

**E-mail Message**

---

**From:** [Karen Mant \[SMTP:karen.mant@kingsalmon.co.nz\]](mailto:Karen.Mant@kingsalmon.co.nz)  
**To:** [Steve Ulrich-8309 \[SMTP:Steve.Urlich@marlborough.govt.nz\]](mailto:Steve.Urlich-8309@marlborough.govt.nz), [Mark Gillard \[SMTP:Mark.Gillard@kingsalmon.co.nz\]](mailto:Mark.Gillard@kingsalmon.co.nz)  
**Cc:**  
**Sent:** 5/05/2014 at 12:45 p.m.  
**Received:** 5/05/2014 at 12:46 p.m.  
**Subject:** Terms of Reference

---

**Attachments:** Terms of Reference final draft May\_ 2014.docx

---

Good afternoon Steve

As per our conversation on Friday regarding compliance with condition 73 'Such protocols are to be developed in consultation with the council' , attached is the draft terms of reference.

Regards, Karen

Karen Mant, Environmental Assistant

Ph: 027 2460104   HYPERLINK "<http://www.kingsalmon.co.nz/>"[www.kingsalmon.co.nz](http://www.kingsalmon.co.nz)

[http://i1145.photobucket.com/albums/o514/sophieburcher/NZKLogoTemplateandEmailTransphi\\_zpsf279eb43.png?t=1398292264](http://i1145.photobucket.com/albums/o514/sophieburcher/NZKLogoTemplateandEmailTransphi_zpsf279eb43.png?t=1398292264)

# Terms of Reference and Protocols for Peer Review Panel

## 1. Introduction

King Salmon has been granted resource consents to establish three new salmon farms in the Marlborough Sounds (Waitata, Richmond, and Ngamahau farms). The resource consents<sup>1</sup> require that the consent holder (King Salmon) establish a Peer Review Panel<sup>2</sup>. The purpose of this Peer Review Panel is:

- a) to review and provide recommendations to the Council and the consent holder in respect of the adequacy and appropriateness of the **Baseline Plan** and the **Baseline Report** required by Conditions [63 and 64 for Waitata and Richmond; 62 and 63 for Ngamahau, prior to their provision to the Council for its approval;
- b) to review and provide recommendations to the Council and the consent holder in respect of the adequacy and appropriateness of any aspect of an **Annual Report** (required under Condition [67 for Waitata and Richmond; 66 for Ngamahau) which relates to:
  - i. any change in any Water Quality Standards (WQS);
  - ii. any adjustment to the areas and dimensions of the seabed Environmental Quality Standards (EQS) Compliance Zones; or
  - iii. any increase in feed discharge to the farm;prior to its provision to the Council for its approval; and
- c) to review and provide recommendations to the consent holder in respect of the adequacy and appropriateness of the **Marine Environmental Monitoring and Adaptive Management Plans** (MEM-AMP) and **Annual Reports** (other than those aspects specified in b above) required under Conditions [65-67 for Waitata and Richmond; 64-66 for Ngamahau, prior to their provision to the Council.

## 2. Composition of Peer Review Panel:

The composition of the peer review panel is required to fulfill the requirements of consent Conditions [69a for Waitata and Richmond; and 69a and 69b for Ngamahau]: That is:

---

<sup>1</sup> The consent conditions which shall govern and guide the peer review panel process are those which are defined in the addendum to the final report and decision, issued by the Board of Inquiry with consent conditions dated 13 March 2013, and available at <http://www.epa.govt.nz/Resource-management/king-salmon/Pages/Final%20report%20and%20decision.aspx>

<sup>2</sup> Conditions 68-74 for the Waitata farm; Conditions 98-74 for the Richmond farm; Conditions 68-73 for the Ngamahau farm.

The Peer Review Panel shall comprise:

- a) not less than three persons, at least two of whom shall be scientists who, between them, have experience across the following scientific areas – marine seabed and water column ecology - and evaluating enrichment-related effect – and who are recognized by their peers as having such experience, knowledge and skill. Prior to nominating any person for membership of the Peer Review Panel, the consent holder shall seek comment on that person from the Department of Conservation. These persons shall be approved in writing by the Council before they commence their review functions. and
- b) [as per the consent Conditions applicable for Ngamahau (69b) farm only] a person nominated by, or on behalf of, Te Ātiawa Manawhenua ki te Tau Ihu Trust (or the organization with a mandate to represent Te Ātiawa Manawhenua ki te Tau Ihu in relation to these issues), should the Trust decide to do so (this person may be one of the people specified in a above).

### 3. Appointments

Panel members are appointed following comments from the Department of Conservation on their suitability and approval by the Marlborough District Council. Membership of the panel can be terminated by agreement between King Salmon and the panel member, or with one month's notice from either party.

Appointment of a new panel member will follow nomination by the consent holder, comments from DOC as to suitability and final approval by the Marlborough District Council.

The Peer Review Panel will appoint a Coordinator (one of the Peer Review Panel members) to facilitate communication and collation of reviews by the Panel.

All appointees shall enter into a written and signed contract for services with King Salmon.

### 4. Reporting

The Peer Review Panel is required to provide reviews and recommendations to the consent holder and the Council (as required by Condition 68 for Waitata, Richmond, and Ngamahau) on the following matters:

- a) its review of the **Baseline Plan**, its assessment as to the adequacy of the existing water quality data and monitoring proposed to achieve the requirements of Condition [63 for Waitata and Richmond; 62 for Ngamahau] and whether the actions and methods are in accordance with good practice, and any recommendations regarding changes to the monitoring proposed or any requirement for further modelling;
- b) its review of the **Baseline Report**, its assessment as to whether it adequately responds to the results of the monitoring undertaken in terms of the Baseline

Plan and achieves the requirements of Condition [64 for Waitata and Richmond; 63 for Ngamahau] and any recommendations regarding changes to the conclusions and recommendations contained in the Baseline Report. This shall specifically include a review of, and any recommendations for changes to, the initial W QS required by Condition [44a for Waitata, Richmond and Ngamahau] and the hierarchy of responses to breaches of the thresholds;

- c) its annual review of the **MEM-AMP**, its assessment as to the adequacy of the monitoring and farm management and other actions proposed to achieve the requirements of Conditions [65-66 for Waitata and Richmond; 64-65 for Ngamahau] and whether the actions and methods are in accordance with good practice, and any recommendations regarding changes to the monitoring proposed or any requirement for further modeling;
- d) its annual review of the **Annual Report**, its assessment as to whether it adequately responds to the results of the monitoring undertaken in terms of the previous **MEM-AMP** and achieves the requirements of Condition [67 for Waitata and Richmond; 66 for Ngamahau] and any recommendations regarding changes to the conclusions, recommendations and other matters specified in the **Annual Report**. This shall specifically include a review of, and any recommendations for changes to, the W QS required by Condition [44b for Waitata, Richmond, and Ngamahau] and the hierarchy of responses to breaches of the WQS;
- e) prior to any increase in the annual tonnage of feed discharge to the farm, confirmation that the requirements of Conditions [36-37 for Waitata, Richmond, and Ngamahau] are complied with, and any associated recommendations regarding changes to the monitoring proposed or any requirement for further modelling;
- f) confirmation that the requirements of Conditions [38-44 Waitata, Richmond, and Ngamahau] have been complied with;
- g) any other matters it considers appropriate in fulfilling its purposes in terms of Condition [68 for Waitata, Richmond, and Ngamahau] above;
- h) any recommendations as to whether it considers any particular condition(s) should be subject to review in accordance with Sections 128 and 129 of the Act.

Written reviews will be submitted to King Salmon and Council in a timely manner and cover the relevant elements listed above for each type of report or plan. The aim is to provide reviews within 3 weeks and a maximum of 4 weeks of receiving the relevant plans or reports.

## 5. Consultation with 'Tangata Whenua Panel'

Relevant for the Waitata and Richmond Farms only (in accordance with Condition 71 for each of these consents).

As part of undertaking its role in accordance with Condition 70 [Waitata and Richmond farms only], the Peer Review Panel shall provide an opportunity for the

Tangata Whenua Panel (refer to Condition 77 for Waitata and Richmond farms) to submit information to the Peer Review Panel that relates to the matters it is required to consider and for the Tangata Whenua Panel to meet and speak at least annually with the Panel prior to the Panel finalising its report to the consent holder on the **Baseline Report** and the **Annual Report** in terms of Condition 70b and 70d [Waitata and Richmond farms only].

In accordance with Condition 77 [Waitata and Richmond farms only] the Tangata Whenua Panel (if established) shall advise the Peer Review Panel in respect of any matters of concern or issue to the Tangata Whenua Panel including, but not limited to:

- a) The mauri of the water in the Sounds,
- b) Any cultural matters or considerations that the Peer Review Panel should be aware of or take into account in considering the water column monitoring locations proposed in the **Baseline Plan**, the initial WQS proposed in the **Baseline Report** and any amendment to the ongoing WQS in a subsequent **Annual Report**.

## 6. Distribution of Peer Review Panel Reports

The distribution of the reports generated by the Peer Review Panel is governed by Conditions [72 for Waitata and Richmond; 71 for Ngamahau].

The Peer Review Panel shall provide copies of all final reports to the consent holder, the Council and Te Ātiawa Manawhenua ki te Tau Ihu Trust (for Ngamahau farm) and members of the Tangata Whenua Panel (for Waitata and Richmond Farms only).

These reports shall be public documents and shall be published on the consent holder's website within four weeks of its receipt by the consent holder.

## 7. Meetings

The Peer Review Panel shall determine its own processes and procedures for conducting its meetings as it sees fit. The frequency of meetings shall be determined by the consent holder in consultation with the Peer Review Panel, and shall be sufficient to enable the Peer Review Panel to adequately undertake its duties in a timely manner in terms of Condition [70 for Waitata, Richmond, and Ngamahau].

King Salmon will provide administration/secretarial support to the Peer Review Panel, this may include assistance in preparation of reports, supply of venue for meetings, booking travel and accommodation and other necessary and related procedures.

The Peer Review Panel will meet following the review of the Baseline Plan and this will include an initial meeting with the consent holder. The frequency of meetings will be annually, or as required depending on when reports are received and reviewed, by agreement with King Salmon, the consent holder. Meetings will be held in Nelson

with King Salmon making a meeting room available if required. Meetings may be held by video or teleconference if deemed appropriate by the Peer Review Panel and King Salmon.

At all meetings, during teleconferences or in exchanges the Panel members shall:

- act ethically and with integrity;
- give advice fairly, impartially and promptly, considering all the available information;
- avoid usurping the role of the independent consultant preparing the relevant plans or reports;
- respect the intellectual property made available and not disclose official information or documents other than by law or when authorization has been given;
- approach the reviews and giving of advice with an open mind;
- disclose any potential conflicts of interest that a member may have. Significant conflicts of interest will be reported to King Salmon and Marlborough District Council.

## **8. Communications**

Generally initial communications, including provision of draft reviews and recommendations, will be directed to King Salmon from the Peer Review Panel. This will be for clarification of any issues/concerns or requests for more information and be facilitated by a coordinator chosen by the Peer Review Panel members. The final version of reviews and recommendations will be provided, via the PRP co-ordinator, directly to King Salmon and the MDC in accordance with the requirements of Condition 68a&b, and in the case of condition 68c directly to King Salmon. Copies of all final versions will also be provided to the Tangata Whenua Panel (Condition 72 for Waitata and Richmond, Condition 71 for Ngamahau).

The Peer Review Panel shall communicate directly and meet at least annually with the Tangata Whenua Panel with respect to Waitata and Richmond farms (as per Condition 71 for those farms). The Peer Review Panel member nominated by, or on behalf of, Te Ātiawa Manawhenua ki te Tau Ihu Trust will communicate directly with Te Ātiawa Manawhenua ki te Tau Ihu Trust (or their successor) on matters pertaining to the Ngamahau farm.

King Salmon will be responsible for all general communications with other external parties including the Council, Tangata Whenua (other than the Tangata Whenua Panel, see above), and the media.

If deemed appropriate by the Peer Review Panel and King Salmon the Peer Review Panel will meet with the independent consultant preparing the relevant plans or reports to discuss any significant concerns/issues or where clarification is sought.

King Salmon will provide information and technical advice to the Peer Review Panel where required by the Peer Review Panel.

## 9. Confidentiality

Any information provided to the Peer Review Panel by King Salmon is provided in confidence. Full details of confidentiality are provided in the contract between the Peer Review Panel members and King Salmon.

Draft