

Review and variation of coastal permit

Review of conditions pursuant to section 128 of the Resource Management Act 1991.

FILE NO: U040217

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

SITE OF APPLICATION: Otanerau Bay, outer Queen Charlotte Sound

SITE NO: 8396

PROPOSAL: To review the conditions of the coastal permit pertaining to activity, structures and occupancy for the purpose of farming Chinook salmon (*Oncorhynchus tshawytscha*) in accordance with the provisions of the Act.

GRID REFERENCE: E 2620658 N 6003403

Background/Introduction

1. Marine farm licence MFL446 was issued to the original consent holder in July 1990 for a 3.25ha site. It was issued under the Marine Farming Act 1971. Prior to this there had been a limited amount of farming under a special marine farming permit.
2. In the following years three resource consents were issued - for extensions to the site, for structures, and for discharge of feed.
3. Resource consent U950635 was for a 7.55ha extension to three sides of the licence area, to allow for an enlarged anchorage zone; this made a total site of 10.80ha.
4. Consent U981011 authorised a specific selection of cages and barges, then was superseded by U010127. That consent allowed a maximum of 1.35ha of structures anywhere within a large portion of the combined site and also allowed for the discharge of fish food into the coastal marine area.
5. U981011 was surrendered, whilst U950635 and U010127 expired in 2004. These two consents were replaced by U040217 in April 2005. The associated marine farming permit, MPE763, was subsequently issued under the Fisheries Act 1983.
6. To clarify, the following approvals are currently active:

MFL446	3.25ha	Marine farm licence: for occupation, structures and activity.
U040217	7.55ha	Resource consent: for occupation, structures, activity and discharge to the coastal marine area.
MPE763	7.55ha	Marine farming permit: for activity.
7. Under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (hereafter referred to as the Aquaculture Reform Act) the marine farming permit is now deemed to be a coastal permit under the Resource Management Act 1991 (RMA). Under section 20 of the Aquaculture Reform Act Marlborough District Council has reviewed the conditions of all such permits and amended them to be consistent with the RMA and with current consents.

8. There may be several approvals (consents, permits, licences) relating to a site. In order to establish consistency amongst them Council has offered to take the opportunity to review the original consents and ensure the existing conditions are consistent with current practice.
9. All of the existing permit conditions will be reviewed, with the exception of term and site specific conditions. New standard conditions will be added, as appropriate. Lighting and marking will be reviewed and a new plan issued, consistent with the requirements for a coordinated scheme within the bay. The approved species will be those of the marine farm permit.

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10. The review is of the conditions of the existing farm. There is no change to occupancy, activity or structures and there are no additional species. As the review is essentially an administrative one to align existing conditions, and any effects are assessed as minor, the review (and any subsequent variations) can proceed on a non-notified basis.

Evaluation

11. The combined 10.8ha farm consists of a single block of several joined cages, situated in Otanerau Bay, outer Queen Charlotte Sound. The farm is currently required to be lit with four lights, and comply with standard conditions of marking with respect to orange buoys, identification, etc.
12. From surveys done by Council staff in 2004/5 the farm is not offsite or oversize. There are no known issues with respect to navigation or general operation and the farm generally complies with the Maritime NZ Guidelines for location of marine farms.
13. U040217/MPE763 are referenced to the current term of MFL446 and expire on 31 December 2024.
14. The consent for the extension area is for the farming of Chinook salmon and snapper. The associated marine farm permit is only for salmon; under s28 of the Aquaculture Reform Act this species is transferred to the Fisheries register and the rest are removed from the consent.
15. The consent holder is responsible for rationalising any differences in term or species between the various licences, resource consents or marine farm permits.
16. Conditions of the resource consent are detailed under sections 1 to 25. These conditions are reviewed as follows:
 - (a) Where the conditions are similar to the current standard conditions they will be replaced with the standard conditions.
 - (b) Site specific conditions will be transferred to the new conditions, as required.
 - (c) The conditions stating the term or duration of the permit will be included in the new conditions.
 - (d) The location plan and structures diagram (ref: U040217) will be included in the new conditions.
 - (e) Conditions relating to lighting and marking will be replaced with new conditions approved by the Harbourmaster.
 - (f) A standard review clause has been included.

Conclusion

17. It is recommended that under the provisions of s128 of the Resource Management Act 1991 the conditions of resource consent U040217 pertaining to activity, structures and occupancy be reviewed to align with the current standard conditions in use, and to those in effect for other permits related to this site.
18. Under s29 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 the holder of the deemed coastal permit must be treated as a registered fish farmer under the Fisheries Act 1996, and shall automatically be registered as same by the Ministry of Fisheries.
19. New conditions for the deemed coastal permit are attached, together with location plan, structures diagram, and a revised lighting and marking plan.
20. If required, under s120 of the RMA consent holders may appeal the review of consent conditions.

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D.G.HOSKINS
On Behalf of Marlborough District Council

8 October 2007

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