

Conditions of Consent U040412

Coastal Permit – (Occupancy & Activity)

1. This consent shall expire on the 31 December 2024. (To align with the term of MFL239 as provided for under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.)
2. The species to be grown on this farm shall be restricted to Salmon and Snapper.

Coastal Permit – (Structure)

1. This consent shall expire on the 31 December 2024. (To align with the term of MFL446 as provided for under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.)
2. Cages will be restricted to within a clearly defined 2 hectare area (plan attached).
3. The (currently consented) ability to move cages within the total farm area is hereby withdrawn.
4. No expansions on the current cage layout will be in a landward direction.
5. Prior to any expansion of cages, NZKS will carry out a qualitative survey (e.g. a video transect) to document the nature of the seabed and to confirm that no significant ecological features are present.
6. That the placement of marine farm lighting and marking shall be approved by the Harbourmaster under his Maritime Delegation from the Director of Maritime Safety pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994.

NB: A specific approval will be required prior to structures being placed on site and prior to any relocation or reconfiguration of structures thereafter.

Coastal Permit – (Discharge to Seawater)

1. This consent shall expire on the 31 December 2024. (To align with the term of MFL446 as provided for under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004).
2. Only extruded pellets or similar shall be fed at the marine farm.

STAGING OF DISCHARGE VOLUMES

STAGE 1

3. For the first 1 year of the operation of this consent the maximum volume of feed to be discharged shall be 3000 metric tonnes per annum.

4. Within the period September to November after commencing discharge at the 3000 metric tonnes per annum maximum specified above, the consent holder shall monitor the sea floor in accordance with the environmental monitoring programme to be agreed, as specified under conditions 17 to 22.
5. A full report detailing the state of the sea floor shall be submitted to the Council within 3 months of the monitoring being completed.
6. On receipt of the monitoring report, the Council shall if necessary, within 1 month, initiate a review of the conditions of this consent, including the maximum volumes to be discharged, in accordance with Sections 128 and 129 of the Resource Management Act 1991, and as further specified under condition 24.

STAGE 2

7. Following receipt by Council of the monitoring report specified under stage 1 above and subject to any review of conditions of this consent specified in condition 24, the consent holder may for the following year discharge a maximum of 3500 metric tonnes per annum.
8. In the period September to November following commencement of discharge at the 3500 metric tonnes per annum maximum the consent holder shall prepare a monitoring report on the state of the seabed using the environmental quality standards and the environment monitoring and reporting requirements specified in conditions 14 to 22 of this consent.
9. This report shall be submitted to Council within 3 months of completion.
10. Within 1 month of receipt of the report, Council shall review the conditions of this consent, including the maximum volumes to be discharged in accordance with condition 24.

STAGE 3

11. Following receipt by council of the reports required in Stage 2 above and subject to any review of the conditions of this consent, pursuant to condition 24 of this consent the consent holder may then discharge the maximum volume permitted under the consent of 4000 metric tonnes per annum.

IMPLEMENTATION OF STAGES AND DISCHARGE VOLUMES

12. For the avoidance of doubt in interpreting the above conditions, there shall be a review of conditions prior to each of the above stages where monitoring indicates the development may give rise to adverse effects on the environment. The consent holder shall not increase the discharge of feed until the Council confirms that the subject stages are not individually or cumulatively creating any adverse effects.

13. Should the consent holder not discharge feed to the maximum volume permitted under any stage, then the increase in feed permitted within the next stage shall be 500MT above the maximum feed volume discharged under the previous stage.

ENVIRONMENTAL QUALITY STANDARDS

14. The environmental quality standards (EQS) that shall be applied for seabed effects follow the model as presented in the application i.e. seabed effects are ‘zoned’ around the cages to allow for a mixing or transition zone. Outside this zone no adverse effect on the seabed is allowed. Three ‘zones’ under and around the marine farm shall be established as follows:
- a. Referred to as ‘Zone 1’ – Beneath the cages and out to 50 m from the cages.
 - b. Referred to as ‘Zone 2’ - From 50 m to 150 m from the outside edge of the cages.
 - c. Referred to as ‘Zone 3’ - Beyond 150 m from the outside edge of the cages.
15. The zones may be distorted to allow for the action of tidal currents such that the total area of each zone remains the same as if concentric zones were around the marine farm.
16. In this instance it is anticipated that the zones will be distorted to the North West as shown in B below.

Figure 4: Schematic diagram of the impact zones concept.

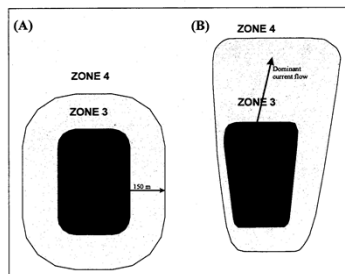
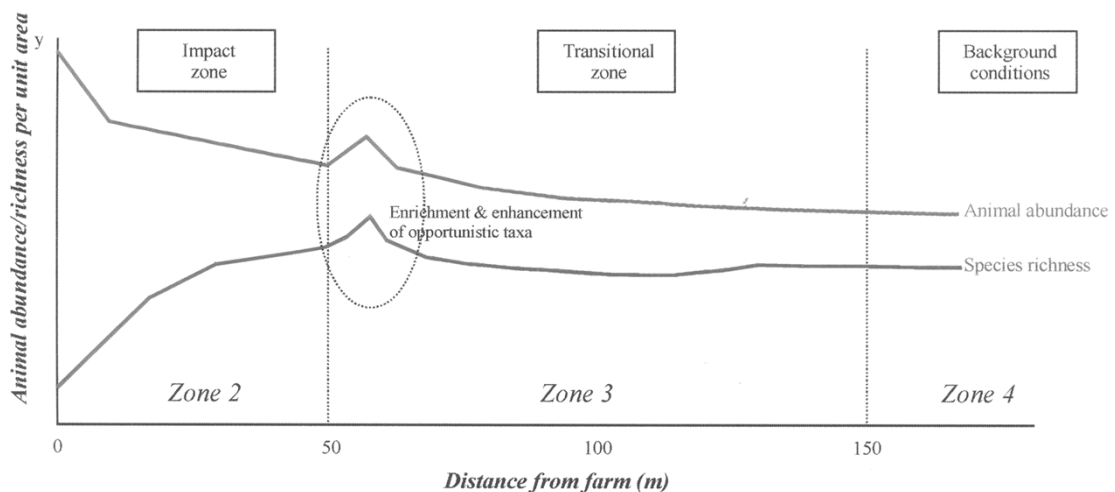


Figure 5: (A) Conceptual approach to defining seabed impact zones for NZKS salmon farm sites. (B) A proposed method for adapting the impact zones to the environmental conditions at the Otanerau Bay salmon farm site. Note that the areas of Zone 2 and 3 are the same in both A and B.

17. The EQS in each zone is as follows:

Zone	Spatial Extent	Description and Bottom Line
1	Beneath the cages and out to 50 m from their outside edge	Sediments become highly impacted and contain low species diversity, dominated by opportunistic taxa (e.g. polychaetes, nematodes). It is expected that a gradient will exist within this zone, with higher impacts present directly beneath the cages.
2	From 50 m to 150 m from the outside edge of the cages	A transitional zone between zones 2 and 4. Within this zone, some enrichment and enhancement of opportunistic species may occur, however species diversity remains high with no displacement of functional groups. It is expected that a gradient will also exist within this zone.
3	Beyond 150 m from the outside edge of the cages	Normal conditions (i.e. background or control conditions).
All Zones	These conditions are not permitted beneath any NZKS farm	Sediments that are anoxic and azoic (i.e. no life present) will not be permitted.



ENVIRONMENTAL MONITORING AND REPORTING

18. Prior to exercising the consent, the consent holder shall prepare an environmental monitoring programme to show compliance with the Environmental Quality Standards set out in conditions 14 to 17 of this consent.
19. This monitoring programme shall be submitted to the Council for approval and shall address, but not be limited to, the following effects within the boundary of the marine farm and in the immediate vicinity beyond the boundary of the marine farm:
- a. effects on water quality;

- b. seabed deposition (sedimentation and crop loss) and oxygen depletion; and
- c. effects on benthic community composition and abundance.

20. The survey/monitoring programme shall describe:

- a. the surveys, baseline and/or ongoing, to be undertaken;
- b. location and extent of environmental features within the vicinity and potential impacts on these features;
- c. the environmental performance indicators that are to be used to assess effects;
- d. methods, location and frequency of sampling, including reference sites;
- e. a definition of species diversity and what comprises the transitional zone; and
- f. recording and reporting requirements.

ONGOING ANNUAL MONITORING

21. A monitoring report is to be prepared at least annually, and will include:

- a. a description of the types, location and area of structures within the 2 hectare authorised area and a description of any movement or relocation of structures over the previous year;
- b. presentation of monitoring results;
- c. a comprehensive and integrated report on the effects of the development and operation of the farm to date, including maximum biomass of fish and feed volumes discharged over that year;
- d. an assessment as to whether or not the farm is having a significant adverse effect on the environment or not;
- e. recommendations as to how any adverse effects on the environment can be avoided, remedied or mitigated; and
- f. the adequacy of the monitoring programme. NB: The monitoring programme shall be public record.

22. The consent holder shall commission an independent person (or persons) with appropriate expertise in environmental monitoring to undertake the monitoring and reporting work required by the conditions of this consent.

23. The Council may require an independent peer review of the surveys, monitoring and reporting required under conditions 17 to 22 above. Such a peer review will be at the cost of the consent holder.

24. That in accordance with sections 128 and 129 of the Resource Management Act 1991, the consent authority may review the conditions of this consent by serving notice of its intention to do so for one or more of the following purposes:

PURPOSE(S)	TIME(S) OF SERVICE OF NOTICE
To modify the monitoring programme.	Within 2 months of receipt of any monitoring report as required by the conditions of this consent.
To deal with any adverse effects that may become apparent as a result of the exercise of this resource consent.	<p>Within 2 months of receipt of the monitoring report required by conditions 4 and 5 of this consent (Stage 1).</p> <p>Within 2 months of receipt of the monitoring report required by conditions 8 and 9 of this consent (Stage 2).</p> <p>Within 6 months of receipt of any other monitoring report required under the conditions of this consent.</p>
To require the consent holder to adopt the best practicable option to avoid, remedy or mitigate any adverse effect on the environment relating to the activity.	<p>Within 2 months of receipt of the monitoring report required by conditions 4 and 5 of this consent (Stage 1).</p> <p>Within 2 months of receipt of the monitoring report required by conditions 8 and 9 of this consent (Stage 2).</p> <p>Within 6 months of receipt of any other monitoring report required under the conditions of this consent.</p>

25. Pursuant to section 36 of the Resource Management Act 1991 and Marlborough District Council’s Schedule of Fees, the consent holder shall pay all actual and reasonable costs associated with any review of this resource consent.

26. Inspection and monitoring by Council’s Resource Management and Regulatory Department in respect of the conditions of this consent may take place annually or more frequently in the event that a previous inspection or complaint indicates the need for more frequent inspection and monitoring.

The costs of these inspections and any formal monitoring programme established in consultation with the Consent Holder will be charged to the Consent Holder in accordance with Council’s Schedule of Fees approved pursuant to section 36 of Resource Management Act 1991.

Footnote

- *This consent authorises the occupation of the coastal marine area for the purpose of an aquaculture activity in respect of (inter alia) that area where occupation was previously authorised by coastal permit [U950653]. Notwithstanding the grant of this permit the consent holder may not commence nor undertake an aquaculture activity within that area previously authorised pursuant to coastal permit [U950653] until such time as the consent holder shall have complied with the requirements of Section 20/21 Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 and Section 12A Resource Management Act 1991.*
- *That it is accepted that 'fallowing' forms part of finfish farming activities and this consent shall not lapse pursuant to section 125 of the Resource Management Act 1991 where the site is vacated of structures for the purposes of fallowing the seabed.*

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