with the WQS in condition 62;
- b) A timeline showing the monthly feed discharge against the survey timing, and discussion of these where necessary;
- c) A discussion of any long-term trend evident in the data;
- d) A discussion as to whether that long-term trend (if any) is, or may be, farm related;
- e) If required, any additional monitoring (beyond that specified in Table 2) to verify the compliance limits specified in Condition 62; and
- f) Whether monitoring should continue owing to a lack of observed effects at a range of feed loadings.

Advice Note: A change of consent conditions, such as a change to the monitoring regime based on the outcome of the review, could occur in accordance with s127 or s128 of the RMA.

Marine Mammals and Sharks

67. Effects on marine mammals and sharks shall be managed to:

- a) Minimise interactions of marine mammals and sharks with farm structures, including by the consent holder ensuring that:
 - i. There is no feeding of marine mammals and sharks by staff, contractors or visitors to the Salmon Farm;
 - ii. Dead fish are removed from the salmon pens as soon as reasonably practicable, and stored in a manner that does not attract predators;
 - iii. Lighting (other than as required for navigation purposes) is compliant with conditions 18 to 20; and
 - iv. The best practicable option is adopted to minimise above water and underwater noise emissions; and
- b) Avoid:
 - i. As far as practicable the entrapment or entanglement of the New Zealand fur seal, *Arctocephalus forsteri*; and
 - ii. Entrapment or entanglement of marine mammals (excluding the New Zealand fur seal, *Arctocephalus forsteri*) or Threatened or At Risk sharks;
- c) Minimise the risk of incidents involving marine mammals or sharks, including by the consent holder ensuring that:
 - i. Overlap or crossing of mooring lines is minimised;
 - ii. All Salmon Farm lines are secured at all times, and any loose lines are secured or retrieved as soon as reasonably practicable;
 - iii. Any waste debris that is lost from the Salmon Farms is promptly retrieved and disposed of at an approved waste facility onshore;
 - iv. Grower nets that are not being used for production will either be removed from the Salmon Farms, or kept taut and weighted as though they were being used to house fish; and
 - v. Grower and jump nets are appropriately designed and installed to minimise entanglement

risk, including using predator resistant materials and completely enclosed structures and ensuring nets are weighted and kept taut; and All nets, ropes and mooring lines are kept under tension;

- d) Manage interactions and incidents involving marine mammals and sharks if they occur:
 - i. In a manner that ensures as far as practicable the safety of marine mammals and sharks, while also ensuring the health and safety of farm workers and other people in their interactions with marine mammals and sharks; and
 - ii. Through compliance with reporting and response procedures, including entanglement protocols that apply in the event of an interaction or incident.
68. A Marine Mammals and Shark Management Plan (MMSMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification at least ~~three~~ 18 months ~~prior to the planned installation of any of the structures forming part of the Salmon Farms~~ prior to the planned installation of anchors necessary for the net pens at the Salmon Farms.
69. The purpose of the MMSMP is:
- a) To set out design requirements, actions and management techniques that the consent holder shall use to ensure the Salmon Farm is designed and operated in a manner that achieves the outcomes in condition 67;
 - b) The methods by which any monitoring results can be included in a suitable publicly accessible regional or national database; and
 - c) To achieve integration with the requirements of the Marine Mammals Protection Regulations 1992 and any separate permit granted to the consent holder by the Department of Conservation under the Marine Mammals Protection Act 1978.
70. The MMSMP shall be prepared in general accordance with Ministry for Primary Industries Marine Mammal Open Ocean Aquaculture Best Practice Guidelines 2021³²⁸ or replacement Guidelines, and using the draft MMSMP that is produced in the evidence of Dr Deanna Clement (dated 30 September 2021) as a base document and shall address all of the following matters:
- a) Actions and management techniques to minimise interactions of marine mammals and sharks with farm structures and vessels in accordance with condition 67(a), including:
 - i. Best practice protocols;
 - ii. The staff training in marine mammals and sharks that shall be undertaken by the consent holder;
 - iii. The vessel operating guidelines that the consent holder shall use to minimise the risk of vessel strike (including compliance with the Marine Mammals Protection Regulations 1992 or any successor regulations);
 - b) Protocols, actions and management techniques to minimise the risk of incidents ~~including and avoid~~ entanglement, or entrapment of marine mammals or sharks in the farm structures in accordance with condition 67(b), including:
 - i. The best practicable option for net design parameters, including mesh size that minimises predators' ability to penetrate the net with their head, flipper or tail, net tension, and net inspection and maintenance;
 - ii. Identification of times and activities that present a higher risk of incidents, and procedures for active monitoring and restrictions on work that may be undertaken if marine mammals are present;
 - c) Methods that will be employed to respond to sharks or marine mammals entering the farm structures or becoming entangled, including:

³²⁸ Clement D. et al, *Best practices and technologies available to minimise and mitigate the*

interactions between finfish open ocean aquaculture and marine mammals, New Zealand Aquatic Environment and Biodiversity Report No. 273 (Fisheries New Zealand, October 2021).

- i. Procedures that will be used by the consent holder for capture and release of any entrapped or entangled marine mammal or shark, including establishing and implementing a Seal Handling Protocol;
 - ii. Procedures to be used for the retrieval, storage and transport (subject to Department of Conservation and Marlborough Statutory Acknowledgement Iwi guidance) of dead marine mammals and protected shark species for formal identification and autopsy and/or appropriate disposal or other action, including to iwi where appropriate; and
 - iii. Procedures to identify how the animal entered the Salmon Farm and to correct any faults found; and
- d) A Marine Mammal Monitoring Programme pursuant to condition 71~~monitoring programme(s)~~ that the consent holder must implement to enable:
- i. Improved understanding of how marine mammals and sharks use the wider area that the Salmon Farm is located within, how they behave near offshore farm structures and how they respond to new farm structures;
 - ii. The effectiveness of the MMSMP to be assessed, and a Suitably Qualified and Experienced Person(s) to make recommendations as to the changes that need to be made to the MMSMP to improve its effectiveness;
 - iii. The Salmon Farm's compliance with the standards set out in condition 67 to be assessed; and
- e) The MMSMP shall not enable the use of separate Predator Nets; and
- f) Reporting and response procedures.

Advice Note: For clarity, use of predator net(s) in 70(e) above is not authorised by this consent, and requires an amendment under s127 RMA or its equivalent.

71. A Marine Mammal Monitoring Programme shall be implemented to enable:

- ~~a) Improved understanding of how marine mammals and sharks use the Farm Site and the Wider Area that the Salmon Farms are located within, how they behave near offshore farm structures and how they respond to new farm structures. Noting that for the purpose of this condition:~~
- ~~b)~~
- ~~c) The 'Farm Site' means to the area within points 1 to 4 and 5 to 8 on Plan SK-051103-521-Revision 6 plus a 300 metre buffer; and~~
- ~~d) The 'Wider Area' shall, as a minimum, include the area covered by any vessel undertaking farm-related activities while transiting to and from the Farm Site;~~

~~e) a) The minimum requirements for data collection in accordance with the MMSMP, being:~~

- ~~i. Quantification of observed marine mammal and shark occurrence within the Farm Site and Wider Area that the Salmon Farms are located and within the Farm Site(s); and~~
- ~~ii. Such Observations are to be conducted monthly over a minimum of 12-month period prior to the installation of net pens. Such observations are to be undertaken across the range of reasonably expected conditions that will occur at the farm during its operational period, subject to health and safety considerations. Data should be collected at different times during the 24-hour period, in different weather conditions, and at points during the year when marine ecology is distinctly different as is operationally feasible;~~
- ~~iii. Description of the types and rates of any interactions (non-injurious) and incidents (entrapment, injury and entanglement) between marine mammals/sharks and farm structures;~~
- ~~iii. Analysis of the information obtained from Baseline Monitoring, Farm Construction Monitoring and Operational Monitoring to identify any obvious changes in occurrence rates (including relative abundance, distribution or spatial extent if any of these matters can practically be identified) or interaction/incident rates relative to~~

operational changes;

- ii. Where appropriate, remote technologies for data collection are to be used; and
- iii. Description of the types and rates of any interactions (non-injurious) and incidents (entrapment, injury and entanglement) between marine mammals/sharks and farm structures; and
- iv. Identification of any obvious changes in occurrence rates or interaction/incident rates relative to operational changes;

~~f)b)~~ The effectiveness of the MMSMP to be assessed, and a Suitably Qualified and Experienced Person(s) to make recommendations as to the changes that need to be made to the MMSMP to improve its effectiveness; and

~~g)c)~~ The Salmon Farm(s) compliance with the standards set out in condition 67 of this resource consent to be assessed.

72. A full description of the methodology for the Marine Mammal Monitoring Programme shall be given in the MMSMP. ~~Two-Three~~ distinct periods of monitoring will be undertaken: 'Baseline Monitoring', 'Farm Construction Monitoring' and 'Operational Monitoring', where:

(a) Baseline Monitoring includes monitoring that was undertaken prior to the grant of consent, and shall also include observations conducted a minimum of 12 times over an 18 month period prior to the installation of anchors necessary for the net pens at the Salmon Farms. Subject to health and safety requirements, such observations are to be undertaken:

- i. In a range of weather conditions that will occur at the farm during its operational period;
- ii. at different times during the daylight hours, or for 24 hour periods where remote sensing technology is used;
- iii. in different tidal situations;
- iv. in all seasons; and
- v. at the Farm Site and Wider Area.

~~(a)b)~~ Farm Construction Monitoring covers the period from installation of anchors necessary for the net pens commencement of any physical works at the Salmon Farms to the point at which the first salmon pen is stocked with salmon and must meet the requirements of condition 72(a)(i) to (vi). The Salmon Farms cannot be stocked with salmon until at least 18 months of Baseline Monitoring and any Farm Construction Monitoring has occurred;

(c) Operational Monitoring commences when the first pen is stocked with salmon.; Operational Monitoring shall be undertaken:

- i. A minimum of 12 times per year for a minimum of 5 years after the first salmon pen is stocked with salmon. The need for further yearly Operational Monitoring can be reviewed at the 5th year after the first salmon pen is stocked with salmon in accordance with condition 77(c). Where the monitoring effort is to be changed or reduced a suitably qualified and experienced person must justify the recommendation with reasons; and
- ii. 12 times in the 10th and 15th year after the first salmon pen is stocked with salmon.

Operational Monitoring must meet the requirements of condition 72(a)(i) to (iv).

(d) Where appropriate, remote technologies for data collection are to be used for Baseline Monitoring, Farm Construction Monitoring and Operational Monitoring. Installation of the necessary equipment forms part of the consent.

- ~~(b) The Salmon Farms cannot be stocked with salmon until at least 12 months of Farm Construction Monitoring covering four seasons has been carried out in accordance with the MMSMP; and~~
- ~~(c) Operational monitoring shall be ongoing in accordance with the MMSMP, but the need for it can be reviewed in accordance with condition 77(c) after five years of the Salmon Farms being stocked. Where the monitoring effort is to be reduced a suitably qualified and experienced person must justify the recommendation with reasons.~~

72A. The data from and analysis of the Baseline, Farm Construction and Operational Monitoring undertaken pursuant to condition 72 shall be recorded and shall be summarised by the Suitably Qualified and Experienced Person in a yearly report for each year that monitoring is undertaken. That report shall be made available to the Compliance Manager within 6 months of the end of each of those years.

73. The consent holder must produce and provide an annual report to Ngāti Kuia, the Compliance Manager and the Department of Conservation that documents any all observations, interactions and incidents that have occurred over the course of a Monitoring Year.
74. The consent holder shall, within 24 hours of the incident occurring or being discovered, notify Ngāti Kuia, the Compliance Manager and the Department of Conservation of any incident resulting in entrapment (excluding seals), entanglement or accidental injury or death of a marine mammal or a Threatened or At Risk shark.
75. The consent holder shall, within five working days of an incident occurring or being discovered, undertake an internal review of practices and document any measures that are to be undertaken by the consent holder to address the circumstances that led to an incident occurring and the estimated timeframes for the implementation of those measures.
76. The consent holder shall keep records of results of monitoring required by the MMSMP.
77. The consent holder shall engage a Suitably Qualified and Experienced Person(s) to review and amend the MMSMP:
- (a) following injury or death of a marine mammal or Threatened or At Risk shark; and
 - (b) if the consent holder considers, having regard to the reports, notifications and records produced in accordance with conditions 73 to 76, that the MMSMP measures require amendment to better address risks to marine mammals; and
 - (c) Notwithstanding reviews to the MMSMP in condition 77(a) and 77(b) above, the MMSMP shall be reviewed every two years by a Suitable Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification.
78. The consent holder shall submit a copy of the report setting out the findings of the review and any proposed amendments to the MMSMP to the Compliance Manager for certification of the amended MMSMP, and shall provide a copy to Ngāti Kuia.
79. Prior to submitting the MMSMP or a proposed amendment of the MMSMP to the Compliance Manager for certification, the consent holder shall consult with both the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation in respect of the content of the MMSMP or any proposed amendments to the MMSMP. All written feedback provided by the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation shall be appended to the MMSMP / proposed amendment to the MMSMP and provided to the Compliance Manager along with a separate document (prepared by the consent holder) which demonstrates how the outcomes of the consultation have been taken into account, and what changes were made to the MMSMP / the proposed amendments to the MMSMP as a consequence of the feedback that was received.

Waste Management Plan

~~79-80.~~ A Waste Management Plan (WMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification at least three months prior to the planned installation of any of the structures forming part of a Salmon Farm. The purpose of the WMP is to minimise the risk of loss of solid waste debris to the environment and accumulation of solid waste debris along the shoreline and seabed.

~~80-81.~~ The WMP that shall include / address all of the following matters:

- (a) Measures to prevent loss of solid waste to the environment including waste containment;
- (b) Measures to retrieve any lost debris where practicable;
- (c) Greywater management;
- (d) Recycling;
- (e) Beach and seabed clean-up programmes.

~~81-82.~~ A copy of the WMP shall be provided to Ngāti Kuia and to the Compliance Manager.

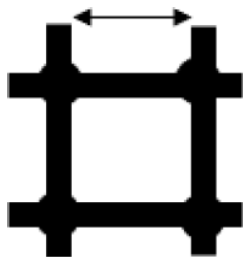
Seabirds

~~82-83.~~ The consent holder shall undertake the activity authorised by this resource consent so as to:

- (a) avoid adverse effects on:
 - i. Threatened and At Risk seabird species (including juveniles from nearby nesting or roosting sites); and
 - ii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened;
- (b) And otherwise minimise risks to seabirds from debris and foreign objects (including physical structures), artificial lighting, entanglement or collisions, and disturbance of nesting or roosting sites.

~~83-84.~~ The consent holder shall:

- (a) *Ensure that the single net system has a mesh size no larger than 50mm half mesh internal aperture (knot to knot) as follows;*



- (b) Nets which are placed over the top of pens (bird nets) are to have a mesh size no larger than 47.5mm half mesh internal aperture (knot to knot);
- (c) The mesh thickness for all nets is to be a minimum of 2mm;
- (d) For bird nets, use mesh that is dark in colour, but may contain fibres of a lighter colour;
- (e) Ensure that all nets are kept taut while hung and in a good state of repair;

- (f) Avoid providing roosting surfaces on salmon pens for large congregations of birds of any species (more than 10 individuals) by adopting the best practicable option to minimise suitable roosting surfaces and discourage roosting on salmon pen surfaces where roosting occurs or could occur;
- (g) Ensure no structure including bird net poles is taller than 10 metres (excluding permanent barges), and that all structures are the minimum height necessary to achieve their purpose;
- (h) Mark all support wires using bird balls, reflective discs or other method that ensures visual prominence for flying birds, provided these marking methods do not cause seabird collision with supporting wires at night;
- (i) Ensure that any above-surface lighting used at night (excluding navigation lighting) is shielded, downward-facing and turned off after use, and that interior barge lighting is screened with blackout curtains;
- (j) Comply with a limit for submerged artificial lights used for controlling salmon maturation of 23 lights per pen for 168 metre diameter pens of maximum 600W LED or equivalent luminance;
- (k) Ensure that vessels under the control of the consent holder or its contractors that are transiting to and from the Salmon Farm:
 - iii. Remain at least 100 metres away from the coast including any stacks, islets or islands unless berthing at a port or jetty or accessing the coast e.g. for beach clean-up;
 - iv. Transit at speeds of less than five knots if within 200 metres of the Salmon Farm or when berthing or accessing the coast;
- (l) Implement a comprehensive programme to control rodents on its vessels and barges which service the Salmon Farm(s).

84-85. A Seabird Management Plan (SBMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification at least ~~three~~ 18 months prior to the planned installation of any of the structures forming part of the Salmon Farm prior to the installation of anchors necessary for the net pens at the Salmon Farms. The purpose of the SBMP is to set out design requirements, actions and management techniques that the consent holder shall use to ensure the Salmon Farm is designed and operated in a manner that is consistent with best practice and achieves the outcomes in condition 83 of this resource consent.

85-86. The SBMP shall be prepared in general accordance with Ministry for Primary Industries Seabirds Open Ocean Aquaculture Best Practice Guidelines 2021 or replacement Guidelines, and using the draft SBMP that was appended to the evidence of Dr Benne~~t~~ dated 30 September 2021 as a guideline document, and shall include / address all of the following matters (as relevant to managing risks to seabirds):

- (a) Improved understanding of how Seabirds use the Farm Site and the Wider Area that the Salmon Farms are located within, how they behave near offshore farm structures and how they respond to new farm structures.
- (b) The minimum requirements for data collection and analysis in accordance with the SBMP, being:
 - i. Quantification of observed seabird occurrence within the Farm Site and Wider Area; and
 - ii. Description of the types and rates of any interactions (non-injurious) and incidents (entrapment, injury and entanglement) between seabirds and farm structures;
- (c) Baseline Monitoring: Baseline Monitoring includes monitoring that was undertaken prior to the grant of consent, and shall also include observations conducted a minimum of 12 times over an 18 month period prior to the installation of anchors necessary for the net pens at the Salmon Farms. Subject to health and safety requirements, such observations are to be undertaken:

- i. In a range of weather conditions that will occur at the farm during its operational period;
- ii. at different times during daylight hours, or for 24 hour periods where remote sensing technology is used;
- iii. in different tidal situations;
- iv. in different weather conditions;
- v. in all seasons; and
- vi. at the Farm Site and Wider Area.

(d) Farm Construction Monitoring: Farm Construction Monitoring covers the period from commencement of installation of anchors necessary for the net pens to the point at which the first salmon pen is stocked with salmon. Farm Construction Monitoring must meet the requirements of condition 86(a)(i) to (iv).

(e) Operational Monitoring: Operational Monitoring commences when the first pen is stocked with salmon. Operational Monitoring must include the Night Monitoring provided for in condition 87 and shall also include monitoring a minimum of 12 times in the 5th and 15th year after the first salmon pen is stocked with salmon. Operational Monitoring, excluding Night Monitoring, must meet the requirements of condition 86(c)(i) to (iv).

~~Quantification of observed marine mammal and sharkseabird occurrence within the Wider Area (defined as a minimum, to include the area covered by any vessel undertaking farm-related activities while transiting to and from the Farm Site) that the Salmon Farms are located and within the Farm Site (defined as the area within points 1 to 4 and 5 to 8 on Plan SK-051103-521-Revision 6 plus a 300 metre buffer);~~

~~Observations are to be conducted monthly over a minimum of a 12 month period prior to the installation of net pens. Such observations are to be undertaken across the range of reasonably expected conditions that will occur at the farm during its operational period, subject to health and safety considerations. Data should be collected at different times during the 24-hour period, in different weather conditions, and at points during the year when marine ecology is distinctly different as is operationally feasible;~~

(f) Where appropriate, remote technologies for data collection to be used for data collection. Installation of the necessary equipment forms part of the consent;

~~(a)(g)~~ Details of methods to ensure the standards at condition 84 are achieved;

~~(b)(h)~~ The methodology, timing, duration and frequency of initial night surveys to confirm the extent to which seabirds are attracted to submerged artificial lighting at the Salmon Farm(s), and to determine whether any birds have become entrapped in above-water nets;

~~(e)(i)~~ Requirements to review and change management practices at the Salmon Farm(s) if the night surveys indicate that artificial lighting is attracting seabirds and resulting in an entrapment risk;

- ~~(d)~~(j) Ongoing seabird monitoring, reporting and review requirements;
- ~~(e)~~(k) The methods by which any monitoring results shall be included in a suitable publicly accessible regional or national database;
- ~~(f)~~(l) Protocols for handling injured, entangled or dead birds, including a requirement to liaise with the Department of Conservation;
- ~~(g)~~(m) Staff training requirements in relation to identification of seabird species and protocols for handling birds; and
- ~~(h)~~(n) Requirements for recording and reporting seabird injuries or mortalities including the time of day, weather condition, and the likely cause of injury or mortality.

~~86-87.~~ For the first two years of operation of the farm(s) the consent holder shall undertake night surveys at the direction of a Suitably Qualified and Experienced Person(s) to confirm the extent to which seabirds are attracted to the farm structures and the submerged lights and to check for any entrapped birds in the above-water nets. Surveys shall be undertaken:

- (a) Monthly for two consecutive nights to record data on bird interactions, one night with and the other without the underwater lights on; and
- (b) Once every hour during those two nights, ensuring each salmon pen is surveyed at least every second hour (e.g. pens 1-5 in hour 1, pens 6 – 10 in hour 2 and so on).

~~87-88.~~ The data from the [Baseline, Farm Construction and Operational Monitoring \(including initial night surveys required by condition 87\)](#) shall be recorded. That data shall be summarised by the Suitably Qualified and Experienced Person in a yearly report [for each year that monitoring is undertaken](#). That report shall be made available to the Compliance Manager [within 6 months of the end of each of those years](#).

~~88-89.~~ Prior to submitting the SBMP or a proposed amendment of the SBMP to the Compliance Manager for certification, the consent holder shall provide the draft SBMP or amendment to, and seek written feedback from, both the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation. All written feedback provided by the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation shall be contemporaneously provided to the Compliance Manager in a separate document prepared by the consent holder which demonstrates how the outcomes of the feedback have been taken into account, and what changes were made to the SBMP / the proposed amendments to the SBMP as a consequence of the feedback that was received.

~~89-90.~~ If any of the following incidents occur at the Salmon Farm:

- (a) Injury or mortality of an individual of a Threatened or At Risk seabird species or Taxa that are listed by the IUCN as threatened; or
- (b) Injury or mortality of three individual seabirds within 12 months where the injury or mortality is due to the same hazard;

the consent holder shall:

- (c) Within 24 hours of the consent holder becoming aware of an incident described in condition 90(a), or within 48 hours of the consent holder becoming aware that the series of incidents described in condition 90(b) have occurred, report:
 - i. The incident(s); and
 - ii. Any proposed changes to farm operations or the SBMP that have been identified and implemented to minimise the likelihood of further occurrences of the incident to Ngāti Kuia, the Department of Conservation and the Compliance Manager;
- (d) Engage, within five working days of the consent holder becoming aware of any of the incidents set out in conditions 90(a) to (b), a Suitably Qualified and Experienced Person(s) to undertake a written review of and recommend any necessary amendments to the SBMP. The written

review and recommendations shall be produced within 25 working days of the consent holder becoming aware of the incident;

- (e) Provide the written review and recommendations to Ngāti Kuia, the Department of Conservation and the Compliance Manager within 30 working days of the consent holder becoming aware of the incident; and
- (f) Where the written review recommends changes to the SBMP, provide the revised SBMP to the Compliance Manager for Certification within 45 working days of the consent holder becoming aware of the incident.

90-91. Without limiting the management actions that may be recommended in accordance with condition 90, if the written review identifies that the submerged artificial lighting is likely to be the cause of any of the incidents specified at condition 90(a) or 90(b) the consent holder shall either remove the bird nets between 9 pm and 6 am, or cease using submerged artificial lighting, unless permitted to resume use of submerged artificial lighting in accordance with a revised and certified SBMP.

91-92. Notwithstanding reviews to the SBMP in response to incidents as outlined above, the SBMP shall be reviewed every two years by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification.

Biosecurity

92-93. The consent holder shall operate the Salmon Farm(s) so as to ensure that it avoids to the greatest extent practicable the risk of introducing or spreading:

- (a) Marine pests; and
- (b) Disease agents.

93-94. A Biosecurity Management Plan (BioMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification at least three months prior to the planned installation of any of the structures forming part of the Salmon Farm. The purpose of the BioMP is to set out the management techniques and actions that are to be used by the consent holder to manage the risk of introduction or spread of any marine pest(s) and/or diseases into Cook Strait and the Marlborough Sounds.

94-95. The BioMP shall be prepared using the draft BioMP that is attached to the evidence of Mr Zachary Waddington dated 30 September 2021 as a base document and shall include / address all of the following matters:

- (a) The on-farm as well as vector-based management measures that are to be used by the consent holder to avoid to the greatest extent practicable the risk of pests and disease agents being spread, including:
 - i. to prevent, control or contain biosecurity risks to the greatest extent practicable; and
 - ii. Methods to manage vectors that could spread marine pests and disease agents to or from the Salmon Farm(s);
 - iii. Routine practices to manage fouling of the Salmon Farm(s);
 - iv. A passive surveillance regime to facilitate early detection of unusual (such as an organism to which s44 Biosecurity Act 1993 applies) or notifiable organisms associated with the Salmon Farm(s);
 - v. An effective disease surveillance regime for salmon stock;
 - vi. The use of husbandry and harvesting methods consistent with best practice to avoid to the greatest extent practicable disease risk;

- vii. On-farm management measures
- (b) The parties to be notified should any new biosecurity risk (from marine pests or disease agents) be identified at the Salmon Farm(s).

95-96. The consent holder shall:

- (a) Engage a Suitably Qualified and Experienced Person(s) to review and amend the BioMP every year. The reviewed BioMP shall be submitted to the Compliance Manager for certification;
- (b) Consider whether a review or minor and technical amendment to the BioMP is required within one month of the consent holder being advised that a new notifiable organism or World Organisation for Animal Health/Office International des Épizooties listed disease of fish has been notified by the Ministry for Primary Industries.

Wild Fish

96-97. The consent holder shall take all reasonable steps to minimise effects on the local and extended wild fish population by controlling the feeding of farmed salmon so as to minimise the amount of uneaten feed lost from each Salmon Farm.

97-98. There shall be no greater than 2% annual average feed loss. Whether this requirement is met shall be determined through measuring feed loss in accordance with condition 99. A feed loss report shall be prepared annually by an Independent Suitably Qualified and Experienced Person(s) and shall be provided to the Compliance Manager. This report shall include at a minimum:

- (a) A record of the volume and composition of the feed pellets and environmental conditions at the time of recording;
- (b) An assessment of the results from the monitoring of feed loss undertaken in condition 99 including confirmation of the average feed loss levels, and how these vary with location and time.

98-99. Feed loss shall be measured for the life of the consent in accordance with:

- (a) The recommendations of an Independent Suitably Qualified and Experienced Person(s), and shall include as a minimum:
 - i. Five individual pens at each Salmon Farm.
 - ii. Six times per season, with each individual monitoring event separated by at least one week. For the purposes of this condition the seasons are December-February, March-May, June-August, September-November.
 - iii. Sample periods of sufficient duration and indicative of the duration of typical daily pen feeding events;

If Pellet Collection Devices (PCDs) are to be used they shall be used in the following manner:

- iv. Multiple PCDs per pen, each with a collection area of known size, such that the non-sampled space between PCDs can be interpolated to give an estimate of the total mass of pellets lost per pen per day;
- v. PCDs placed within, and/or immediately outside of pens in a manner such that wild fish cannot intercept lost pellets before they reach the PCD;
- vi. PCDs should also be designed so that wild fish or invertebrates cannot consume any pellets that reach the PCD before those pellets are recorded;
- vii. PCDs should be distributed in an array that spans the area over which pellets are scattered by the feeder, with consideration of prevailing currents. Feed loss will be underestimated if PCDs are placed outside the path of sinking pellets;

viii. PCD's shall be periodically cleaned of biofouling.

~~99-100.~~ A Wild Fish Monitoring Method (WFMM) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification at least three months prior to the planned installation of any of the structures forming part of the Salmon Farm. The purpose of the WFMM is to set out the management techniques and actions that are to be used by the consent holder to manage any adverse effect on wild fish arising from the Salmon Farm.

~~100-101.~~ The WFMM shall be prepared having regard to the Pelagic Fish Report (Appendix J of the Application) A proposed method for assessing the impact of farm deployment on wild fish species and include / address at a minimum all of the following matters:

- (a) The spatial extent of the monitoring;
- (b) The specific habitat to be monitored;
- (c) Aims and hypotheses; and
- (d) Data collection including:
 - i. Spatial considerations;
 - ii. Temporal considerations;
 - iii. Fish counts;
 - iv. Fish capture;
 - v. Sampling design;
 - vi. Data processing and analysis; and
 - vii. Impacts of feed on wild fish behaviour and aggregation.

Te Anamāhanga / Port Gore

~~101-102.~~ Salmon Farm pens or barges or the vessels constructing or servicing the Salmon Farm(s) shall not transit into Te Anamāhanga / Port Gore except where:

- (a) A vessel has a purpose specific to Te Anamāhanga / Port Gore, including but not limited to cultural purposes or scientific monitoring; or
- (b) It is necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment.

Wind Speed and Direction Monitoring

~~102-103.~~ The consent holder shall install a weather station on one of the permanent barges to monitor wind speed and direction within one year of the first installation of any of the structures forming part of the Salmon Farm, and maintain that weather station over the life of this resource consent. The wind speed and direction data shall be published in real time on the internet.

Review of Consent Conditions

~~103-104.~~ In accordance with the provisions of sections 128 and 129 of the RMA (or any provision in substitution thereof) the Council may, at the time(s) specified in Table 3 below, review the conditions of this resource consent by serving notice of the intention to do so for one or more of the purposes in Table 3.

Table 3: Purpose and Times of Potential Review of Conditions of Consent

Purpose(s)	Times of Service of Notice
<p>To deal with any adverse effect on the environment which may arise from the commencement exercise of the consent and which cannot be adequately avoided, remedied or mitigated by any term or condition incorporated within the consent.</p>	<p>On the first working day of any month.</p>

be adequately avoided, remedied or mitigated by any term or condition incorporated within the consent.	
To require the consent holder to adopt the best practical option to avoid, remedy or mitigate any adverse effect on the environment relating to the activity.	On any anniversary of the granting of this consent.
To address any matter which might be incorporated into or that is absent from any Management Plan prepared in accordance with this resource consent.	Within 90 working days of the Compliance Manager being provided with a Management Plan or revised Management Plan.
To address any matter which might arise from a notice of suspension of class or notice of withdrawal of class from a Recognised Organisation.	Within 90 working days of the Compliance Manager being provided with such a notice.
To address issues arising from an incident reported pursuant to conditions 74 and 90 of this resource consent	Within 90 working days of the Compliance Manager receiving an incident report pursuant to conditions 74 and 90.
To address issues arising from a review of Best Management Practice Guidelines relevant to this consent or any subsequent version of these guidelines.	Within 90 working days of revised best management practice guidelines being adopted by the Compliance Manager.
To address any issues arising from the Benthic Review Report.	Within 90 working days of the Compliance Manager receiving the Benthic Review Report.
To address any effects of the salmon farms that are different or more significant due to the effects of climate change, including due to a change in the importance of the location for indigenous biodiversity, and which are appropriate to deal with at a later stage.	During the years of the 150th and 25th anniversary of the granting of this consent and every 5th year thereafter.
Ensuring the conditions of this consent are consistent with any National Environmental Standards, Regulations, relevant plans and/or the Regional Policy Statement.	As required.

Removal of Structures

~~104.105.~~ The consent holder shall, at its expense, remove all structures associated with the activity authorised by this resource consent and provide written confirmation of the removal to the Compliance Manager, within three months of any of the following events occurring:

- (a) The term of the resource consent(s) has expired and the consent holder has not lodged an application to renew the consent for those structures, or if such an application has been lodged the consent has been refused and all rights of appeal exhausted; or
- (b) The resource consent has been surrendered by the consent holder or cancelled by the Council; or
- (c) The structures in the opinion of the Compliance Manager are redundant or derelict.

Other Matters

~~105.106.~~ Pursuant to section 36 of the RMA and the Council's Schedule of Fees, the consent holder shall be responsible for all actual and reasonable costs associated with the administration, monitoring and review of this resource consent.

~~106.107.~~ The consent holder shall pay coastal occupation charges if they are imposed through Council's resource management plans.

~~107.108.~~ Where these resource consent conditions require a Management Plan, Monitoring Plan, or Wild Fish Monitoring Method to be 'certified' or a review of a

Management Plan, [Monitoring Plan, or Wild Fish Monitoring Method](#) to be 'certified' the following process shall be followed ('certify' and 'certification' have the equivalent meanings; [and any reference in this condition to 'Management Plan' also includes Monitoring Plans and the Wild Fish Monitoring Method](#)):

- (a) The consent holder, shall provide the Management Plan or reviewed Management Plan to Ngāti Kuia and any Cultural Advisor to ensure it is consistent with the Mauri Framework; and
 - (b) In answer to any response received from Ngāti Kuia or any Cultural Advisor within 20 working days of being provided with the Management Plan or reviewed Management Plan the consent holder shall prepare a document which demonstrates how that response(s) has been taken into account, and what changes were made to the Management Plan or proposed amendment(s), as a consequence of the feedback that was received; and
 - (c) The consent holder shall provide the document prepared in accordance with paragraph (b) above to Ngāti Kuia, and to the Compliance Manager when the Management Plan or reviewed Management Plan is submitted to the Compliance Manager for certification. [The document is provided to the Compliance Manager on the date that the Marlborough District Council acknowledges receipt, either electronically or otherwise](#); and
 - [\(d\) Marlborough District Council may take such advice from suitably qualified persons as it considers necessary to satisfy itself that the Management Plan or Monitoring Plan submitted for certification achieves the requirement of the relevant condition\(s\); and](#)
 - ~~(d)~~[\(e\)](#) [Should the Management Plan or reviewed Management Plan in the opinion of the Council, achieve the requirements of the relevant condition\(s\), the Compliance Manager shall issue a written confirmation \(certification\) of the Management Plan to the consent holder; and](#)
 - ~~(e)~~[\(f\)](#) [If the Council is not satisfied that the Management Plan or reviewed Management Plan achieves the requirements of the relevant condition\(s\), the Compliance Manager shall advise \(in writing\) the consent holder of the Council's concerns and ask that the Management Plan be modified so as to address the concerns, and then be resubmitted; and](#)
 - ~~(f)~~[\(g\)](#) [This process shall be repeated until the Compliance Manager is able to confirm \(certify\) that the requirements of the applicable condition\(s\) have been satisfied; and](#)
 - ~~(g)~~[\(h\)](#) [Where a written response pursuant to either conditions 108\(fd\) or 108\(ge\) ~~no written confirmation~~ is not provided within:](#)
 - i. 50 working days of the first or initial version of a report or Management Plan or reviewed Management Plan being provided to the Council;
 - ii. 20 working days of each subsequent report or Management Plan or reviewed Management Plan being provided to the Council; or
 - iii. Such other time as the Council may specify in writing
- the Management Plan or reviewed Management Plan shall be deemed to be certified for the purpose of the respective condition to which the document pertains.
- ~~(h)~~[\(i\)](#) [Minor and technical amendments to each certified Management Plan \(such as updating relevant contact details, hyperlinks or references to external content\) may be made without Certification by the Compliance Manager. A version of the Management Plan with minor and technical amendments shall be provided to the Compliance Manager within one month of the amendment.](#)

Advice Notes

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to: monitoring@marlborough.govt.nz. [Without imposing any additional obligation on Council, ~~t~~The Council acknowledges that there is high public interest in the operation of this consent and will use its best endeavours to ensure that all Management Plans and Monitoring Reports provided to it for certification and all other Monitoring or Incident Reports required pursuant to this consent are posted in a publicly accessible format on the MDC website within 5 working days as soon as practicable](#)

following their receipt by the Council. This shall include all correspondence that would otherwise be publicly available between the Council and applicant concerning the provision of these Plans and Reports.

2. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent and conditions herein.
3. The consent holder will in the future be required to pay coastal occupation charges if they are imposed through Council's resource management plans.
4. If you wish to materially change the design and/or location of the structures and/or activity you will need to apply to change the applicable condition(s) of this consent under Section 127 of the RMA 1991, or potentially apply for a replacement consent subject to the degree of change sought.
5. At expiry of the resource consent it is a breach of section 12 of the RMA 1991 for the structures to remain in the coastal marine area. The consent holder must ensure their removal to avoid the risk of enforcement action.
6. This consent cannot commence other than in accordance with section 116A of the Resource Management Act 1991.
7. Pursuant to section 114(4)(c)(ii) of the Resource Management Act 1991, the Marlborough District Council is required to request an aquaculture decision from the Ministry for Primary Industries (MPI) after the appeal period is completed or all appeals are determined for this consent. The MPI will undertake an assessment of the undue adverse effects on customary, recreational and non-quota commercial fisheries resources. Depending on the MPI's decision, the consent holder may be able to establish the marine farm as granted, or the Marlborough District Council may have to modify or reverse this decision.
- ~~7-8.~~ References in these conditions to actions to be taken in response to an event (such as an incident involving a marine mammal) to management responses are not to be interpreted as precluding or prescribing enforcement or other steps the Marlborough District Council may take.

Conditions Appendix 2: Definitions

In this resource consent, unless the context requires otherwise:

Annum and **per Annum** means during any Monitoring Year

Actual Annual Feed means the feed discharged during a Monitoring Year

Anticipated Monthly Feed means a projection, prepared at the beginning of each Monitoring Year by the consent holder, which identifies the mass of feed per Salmon Farm which is as likely as not to be discharged

Anticipated Annual Feed means sum of all months of Anticipated Monthly Feed for a Monitoring Year

BioMP means Biosecurity Management Plan

BMP means Benthic Monitoring Plan

Certified and **Certify** with respect to Management Plans, [Monitoring Plans or the Wild Fish Monitoring Method](#) mean that the process in condition 108 is to be followed

Compliance Manager means the Compliance Manager, Marlborough District Council

Council means the Marlborough District Council

Cultural Advisor means a person or persons who is recommended by Ngāti Kuia and agreed by Ngāti Kuia and ~~NZ King Salmon~~ [the consent holder](#) as having the Mātauranga Māori knowledge and practice relevant to the topic being assessed

[Farm Site is defined as the area within points 1 to 4 and 5 to 8 on Plan SK-051103- 521-Revision 6 plus a 300 metre buffer](#)

GPS means Global Positioning System

[iBMP means initial Benthic Monitoring Plan](#)

Interaction, in relation to marine mammals and sharks, means any physical contact between a marine mammal or shark and part of the Salmon Farm, including rubbing ropes, or bumping against a structure

Incident, in relation to marine mammals and sharks, means an interaction that results in an injury (e.g. rope cut, abrasion), death, or entanglement (live or fatal) or entrapment (within a Salmon Pen or between nets)

McManaway Rock ESMS means the ecologically significant marine site 2.28 as identified in the Marlborough Environment Plan

Marine Mammal means any species of pinniped or cetacean, and includes the species commonly known as seals, sea lions, dolphins and whales

Maritime New Zealand means the authority known as Maritime New Zealand, to which s 429 of the Maritime Transport Act 1994 applies, and includes any successor organisation. Any document required to be sent to Maritime New Zealand shall be sent in a manner prescribed by Maritime New Zealand

Marlborough Statutory Acknowledgment Iwi, in the context of this resource consent, means Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui in terms of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 and Ngāti Kōata, Ngāti Rārua, Ngāti

Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Mauri Framework means the cultural monitoring framework required by conditions 5 and 9 of this resource consent

Monitoring Year means the 12-month period from 1 October in any one year until 30 September in the next year

MMSMP means Marine Mammal and Shark Management Plan

Ngāti Kuia means an entity which represents the Marlborough Statutory Acknowledgment Iwi Ngāti Kuia.

Night means the period between nautical dusk and nautical dawn

Recognised Organisation means a classification society authorised as a recognised organisation by Maritime New Zealand in terms of the definition in Part 21 Maritime Rules rule 21.5

RMA means the Resource Management Act 1991 or any successor legislation

Salmon Farm means a block of up to 10 Salmon Pens, including the mooring and anchor system, feedpipes, and associated permanent feed barge. **Salmon Farms** means Blue Endeavour North and Blue Endeavour South.

Salmon Pen means a flexible circular structure that contains the salmon being farmed at the Salmon Farms.

SBMP means the Seabird Management Plan

Shark means any large elasmobranch species of shark including great white, basking, bronze whaler, mako, porbeagle, blue and thresher shark, and also means manta rays

SMS means Safety Management System

Suitably Qualified and Experienced Person means a person or persons:

- (a) With a recognised tertiary qualification(s) relevant to the topic being assessed and who has more than seven years relevant experience in the topic being assessed; or
- (b) another person who has, in the opinion of the Compliance Manager, the required qualifications and experience; ~~and-~~
- ~~(b)~~(c) In relation to benthic conditions means a person(s) with specific expertise in biogenic and/or non-biogenic ecology, as the context requires.

Wider Area is defined as a minimum, to include the area covered by any vessel undertaking farm-related activities while transiting to and from the Farm

WMP means Waste Management Plan

WFMM means Wild Fish Monitoring Method

Annexure 2

Agreed conditions of resource consent U190438.1
(Clean version – no tracking)

Certificate of Resource Consent

Consent Holder:	The New Zealand King Salmon Co. Limited
Consent Type:	Coastal Permit
Consent Number:	U190438.1
Lapse Date:	This consent will lapse on 10 December 2032 unless given effect to prior to that date
Expiry Date:	If this consent is given effect to, the consent will expire on 10 December 2057
Part 3, Section	S12(1)(b), (c), (d); 12(2)(a),12(3)

Pursuant to Sections 34A(1) and 104B and after having regard to Part 2 matters and Sections 104D and 104 of the Resource Management Act 1991, the Marlborough District Council **grants** a coastal permit to establish and operate two new salmon farms (the north farm and the south farm) located approximately 5 kilometres to the north of Te Uku/Cape Lambert, in northern Marlborough as detailed on OCEL drawing SK-051103-521, Rev 5, dated 3 August 2021 (attached) subject to conditions imposed under section 108 of the Resource Management Act 1991 below.

Conditions

General

- 1 The consent holder shall always and only undertake the activity provided for by this resource consent in accordance with:
 - (a) The conditions of this resource consent; and
 - (b) A certified version of each Management Plan, Monitoring Plan, or Wild Fish Monitoring Method, required by the conditions of this resource consent.

In the event that there is an irreconcilable conflict between the conditions of this resource consent and a Plan or Method specified in (b), the conditions shall prevail. In the event of an inconsistency between Plans and Methods specified in (b), the more stringent requirement will prevail.

- 2 There shall be no use of Organ Halogenated Contaminants (OHC's), therapeutics or antibiotics at either Salmon Farm.
- 3 No separate predator nets are to be installed as part of this consent.

Lapsing

- 4 This resource consent shall have been given effect to (in terms of Section 125 RMA) once any Salmon Farm structure has been installed pursuant to this resource consent.

Cultural Matters

- 5 The consent holder shall assist Ngāti Kuia to develop a Mauri Framework (which may include a cultural health index) for monitoring the mauri of Titi Island, Pouataikino/Alligator Head and Te Mete Mahinga/McManaway Rock.
- 6 The Mauri Framework will specify:

- (a) Baseline monitoring to be undertaken for a period of 12 months beginning within one month of a date agreed between Ngāti Kuia and the consent holder;
 - (b) Cultural health indicators for monitoring mauri;
 - (c) Tikanga based responses for managing adverse effects on mauri; and
 - (d) Time periods for reporting on monitoring under the Mauri Framework.
- 7 The consent holder shall engage Ngāti Kuia or a Cultural Advisor(s) to undertake monitoring required by the Mauri Framework, and to prepare a report on the outcomes of monitoring under the Mauri Framework including any recommended tikanga based responses, in accordance with the time periods specified in the Mauri Framework. The report is to be provided to the Compliance Manager within 15 working days of completion.
- 8 Should the report prepared in accordance with Condition 7 of this resource consent determine adverse effects on mauri as a result of the operation of the Salmon Farm and the report recommend any tikanga based responses, the consent holder shall:
- (a) Review the report, with Ngāti Kuia or any Cultural Advisor(s) to ensure understanding;
 - (b) Identify which recommended tikanga responses it will adopt and which it will not adopt and advise Ngāti Kuia of this decision in writing, providing reasons for its decision on each recommended tikanga responses; and
 - (c) Implement adopted tikanga based responses.
- 9 The consent holder shall review the Mauri Framework's use and application with Ngāti Kuia on an annual basis.
- 10 Any document required to be sent to Ngāti Kuia shall be sent in a manner prescribed by Ngāti Kuia.

Advice note: For clarity, we have referred to the “consent holder” in these conditions. This is intended to address the direct relationship between the New Zealand King Salmon Co. Ltd (NZ King Salmon) and Ngāti Kuia, including any successor consent holder to NZ King Salmon over the term of this consent.

Occupancy

- 11 The consent holder may exclusively occupy:
- (a) The physical space occupied by all surface and sub-surface structures (as they exist from time to time), including all the space within the Salmon Pens, within the barges and within the feedpipes; and
 - (b) All other areas necessary to ensure the safety and security of personnel, members of the public, the salmon and the Salmon Farms (including the cardinal marks, monitoring equipment, lines, feedpipes and mooring systems).

Structures

- 12 Each Salmon Farm shall be located and secured so as to remain in general accordance with Plan SK-051103-521-Revision 6 at all times, other than during construction, or when being moved during or for maintenance, or when being taken to and from the Salmon Farm(s).
- 13 The maximum surface area of the Salmon Pens at each Salmon Farm shall not exceed six hectares in area.

- 14 The internal circumference of each Salmon Pen installed at the Salmon Farms shall not exceed 168 metres in length.
- 15 One permanently moored barge may be moored at each Salmon Farm. The length of the barge (as defined under Maritime Rule Part 40C) shall not exceed 70 metres. The beam overall shall not exceed 15 metres in width (measured at its widest point). The air draught (overall height above the waterline) shall not exceed 14 metres (excluding aerials or similar) under any design load condition.
- 16 After the installation of Salmon Pens, the consent holder is to position special marks as directed by the Harbourmaster in accordance with Condition 40. Those special marks, when connected by imaginary lines, will form an imaginary quadrilateral. The consent holder shall ensure that, when measured under calm conditions, no pen mooring line:
 - (a) Is to be within five metres of the surface of the water between one metre and 100 metres outward from that imaginary quadrilateral;
 - (b) Is to be within 10 metres of the surface of the water between 100 metres and 400 metres outward from that imaginary quadrilateral; and
 - (c) Is to be within 20 metres of the surface of the water beyond 400 metres outward from that imaginary quadrilateral.

Visual Appearance

- 17 Except as specifically required by the Harbourmaster or as provided for in the Safety Case, MMSMP or SBMP (whose requirements shall prevail over this condition):
 - (a) The upper works of each barge above the gunwales shall be painted in a nautical colour scheme (such as white and blue);
 - (b) The hull of each barge shall be a dark colour(s) (such as black);
 - (c) All other surface structures at each Salmon Farm shall:
 - (i) Be painted or finished in dark or recessive colour(s); or
 - (ii) Be the natural colour of the materials if these are recessive (such as galvanised carbon steel); and
 - (d) Where reasonably practicable, structures of the same type shall be painted or finished in such a way to allow the whole of each floating part to be discernible and contiguous (such as by using consistent and coherent colours).

Lighting

- 18 The luminance resulting from the submerged artificial lighting used in each Salmon Pen may not exceed 23 x 600W LED underwater lights (or equivalent luminance) and shall be deployed at least five metres below the surface of the water.
- 19 The consent holder shall minimise light spill from the barge(s) by ensuring that:
 - (a) Curtains, blinds or shutters which are effective at preventing light spill at night are provided for all windows on the barges resident at the Salmon Farm;
 - (b) The curtains, blinds and shutters installed in accordance with Condition 19(a) are closed to prevent light spill at night;
 - (c) Only external lighting that is required for navigation, deck and boat handling work, or health and safety purposes is installed at the Salmon Farms;

- (d) Lights for deck and boat handling work shall only be used while that work is being undertaken; and
 - (e) All external lights are angled downwards, except where they are required to be angled upwards for navigation or health and safety purposes.
- 20 Where vessels operate at the Salmon Farm(s) at night, floodlights may only be used to:
- (a) Ensure the safety of staff;
 - (b) Prevent harm to salmon; or
 - (c) Protect each Salmon Farm, or ancillary infrastructure, from damage or failure.

Engineering and Design

- 21 The consent holder shall engage a Recognised Organisation to:
- (a) Assign class to each permanent feed barge; and
 - (b) Assign class to each assembly of farming structures, comprising anchors, moorings, and salmon pens.
- 22 Design criteria for class shall include:
- (a) A tsunami with a current of 3.2 knots and wave height of 2.5 metres; and
 - (b) NS9415:2021 or any successor standard accepted by the Recognised Organisation.³²⁷
- 23 The consent holder shall provide Ngāti Kuia, the Compliance Manager and Maritime New Zealand with a copy of the certificate of class from a Recognised Organisation not more than five working days after obtaining that certificate of class and before salmon are brought to the Salmon Farm(s).
- 24 The consent holder shall engage a Recognised Organisation to maintain in class each permanent feed barge and each assembly of farm structures, comprising anchors, moorings, and salmon pens.
- 25 The consent holder shall maintain the structures so that they are in good order, and in accordance with any endorsements of the certificate of class including in respect of periodic surveys, and any conditions of class of the Recognised Organisation.
- 26 The consent holder shall provide Ngāti Kuia, the Compliance Manager and Maritime New Zealand with evidence of maintenance of class from a Recognised Organisation annually within three months of the certificate of class being given.
- 27 The consent holder shall authorise the Recognised Organisation to provide the following notices directly to Ngāti Kuia, the Compliance Manager and Maritime New Zealand:
- (a) Any notice of suspension of class; and
 - (b) Any notice of withdrawal of class; and
- shall provide any such notice to the Compliance Manager and Maritime New Zealand within one working day of receiving notice from the Recognised Organisation.

³²⁷ Recognised Organisation means a classification society authorised as a recognised organisation by Maritime New Zealand in terms of the definition in Part 21 Maritime Rules rule 21.5.

Climate-related disclosures

28 The consent holder shall comply with climate-related disclosures required by law.

Feed discharge, Density and Biomass

- 29 The consent holder shall not discharge more than 10,000 tonnes per annum per Salmon Farm.
- 30 The consent holder shall keep a record of the amount of feed discharged at each salmon pen and at each Salmon Farm in each month. Records of the amount of feed discharged at each salmon pen are to be made available to Ngāti Kuia and the Compliance Manager on request. Records of the amount of feed discharged at each Salmon Farm each month shall be provided to Ngāti Kuia and the Compliance Manager.
- 31 The consent holder shall operate the Salmon Farm so that the density of salmon does not exceed 25 kg/m³ at each Salmon Farm. The consent holder shall supply evidence that it is complying with this condition on the request of the Compliance Manager.
- 32 The consent holder shall operate the Salmon Farm so that the biomass of salmon does not exceed 18,000 tonnes in total at each Salmon Farm. The consent holder will supply evidence that it is complying with this condition on the request of the Compliance Manager.
- 33 Prior to each Monitoring Year, the consent holder shall provide, to the Suitably Qualified and Experienced Person referred to in Condition 65 the Anticipated Annual Feed for the following Monitoring Year. Owing to its commercial sensitivity, that statement may be provided to the Compliance Manager on the provision of an undertaking to keep the information confidential, except where disclosure of that information is required by law.

Safety Case

- 34 A Safety Case shall be prepared as part of the design and development process for the Salmon Farms and to form the basis of, or inform all procedures, the conduct of which may affect maritime safety. The purpose of the Safety Case is to form a flexible and dynamic safety framework that ensures and demonstrates that the Salmon Farms' development is designed, constructed, operated and maintained in a safe manner, meets legislative requirements and can incorporate lessons learnt post installation. The Safety Case shall document the inherent significant safety hazards and demonstrate the engineered barriers and a Safety Management System that shall be designed and applied to prevent the hazards from becoming a significant risk to maritime and personnel safety.
- 35 The consent holder shall engage a Suitably Qualified and Experienced Person(s) to lead the preparation of the Safety Case. This Safety Case shall be prepared in consultation with the consent holder and the Harbourmaster. A copy of the exposition (as described in Condition 36(a) of the first fully developed version of the Safety Case shall be submitted for information, to Ngāti Kuia and the Compliance Manager no later than one month prior to the installation of the structures.
- 36 The Safety Case shall include / address all of the following matters:
- (a) An exposition setting out how the various components of the Safety Case and Safety Management System are structured and meet all legislative and regulatory requirements;
 - (b) A maritime safety risk register, a means of assessing identified risks and a description of the risk profile;
 - (c) Detail the Salmon Farm(s) design requirements and ongoing measures to mitigate the risks associated with collision, allision and grounding of vessels;

- (d) Establish and maintain a Safety Management System;
 - (e) The schedule for reviewing the risk profile in (b) above;
 - (f) Require the use of automated means to monitor the position of each Salmon Farm to alert the consent holder and, if outside pre-defined positional parameters, the Harbourmaster. In addition, the system will enable live-tracking of a Salmon Farm if it should break free of its moorings;
 - (g) Establish the Emergency Response Procedures to be included in the Safety Case and require periodic training to ensure that those working at the Salmon Farms are familiar with the actions that are to be undertaken in the event of an emergency. The Emergency Response Procedures are to include the actions that will be undertaken if a Salmon Farm and/or one of its component parts is detected to be outside of its correct location, as set out in Plan SK-051103-521-Revision 6.
- 37 The Safety Case shall include a requirement that, in addition to the official national requirements such as Notices to Mariners, or charting and listing of lights, the consent holder is to engage with the Harbourmaster regarding advising local mariners of the general nature of the Salmon Farm(s) including sub-surface structures, associated navigational aids, activities that may be occurring at the Salmon Farms, and from time to time any material changes to the activities.
- 38 The Safety Case is to be maintained to ensure the standards of the activities, operations, structures and other factors are effective in maintaining maritime safety. Copies of the extant Safety Case exposition is to be subsequently made available to Ngāti Kuia and the Compliance Manager from time to time on request throughout the life of this resource consent.
- 39 The consent holder shall engage a Suitably Qualified and Experienced Person(s) to lead the review of the Safety Case on a three yearly basis. The review is to be completed by the third anniversary of the previous review. The review is to be undertaken in consultation with the consent holder and the Harbourmaster.

Navigation

- 40 The consent holder shall, at least three months prior to the navigation marks being installed to mark the Salmon Farms, notify Ngāti Kuia of their planned installation and seek formal Maritime New Zealand approval via the Harbourmaster, through the established process for the marks to be approved, laid, notified and charted and lights listed.
- 41 The consent holder shall, at least five working days prior to each major works programme or changes that may influence the safety of maritime traffic notify Ngāti Kuia and the Harbourmaster of the programme of change. The purpose of notification is to indicate the area and nature of the works or changes and the anticipated period of the associated activity.
- 42 The consent holder shall, at least five working days prior to the planned placement of the cardinal marks and the first structure forming part of the Salmon Farm(s), notify Ngāti Kuia of their planned installation and request, via the Harbourmaster, that an announcement alerting mariners to the presence and location of the buoys or new structures is broadcast on a marine radio channel as advised by the Harbourmaster. This notice shall be broadcast on each day the structure(s) or group of connected structures are being installed, and for one week after the installation is complete.
- 43 As built plans showing the structures forming part of the Salmon Farm(s) and marine farm lighting and marking are to be provided to the Compliance Manager 20 working days after:
- (a) Initial installation is complete; and

- (b) The addition of salmon pen(s) or barge(s) is completed.
- 44 The type, design, functionality, and placement of marine farm lighting and marking shall be in accordance with International Association of Marine Aids to Navigation and Lighthouse Authority Guidelines and shall be installed in accordance with the approval provided by the Harbourmaster under his or her Maritime Delegation from the Director of Maritime New Zealand pursuant to sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994.
- 45 Subject to the approval of Maritime New Zealand, Automatic Identification System signals or similar technology shall be used for the purpose of indicating the extent of the Salmon Farms to vessels navigating in the vicinity of the structures.
- 46 Each Salmon Farm shall be fitted with at least one radio beacon and one 'out of location' electronic location monitoring system for the purpose of:
 - (a) Sending an alert if the structures' position is outside of specified parameters; and
 - (b) Monitoring the location of a structure if it were to break away.
- 47 The electronic location devices required by Condition 46 shall monitor the location of each Salmon Farm every 15 minutes. The transmissions from each device are to be monitored by the consent holder. Any indication that a Salmon Farm has deviated from its expected location will trigger the responses set out in the Safety Case.
- 48 The consent holder shall maintain all structures and parts authorised by this resource consent to ensure that they are restrained, secure and in working order at all times so as to not create a navigational hazard, and take all practicable actions necessary to ensure that the structural integrity of each Salmon Farm is maintained at all times.
- 49 Should any item or part associated with the structures or operation of the Salmon Farms be lost into the environment, it shall, to the greatest extent practicable, be recovered by the consent holder.
- 50 In the case of the loss into the environment of any item or part associated with the structures or operation of the Salmon Farm(s) that may represent a hazard to mariners, the consent holder shall notify the Harbourmaster and Ngāti Kuia of the loss and details of that item or part as soon as practicable after becoming aware of the lost item or part.

Noise

- 51 The Salmon Farms shall be operated so as to ensure that any noise emissions from them do not exceed the following noise limits when measured no closer than 250 metres from the outer edge of the area defined by Points 5 to 8 and 9 to 12 on Plan SK-051103-521-Revision 6:

At All Times	70 dBA LAeq
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The following activities are exempt from having to comply with that noise limit:

- (a) Noise generated by navigational aids, safety signals, warning devices or the operation of emergency pressure relief valves;
- (b) Noise generated by emergency work arising from the need to respond to an immediate health and safety risk or prevent loss or serious damage to property or minimise or prevent environmental effects; and
- (c) Noise ordinarily generated by the arrival and departure of vessels servicing the Salmon Farms.

- 52 At the Compliance Manager's request, the consent holder shall commission a report from a Suitably Qualified and Experienced Person(s) to monitor the noise emitted from the operation of the Salmon Farms. Noise is to be assessed in accordance with NZS 6802:2008. The results of the monitoring, together with a report from the consent holder that assesses compliance with the noise limit set in Condition 51, shall be provided to the Compliance Manager within one month of monitoring being completed.
- 53 The noise emitted from the construction activities associated with installation and/or maintenance of the Salmon Farms' structures shall not exceed the noise limits specified in Table 2 of New Zealand NZS 6803:1999 (Acoustics – Construction Noise).

Benthic Compliance Limits

- 54 The following benthic habitat compliance limits shall apply outside the 2,286 (t/block/month) modelled footprint as shown in Appendix 1 to these conditions, to all discharges to the seabed from the salmon farm(s). The discharges shall not cause:
- (a) In non-biogenic habitat, any organic enrichment-related adverse effects;
 - (b) In biogenic habitat, adverse effects;
 - (c) Adverse effects on Te Mete Mahinga/McManaway Rock ESMS.

Initial Benthic Monitoring Plan

- 55 Prior to undertaking the baseline survey in accordance with Condition 56, an initial Benthic Monitoring Plan (iBMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification no later than 12 months before feed is discharged at either salmon farm. The iBMP shall:
- (a) Describe the methods to be used to undertake the baseline survey;
 - (b) Specify the coordinates of the monitoring stations referred to in Condition 56;
 - (c) Identify and use draft Benthic Quality Standards (BQS). The purpose of the BQS is to assess compliance with the benthic habitat compliance limits. The BQS must be supported by analysis from a suitably qualified and experienced person(s) that demonstrates they are fit for purpose (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states for both non-biogenic and biogenic habitats in a timely and cost effective way);
 - (d) Specify key taxa as candidate indicators of farm-related effects, or those that have a high ecological importance within the habitat(s), which may include brachiopods and horse mussels. The suitability of the candidate indicators are to be assessed through baseline monitoring;
 - (e) Specify environmental parameters to be recorded (e.g. tides, currents, sediment movement, water clarity);
 - (f) Be consistent with the Ministry for Primary Industries Benthic and Water Quality Monitoring Open Ocean Aquaculture Best Practice Guidelines 2021 or replacement Guidelines except where:
 - (i) That is inconsistent with the conditions of consent; or
 - (ii) A Suitably Qualified and Experienced Person(s) states with reasons that the Best Practice Guidelines do not accord with best practice; or
 - (iii) A Suitably Qualified and Experienced Person(s) states with reasons that the Best Practice Guidelines are not applicable in the specific context of these Salmon Farms;

- (g) Use best practice scientific methodologies and analyses that are effective, practical and fit for purpose (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states for both non-biogenic and biogenic habitats in a timely and cost effective way) for monitoring the effects of the Salmon Farms and for assessing compliance with the benthic habitat compliance limits specified in Condition 54.

Baseline Monitoring

- 56 At least six months prior to the first discharge of feed at either Salmon Farm baseline monitoring is to be undertaken at the direction of a Suitably Qualified and Experienced Person(s) in accordance with the certified iBMP at monitoring stations in Figure 1, Figure 2 and Te Mehe Mahinga/ McManaway Rocky Reef (all stations) for all the monitoring parameters shown in Table 1.

Figure 1 - Non Biogenic Habitat Monitoring Stations

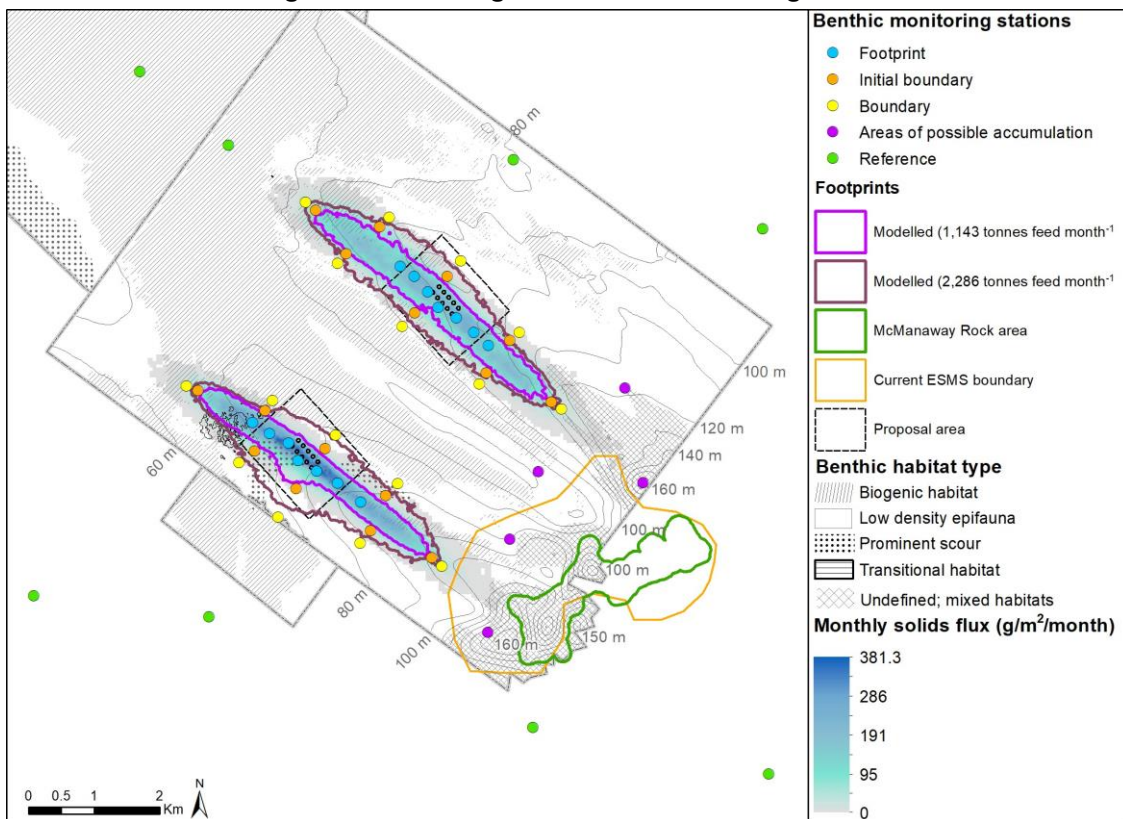


Figure 2 – Biogenic Habitat Monitoring Stations

Biogenic monitoring stations

Target

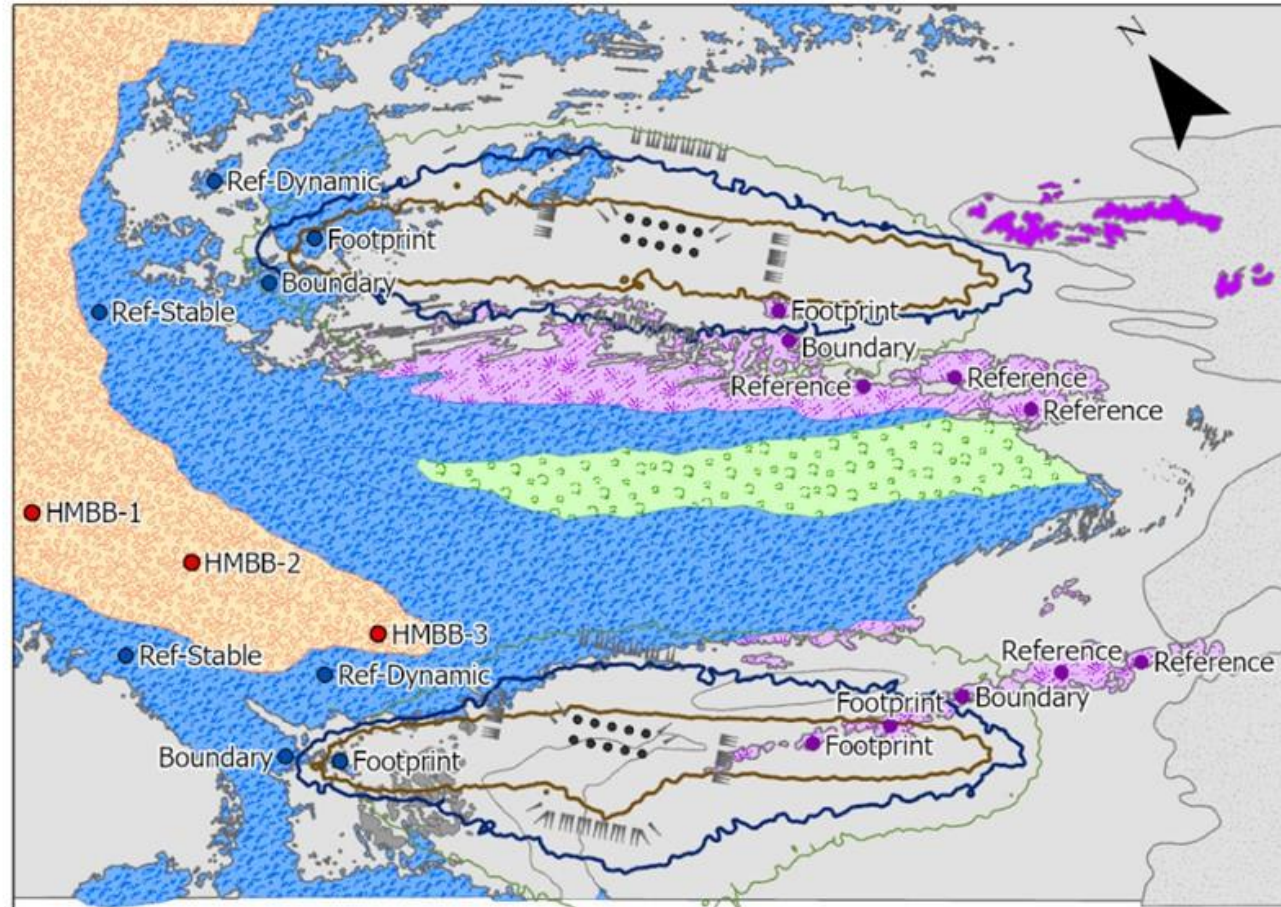
- CR
- PR
- HMBB

Modelled Footprints

- ▭ 2286 modelled footprint
- ▭ 1143 modelled footprint
- Soft sediment response uncertainty

Habitat Type

- Biogenic Clump reef
- Biogenic Patch Reef
- Biogenic Horse Mussel Brachiopod bed
- Biogenic Mixed Habitat
- Low density epifauna
- Low density epifauna - scour
- Outcrop
- Transitional habitat
- Undefined; mixed habitats



0 0.45 0.9 1.8 Kilometers

Table 1 – Baseline Survey Monitoring Parameters

Habitat Type	Monitoring Parameters							Copper and Zinc
Non-Biogenic Habitat	S ₂ _(ISE or UV)	b-MBI	%S	AMBI	M-AMBI	BQI	d	
Biogenic Habitat	Qualitative assessment including sediment influence (if any)			Quantitative assessment Densities of Key Taxa		Quantitative Assessment - Taxonomic richness		
Te Mete Mahinga/McManaway Rocky Reef (two representative monitoring sites located on the western facing slopes of the reef close to the axis of deposition of the Salmon Farms)	Qualitative assessment including sediment influence (if any)			Quantitative assessment Densities of Key Taxa		Quantitative Assessment - Taxonomic richness		

%S = percent species richness (infauna) of comparable reference, AMBI = AZTI Marine Biotic Index, M-AMBI = Multivariate AMBI, BQI = Benthic Quality Index, d = Margalef's richness.

Te Mete Mahinga / McManaway Rocky Reef monitoring stations are not shown on Figure 2.

Baseline Monitoring Report

- 57 Within three months of completion of the baseline monitoring required by Condition 56, the consent holder shall provide a Baseline Monitoring Report to Ngāti Kuia and the Compliance Manager. The Report shall include:
- (a) A description of the monitoring undertaken;
 - (b) An assessment of the results of baseline monitoring;
 - (c) Details of the existing environment (environmental parameters, benthic habitats) at the time of monitoring based on the monitoring results;
 - (d) Recommendations for changes to monitoring stations and parameters (if any);
 - (e) An assessment of the suitability of the draft BQS and recommendations for final BQS to be used to assess compliance with the benthic habitat compliance limits;
 - (f) A critique of the suitability of the monitoring methods and recommendations for future monitoring including monitoring frequency; and
 - (g) An evaluation of candidate indicators identified and monitored pursuant to Condition 55(d) and recommendations for taxa to be monitored as part of the ongoing Benthic Monitoring Plan.

Benthic Monitoring Plan – Post Baseline Survey

- 58 Three months prior to discharging any feed to either Salmon Farm, the consent holder shall submit a Benthic Monitoring Plan (BMP) prepared by a Suitably Qualified and Experienced Person(s) to the Compliance Manager for Certification. The BMP shall:
- (a) Identify and use Benthic Quality Standards. The purpose of the BQS is to assess compliance with the benthic habitat compliance limits specified in Condition 54. The BQS must be supported by analysis from a suitably qualified and experienced person(s) that demonstrates they are fit for purpose (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states in a timely and cost effective way);
 - (b) Enable identification of adverse effects on the environment which may arise following commencement of the consent, including adverse effects on biogenic and non-biogenic habitat;
 - (c) Identify the monitoring stations (including coordinates) and parameters to be monitored, and how recommendations made in the Baseline Monitoring Report have been taken into account. If Figure 1 or Figure 2 or Table 1 or recommendations made in the Baseline Monitoring Report have not been adopted, the BMP shall justify the reason(s) for not adopting them;
 - (d) Specify the frequency of monitoring noting that a benthic monitoring report is required to be submitted annually;
 - (e) Describe the monitoring methods;
 - (f) Require environmental parameters to be recorded (e.g. tides, currents, sediment movement, water clarity);
 - (g) Be consistent with the Ministry for Primary Industries Benthic and Water Quality Monitoring Open Ocean Aquaculture Best Practice Guidelines 2021 or replacement Guidelines except where:
 - (i) That is inconsistent with the conditions of consent; or
 - (ii) A Suitably Qualified and Experienced Person(s) states with reasons that the Best Practice Guidelines do not accord with best practice; or

- (iii) A Suitably Qualified and Experienced Person(s) states with reasons that the Best Practice Guidelines are not applicable in the specific context of these Salmon Farms;
- (h) Use best practice scientific methodologies, monitoring locations and parameters, and analyses that are effective, practical and fit for purpose (including that they are scientifically robust, reproducible and adequately distinguish between desirable and undesirable states for both non-biogenic and biogenic habitats in a timely and cost effective way) for monitoring the effects of the Salmon Farms and for assessing compliance with the benthic habitat compliance limits specified in Condition 54.

Provision of Monitoring Results

- 59 The consent holder shall submit the results of the monitoring undertaken in accordance with BMP to Ngāti Kuia and the Compliance Manager no later than the fifth working day after the results become available.

Annual Benthic Monitoring Report

- 60 The consent holder shall submit an Annual Benthic Monitoring Report prepared by a Suitably Qualified and Experienced Person(s) to Ngāti Kuia and the Compliance Manager no later than 60 working days after the monitoring year. The Annual Benthic Monitoring Report shall:
- (a) Provide an overview of relevant farm operations including salmon feeding data;
 - (b) Provide an overview of the monitoring undertaken, including the location, frequency, method and parameters recorded;
 - (c) Outline relevant environmental conditions associated with each monitoring event (e.g. tides, currents, sediment movement, water clarity);
 - (d) Include the results of the benthic monitoring during the monitoring year;
 - (e) Evaluate compliance with the benthic habitat compliance limits;
 - (f) Identify any adverse effects on the benthic environment arising from farm operations, including adverse effects on biogenic and non-biogenic habitat;
 - (g) Identify recommendations for management practices to address compliance matters or adverse effects on the benthic environment arising from farm operations;
 - (h) Outline recommendations or considerations for future review of the BMP.

Advice Note: Monitoring Year means the 12 month period from 1 October in any one year until 30 September in the next year.

- 61 Within three months of receiving any recommendations made pursuant to condition 60(g), the consent holder shall provide a document to the Compliance Manager and Ngāti Kuia which demonstrates what changes to management practices were made or are proposed to be made as a consequence of the recommendations.

Review of Benthic Monitoring Plan

- 62 The consent holder shall review the BMP as required to achieve compliance with the conditions of consent and to address recommendations or considerations identified pursuant to Condition 60(h), and at least every two years. The review shall be prepared by a Suitably Qualified and Experienced Person(s). The results of the review shall be provided to Ngāti Kuia and the Compliance Manager. Any changes to the BMP arising as a result of the review shall be prepared by a Suitably Qualified and Experienced Person(s) and provided to the Compliance Manager for Certification.

Advice Note: A change of consent conditions, such as a change to the monitoring regime or compliance limits will generally occur in accordance with Section 127 or Section 128 of the RMA.

Water Quality

Receiving Water Compliance Limits

63 The following water quality compliance limits shall apply, after reasonable mixing, to all discharges to water in the coastal marine area from the salmon farm(s). The discharges shall not cause:

- (a) Dissolved oxygen concentrations to fall below a mean of 80% saturation for two successive months within any five metre depth bin, disregarding any depth bin below 10 metres of the bottom of any salmon pen in the Salmon Farms;
- (b) Undesirable biological growths in the receiving water.

The reasonable mixing zone for the discharges from the Salmon Farms shall be within the area defined by Points 5 to 8 and 9 to 12 on Plan SK051103-521-Revision 6. Effects beyond the reasonable mixing zone are measured at Boundary NE, NW, SE and SW as shown on Figure 3.

Advice Note: As provided for by Schedule 3 of the RMA 1991, the compliance limits disregard the effect of any natural perturbations that may affect the water body.

Water Quality Monitoring

Table 2: Specification of intensive and long-term minimum monthly water column monitoring at the Salmon Farms, at locations specified in Figure 1. Parameter abbreviations are: TN = Total Nitrogen, Chl-a = chlorophyll-a, TAN = Total Ammoniacal Nitrogen, DO= Dissolved Oxygen, Phyto counts = full phytoplankton counts (to a feasible taxonomic resolution).

Type	Monitoring Station (as showing in Figure 1)	Monitored Parameter				
		TN	Chl-a*	TAN	DO	Phyto counts
Intensive (Up to 8 years of monthly monitoring, targeted at 3 x 24-month periods)	Boundary sites (Between 1 and 5 hours after the turn of a tide NW & NE and SW & SE)†	X		X	X	
	Site Centre	X	X			X
	Far-field west	X	X			
	McManaway Rock	X	X	X	X	
	Te Anamāhanga / Port Gore (Outer)*	X	X		X	X
	Te Anamāhanga / Port Gore (Inner)*	X	X		X	X
	Ref Station-Inshore*	X	X		X	X
	Ref Station -Offshore*	X	X		X	
Long-term (ongoing monthly monitoring)	Boundary sites (Between 1 and 5 hours after the turn of a tide NW & NE and SW & SE) †				X	
	Site Centre		X			X
	Far-field west					
	McManaway Rock	X	X	X	X	
	Te Anamāhanga / Port					

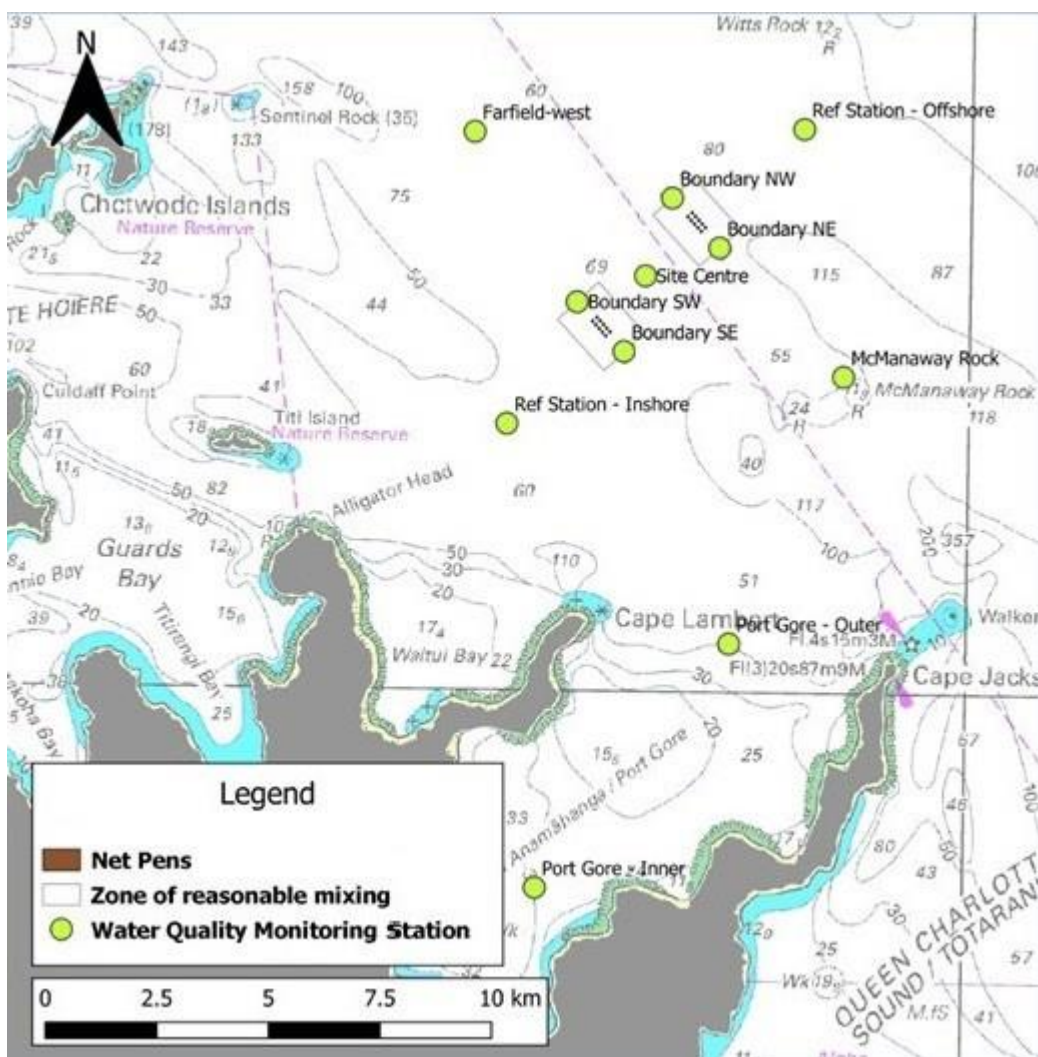
Gore (Outer)
 Te Anamāhanga / Port
 Gore (Inner)
 Ref Station-Inshore
 Ref Station -Offshore

	X			
	X			X
	X			

* Chlorophyll-a* for long-term monitoring may consist of surface chlorophyll-a satellite derived monitoring where, after receiving advice from a Suitably Qualified and Experienced Person(s), the Compliance Manager has agreed in writing that such monitoring is suitably accurate for the selected long-term station.

† Where feed has only been discharged at one Salmon Farm in the preceding month, only that Salmon Farm shall be sampled

Figure 3: Water quality monitoring stations and reference (Ref) for monthly monitoring of parameters specified in Table 2.



Baseline Data Reporting and Monitoring Station Coordinates

64 Three months prior to the first feed discharge at either Salmon Farm, the consent holder shall provide the following data to the Compliance Manager:

- (a) Total Nitrogen;

- (b) Chlorophyll-a (lab analysed from filtered samples not exceeding a nominal pore size of 1.2µm, i.e. a GF-C filter);
- (c) Phytoplankton counts of the dominant species and genera (where speciation is not feasible) that are able to be feasibly identified through standard light microscopy techniques;
- (d) Depth profile data, including salinity, temperature and dissolved oxygen; and
- (e) The monitoring station coordinates.

Water samples shall be collected at the surface, 15 metre depth and an integrated 15 metre sample (i.e. covering the depths from 15m to the surface). Sampling should be undertaken monthly within Points 1 to 4 and 5 to 8 on Plan SK051103-521-Revision 6, with data provided for at least two months of every season (i.e. at least eight months in total and which may occur in different years).

Advice Note: The sampling may have occurred prior to this resource consent commencing.

Intensive and Long Term Monitoring

65 Where feed has been discharged at the Salmon Farms in the preceding month, monthly water column monitoring and associated laboratory work shall be undertaken at the direction of a Suitably Qualified and Experienced Person(s) and shall occur:

(a) As specified as “intensive” in Table 2:

- (i) For two Monitoring Years following the first feed being discharged at the Salmon Farm;
- (ii) For two years beginning in the Monitoring Year when the Anticipated Annual Feed is greater than 7,000 tonnes per annum and the Actual Annual Feed for both Monitoring Years is greater than 5,600 tonnes at either Salmon Farm;
- (iii) For two years beginning in the Monitoring Year when the Anticipated Annual Feed is greater than 14,000 tonnes per annum and the Actual Annual Feed for both Monitoring Years is greater than 11,200 tonnes at both Salmon Farms;
- (iv) For at least two years beginning in the Monitoring Year when the Anticipated Annual Feed is greater than 18,000 tonnes per annum and the Actual Annual Feed for all Monitoring Years is greater than 14,400 tonnes at both Salmon Farms.

Where there has been less than four Monitoring Years of “intensive” monitoring, monitoring shall continue until there has been four Monitoring Years of “intensive” monitoring; and

(b) At other times, as specified as “long-term” in Table 2.

Advice Note: Monitoring Year means the 12-month period from 1 October in any one year until 30 September in the next year. Monitoring specified in 65(a)(iii) and 65(a)(iv) address cumulative effects of both farms operating.

Monthly Reporting

66 The results of the monitoring in accordance with Table 2 shall be reported on in respect of compliance with the WQS in Condition 63 by a Suitably Qualified and Experienced Person(s) and submitted to Ngāti Kuia and the Compliance Manager no later than the fifth working day after the end of each month after the results become available from the laboratory.

Water Quality Monitoring and Compliance Review

67 After an aggregate of 50,000 tonnes of feed has been discharged at any given Salmon Farm and that Salmon Farm has been operating for at least five years (whichever happens last) and after each five year period subsequent (the “Review Date”), the consent holder shall commission a Water Quality Monitoring and Compliance review utilising the data collected in accordance with Condition 65 of this resource consent, as well as any other data available, such as state of the environment monitoring or satellite data, by a Suitably Qualified and Experienced Person(s). The results of the review(s) shall be reported and submitted to Ngāti Kuia and the

Compliance Manager no later than five months after each Review Date. That review shall detail:

- (a) A summary of the extent to which the monitoring results have been consistent with the WQS in Condition 63;
- (b) A timeline showing the monthly feed discharge against the survey timing, and discussion of these where necessary;
- (c) A discussion of any long-term trend evident in the data;
- (d) A discussion as to whether that long-term trend (if any) is, or may be, farm related;
- (e) If required, any additional monitoring (beyond that specified in Table 2) to verify the compliance limits specified in Condition 63; and
- (f) Whether monitoring should continue owing to a lack of observed effects at a range of feed loadings.

Advice Note: A change of consent conditions, such as a change to the monitoring regime based on the outcome of the review, could occur in accordance with Section 127 or Section 128 of the RMA.

Marine Mammals and Sharks

68 Effects on marine mammals and sharks shall be managed to:

- (a) Minimise interactions of marine mammals and sharks with farm structures, including by the consent holder ensuring that:
 - (i) There is no feeding of marine mammals and sharks by staff, contractors or visitors to the Salmon Farm;
 - (ii) Dead fish are removed from the salmon pens as soon as reasonably practicable, and stored in a manner that does not attract predators;
 - (iii) Lighting (other than as required for navigation purposes) is compliant with Conditions 18 to 20; and
 - (iv) The best practicable option is adopted to minimise above water and underwater noise emissions; and
- (b) Avoid:
 - (i) As far as practicable the entrapment or entanglement of the New Zealand fur seal, *Arctocephalus forsteri*; and
 - (ii) Entrapment or entanglement of marine mammals (excluding the New Zealand fur seal, *Arctocephalus forsteri*) or Threatened or At Risk sharks;
- (c) Minimise the risk of incidents involving marine mammals or sharks, including by the consent holder ensuring that:
 - (i) Overlap or crossing of mooring lines is minimised;
 - (ii) All Salmon Farm lines are secured at all times, and any loose lines are secured or retrieved as soon as reasonably practicable;
 - (iii) Any waste debris that is lost from the Salmon Farms is promptly retrieved and disposed of at an approved waste facility onshore;
 - (iv) Grower nets that are not being used for production will either be removed from the Salmon Farms, or kept taut and weighted as though they were being used to house fish; and
 - (v) Grower and jump nets are appropriately designed and installed to minimise entanglement risk, including using predator resistant materials and completely enclosed structures and ensuring nets are weighted and kept taut; and all nets, ropes and mooring lines are kept under tension;

- (d) Manage interactions and incidents involving marine mammals and sharks if they occur:
- (i) In a manner that ensures as far as practicable the safety of marine mammals and sharks, while also ensuring the health and safety of farm workers and other people in their interactions with marine mammals and sharks; and
 - (ii) Through compliance with reporting and response procedures, including entanglement protocols that apply in the event of an interaction or incident.
- 69 A Marine Mammals and Shark Management Plan (MMSMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification at least 18 months prior to the planned installation of anchors necessary for the net pens at the Salmon Farms.
- 70 The purpose of the MMSMP is:
- (a) To set out design requirements, actions and management techniques that the consent holder shall use to ensure the Salmon Farm is designed and operated in a manner that achieves the outcomes in Condition 68;
 - (b) The methods by which any monitoring results can be included in a suitable publicly accessible regional or national database; and
 - (c) To achieve integration with the requirements of the Marine Mammals Protection Regulations 1992 and any separate permit granted to the consent holder by the Department of Conservation under the Marine Mammals Protection Act 1978.
- 71 The MMSMP shall be prepared in general accordance with Ministry for Primary Industries Marine Mammal Open Ocean Aquaculture Best Practice Guidelines 2021³²⁸ or replacement Guidelines, and using the draft MMSMP that is produced in the evidence of Dr Deanna Clement (dated 30 September 2021) as a base document and shall address all of the following matters:
- (a) Actions and management techniques to minimise interactions of marine mammals and sharks with farm structures and vessels in accordance with Condition 68(a), including:
 - (i) Best practice protocols;
 - (ii) The staff training in marine mammals and sharks that shall be undertaken by the consent holder;
 - (iii) The vessel operating guidelines that the consent holder shall use to minimise the risk of vessel strike (including compliance with the Marine Mammals Protection Regulations 1992 or any successor regulations);
 - (b) Protocols, actions and management techniques to minimise the risk of incidents and avoid entanglement, or entrapment of marine mammals or sharks in the farm structures in accordance with Condition 68(b), including:
 - (i) The best practicable option for net design parameters, including mesh size that minimises predators' ability to penetrate the net with their head, flipper or tail, net tension, and net inspection and maintenance;
 - (ii) Identification of times and activities that present a higher risk of incidents, and procedures for active monitoring and restrictions on work that may be undertaken if marine mammals are present;
 - (c) Methods that will be employed to respond to sharks or marine mammals entering the farm structures or becoming entangled, including:
 - (i) Procedures that will be used by the consent holder for capture and release of any entrapped or entangled marine mammal or shark, including establishing and implementing a Seal Handling Protocol;

³²⁸ Clement D. et al, *Best practices and technologies available to minimise and mitigate the interactions between finfish open ocean aquaculture and marine mammals*, New Zealand Aquatic Environment and Biodiversity Report No. 273 (Fisheries New Zealand, October 2021).

- (ii) Procedures to be used for the retrieval, storage and transport (subject to Department of Conservation and Marlborough Statutory Acknowledgement Iwi guidance) of dead marine mammals and protected shark species for formal identification and autopsy and/or appropriate disposal or other action, including to iwi where appropriate; and
 - (iii) Procedures to identify how the animal entered the Salmon Farm and to correct any faults found; and
- (d) A Marine Mammal Monitoring Programme pursuant to Condition 72 that the consent holder must implement to enable:
- (i) Improved understanding of how marine mammals and sharks use the wider area that the Salmon Farm is located within, how they behave near offshore farm structures and how they respond to new farm structures;
 - (ii) The effectiveness of the MMSMP to be assessed, and a Suitably Qualified and Experienced Person(s) to make recommendations as to the changes that need to be made to the MMSMP to improve its effectiveness;
 - (iii) The Salmon Farm's compliance with the standards set out in Condition 68 to be assessed; and
- (e) The MMSMP shall not enable the use of separate Predator Nets; and
- (f) Reporting and response procedures.

Advice Note: For clarity, use of predator net(s) in (e) above is not authorised by this consent, and requires an amendment under Section 127 RMA or its equivalent.

72 A Marine Mammal Monitoring Programme shall be implemented to enable:

Improved understanding of how marine mammals and sharks use the Farm Site and the Wider Area that the Salmon Farms are located within, how they behave near offshore farm structures and how they respond to new farm structures.

- (a) The minimum requirements for data collection in accordance with the MMSMP, being:
- (i) Quantification of observed marine mammal and shark occurrence within the Farm Site and Wider Area; and
 - (ii) Description of the types and rates of any interactions (non-injurious) and incidents (entrapment, injury and entanglement) between marine mammals/sharks and farm structures;
 - (iii) Analysis of the information obtained from Baseline Monitoring, Farm Construction Monitoring and Operational Monitoring to identify any obvious changes in occurrence rates (including relative abundance, distribution or spatial extent if any of these matters can practically be identified) or interaction/incident rates relative to operational changes;
- (b) The effectiveness of the MMSMP to be assessed, and a Suitably Qualified and Experienced Person(s) to make recommendations as to the changes that need to be made to the MMSMP to improve its effectiveness; and
- (c) The Salmon Farm(s) compliance with the standards set out in Condition 68 of this resource consent to be assessed.

73 A full description of the methodology for the Marine Mammal Monitoring Programme shall be given in the MMSMP. Three distinct periods of monitoring will be undertaken: 'Baseline Monitoring', 'Farm Construction Monitoring' and 'Operational Monitoring', where:

- (a) Baseline Monitoring includes monitoring that was undertaken prior to the grant of consent, and shall also include observations conducted a minimum of 12 times over an 18 month period prior to the installation of anchors necessary for the net pens at the Salmon Farms. Subject to health and safety requirements, such observations are to be undertaken:
- (i) In a range of weather conditions that will occur at the farm during its operational period;
 - (ii) at different times during the daylight hours, or for 24 hour periods where remote sensing

technology is used;

- (iii) in different tidal situations;
- (iv) in all seasons; and
- (v) at the Farm Site and Wider Area.

(b) Farm Construction Monitoring covers the period from installation of anchors necessary for the net pens to the point at which the first salmon pen is stocked with salmon and must meet the requirements of Condition 73(a)(i) to 73(a)(v). The Salmon Farms cannot be stocked with salmon until at least 18 months of Baseline Monitoring and any Farm Construction Monitoring has occurred;

(c) Operational Monitoring commences when the first pen is stocked with salmon. Operational Monitoring shall be undertaken:

- (i) A minimum of 12 times per year for a minimum of five years after the first salmon pen is stocked with salmon. The need for further yearly Operational Monitoring can be reviewed at the 5th year after the first salmon pen is stocked with salmon in accordance with Condition 79(c). Where the monitoring effort is to be changed or reduced a Suitably Qualified and Experienced Person(s) must justify the recommendation with reasons; and
- (ii) Twelve times in the 10th and 15th year after the first salmon pen is stocked with salmon.

Operational Monitoring must meet the requirements of Condition 73(a)(i) to 73(a)(v).

(d) Where appropriate, remote technologies for data collection are to be used for Baseline Monitoring, Farm Construction Monitoring and Operational Monitoring. Installation of the necessary equipment forms part of the consent.

74 The data from and analysis of the Baseline, Farm Construction and Operational Monitoring undertaken pursuant to Condition 73 shall be recorded and shall be summarised by the Suitably Qualified and Experienced Person in a yearly report for each year that monitoring is undertaken. That report shall be made available to the Compliance Manager within six months of the end of each of those years.

75 The consent holder must produce and provide an annual report to Ngāti Kuia, the Compliance Manager and the Department of Conservation that documents all observations, interactions and incidents that have occurred over the course of a Monitoring Year.

76 The consent holder shall, within 24 hours of the incident occurring or being discovered, notify Ngāti Kuia, the Compliance Manager and the Department of Conservation of any incident resulting in entrapment (excluding seals), entanglement or accidental injury or death of a marine mammal or a Threatened or At Risk shark.

77 The consent holder shall, within five working days of an incident occurring or being discovered, undertake an internal review of practices and document any measures that are to be undertaken by the consent holder to address the circumstances that led to an incident occurring and the estimated timeframes for the implementation of those measures.

78 The consent holder shall keep records of results of monitoring required by the MMSMP.

79 The consent holder shall engage a Suitably Qualified and Experienced Person(s) to review and amend the MMSMP:

- (a) following injury or death of a marine mammal or Threatened or At Risk shark; and
- (b) if the consent holder considers, having regard to the reports, notifications and records produced in accordance with Conditions 75 to 78, that the MMSMP measures require amendment to better address risks to marine mammals; and
- (c) Notwithstanding reviews to the MMSMP in (a) and (b) above, the MMSMP shall be reviewed every two years by a Suitable Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification.

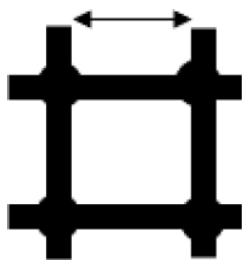
- 80 The consent holder shall submit a copy of the report setting out the findings of the review and any proposed amendments to the MMSMP to the Compliance Manager for certification of the amended MMSMP, and shall provide a copy to Ngāti Kuia.
- 81 Prior to submitting the MMSMP or a proposed amendment of the MMSMP to the Compliance Manager for certification, the consent holder shall consult with both the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation in respect of the content of the MMSMP or any proposed amendments to the MMSMP. All written feedback provided by the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation shall be appended to the MMSMP / proposed amendment to the MMSMP and provided to the Compliance Manager along with a separate document (prepared by the consent holder) which demonstrates how the outcomes of the consultation have been taken into account, and what changes were made to the MMSMP / the proposed amendments to the MMSMP as a consequence of the feedback that was received.

Waste Management Plan

- 82 A Waste Management Plan (WMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification at least three months prior to the planned installation of any of the structures forming part of a Salmon Farm. The purpose of the WMP is to minimise the risk of loss of solid waste debris to the environment and accumulation of solid waste debris along the shoreline and seabed.
- 83 The WMP that shall include / address all of the following matters:
- (a) Measures to prevent loss of solid waste to the environment including waste containment;
 - (b) Measures to retrieve any lost debris where practicable;
 - (c) Greywater management;
 - (d) Recycling;
 - (e) Beach and seabed clean-up programmes.
- 84 A copy of the WMP shall be provided to Ngāti Kuia and to the Compliance Manager.

Seabirds

- 85 The consent holder shall undertake the activity authorised by this resource consent so as to:
- (a) Avoid adverse effects on:
 - (i) Threatened and At Risk seabird species (including juveniles from nearby nesting or roosting sites); and
 - (ii) Taxa that are listed by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened;
 - (b) And otherwise minimise risks to seabirds from debris and foreign objects (including physical structures), artificial lighting, entanglement or collisions, and disturbance of nesting or roosting sites.
- 86 The consent holder shall:
- (a) Ensure that the single net system has a mesh size no larger than 50mm half mesh internal aperture (knot to knot) as follows:



- (b) Nets which are placed over the top of pens (bird nets) are to have a mesh size no larger than 47.5mm half mesh internal aperture (knot to knot);
- (c) The mesh thickness for all nets is to be a minimum of 2mm;
- (d) For bird nets, use mesh that is dark in colour, but may contain fibres of a lighter colour;
- (e) Ensure that all nets are kept taut while hung and in a good state of repair;
- (f) Avoid providing roosting surfaces on salmon pens for large congregations of birds of any species (more than 10 individuals) by adopting the best practicable option to minimise suitable roosting surfaces and discourage roosting on salmon pen surfaces where roosting occurs or could occur;
- (g) Ensure no structure including bird net poles is taller than 10 metres (excluding permanent barges), and that all structures are the minimum height necessary to achieve their purpose;
- (h) Mark all support wires using bird balls, reflective discs or other method that ensures visual prominence for flying birds, provided these marking methods do not cause seabird collision with supporting wires at night;
- (i) Ensure that any above-surface lighting used at night (excluding navigation lighting) is shielded, downward-facing and turned off after use, and that interior barge lighting is screened with blackout curtains;
- (j) Comply with a limit for submerged artificial lights used for controlling salmon maturation of 23 lights per pen for 168 metre diameter pens of maximum 600W LED or equivalent luminance;
- (k) Ensure that vessels under the control of the consent holder or its contractors that are transiting to and from the Salmon Farm:
 - (i) Remain at least 100 metres away from the coast including any stacks, islets or islands unless berthing at a port or jetty or accessing the coast e.g. for beach clean-up;
 - (ii) Transit at speeds of less than five knots if within 200 metres of the Salmon Farm or when berthing or accessing the coast;
- (l) Implement a comprehensive programme to control rodents on its vessels and barges which service the Salmon Farm(s).

87 A Seabird Management Plan (SBMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification at least 18 months prior to the installation of anchors necessary for the net pens at the Salmon Farms. The purpose of the SBMP is to set out design requirements, actions and management techniques that the consent holder shall use to ensure the Salmon Farm is designed and operated in a manner that is consistent with best practice and achieves the outcomes in Condition 85 of this resource consent.

88 The SBMP shall be prepared in general accordance with Ministry for Primary Industries Seabirds Open Ocean Aquaculture Best Practice Guidelines 2021 or replacement Guidelines, and using the draft SBMP that was appended to the evidence of Dr Bennet dated 30 September 2021 as a guideline document, and shall include / address all of the following matters (as relevant to managing risks to seabirds):

- (a) Improved understanding of how Seabirds use the Farm Site and the Wider Area that the Salmon Farms are located within, how they behave near offshore farm structures and how

they respond to new farm structures.

- (b) The minimum requirements for data collection and analysis in accordance with the SBMP, being:
 - (i) Quantification of observed seabird occurrence within the Farm Site and Wider Area; and
 - (ii) Description of the types and rates of any interactions (non-injurious) and incidents (entrapment, injury and entanglement) between seabirds and farm structures;
- (c) Baseline Monitoring: Baseline Monitoring includes monitoring that was undertaken prior to the grant of consent, and shall also include observations conducted a minimum of 12 times over an 18 month period prior to the installation of anchors necessary for the net pens at the Salmon Farms. Subject to health and safety requirements, such observations are to be undertaken:
 - (i) In a range of weather conditions that will occur at the farm during its operational period;
 - (ii) at different times during daylight hours, or for 24 hour periods where remote sensing technology is used;
 - (iii) in different tidal situations;
 - (iv) in different weather conditions;
 - (v) in all seasons; and
 - (vi) at the Farm Site and Wider Area.
- (d) Farm Construction Monitoring: Farm Construction Monitoring covers the period from commencement of installation of anchors necessary for the net pens to the point at which the first salmon pen is stocked with salmon. Farm Construction Monitoring must meet the requirements of Condition 88(c)(i) to 88(c)(vi).
- (e) Operational Monitoring: Operational Monitoring commences when the first pen is stocked with salmon. Operational Monitoring must include the Night Monitoring provided for in condition and shall also include monitoring a minimum of 12 times in the 5th and 15th year after the first salmon pen is stocked with salmon. Operational Monitoring, excluding Night Monitoring, must meet the requirements of Condition 88(c)(i) to 88(c)(vi).
- (f) Where appropriate, remote technologies to be used for data collection. Installation of the necessary equipment forms part of the consent;
- (g) Details of methods to ensure the standards at Condition 86 are achieved;
- (h) The methodology, timing, duration and frequency of initial night surveys to confirm the extent to which seabirds are attracted to submerged artificial lighting at the Salmon Farm(s), and to determine whether any birds have become entrapped in above-water nets;
- (i) Requirements to review and change management practices at the Salmon Farm(s) if the night surveys indicate that artificial lighting is attracting seabirds and resulting in an entrapment risk;
- (j) Ongoing seabird monitoring, reporting and review requirements;
- (k) The methods by which any monitoring results shall be included in a suitable publicly accessible regional or national database;
- (l) Protocols for handling injured, entangled or dead birds, including a requirement to liaise with the Department of Conservation;
- (m) Staff training requirements in relation to identification of seabird species and protocols for handling birds; and
- (n) Requirements for recording and reporting seabird injuries or mortalities including the time of day, weather condition, and the likely cause of injury or mortality.

- 89 For the first two years of operation of the farm(s) the consent holder shall undertake night surveys at the direction of a Suitably Qualified and Experienced Person(s) to confirm the extent to which seabirds are attracted to the farm structures and the submerged lights and to check for any entrapped birds in the above-water nets. Surveys shall be undertaken:
- (a) Monthly for two consecutive nights to record data on bird interactions, one night with and the other without the underwater lights on; and
 - (b) Once every hour during those two nights, ensuring each salmon pen is surveyed at least every second hour (e.g. pens 1-5 in hour 1, pens 6 – 10 in hour 2 and so on).
- 90 The data from the Baseline, Farm Construction and Operational Monitoring (including night surveys required by Condition 0) shall be recorded. That data shall be summarised by the Suitably Qualified and Experienced Person in a yearly report for each year that monitoring is undertaken. That report shall be made available to the Compliance Manager within six months of the end of each of those years.
- 91 Prior to submitting the SBMP or a proposed amendment of the SBMP to the Compliance Manager for certification, the consent holder shall provide the draft SBMP or amendment to, and seek written feedback from, both the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation. All written feedback provided by the Marlborough Statutory Acknowledgement Iwi and the Department of Conservation shall be contemporaneously provided to the Compliance Manager in a separate document prepared by the consent holder which demonstrates how the outcomes of the feedback have been taken into account, and what changes were made to the SBMP / the proposed amendments to the SBMP as a consequence of the feedback that was received.
- 92 If any of the following incidents occur at the Salmon Farm:
- (a) Injury or mortality of an individual of a Threatened or At Risk seabird species or Taxa that are listed by the IUCN as threatened; or
 - (b) Injury or mortality of three individual seabirds within 12 months where the injury or mortality is due to the same hazard;
- the consent holder shall:
- (c) Within 24 hours of the consent holder becoming aware of an incident described in Condition 92(a), or within 48 hours of the consent holder becoming aware that the series of incidents described in Condition 92(b) have occurred, report:
 - (i) The incident(s); and
 - (ii) Any proposed changes to farm operations or the SBMP that have been identified and implemented to minimise the likelihood of further occurrences of the incident to Ngāti Kuia, the Department of Conservation and the Compliance Manager;
 - (d) Engage, within five working days of the consent holder becoming aware of any of the incidents set out in Conditions 92(a) to (b), a Suitably Qualified and Experienced Person(s) to undertake a written review of and recommend any necessary amendments to the SBMP. The written review and recommendations shall be produced within 25 working days of the consent holder becoming aware of the incident;
 - (e) Provide the written review and recommendations to Ngāti Kuia, the Department of Conservation and the Compliance Manager within 30 working days of the consent holder becoming aware of the incident; and
 - (f) Where the written review recommends changes to the SBMP, provide the revised SBMP to the Compliance Manager for Certification within 45 working days of the consent holder becoming aware of the incident.
- 93 Without limiting the management actions that may be recommended in accordance with Condition 92, if the written review identifies that the submerged artificial lighting is likely to be the cause of any of the incidents specified at Condition 92(a) or 92(b) the consent holder shall either remove the bird nets between 9 pm and 6 am, or cease using submerged artificial lighting, unless

permitted to resume use of submerged artificial lighting in accordance with a revised and certified SBMP.

- 94 Notwithstanding reviews to the SBMP in response to incidents as outlined above, the SBMP shall be reviewed every two years by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for certification.

Biosecurity

- 95 The consent holder shall operate the Salmon Farm(s) so as to ensure that it avoids to the greatest extent practicable the risk of introducing or spreading:

(a) Marine pests; and

(b) Disease agents.

- 96 A Biosecurity Management Plan (BioMP) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification at least three months prior to the planned installation of any of the structures forming part of the Salmon Farm. The purpose of the BioMP is to set out the management techniques and actions that are to be used by the consent holder to manage the risk of introduction or spread of any marine pest(s) and/or diseases into Cook Strait and the Marlborough Sounds.

- 97 The BioMP shall be prepared using the draft BioMP that is attached to the evidence of Mr Zachary Waddington dated 30 September 2021 as a base document and shall include / address all of the following matters:

(a) The on-farm as well as vector-based management measures that are to be used by the consent holder to avoid to the greatest extent practicable the risk of pests and disease agents being spread, including:

(i) to prevent, control or contain biosecurity risks to the greatest extent practicable; and

(ii) Methods to manage vectors that could spread marine pests and disease agents to or from the Salmon Farm(s);

(iii) Routine practices to manage fouling of the Salmon Farm(s);

(iv) A passive surveillance regime to facilitate early detection of unusual (such as an organism to which s44 Biosecurity Act 1993 applies) or notifiable organisms associated with the Salmon Farm(s);

(v) An effective disease surveillance regime for salmon stock;

(vi) The use of husbandry and harvesting methods consistent with best practice to avoid to the greatest extent practicable disease risk;

(vii) On-farm management measures.

(b) The parties to be notified should any new biosecurity risk (from marine pests or disease agents) be identified at the Salmon Farm(s).

- 98 The consent holder shall:

(a) Engage a Suitably Qualified and Experienced Person(s) to review and amend the BioMP every year. The reviewed BioMP shall be submitted to the Compliance Manager for certification;

(b) Consider whether a review or minor and technical amendment to the BioMP is required within one month of the consent holder being advised that a new notifiable organism or World Organisation for Animal Health/Office International des Épizooties listed disease of fish has been notified by the Ministry for Primary Industries.

Wild Fish

- 99 The consent holder shall take all reasonable steps to minimise effects on the local and extended wild fish population by controlling the feeding of farmed salmon so as to minimise the amount of uneaten feed loss from each Salmon Farm.
- 100 There shall be no greater than 2% annual average feed loss. Whether this requirement is met shall be determined through measuring feed loss in accordance with Condition 101. A feed loss report shall be prepared annually by an Independent Suitably Qualified and Experienced Person(s) and shall be provided to the Compliance Manager. This report shall include at a minimum:
- (a) A record of the volume and composition of the feed pellets and environmental conditions at the time of recording;
 - (b) An assessment of the results from the monitoring of feed loss undertaken in Condition 101 including confirmation of the average feed loss levels, and how these vary with location and time.
- 101 Feed loss shall be measured for the life of the consent in accordance with:
- (a) The recommendations of an Independent Suitably Qualified and Experienced Person(s), and shall include as a minimum:
 - (i) Five individual pens at each Salmon Farm.
 - (ii) Six times per season, with each individual monitoring event separated by at least one week. For the purposes of this condition the seasons are December-February, March-May, June-August, September-November.
 - (iii) Sample periods of sufficient duration and indicative of the duration of typical daily pen feeding events;
- If Pellet Collection Devices (PCDs) are to be used they shall be used in the following manner:
- (iv) Multiple PCDs per pen, each with a collection area of known size, such that the non-sampled space between PCDs can be interpolated to give an estimate of the total mass of pellets lost per pen per day;
 - (v) PCDs placed within, and/or immediately outside of pens in a manner such that wild fish cannot intercept lost pellets before they reach the PCD;
 - (vi) PCDs should also be designed so that wild fish or invertebrates cannot consume any pellets that reach the PCD before those pellets are recorded;
 - (vii) PCDs should be distributed in an array that spans the area over which pellets are scattered by the feeder, with consideration of prevailing currents. Feed loss will be underestimated if PCDs are placed outside the path of sinking pellets;
 - (viii) PCD's shall be periodically cleaned of biofouling.
- 102 A Wild Fish Monitoring Method (WFMM) shall be prepared by a Suitably Qualified and Experienced Person(s) and submitted to the Compliance Manager for Certification at least three months prior to the planned installation of any of the structures forming part of the Salmon Farm. The purpose of the WFMM is to set out the management techniques and actions that are to be used by the consent holder to manage any adverse effect on wild fish arising from the Salmon Farm.
- 103 The WFMM shall be prepared having regard to the Pelagic Fish Report (Appendix J of the Application) A proposed method for assessing the impact of farm deployment on wild fish species and include / address at a minimum all of the following matters:
- (a) The spatial extent of the monitoring;
 - (b) The specific habitat to be monitored;
 - (c) Aims and hypotheses; and

- (d) Data collection including:
- (i) Spatial considerations;
 - (ii) Temporal considerations;
 - (iii) Fish counts;
 - (iv) Fish capture;
 - (v) Sampling design;
 - (vi) Data processing and analysis; and
 - (vii) Impacts of feed on wild fish behaviour and aggregation.

Te Anamāhanga / Port Gore

104 Salmon Farm pens or barges or the vessels constructing or servicing the Salmon Farm(s) shall not transit into Te Anamāhanga / Port Gore except where:

- (a) A vessel has a purpose specific to Te Anamāhanga / Port Gore, including but not limited to cultural purposes or scientific monitoring; or
- (b) It is necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment.

Wind Speed and Direction Monitoring

105 The consent holder shall install a weather station on one of the permanent barges to monitor wind speed and direction within one year of the first installation of any of the structures forming part of the Salmon Farm, and maintain that weather station over the life of this resource consent. The wind speed and direction data shall be published in real time on the internet.

Review of Consent Conditions

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

Table 3: Purpose and Times of Potential Review of Conditions of Consent

Purpose(s)	Times of Service of Notice
To deal with any adverse effect on the environment which may arise from the exercise of the consent and which cannot be adequately avoided, remedied or mitigated by any term or condition incorporated within the consent.	On the first working day of any month.
To require the consent holder to adopt the best practical option to avoid, remedy or mitigate any adverse effect on the environment relating to the activity.	On any anniversary of the granting of this consent.
To address any matter which might be incorporated into or that is absent from any Management Plan prepared in accordance with this resource consent.	Within 90 working days of the Compliance Manager being provided with a Management Plan or revised Management Plan.
To address any matter which might arise from a notice of suspension of class or notice of withdrawal of class from a Recognised Organisation.	Within 90 working days of the Compliance Manager being provided with such a notice.
To address issues arising from an incident reported pursuant to Conditions 76 and 92 of this resource consent	Within 90 working days of the Compliance Manager receiving an incident report pursuant to Conditions 76 and 92.

Purpose(s)	Times of Service of Notice
To address issues arising from a review of Best Management Practice Guidelines relevant to this consent or any subsequent version of these guidelines.	Within 90 working days of revised best management practice guidelines being adopted by the Compliance Manager.
To address any issues arising from the Benthic Review Report.	Within 90 working days of the Compliance Manager receiving the Benthic Review Report.
To address any effects of the salmon farms that are different or more significant due to the effects of climate change, including due to a change in the importance of the location for indigenous biodiversity.	During the year of the 10 th anniversary of the granting of this consent and every 5 th year thereafter.
Ensuring the conditions of this consent are consistent with any National Environmental Standards, Regulations, relevant plans and/or the Regional Policy Statement.	As required.

Removal of Structures

- 107 The consent holder shall, at its expense, remove all structures associated with the activity authorised by this resource consent and provide written confirmation of the removal to the Compliance Manager, within three months of any of the following events occurring:
- (a) The term of the resource consent(s) has expired and the consent holder has not lodged an application to renew the consent for those structures, or if such an application has been lodged the consent has been refused and all rights of appeal exhausted; or
 - (b) The resource consent has been surrendered by the consent holder or cancelled by the Council; or
 - (c) The structures in the opinion of the Compliance Manager are redundant or derelict.

Other Matters

- 108 Pursuant to Section 36 of the RMA and the Council's Schedule of Fees, the consent holder shall be responsible for all actual and reasonable costs associated with the administration, monitoring and review of this resource consent.
- 109 The consent holder shall pay coastal occupation charges if they are imposed through Council's resource management plans.
- 110 Where these resource consent conditions require a Management Plan, Monitoring Plan, or Wild Fish Monitoring Method to be 'certified' or a review of a Management Plan, Monitoring Plan, or Wild Fish Monitoring Method to be 'certified' the following process shall be followed ('certify' and 'certification' have the equivalent meanings; and any reference in this condition to 'Management Plan' also includes Monitoring Plans and the Wild Fish Monitoring Method):
- (a) The consent holder, shall provide the Management Plan or reviewed Management Plan to Ngāti Kuia and any Cultural Advisor to ensure it is consistent with the Mauri Framework; and
 - (b) In answer to any response received from Ngāti Kuia or any Cultural Advisor within 20 working days of being provided with the Management Plan or reviewed Management Plan the consent holder shall prepare a document which demonstrates how that response(s) has been taken into account, and what changes were made to the Management Plan or proposed amendment(s), as a consequence of the feedback that was received; and
 - (c) The consent holder shall provide the document prepared in accordance with paragraph (b) above to Ngāti Kuia, and to the Compliance Manager when the Management Plan or reviewed Management Plan is submitted to the Compliance Manager for certification. The document is provided to the Compliance Manager on the date that the Marlborough District Council acknowledges receipt, either electronically or otherwise; and
 - (d) Marlborough District Council may take such advice from suitably qualified persons as it

considers necessary to satisfy itself that the Management Plan or Monitoring Plan submitted for certification achieves the requirement of the relevant condition(s); and

- (e) Should the Management Plan or reviewed Management Plan in the opinion of the Council, achieve the requirements of the relevant condition(s), the Compliance Manager shall issue a written confirmation (certification) of the Management Plan to the consent holder; and
- (f) If the Council is not satisfied that the Management Plan or reviewed Management Plan achieves the requirements of the relevant condition(s), the Compliance Manager shall advise (in writing) the consent holder of the Council's concerns and ask that the Management Plan be modified so as to address the concerns, and then be resubmitted; and
- (g) This process shall be repeated until the Compliance Manager is able to confirm (certify) that the requirements of the applicable condition(s) have been satisfied; and
- (h) Where a written response pursuant to either conditions 108(f) or 108(g) is not provided within:
 - (i) 50 working days of the first or initial version of a report or Management Plan or reviewed Management Plan being provided to the Council;
 - (ii) 20 working days of each subsequent report or Management Plan or reviewed Management Plan being provided to the Council; or
 - (iii) Such other time as the Council may specify in writingthe Management Plan or reviewed Management Plan shall be deemed to be certified for the purpose of the respective condition to which the document pertains.
- (i) Minor and technical amendments to each certified Management Plan (such as updating relevant contact details, hyperlinks or references to external content) may be made without Certification by the Compliance Manager. A version of the Management Plan with minor and technical amendments shall be provided to the Compliance Manager within one month of the amendment.

Advice Notes

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to: monitoring@marlborough.govt.nz. Without imposing any additional obligation on Council, the Council acknowledges that there is high public interest in the operation of this consent and will use its best endeavours to ensure that all Management Plans and Monitoring Reports provided to it for certification and all other Monitoring or Incident Reports required pursuant to this consent are posted in a publicly accessible format on the MDC website as soon as practicable following their receipt by the Council. This shall include all correspondence that would otherwise be publicly available between the Council and applicant concerning the provision of these Plans and Reports.
2. Pursuant to Section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent and conditions herein.
3. The consent holder will in the future be required to pay coastal occupation charges if they are imposed through Council's resource management plans.
4. If you wish to materially change the design and/or location of the structures and/or activity you will need to apply to change the applicable condition(s) of this consent under Section 127 of the RMA 1991, or potentially apply for a replacement consent subject to the degree of change sought.
5. At expiry of the resource consent it is a breach of Section 12 of the RMA 1991 for the structures to remain in the coastal marine area. The consent holder must ensure their removal to avoid the risk of enforcement action.
6. This consent cannot commence other than in accordance with Section 116A of the Resource Management Act 1991.
7. Pursuant to Section 114(4)(c)(ii) of the Resource Management Act 1991, the Marlborough District Council is required to request an aquaculture decision from the Ministry for Primary Industries (MPI) after the appeal period is completed or all appeals are determined for this consent. The MPI will undertake an assessment of the undue adverse effects on customary, recreational and non-quota commercial fisheries resources. Depending on the

MPI's decision, the consent holder may be able to establish the marine farm as granted, or the Marlborough District Council may have to modify or reverse this decision.

8. References in these conditions to actions to be taken in response to an event (such as an incident involving a marine mammal) are not to be interpreted as precluding or prescribing enforcement or other steps the Marlborough District Council may take.

Conditions Appendix 2: Definitions

In this resource consent, unless the context requires otherwise:

Annum and **per Annum** means during any Monitoring Year

Actual Annual Feed means the feed discharged during a Monitoring Year

Anticipated Monthly Feed means a projection, prepared at the beginning of each Monitoring Year by the consent holder, which identifies the mass of feed per Salmon Farm which is as likely as not to be discharged

Anticipated Annual Feed means sum of all months of Anticipated Monthly Feed for a Monitoring Year

BioMP means Biosecurity Management Plan

BMP means Benthic Monitoring Plan

Certified and **Certify** with respect to Management Plans, Monitoring Plans or the Wild Fish Monitoring Method mean that the process in condition 110 is to be followed

Compliance Manager means the Compliance Manager, Marlborough District Council

Council means the Marlborough District Council

Cultural Advisor means a person or persons who is recommended by Ngāti Kuia and agreed by Ngāti Kuia and the consent holder as having the Mātauranga Māori knowledge and practice relevant to the topic being assessed

Farm Site is defined as the area within points 1 to 4 and 5 to 8 on Plan SK-051103- 521- Revision 6 plus a 300 metre buffer

GPS means Global Positioning System

iBMP means initial Benthic Monitoring Plan

Interaction, in relation to marine mammals and sharks, means any physical contact between a marine mammal or shark and part of the Salmon Farm, including rubbing ropes, or bumping against a structure

Incident, in relation to marine mammals and sharks, means an interaction that results in an injury (e.g. rope cut, abrasion), death, or entanglement (live or fatal) or entrapment (within a Salmon Pen or between nets)

McManaway Rock ESMS means the ecologically significant marine site 2.28 as identified in the Marlborough Environment Plan

Marine Mammal means any species of pinniped or cetacean, and includes the species commonly known as seals, sea lions, dolphins and whales

Maritime New Zealand means the authority known as Maritime New Zealand, to which Section 429 of the Maritime Transport Act 1994 applies, and includes any successor organisation. Any document required to be sent to Maritime New Zealand shall be sent in a manner prescribed by Maritime New Zealand

Marlborough Statutory Acknowledgment Iwi, in the context of this resource consent, means Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, Ngāti Kōata, Ngāti Rāua,

Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui in terms of the Ngāti Apa ki te Rā Tō, Ngāti Kuaia, and Rangitāne o Wairau Claims Settlement Act 2014 and Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Mauri Framework means the cultural monitoring framework required by conditions 5 and 9 of this resource consent

Monitoring Year means the 12-month period from 1 October in any one year until 30 September in the next year

MMSMP means Marine Mammal and Shark Management Plan

Ngāti Kuaia means an entity which represents the Marlborough Statutory Acknowledgment Iwi Ngāti Kuaia.

Night means the period between nautical dusk and nautical dawn

Recognised Organisation means a classification society authorised as a recognised organisation by Maritime New Zealand in terms of the definition in Part 21 Maritime Rules rule 21.5

RMA means the Resource Management Act 1991 or any successor legislation

Salmon Farm means a block of up to 10 Salmon Pens, including the mooring and anchor system, feedpipes, and associated permanent feed barge. **Salmon Farms** means Blue Endeavour North and Blue Endeavour South.

Salmon Pen means a flexible circular structure that contains the salmon being farmed at the Salmon Farms.

SBMP means the Seabird Management Plan

Shark means any large elasmobranch species of shark including great white, basking, bronze whaler, mako, porbeagle, blue and thresher shark, and also means manta rays

SMS means Safety Management System

Suitably Qualified and Experienced Person means a person or persons:

- (a) With a recognised tertiary qualification(s) relevant to the topic being assessed and who has more than seven years relevant experience in the topic being assessed; or
- (b) another person who has, in the opinion of the Compliance Manager, the required qualifications and experience; and
- (c) In relation to benthic conditions means a person(s) with specific expertise in biogenic and/or non-biogenic ecology, as the context requires.

Wider Area is defined as a minimum, to include the area covered by any vessel undertaking farm-related activities while transiting to and from the Farm

WMP means Waste Management Plan

WFMM means Wild Fish Monitoring Method

